

Representative Christine F. Watkins proposes the following substitute bill:

CHILD PLACEMENT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to adoption and child placement.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "relative" for purposes of child placement, including adoption; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-103, as last amended by Laws of Utah 2023, Chapter 330

80-2a-101, as enacted by Laws of Utah 2022, Chapter 334 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 334

80-3-102, as last amended by Laws of Utah 2022, Chapters 287, 334

80-4-305, as last amended by Laws of Utah 2022, Chapters 287, 334



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

Section 1. Section **78B-6-103** is amended to read:

78B-6-103. Definitions.

As used in this part:

(1) "Adoptee" means a person who:

(a) is the subject of an adoption proceeding; or

(b) has been legally adopted.

(2) "Adoption" means the judicial act that:

(a) creates the relationship of parent and child where it did not previously exist; and

(b) except as provided in Subsections **78B-6-138**(2) and (4), terminates the parental rights of any other person with respect to the child.

(3) "Adoption document" means an adoption-related document filed with the office, a petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.

(4) "Adoption service provider" means:

(a) a child-placing agency;

(b) a licensed counselor who has at least one year of experience providing professional social work services to:

(i) adoptive parents;

(ii) prospective adoptive parents; or

(iii) birth parents; or

(c) the Office of Licensing within the Department of Health and Human Services.

(5) "Adoptive parent" means an individual who has legally adopted an adoptee.

(6) "Adult" means an individual who is 18 years [~~of age~~] old or older.

(7) "Adult adoptee" means an adoptee who is 18 years [~~of age~~] old or older and was adopted as a minor.

(8) "Adult sibling" means an adoptee's brother or sister, who is 18 years [~~of age~~] old or older and whose birth mother or father is the same as that of the adoptee.

(9) "Birth mother" means the biological mother of a child.

(10) "Birth parent" means:

- 57 (a) a birth mother;
- 58 (b) a man whose paternity of a child is established;
- 59 (c) a man who:
 - 60 (i) has been identified as the father of a child by the child's birth mother; and
 - 61 (ii) has not denied paternity; or
 - 62 (d) an unmarried biological father.
- 63 (11) "Child-placing agency" means an agency licensed to place children for adoption
- 64 under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities.
- 65 (12) "Cohabiting" means residing with another person and being involved in a sexual
- 66 relationship with that person.
- 67 (13) "Division" means the Division of Child and Family Services, within the
- 68 Department of Health and Human Services, created in Section [80-2-201](#).
- 69 (14) "Extra-jurisdictional child-placing agency" means an agency licensed to place
- 70 children for adoption by a district, territory, or state of the United States, other than Utah.
- 71 (15) "Genetic and social history" means a comprehensive report, when obtainable, that
- 72 contains the following information on an adoptee's birth parents, aunts, uncles, and
- 73 grandparents:
 - 74 (a) medical history;
 - 75 (b) health status;
 - 76 (c) cause of and age at death;
 - 77 (d) height, weight, and eye and hair color;
 - 78 (e) ethnic origins;
 - 79 (f) where appropriate, levels of education and professional achievement; and
 - 80 (g) religion, if any.
- 81 (16) "Health history" means a comprehensive report of the adoptee's health status at the
- 82 time of placement for adoption, and medical history, including neonatal, psychological,
- 83 physiological, and medical care history.
- 84 (17) "Identifying information" means information that is in the possession of the office
- 85 and that contains the name and address of a pre-existing parent or an adult adoptee, or other
- 86 specific information that by itself or in reasonable conjunction with other information may be
- 87 used to identify a pre-existing parent or an adult adoptee, including information on a birth

88 certificate or in an adoption document.

89 (18) "Licensed counselor" means an individual who is licensed by the state, or another
90 state, district, or territory of the United States as a:

91 (a) certified social worker;

92 (b) clinical social worker;

93 (c) psychologist;

94 (d) marriage and family therapist;

95 (e) clinical mental health counselor; or

96 (f) an equivalent licensed professional of another state, district, or territory of the
97 United States.

98 (19) "Man" means a male individual, regardless of age.

99 (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.

100 (21) "Office" means the Office of Vital Records and Statistics within the Department
101 of Health and Human Services operating under Title 26B, Chapter 8, Part 1, Vital Statistics.

102 (22) "Parent," for purposes of Section 78B-6-119, means any person described in
103 Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment
104 for adoption is required under Sections 78B-6-120 through 78B-6-122.

105 (23) "Potential birth father" means a man who:

106 (a) is identified by a birth mother as a potential biological father of the birth mother's
107 child, but whose genetic paternity has not been established; and

108 (b) was not married to the biological mother of the child described in Subsection

109 (23)(a) at the time of the child's conception or birth.

110 (24) "Pre-existing parent" means:

111 (a) a birth parent; or

112 (b) an individual who, before an adoption decree is entered, is, due to an earlier
113 adoption decree, legally the parent of the child being adopted.

114 (25) "Prospective adoptive parent" means an individual who seeks to adopt an adoptee.

