

CHILD WELFARE PLACEMENT REVIEW AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions of the Utah Juvenile Code related to the custody of children.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ extends the time during which a relative is given preferential consideration for placement of a child after a shelter hearing;
- ▶ creates a preferential consideration for placement of a child with a relative after the child is removed from a foster home in certain circumstances;
- ▶ addresses the analysis a juvenile court undertakes when evaluating whether to terminate parental rights; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

80-3-302, as last amended by Laws of Utah 2022, Chapters 287, 334



28 **80-3-303**, as last amended by Laws of Utah 2022, Chapters 287, 335
 29 **80-3-502**, as renumbered and amended by Laws of Utah 2021, Chapter 261
 30 **80-4-301**, as last amended by Laws of Utah 2022, Chapter 335



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **80-3-302** is amended to read:

34 **80-3-302. Shelter hearing -- Placement of a child.**

35 (1) As used in this section:

36 (a) (i) "For cause" means the removal of a foster child from a foster family's home
37 based on:

38 (A) a foster parent's request for the removal;

39 (B) a reasonable belief that the child is in danger or that there is a substantial threat of
40 danger to the health or welfare of the child;

41 (C) a complaint made by a foster child against a foster parent; or

42 (D) a determination made in accordance with this title that the foster parent is
43 incapable of caring for the foster child.

44 (ii) "For cause" does not include the removal of a foster child from a foster family's
45 home for the purpose of:

46 (A) placing the child with a relative who asserted an interest in the child after
47 expiration of the preference period described in Subsection (7)(b)(ii);

48 (B) immediately placing the minor in an approved adoptive home;

49 (C) returning the child to the child's natural parent or guardian; or

50 (D) placing an Indian child in accordance with placement preferences and other
51 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

52 [(a)] (b) "Natural parent," notwithstanding Section 80-1-102, means:

53 (i) a biological or adoptive mother of the child;

54 (ii) an adoptive father of the child; or

55 (iii) a biological father of the child who:

56 (A) was married to the child's biological mother at the time the child was conceived or
57 born; or

58 (B) has strictly complied with Sections 78B-6-120 through 78B-6-122, before removal

59 of the child or voluntary surrender of the child by the custodial parent.

60 ~~[(b)]~~ (c) "Natural parent" includes the individuals described in Subsection ~~[(1)(a)]~~
61 (1)(b) regardless of whether the child has been or will be placed with adoptive parents or
62 whether adoption has been or will be considered as a long-term goal for the child.

63 (2) (a) At the shelter hearing, if the juvenile court orders that a child be removed from
64 the custody of the child's parent in accordance with Section 80-3-301, the juvenile court shall
65 first determine whether there is another natural parent with whom the child was not residing at
66 the time the events or conditions that brought the child within the juvenile court's jurisdiction
67 occurred, who desires to assume custody of the child.

68 (b) Subject to Subsection (7), if another natural parent requests custody under
69 Subsection (2)(a), the juvenile court shall place the child with that parent unless the juvenile
70 court finds that the placement would be unsafe or otherwise detrimental to the child.

71 (c) The juvenile court:

72 (i) shall make a specific finding regarding the fitness of the parent described in
73 Subsection (2)(b) to assume custody, and the safety and appropriateness of the placement;

74 (ii) shall, at a minimum, order the division to visit the parent's home, comply with the
75 criminal background check provisions described in Section 80-3-305, and check the
76 Management Information System for any previous reports of abuse or neglect received by the
77 division regarding the parent at issue;

78 (iii) may order the division to conduct any further investigation regarding the safety
79 and appropriateness of the placement; and

80 (iv) may place the child in the temporary custody of the division, pending the juvenile
81 court's determination regarding the placement.

82 (d) The division shall report the division's findings from an investigation under
83 Subsection (2)(c), regarding the child in writing to the juvenile court.

84 (3) If the juvenile court orders placement with a parent under Subsection (2):

85 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;

86 (b) the juvenile court may order:

87 (i) that the parent take custody subject to the supervision of the juvenile court; and

88 (ii) that services be provided to the parent from whose custody the child was removed,
89 the parent who has assumed custody, or both; and

90 (c) the juvenile court shall order reasonable parent-time with the parent from whose
91 custody the child was removed, unless parent-time is not in the best interest of the child.

