

PARENTAL RIGHTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Luz Escamilla

LONG TITLE

Committee Note:

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 2 absent

General Description:

This bill addresses the voluntary relinquishment of parental rights.

Highlighted Provisions:

This bill:

► clarifies the requirements and procedure for an individual to consent to the termination of parental rights or voluntarily relinquish parental rights.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-4-307, as last amended by Laws of Utah 2022, Chapter 274

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

Section 1. Section **80-4-307** is amended to read:

80-4-307. Voluntary relinquishment -- Irrevocable.



28 (1) The individual consenting to termination of parental rights or voluntarily
29 relinquishing parental rights shall sign ~~[or confirm]~~ the consent or relinquishment, or confirm a
30 consent or relinquishment previously signed by the individual, under oath before:

31 (a) a judge of any court that has jurisdiction over proceedings for termination of
32 parental rights in this state or any other state, or a public officer appointed by that court for the
33 purpose of taking consents or relinquishments; or

34 (b) except as provided in Subsection (2), any person authorized to take consents or
35 relinquishments under Subsections [78B-6-124](#)(1) and (2).

36 (2) Only the juvenile court is authorized to take consents or relinquishments from a
37 parent who has any child who is in the custody of a state agency or who has a child who is
38 otherwise under the jurisdiction of the juvenile court.

39 (3) The court, appointed officer, or other authorized person shall certify to the best of
40 that person's information and belief that the individual executing the consent or relinquishment,
41 or confirming a consent or relinquishment previously signed by the individual, has read and
42 understands the consent or relinquishment and has signed the consent or relinquishment freely
43 and voluntarily.

44 (4) ~~[A voluntary relinquishment or consent for termination of parental rights is~~
45 ~~effective when the voluntary relinquishment or consent is signed and may not be revoked.]~~ At
46 the time that an individual consenting to termination of parental rights or voluntarily
47 relinquishing parental rights signs a voluntary relinquishment or consent for termination of
48 parental rights, that relinquishment or consent is effective as against that individual and may
49 not be revoked without the court's approval.

50 (5) (a) The requirements and processes described in Section [80-4-104](#), Sections
51 [80-4-301](#) through [80-4-304](#), and Part 2, Petition for Termination of Parental Rights, do not
52 apply to a voluntary relinquishment or consent for termination of parental rights.

53 (b) When determining voluntary relinquishment or consent for termination of parental
54 rights, the juvenile court need only find that the relinquishment or termination is in the child's
55 best interest.

56 (6) (a) There is a presumption that voluntary relinquishment or consent for termination
57 of parental rights is not in the child's best interest where it appears to the juvenile court that the
58 primary purpose for relinquishment or consent for termination is to avoid a financial support

59 obligation.

60 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile
61 court finds the relinquishment or consent to termination of parental rights will facilitate the
62 establishment of stability and permanency for the child.

63 (7) Upon granting a voluntary relinquishment the juvenile court may make orders
64 relating to the child's care and welfare that the juvenile court considers to be in the child's best
65 interest.

66 Section 2. **Effective date.**

67 This bill takes effect on May 1, 2024.