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CHILD PLACEMENT REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the placement of a child in division custody and the adoption of a child from division custody.

Highlighted Provisions:

This bill:

- ▶ requires the division to make an ongoing child placement that is in the child's best interests without the division giving undue preference to the child's emergency placement;
- ▶ allows a child's relative to petition the juvenile court to review the division's ongoing placement decision;
- ▶ gives adoption placement preference to married relatives of a child over an unmarried relative; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-307.5, as enacted by Laws of Utah 2008, Chapter 17



28 [78B-6-117](#), as enacted by Laws of Utah 2008, Chapter 3

29

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

31 Section 1. Section [78A-6-307.5](#) is amended to read:

32 **[78A-6-307.5. Post-shelter hearing placement of a child who is in division custody.](#)**

33 (1) If the court awards custody of a child to the division under Section [78A-6-307](#), or
34 as otherwise permitted by law, the division shall determine ongoing placement of the child.

35 (2) In placing a child under Subsection (1), the division:

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

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

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

42 (d) may place the child with a noncustodial parent or relative of the child, using the
43 same criteria established for an emergency placement under Section [62A-4a-209](#), pending the
44 results of:

45 (i) the background check described in Subsection [78A-6-307\(16\)\(a\)](#); and

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

48 (3) When determining an ongoing placement under Subsection (1), the division may
49 not give undue preference to keeping a child with an emergency placement made under Section
50 [62A-4a-209](#) if another placement option that better serves the best interests of the child is
51 available.

52 (4) A noncustodial parent or relative of the child as defined in Section [78A-6-307](#) may
53 petition the juvenile court to review the division's ongoing placement decision under
54 Subsection (1) on the grounds that:

55 (a) the division did not follow prescribed vetting or placement procedures; or

56 (b) the best interests of the child would be better served by a different placement.

57 (5) After review of the division's placement under Subsection (1), a juvenile court may:

58 (a) affirm the division's placement;

- 59 (b) direct placement elsewhere; or
- 60 (c) order the division to determine an alternate placement in accordance with
- 61 prescribed vetting and placement procedures.

62 Section 2. Section **78B-6-117** is amended to read:

63 **78B-6-117. Who may adopt -- Adoption of a child.**

64 ~~[(1) A minor child may be adopted by an adult person, in accordance with the~~

65 ~~provisions and requirements of this section and this part.]~~

66 ~~[(2)]~~ (1) A child may be adopted by:

67 (a) adults who are legally married to each other in accordance with the laws of this

68 state, including adoption by a stepparent; or

69 (b) subject to Subsection ~~[(4)]~~ (3), any single adult, except as provided in Subsection

70 ~~[(3)]~~ (2).

71 ~~[(3)]~~ (2) A child may not be adopted by a person who is cohabiting in a relationship

72 that is not a legally valid and binding marriage under the laws of this state.

73 ~~[(4)]~~ (3) In order to provide a child who is in the custody of the division with the most

74 beneficial family structure, when a child in the custody of the division is placed for adoption,

75 the division or child-placing agency shall place the child with a man and a woman who are

76 married to each other, unless:

77 (a) there are no qualified married couples who:

- 78 (i) have applied to adopt a child;
- 79 (ii) are willing to adopt the child; and
- 80 (iii) are an appropriate placement for the child;

81 (b) the child is placed with [a] an unmarried relative ~~[of the child;]~~ and there are no

82 married couples related to the child who:

- 83 (i) are willing to adopt the child; and
- 84 (ii) are an appropriate placement for the child;

85 (c) the child is placed with a person who has already developed a substantial

86 relationship with the child;

87 (d) the child is placed with a person who:

- 88 (i) is selected by a parent or former parent of the child, if the parent or former parent
- 89 consented to the adoption of the child; and

- 90 (ii) the parent or former parent described in Subsection (4)(d)(i):
91 (A) knew the person with whom the child is placed before the parent consented to the
92 adoption; or
93 (B) became aware of the person with whom the child is placed through a source other
94 than the division or the child-placing agency that assists with the adoption of the child; or
95 (e) it is in the best interests of the child to place the child with a single person.

Legislative Review Note
Office of Legislative Research and General Counsel