92 (4) The juvenile court shall periodically review an order described in Subsection (3) to
93 determine whether:

94 (a) placement with the parent continues to be in the child's best interest;

95 (b) the child should be returned to the original custodial parent;

96 (c) the child should be placed with a relative under Subsections (6) through ~~(9)~~ (10);

97 or

98 (d) the child should be placed in the temporary custody of the division.

99 (5) (a) Legal custody of the child is not affected by an order entered under Subsection
100 (2) or (3).

101 (b) To affect a previous court order regarding legal custody, the party shall petition the
102 court for modification of legal custody.

103 (6) Subject to Subsection (7), if, at the time of the shelter hearing, a child is removed
104 from the custody of the child's parent and is not placed in the custody of the child's other
105 parent, the juvenile court:

106 (a) shall, at that time, determine whether there is a relative or a friend who is able and
107 willing to care for the child, which may include asking a child, who is of sufficient maturity to
108 articulate the child's wishes in relation to a placement, if there is a relative or friend with whom
109 the child would prefer to reside;

110 (b) may order the division to conduct a reasonable search to determine whether there
111 are relatives or friends who are willing and appropriate, in accordance with the requirements of
112 this chapter, Chapter 2, Child Welfare Services, and Chapter 2a, Removal and Protective
113 Custody of a Child, for placement of the child;

114 (c) shall order the parents to cooperate with the division, within five working days, to
115 provide information regarding relatives or friends who may be able and willing to care for the
116 child; and

117 (d) may order that the child be placed in the temporary custody of the division pending
118 the determination under Subsection (6)(a).

119 (7) (a) (i) Subject to Subsections (7)(b) through (d) and if the provisions of this section
120 are satisfied, the division and the juvenile court shall give preferential consideration to a

121 relative's or a friend's request for placement of the child, if the placement is in the best interest
122 of the child.

123 (ii) For purposes of the preferential consideration under Subsection (7)(a)(i), there is a
124 rebuttable presumption that placement of the child with a relative is in the best interest of the
125 child.

126 (b) (i) The preferential consideration that the juvenile court or division initially grants a
127 [~~relative or~~] friend under Subsection (7)(a)(i) expires 120 days after the day on which the
128 shelter hearing occurs.

129 (ii) The preferential consideration that the juvenile court or division initially grants a
130 relative under Subsection (7)(a)(i) expires six months after the day on which the shelter hearing
131 occurs.

132 [(ii)] (iii) [~~After~~] Except as provided in Subsection (8), after the day on which the time
133 period described in Subsection (7)(b)(i) or (ii) expires, the division or the juvenile court may
134 not grant preferential consideration to a relative or friend, who has not obtained custody or
135 asserted an interest in the child.

136 (c) (i) The preferential consideration that the juvenile court initially grants a natural
137 parent under Subsection (2) is limited after 120 days after the day on which the shelter hearing
138 occurs.

139 (ii) After the time period described in Subsection (7)(c)(i), the juvenile court shall base
140 the juvenile court's custody decision on the best interest of the child.

141 (d) Before the day on which the time period described in Subsection (7)(c)(i) expires,
142 the following order of preference shall be applied when determining the individual with whom
143 a child will be placed, provided that the individual is willing and able to care for the child:

144 (i) a noncustodial parent of the child;

145 (ii) a relative of the child;

146 (iii) subject to Subsection (7)(e), a friend if the friend is a licensed foster parent; and

147 (iv) other placements that are consistent with the requirements of law.

148 (e) In determining whether a friend is a willing, able, and appropriate placement for a
149 child, the juvenile court or the division:

150 (i) subject to Subsections (7)(e)(ii) through (iv), shall consider the child's preferences
151 or level of comfort with the friend;

152 (ii) is required to consider no more than one friend designated by each parent of the
153 child and one friend designated by the child if the child is of sufficient maturity to articulate the
154 child's wishes in relation to a placement;

155 (iii) may limit the number of designated friends to two, one of whom shall be a friend
156 designated by the child if the child is of sufficient maturity to articulate the child's wishes in
157 relation to a placement; and

158 (iv) shall give preference to a friend designated by the child if:

159 (A) the child is of sufficient maturity to articulate the child's wishes; and

160 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the
161 child.

