

ADOPTION REVISIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: Daniel R. Liljenquist

LONG TITLE

General Description:

This bill amends provisions of the Utah Adoption Act.

Highlighted Provisions:

This bill:

- ▶ defines terms, including reducing the age of an "adult adoptee" from 21 to 18;
- ▶ modifies provisions relating to determining the venue of an adoption proceeding;
- ▶ modifies and clarifies provisions relating to providing notice of an adoption proceeding;
- ▶ provides that notice of an adoption proceeding may be served at any time after the petition for adoption is filed, but at least 30 days prior to the final disposition hearing;
- ▶ increases the maximum amount required to be paid by a child-placing agency or the prospective adoptive parents for counseling of a parent who is placing a child for adoption from \$250 to \$400;
- ▶ provides that the maximum amount referred to in the preceding paragraph may be increased by a signed agreement;
- ▶ modifies provisions relating to who has the right to consent to an adoption;
- ▶ modifies provisions relating to the dissolution of parental rights;
- ▶ amends provisions relating to who may inspect an adoption petition and related documents;
- ▶ reduces from 21 to 18 the age:
 - of an adult adoptee who may participate in the mutual-consent, voluntary

30 adoption registry; and

31 • that a sibling of the adult adoptee who has the same birth parent as the adult
32 adoptee, and who was raised in the same family setting as the adult adoptee,
33 must be before an adult adoptee may obtain information from the
34 mutual-consent, voluntary adoption registry; and

35 ▸ makes technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **78B-6-103**, as enacted by Laws of Utah 2008, Chapter 3 and last amended by Laws of
43 Utah 2008, Chapter 137

44 **78B-6-105**, as last amended by Laws of Utah 2008, Chapter 137 and renumbered and
45 amended by Laws of Utah 2008, Chapter 3

46 **78B-6-110**, as renumbered and amended by Laws of Utah 2008, Chapter 3

47 **78B-6-115**, as renumbered and amended by Laws of Utah 2008, Chapter 3

48 **78B-6-119**, as renumbered and amended by Laws of Utah 2008, Chapter 3

49 **78B-6-120**, as enacted by Laws of Utah 2008, Chapter 3

50 **78B-6-121**, as enacted by Laws of Utah 2008, Chapter 3 and last amended by Laws of
51 Utah 2008, Chapter 123

52 **78B-6-138**, as renumbered and amended by Laws of Utah 2008, Chapter 3

53 **78B-6-141**, as renumbered and amended by Laws of Utah 2008, Chapter 3

54 **78B-6-144**, as last amended by Laws of Utah 2008, Chapter 137 and renumbered and
55 amended by Laws of Utah 2008, Chapter 3



57 *Be it enacted by the Legislature of the state of Utah:*

58 Section 1. Section **78B-6-103** is amended to read:

59 **78B-6-103. Definitions.**

60 As used in this part:

61 (1) "Adoptee" means a person who has been legally adopted.

62 (2) "Adoption" means the judicial act which creates the relationship of parent and
63 child where it did not previously exist and which permanently deprives a birth parent of
64 parental rights.

65 (3) "Adoption service provider" means a:

66 (a) child-placing agency; or

67 (b) licensed counselor who has at least one year of experience providing professional
68 social work services to:

69 (i) adoptive parents; or

70 (ii) birth parents.

71 (4) "Adult" means a person who is 18 years of age or older.

72 [~~(4)~~] (5) "Adult adoptee" means an adoptee who is [~~21~~] 18 years of age or older.

73 [~~(5)~~] (6) "Adult sibling" means a brother or sister of the adoptee, who is [~~21~~] 18 years
74 of age or older and whose birth mother or father is the same as that of the adoptee.

75 [~~(6)~~] (7) "Birth parent" means a biological mother, a person whose paternity of a child
76 is established, or an alleged father, who has been identified as the father of a child by the
77 child's birth mother, and who has not denied paternity.

