

**LIMIT ON CHILD WELFARE
RECOMMENDATIONS AND RULINGS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Thompson

LONG TITLE

General Description:

This bill amends the Administrative Procedures Act and the Judicial Code.

Highlighted Provisions:

This bill:

- ▶ limits factors that may be considered when an agency or court recommends or rules on the custody, placement, or other disposition alternative of a minor, or the termination of parental rights.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63-46b-2.1, Utah Code Annotated 1953

78-7-46, Utah Code Annotated 1953

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

Section 1. Section **63-46b-2.1** is enacted to read:

63-46b-2.1. Bases for certain recommendations and decisions limited.

(1) Except as provided in Subsection (2), no agency may recommend or rule on the custody, placement, including foster placement, or other disposition alternative for a minor, or the termination of parental rights, based on the fact that a parent or guardian of the minor

lawfully does one or more of the following:

(a) legally possesses or uses a firearm or other weapon;

(b) espouses particular religious beliefs; or

(c) schools the minor or other minors outside the public education system or is otherwise sympathetic to schooling a minor outside the public education system.

(2) Subsection (1) does not prohibit a recommendation or ruling based on the compatibility of a minor with a particular custody, placement, or other disposition alternative as determined by the presence of any of the factors in Subsections (1)(a) through (1)(c).

Section 2. Section **78-7-46** is enacted to read:

78-7-46. Bases for certain decisions limited.

(1) Except as provided in Subsection (2), no court may rule on the custody, placement, including foster placement, or other disposition alternative for a minor, or the termination of parental rights, based on the fact that a parent or guardian of the minor lawfully does one or more of the following:

(a) legally possesses or uses a firearm or other weapon;

(b) espouses particular religious beliefs; or

(c) schools the minor or other minors outside the public education system or is otherwise sympathetic to schooling a minor outside the public education system.

(2) Subsection (1) does not prohibit a ruling based on the compatibility of a minor with a particular custody, placement, or other disposition alternative as determined by the presence of any of the factors in Subsections (1)(a) through (1)(c).