162 (f) (i) If a parent of the child or the child, if the child is of sufficient maturity to
163 articulate the child's wishes in relation to a placement, is not able to designate a friend who is a
164 licensed foster parent for placement of the child, but is able to identify a friend who is willing
165 to become licensed as a foster parent, the department shall fully cooperate to expedite the
166 licensing process for the friend.

167 (ii) If the friend described in Subsection (7)(f)(i) becomes licensed as a foster parent
168 within the time frame described in Subsection (7)(b), the juvenile court shall determine
169 whether it is in the best interest of the child to place the child with the friend.

170 (8) (a) If a child is removed from a foster family's home for cause and the provisions of
171 this section are satisfied, the division and the juvenile court shall give preferential
172 consideration to a relative's request for placement of the child, if the placement is in the best
173 interest of the child.

174 (b) The preferential consideration that the juvenile court or division grants a relative
175 under Subsection (8)(a) expires when the division or the juvenile court determines the new
176 placement of the child.

177 [~~8~~] (9) (a) If a relative or friend who is willing to cooperate with the child's
178 permanency goal is identified under Subsection (6)(a), the juvenile court:

179 (i) shall make a specific finding regarding:

180 (A) the fitness of that relative or friend as a placement for the child; and

181 (B) the safety and appropriateness of placement with the relative or friend; and

182 (ii) may not consider a request for guardianship or adoption of the child by an

183 individual who is not a relative of the child, or prevent the division from placing the child in
184 the custody of a relative of the child in accordance with this part, until after the day on which
185 the juvenile court makes the findings under Subsection ~~[(8)(a)(i)]~~ (9)(a)(i).

186 (b) In making the finding described in Subsection ~~[(8)(a)]~~ (9)(a)(i), the juvenile court
187 shall, at a minimum, order the division to:

188 (i) if the child may be placed with a relative, conduct a background check that includes:

189 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
190 background check of the relative;

191 (B) a completed search, relating to the relative, of the Management Information
192 System; and

193 (C) a background check that complies with the criminal background check provisions
194 described in Section 80-3-305, of each nonrelative of the child who resides in the household
195 where the child may be placed;

196 (ii) if the child will be placed with a noncustodial parent, complete a background check
197 that includes:

198 (A) the background check requirements applicable to an emergency placement with a
199 noncustodial parent that are described in Subsections 80-2a-301(4) and (6);

200 (B) a completed search, relating to the noncustodial parent of the child, of the
201 Management Information System; and

202 (C) a background check that complies with the criminal background check provisions
203 described in Section 80-3-305, of each nonrelative of the child who resides in the household
204 where the child may be placed;

205 (iii) if the child may be placed with an individual other than a noncustodial parent or a
206 relative, conduct a criminal background check of the individual, and each adult that resides in
207 the household where the child may be placed, that complies with the criminal background
208 check provisions described in Section 80-3-305;

209 (iv) visit the relative's or friend's home;

210 (v) check the Management Information System for any previous reports of abuse or
211 neglect regarding the relative or friend at issue;

212 (vi) report the division's findings in writing to the juvenile court; and

213 (vii) provide sufficient information so that the juvenile court may determine whether:

214 (A) the relative or friend has any history of abusive or neglectful behavior toward other
215 children that may indicate or present a danger to this child;

216 (B) the child is comfortable with the relative or friend;

217 (C) the relative or friend recognizes the parent's history of abuse and is committed to
218 protect the child;

219 (D) the relative or friend is strong enough to resist inappropriate requests by the parent
220 for access to the child, in accordance with court orders;

221 (E) the relative or friend is committed to caring for the child as long as necessary; and

222 (F) the relative or friend can provide a secure and stable environment for the child.

223 (c) The division may determine to conduct, or the juvenile court may order the division
224 to conduct, any further investigation regarding the safety and appropriateness of the placement
225 described in Subsection ~~[(8)]~~ (9)(a).

226 (d) The division shall complete and file the division's assessment regarding placement
227 with a relative or friend under Subsections ~~[(8)]~~ (9)(a) and (b) as soon as practicable, in an
228 effort to facilitate placement of the child with a relative or friend.

229 ~~[(9)]~~ (10) (a) The juvenile court may place a child described in Subsection (2)(a) in the
230 temporary custody of the division, pending the division's investigation under Subsection ~~[(8)]~~
231 (9), and the juvenile court's determination regarding the appropriateness of the placement.