78 [~~(7)~~] (8) "Bureau" means the Bureau of Vital Statistics within the Department of
79 Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.

80 [~~(8)~~] (9) "Child-placing agency" means an agency licensed to place children for
81 adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

82 [~~(9)~~] (10) "Cohabiting" means residing with another person and being involved in a
83 sexual relationship with that person.

84 [~~(10)~~] (11) "Division" means the Division of Child and Family Services, within the
85 Department of Human Services, created in Section 62A-4a-103.

86 [~~(11)~~] (12) "Extra-jurisdictional child-placing agency" means an agency licensed to
87 place children for adoption by a district, territory, or state of the United States, other than
88 Utah.

89 [~~(12)~~] (13) "Genetic and social history" means a comprehensive report, when
90 obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the
91 following information:

- 92 (a) medical history;
- 93 (b) health status;
- 94 (c) cause of and age at death;
- 95 (d) height, weight, and eye and hair color;
- 96 (e) ethnic origins;
- 97 (f) where appropriate, levels of education and professional achievement; and
- 98 (g) religion, if any.

99 [~~(13)~~] (14) "Health history" means a comprehensive report of the adoptee's health
100 status at the time of placement for adoption, and medical history, including neonatal,
101 psychological, physiological, and medical care history.

102 [~~(14)~~] (15) "Identifying information" means the name and address of a birth parent or
103 adult adoptee, or other specific information which by itself or in reasonable conjunction with
104 other information may be used to identify that person.

105 [~~(15)~~] (16) "Licensed counselor" means a person who is licensed by the state, or
106 another state, district, or territory of the United States as a:

- 107 (a) certified social worker;
- 108 (b) clinical social worker;
- 109 (c) psychologist;
- 110 (d) marriage and family therapist;
- 111 (e) professional counselor; or
- 112 (f) an equivalent licensed professional of another state, district, or territory of the
113 United States.

114 [~~(16)~~] (17) "Parent," for purposes of Section 78B-6-119, means any person described
115 in Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or
116 relinquishment for adoption is required under Sections 78B-6-120 through 78B-6-122.

117 [~~(17)~~] (18) "Unmarried biological father" means a person who:

118 (a) is the biological father of a child; and

119 (b) was not married to the biological mother of the child described in Subsection

120 [~~(17)~~] (18)(a) at the time of the child's:

121 (i) conception; or

122 (ii) birth.

123 Section 2. Section **78B-6-105** is amended to read:

124 **78B-6-105. District court venue -- Jurisdiction of juvenile court -- Jurisdiction**
125 **over nonresidents -- Time for filing.**

126 (1) Adoption proceedings shall be commenced by filing a petition with the clerk of the
127 district court either:

128 (a) in the district where the person adopting resides~~[, or]~~;

129 (b) if the person adopting is not a resident of this state, in the district where ~~[the child~~
130 ~~was born or in which the child-placing agency that has custody of the child is located; or]~~;

131 (i) the proposed adoptee was born;

132 (ii) the proposed adoptee resides on the day on which the petition is filed; or

133 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed;

134 or

135 [~~(b)~~] (c) with the juvenile court as provided in Subsection 78A-6-103(1).

136 (2) All orders, decrees, agreements, and notices in the proceedings shall be filed with
137 the clerk of the court where the adoption proceedings were commenced under Subsection (1).

138 (3) A petition for adoption shall be filed within 30 days of the date the adoptee is
139 placed in the home of the petitioners for the purpose of adoption, unless:

140 (a) the time for filing has been extended by the court; or

141 (b) the adoption is arranged by a child-placing agency in which case the agency may

142 extend the filing time.

143 (4) (a) If a person whose consent for the adoption is required under Section 78B-6-120
144 or 78B-6-121 cannot be found within the state, the fact of the minor's presence within the state
145 shall confer jurisdiction on the court in proceedings under this chapter as to such absent
146 person, provided that due notice has been given in accordance with the Utah Rules of Civil
147 Procedure.

