

Representative Jim Nielson proposes the following substitute bill:

ADOPTION RECORDS ACCESS AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 78B, Chapter 6, Part 1, Utah Adoption Act, by amending provisions relating to disclosing information in an adoption record and by requiring the Office of Vital Statistics to establish a fee relating to requesting adoption information.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes procedures and requirements for the Office of Vital Records and Statistics (the office) to make the original birth certificate, for an adoption finalized before March 22, 1941, available for inspection;
- ▶ provides that copies of adoption documents, relating to an adoption finalized on or after January 1, 2015, shall be made available for inspection:
 - by an adult party to the adoption proceeding, unless the birth mother specifies otherwise; or
 - as otherwise provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act;
- ▶ provides that a birth mother may elect to make additional information, including an updated medical history, available for inspection by a party to the adoption proceeding;



- 26 ▶ provides for the establishment of fees relating to use of the Mutual-Consent,
- 27 Voluntary Adoption Registry (the registry) and other requests for adoption records;
- 28 ▶ provides for the release of information from the registry if the birth parent dies;
- 29 ▶ provides for funding, automating, improving, and advertising the services described
- 30 in this bill;
- 31 ▶ requires the office to establish a fee relating to requesting adoption information and
- 32 describes the funding and use of the fee; and
- 33 ▶ makes technical changes.

34 **Money Appropriated in this Bill:**

35 This bill appropriates:

- 36 ▶ to the Department of Health - Adoption Records Access:
 - 37 • from the General Fund, \$50,000, subject to intent language that the
 - 38 appropriation shall be used for the purposes described in Subsection
 - 39 [78B-6-144.5\(2\)](#); and
 - 40 • from Dedicated Credits Revenue, \$26,200, subject to intent language that the
 - 41 appropriation shall be used for the purposes described in Subsection
 - 42 [78B-6-144.5\(2\)](#).

43 **Other Special Clauses:**

44 None

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 [26-2-10](#), as last amended by Laws of Utah 2008, Chapter 3
- 48 [26-2-15](#), as last amended by Laws of Utah 2008, Chapter 3
- 49 [26-2-22](#), as last amended by Laws of Utah 2012, Chapter 391
- 50 [63J-1-602.5](#), as last amended by Laws of Utah 2011, Chapters 208, 303, and 342
- 51 [78B-6-103](#), as last amended by Laws of Utah 2012, Chapter 340
- 52 [78B-6-115](#), as last amended by Laws of Utah 2012, Chapter 340
- 53 [78B-6-116](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 54 [78B-6-141](#), as last amended by Laws of Utah 2012, Chapter 340
- 55 [78B-6-144](#), as last amended by Laws of Utah 2012, Chapter 340

56 ENACTS:

57 [78B-6-144.5](#), Utah Code Annotated 1953

58

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

60 Section 1. Section **26-2-10** is amended to read:

61 **26-2-10. Supplementary certificate of birth.**

62 (1) Any person born in this state who is legitimized by the subsequent marriage of [his]
63 the person's natural parents, or whose parentage has been determined by any U.S. state court or
64 Canadian provincial court having jurisdiction, or who has been legally adopted under the law
65 of this or any other state or any province of Canada, may request the state registrar to register a
66 supplementary certificate of birth on the basis of that status.

67 (2) The application for registration of a supplementary certificate may be made by the
68 person requesting registration, if [he] the person is of legal age, by a legal representative, or by
69 any agency authorized to receive children for placement or adoption under the laws of this or
70 any other state.

71 (3) (a) The state registrar shall require that an applicant submit identification and proof
72 according to department rules.

73 (b) In the case of an adopted person, that proof may be established by order of the court
74 in which the adoption proceedings were held.

75 (4) (a) After the supplementary certificate is registered, any information disclosed from
76 the record shall be from the supplementary certificate.

