

Juvenile Court Procedures Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill addresses petitions to modify orders of permanent custody and guardianship.

Highlighted Provisions:

This bill:

- describes circumstances under which a parent may file a petition to modify an order of permanent custody and guardianship;

- addresses whether a district court or juvenile court retains jurisdiction over an order of permanent custody and guardianship;

- provides that a juvenile court shall order a parent to file an order of permanent custody and guardianship with the district court in certain circumstances; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-5-102, as last amended by Laws of Utah 2024, Chapter 158

78A-6-103, as last amended by Laws of Utah 2024, Chapter 366

78A-6-357, as last amended by Laws of Utah 2022, Chapter 334

78A-7-106, as last amended by Laws of Utah 2024, Forth Special Session, Chapter 1

80-3-405, as last amended by Laws of Utah 2023, Chapters 309, 320 and 330

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-5-102** is amended to read:

78A-5-102 . Jurisdiction of the district court -- Appeals.

(1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original jurisdiction in all matters civil and criminal.

- (2) A district court judge may:
- (a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's orders, judgments, and decrees; and
 - (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
 - (i) the district court judge is designated by the presiding officer of the Judicial Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5; and
 - (ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or disqualification.
- (3) The district court has jurisdiction:
- (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
 - (b) over all matters properly filed in the circuit court prior to July 1, 1996;
 - (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
 - (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
 - (e) over a petition seeking to terminate parental rights as described in Section 78B-6-112;
 - (f) except as provided in Subsection 78A-6-103(2)(a)(xiv), over an adoption proceeding; and
 - (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.
- (4) The district court has appellate jurisdiction over judgments and orders of the justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with Section 78A-8-106.
- (5) The district court has jurisdiction to review:
- (a) a municipal administrative proceeding as described in Section 10-3-703.7;
 - (b) a decision resulting from a formal adjudicative proceeding by the State Tax Commission as described in Section 59-1-601;
 - (c) except as provided in Section 63G-4-402, a final agency action resulting from an informal adjudicative proceeding as described in Title 63G, Chapter 4, Administrative Procedures Act; and
 - (d) by trial de novo, a final order of the Department of Transportation resulting from formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2, Junkyard Control Act.
- (6) The district court has original and exclusive jurisdiction over an action brought under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

- (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- ~~[(7)]~~ (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- (a) there is no justice court with territorial jurisdiction;
 - (b) the offense occurred within the boundaries of the municipality in which the district courthouse is located and that municipality has not formed, or has formed and dissolved, a justice court; or
 - (c) the offense is included in an indictment or information covering a single criminal episode alleging the commission of a felony or a class A misdemeanor by an individual who is 18 years old or older.
- ~~[(8)]~~ (9) If a district court has jurisdiction in accordance with Subsection (4), ~~[(7)(a)]~~ (8)(a), or ~~[(7)(b)]~~ (8)(b), the district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.
- ~~[(9)]~~ (10) The district court has subject matter jurisdiction over an action under Title 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district court.
- ~~[(10)]~~ (11)(a) The district court has subject matter jurisdiction over a criminal action that the justice court transfers to the district court.
- (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction over any refiled case of a criminal action transferred to the district court if the district court dismissed the transferred case without prejudice.
- ~~[(11)]~~ (12) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final order, judgment, and decree of the district court as described in Sections 78A-3-102 and 78A-4-103.
- Section 2. Section **78A-6-103** is amended to read:
- 78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions -- Findings -- Transfer of a case from another court.**
- (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by a child;
 - (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,

state, or federal law, that was committed by an individual:

(i) who is under 21 years old at the time of all court proceedings; and

(ii) who was under 18 years old at the time the offense was committed; and

(c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law, that was committed:

(i) by an individual:

(A) who was 18 years old and enrolled in high school at the time of the offense;
and

(B) who is under 21 years old at the time of all court proceedings; and

(ii) on school property where the individual was enrolled:

(A) when school was in session; or

(B) during a school-sponsored activity, as defined in Section 53G-8-211.