148 (b) The notice may not include the name of:

149 (i) the person or persons seeking to adopt the adoptee; or

150 (ii) an unmarried mother without her consent.

151 (5) Service of notice as provided in Subsection (6) shall vest the court with
152 jurisdiction over the person served in the same manner and to the same extent as if the person
153 served was served personally within the state.

154 (6) In the case of service outside the state, service completed not less than five days
155 before the time set in the notice for appearance of the person served, shall be sufficient to
156 confer jurisdiction.

157 (7) Computation of periods of time not otherwise set forth in this section shall be
158 made in accordance with the Utah Rules of Civil Procedure.

159 Section 3. Section **78B-6-110** is amended to read:

160 **78B-6-110. Notice of adoption proceedings.**

161 (1) (a) An unmarried biological father, by virtue of the fact that he has engaged in a
162 sexual relationship with a woman:

163 (i) is considered to be on notice that a pregnancy and an adoption proceeding
164 regarding the child may occur; and

165 (ii) has a duty to protect his own rights and interests.

166 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption
167 proceeding with regard to his child only as provided in this section.

168 (2) Notice of an adoption proceeding shall be served on each of the following persons:

169 (a) any person or agency whose consent or relinquishment is required under Section

170 78B-6-120 or 78B-6-121, unless that right has been terminated by:

171 (i) waiver;

172 (ii) relinquishment;

173 (iii) consent; or

174 (iv) judicial action;

175 (b) any person who has initiated a paternity proceeding and filed notice of that action

176 with the state registrar of vital statistics within the Department of Health, in accordance with

177 Subsection (3);

178 (c) any legally appointed custodian or guardian of the adoptee;

179 (d) the petitioner's spouse, if any, only if the petitioner's spouse has not joined in the

180 petition;

181 (e) the adoptee's spouse, if any;

182 (f) any person who, prior to the time the mother executes her consent for adoption or

183 relinquishes the child for adoption, is recorded on the birth certificate as the child's father,

184 with the knowledge and consent of the mother;

185 (g) a person who is:

186 (i) openly living in the same household with the child at the time the consent is

187 executed or relinquishment made; and

188 (ii) holding himself out to be the child's father; and

189 (h) any person who is married to the child's mother at the time she executes her

190 consent to the adoption or relinquishes the child for adoption.

191 (3) (a) In order to preserve any right to notice [~~and consent~~], an unmarried, biological

192 father may, consistent with Subsection (3)(d):

193 (i) initiate proceedings in a district court of the state of Utah to establish paternity

194 under Title 78B, Chapter 15, Utah Uniform Parentage Act; and

195 (ii) file a notice of [~~the initiation~~] commencement of the proceedings described in

196 Subsection (3)(a)(i) with the state registrar of vital statistics within the Department of Health.

197 (b) If the unmarried, biological father does not know the county in which the birth

198 mother resides, he may initiate his action in any county, subject to a change in trial pursuant to
199 Section 78B-3-307.

200 (c) The Department of Health shall provide forms for the purpose of filing the notice
201 described in Subsection (3)(a)(ii), and make those forms available in the office of the county
202 health department in each county.

203 (d) The action and notice described in Subsection (3)(a):

204 (i) may be filed before or after the child's birth; and

205 (ii) shall be filed prior to the mother's:

206 (A) execution of consent to adoption of the child; or

207 (B) relinquishment of the child for adoption.

208 (4) Notice provided in accordance with this section need not disclose the name of the
209 mother of the child who is the subject of an adoption proceeding.

210 (5) The notice required by this section:

211 (a) may be served [~~immediately after relinquishment or execution of consent~~] at any
212 time after the petition for adoption is filed;

213 (b) shall be served at least 30 days prior to the final dispositional hearing;

214 (c) shall specifically state that the person served must respond to the petition within 30
215 days of service if he intends to intervene in or contest the adoption;

216 (d) shall state the consequences, described in Subsection (6)(b), for failure of a person
217 to file a motion for relief within 30 days after the day on which the person is served with
218 notice of an adoption proceeding;

219 (e) is not required to include, nor be accompanied by, a summons or a copy of the
220 petition for adoption; and

221 (f) shall state where the person may obtain a copy of the petition for adoption.