232 (b) The juvenile court shall ultimately base the juvenile court's determination regarding
233 the appropriateness of a placement with a relative or friend on the best interest of the child.

234 ~~[(10)]~~ (11) If a juvenile court places a child described in Subsection (6) with the child's
235 relative or friend:

236 (a) the juvenile court shall:

237 (i) order the relative or friend take custody, subject to the continuing supervision of the
238 juvenile court;

239 (ii) provide for reasonable parent-time with the parent or parents from whose custody
240 the child is removed, unless parent-time is not in the best interest of the child; and

241 (iii) conduct a periodic review no less often than every six months, to determine
242 whether:

243 (A) placement with a relative or friend continues to be in the child's best interest;

244 (B) the child should be returned home; or

245 (C) the child should be placed in the custody of the division;

246 (b) the juvenile court may enter an order:

247 (i) requiring the division to provide necessary services to the child and the child's
248 relative or friend, including the monitoring of the child's safety and well-being; or

249 (ii) that the juvenile court considers necessary for the protection and best interest of the
250 child; and

251 (c) the child and the relative or friend in whose custody the child is placed are under
252 the continuing jurisdiction of the juvenile court[;].

253 [~~(11)~~] (12) No later than 12 months after the day on which the child is removed from
254 the home, the juvenile court shall schedule a hearing for the purpose of entering a permanent
255 order in accordance with the best interest of the child.

256 [~~(12)~~] (13) The time limitations described in Section 80-3-406, with regard to
257 reunification efforts, apply to a child placed with a previously noncustodial parent under
258 Subsection (2) or with a relative or friend under Subsection (6).

259 [~~(13)~~] (14) (a) If the juvenile court awards temporary custody of a child to the division,
260 and the division places the child with a relative, the division shall:

261 (i) conduct a criminal background check of the relative that complies with the criminal
262 background check provisions described in Section 80-3-305; and

263 (ii) if the results of the criminal background check described in Subsection [~~(13)~~]
264 (14)(a)(i) would prohibit the relative from having direct access to the child under Section
265 62A-2-120, the division shall:

266 (A) take the child into physical custody; and

267 (B) within three days, excluding weekends and holidays, after the day on which the
268 child is taken into physical custody under Subsection [~~(13)~~] (14)(a)(ii)(A), give written notice
269 to the juvenile court, and all parties to the proceedings, of the division's action.

270 (b) Subsection [~~(13)~~] (14)(a) does not prohibit the division from placing a child with a
271 relative, pending the results of the background check described in Subsection [~~(13)~~] (14)(a) on
272 the relative.

273 [~~(14)~~] (15) If the juvenile court orders that a child be removed from the custody of the
274 child's parent and does not award custody and guardianship to another parent, relative, or friend
275 under this section, the juvenile court shall order that the child be placed in the temporary

276 custody of the division, to proceed to adjudication and disposition and to be provided with care
277 and services in accordance with this chapter, Chapter 2, Child Welfare Services, and Chapter
278 2a, Removal and Protective Custody of a Child.

279 ~~[(15)]~~ (16) (a) If a child reenters the temporary custody or the custody of the division
280 and is placed in foster care, the division shall:

281 (i) notify the child's former foster parents; and

282 (ii) upon a determination of the former foster parents' willingness and ability to safely
283 and appropriately care for the child, give the former foster parents preference for placement of
284 the child.

285 (b) If, after the shelter hearing, the child is placed with an individual who is not a
286 parent, a relative, a friend, or a former foster parent of the child, priority shall be given to a
287 foster placement with a married couple, unless it is in the best interests of the child to place the
288 child with a single foster parent.

289 ~~[(16)]~~ (17) In determining the placement of a child, the juvenile court and the division
290 may not take into account, or discriminate against, the religion of an individual with whom the
291 child may be placed, unless the purpose of taking religion into account is to place the child
292 with an individual or family of the same religion as the child.

293 ~~[(17)]~~ (18) If the juvenile court's decision differs from a child's express wishes if the
294 child is of sufficient maturity to articulate the wishes in relation to the child's placement, the
295 juvenile court shall make findings explaining why the juvenile court's decision differs from the
296 child's wishes.

