

**SELECTION OF MENTAL HEALTH  
THERAPIST IN TERMINATION OF  
PARENTAL RIGHTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Parley G. Hellewell**

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**LONG TITLE**

**General Description:**

This bill amends the Termination of Parental Rights Act.

**Highlighted Provisions:**

This bill:

- ▶ specifies that the juvenile court may not refuse to appoint a mental health therapist because the therapist has not followed the recommendations of the Office of the Guardian Ad Litem in another case; and
- ▶ requires the juvenile court to give strong consideration to the wishes of the parent or guardian regarding the selection of a mental health therapist.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78-3a-415**, as last amended by Chapter 187, Laws of Utah 2003

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

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

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

(1) When a mental health practitioner is to be appointed in a parental rights action to

**S.B. 104**

**Enrolled Copy**

evaluate the mental health of a parent or a minor, or to provide mental health services to a parent or a minor, the court:

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

(b) may not refuse to appoint a mental health therapist for the reason that the therapist's recommendations in another case have not followed the recommendations of the Division of Child and Family Services[;] or the Office of the Guardian Ad Litem; and

(c) shall give strong consideration to the parent's or guardian's wishes regarding the selection of a mental health therapist.

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

(a) parents and minor children; or

(b) the Division of Child and Family Services.