



BILLS PASSED DURING THE 2026 GENERAL SESSION RELEVANT TO PARENTAL DEFENSE

SB 141 Child Welfare Amendments, Harper

- The bill creates a requirement that DCFS notify each party when a court report or a child and family plan is filed.

Under current law DCFS is exempted from “serving” the other parties when a court report is filed. The result is that defense counsel has the burden of searching CARE for documents without information on when they will be filed.

DCFS objected to the first version of the bill that required them to serve the documents (as the other parties are required to do), but agreed to send an email to the parent's attorney when either document is filed in CARE.

- The bill modifies the code relating to foster parent due process to allow certain rights when a child has been in their home for 12 instead of 24 months
- Expands the definition of “relative” to include a further degree of blood relation
- Specifies the time within which the division must complete its investigation of a non-custodial parent who wants to take custody of their child after removal from the other parent. (80-3-302)
 - “The division shall report the division's findings from an investigation under Subsection (2)(c), regarding the child in writing to the juvenile court within 14 days after the day on which the juvenile court orders the investigation”
- Provides the court authority to enter an order for post-adoption agreements in private adoption cases. (83-13-216):

- “Notwithstanding any other provision in this chapter, if a child adoptee ~~in the custody of the division~~ is placed for adoption, the prospective adoptive parent and birth parent, or other birth relative, may enter into a postadoption contact agreement as provided in this section.”

This is not a change for juvenile court/DCFS involved cases but it is important to parents facing a TPR petition by a private party.

HB 372 Child Welfare Changes, 5th substitute, Lisonbee

The bill makes significant changes to the duties and responsibilities of the GAL office and individual GAL activities

Requires the GAL to:

- Disclose the activities and sources of their independent investigation and the factors that form the basis of the GAL’s recommendation.
- Explain the basis for the attorney’s determination of the minor’s best interest to the court and to the minor
- Make a best interest recommendation based on their direct knowledge and independent and personal investigation.
- Share the child’s wishes at all court hearings and state whether the child wanted to be at court
- Inform the court when they last spoke to the child and whether it was in person or in another form
- Respond to case related discovery requests
- Establishes that a GAL is to be appointed by the court rather than automatically appointed at the time of removal
- Allows the child to request a change in GAL if there is good cause

The bill also made changes to the GAL oversight committee and established more detailed expectations of the Director related to personnel evaluations

SB 35 Amendments to IPR, Harper

- The bill extends the pilot project for interdisciplinary parental representation
- The term of the extension is five years. Although it is called a pilot, the program is well established and is producing positive results for families. Unfortunately, no new money means we will not be able to expand the program.

- A representative requested Senator Harper add a provision prohibiting the IDC from employing any social worker for IPR until one year after they leave DCFS.

SB 185, Child Welfare Parental Representation Program Amendments, Harper

- The bill modified a provision relating to the structure of the Office of Indigent Defense Services
- No new responsibilities are created

HB 105, Child Welfare Revisions, Watkins

- Provides that a parent may file a petition to modify an order of permanent custody and guardianship to the other parent:
“regardless of when the order granting permanent custody and guardianship to the child's other parent was entered, if the substantial and material change of circumstance described in Subsection (3)(e)(i) has occurred since the permanent custody and guardianship order was entered.”
- This was filed in response to a judge’s determination that the legislation was not retroactive and so denied the petition to modify.

Finally, a bill that did not pass:

SB 124 Child Welfare Modifications, Escamilla

- It provided a new and broad authority for an investigative warrant, even though the division and AGs already have the ability to obtain a warrant to enter a home. DCFS said they would use it rarely
- This will probably be brought back. There are situations in which there is a need for court authorized access to a child, but the process should be allowed only in a narrow group of child protection investigations