

Effective 7/1/2024

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

- (1) A party may bring a petition seeking to terminate parental rights in the child for the purpose of facilitating the adoption of the child in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
- (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) A court may not 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 court may terminate an individual's parental rights in a child if:
 - (a) the individual 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 individual 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 individual:
 - (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 individual was served with notice of the adoption proceeding;
 - (d) the court finds, under Section 78B-15-607, that the individual is not a parent of the child; or
 - (e) the individual's parental rights are terminated on grounds described in Title 80, Chapter 4, Termination and Restoration of Parental Rights, and termination is in the best interests of the child.
- (6) The court shall appoint an indigent defense service provider in accordance with Title 78B, Chapter 22, Indigent Defense Act, to represent a parent who faces any action initiated by a private party under Title 80, Chapter 4, Termination and Restoration of Parental Rights, or whose parental rights are subject to termination under this section.
- (7) If a county incurs expenses in providing indigent defense services to an indigent individual facing any action initiated by a private party under Title 80, Chapter 4, Termination and Restoration of Parental Rights, or termination of parental rights under this section, the county may apply for reimbursement from the Utah Indigent Defense Commission in accordance with Section 78B-22-406.
- (8) A petition filed under this section is subject to the procedural requirements of this chapter.