

**78A-6-318 Review of foster care removal -- Foster parent's standing.**

- (1) With regard to a child in the custody of the Division of Child and Family Services who is the subject of a petition alleging abuse, neglect, or dependency, and who has been placed in foster care with a foster family, the Legislature finds that:
  - (a) except with regard to the child's natural parents, a foster family has a very limited but recognized interest in its familial relationship with the child; and
  - (b) children in the custody of the division are experiencing multiple changes in foster care placements with little or no documentation, and that numerous studies of child growth and development emphasize the importance of stability in foster care living arrangements.
- (2) For the reasons described in Subsection (1), the Legislature finds that, except with regard to the child's natural parents, procedural due process protections must be provided to a foster family prior to removal of a foster child from the foster home.
- (3)
  - (a) A foster parent who has had a foster child in the foster parent's home for 12 months or longer may petition the juvenile court for a review and determination of the appropriateness of a decision by the Division of Child and Family Services to remove the child from the foster home, unless the removal was for the purpose of:
    - (i) returning the child to the child's natural parent or legal guardian;
    - (ii) immediately placing the child in an approved adoptive home;
    - (iii) placing the child with a relative, as defined in Subsection 78A-6-307(1)(c), who obtained custody or asserted an interest in the child within the preference period described in Subsection 78A-6-307(18)(a); or
    - (iv) placing an Indian child in accordance with preplacement preferences and other requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.
  - (b) The foster parent may petition the court under this section without exhausting administrative remedies within the division.
  - (c) The court may order the division to place the child in a specified home, and shall base its determination on the best interest of the child.
- (4) The requirements of this section do not apply to the removal of a child based on a foster parent's request for that removal.

Renumbered and Amended by Chapter 3, 2008 General Session  
Amended by Chapter 17, 2008 General Session