

The Order of the Court is stated below:

Dated: March 18, 2019
08:52:53 AM

/s/ Thomas R. Lee
Associate Chief Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

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In the interest of B.T.B. and B.Z.B.,

V.T.B.,
Respondent,
v.
J.P.B,
Petitioner (by joinder).

Guardian ad Litem,
Petitioner.

ORDER

Supreme Court Case No. 20180805-SC

Court of Appeals Case No. 20170906-
CA

Trial Court Case No. 1142575

This matter is before the court upon a petition for writ of certiorari, filed by the Guardian ad Litem on October 4, 2018, and a cross-petition for certiorari filed by V.T.B. on November 21, 2018. J.P.B. filed a joinder in the Guardian ad Litem' petition.

The Petition for Writ of Certiorari is granted as to the following issues:

1. Whether the Court of Appeals erred in disavowing statements in its prior case law "to the extent they suggest that, once statutory grounds for termination are established, it follows 'almost automatically that termination will be in the best interest of a child, or that it is only in 'rare' or 'unusual' cases that termination of parental rights will not follow from a finding of statutory grounds for termination."
2. Whether the Court of Appeals erred in its construction and application of the term "strictly necessary" in Section 78-6-507(1) of the Utah Code.

The cross-petition for writ of certiorari is granted as to the following issue:

Whether the court of appeals erred in rejecting Cross-Petitioner' argument that Section

78-6-507(1) of the Utah Code includes a distinct requirement of a finding of strict necessity in addition to the requirements for findings of a ground for termination and the best interests of a child.

The Clerk of Court will notify the parties of the schedules for briefing and argument.

Additionally, the Court would welcome briefs of amicus curiae from the Utah Division of Child and Family Services and the Parental Defense Alliance of Utah. In the event either of those entities desires to file a brief, it should, within thirty (30) days of the date of this order, notify the Clerk of Court of its intent to do so and whether it intends to support the view of any party to the case. Any other interested person or entity qualified to submit a brief of amicus curiae under Rule 25 of the Utah Rules of Appellate Procedure may file a motion to permit a brief of amicus curiae. Any such motion should be filed within thirty (30) days of the date of this order. The Court suspends the provisions of Rule 25 of the Rules of Appellate Procedure with respect to the timing of the filing of any amicus briefs. The schedule for submission of those briefs will be included in the briefing notice issued by the Clerk. The parties shall comply with the briefing schedule upon its issuance.

End of Order - Signature at the Top of the First Page