(2) The juvenile court has original jurisdiction over:

(a) any proceeding concerning:

(i) a child who is an abused child, neglected child, or dependent child;

(ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
Child Protective Orders;

(iii) the appointment of a guardian of the individual or other guardian of a minor who
comes within the court's jurisdiction under other provisions of this section;

(iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
Emancipation;

(v) the termination of parental rights in accordance with Title 80, Chapter 4,
Termination and Restoration of Parental Rights, including termination of residual
parental rights and duties;

(vi) the treatment or commitment of a minor who has an intellectual disability;

(vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
accordance with Section 81-2-304;

(viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

(ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;

(x) the treatment or commitment of a child with a mental illness;

(xi) the commitment of a child to a secure drug or alcohol facility in accordance with
Section 26B-5-204;

(xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
Part 4, Competency;

- (xiii) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63G-4-402;
- (xiv) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child;
- (xv) an ungovernable or runaway child who is referred to the juvenile court by the Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- (A) is beyond the control of the child's parent, guardian, or custodian to the extent that the child's behavior or condition endangers the child's own welfare or the welfare of others; or
- (B) has run away from home; and
- (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply with a promise to appear and bring a child to the juvenile court;
- (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and Expungement;
- (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- (d) a petition for special findings under Section 80-3-305; and
- (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- (3) The juvenile court does not have original jurisdiction over an offense committed by a minor as described in Subsection (1) if:
- (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- (b) the district court has original jurisdiction over the offense under Subsection [~~78A-5-102(8)~~ 78A-5-102(9), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5; or
- (c) the justice court has original jurisdiction over the offense under Subsection 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5.
- (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).

(5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.

(6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

(7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 80-3-404.

(8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

(9) The juvenile court has jurisdiction to enforce foreign protection orders as described in Subsection 78B-7-303(8).

Section 3. Section **78A-6-357** is amended to read:

78A-6-357 . New hearings -- Modification of order or decree -- Requirements for changing or terminating custody, probation, or protective supervision.

(1) If a party seeks a new hearing after an adjudication under Title 80, Utah Juvenile Code, Rule 48 of the Utah Rules of Juvenile Procedure shall govern the matter of granting a new hearing.

(2)(a) Except as provided in Subsection (3), a juvenile court may modify or set aside any order or decree made by the juvenile court.

(b) A modification of an order placing a minor on probation may not:

(i) include an order under Section 80-3-405, 80-6-703, 80-6-704, or 80-6-705; or

(ii) extend supervision over a minor, except in accordance with Section 80-6-712.

(3)(a) A parent or guardian of a child whose legal custody has been transferred by the juvenile court to an individual, agency, or institution may petition the juvenile court for restoration of custody or other modification or revocation of the juvenile court's order or decree, except as provided in Subsections (3)(b), (c), and (d) and for a transfer of legal custody for secure care.

(b) A parent or guardian may only petition the juvenile court under Subsection (3)(a) on the ground that a change of circumstances has occurred that requires modification or revocation in the best interest of the child or the public.

(c) A parent may not file a petition after the parent's parental rights have been terminated in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights.

(d) [A] Except as provided in Subsection (3)(e), a parent may not file a petition for restoration of custody under this section during the existence of a permanent

guardianship established for the child under Subsection 80-3-405(2)(d).

(e)(i) A parent may file a petition to modify an order of permanent custody and guardianship only if:

(A) the order granted permanent custody and guardianship to the child's other parent; and

(B) the petitioning parent can demonstrate that a substantial and material change of circumstance has occurred.

(ii) A parent shall file a petition to modify an order of permanent custody and guardianship in the district court, if:

(A) the juvenile court ordered a parent to file the order in a pending district court case under Subsection 80-3-405(2)(d)(iv); or

(B) a case involving custody, support, or parent-time relating to the child who is the subject of the juvenile court's order is filed in district court subsequent to the juvenile court issuing the permanent custody and guardianship order.

(4)(a) An individual, agency, or institution vested with legal custody of a child may petition the juvenile court for a modification of the custody order on the ground that the change is necessary for the welfare of the child or in the public interest.

(b) The juvenile court shall proceed upon the petition in accordance with this section.

