

1 **FOSTER CARE AND KINSHIP PLACEMENT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Christine F. Watkins**

5 Senate Sponsor: Luz Robles

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**LONG TITLE**

7 **General Description:**

8 This bill amends Title 62A, Chapter 4a, Child and Family Services by amending the  
9 procedure for taking a foster child away from a foster parent who is that child's relative.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits the Division of Child and Family services from removing a foster child  
13 from a foster parent who is the child's relative without **§→ determining by:**

14a **• ←§ §→ ~~§~~ [clear and convincing [ ]**

14a1 **determining by a**

14a **preponderance of the ~~§~~ ←§**

15 evidence that the relative is incapable of caring for the child **§→ if the alternative foster parent**  
15a **would be an individual who is not related to the child; or**

15b **• a preponderance of the evidence if the alternative foster parent would be another relative of**  
15c **the child ←§ ; and**

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **62A-4a-206**, as last amended by Laws of Utah 2010, Chapter 56

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



90 (b) remove a child from a foster home before the child has been placed with the foster  
91 parents for two years.

92 (8) The division may not remove a foster child from a foster parent who is a relative, as  
93 defined in Subsection 78A-6-307(1)(b), of the child on the basis of the age or health of the  
94 foster parent without ~~§~~ **determining by:**

94a (a) ~~←~~ ~~§~~ ~~→~~ ~~§~~ ~~→~~ ~~§~~ ~~→~~ [ clear and convincing ] ~~→~~ determining by a preponderance  
94a1 of the ~~←~~ ~~§~~ ] ~~←~~ ~~§~~  
94a evidence that the foster parent is incapable of caring  
95 for the foster child ~~§~~ ~~→~~ , if the alternative foster parent would not be another relative of the  
95a child; or  
95b (b) a preponderance of the evidence that the foster parent is incapable of caring for the  
95c foster child, if the alternative foster parent would be another relative of the child ~~←~~ ~~§~~ .

Legislative Review Note  
as of 11-22-11 3:38 PM

Office of Legislative Research and General Counsel