

Effective 5/12/2015

78B-6-116 Notice and consent for adoption of an adult.

- (1)
 - (a) Consent to the adoption of an adult is required from:
 - (i) the mature adoptee;
 - (ii) any person who is adopting the adult;
 - (iii) the spouse of a person adopting the adult; and
 - (iv) any legally appointed guardian or custodian of the adult adoptee.
 - (b) No person, other than a person described in Subsection (1)(a), may consent, or withhold consent, to the adoption of an adult.
- (2)
 - (a) Except as provided in Subsection (2)(b), notice of a proceeding for the adoption of an adult shall be served on each person described in Subsection (1)(a) and the spouse of the mature adoptee.
 - (b) The notice described in Subsection (2)(a) may be waived, in writing, by the person entitled to receive notice.
- (3) The notice described in Subsection (2):
 - (a) shall be served at least 30 days before the day on which the adoption is finalized;
 - (b) shall specifically state that the person served must respond to the petition within 30 days of service if the person intends to intervene in the adoption proceeding;
 - (c) shall state the name of the person to be adopted;
 - (d) may not state the name of a person adopting the mature adoptee, unless the person consents, in writing, to disclosure of the person's name;
 - (e) with regard to a person described in Subsection (1)(a):
 - (i) except as provided in Subsection (2)(b), shall be in accordance with the provisions of the Utah Rules of Civil Procedure; and
 - (ii) may not be made by publication; and
 - (f) with regard to the spouse of the mature adoptee, may be made:
 - (i) in accordance with the provisions of the Utah Rules of Civil Procedure;
 - (ii) by certified mail, return receipt requested; or
 - (iii) by publication, posting, or other means if:
 - (A) the service described in Subsection (3)(f)(ii) cannot be completed after two attempts; and
 - (B) the court issues an order providing for service by publication, posting, or other means.
- (4) Proof of service of the notice on each person to whom notice is required by this section shall be filed with the court before the adoption is finalized.
- (5)
 - (a) Any person who is served with notice of a proceeding for the adoption of an adult and who wishes to intervene in the adoption shall file a motion in the adoption proceeding:
 - (i) within 30 days after the day on which the person is served with notice of the adoption proceeding;
 - (ii) that sets forth the specific relief sought; and
 - (iii) that is accompanied by a memorandum specifying the factual and legal grounds upon which the motion is made.
 - (b) A person who fails to file the motion described in Subsection (5)(a) within the time described in Subsection (5)(a)(i):
 - (i) waives any right to further notice of the adoption proceeding; and
 - (ii) is barred from intervening in, or bringing or maintaining any action challenging, the adoption proceeding.

- (6) Except as provided in Subsection (7), after a court enters a final decree of adoption of an adult, the mature adoptee shall:
- (a) serve notice of the finalization of the adoption, pursuant to the Utah Rules of Civil Procedure, on each person who was a legal parent of the adult adoptee before the final decree of adoption described in this Subsection (6) was entered; and
 - (b) file with the court proof of service of the notice described in Subsection (6)(a).
- (7) A court may, based on a finding of good cause, waive the notification requirement described in Subsection (6).

Amended by Chapter 137, 2015 General Session