

2nd Sub. H.B. 256

ADOPTION RECORDS ACCESS AMENDMENTS

Representative **Jim Nielson** proposes the following amendments:

1. *Page 2, Lines 54 through 55:*

- 54 78B-6-116, as renumbered and amended by Laws of Utah 2008, Chapter 3
= 78B-6-124, as last amended by Laws of Utah 2008, Chapter 137 and renumbered and amended by
Laws of Utah 2008, Chapter 3
55 78B-6-141, as last amended by Laws of Utah 2012, Chapter 340

2. *Page 5, Lines 121 through 125:*

- 121 has demonstrated a direct, tangible, and legitimate interest.
122 (3) (a) For purposes of this Subsection (3), "adoption documents" is as defined in
123 Section 78B-6-103.
124 (b) Only the Office of Vital Records and Statistics or a ~~{Utah district}~~ court may issue
125 adoption documents.

3. *Page 8, Lines 215 through 220:*

- 215 any other person with respect to the child.
216 (3) "Adoption documents" means adoption-related documents filed with a ~~{Utah district}~~
217 court or with the office, including a petition for adoption, the written report described in
218 Section 78B-6-135, any other documents filed in connection with the petition, and a decree of
219 adoption.
220 ~~[(3)]~~ (4) "Adoption service provider" means a:

4. *Page 13, Lines 391 through 392:*

- 391 (7) A court may, based on a finding of good cause, waive the notification requirement
392 described in Subsection (6).
= Section 8. Section 78B-6-124 is amended to read:
78B-6-124. Persons who may take consents and relinquishments.
 (1) A consent or relinquishment by a birth mother or an adoptee shall be signed before:
 (a) a judge of any court that has jurisdiction over adoption proceedings;
 (b) subject to Subsection (6), a person appointed by the judge described in Subsection (1)(a) to take
 consents or relinquishments; or
 (c) subject to Subsection (6), a person who is authorized by a child-placing agency to take consents or
 relinquishments, if the consent or relinquishment grants legal custody of the child to a child-placing agency or

an extra-jurisdictional child-placing agency.

(2) If the consent or relinquishment of a birth mother or adoptee is taken out of state it shall be signed before:

(a) subject to Subsection (6), a person who is authorized by a child-placing agency to take consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a child-placing agency or an extra-jurisdictional child-placing agency;

(b) subject to Subsection (6), a person authorized or appointed to take consents or relinquishments by a court of this state that has jurisdiction over adoption proceedings;

(c) a court that has jurisdiction over adoption proceedings in the state where the consent or relinquishment is taken; or

(d) a person authorized, under the laws of the state where the consent or relinquishment is taken, to take consents or relinquishments of a birth mother or adoptee.

(3) The consent or relinquishment of any other person or agency as required by Section 78B-6-120 may be signed before a Notary Public or any person authorized to take a consent or relinquishment under Subsection (1) or (2).

(4) (a) At the time of a birth mother's consent to adoption of a child, or relinquishment of a child for adoption, a person authorized by Subsection (1) or (2) to take consents or relinquishments shall notify the birth mother that adoption documents shall be made available for inspection and copying in accordance with Subsection 78B-6-141(3), unless the birth mother elects to refuse to permit identifying information to be made available for inspection and copying.

(b) If the birth mother elects to refuse to permit identifying information to be made available for inspection and copying, the person authorized by Subsection (1) or (2) to take consents or relinquishments shall assist the birth mother with filing a written document that states the birth mother's refusal in accordance with Subsection 78B-6-141(3).

~~{(4)}~~ **(5)** A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall certify to the best of his information and belief that the person executing the consent or relinquishment has read and understands the consent or relinquishment and has signed it freely and voluntarily.

~~{(5)}~~ **(6)** A person executing a consent or relinquishment is entitled to receive a copy of the consent or relinquishment.

~~{(6)}~~ **(7)** A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:

(a) notarized; or

(b) witnessed by two individuals who are not members of the birth mother's or the signatory's immediate family.

Renumber remaining sections accordingly.