222 (6) (a) A person who has been served with notice of an adoption proceeding and who
223 wishes to contest the adoption shall file a motion to intervene in the adoption proceeding:

224 (i) within 30 days after the day on which the person was served with notice of the
225 adoption proceeding;

226 (ii) setting forth specific relief sought; and
227 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
228 which the motion is based.

229 (b) A person who fails to file a motion for relief within 30 days after the day on which
230 the person was served with notice of the adoption proceeding:

- 231 (i) waives any right to further notice in connection with the adoption;
- 232 (ii) forfeits all rights in relation to the adoptee; and
- 233 (iii) is barred from thereafter bringing or maintaining any action to assert any interest
234 in the adoptee.

235 (7) Service of notice under this section shall be made as follows:

236 (a) (i) Subject to Subsection (5)(e), service on a person whose consent is necessary
237 under Section 78B-6-120 or 78B-6-121 shall be in accordance with the provisions of the Utah
238 Rules of Civil Procedure.

239 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court
240 shall designate the content of the notice regarding the identity of the parties.

241 (iii) The notice described in this Subsection (7)(a) may not include the name of a
242 person seeking to adopt the adoptee.

243 (b) (i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice
244 is required under this section, service by certified mail, return receipt requested, is sufficient.

245 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two
246 attempts, the court may issue an order providing for service by publication, posting, or by any
247 other manner of service.

248 (c) Notice to a person who has initiated a paternity proceeding and filed notice of that
249 action with the state registrar of vital statistics in the Department of Health in accordance with
250 the requirements of Subsection (3), shall be served by certified mail, return receipt requested,
251 at the last address filed with the registrar.

252 (8) The notice required by this section may be waived in writing by the person entitled
253 to receive notice.

254 (9) Proof of service of notice on all persons for whom notice is required by this section
255 shall be filed with the court before the final dispositional hearing on the adoption.

256 (10) Notwithstanding any other provision of law, neither the notice of an adoption
257 proceeding nor any process in that proceeding is required to contain the name of the person or
258 persons seeking to adopt the adoptee.

259 (11) Except as to those persons whose consent to an adoption is required under
260 Section 78B-6-120 or 78B-6-121, the sole purpose of notice under this section is to enable the
261 person served to:

262 (a) intervene in the adoption; and

263 (b) present evidence to the court relevant to the best interest of the child.

264 Section 4. Section **78B-6-115** is amended to read:

265 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**

266 (1) For purposes of this section, "vulnerable adult" means:

267 (a) a person 65 years of age or older; or

268 (b) an adult, 18 years of age or older, who has a mental or physical impairment which
269 substantially affects that person's ability to:

270 (i) provide personal protection;

271 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

272 (iii) obtain services necessary for health, safety, or welfare;

273 (iv) carry out the activities of daily living;

274 (v) manage the adult's own resources; or

275 (vi) comprehend the nature and consequences of remaining in a situation of abuse,
276 neglect, or exploitation.

277 (2) Subject to this section and Section 78B-6-117, any adult may be adopted by
278 another adult.

279 (3) The following provisions of this part apply to the adoption of an adult just as
280 though the person being adopted were a minor:

281 (a) (i) Section 78B-6-108;

- 282 (ii) Section 78B-6-114;
- 283 (iii) Section 78B-6-116;
- 284 (iv) Section 78B-6-118;
- 285 (v) Section 78B-6-124;
- 286 (vi) Section 78B-6-136;
- 287 (vii) Section 78B-6-137;
- 288 (viii) Section 78B-6-138;
- 289 (ix) Section 78B-6-139;
- 290 (x) Section 78B-6-141; and
- 291 (xi) Section 78B-6-142;

292 (b) Subsections [~~78B-6-106(1)~~] 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7),
293 except that the juvenile court does not have jurisdiction over a proceeding for adoption of an
294 adult, unless the adoption arises from a case where the juvenile court has continuing
295 jurisdiction over the adult adoptee; and

296 (c) if the adult adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131,
297 regardless of whether the adult adoptee resides, or will reside, with the adoptors, unless the
298 court, based on a finding of good cause, waives the requirements of those sections.

