

1                                   **SELECTION OF MENTAL HEALTH**  
2                                   **THERAPIST IN TERMINATION OF**  
3                                   **PARENTAL RIGHTS**

4                                   2004 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Sponsor: Parley G. Hellewell**

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends the Termination of Parental Rights Act.

11   **Highlighted Provisions:**

12           This bill:

13           ▶ specifies that the juvenile court may not refuse to appoint a mental health therapist  
14 because the therapist has not followed the recommendations of the guardian ad  
15 litem in another case; and

16           ▶ requires the juvenile court to afford the parent or guardian the opportunity to be  
17 heard regarding the selection of a mental health therapist.

18   **Monies Appropriated in this Bill:**

19           None

20   **Other Special Clauses:**

21           None

22   **Utah Code Sections Affected:**

23   AMENDS:

24           **78-3a-415**, as last amended by Chapter 187, Laws of Utah 2003

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

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



28           **78-3a-415. Mental health therapist.**

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

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

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

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

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

40           (a) parents and minor children; or

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

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**Legislative Review Note**

**as of 12-1-03 12:26 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Bill Number SB0104****Selection of Mental Health Therapist in Termination of Parental Rights***22-Jan-04**11:12 AM*

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**State Impact**

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

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**