

**Superseded 5/12/2015**

**78B-6-115 Who may adopt -- Adoption of minor -- Adoption of adult.**

- (1) For purposes of this section, "vulnerable adult" means:
  - (a) a person 65 years of age or older; or
  - (b) an adult, 18 years of age or older, who has a mental or physical impairment which substantially affects that person's ability to:
    - (i) provide personal protection;
    - (ii) provide necessities such as food, shelter, clothing, or medical or other health care;
    - (iii) obtain services necessary for health, safety, or welfare;
    - (iv) carry out the activities of daily living;
    - (v) manage the adult's own resources; or
    - (vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
- (2) Subject to this section and Section 78B-6-117, any adult may be adopted by another adult.
- (3) The following provisions of this part apply to the adoption of an adult just as though the person being adopted were a minor:
  - (a)
    - (i) Section 78B-6-108;
    - (ii) Section 78B-6-114;
    - (iii) Section 78B-6-116;
    - (iv) Section 78B-6-118;
    - (v) Section 78B-6-124;
    - (vi) Section 78B-6-136;
    - (vii) Section 78B-6-137;
    - (viii) Section 78B-6-138;
    - (ix) Section 78B-6-139;
    - (x) Section 78B-6-141; and
    - (xi) Section 78B-6-142;
  - (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the adoption arises from a case where the juvenile court has continuing jurisdiction over the adult adoptee; and
  - (c) if the adult adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131, regardless of whether the adult adoptee resides, or will reside, with the adoptors, unless the court, based on a finding of good cause, waives the requirements of those sections.
- (4) Before a court enters a final decree of adoption of an adult, the adoptee and the prospective adoptive parent or parents shall appear before the court presiding over the adoption proceedings and execute consent to the adoption.
- (5) No provision of this part, other than those listed or described in this section or Section 78B-6-117, apply to the adoption of an adult.