

1 **TERMINATION OF PARENTAL RIGHTS MODIFICATIONS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses termination of parental rights.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the circumstances under which a court may terminate a parent's rights.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **78A-6-507**, as last amended by Laws of Utah 2012, Chapter 281

20

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

22 Section 1. Section **78A-6-507** is amended to read:

23 **78A-6-507. Grounds for termination of parental rights -- Findings regarding**
24 **reasonable efforts.**

25 (1) Subject to the protections and requirements of Section **78A-6-503**, [~~and if the court~~
26 ~~finds strictly necessary,~~] the court may terminate all parental rights with respect to a parent if
27 the court finds any one of the following:



- 28 (a) that the parent has abandoned the child;
- 29 (b) that the parent has neglected or abused the child;
- 30 (c) that the parent is unfit or incompetent;
- 31 (d) (i) that the child is being cared for in an out-of-home placement under the
- 32 supervision of the court or the division;
- 33 (ii) that the parent has substantially neglected, wilfully refused, or has been unable or
- 34 unwilling to remedy the circumstances that cause the child to be in an out-of-home placement;
- 35 and
- 36 (iii) that there is a substantial likelihood that the parent will not be capable of
- 37 exercising proper and effective parental care in the near future;
- 38 (e) failure of parental adjustment, as defined in this chapter;
- 39 (f) that only token efforts have been made by the parent:
- 40 (i) to support or communicate with the child;
- 41 (ii) to prevent neglect of the child;
- 42 (iii) to eliminate the risk of serious harm to the child; or
- 43 (iv) to avoid being an unfit parent;
- 44 (g) (i) that the parent has voluntarily relinquished the parent's parental rights to the
- 45 child; and
- 46 (ii) that termination is in the child's best interest;
- 47 (h) that, after a period of trial during which the child was returned to live in the child's
- 48 own home, the parent substantially and continuously or repeatedly refused or failed to give the
- 49 child proper parental care and protection; or
- 50 (i) the terms and conditions of safe relinquishment of a newborn child have been
- 51 complied with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn
- 52 Child.
- 53 (2) The court may not terminate the parental rights of a parent because the parent has
- 54 failed to complete the requirements of a child and family plan.
- 55 (3) (a) Except as provided in Subsection (3)(b), in any case in which the court has
- 56 directed the division to provide reunification services to a parent, the court must find that the
- 57 division made reasonable efforts to provide those services before the court may terminate the
- 58 parent's rights under Subsection (1)(b), (c), (d), (e), (f), or (h).

59 (b) Notwithstanding Subsection (3)(a), the court is not required to make the finding
60 under Subsection (3)(a) before terminating a parent's rights:

61 (i) under Subsection (1)(b), if the court finds that the abuse or neglect occurred
62 subsequent to adjudication; or

63 (ii) if reasonable efforts to provide the services described in Subsection (3)(a) are not
64 required under federal law, and federal law is not inconsistent with Utah law.