

**CONTINUING PARENTAL RIGHTS IN
DISABLED CHILDREN**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill directs the Child Welfare Legislative Oversight Panel to conduct a study regarding whether, and in what manner, a parent should retain parental rights in a parent's child who has a disability arising from a brain injury, mental retardation, or a related condition.

Highlighted Provisions:

This bill:

- directs the Child Welfare Legislative Oversight Panel to, during the 2006 interim, conduct a study to determine:
 - whether a parent should retain parental rights in a parent's child who has a disability arising from a brain injury, mental retardation, or a related condition;
 - which parental rights should be retained; and
 - the procedure that should be used to ensure that parental rights are retained in a manner that is consistent with the United States Constitution and good public policy; and
- directs that, if the Child Welfare Legislative Oversight Panel determines that parental rights should be retained as described in this bill, the Child Welfare Legislative Oversight Panel shall recommend legislation to implement that determination.



Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill is repealed on November 30, 2006.

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

Section 1. Study by Child Welfare Legislative Oversight Panel.

(1) During the 2006 interim, the Child Welfare Legislative Oversight Panel shall conduct a study to determine whether a parent should retain parental rights in a parent's child who:

(a) is 18 years of age or older; and

(b) has a disability arising from:

(i) a brain injury;

(ii) mental retardation; or

(iii) a related condition as defined in 42 C.F.R. 435.1009.

(2) If the Child Welfare Legislative Oversight Panel finds that a parent should retain parental rights in a child described in Subsection (1), the Child Welfare Legislative Oversight Panel shall:

(a) determine which parental rights should be retained;

(b) determine the procedure that should be used to ensure that parental rights are retained in a manner that is consistent with:

(i) the United States Constitution; and

(ii) good public policy; and

(c) recommend legislation to implement the determinations described in this Subsection (2).

Section 2. Repeal date.

This bill is repealed on November 30, 2006.

Legislative Review Note

as of 2-8-06 10:31 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0433

Continuing Parental Rights in Disabled Children

10-Feb-06

2:37 PM

State Impact

Provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst