

274 (1) After a petition for termination of parental rights has been filed, notice ~~[of that fact~~
 275 ~~and of the time and place of the hearing shall be provided, in accordance with the Utah Rules~~
 276 ~~of Civil Procedure,]~~ shall:

277 (a) be provided to the parents, the guardian, the person or agency having legal custody
 278 of the child, and ~~[to]~~ any person acting in loco parentis to the child~~[-];~~ and

279 (b) indicate the:

280 (i) nature of the petition;

281 (ii) time and place of the hearing;

282 (iii) right to counsel; and

283 (iv) right to the appointment of counsel for a party whom the court determines is
 284 indigent and at risk of losing the party's parental rights.

285 (2) A hearing shall be held specifically on the question of termination of parental rights
 286 no sooner than 10 days after service of summons is complete. A verbatim record of the
 287 proceedings shall be taken and the parties shall be advised of their right to counsel, including
 288 the appointment of counsel for an indigent parent or legal guardian facing any action initiated
 289 by a private party under ~~H→ [Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act] this~~
 289a part or termination of parental rights under Section 78B-6-112 ←H . The

290 summons shall contain a statement to the effect that the rights of the parent or parents are
 291 proposed to be permanently terminated in the proceedings. That statement may be contained in
 292 the summons originally issued in the proceeding or in a separate summons subsequently issued.

293 (3) The proceedings are civil in nature and are governed by the Utah Rules of Civil
 294 Procedure. The court shall in all cases require the petitioner to establish the facts by clear and
 295 convincing evidence, and shall give full and careful consideration to all of the evidence
 296 presented with regard to the constitutional rights and claims of the parent and, if a parent is
 297 found, by reason of ~~[his]~~ the parent's conduct or condition, to be unfit or incompetent based
 298 upon any of the grounds for termination described in this part, the court shall then consider the
 299 welfare and best interest of the child of paramount importance in determining whether
 300 termination of parental rights shall be ordered.

301 Section 5. Section **78A-6-902** is amended to read:

302 **78A-6-902. Appointment of attorney guardian ad litem -- Duties and**
 303 **responsibilities -- Training -- Trained staff and court-appointed special advocate**
 304 **volunteers -- Costs -- Immunity -- Annual report.**

460 (1) (a) In any action in juvenile court initiated by the state, a political subdivision of the
461 state, or a private party, the parents, legal guardian, and the minor, where applicable, shall be
462 informed that they may be represented by counsel at every stage of the proceedings.

463 (b) In any action initiated by a private party[;]:

464 (i) the parents or legal guardian shall have the right to employ counsel of their own
465 choice at their own expense[-]; and

466 (ii) the court shall appoint counsel ~~H~~→ **designated by the county where the petition is**
466a **filed** ←~~H~~ to represent a parent or legal guardian facing any
467 action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of Parental
468 Rights Act ~~H~~→ [;] **or termination of parental rights under Section 78B-6-112** ~~who~~ , **if the**
468a **parent or legal guardian** ←~~H~~ :

469 (A) qualifies as indigent under Section 77-32-202; and

470 (B) does not, after being fully advised of the right to counsel, knowingly, intelligently,
471 and voluntarily waive the right to counsel.

472 (c) If, in any action initiated by the state or a political subdivision of the state under
473 Part 3, Abuse, Neglect, and Dependency Proceedings; Part 5, Termination of Parental Rights
474 Act; or Part 10, Adult Offenses, of this chapter or under Section 78A-6-1101, a parent or legal
475 guardian requests an attorney and is found by the court to be indigent, counsel shall be
476 appointed by the court to represent the parent or legal guardian in all proceedings directly
477 related to the petition or motion filed by the state, or a political subdivision of the state, subject
478 to the provisions of this section.

