

**Effective 5/12/2015**

**78A-6-1403 Petition to restore parental rights -- Duties of the division.**

- (1) A child, who is 12 years of age or older, or an authorized representative acting on behalf of a child of any age, may file a petition to restore parental rights if:
  - (a) 24 months have passed since the court ordered termination of the parent-child legal relationship; and
  - (b) the child:
    - (i) has not been adopted and is not in an adoptive placement, or is unlikely to be adopted before the child is 18 years of age; or
    - (ii) was previously adopted following a termination of a parent-child legal relationship, but the adoption failed and the child was returned to the custody of the division.
- (2) The petition described in Subsection (1) shall be:
  - (a) filed in the juvenile court that previously terminated the parent-child relationship; and
  - (b) served on the division.
- (3) The division shall notify and inform a child who is 12 years of age or older and who qualifies for restoration of parental rights under Subsection (1) that the child is eligible to petition for restoration under this part.
- (4) Upon the receipt of a petition to restore parental rights, filed by a child or an authorized representative acting on behalf of a child, the division shall:
  - (a) make a diligent effort to locate the former parent whose rights may be restored under this part; and
  - (b) if the former parent is found, as described in Subsection (4)(a), notify the former parent of:
    - (i) the legal effects of restoration; and
    - (ii) the time and date of the hearing on the petition.
- (5) The court shall set a hearing on the petition at least 30 days, but no more than 60 days, after the day on which the petition is filed with the court.
- (6) Before the hearing described in Subsection (5), the division may submit a confidential report to the court that includes the following information:
  - (a) material changes in circumstances since the termination of parental rights;
  - (b) a summary of the reasons why parental rights were terminated;
  - (c) the date on which parental rights were terminated;
  - (d) the willingness of the former parent to resume contact with the child and have parental rights restored;
  - (e) the ability of the former parent to be involved in the life of the child and accept physical custody of, and responsibility for, the child; and
  - (f) any other information the division reasonably considers appropriate and determinative.
- (7)
  - (a) A former parent who remedies the circumstances that resulted in the termination of the former parent's parental rights and who is capable of exercising proper and effective parental care, shall notify the division that if the circumstances described in Subsection (1) are established, the former parent desires and requests to have the former parent's parental rights restored.
  - (b) The former parent's request to the division shall be fully and fairly considered by the division for appropriate submittal to the court.

Amended by Chapter 272, 2015 General Session