

150 (a) except as provided in Subsections (2)(b) and (d), shall comply with the applicable
151 background check provisions described in Section 78A-6-307;

152 (b) is not required to receive approval from the court prior to making the placement;

153 (c) shall[;] within three days, excluding weekends and holidays, after making the
154 placement, give written notice that the placement has been made to the court[;] and all parties
155 to the proceedings[~~that the placement has been made~~]; and

156 (d) may place the child with a noncustodial parent or relative of the child, using the
157 same criteria established for an emergency placement under Section 62A-4a-209, pending the
158 results of:

159 (i) the background check described in Subsection 78A-6-307(16)(a); and

160 (ii) evaluation with the noncustodial parent or relative to determine the noncustodial
161 parent's or relative's capacity to provide ongoing care to the child.

162 (3) When determining an ongoing placement under Subsection (1), the division:

163 (a) may not give undue preference to keeping a child in the location of an emergency
164 placement made under Section 62A-4a-209 if another placement option that better serves the
165 best interests of the child is available; and

166 (b) shall give preferential consideration to a married couple over an unmarried
167 individual when both placement options would satisfy the child's best interests.

168 (4) A noncustodial parent or a relative of the child may request the division to
169 reconsider the division's ongoing placement determination if:

170 (a) (i) before the division made the ongoing placement determination, the individual
171 expressed willingness to the division to have the child placed in the individual's home; or

172 (ii) before the division made the ongoing placement decision, the individual did not
173 express willingness to have the child placed in the individual's home because the individual did
174 not receive notice that the child was in need of an ongoing placement;

175 (b) the individual demonstrates in the request that the individual is a willing and
176 appropriate placement for the child; and

177 (c) the individual communicates the request:

178 (i) ~~H~~→ [no less than] within ~~H~~ 30 days after receipt of a denial letter from the division
178a informing the

179 individual that the child was placed elsewhere, if the individual had previously expressed
180 willingness to the division to have the child placed in the individual's home; or

181 (ii) ~~It~~ → [no less than] within ~~It~~ 30 days after the child is placed into an ongoing
 181a placement, if the
 182 individual did not have an opportunity to express willingness to have the child placed in the
 183 individual's home because the individual did not receive notice, before the division made the
 184 ongoing placement decision, that the child was in need of an ongoing placement.

185 (5) When the division receives a timely request for reconsideration described in
 186 Subsection (4), the division shall:

187 (a) review the ongoing placement determination;

188 (b) review the qualifications of the relative making the request for reconsideration;

189 (c) make a determination regarding whether to maintain or change the ongoing
 190 placement for the child based upon the best interests of the child and the child placement
 191 requirements and procedures required by law or rule;

192 (d) make a determination within 15 working days after the day on which the division
 193 receives the request for reconsideration; and

194 (e) send to the relative who made the request for reconsideration and to the current
 195 placement for the child, by certified mail:

196 (i) the final decision of the division;

197 (ii) a statement of the factors relied upon by the decision to support the division's
 198 placement determination; and

199 (iii) citations for the policies, rules, or statutes that were considered in making the
 200 decision.

201 (6) If the relative who made a request for reconsideration disagrees with the division's
 202 final decision, the relative may, within 15 days after the day on which the division sends the
 203 certified letter, file a petition with the juvenile court that has jurisdiction over the child to
 204 review the division's final decision, as described in Subsection (5)(e), to determine if the
 205 decision was reached in an arbitrary, capricious, or illegal manner. The petition shall include:

206 (a) a statement describing the petitioner's relationship to the child;

207 (b) a statement of the petitioner's ongoing willingness to have the child placed in the
 208 petitioner's home;

209 (c) a demonstration that the petitioner met the requirements of Subsection (4);

210 (d) the final division decision described in Subsection (5); and

211 (e) the basis of the petitioner's belief that the division's decision was arbitrary.