77 (b) Access to the original certificate and to the evidence submitted in support of the
78 supplementary certificate are not open to inspection except [~~upon the order of a Utah district~~
79 ~~court or~~] as provided under Section [78B-6-141](#) or [78B-6-144](#).

80 Section 2. Section **26-2-15** is amended to read:

81 **26-2-15. Petition for establishment of unregistered birth or death -- Court**
82 **procedure.**

83 (1) A person holding a direct, tangible, and legitimate interest as described in
84 Subsection ~~26-2-22~~(2)(4)(a) or (b) may petition for a court order establishing the fact, time,
85 and place of a birth or death that is not registered or for which a certified copy of the registered
86 birth or death certificate is not obtainable. The person shall verify the petition and file it in the
87 Utah district court for the county where:

- 88 (a) the birth or death is alleged to have occurred;
- 89 (b) the person resides whose birth is to be established; or
- 90 (c) the decedent named in the petition resided at the date of death.
- 91 (2) In order for the court to have jurisdiction, the petition shall:
- 92 (a) allege the date, time, and place of the birth or death; and
- 93 (b) state either that no certificate of birth or death has been registered or that a copy of
- 94 the registered certificate cannot be obtained.
- 95 (3) The court shall set a hearing for five to 10 days after the filing of the petition.
- 96 (4) (a) If the time and place of birth or death are in question, the court shall hear
- 97 available evidence and determine the time and place of the birth or death.
- 98 (b) If the time and place of birth or death are not in question, the court shall determine
- 99 the time and place of birth or death to be those alleged in the petition.
- 100 (5) A court order under this section shall be made on a form prescribed and furnished
- 101 by the department and is effective upon the filing of a certified copy of the order with the state
- 102 registrar.
- 103 (6) (a) For purposes of this section, the birth certificate of an adopted alien child, as
- 104 defined in Section [78B-6-108](#), is considered to be unobtainable if the child was born in a
- 105 country that is not recognized by department rule as having an established vital records
- 106 registration system.
- 107 (b) If the adopted child was born in a country recognized by department rule, but a
- 108 person described in Subsection (1) is unable to obtain a certified copy of the birth certificate,
- 109 the state registrar shall authorize the preparation of a birth certificate if he receives a written
- 110 statement signed by the registrar of the child's birth country stating a certified copy of the birth
- 111 certificate is not available.
- 112 Section 3. Section **26-2-22** is amended to read:
- 113 **26-2-22. Inspection of vital records.**
- 114 (1) (a) The vital records shall be open to inspection, but only in compliance with the
- 115 provisions of this chapter, department rules, and [~~Section~~] [Sections 78B-6-141 and 78B-6-144](#).
- 116 (b) It is unlawful for any state or local officer or employee to disclose data contained in
- 117 vital records contrary to this chapter [~~or~~], department rule, [Section 78B-6-141 or 78-6-144](#).
- 118 [~~(c)~~] (2) A custodian of vital records may permit inspection of a vital record or issue a

119 certified copy of a record or a part of a record when the custodian is satisfied that the applicant
120 has demonstrated a direct, tangible, and legitimate interest.

121 (3) (a) For purposes of this Subsection (3), adoption documents is as defined in Section
122 78B-6-103.

123 (b) Only the Office of Vital Statistics or a Utah district court may issue adoption
124 documents.

125 (c) The Office of Vital Statistics shall issue adoption documents pursuant to Sections
126 78B-6-141 and 78B-6-144, and to this section, to the extent that this section does not conflict
127 with Sections 78B-6-141 and 78B-6-144.

128 (d) A parent, or an immediate family member of a parent, who does not have legal or
129 physical custody of or visitation or parent-time rights for a child because of the termination of
130 parental rights to the child pursuant to Title 78A, Chapter 6, Juvenile Court Act of 1996, may
131 not obtain adoption documents.

