

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 25, 2007**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Rosalind J. McGee
Rep. Kay L. McIff
Rep. Mark A. Wheatley
Rep. Scott L. Wyatt

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Fowlke called the meeting to order at 8:02 a.m.

MOTION: Rep. Biskupski moved to approve the minutes of the January 23, 2007 meeting.
The motion passed unanimously.

H.B. 92 Adoption of an Adult Provisions (Rep. J. Mathis)

Rep. Mathis introduced H.B. 92 and explained it to the committee.

MOTION: Rep. Wyatt moved to amend the bill as follows:

1. *Page 2, Lines 46 through 47*
House Committee Amendments
1-23-2007:

46 (d) No provision of this chapter, other than those listed or described in this
Subsection
47 (2) or Subsection (3) ~~H~~→ {~~(a)~~} ←~~H~~ , apply to the adoption of an adult.

The motion to amend the bill passed unanimously with Rep. Allen, Rep. Bird, Rep. Garn, Rep. Hutchings, Rep. McIff, and Rep. Wheatley absent for the vote.

MOTION: Rep. Johnson moved to amend the bill as follows:

1. Page 2, Lines 33 through 42
House Committee Amendments
1-23-2007:

33 (2) ~~Any~~ (a) For purposes of this Subsection (2), "vulnerable adult" means:

(i) a person 65 years of age or older; or

(ii) an adult, 18 years of age or older, who has a mental or physical impairment which substantially affects that person's ability to:

(A) provide personal protection;

(B) provide necessities such as food, shelter, clothing, or medical or other health care;

(C) obtain services necessary for health, safety, or welfare;

(D) carry out the activities of daily living;

(E) manage the adult's own resources; or

(F) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

34 (b) Subject to this Subsection (2) and Subsection (3), any adult may be
adopted by another adult. ~~However, all~~

35 ~~{(b)}~~ (c) The following provisions of this chapter apply to the adoption of
an adult just as

36 though the person being adopted were a minor~~[-, except that consent of the parents of an~~
adult

37 ~~person being adopted is not required.];~~

38 (i) Sections 78-30-1.1, 78-30-1.2, 78-30-2, 78-30-3, 78-30-4.18, 78-30-6,
78-30-8, 78-30-8.5,

39 78-30-8.6, 78-30-9, 78-30-10, 78-30-11, and 78-30-15; ~~{-and-}~~

40 (ii) Subsections 78-30-7(1), (2), and (7), except that the juvenile court does not have
41 jurisdiction over a proceeding for adoption of an adult, unless the adoption arises from a
case

42 where the juvenile court has continuing jurisdiction over the adult adoptee ~~{-}~~ ; and
(iii) if the adult adoptee is a vulnerable adult, Section 78-30-3.5, regardless of
whether the adult adoptee resides, or will reside, with the adoptors .

2. *Page 3, Line 82:*

82 (i) in accordance with the provisions of the Utah Rules of Civil
~~{-procedure}~~ Procedure :

3. *Page 4, Line 103:*

103 adoption proceeding.

(6) After a court enters a final decree of adoption of an adult, the adult adoptee shall:

(a) serve notice of the finalization of the adoption, pursuant to the Utah Rules of Civil Procedure, on each person who was a legal parent of the adult adoptee before the final decree of adoption described in this Subsection (6) was entered; and

(b) file with the court proof of service of the notice described in Subsection (6)(a).

The motion to amend the bill passed unanimously with Rep. Hutchings and Rep. Wheatley absent for the vote.

MOTION: Rep. Wyatt moved to pass H.B. 92 as amended out favorably. The motion passed unanimously.

H.B. 221 Timing to Commence a Civil Action by the Department of Environmental Quality (*Rep. R. Menlove*)

Rep. Menlove introduced H.B. 221 and explained it to the committee, assisted by Raymond Wixom, Legal Counsel, Department of Environmental Quality. A handout was provided to committee members.

MOTION: Rep. Allen moved to pass H.B. 221 out favorably. The motion passed unanimously.

MOTION: Rep. McGee moved to place H.B. 221 on the Consent Calendar. The motion passed unanimously.

H.B. 270 Amendments to Extradition Statute (*Rep. S. Wyatt*)

Rep. Wyatt introduced H.B. 270 and explained it to the committee. He was assisted by Janise Macanas, Attorney General's Office, who provided a handout to the committee.

MOTION: Rep. McIff moved to pass H.B. 270 out favorably. The motion passed unanimously with Rep. Allen and Rep. Bird absent for the vote.

H.B. 274 Violent Crime in Presence of a Child (*Rep. Janice Fisher*)

Rep. Fisher introduced H.B. 274 and explained it to the committee.

MOTION: Rep. Biskupski moved to amend the bill as follows:

1. Page 2, Line 31: After "a child" insert "younger than 14 years of age"

The motion to amend the bill passed unanimously with Rep. Bird absent for the vote.

Spoke in favor of the bill: Traci Tanner, citizen

MOTION: Rep. Biskupski moved to pass H.B. 274 as amended out favorably. The motion passed unanimously.

MOTION: Rep. Biskupski moved to adjourn the meeting. The motion passed unanimously.

Rep. Fowlke adjourned the meeting at 9:05 a.m.

Rep. Douglas C. Aagard, Chair