

1080 uncle, brother-in-law, sister-in-law, stepparent, first cousin, sibling, or stepsibling of a child;
 1081 and

1082 (b) in the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25
 1083 U.S.C. Sec. 1903, "relative" also means an "extended family member" as defined by that
 1084 statute.

1085 ~~[(+)]~~ (2) Upon entry of an order under this part the court may:

1086 (a) place the child in the legal custody and guardianship of a licensed child placement
 1087 agency or the division for adoption; or

1088 (b) make any other disposition of the child authorized under Section 78A-6-117.

1089 ~~[(2) AH]~~ (3) Subject to the requirements of Subsections (4) through (7), all adoptable
 1090 children shall be placed for adoption.

1091 (4) If the parental rights of all parents of an adoptable child have been terminated, the
 1092 court:

1093 (a) shall determine whether there is a relative who desires to adopt the child; and

1094 (b) may ~~H→~~ , if a suitable placement is not already available, ~~←H~~ order the division to
 1094a conduct a reasonable search ~~H→~~ , in addition to any search that occurred when the child was
 1094b initially taken into protective custody, ~~←H~~ to determine whether there
 1095 are relatives who are willing to adopt the child.

1096 (5) A relative of an adoptable child shall receive preference in adoption placement,
 1097 unless the placement is not in the best interest of the child. If a relative desires to adopt the
 1098 child, the court shall:

1099 (a) make a specific finding regarding the fitness of the relative to adopt the child; and

1100 (b) place the child for adoption with that relative unless it finds that adoption by the
 1101 relative is not in the best interest of the child.

1102 (6) This section does not guarantee that a relative will be permitted to adopt the child.

1103 (7) If the court does not place the child with a relative, the court shall make a specific
 1104 finding, on the record, explaining why the relative was not a suitable adoptive parent.

1105 (8) If no suitable relative is found to adopt the child, the court shall consider the child's
 1106 foster parents, in accordance with Section 78B-6-132, or any other adult in accordance with
 1107 Section 78B-6-117.

1108 Section 13. Section **78A-6-902** is amended to read:

1109 **78A-6-902. Appointment of attorney guardian ad litem -- Duties and**
 1110 **responsibilities -- Training -- Trained staff and court-appointed special advocate**

1204 (e) The child's parents, parent, or legal guardian may appeal the court's determination,
 1205 under Subsection (6)(c), of fees, costs, and expenses.

1206 (7) An attorney guardian ad litem appointed under this section, when serving in the
 1207 scope of the attorney guardian ad litem's duties as guardian ad litem is considered an employee
 1208 of the state for purposes of indemnification under Title 63G, Chapter 7, Governmental
 1209 Immunity Act of Utah.

1210 (8) (a) An attorney guardian ad litem shall represent the best interest of a minor.

1211 (b) If the minor's wishes differ from the attorney's determination of the minor's best
 1212 interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in
 1213 addition to presenting the attorney's determination of the minor's best interest.

1214 (c) A difference between the minor's wishes and the attorney's determination of best
 1215 interest may not be considered a conflict of interest for the attorney.

1216 (d) the guardian ad litem shall disclose the wishes of the child unless the child:

1217 (i) instructs the guardian ad litem to not disclose the child's wishes; or

1218 (ii) has not expressed any wishes.

1219 [~~(d)~~] (e) The court may appoint one attorney guardian ad litem to represent the best
 1220 interests of more than one child of a marriage.

1221 (9) An attorney guardian ad litem shall be provided access to all Division of Child and
 1222 Family Services records regarding the minor at issue and the minor's family.

1223 (10) (a) An attorney guardian ad litem shall conduct an independent investigation
 1224 regarding the minor at issue, the minor's family, and what constitutes the best interest of the
 1225 minor.

1226 (b) An attorney guardian ad litem may interview the minor's Division of Child and
 1227 Family Services caseworker, but may not:

1228 (i) rely exclusively on the conclusions and findings of the Division of Child and Family
 1229 Services; or

1230 (ii) ~~H~~→ **except as provided in Subsection (10)(c), ←H** conduct a visit with the client in
 1230a conjunction with the visit of a Division of Child
 1231 and Family Services caseworker.

1231a **H→ (c) A guardian ad litem may meet with a client during a team meeting or court**
 1231b **hearing when a Division of Child and Family Services caseworker is present. ←H**

1232 [~~(10)~~] (11) (a) An attorney guardian ad litem shall maintain current and accurate
 1233 records regarding:

1234 [~~(a)~~] (i) the number of times the attorney has had contact with each minor; and

1235 ~~[(b)]~~ (ii) the actions the attorney has taken in representation of the minor's best interest.
 1236 (b) In every hearing where the guardian ad litem makes a recommendation regarding
 1237 the best interest of the child, the court shall require the guardian ad litem to disclose the factors
 1238 that form the basis of the recommendation.

1239 ~~[(H)]~~ (12) (a) Except as provided in ~~[Subsection (H)(b)]~~ ~~H~~→ ~~[Subsections (H) and]~~
 1239a ~~Section~~ ←~~H~~ (12)(b),

1240 all records of an attorney guardian ad litem are confidential and may not be released or made
 1241 public upon subpoena, search warrant, discovery proceedings, or otherwise. This subsection
 1242 supersedes Title 63G, Chapter 2, Government Records Access and Management Act.

1243 (b) Consistent with Subsection ~~[(H)]~~ (12)(d), all records of an attorney guardian ad
 1244 litem:

1245 (i) are subject to legislative subpoena, under Title 36, Chapter 14, Legislative
 1246 Subpoena Powers; and

1247 (ii) shall be released to the Legislature.

1248 (c) (i) Except as provided in Subsection ~~[(H)]~~ (12)(c)(ii), records released in
 1249 accordance with Subsection ~~[(H)]~~ (12)(b) shall be maintained as confidential by the
 1250 Legislature.

1251 (ii) Notwithstanding Subsection ~~[(H)]~~ (12)(c)(i), the Office of the Legislative Auditor
 1252 General may include summary data and nonidentifying information in its audits and reports to
 1253 the Legislature.

1254 (d) (i) Subsection ~~[(H)]~~ (12)(b) constitutes an exception to Rules of Professional
 1255 Conduct, Rule 1.6, as provided by Rule 1.6(b)(4), because of:

1256 (A) the unique role of an attorney guardian ad litem described in Subsection (8); and

1257 (B) the state's role and responsibility:

1258 (I) to provide a guardian ad litem program; and

1259 (II) as *parens patriae*, to protect minors.

1260 (ii) A claim of attorney-client privilege does not bar access to the records of an attorney
 1261 guardian ad litem by the Legislature, through legislative subpoena.

1262 Section 14. Section **78B-6-131** is amended to read:

1263 **78B-6-131. Child in custody of state -- Placement.**

1264 (1) Notwithstanding Sections 78B-6-128 through 78B-6-130, and except as provided in
 1265 Subsection (2), a child who is in the legal custody of the state may not be placed with a