

276 (7) Notwithstanding Subsection (3), a court may not deny parent-time based solely on a
277 parent's failure to:

278 (a) prove that the parent has not used legal or illegal substances; or

279 (b) comply with an aspect of the child and family plan that is ordered by the court.

280 (8) (a) In addition to the primary permanency [goal] plan, ~~§~~ → [where appropriate] ← ~~§~~ the
280a court

281 shall establish a concurrent permanency [goal] plan that shall include:

282 (i) a representative list of the conditions under which the primary permanency [goal]

283 plan will be abandoned in favor of the concurrent permanency [goal] plan; and

284 (ii) an explanation of the effect of abandoning or modifying the primary permanency
285 [goal] plan.

286 (b) In determining the primary permanency [goal] plan and concurrent permanency
287 [goal] plan, the court shall consider:

288 (i) the preference for kinship placement over nonkinship placement;

289 (ii) the potential for a guardianship placement if the parent-child relationship is legally
290 terminated and no appropriate adoption placement is available; and

291 (iii) the use of an individualized permanency [goal] plan, only as a last resort.

292 (9) A permanency hearing shall be conducted in accordance with Subsection
293 [78A-6-314\(1\)\(b\)](#) within 30 days after the day on which the dispositional hearing ends if
294 something other than reunification is initially established as a minor's primary permanency
295 [goal] plan.

296 (10) (a) The court may amend a minor's primary permanency [goal] plan before the
297 establishment of a final permanency plan under Section [78A-6-314](#).

298 (b) The court is not limited to the terms of the concurrent permanency [goal] plan in
299 the event that the primary permanency [goal] plan is abandoned.

300 (c) If, at any time, the court determines that reunification is no longer a minor's primary
301 permanency [goal] plan, the court shall conduct a permanency hearing in accordance with
302 Section [78A-6-314](#) on or before the earlier of:

303 (i) 30 days after the day on which the court makes the determination described in this
304 Subsection (10)(c); or

305 (ii) the day on which the provision of reunification services, described in Section
306 [78A-6-314](#), ends.

493 consider:

- 494 (a) the report prepared by the Division of Child and Family Services;
- 495 (b) any admissible evidence offered by the minor's guardian ad litem;
- 496 (c) any report submitted by the division under Subsection 78A-6-315(3)(a)(i);
- 497 (d) any evidence regarding the efforts or progress demonstrated by the parent; and
- 498 (e) the extent to which the parent cooperated and utilized the services provided.

499 (4) With regard to a case where reunification services were ordered by the court, if a
 500 minor is not returned to the minor's parent or guardian at the permanency hearing, the court
 501 shall, unless the time for the provision of reunification services is extended under Subsection
 502 (8):

- 503 (a) order termination of reunification services to the parent;
- 504 (b) make a final determination regarding whether termination of parental rights,
 505 adoption, or permanent custody and guardianship is the most appropriate final plan for the
 506 minor, taking into account the minor's primary permanency ~~[goal]~~ plan established by the court
 507 pursuant to Section 78A-6-312; and

508 (c) establish a concurrent permanency plan that identifies the second most appropriate
 509 final plan for the minor **Ŝ→ , if appropriate ←Ŝ** .

510 (5) If the Division of Child and Family Services documents to the court that there is a
 511 compelling reason that adoption, reunification, guardianship, and a placement described in
 512 Subsection 78A-6-306(6)(e) are not in the minor's best interest, the court may order another
 513 planned permanent living arrangement, in accordance with federal law.

514 (6) If the minor clearly desires contact with the parent, the court shall take the minor's
 515 desire into consideration in determining the final plan.

516 (7) Except as provided in Subsection (8), the court may not extend reunification
 517 services beyond 12 months after the day on which the minor was initially removed from the
 518 minor's home, in accordance with the provisions of Section 78A-6-312.

519 (8) (a) Subject to Subsection (8)(b), the court may extend reunification services for no
 520 more than 90 days if the court finds, beyond a preponderance of the evidence, that:

- 521 (i) there has been substantial compliance with the child and family plan;
- 522 (ii) reunification is probable within that 90-day period; and
- 523 (iii) the extension is in the best interest of the minor.