

SUPREME COURT OF UTAH

In re Adoption of B.H.

2020 UT 64 (2020) · No. 20190560 · Decided September 16, 2020

SUMMARY

The Utah Supreme Court reviewed an interstate adoption involving the Interstate Compact on the Placement of Children (ICPC) and the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The court held that the UCCJEA does not govern a petition to terminate parental rights brought under Utah’s Adoption Act in connection with an adoption. It also held that an ICPC compliance deficiency was not a jurisdictional defect requiring invalidation of the adoption.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Petersen; Chief Justice Durrant; Associate Chief Justice Lee; Justice Himonas; Justice Pearce
JURISDICTION	Utah
DECIDED	September 16, 2020
DOCKET	20190560
DISPOSITION	remanded
PROCEDURAL POSTURE	Father petitioned for certiorari after the Utah Court of Appeals rejected his challenges to subject-matter jurisdiction under the UCCJEA and to the validity of the adoption based on an allegedly defective ICPC request. The Supreme Court of Utah affirmed the court of appeals' jurisdictional conclusions, set aside the adoption decree because it lacked the required ICPC-compliance determination, and remanded for further proceedings.
STANDARD OF REVIEW	On certiorari, the Utah Supreme Court reviews the court of appeals' decision for correctness and gives no deference to its conclusions of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	C.S. v. P.H., A.D.

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QUESTIONS PRESENTED

1. Whether the UCCJEA governs subject-matter jurisdiction over a parental-rights termination petition filed under the Utah Adoption Act in connection with a contested adoption.
2. Whether a deficient ICPC request form identifying the wrong father is a jurisdictional defect requiring dismissal of the adoption proceeding or loss of jurisdiction by the Utah court.
3. Whether the adoption decree was legally sufficient when it did not state that the ICPC requirements had been complied with, as required by the Utah Adoption Act.

HOLDINGS

1. A termination petition filed under the Utah Adoption Act in connection with a contested adoption is an adoption proceeding, and the UCCJEA expressly does not govern jurisdiction over adoption proceedings. The district court therefore had subject-matter jurisdiction under the Adoption Act without first acquiring jurisdiction under the UCCJEA.
2. A deficient ICPC request form is not a jurisdictional defect. Neither the ICPC nor the Utah Adoption Act requires dismissal of the adoption petition, reversal of the placement, or loss of jurisdiction in the receiving-state court as a consequence of the deficiency.
3. The adoption decree was insufficient because the Adoption Act requires the final decree to state that the ICPC requirements have been complied with, and the district court did not make that determination.

KEY QUOTATIONS

“The ICPC deficiency was not a jurisdictional defect.” (¶ 25)

“We affirm the court of appeals’ determination that the UCCJEA does not govern subject matter jurisdiction here.” (¶ 50)

“We agree with the court of appeals that the ICPC deficiency in this case is not a jurisdictional defect.” (¶ 62)

“Accordingly, we set aside the decree and remand to the district court for further proceedings.” (¶ 64)

FACTUAL BACKGROUND

Mother and Father, both Montana residents, were married when Mother became pregnant, although they had separated. Mother placed the child with Utah residents P.H. and A.D. and identified another man, D.G., as the father on the ICPC request form; Father was later notified of the adoption, intervened, and was shown by genetic testing to be both the child's legal and biological father. The Utah district court found Father abandoned the child and unfit because of alcohol abuse, drug addiction, and criminal history, terminated his parental rights, and finalized the adoption.

PROCEDURAL HISTORY

The Utah district court terminated Father's parental rights in an adoption proceeding and finalized the adoption. Father appealed, arguing that Utah lacked jurisdiction under the UCCJEA and that the adoption was invalid because Mother did not identify him as the father on the ICPC request form. The court of appeals rejected the jurisdictional arguments but set aside the adoption decree and remanded for additional findings concerning ICPC compliance. The Utah Supreme Court granted certiorari, affirmed the court of appeals' jurisdictional conclusions, and remanded because the decree did not state that the ICPC requirements had been complied with.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The adoption decree is set aside, and the district court must conduct further proceedings addressing the required determination of ICPC compliance. The form and scope of those proceedings are left to the district court's discretion; dismissal of the petition and loss of jurisdiction are not required.

CASES CITED

- Utah State Tax Comm'n v. See's Candies, Inc., 2018 UT 57, ¶ 5 n.2, 435 P.3d 147
- State v. Baker, 2010 UT 18, ¶ 7, 229 P.3d 650
- Nevares v. Adoptive Couple, 2016 UT 39, ¶ 11, 384 P.3d 213
- Bagley v. Bagley, 2016 UT 48, ¶ 10, 387 P.3d 1000
- Bagley v. Bagley, 2016 UT 48, ¶ 28, 387 P.3d 1000
- Anderson v. Anderson, 416 P.2d 308, 309-10 (Utah 1966)
- In re Adoption of B.H., 2019 UT App 103, ¶¶ 12, 17, 26-30, 447 P.3d 110