299 (4) Before a court enters a final decree of adoption of an adult, the adoptee and the
300 adoptive parent or parents shall appear before the court presiding over the adoption
301 proceedings and execute consent to the adoption.

302 (5) No provision of this part, other than those listed or described in this section or
303 Section 78B-6-117, apply to the adoption of an adult.

304 Section 5. Section **78B-6-119** is amended to read:

305 **78B-6-119. Counseling for parents.**

306 (1) Subject to Subsection (2)(a), before relinquishing a child to a child-placing agency,
307 or consenting to the adoption of a child, a parent of the child has the right to participate in
308 counseling:

- 309 (a) by a licensed counselor or an adoption service provider selected by the parent

310 participating in the counseling;

311 (b) for up to three sessions of at least 50 minutes per session; and

312 (c) subject to Subsection (2)(b), at the expense of the:

313 (i) child-placing agency; or

314 (ii) prospective adoptive parents.

315 (2) (a) Notwithstanding Subsection (1), a parent who has the right to participate in the
316 counseling described in this section may waive that right.

317 (b) Notwithstanding Subsection (1)(c), the total amount required to be paid by a
318 child-placing agency or the prospective adoptive parents for the counseling described in
319 Subsection (1) may not exceed [~~\$250.~~] \$400, unless an agreement for a greater amount is
320 signed by:

321 (i) the parent who receives the counseling; and

322 (ii) the child-placing agency or prospective adoptive parents.

323 (3) Before a parent relinquishes a child to a child-placing agency, or consents to the
324 adoption of a child, the parent shall be informed of the right described in Subsection (1) by
325 the:

326 (a) child-placing agency;

327 (b) prospective adoptive parents; or

328 (c) representative of a person described in Subsection (3)(a) or (b).

329 (4) (a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of
330 adoption is entered, a statement shall be filed with the court that:

331 (i) is signed by each parent who:

332 (A) relinquishes the parent's parental rights; or

333 (B) consents to the adoption; and

334 (ii) states that, before the parent took the action described in Subsection (4)(a)(i)(A) or
335 (B), the parent was advised of the parent's right to participate in the counseling described in
336 this section at the expense of the:

337 (A) child-placing agency; or

338 (B) prospective adoptive parents.

339 (b) The statement described in Subsection (4)(a) may be included in the document
340 that:

341 (i) relinquishes the parent's parental rights; or

342 (ii) consents to the adoption.

343 (c) Failure by a person to give the notice described in Subsection (3), or pay for the
344 counseling described in this section:

345 (i) shall not constitute grounds for invalidating a:

346 (A) relinquishment of parental rights; or

347 (B) consent to adoption; and

348 (ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by
349 the parent or guardian who took the action described in Subsection (4)(c)(i)(A) or (B) against
350 the person required to:

351 (A) give the notice described in Subsection (3); or

352 (B) pay for the counseling described in this section.

353 Section 6. Section **78B-6-120** is amended to read:

354 **78B-6-120. Necessary consent to adoption or relinquishment for adoption.**

355 (1) Except as provided in Subsection (2), consent to adoption of a child, or
356 relinquishment of a child for adoption, is required from:

357 (a) the adoptee, if the adoptee is more than 12 years of age, unless the adoptee does
358 not have the mental capacity to consent;

359 (b) ~~[both parents or the surviving parent of an adoptee who was conceived or born~~
360 ~~within a marriage;] a man who:~~

361 (i) by operation of law under Section 78B-15-204, is recognized as the father of the
362 proposed adoptee, unless:

363 (A) the presumption is rebutted under Section 78B-15-607; or

364 (B) the man was not married to the mother of the proposed adoptee until after the
365 mother consented to adoption, or relinquishment for adoption, of the proposed adoptee; or

- 366 (ii) is the father of the adoptee by a previous legal adoption;
- 367 (c) the mother of [an] the adoptee [~~born outside of marriage~~];
- 368 (d) a biological parent who has been adjudicated to be the child's biological father by a
- 369 court of competent jurisdiction prior to the mother's execution of consent to adoption or her
- 370 relinquishment of the child for adoption;
- 371 (e) consistent with Subsection (3), a biological parent who has executed and filed a
- 372 voluntary declaration of paternity with the state registrar of vital statistics within the
- 373 Department of Health in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act,
- 374 prior to the mother's execution of consent to adoption or her relinquishment of the child for
- 375 adoption;
- 376 (f) an unmarried biological father of an adoptee, only if he fully and strictly complies
- 377 with the requirements of Sections 78B-6-121 and 78B-6-122; and
- 378 (g) the person or agency to whom an adoptee has been relinquished and that is placing
- 379 the child for adoption.

380 (2) (a) The consent of a person described in Subsections (1)(b) through (g) is not

381 required if the adoptee is 18 years of age or older.

382 (b) The consent of a person described in Subsections (1)(b) through (f) is not required

383 if the person's parental rights relating to the adoptee have been terminated.

384 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is

385 considered filed when it is entered into a database that:

- 386 (a) can be accessed by the Department of Health; and
- 387 (b) is designated by the state registrar of vital statistics as the official database for
- 388 voluntary declarations of paternity.

389 Section 7. Section **78B-6-121** is amended to read:

390 **78B-6-121. Consent of unmarried biological father.**

391 (1) Except as provided in Subsections (2)(a) and 78B-6-122(1), and subject to

392 Subsection (5), with regard to a child who is placed with adoptive parents more than six

393 months after birth, consent of an unmarried biological father is not required unless the

394 unmarried biological father:

395 (a) (i) developed a substantial relationship with the child by:

396 (A) visiting the child monthly, unless the unmarried biological father was physically
397 or financially unable to visit the child on a monthly basis; or

398 (B) engaging in regular communication with the child or with the person or authorized
399 agency that has lawful custody of the child;

400 (ii) took some measure of responsibility for the child and the child's future; and

401 (iii) demonstrated a full commitment to the responsibilities of parenthood by financial
402 support of the child of a fair and reasonable sum in accordance with the father's ability; or

403 (b) (i) openly lived with the child:

404 (A) (I) for a period of at least six months during the one-year period immediately
405 preceding the day on which the child is placed with adoptive parents; or

406 (II) if the child is less than one year old, for a period of at least six months during the
407 period of time beginning on the day on which the child is born and ending on the day on
408 which the child is placed with adoptive parents; and

409 (B) immediately preceding placement of the child with adoptive parents; and

410 (ii) openly held himself out to be the father of the child during the six-month period
411 described in Subsection (1)(b)(i)(A).

412 (2) (a) If an unmarried biological father was prevented from complying with a
413 requirement of Subsection (1) by the person or authorized agency having lawful custody of the
414 child, the unmarried biological father is not required to comply with that requirement.

415 (b) The subjective intent of an unmarried biological father, whether expressed or
416 otherwise, that is unsupported by evidence that the requirements in Subsection (1) have been
417 met, shall not preclude a determination that the father failed to meet the requirements of
418 Subsection (1).