479 (d) In any action initiated by the state, a political subdivision of the state, or a private
480 party under Part 3, Abuse, Neglect, and Dependency Proceedings, or Part 5, Termination of
481 Parental Rights Act, of this chapter, the child shall be represented by a guardian ad litem in
482 accordance with Sections 78A-6-317 and 78A-6-902. The child shall also be represented by an
483 attorney guardian ad litem in other actions initiated under this chapter when appointed by the
484 court under Section 78A-6-902 or as otherwise provided by law.

485 (e) In any action initiated by the state or a political subdivision of the state under Part
486 6, Delinquency and Criminal Actions, or Part 7, Transfer of Jurisdiction, of this chapter, or
487 against a minor under Section 78A-6-1101, the parents or legal guardian and the minor shall be
488 informed that the minor has the right to be represented by counsel at every stage of the
489 proceedings.

490 (i) In cases where a petition or information alleging a felony-level offense is filed, the

522 county for the cost of appointed counsel.

523 (5) The state, or an agency of the state, may not be ordered to reimburse the county for
524 expenses incurred under Subsection (1)(g).

525 (6) If a county incurs expenses in providing defense services to indigent individuals
526 facing any action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of
527 Parental Rights Act ~~§~~ [;] or termination of parental rights under Section 78B-6-112, ~~§~~
527a the county may apply for a grant for reimbursement from the Utah
528 Indigent Defense Commission under Section 77-32-806.

529 Section 7. Section **78B-6-110** is amended to read:

530 **78B-6-110. Notice of adoption proceedings.**

531 (1) (a) An unmarried biological father, by virtue of the fact that he has engaged in a
532 sexual relationship with a woman:

533 (i) is considered to be on notice that a pregnancy and an adoption proceeding regarding
534 the child may occur; and

535 (ii) has a duty to protect his own rights and interests.

536 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
537 proceeding with regard to his child only as provided in this section or Section 78B-6-110.5.

538 (2) Notice of an adoption proceeding shall be served on each of the following persons:

539 (a) any person or agency whose consent or relinquishment is required under Section
540 78B-6-120 or 78B-6-121, unless that right has been terminated by:

541 (i) waiver;

542 (ii) relinquishment;

543 (iii) actual consent, as described in Subsection (12); or

544 (iv) judicial action;

545 (b) any person who has initiated a paternity proceeding and filed notice of that action
546 with the state registrar of vital statistics within the Department of Health, in accordance with
547 Subsection (3);

548 (c) any legally appointed custodian or guardian of the adoptee;

549 (d) the petitioner's spouse, if any, only if the petitioner's spouse has not joined in the
550 petition;

551 (e) the adoptee's spouse, if any;

552 (f) any person who, prior to the time the mother executes her consent for adoption or

677 after the day on which the [person] individual was served with notice of the adoption
678 proceeding;

679 (d) the court finds, under Section 78B-15-607, that the [person] individual is not a
680 parent of the child; or

681 (e) the [person's] individual's parental rights are terminated on grounds described in
682 Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act, if terminating the person's
683 parental rights is in the best interests of the child.

684 (6) The court shall appoint counsel **Ĥ→** designated by the county where the petition is
684a filed ←Ĥ to represent a party **Ĥ→** who faces any action initiated by a private party under Title
684b 78A, Chapter 6, Part 5, Termination of Parental Rights Act or ←Ĥ whose parental rights are
685 subject to termination Ĥ→ under this section ←Ĥ , if **Ĥ→** :

685a (a) **←Ĥ** the court determines that the party is indigent under Section
686 77-32-202 Ĥ→ [;] ; and

686a (b) the party does not, after being fully advised of the right to counsel, knowingly,
686b intelligently and voluntarily waive the right to counsel. ←Ĥ

687 (7) If a county incurs expenses in providing defense services to indigent individuals
688 facing any action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of
689 Parental Rights Act Ĥ→ [;] or termination of parental rights under this section, ←Ĥ the county
689a may apply for a grant for reimbursement from the Utah
690 Indigent Defense Commission under Section 77-32-806.