297 ~~[(18)]~~ (19) This section does not guarantee that an identified relative or friend will
298 receive custody of the child.

299 Section 2. Section **80-3-303** is amended to read:

300 **80-3-303. Post-shelter hearing placement of a child in division's temporary**
301 **custody.**

302 (1) If the juvenile court awards temporary custody of a child to the division under
303 Section **80-3-302**, or as otherwise permitted by law, the division shall determine ongoing
304 placement of the child.

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

306 (a) except as provided in Subsections (2)(b) and (e), shall comply with the applicable

307 background check provisions described in Section [80-3-302](#);

308 (b) is not required to receive approval from the juvenile court before making the
309 placement;

310 (c) shall consider the preferential consideration and rebuttable presumption described
311 in Subsection [80-3-302\(7\)\(a\)](#);

312 (d) shall, within three days, excluding weekends and holidays, after the day on which
313 the placement is made, give written notice to the juvenile court, and the parties to the
314 proceedings, that the placement has been made;

315 (e) may place the child with a noncustodial parent, relative, or friend, using the same
316 criteria established for an emergency placement under Section [80-2a-301](#), pending the results
317 of:

318 (i) the background check described in Subsection [~~[80-3-302\(13\)\(a\)](#)~~] [80-3-302\(14\)\(a\)](#);
319 and

320 (ii) evaluation with the noncustodial parent, relative, or friend to determine the
321 individual's capacity to provide ongoing care to the child; and

322 (f) shall take into consideration the will of the child, if the child is of sufficient
323 maturity to articulate the child's wishes in relation to the child's placement.

324 (3) If the division's placement decision differs from a child's express wishes and the
325 child is of sufficient maturity to state the child's wishes in relation to the child's placement, the
326 division shall:

327 (a) make written findings explaining why the division's decision differs from the child's
328 wishes; and

329 (b) provide the written findings to the juvenile court and the child's attorney guardian
330 ad litem.

331 Section 3. Section **80-3-502** is amended to read:

332 **80-3-502. Review of foster care removal -- Foster parent's standing.**

333 (1) With regard to a minor in the custody of the division who is the subject of a petition
334 alleging abuse, neglect, or dependency, and who has been placed in foster care with a foster
335 family, the Legislature finds that:

336 (a) except with regard to the minor's natural parents, a foster family has a very limited
337 but recognized interest in its familial relationship with the minor; and

338 (b) minors in the custody of the division are experiencing multiple changes in foster
339 care placements with little or no documentation, and that numerous studies of child growth and
340 development emphasize the importance of stability in foster care living arrangements.

341 (2) For the reasons described in Subsection (1), the Legislature finds that, except with
342 regard to the minor's natural parents, procedural due process protections must be provided to a
343 foster family prior to removal of a foster minor from the foster home.

344 (3) (a) A foster parent who has had a foster minor in the foster parent's home for 12
345 months or longer may petition the juvenile court for a review and determination of the
346 appropriateness of a decision by the division to remove the minor from the foster home, unless
347 the removal was for the purpose of:

- 348 (i) returning the minor to the minor's natural parent or legal guardian;
- 349 (ii) immediately placing the minor in an approved adoptive home;
- 350 (iii) placing the minor with a relative who obtained custody or asserted an interest in
351 the minor within the preference period described in Subsection ~~[80-3-302(8)]~~ 80-3-302(7); or
- 352 (iv) placing an Indian child in accordance with placement preferences and other
353 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

354 (b) The foster parent may petition the juvenile court under this section without
355 exhausting administrative remedies within the division.

356 (c) ~~[The]~~ Subject to Subsection 80-3-302(8), the juvenile court may order the division
357 to place the minor in a specified home, and shall base the juvenile court's determination on the
358 best interest of the minor.

359 (4) The requirements of this section do not apply to the removal of a minor based on a
360 foster parent's request for that removal.

