

1 **TERMINATION OF PARENTAL RIGHTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mike Thompson**

5 **This act modifies the Human Services Code. This act amends Section 78-3a-415 making**
6 **it applicable to all juvenile court proceedings involving parents or minors as well as any**
7 **proceeding involving the Division of Child and Family Services.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **78-3a-415**, as enacted by Chapter 257, Laws of Utah 2002

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **78-3a-415** is amended to read:

13 **78-3a-415. Mental health therapist.**

14 (1) When a mental health practitioner is to be appointed in a parental rights action to
15 evaluate the mental health of a parent or a minor, or to provide mental health services to a
16 parent or a minor, the court:

17 ~~(1)~~ (a) may appoint any mental health therapist, as defined in Section 58-60-102,
18 which the court finds to be qualified; and

19 ~~(2)~~ (b) may not refuse to appoint a mental health therapist for the reason that the
20 therapist's recommendations in another case have not followed the recommendations of the
21 Division of Child and Family Services.

22 (2) This section applies to all juvenile court proceedings involving:

23 (a) parents or minor children; or

24 (b) the Division of Child and Family Services.



Legislative Review Note

as of 9-16-02 2:29 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0176

Termination of Parental Rights

22-Jan-03

7:51 AM

State Impact

No significant fiscal impact.

Individual and Business Impact

It is estimated that the fiscal impact will be minimal, but could be beneficial to mental health practitioners under certain circumstances.

Office of the Legislative Fiscal Analyst