

Superseded 5/12/2020

78A-6-507 Grounds for termination of parental rights -- Findings regarding reasonable efforts.

- (1) Subject to the protections and requirements of Section 78A-6-503, and if the court finds strictly necessary, the court may terminate all parental rights with respect to a parent if the court finds any one of the following:
 - (a) that the parent has abandoned the child;
 - (b) that the parent has neglected or abused the child;
 - (c) that the parent is unfit or incompetent;
 - (d)
 - (i) that the child is being cared for in an out-of-home placement under the supervision of the court or the division;
 - (ii) that the parent has substantially neglected, wilfully refused, or has been unable or unwilling to remedy the circumstances that cause the child to be in an out-of-home placement; and
 - (iii) that there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care in the near future;
 - (e) failure of parental adjustment, as defined in this chapter;
 - (f) that only token efforts have been made by the parent:
 - (i) to support or communicate with the child;
 - (ii) to prevent neglect of the child;
 - (iii) to eliminate the risk of serious harm to the child; or
 - (iv) to avoid being an unfit parent;
 - (g)
 - (i) that the parent has voluntarily relinquished the parent's parental rights to the child; and
 - (ii) that termination is in the child's best interest;
 - (h) that, after a period of trial during which the child was returned to live in the child's own home, the parent substantially and continuously or repeatedly refused or failed to give the child proper parental care and protection; or
 - (i) the terms and conditions of safe relinquishment of a newborn child have been complied with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child.
- (2) The court may not terminate the parental rights of a parent because the parent has failed to complete the requirements of a child and family plan.
- (3)
 - (a) Except as provided in Subsection (3)(b), in any case in which the court has directed the division to provide reunification services to a parent, the court must find that the division made reasonable efforts to provide those services before the court may terminate the parent's rights under Subsection (1)(b), (c), (d), (e), (f), or (h).
 - (b) Notwithstanding Subsection (3)(a), the court is not required to make the finding under Subsection (3)(a) before terminating a parent's rights:
 - (i) under Subsection (1)(b), if the court finds that the abuse or neglect occurred subsequent to adjudication; or
 - (ii) if reasonable efforts to provide the services described in Subsection (3)(a) are not required under federal law, and federal law is not inconsistent with Utah law.