

Effective 7/1/2014

78A-6-511 Court disposition of child upon termination -- Posttermination reunification.

- (1) As used in this section, "relative" means:
 - (a) an adult who is a grandparent, great-grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, sibling, or stepsibling of a child; and
 - (b) in the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, "relative" also means an "extended family member" as defined by that statute.
- (2) Upon entry of an order under this part the court may:
 - (a) place the child in the legal custody and guardianship of a licensed child placement agency or the division for adoption; or
 - (b) make any other disposition of the child authorized under Section 78A-6-117.
- (3) Subject to the requirements of Subsections (4) and (5), all adoptable children placed in the custody of the division shall be placed for adoption.
- (4) If the parental rights of all parents of an adoptable child placed in the custody of the division have been terminated and a suitable adoptive placement is not already available, the court:
 - (a) shall determine whether there is a relative who desires to adopt the child;
 - (b) may order the division to conduct a reasonable search to determine whether there are relatives who are willing to adopt the child; and
 - (c) shall, if a relative desires to adopt the child:
 - (i) make a specific finding regarding the fitness of the relative to adopt the child; and
 - (ii) place the child for adoption with that relative unless it finds that adoption by the relative is not in the best interest of the child.
- (5) This section does not guarantee that a relative will be permitted to adopt the child.
- (6) A parent whose rights were terminated under this part, or a relative of the child, as defined by Section 78A-6-307, may petition for guardianship of the child if:
 - (a)
 - (i) following an adoptive placement, the child's adoptive parent returns the child to the custody of the division; or
 - (ii) the child is in the custody of the division for one year following the day on which the parent's rights were terminated, and no permanent placement has been found or is likely to be found; and
 - (b) reunification with the child's parent, or guardianship by the child's relative, is in the best interest of the child.

Amended by Chapter 416, 2013 General Session

Amended by Chapter 416, 2013 General Session, (Coordination Clause)