(5) Notice of hearing is required in any case in which the effect of modifying or setting aside an order or decree may be to make any change in the minor's legal custody under Section 80-3-405 or 80-6-703.

(6)(a) Upon the filing of a petition under Subsection (3)(a), the juvenile court shall make a preliminary investigation.

(b) After the preliminary investigation described in Subsection (6)(a), the juvenile court:

(i) may dismiss the petition if the juvenile court finds the alleged change of circumstances, if proved, would not affect the decree; or

(ii) shall conduct a hearing, if the juvenile court finds that further examination of the facts is needed, or if the juvenile court on the juvenile court's own motion determines that the juvenile court's order or decree should be reviewed.

(c) Notice of the hearing described in Subsection (6)(b)(ii) shall be given to all interested persons.

(d) At a hearing under Subsection (6)(b)(ii), the juvenile court may enter an order continuing, modifying, or terminating the juvenile court's order or decree.

(7) Notice of an order terminating probation or protective supervision of a child shall be

given to:

- (a) the child's parent;
- (b) the child's guardian;
- (c) the child's custodian; and
- (d) if appropriate, to the child.

- (8) Notice of an order terminating probation or protective supervision of a minor who is at least 18 years old shall be given to the minor.

Section 4. Section **78A-7-106** is amended to read:

**78A-7-106 . Original jurisdiction of a justice court -- Territorial jurisdiction --
Transfer of a domestic violence case.**

- (1) A justice court has original jurisdiction over class B and C misdemeanors, violations of ordinances, and infractions committed within the justice court's territorial jurisdiction by an individual who is 18 years old or older.

- (2) A justice court has original jurisdiction over the following offenses committed within the justice court's territorial jurisdiction by a minor or an adult high school student:

- (a) class C misdemeanor and infraction violations described in Title 53, Chapter 3, Part 2, Driver Licensing Act; and
- (b) class B and C misdemeanor and infraction violations described in:
 - (i) Title 23A, Wildlife Resources Act;
 - (ii) Title 41, Chapter 1a, Motor Vehicle Act;
 - (iii) Title 41, Chapter 6a, Traffic Code;
 - (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (v) Title 41, Chapter 22, Off-highway Vehicles;
 - (vi) Title 73, Chapter 18, State Boating Act;
 - (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
 - (viii) Title 73, Chapter 18b, Water Safety; and
 - (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.

- (3) Notwithstanding Subsection (1) or (2), a justice court does not have original jurisdiction over:

- (a) an offense described in Subsection (1) or (2) if:
 - (i) the district court has exclusive jurisdiction over the offense in accordance with Subsection ~~[78A-5-102(8)]~~ 78A-5-102(9) or Section 78A-5-102.5; or

- (ii) the juvenile court has exclusive jurisdiction over the offense in accordance with Section 78A-6-103.5; or
- (b) the following offenses committed within the justice court's territorial jurisdiction by a minor or an adult high school student:
- (i) class B and C misdemeanor violations described in Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and
- (ii) a class B misdemeanor violation described in Section 73-18-12.
- (4) A justice court has jurisdiction over:
- (a) a small claims case under Chapter 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court; and
- (b) a petition for expungement as described in Title 77, Chapter 40a, Expungement of Criminal Records.
- (5) An offense is committed within the territorial jurisdiction of a justice court if:
- (a) conduct constituting an element of the offense or a result constituting an element of the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is itself unlawful;
- (b) either an individual committing an offense or a victim of an offense is located within the court's jurisdiction at the time the offense is committed;
- (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs within the court's jurisdiction;
- (d) an individual commits any act constituting an element of an inchoate offense within the court's jurisdiction, including an agreement in a conspiracy;
- (e) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another individual in the planning or commission of an offense within the court's jurisdiction;
- (f) the investigation of the offense does not readily indicate in which court's jurisdiction the offense occurred, and:
- (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft passing within the court's jurisdiction;
- (ii) the offense is committed on or in any body of water bordering on or within this state if the territorial limits of the justice court are adjacent to the body of water;
- (iii) an individual who commits theft exercises control over the affected property within the court's jurisdiction; or
- (iv) the offense is committed on or near the boundary of the court's jurisdiction;
- (g) the offense consists of an unlawful communication that was initiated or received

304 within the court's jurisdiction; or

305 (h) jurisdiction is otherwise specifically provided by law.

