

**78B-6-112 District court jurisdiction over certain termination of parental rights proceedings.**

- (1) A district court has jurisdiction to hear and decide a petition to terminate parental rights in a child if the party who filed the petition is seeking to terminate parental rights in the child for the purpose of facilitating the adoption of the child.
- (2) A petition to terminate parental rights under this section may be:
  - (a) joined with a proceeding on an adoption petition; or
  - (b) filed as a separate proceeding before or after a petition to adopt the child is filed.
- (3) A court may enter a final order terminating parental rights before a final decree of adoption is entered.
- (4)
  - (a) Nothing in this section limits the jurisdiction of a juvenile court relating to proceedings to terminate parental rights as described in Section 78A-6-103.
  - (b) This section does not grant jurisdiction to a district court to terminate parental rights in a child if the child is under the jurisdiction of the juvenile court in a pending abuse, neglect, dependency, or termination of parental rights proceeding.
- (5) The district court may terminate a person's parental rights in a child if:
  - (a) the person executes a voluntary consent to adoption, or relinquishment for adoption, of the child, in accordance with:
    - (i) the requirements of this chapter; or
    - (ii) the laws of another state or country, if the consent is valid and irrevocable;
  - (b) the person is an unmarried biological father who is not entitled to consent to adoption, or relinquishment for adoption, under Section 78B-6-120 or 78B-6-121;
  - (c) the person:
    - (i) received notice of the adoption proceeding relating to the child under Section 78B-6-110; and
    - (ii) failed to file a motion for relief, under Subsection 78B-6-110(6), within 30 days after the day on which the person was served with notice of the adoption proceeding;
  - (d) the court finds, under Section 78B-15-607, that the person is not a parent of the child; or
  - (e) the person's parental rights are terminated on grounds described in Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act, if terminating the person's parental rights is in the best interests of the child.

Amended by Chapter 340, 2012 General Session