132 (e) The Office of Vital Statistics shall make rules in accordance with Title 63G,
133 Chapter 3, Utah Administrative Rulemaking Act, related to the content of any forms and the
134 procedures required by Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

135 [~~2~~] (4) A direct, tangible, and legitimate interest in a vital record is present only if:

136 (a) the request is from:

137 (i) the subject;

138 (ii) a member of the subject's immediate family;

139 (iii) the guardian of the subject;

140 (iv) a designated legal representative of the subject; or

141 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with
142 whom a child has been placed pending finalization of an adoption of the child;

143 (b) the request involves a personal or property right of the subject of the record;

144 (c) the request is for official purposes of a public health authority or a state, local, or
145 federal governmental agency;

146 (d) the request is for a statistical or medical research program and prior consent has
147 been obtained from the state registrar; or

148 (e) the request is a certified copy of an order of a court of record specifying the record
149 to be examined or copied.

150 ~~[(3)]~~ (5) For purposes of Subsection ~~[(2)]~~ (4):

151 (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or
152 grandchild;

153 (b) a designated legal representative means an attorney, physician, funeral service
154 director, genealogist, or other agent of the subject or the subject's immediate family who has
155 been delegated the authority to access vital records; and

156 ~~[(c) except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or~~
157 ~~the immediate family member of a parent, who does not have legal or physical custody of or~~
158 ~~visitation or parent-time rights for a child because of the termination of parental rights pursuant~~
159 ~~to Title 78A, Chapter 6, Juvenile Court Act of 1996, or by virtue of consenting to or~~
160 ~~relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act,~~
161 ~~may not be considered as having a direct, tangible, and legitimate interest; and]~~

162 ~~[(d)]~~ (c) a commercial firm or agency requesting names, addresses, or similar
163 information may not be considered as having a direct, tangible, and legitimate interest.

164 ~~[(4)]~~ (6) Upon payment of a fee established in accordance with Section 63J-1-504, the
165 office shall make the following records [shall be] available to the public:

166 (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding
167 confidential information collected for medical and health use, if 100 years or more have passed
168 since the date of birth;

169 (b) a death record if 50 years or more have passed since the date of death; ~~[and]~~

170 (c) adoption documents as provided in Sections 78B-6-141 and 78B-6-144; and

171 ~~[(e)]~~ (d) a vital record not subject to ~~[Subsection (4)(a) or (b)]~~ Subsections (6)(a)
172 through (c) if 75 years or more have passed since the date of the event upon which the record is
173 based.

174 Section 4. Section 63J-1-602.5 is amended to read:

175 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

176 (1) Funds collected by the housing of state probationary inmates or state parole
177 inmates, as provided in Subsection 64-13e-104(2).

178 (2) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
179 State Lands, as provided in Section 65A-8-103.

180 (3) The Department of Human Resource Management user training program, as

181 provided in Section 67-19-6.

182 (4) Funds for the University of Utah Poison Control Center program, as provided in
183 Section 69-2-5.5.

184 (5) The Traffic Noise Abatement Program created in Section 72-6-112.

185 (6) Certain funds received by the Office of the State Engineer for well drilling fines or
186 bonds, as provided in Section 73-3-25.

187 (7) Certain money appropriated from the Water Resources Conservation and
188 Development Fund, as provided in Section 73-23-2.

189 (8) Certain funds appropriated for compensation for special prosecutors, as provided in
190 Section 77-10a-19.

191 (9) Funds donated or paid to a juvenile court by private sources, as provided in
192 Subsection 78A-6-203(1)(c).

193 (10) A state rehabilitative employment program, as provided in Section 78A-6-210.

194 (11) Fees for certificate of admission created under Section 78A-9-102.

195 (12) The money for the Utah Geological Survey, as provided in Section 79-3-401.

196 (13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
197 Park, Jordan River State Park, and Green River State Park, as provided under Section
198 79-4-403.

199 (14) Certain funds received by the Division of Parks and Recreation from the sale or
200 disposal of buffalo, as provided under Section 79-4-1001.

201 (15) The Bonneville Shoreline Trail Program created under Section 79-5-503.