306 (6) If a defendant in a criminal case before a justice court is a minor, the justice court may
307 transfer the case to the juvenile court for further proceedings if the justice court
308 determines and the juvenile court concurs that the best interests of the defendant would
309 be served by the continuing jurisdiction of the juvenile court.

310 (7)(a) If a justice court has jurisdiction over a criminal action involving a domestic
311 violence offense and the criminal action is set for trial, the prosecuting attorney or the
312 defendant may file a notice of transfer in the justice court to transfer the criminal
313 action from the justice court to the district court.

314 (b) If a prosecuting attorney files a notice of transfer, the prosecuting attorney shall
315 certify in the notice of transfer that the prosecuting attorney, or a representative from
316 the prosecuting attorney's office, has consulted with, or notified, all of the alleged
317 victims about transferring the criminal action to the district court.

318 (c) The justice court shall transfer a criminal action to the district court if the justice
319 court receives a notice of transfer from:

320 (i) the defendant as described in Subsection (7)(b); or

321 (ii) the prosecuting attorney as described in Subsection (7)(b) and the prosecuting
322 attorney's notice of intent complies with Subsection (7)(c).

323 Section 5. Section **80-3-405** is amended to read:

324 **80-3-405 . Dispositions after adjudication.**

325 (1) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make the
326 dispositions described in Subsection (2) at the dispositional hearing.

327 (2)(a)(i) The juvenile court may vest custody of an abused, neglected, or dependent
328 minor in the division or any other appropriate person, with or without
329 court-specified child welfare services, in accordance with the requirements and
330 procedures of this chapter.

331 (ii) When placing a minor in the custody of the division or any other appropriate
332 person, the juvenile court:

333 (A) shall give primary consideration to the welfare of the minor;

334 (B) shall give due consideration to the rights of the parent or parents concerning
335 the minor; and

336 (C) when practicable, may take into consideration the religious preferences of the
337 minor and of the minor's parents or guardian.

- (b)(i) The juvenile court may appoint a guardian for the minor if it appears necessary in the interest of the minor.
- (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private institution or agency, but not a nonsecure residential placement provider, in which legal custody of the minor is vested.
- (iii) When placing a minor under the guardianship of an individual or of a private agency or institution, the juvenile court:
- (A) shall give primary consideration to the welfare of the minor; and
- (B) when practicable, may take into consideration the religious preferences of the minor and of the minor's parents or guardian.
- (c) The juvenile court may order:
- (i) protective supervision;
- (ii) family preservation;
- (iii) sibling visitation; or
- (iv) other services.
- (d)(i) If a minor has been placed with an individual or relative as a result of an adjudication under this chapter, the juvenile court may enter an order of permanent legal custody and guardianship with the individual or relative of the minor.
- (ii) If a juvenile court enters an order of permanent custody and guardianship with an individual or relative of a minor under Subsection (2)(d)(i), the juvenile court may, in accordance with Section 78A-6-356, enter an order for child support on behalf of the minor against the natural parents of the minor.
- (iii) An order under this Subsection (2)(d):
- (A) shall remain in effect until the minor is 18 years old;
- (B) is not subject to review under Section 78A-6-358; and
- (C) may be modified by petition or motion as provided in Section 78A-6-357.
- (iv) If the district court has a pending case concerning questions of custody, support, or parent-time, and if the juvenile court grants an order of permanent custody and guardianship with one of the child's parents under this Subsection (2)(d), the juvenile court shall order one of the child's parents to file the order of permanent custody and guardianship with the district court within a reasonable time.
- (e) The juvenile court may order a child be committed to the physical custody, as defined in Section 26B-5-401, of a local mental health authority, in accordance with

the procedures and requirements of Title 26B, Chapter 5, Part 4, Commitment of Persons Under Age 18.