361 Section 4. Section **80-4-301** is amended to read:

362 **80-4-301. Grounds for termination of parental rights -- Findings regarding**
363 **reasonable efforts by division.**

364 (1) Subject to the protections and requirements of Section 80-4-104, ~~[and if the~~
365 ~~juvenile court finds termination of parental rights, from the child's point of view, is strictly~~
366 ~~necessary,]~~ the juvenile court may terminate all parental rights with respect to the parent if:

367 (a) based on the totality of the circumstances and from the individual child's point of
368 view, the juvenile court finds that termination of parental rights is strictly necessary to promote

369 the child's best interest; and

370 (b) the juvenile court finds any one of the following:

371 ~~[(a)]~~ (i) that the parent has abandoned the child;

372 ~~[(b)]~~ (ii) that the parent has neglected or abused the child;

373 ~~[(c)]~~ (iii) that the parent is unfit or incompetent;

374 ~~[(d)]~~ (iv) ~~[(i)]~~ (A) that the child is being cared for in an out-of-home placement under
375 the supervision of the juvenile court or the division;

376 ~~[(i)]~~ (B) that the parent has substantially neglected, willfully refused, or has been
377 unable or unwilling to remedy the circumstances that cause the child to be in an out-of-home
378 placement; and

379 ~~[(iii)]~~ (C) that there is a substantial likelihood that the parent will not be capable of
380 exercising proper and effective parental care in the near future;

381 ~~[(e)]~~ (v) failure of parental adjustment, as defined in this chapter;

382 ~~[(f)]~~ (vi) that only token efforts have been made by the parent:

383 ~~[(i)]~~ (A) to support or communicate with the child;

384 ~~[(ii)]~~ (B) to prevent neglect of the child;

385 ~~[(iii)]~~ (C) to eliminate the risk of serious harm to the child; or

386 ~~[(iv)]~~ (D) to avoid being an unfit parent;

387 ~~[(g)]~~ (vii) ~~[(i)]~~ (A) that the parent has voluntarily relinquished the parent's parental
388 rights to the child; and

389 ~~[(i)]~~ (B) that termination is in the child's best interest;

390 ~~[(h)]~~ (viii) that, after a period of trial during which the child was returned to live in the
391 child's own home, the parent substantially and continuously or repeatedly refused or failed to
392 give the child proper parental care and protection; or

393 ~~[(i)]~~ (ix) the terms and conditions of safe relinquishment of a newborn child have been
394 complied with, in accordance with Part 5, Safe Relinquishment of a Newborn Child.

395 (2) For purposes of Subsection (1):

396 (a) notwithstanding Subsections 80-4-104(8) and (12), there is no presumption that a
397 child's best interest will be served by remaining with the child's parent and the juvenile court
398 shall determine the child's best interest based on a totality of the circumstances;

399 (b) the existence of a placement option that does not require the termination of parental

400 rights does not preclude a finding, based on the totality of the circumstances, that termination
401 of parental rights is strictly necessary to promote the child's best interest;

402 (c) as applicable, the juvenile court shall include the considerations described in
403 Sections 80-4-303 and 80-4-304 when determining the best interest of the child; and

404 (d) there is a rebuttable presumption that reunification efforts were sufficient and that
405 termination of parental rights is strictly necessary if the juvenile court finds, by clear and
406 convincing evidence, that any of the circumstances described in Subsection 80-3-406(5) exist.

407 [~~2~~] (3) The juvenile court may not terminate the parental rights of a parent because
408 the parent has failed to complete the requirements of a child and family plan.

409 [~~3~~] (4) (a) Except as provided in Subsection [~~3~~](b) (4)(b), in any case in which the
410 juvenile court has directed the division to provide reunification services to a parent, the
411 juvenile court must find that the division made reasonable efforts to provide those services
412 before the juvenile court may terminate the parent's rights under Subsection (1)(b)(ii), [~~(c)~~], [~~(d)~~],
413 [~~(e)~~], [~~(f)~~], or [~~(h)~~] (iii), (iv), (v), or (viii).

414 (b) Notwithstanding Subsection [~~3~~](a) (4)(a), the juvenile court is not required to
415 make the finding under Subsection [~~3~~](a) (4)(a) before terminating a parent's rights:

416 (i) under Subsection (1)(b)(ii), if the juvenile court finds that the abuse or neglect
417 occurred subsequent to adjudication; or

418 (ii) if reasonable efforts to provide the services described in Subsection [~~3~~](a) (4)(a)
419 are not required under federal law, and federal law is not inconsistent with Utah law.

420 Section 5. **Effective date.**

421 If approved by two-thirds of all the members elected to each house, this bill takes effect
422 upon approval by the governor, or the day following the constitutional time limit of Utah
423 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
424 the date of veto override.