202 (16) Funds appropriated and collected for adoption records access as provided in
203 Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

204 Section 5. Section 78B-6-103 is amended to read:

205 **78B-6-103. Definitions.**

206 As used in this part:

207 (1) "Adoptee" means a person who:

208 (a) is the subject of an adoption proceeding; or

209 (b) has been legally adopted.

210 (2) "Adoption" means the judicial act that:

211 (a) creates the relationship of parent and child where it did not previously exist; and

212 (b) except as provided in Subsection 78B-6-138(2), terminates the parental rights of
213 any other person with respect to the child.

214 (3) "Adoption documents" means adoption-related documents filed with a Utah district
215 court or with the office, including a petition for adoption, the written report described in
216 Section 78B-6-135, any other documents filed in connection with the petition, and a decree of
217 adoption.

218 [~~3~~] (4) "Adoption service provider" means a:

219 (a) child-placing agency; or

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

222 (i) adoptive parents;

223 (ii) prospective adoptive parents; or

224 (iii) birth parents.

225 [~~4~~] (5) "Adoptive parent" means a person who has legally adopted an adoptee.

226 [~~5~~] (6) "Adult" means a person who is 18 years of age or older.

227 [~~6~~] (7) "Adult adoptee" means an adoptee who is 18 years of age or older and was
228 adopted as a minor.

229 [~~7~~] (8) "Adult sibling" means a brother or sister of the adoptee, who is 18 years of age
230 or older and whose birth mother or father is the same as that of the adoptee.

231 [~~8~~] (9) "Birth mother" means the biological mother of a child.

232 [~~9~~] (10) "Birth parent" means:

233 (a) a birth mother;

234 (b) a man whose paternity of a child is established;

235 (c) a man who:

236 (i) has been identified as the father of a child by the child's birth mother; and

237 (ii) has not denied paternity; or

238 (d) an unmarried biological father.

239 [~~10~~] (11) "Child-placing agency" means an agency licensed to place children for
240 adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

241 [~~11~~] (12) "Cohabiting" means residing with another person and being involved in a
242 sexual relationship with that person.

243 [~~(12)~~] (13) "Division" means the Division of Child and Family Services, within the
244 Department of Human Services, created in Section [62A-4a-103](#).

245 [~~(13)~~] (14) "Extra-jurisdictional child-placing agency" means an agency licensed to
246 place children for adoption by a district, territory, or state of the United States, other than Utah.

247 [~~(14)~~] (15) "Genetic and social history" means a comprehensive report, when
248 obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the
249 following information:

- 250 (a) medical history;
- 251 (b) health status;
- 252 (c) cause of and age at death;
- 253 (d) height, weight, and eye and hair color;
- 254 (e) ethnic origins;
- 255 (f) where appropriate, levels of education and professional achievement; and
- 256 (g) religion, if any.

257 [~~(15)~~] (16) "Health history" means a comprehensive report of the adoptee's health
258 status at the time of placement for adoption, and medical history, including neonatal,
259 psychological, physiological, and medical care history.

260 [~~(16)~~] (17) "Identifying information" means the name and address of a pre-existing
261 parent or adult adoptee, or other specific information which by itself or in reasonable
262 conjunction with other information may be used to identify that person.

263 [~~(17)~~] (18) "Licensed counselor" means a person who is licensed by the state, or
264 another state, district, or territory of the United States as a:

- 265 (a) certified social worker;
- 266 (b) clinical social worker;
- 267 (c) psychologist;
- 268 (d) marriage and family therapist;
- 269 (e) professional counselor; or
- 270 (f) an equivalent licensed professional of another state, district, or territory of the
271 United States.

272 [~~(18)~~] (19) "Man" means a male individual, regardless of age.

273 (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.

274 [~~(19)~~] (21) "Office" means the Office of Vital Records and Statistics within the
275 Department of Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.

276 [~~(20)~~] (22) "Parent," for purposes of Section 78B-6-119, means any person described in
277 Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment
278 for adoption is required under Sections 78B-6-120 through 78B-6-122.

279 [~~(21)~~] (23) "Potential birth father" means a man who:

280 (a) is identified by a birth mother as a potential biological father of the birth mother's
281 child, but whose genetic paternity has not been established; and

282 (b) was not married to the biological mother of the child described in Subsection [~~(21)~~]
283 (23)(a) at the time of the child's conception or birth.

284 [~~(22)~~] (24) "Pre-existing parent" means:

285 (a) a birth parent; or

286 (b) a person who, before an adoption decree is entered, is, due to an earlier adoption
287 decree, legally the parent of the child being adopted.

288 [~~(23)~~] (25) "Prospective adoptive parent" means a person who seeks to adopt an
289 adoptee.

290 [~~(24)~~] (26) "Unmarried biological father" means a person who:

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

292 (b) was not married to the biological mother of the child described in Subsection [~~(24)~~]
293 (26)(a) at the time of the child's conception or birth.

294 Section 6. Section 78B-6-115 is amended to read:

295 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**

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

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

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

300 (i) provide personal protection;

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

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

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

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

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

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

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

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

312 (ii) Section 78B-6-114;

313 (iii) Section 78B-6-116;

314 (iv) Section 78B-6-118;

315 (v) Section 78B-6-124;

316 (vi) Section 78B-6-136;

317 (vii) Section 78B-6-137;

318 (viii) Section 78B-6-138;

319 (ix) Section 78B-6-139;

320 (x) Section 78B-6-141; and

321 (xi) Section 78B-6-142;

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

326 (c) if the [~~adult~~] mature adoptee is a vulnerable adult, Sections 78B-6-128 through
327 78B-6-131, regardless of whether the [~~adult~~] mature adoptee resides, or will reside, with the
328 adoptors, unless the court, based on a finding of good cause, waives the requirements of those
329 sections.

330 (4) Before a court enters a final decree of adoption of an adult, the mature adoptee and
331 the prospective adoptive parent or parents shall appear before the court presiding over the
332 adoption proceedings and execute consent to the adoption.

333 (5) No provision of this part, other than those listed or described in this section or
334 Section 78B-6-117, [~~apply~~] applies to the adoption of an adult.

335 Section 7. Section 78B-6-116 is amended to read:

336 **78B-6-116. Notice and consent for adoption of adult.**

337 (1) (a) Consent to the adoption of an adult is required from:

338 (i) the [~~adult~~] mature adoptee;

339 (ii) any person who is adopting the adult;

340 (iii) the spouse of a person adopting the adult; and

341 (iv) any legally appointed guardian or custodian of the [~~adult~~] mature adoptee.

342 (b) No person, other than a person described in Subsection (1)(a), may consent, or
343 withhold consent, to the adoption of an adult.

344 (2) (a) Except as provided in Subsection (2)(b), notice of a proceeding for the adoption
345 of an adult shall be served on each person described in Subsection (1)(a) and the spouse of the
346 mature adoptee.

347 (b) The notice described in Subsection (2)(a) may be waived, in writing, by the person
348 entitled to receive notice.

349 (3) The notice described in Subsection (2):

350 (a) shall be served at least 30 days before the day on which the adoption is finalized;

351 (b) shall specifically state that the person served must respond to the petition within 30
352 days of service if the person intends to intervene in the adoption proceeding;

353 (c) shall state the name of the person to be adopted;

354 (d) may not state the name of a person adopting the mature adoptee, unless the person
355 consents, in writing, to disclosure of the person's name;

356 (e) with regard to a person described in Subsection (1)(a):

357 (i) except as provided in Subsection (2)(b), shall be in accordance with the provisions
358 of the Utah Rules of Civil Procedure; and

359 (ii) may not be made by publication; and

360 (f) with regard to the spouse of the mature adoptee, may be made:

361 (i) in accordance with the provisions of the Utah Rules of Civil Procedure;

362 (ii) by certified mail, return receipt requested; or

363 (iii) by publication, posting, or other means if:

364 (A) the service described in Subsection (3)(f)(ii) cannot be completed after two
365 attempts; and

366 (B) the court issues an order providing for service by publication, posting, or other

367 means.

368 (4) Proof of service of the notice on each person to whom notice is required by this
369 section shall be filed with the court before the adoption is finalized.

370 (5) (a) Any person who is served with notice of a proceeding for the adoption of an
371 adult and who wishes to intervene in the adoption shall file a motion in the adoption
372 proceeding:

373 (i) within 30 days after the day on which the person is served with notice of the
374 adoption proceeding;

375 (ii) that sets forth the specific relief sought; and

376 (iii) that is accompanied by a memorandum specifying the factual and legal grounds
377 upon which the motion is made.

378 (b) A person who fails to file the motion described in Subsection (5)(a) within the time
379 described in Subsection (5)(a)(i):

380 (i) waives any right to further notice of the adoption proceeding; and

381 (ii) is barred from intervening in, or bringing or maintaining any action challenging, the
382 adoption proceeding.

383 (6) Except as provided in Subsection (7), after a court enters a final decree of adoption
384 of an adult, the mature adult adoptee shall:

385 (a) serve notice of the finalization of the adoption, pursuant to the Utah Rules of Civil
386 Procedure, on each person who was a legal parent of the adult adoptee before the final decree
387 of adoption described in this Subsection (6) was entered; and

388 (b) file with the court proof of service of the notice described in Subsection (6)(a).

389 (7) A court may, based on a finding of good cause, waive the notification requirement
390 described in Subsection (6).

391 Section 8. Section **78B-6-141** is amended to read:

392 **78B-6-141. Petition, report, and documents sealed -- Exceptions.**

393 [~~(1) A petition for adoption, the written report described in Section [78B-6-135](#), and any
394 other documents filed in connection with the petition are sealed.~~]

395 (1) For an adoption finalized before March 22, 1941, the office shall make the
396 information on the birth certificate, if any exists, available to an adoptee or an adoptee's
397 designated legal representative, for inspection and copying pursuant to Subsections [26-2-22\(1\)](#),

398 (3), and (6).

399 (2) Except as provided in Subsection (3), for an adoption finalized on or after March
400 22, 1941, the adoption documents are sealed, and the office may make the adoption documents
401 available for inspection and copying only in accordance with Subsection (4) or Section
402 78B-6-144.

403 (3) (a) Except as provided in Subsection (3)(b), for an adoption finalized on or after
404 January 1, 2015, the office shall make the adoption documents available for inspection and
405 copying to a party to the adoption proceeding if the party who requests the documents:

- 406 (i) is an adult at the time of the request; and
- 407 (ii) makes the request on a form designated by the office.

408 (b) Subject to Subsection (3)(d) and (e), for an adoption finalized on or after January 1,
409 2015, a birth mother may, at or after the time of finalization, file a written document with the
410 office, stating that she refuses to permit identifying information about the birth mother to be
411 made available for inspection or copying.

412 (c) Subject to Subsection (3)(d) and (e), if a birth mother elects, under Subsection
413 (3)(b), to refuse to permit identifying information about the birth mother to be made available
414 for inspection or copying, the office shall, before providing copies of the adoption documents
415 to an individual other than the birth mother, redact all identifying information about the birth
416 mother.

417 (d) Subject to Subsection (3)(e), a birth mother may, at any time, file a written with the
418 office to:

- 419 (i) change the election described in Subsection (3)(b); or
- 420 (ii) elect to make other information about herself, including an updated medical
421 history, available for inspection and copying by a party to the adoption proceeding if the party
422 who requests the information is an adult at the time of the request.

423 (e) (i) If the birth mother is a minor at the time of finalization, only the birth mother's
424 parent or legal guardian may consent to and sign the birth mother's written refusal under
425 Subsection (3)(b),

426 (ii) If the birth mother is a minor at the time she decides to change the election or make
427 other information about herself available under Subsection (3)(d), only the birth mother's
428 parent or legal guardian may consent to and sign the birth mother's written election under

429 Subsection (3)(d).

430 ~~[(2) The]~~ (4) Except as otherwise provided in this section, the adoption documents

431 ~~[described in Subsection (1)]~~ may only be open to inspection and copying as follows:

432 (a) in accordance with Subsection ~~[(3)]~~ (5)(a), by a party to the adoption proceeding:

433 (i) while the proceeding is pending; or

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

435 (b) subject to Subsection ~~[(3)]~~ (5)(b), a court enters an order permitting access to the
436 documents by a person who has appealed the denial of that person's motion to intervene;

437 (c) upon order of the court expressly permitting inspection or copying, after good cause
438 has been shown;

439 (d) as provided under Section 78B-6-144;

440 (e) those records shall become public on the one hundredth anniversary of the date the
441 final decree of adoption was entered; or

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

446 ~~[(3)]~~ (5) (a) A person who files a motion to intervene in an adoption proceeding:

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

448 and

449 (ii) may not be granted access to the adoption documents ~~[described in Subsection (1)]~~,
450 unless the motion to intervene is granted.

451 (b) An order described in Subsection ~~[(2)]~~ (4)(b) shall:

452 (i) prohibit the person described in Subsection ~~[(2)]~~ (4)(b) from inspecting ~~[a document~~
453 ~~described in Subsection (1) that contains]~~ the adoption documents that contain identifying
454 information [of] regarding the adoptive or prospective adoptive parent; and

455 (ii) permit the person described in Subsection ~~[(3)]~~ (4)(b)~~[(1)]~~ to review a copy of ~~[a~~
456 ~~document described in Subsection (3)(b)(i)]~~ the adoption documents after the identifying
457 information ~~[described in Subsection (3)(b)(i)]~~ is redacted from the ~~[document]~~ documents.

458 Section 9. Section 78B-6-144 is amended to read:

459 **78B-6-144. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.**

460 (1) The office shall establish a mutual-consent, voluntary adoption registry.

461 (a) ~~[Adult adoptees and birth parents of adult adoptees]~~ An adult adoptee or a birth
462 parent of an adult adoptee, upon presentation of positive identification, may request identifying
463 information from the office, in the form established by the office. A court of competent
464 jurisdiction or a child-placing agency may accept that request from the adult adoptee or birth
465 parent, in the form provided by the office, and transfer that request to the office. The adult
466 adoptee or birth parent is responsible for notifying the office of any change in information
467 contained in the request.

468 (b) ~~[The]~~ Except as otherwise provided in this part, the office may only release
469 identifying information to an adult adoptee or birth parent when it receives requests from both
470 the adoptee and the adoptee's birth parent.

471 (c) After matching the request of an adult adoptee with that of at least one of the
472 adoptee's birth parents, the office shall notify both the adult adoptee and the birth parent that
473 the requests have been matched, and disclose the identifying information to those parties.
474 However, if that adult adoptee has a sibling of the same birth parent who is under the age of 18
475 years, and who was raised in the same family setting as the adult adoptee, the office ~~[shall]~~ may
476 not disclose the requested identifying information to that adult adoptee or the adoptee's birth
477 parent.

478 (2) (a) Adult adoptees and adult siblings of adult adoptees, upon presentation of
479 positive identification, may request identifying information from the office, in the form
480 established by the office. A court of competent jurisdiction or a child-placing agency may
481 accept that request from the adult adoptee or adult sibling, in the form provided by the office,
482 and transfer that request to the office. The adult adoptee or adult sibling is responsible for
483 notifying the office of any change in information contained in the request.

484 (b) The office may only release identifying information to an adult adoptee or adult
485 sibling when it receives requests from both the adult adoptee and the adult adoptee's adult
486 sibling.