115 (26) "Relative" means:

116 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great
117 uncle, brother-in-law, sister-in-law, stepparent, first cousin, second cousin, stepsibling, or
118 sibling of a child, or first or second cousin of a child's parent; and

119 (b) in the case of a child defined as an "Indian child" under the Indian Child Welfare
120 Act, 25 U.S.C. Sec. 1903, an "extended family member" as defined by that statute.

121 (27) "Unmarried biological father" means a man who:

122 (a) is the biological father of a child; and

123 (b) was not married to the biological mother of the child described in Subsection
124 (27)(a) at the time of the child's conception or birth.

125 Section 2. Section **80-2a-101** is amended to read:

126 **80-2a-101. Definitions.**

127 (1) "Custody" means the same as that term is defined in Section [80-2-102](#).

128 (2) "Division" means the Division of Child and Family Services created in Section
129 [80-2-201](#).

130 (3) "Friend" means an adult who:

131 (a) has an established relationship with the child or a family member of the child; and

132 (b) is not the natural parent of the child.

133 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.

134 (5) "Relative" means an adult who:

135 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
136 brother-in-law, sister-in-law, stepparent, first cousin, second cousin, stepsibling, or sibling;

137 (b) is the first or second cousin of the child's parent;

138 (c) is a permanent guardian or natural parent of the child's sibling; or

139 (d) in the case of a child who is an Indian child, is an extended family member as
140 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.

141 (6) "Sibling" means the same as that term is defined in Section [80-2-102](#).

142 (7) "Temporary custody" means the same as that term is defined in Section [80-2-102](#).

143 Section 3. Section **80-3-102** is amended to read:

144 **80-3-102. Definitions.**

145 As used in this chapter:

146 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with
147 this chapter to commence proceedings in a juvenile court alleging that a child is:

148 (a) abused;

149 (b) neglected; or

- 150 (c) dependent.
- 151 (2) "Custody" means the same as that term is defined in Section 80-2-102.
- 152 (3) "Division" means the Division of Child and Family Services created in Section
153 80-2-201.
- 154 (4) "Friend" means an adult who:
- 155 (a) has an established relationship with the child or a family member of the child; and
- 156 (b) is not the natural parent of the child.
- 157 (5) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
158 grandchild.
- 159 (6) "Relative" means an adult who:
- 160 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
161 brother-in-law, sister-in-law, stepparent, first cousin, second cousin, stepsibling, or sibling;
- 162 (b) is a first or second cousin of the child's parent;
- 163 (c) is a permanent guardian or natural parent of the child's sibling; or
- 164 (d) in the case of a child who is an Indian child, is an extended family member as
165 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 166 (7) "Sibling" means the same as that term is defined in Section 80-2-102.
- 167 (8) "Sibling visitation" means the same as that term is defined in Section 80-2-102.
- 168 (9) "Temporary custody" means the same as that term is defined in Section 80-2-102.
- 169 Section 4. Section 80-4-305 is amended to read:
- 170 **80-4-305. Court disposition of child upon termination of parental rights --**
171 **Posttermination reunification.**
- 172 (1) Except as provided in Subsection (7), as used in this section, "relative" means:
- 173 (a) an adult who is a grandparent, great-grandparent, aunt, great aunt, uncle, great
174 uncle, brother-in-law, sister-in-law, stepparent, first cousin, second cousin, sibling, or
175 stepsibling of a child; and
- 176 (b) in the case of a child who is an Indian child, an extended family member as defined
177 in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903.
- 178 (2) Upon entry of an order under this chapter, the juvenile court may:
- 179 (a) place the child in the legal custody and guardianship of a child-placing agency or
180 the division for adoption; or

181 (b) make any other disposition of the child authorized under Section 80-3-405 .

182 (3) Subject to Subsections (4) and (6), the division shall place all adoptable children
183 placed in the custody of the division for adoption.

184 (4) If the parental rights of all parents of an adoptable child placed in the custody of the
185 division are terminated and a suitable adoptive placement is not already available, the juvenile
186 court:

187 (a) shall determine whether there is a relative who desires to adopt the child;

188 (b) may order the division to conduct a reasonable search to determine whether there is
189 a relative who is willing to adopt the child; and

190 (c) shall, if a relative desires to adopt the child:

191 (i) make a specific finding regarding the fitness of the relative to adopt the child; and

192 (ii) place the child for adoption with the relative unless the juvenile court finds that
193 adoption by the relative is not in the best interest of the child.

194 (5) If an individual who is not a relative of the child desires to adopt the child, the
195 juvenile court shall, before entering an order for adoption of the child, determine whether due
196 weight was given to the relative's preferential consideration under Subsection
197 80-3-302(7)(a)(i).

198 (6) This section does not guarantee that a relative will be permitted to adopt the child.

199 (7) A parent whose rights are terminated under this chapter, or a relative of the child, as
200 defined by Section 80-3-102, may petition for guardianship of the child if:

201 (a) (i) following an adoptive placement, the child's adoptive parent returns the child to
202 the custody of the division; or

203 (ii) the child is in the custody of the division for one year following the day on which
204 the parent's rights were terminated, and no permanent placement has been found or is likely to
205 be found; and

206 (b) reunification with the child's parent, or guardianship by the child's relative, is in the
207 best interest of the child.

208 Section 5. **Effective date.**

209 This bill takes effect on May 1, 2024.