419 (3) Except as provided in Subsection 78B-6-122(1), and subject to Subsection (5),
420 with regard to a child who is six months of age or less at the time the child is placed with
421 adoptive parents, consent of an unmarried biological father is not required unless, prior to the

422 time the mother executes her consent for adoption or relinquishes the child for adoption, the
423 unmarried biological father:

424 (a) initiates proceedings in a district court of [~~the state~~] Utah to establish paternity
425 under Title 78B, Chapter 15, Utah Uniform Parentage Act;

426 (b) files with the court that is presiding over the paternity proceeding a sworn
427 affidavit:

428 (i) stating that he is fully able and willing to have full custody of the child;

429 (ii) setting forth his plans for care of the child; and

430 (iii) agreeing to a court order of child support and the payment of expenses incurred in
431 connection with the mother's pregnancy and the child's birth;

432 (c) consistent with Subsection (4), files notice of the commencement of paternity
433 proceedings, described in Subsection (3)(a), with the state registrar of vital statistics within the
434 Department of Health, in a confidential registry established by the department for that
435 purpose; and

436 (d) offered to pay and paid a fair and reasonable amount of the expenses incurred in
437 connection with the mother's pregnancy and the child's birth, in accordance with his financial
438 ability, unless:

439 (i) he did not have actual knowledge of the pregnancy;

440 (ii) he was prevented from paying the expenses by the person or authorized agency
441 having lawful custody of the child; or

442 (iii) the mother refuses to accept the unmarried biological father's offer to pay the
443 expenses described in this Subsection (3)(d).

444 (4) The notice described in Subsection (3)(c) is considered filed when it is entered into
445 the registry described in Subsection (3)(c).

446 (5) Consent of an unmarried biological father is not required under this section if:

447 (a) the court determines, in accordance with the requirements and procedures of Title
448 78A, Chapter 6, Part 5, Termination of Parental Rights Act, that the unmarried biological
449 father's rights should be terminated, based on the petition of any interested party; or

450 (b) (i) a declaration of paternity declaring the unmarried biological father to be the
451 father of the child is rescinded under Section 78B-15-306; and

452 (ii) the unmarried biological father fails to comply with Subsection (3) within ten
453 business days after the day that notice of the rescission described in Subsection (5)(b)(i) is
454 mailed by the Office of Vital Records within the Department of Health as provided in Section
455 78B-15-306.

456 (6) Unless the adoptee is conceived or born within a marriage, the petitioner in an
457 adoption proceeding shall, prior to entrance of a final decree of adoption, file with the court a
458 certificate from the state registrar of vital statistics within the Department of Health, stating:

459 (a) that a diligent search has been made of the registry of notices from unmarried
460 biological fathers described in Subsection (3)(c); and

461 (b) (i) that no filing has been found pertaining to the father of the child in question; or
462 (ii) if a filing is found, the name of the putative father and the time and date of filing.

463 Section 8. Section **78B-6-138** is amended to read:

464 **78B-6-138. Biological parent's rights and duties dissolved.**

465 (1) A [~~birth~~] biological parent of an adopted child is released from all parental duties
466 toward and all responsibilities for the adopted child, including residual rights, and has no
467 further rights with regard to that child at the earlier of:

468 [~~(1)~~] (a) the time the parent's parental rights are terminated; or

469 [~~(2)~~] (b) except as provided in Subsection (2), and subject to Subsection (3), the time
470 the final decree of adoption is entered.

471 (2) The rights and duties of a biological parent described in Subsection (1) who, at the
472 time the child is adopted, is lawfully married to the person adopting the child are not released
473 or terminated under Subsection (1)(b).

474 (3) The rights and duties of a biological parent described in Subsection (1) who, at the
475 time the child is adopted, is not lawfully married to the person adopting the child are
476 terminated as provided in Subsection (1)(b).

477 Section 9. Section **78B-6-141** is amended to read:

478 **78B-6-141. Petition, report, and documents sealed -- Exceptions.**

479 ~~[The court shall order that the]~~ (1) A petition for adoption, the written report described
480 in Section 78B-6-135, and any other documents filed in connection with the ~~[hearing-be]~~
481 petition are sealed. ~~[Those items are not open to inspection or copying except:]~~

482 (2) The documents described in Subsection (1) may only be open to inspection as
483 follows:

484 (a) in accordance with Subsection (3)(a), by a party to the adoption proceeding:

