

28 custody, placement, including foster placement, or other disposition alternative for a minor, or
29 the termination of parental rights, based on the fact that a parent or guardian of the minor
30 lawfully does one or more of the following:

- 31 (a) legally possesses or uses a firearm or other weapon;
- 32 (b) espouses particular religious beliefs or engages in particular religious practices; or
- 33 (c) schools the minor or other minors outside the public education system or is
34 otherwise sympathetic to schooling a minor outside the public education system.

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

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

39 **78-7-46. Bases for certain decisions limited.**

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

- 44 (a) legally possesses or uses a firearm or other weapon;
- 45 (b) espouses particular religious beliefs or engages in particular religious practices; or
- 46 (c) schools the minor or other minors outside the public education system or is
47 otherwise sympathetic to schooling a minor outside the public education system.

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

Legislative Review Note
as of 12-5-03 9:10 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Limit on Child Welfare Recommendations and Rulings***15-Jan-04***Bill Number HB0197***1:24 PM*

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst