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PARENTAL RIGHTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Luz Escamilla

LONG TITLE

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.

- (1) The individual consenting to termination of parental rights or voluntarily relinquishing parental rights shall sign ~~[or confirm]~~ the consent or relinquishment, or confirm a consent or relinquishment previously signed by the individual, under oath before:
 - (a) a judge of any court that has jurisdiction over proceedings for termination of parental rights in this state or any other state, or a public officer appointed by that court for the purpose of taking consents or relinquishments; or
 - (b) except as provided in Subsection (2), any person authorized to take consents or relinquishments under Subsections 78B-6-124(1) and (2).

- 29 (2) Only the juvenile court is authorized to take consents or relinquishments from a parent
30 who has any child who is in the custody of a state agency or who has a child who is
31 otherwise under the jurisdiction of the juvenile court.
- 32 (3) (a) The court, appointed officer, or other authorized person shall certify to the best of
33 that person's information and belief that the individual executing the consent or
34 relinquishment, or confirming a consent or relinquishment previously signed by the
35 individual, has read and understands the consent or relinquishment and has signed the
36 consent or relinquishment freely and voluntarily.
- 37 (b) A consent or relinquishment is not effective until the consent or relinquishment is
38 certified pursuant to Subsection (3)(a).
- 39 (4) [~~A voluntary relinquishment or consent for termination of parental rights is effective~~
40 ~~when the voluntary relinquishment or consent is signed and may not be revoked.~~] A
41 consent or relinquishment that has been certified pursuant to Subsection (3)(a) is
42 effective against the consenting or relinquishing individual and may not be revoked.
- 43 (5) (a) The requirements and processes described in Section 80-4-104, Sections 80-4-301
44 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not
45 apply to a voluntary relinquishment or consent for termination of parental rights.
- 46 (b) When determining voluntary relinquishment or consent for termination of parental
47 rights, the juvenile court need only find that the relinquishment or termination is in
48 the child's best interest.
- 49 (6) (a) There is a presumption that voluntary relinquishment or consent for termination
50 of parental rights is not in the child's best interest where it appears to the juvenile
51 court that the primary purpose for relinquishment or consent for termination is to
52 avoid a financial support obligation.
- 53 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile court
54 finds the relinquishment or consent to termination of parental rights will facilitate the
55 establishment of stability and permanency for the child.
- 56 (7) Upon granting a voluntary relinquishment the juvenile court may make orders relating
57 to the child's care and welfare that the juvenile court considers to be in the child's best
58 interest.

59 Section 2. **Effective date.**

60 This bill takes effect on May 1, 2024.