487 (c) After matching the request of an adult adoptee with that of the adoptee's adult
488 sibling, if the office ~~[has been provided with]~~ determines that the office has sufficient
489 information to make that match, the office shall notify both the adult adoptee and the adult
490 sibling that the requests have been matched, and disclose the identifying information to those

491 parties.

492 (d) After receiving a request for information from an adult adoptee under this section,
493 the office shall:

494 (i) search the office's vital records for the adult adoptee's birth parent; and

495 (ii) if the search described in Subsection (2)(d)(i) reveals than an adult adoptee's birth
496 parent is dead, inform the adult adoptee that the birth parent is dead and disclose the identity of
497 the birth parent.

498 (e) The office shall attempt to notify an individual who requests information under this
499 section:

500 (i) of the results of the initial search for a match; and

501 (ii) if the initial search does not produce a match, that the office will keep the request
502 on file and will attempt to notify the individual in the event of a match.

503 (3) Information registered with the ~~[bureau]~~ office under this section is available only
504 to a registered adult adoptee and the adoptee's registered birth parent or registered adult sibling,
505 under the terms of this section.

506 (4) Information regarding a birth parent who has not registered a request with the
507 ~~[bureau]~~ office may not be disclosed, except as provided in Section 78B-6-141.

508 ~~[(5) The bureau may charge a fee for services provided under this section, limited to~~
509 ~~the cost of providing those services.]~~

510 (5) The office shall, in consultation with the Tax Commission, develop language
511 advertising the services provided by the mutual-consent, voluntary adoption registry to be
512 included on the Tax Commission's website.

513 (6) The office may contract with a private or nonprofit organization to supplement the
514 advertising described in Subsection (5).

515 (7) The office shall, on or before October 31, make an annual report on the
516 effectiveness of the mutual-consent, voluntary adoption registry to the Health and Human
517 Services Interim Committee.

518 (8) Nothing in this section limits the disclosure of information in accordance with
519 Section 78B-6-141.

520 Section 10. Section **78B-6-144.5** is enacted to read:

521 **78B-6-144.5. Adoption records fees.**

522 (1) (a) The office shall, in accordance with Section 63J-1-504, establish a fee to be paid
 523 by an individual who requests information or other services under Section 78B-6-141 or
 524 Section 78B-6-144 to cover the costs related to providing the information or services, including
 525 improvements described in Subsection (2).

526 (b) The office may accept donations or grants from public or private entities to cover
 527 the costs related to providing the information or services, including improvements described in
 528 Subsection (2).

529 (2) Fees and donations collected in Subsection (1) shall be deposited into the General
 530 Fund as dedicated credits and may be used only to:

531 (a) fund, automate, and improve the provision of services described in Sections
 532 78B-6-141 and 78B-6-144;

533 (b) implement means of maximizing potential matches for the services described in
 534 Sections 78B-6-141 and 78B-6-144, including the use of broad search terms and methods; and

535 (c) advertise the services provided by the mutual-consent, voluntary adoption registry
 536 pursuant to Section 78B-6-144.

537 **Section 11. Appropriation.**

538 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 539 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
 540 are appropriated from resources not otherwise appropriated, or reduced from amounts
 541 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 542 addition to any amounts previously appropriated for fiscal year 2015.

543	<u>To Department of Health, Adoption Records Access</u>	
544	<u>From General Fund</u>	<u>\$50,000</u>
545	<u>From Dedicated Credits Revenue</u>	<u>\$26,200</u>
546	<u>Schedule of Programs:</u>	
547	<u>Adoption Records Access</u>	<u>\$76,200</u>

548 The Legislature intends that appropriations provided under this section be used by the
 549 office for the purposes described in Subsection 78B-6-144.5(2). Under Section 63J-1-603, the
 550 Legislature intends that appropriations provided under this section not lapse at the close of
 551 fiscal year 2015. The use of any nonlapsing funds is limited to the purposes described in
 552 Subsection 78B-6-144.5(2).