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FEB 11 2010

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF UTAH, IN AND FOR THE COUNTY OF CACHE**

IN THE MATTER OF THE)	FINDINGS OF FACT AND
ADOPTION OF:)	CONCLUSIONS OF LAW
)	
AMEYLA (AMANDA) FRANCES)	Civil No. 062100046 AD
KIRKPATRICK, DOB 10/06/04)	
)	Judge Thomas L. Willmore
)	
)	

This matter came before the court on February 9, 2010 at 2:30 p.m. The Guardian ad Litem was present representing the minor child and Marlin J. Grant was present representing Scott and Karen Banks. Lyle Hillyard had been notified as well as Christian Hansen of the law firm of Hillyard, Anderson and Olsen who were representing the Kirkpatricks, but they were not present. The court makes the following findings after making approximately of two (2) hours of evidence on best interest and the adoption.

1. The court finds that pursuant to paragraph 3. of the Order from February 15, 2008 that the Kirkpatricks have no standing, are not entitled to notice, have no right to participate or to object to these proceedings and in any event mailings were sent to the attorneys that would indicate a hearing was taking place and the Guardian ad Litem talked in person with both Lyle Hillyard and Christian Hansen telling them that a hearing was taking place. Consequently, the hearing was appropriate, the Guardian ad Litem consented to going forward with the hearing and the matter is properly before the court.

2. The best evidence of what is in the best interest of the child comes from the unrelated parties, who are non-biased. The first is Jennifer Mowery who issued a post-placement adoption report dated October 2, 2009 indicating that the child had been with Scott and Karen Banks for over

thirty-nine (39) months plus another four (4) months since then so forty-three (43) months Ms. Mowery considers the parent/child relationship to be very stable where the child has progressed extremely well. The child is in pre-school, dance and is no longer the same little girl Ms. Mowery saw in 2007. Amanda has improved her reading, writing and speaking skills. Ms. Mowery's report speaks for itself and is incorporated herein. The report highly recommends that the adoption take place and Ms. Mowery stated that to disrupt this placement or adoption would be devastating to the minor child. The other non-biased report comes from the Guardian ad Litem's office, Roger Baron thorough Natasha who made a home visit just prior to this hearing. The court considers the report to be an excellent report wherein the Guardian ad Litem does recommend that the adoption take place because it is in the best interest of the minor child. The third report is by Rebecca Skorda marked as Exhibit 1. All of the above reports are incorporated into the court's findings by reference.

3. The court also received testimony from Scott and Karen Banks regarding the situation of their family which evidence showed that they have two (2) natural birth children who have done very well in the family, that they have three (3) other adoptive children who are doing very well and who were present in the courtroom and Amanda who has bonded to this family and is doing extremely well. The court finds that there is a great deal of bonding, attachment, love and concern that exists in this family and that Amanda is the center of attention.

4. The court finds that Mrs. Banks is a stay at home mother and can devote the necessary nurturing of attention to Amanda that she needs. Mr. Banks is a very stable and hard working individual and makes sufficient funds to care for the child's needs. The family setting is completely appropriate. The minor child sees the Banks family as her psychological family and to be adopted by them as her family is in her best interest.

5. The court's only concern was regarding two (2) Romanian children that the Banks family had adopted several years ago. These two (2) children had severe attachment disorders and other problems that made it necessary, after approximately ten (10) years in the Banks' home to be placed elsewhere. The findings show that Scott and Karen Banks have paid the other placement family to care for these children and the Banks have remained in touch with these children, but the court felt there were other options that could have been explored before sending the children to

American Samoa. Nevertheless, the court feels that that evidence is long ago and Scott and Karen Banks have moved on and that for Amanda's best interest she should be placed with Scott and Karen Banks. The court merely cautions that should any problems arise with Amanda that the Banks parents must treat her as their own child, not give up on her and give her what she needs to succeed. The court finds that Scott and Karen Banks are fully committed to do this, having already sacrificed much for Amanda and having spent several thousands of dollars to make her part of the family.

6. The court finds that there are no other options for this minor child that make any sense and the only option is to allow the adoption to take place because it truly is in her best interest.

7. The court finds that the Guardian ad Litem represents minor children, who are innocent, and that the Guardian ad Litem insures the best interest standard. The court feels that the recommendation of the Guardian ad Litem should therefore be followed and orders the adoption.

8. The court heard testimony from Scott and Karen Banks that they do not intend to adopt any other children, they do not intend to have any more birth children and that Amanda will be the youngest child in the family. Amanda, as such, will have the needed attention where she is loved and cared for.

9. The court finds that Amanda has no abnormalities, psychologically, emotionally or otherwise, that she is not acting out and she does not appear to be a special needs child in any way. It is in her best interest that the adoption proceed.

10. The court finds that it has jurisdiction inasmuch as the Banks family originally filed the Petition for Adoption in this court when they were living in the jurisdiction of this court with the minor child and that the minor child has been placed in their home for over forty-three (43) months, that the court continued to retain jurisdiction to determine the minor child's best interest after the appeal and that this court therefore has the full right to enter a final order of adoption.

CONCLUSION OF LAW

The court concludes that it is in the minor child's best interest to be adopted and grants the adoption to Scott and Karen Banks pursuant to the Order attached hereto.

DATED this _____ day of February, 2010.

BY THE COURT:

Judge Thomas L. Willmore

MAILING CERTIFICATE

I hereby certify that on the 10 day of ~~January~~^{Feb.}, 2010, I mailed a true and correct copy of the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW**, postage prepaid, to the following:

Lyle Hillyard
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Roger Baron
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