



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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March 2, 2011

Madam Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 368**, ADOPTION OF CHILDREN, by Representative S. Sandstrom, with the following amendments:

1. *Page 1, Line 12 through Page 2, Line 28:*

12 This bill:

13 { ~~requires that, when a child is in the custody of the Division of Child and~~  
Family

14 ~~Services, a court is required to comply with a parent's decision to place the child for~~  
15 ~~adoption with an adoption agency or adoptive parents selected by the parent if:~~

16 ~~• the other parent of the child, if any, consents to the adoption, or the~~  
parental

17 ~~rights of the other parent are terminated;~~

18 ~~• the court determines that the placement is in the best interest of the~~  
child; and

19 ~~• the placement complies with all applicable requirements of federal and~~  
state law

20 ~~relating to the adoption;~~

21 ~~provides that a court is only required to comply with a parent's first~~  
placement

22 ~~selection, but that the court may choose to comply with an additional placement~~  
23 ~~selection by the parent;~~

24 ~~provides that the consent or choice, described in the preceding paragraphs,~~  
by a

25 ~~parent may not be used as grounds for subsequently terminating the parental rights~~  
26 ~~of the parent if the parent withdraws consent or changes the parent's placement~~  
27 ~~preference; }~~

28 ▶ amends provisions relating to notice of an adoption proceeding;

▶ adds a social service worker to the list of individuals who are qualified to conduct  
a preplacement adoptive evaluation;

2. *Page 2, Line 40 through Page 3, Line 68:*

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40 { ~~ENACTS:~~  
41 ~~78A-6-510.5, Utah Code Annotated 1953~~ }  
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43 *Be it enacted by the Legislature of the state of Utah:*  
44 { ~~Section 1. Section 78A-6-510.5 is enacted to read:~~  
45 ~~78A-6-510.5. Selection by natural parent of adoptive placement of a child~~  
46 ~~who is~~  
47 ~~in state custody:~~  
48 ~~(1) Except as provided in Subsection (2), a court shall comply with the~~  
49 ~~decision of a~~  
50 ~~natural parent of a child who is in the custody of the division to place the child for~~  
51 ~~adoption~~  
52 ~~with an adoption agency selected by the natural parent, or a prospective adoptive~~  
53 ~~parent or~~  
54 ~~parents selected by the natural parent, if:~~  
55 ~~(a) (i) the other natural parent of the child, if any, consents to the adoption;~~  
56 ~~or~~  
57 ~~(ii) the parental rights of the other natural parent of the child, if any:~~  
58 ~~(A) have been terminated; or~~  
59 ~~(B) will be terminated before the adoption decree is entered;~~  
60 ~~(b) the court determines that the placement is in the best interest of the child;~~  
61 ~~and~~  
62 ~~(c) the placement complies with all applicable requirements of federal and~~  
63 ~~state law~~  
64 ~~relating to the adoption.~~  
65 ~~(2) A court is only required to comply with Subsection (1) with respect to one~~  
66 ~~adoption~~  
67 ~~agency, one adoptive parent, or one set of prospective adoptive parents selected by the~~  
68 ~~natural~~  
69 ~~parent. If the selection made by the natural parent does not satisfy the requirements~~  
70 ~~described~~  
71 ~~in Subsection (1), or the parent changes the parent's selection, the court may, but is~~  
72 ~~not required~~  
73 ~~to, comply with an additional selection by the natural parent.~~

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- 63 ~~\_\_\_\_\_ (3) A decision by a natural parent, under this section, to place a child for~~  
64 ~~adoption or to~~  
65 ~~consent to termination of the natural parent's parental rights may not be used as~~  
66 ~~grounds for~~  
67 ~~subsequently terminating the parental rights of the natural parent if the natural~~  
68 ~~parent~~  
69 ~~withdraws the natural parent's consent or selects a different placement than~~  
70 ~~originally selected~~  
71 ~~by the natural parent. }~~

68 Section {~~2~~} 1 . Section 78B-6-110 is amended to read:

3. Page 8, Lines 237 through 243:

- 237 (c) in accordance with Subsection (6), an evaluation conducted by:  
238 (i) an expert in family relations approved by the court;  
239 (ii) a certified social worker;  
240 (iii) a clinical social worker;  
241 (iv) a marriage and family therapist;  
242 (v) a psychologist; ~~{-or-}~~  
243 (vi) a professional counselor; ~~{-and-}~~ or  
(vii) a social service worker; and

**Renumber remaining sections accordingly.**

Respectfully,

Paul Ray  
Committee Chair

Voting: 7-0-2

3 HB0368.HC1.WPD 3/2/11 6:37 pm /MDA TRV/MDA

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