485 (i) while the proceeding is pending; or

486 (ii) within six months after the day on which the adoption decree is entered;

487 (b) subject to Subsection (3)(b), a court enters an order permitting access to the
488 documents by a person who has appealed the denial of that person's motion to intervene;

489 ~~[(1)]~~ (c) upon order of the court expressly permitting inspection or copying, after good
490 cause has been shown;

491 ~~[(2)]~~ (d) as provided under Section 78B-6-144;

492 ~~[(3)]~~ (e) those records shall become public on the one hundredth anniversary of the
493 date the final decree of adoption was entered; or

494 ~~[(4)]~~ (f) if the adoptee is an adult at the time the final decree of adoption is entered, the
495 documents described in this section are open to inspection and copying without a court order
496 by the adoptee or a parent who adopted the adoptee, unless the final decree of adoption is
497 entered by the juvenile court under Subsection 78B-6-115(3)(b).

498 (3) (a) A person who files a motion to intervene in an adoption proceeding:

499 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted;

500 and

501 (ii) may not be granted access to the documents described in Subsection (1), unless the
502 motion to intervene is granted.

503 (b) An order described in Subsection (2)(b) shall:

504 (i) prohibit the person described in Subsection (2)(b) from inspecting a document
505 described in Subsection (1) that contains identifying information of the adoptive or potential

506 adoptive parents; and
 507 (ii) permit the person described in Subsection (3)(b)(i) to review a copy of a document
 508 described in Subsection (3)(b)(i) after the identifying information described in Subsection
 509 (3)(b)(i) is redacted from the document.

510 Section 10. Section **78B-6-144** is amended to read:

511 **78B-6-144. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.**

512 (1) The bureau shall establish a mutual-consent, voluntary adoption registry.

513 (a) Adult adoptees and birth parents of adult adoptees, upon presentation of positive
 514 identification, may request identifying information from the bureau, in the form established by
 515 the bureau. A court of competent jurisdiction or a child-placing agency may accept that
 516 request from the adult adoptee or birth parent, in the form provided by the bureau, and transfer
 517 that request to the bureau. The adult adoptee or birth parent is responsible for notifying the
 518 bureau of any change in information contained in the request.

519 (b) The bureau may only release identifying information to an adult adoptee or birth
 520 parent when it receives requests from both the adoptee and his birth parent.

521 (c) After matching the request of an adult adoptee with that of at least one of his birth
 522 parents, the bureau shall notify both the adoptee and the birth parent that the requests have
 523 been matched, and disclose the identifying information to those parties. However, if that adult
 524 adoptee has a sibling of the same birth parent who is under the age of [~~21~~] 18 years, and who
 525 was raised in the same family setting as the adult adoptee, the bureau shall not disclose the
 526 requested identifying information to that adult adoptee or his birth parent.

527 (2) (a) Adult adoptees and adult siblings of adult adoptees, upon presentation of
 528 positive identification, may request identifying information from the bureau, in the form
 529 established by the bureau. A court of competent jurisdiction or a child-placing agency may
 530 accept that request from the adult adoptee or adult sibling, in the form provided by the bureau,
 531 and transfer that request to the bureau. The adult adoptee or adult sibling is responsible for
 532 notifying the bureau of any change in information contained in the request.

533 (b) The bureau may only release identifying information to an adult adoptee or adult

534 sibling when it receives requests from both the adoptee and his adult sibling.

535 (c) After matching the request of an adult adoptee with that of his adult sibling, if the
536 bureau has been provided with sufficient information to make that match, the bureau shall
537 notify both the adoptee and the adult sibling that the requests have been matched, and disclose
538 the identifying information to those parties.

539 (3) Information registered with the bureau under this section is available only to a
540 registered adult adoptee and his registered birth parent or registered adult sibling, under the
541 terms of this section.

542 (4) Information regarding a birth parent who has not registered a request with the
543 bureau may not be disclosed.

544 (5) The bureau may charge a fee for services provided under this section, limited to
545 the cost of providing those services.