(f)(i) If the child has an intellectual disability, the juvenile court may make an order committing a minor to the Utah State Developmental Center in accordance with Title 26B, Chapter 6, Part 6, Admission to an Intermediate Care Facility for People with an Intellectual Disability.

(ii) The juvenile court shall follow the procedure applicable in the district court with respect to judicial commitments to the Utah State Developmental Center when ordering a commitment under Subsection (2)(f)(i).

(g)(i) Subject to Subsection 80-1-102(58)(b) and Section 80-3-304, the juvenile court may order that a minor:

(A) be examined or treated by a mental health therapist, as described in Section 80-3-109; or

(B) receive other special care.

(ii) For purposes of receiving the examination, treatment, or care described in Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other suitable facility that is not secure care or secure detention.

(iii) In determining whether to order the examination, treatment, or care described in Subsection (2)(g)(i), the juvenile court shall consider:

(A) the desires of the minor;

(B) the desires of the parent or guardian of the minor if the minor is younger than 18 years old; and

(C) whether the potential benefits of the examination, treatment, or care outweigh the potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain function impairment, or emotional or physical harm resulting from the compulsory nature of the examination, treatment, or care.

(h) The juvenile court may make other reasonable orders for the best interest of the minor.

(3)(a) At the dispositional hearing described in Subsection 80-3-402(3), if a child remains in an out-of-home placement, the juvenile court shall:

(i) make specific findings regarding the conditions of parent-time that are in the child's best interest; and

(ii) if parent-time is denied, state the facts that justify the denial.

(b) Parent-time shall be under the least restrictive conditions necessary to:

- 406 (i) protect the physical safety of the child; or
- 407 (ii) prevent the child from being traumatized by contact with the parent due to the
- 408 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 409 (c)(i) The division or the person designated by the division or a court to supervise a
- 410 parent-time session may deny parent-time for the session if the division or the
- 411 supervising person determines that, based on the parent's condition, it is necessary
- 412 to deny parent-time to:
- 413 (A) protect the physical safety of the child;
- 414 (B) protect the life of the child; or
- 415 (C) consistent with Subsection (3)(c)(ii), prevent the child from being traumatized
- 416 by contact with the parent.
- 417 (ii) In determining whether the condition of the parent described in Subsection
- 418 (3)(c)(i) will traumatize a child, the division or the person supervising the
- 419 parent-time session shall consider the impact that the parent's condition will have
- 420 on the child in light of:
- 421 (A) the child's fear of the parent; and
- 422 (B) the nature of the alleged abuse or neglect.
- 423 (4) Upon an adjudication under this chapter, the juvenile court may not:
- 424 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the
- 425 Division of Juvenile Justice and Youth Services;
- 426 (b) assume the function of developing foster home services; or
- 427 (c) vest legal custody of an abused, neglected, or dependent minor in the division to
- 428 primarily address the minor's ungovernable or other behavior, mental health, or
- 429 disability, unless the division:
- 430 (i) engages other relevant divisions within the department that are conducting an
- 431 assessment of the minor and the minor's family's needs;
- 432 (ii) based on the assessment described in Subsection (4)(c)(i), determines that vesting
- 433 custody of the minor in the division is the least restrictive intervention for the
- 434 minor that meets the minor's needs; and
- 435 (iii) consents to legal custody of the minor being vested in the division.
- 436 (5) The juvenile court may combine the dispositions listed in Subsection (2) if combining
- 437 the dispositions is permissible and the dispositions are compatible.
- 438 (6)(a) If, for a relative placement, an interstate placement requested under the Interstate
- 439 Compact on the Placement of Children has been initiated by the division or is ordered

440 by or pending before the juvenile court, the court may not finalize a non-relative
441 placement unless the court gives due weight to:

442 (i) the preferential consideration granted to a relative in Section 80-3-302;

443 (ii) the rebuttable presumption in Section 80-3-302; and

444 (iii) the division's placement authority under Subsections 80-1-102(50) and
445 80-3-303(1).

446 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
447 court under Subsection 80-3-502(3).

448 **Section 6. Effective Date.**

449 This bill takes effect on May 7, 2025.