

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE**

Tuesday , January 30, 2018 • 2:00 p.m. • 20 House Building

Members Present:

Rep. Michael K. McKell, Chair
Rep. V. Lowry Snow, Vice Chair
Rep. Kim F. Coleman
Rep. Bruce R. Cutler
Rep. Brian M. Greene
Rep. Ken Ivory
Rep. Brian S. King

Rep. Karianne Lisonbee
Rep. Dixon M. Pitcher
Rep. Susan Pulsipher
Rep. Tim Quinn
Rep. Mark A. Wheatley

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Mr. Steve Benard, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair McKell called the meeting to order at 2:07 p.m.

1 . H.B. 71 Adoption Amendments (*Hawkes, T.*)

Rep. Timothy D. Hawkes explained the bill and proposed amendment #1.

MOTION: Rep. Lisonbee moved to amend H.B. 71 with Amendment #1. The motion passed with a vote of 9 - 0 - 3 .

Amendment 1
H.B. 71

1 Page 1, Lines 12 through 15

12 ▶ clarifies language regarding when an adult may adopt a child if the adult has been
13 convicted of, pleaded guilty to, or pleaded no contest to certain felonies; {~~and~~}

▶ **addresses adoption and child support obligations; and**

14 ▶ makes technical changes.

15 Money Appropriated in this Bill:

2 Page 1, Line 22

22 by Revisor Instructions, Laws of Utah 2017, Chapter 400

78B-6-138, as last amended by Laws of Utah 2017, Chapter 417

3 Page 4, Line 118

118 final decision on adoption has not been made and to a case filed on or after March 25, 2017.

Section 2. Section 78B-6-138 is amended to read:

78B-6-138. Pre-existing parent's rights and duties dissolved.

(1) A pre-existing parent of an adopted child is released from all parental rights and duties toward and all responsibilities for the adopted child, including residual parental rights and duties as defined in Section 78A-6-105, and has no further parental rights or duties with regard to that adopted child at the earlier of:

(a) the time the pre-existing parent's parental rights are terminated; or
(b) except as provided in Subsection (2), and subject to Subsections (3) and (4), the time the final decree of adoption is entered.

(2) The parental rights and duties of a pre-existing parent who, at the time the child is adopted, is lawfully married to the person adopting the child are not released under Subsection (1)(b).

(3) The parental rights and duties of a pre-existing parent who, at the time the child is adopted, is not lawfully married to the person adopting the child are released under Subsection (1)(b).

(4) (a) Notwithstanding the provisions of this section, the court may allow a prospective adoptive parent to adopt a child without releasing the pre-existing parent from parental rights and duties under Subsection (1)(b), if:

(i) the pre-existing parent and the prospective adoptive parent were lawfully married at some time during the child's life;

(ii) the pre-existing parent consents to the prospective adoptive parent's adoption of the child, or is unable to consent because the pre-existing parent is deceased or incapacitated;

(iii) notice of the adoption proceeding is provided in accordance with Section 78B-6-110;

(iv) consent to the adoption is provided in accordance with Section 78B-6-120; and

(v) the court finds that it is in the best interest of the child to grant the adoption without releasing the pre-existing parent from parental rights and duties.

(b) This Subsection (4) does not permit a child to have more than two natural parents, as that term is defined in Section 78A-6-105.

(5) This section may not be construed as terminating any child support obligation of a parent incurred before the adoption.

Yeas-9

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Greene
Rep. B. King
Rep. T. Quinn

MOTION: Rep. Cutler moved to report a favorable recommendation on H.B. 71, as amended. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Greene
Rep. B. King
Rep. T. Quinn

MOTION: Rep. Lisonbee moved to place H.B. 71 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. Greene
Rep. B. King
Rep. T. Quinn

2 . H.B. 82 Student Right to Active Counsel (Coleman, K.)

Rep. Kim Coleman explained the bill.

Ms. Frances Floresca spoke in favor of the bill.

Ms. Shireen Ghorbani, Rape Recovery Center, spoke against the bill.

Mr. Turner Bitton, Utah Coalition Against Sexual Assault, spoke against the bill.

Mr. Geoff Landward, Board of Regents, spoke to the bill.

MOTION: Rep. Quinn moved to report a favorable recommendation on H.B. 82. The motion failed with a vote of 5 - 6 - 1 .

Yeas-5

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. T. Quinn

Nays-6

Rep. B. Cutler
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Absent-1

Rep. D. Pitcher

MOTION: Vice Chair Snow moved to adjourn. The motion passed with a vote of 11 - 0 - 1 .

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Yeas-11

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. D. Pitcher

Chair McKell adjourned the meeting at 4:25 p.m.