

57 (5) At all times, a parent retains a vital interest in preventing the irretrievable
58 destruction of family life.

59 (6) Prior to an adjudication of unfitness, government action in relation to a parent and a
60 parent's child may not exceed the least restrictive means or alternatives available to accomplish
61 a compelling state interest.

62 (7) Until parental unfitness is established, the child and the child's parent share a vital
63 interest in preventing erroneous termination of their relationship and the court may not presume
64 that a child and the child's parents are adversaries.

65 (8) It is in the best interest and welfare of a child to be raised under the care and
66 supervision of the child's natural parents. A child's need for a normal family life in a
67 permanent home, and for positive, nurturing family relationships is usually best met by the
68 child's natural parents. Additionally, the integrity of the family unit and the right of parents to
69 conceive and raise their children are constitutionally protected. For these reasons, the court
70 should only transfer §→ custody of ←§ a child §→ [away] ←§ from the child's natural parent
70a §→ [for the gravest of reasons] §→ for compelling reasons and ←§ when there is a
70b jurisdictional basis to do so ←§ .

71 (9) The right of a fit, competent parent to raise the parent's child without undue
72 government interference is a fundamental liberty interest that has long been protected by the
73 laws and Constitution of this state and of the United States, and is a fundamental public policy
74 of this state.

75 (10) The state recognizes that:

76 (a) a parent has the right, obligation, responsibility, and authority to raise, manage,
77 train, educate, provide for, and reasonably discipline the parent's children; and

78 (b) the state's role is secondary and supportive to the primary role of a parent.

79 (c) It is the public policy of this state that parents retain the fundamental right and duty
80 to exercise primary control over the care, supervision, upbringing, and education of their
81 children.

82 (d) The interests of the state favor preservation of natural familial bonds in situations
83 where a positive, nurturing parent-child relationship can exist, including extended family
84 association and support.

85 (11) This part provides a judicial process for voluntary and involuntary severance of
86 the parent-child relationship, designed to safeguard the rights and interests of all parties
87 concerned and promote their welfare and that of the state.

119 relationship; and

120 (c) the child:

121 (i) has not been adopted, and is unlikely to be adopted before the child is 18 years of
122 age; or

123 (ii) was previously adopted following a termination of a parent-child legal relationship,
124 but the adoption failed and the child was returned to the custody of the division.

125 (2) (a) A child younger than 12 years of age may not petition for restoration of parental
126 rights except as provided in Subsection (2)(b).

127 (b) A child 12 years of age or older, or the child's authorized representative, may
128 petition for restoration of parental rights, and if the child has a sibling who is younger than 12
129 years of age, the child may include the sibling in the petition.

130 (c) The court may grant a petition for restoration of parental rights for a child younger
131 than 12 years of age as described in Subsection 78A-6-1404(2).

132 (3) The petition described in Subsection (1) shall be ~~§~~ **→ [filed]** ~~←~~ **§** :

133 (a) ~~§~~ **→ filed** ~~←~~ **§** in the juvenile court that previously terminated the parent-child
133a relationship; and

134 (b) ~~§~~ **→ served** ~~←~~ **§** on the division.

135 (4) The division shall notify ~~§~~ **→ and inform** ~~←~~ **§** a child who qualifies for restoration of
135a parental rights

136 under Subsection (1)(a) through (c) that the child is eligible to petition for restoration under
137 this part.

138 (5) Upon the receipt of a petition to restore parental rights, the division shall:

139 (a) make a diligent effort to locate the former parent whose rights may be restored
140 under this part; and

141 (b) if the former parent is found, as described in Subsection (5)(a), notify the former
142 parent of:

143 (i) the legal effects of restoration; and

144 (ii) the time and date of the hearing on the petition.

145 (6) The court shall set a hearing on the petition at least 30 days, but no more than 60
146 days, after the day on which the petition is filed with the court.

147 (7) Before the hearing described in Subsection (6), the division may submit a
148 confidential report to the court that includes the following information:

149 (a) material changes in circumstances since the termination of parental rights;