

28 appropriation shall be used for the purposes described in Subsection 78B-6-144.5(2); and
 29 • from the Dedicated Credits Revenue, \$26,200, subject to intent language that
 30 the appropriation shall be used for the purposes described in Subsection
 31 78B-6-144.5(2).

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 26-2-2, as last amended by Laws of Utah 2013, Chapter 397
- 37 26-2-10, as last amended by Laws of Utah 2008, Chapter 3
- 38 26-2-22, as last amended by Laws of Utah 2012, Chapter 391
- 39 63J-1-602.5, as last amended by Laws of Utah 2011, Chapters 208, 303, and 342
- 40 78B-6-103, as last amended by Laws of Utah 2012, Chapter 340
- 41 78B-6-115, as last amended by Laws of Utah 2012, Chapter 340
- 42 78B-6-116, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 43 78B-6-141, as last amended by Laws of Utah 2012, Chapter 340
- 44 78B-6-144, as last amended by Laws of Utah 2012, Chapter 340

45 ENACTS:

46 78B-6-144.5, Utah Code Annotated 1953



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

49 Section 1. Section 26-2-2 is amended to read:

50 **26-2-2. Definitions.**

51 As used in this chapter:

52 (1) "Adoption document" means an adoption-related document filed with the office, a
 53 petition for adoption, any document filed in connection with the petition for adoption, a decree
 54 of adoption, an original birth certificate, or evidence submitted in support of a supplementary
 55 birth certificate.

56 [(+)] (2) "Advanced practice registered nurse" means a person licensed to practice as an
 57 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

58 [(2)] (3) "Custodial funeral service director" means a funeral service director who:

59 (a) is employed by a licensed funeral establishment; and

60 (b) has custody of a dead body.

61 ~~[(3)]~~ (4) "Dead body" or "decedent" means a human body or parts of the human body
62 from the condition of which it reasonably may be concluded that death occurred.

63 ~~[(4)]~~ (5) "Dead fetus" means a product of human conception, other than those
64 circumstances described in Subsection 76-7-301(1):

65 (a) of 16 weeks' gestation or more, calculated from the date the last normal menstrual
66 period began to the date of delivery; and

67 (b) that was not born alive.

68 ~~[(5)]~~ (6) "Declarant father" means a male who claims to be the genetic father of a child,
69 and, along with the biological mother, signs a voluntary declaration of paternity to establish the
70 child's paternity.

71 ~~[(6)]~~ (7) "Dispositioner" means:

72 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
73 having the right and duty to control the disposition of the decedent, if the person voluntarily
74 acts as the dispositioner; or

75 (b) the next of kin of the decedent, if:

76 (i) (A) a person has not been designated as described in Subsection ~~[(6)]~~ (7)(a); or

77 (B) the person described in Subsection ~~[(6)]~~ (7)(a) is unable or unwilling to exercise
78 the right and duty described in Subsection ~~[(6)]~~ (7)(a); and

79 (ii) the next of kin voluntarily acts as the dispositioner.

80 ~~[(7)]~~ (8) "File" means the submission of a completed certificate or other similar
81 document, record, or report as provided under this chapter for registration by the state registrar
82 or a local registrar.

83 ~~[(8)]~~ (9) "Funeral service director" means the same as that term is ~~[as]~~ defined in
84 Section 58-9-102.

85 ~~[(9)]~~ (10) "Health care facility" means the same as that term is ~~[as]~~ defined in Section
86 26-21-2.

87 ~~[(10)]~~ (11) "Health care professional" means a physician or nurse practitioner.

88 ~~[(11)]~~ (12) "Licensed funeral establishment" means a funeral service establishment, as
89 defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services

90 Licensing Act.

91 ~~[(12)]~~ (13) "Live birth" means the birth of a child who shows evidence of life after the
92 child is entirely outside of the mother.

93 ~~[(13)]~~ (14) "Local registrar" means a person appointed under Subsection 26-2-3(2)(b).

94 ~~[(14)]~~ (15) "Nurse practitioner" means an advanced practice registered nurse
95 specializing as a nurse practitioner who has completed an education program regarding the
96 completion of a certificate of death developed by the department by administrative rule adopted
97 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

98 (16) "Office" means the Office of Vital Records and Statistics within the Department
99 of Health, operating under Title 26, Chapter 2, Utah Vital Statistics Act.

100 ~~[(15)]~~ (17) "Physician" means a person licensed to practice as a physician or osteopath
101 in this state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah
102 Osteopathic Medical Practice Act.

103 ~~[(16)]~~ (18) "Presumed father" means the father of a child conceived or born during a
104 marriage as defined in Section 30-1-17.2.

105 ~~[(17)]~~ (19) "Registration" or "register" means acceptance by the local or state registrar
106 of a certificate and incorporation of the certificate into the permanent records of the state.

107 ~~[(18)]~~ (20) "State registrar" means the state registrar of vital records appointed under
108 Subsection 26-2-3(1)(e).

109 ~~[(19)]~~ (21) "Vital records" means:

110 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
111 dissolution of marriage, or annulment;

112 (b) amendments to any of the registered certificates or reports described in Subsection
113 ~~[(19)]~~ (21)(a); ~~[and]~~

114 (c) an adoption document; and

115 ~~[(c)]~~ (d) other similar documents.

116 ~~[(20)]~~ (22) "Vital statistics" means the data derived from registered certificates and
117 reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce,
118 dissolution of marriage, or annulment.

119 Section 2. Section 26-2-10 is amended to read:

120 **26-2-10. Supplementary certificate of birth.**

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

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

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

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

134 (4) (a) After the supplementary birth certificate is registered, any information disclosed
135 from the record shall be from the supplementary birth certificate.

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

139 Section 3. Section **26-2-22** is amended to read:

140 **26-2-22. Inspection of vital records.**

141 (1) (a) The vital records shall be open to inspection, but only in compliance with the
142 provisions of this chapter, department rules, and [~~Section~~] Sections [78B-6-141](#) and [78B-6-144](#).

143 (b) It is unlawful for any state or local officer or employee to disclose data contained in
144 vital records contrary to this chapter [~~or~~], department rule, [Section 78B-6-141](#), or Section
145 [78B-6-144](#).

146 (c) An adoption document is open to inspection as provided in Section [78B-6-141](#) or
147 Section [78B-6-144](#).

148 [~~(c)~~] (d) A custodian of vital records may permit inspection of a vital record or issue a
149 certified copy of a record or a part of a record when the custodian is satisfied that the applicant
150 has demonstrated a direct, tangible, and legitimate interest.

151 (2) A direct, tangible, and legitimate interest in a vital record is present only if:

- 152 (a) the request is from:
- 153 (i) the subject;
- 154 (ii) a member of the subject's immediate family;
- 155 (iii) the guardian of the subject;
- 156 (iv) a designated legal representative of the subject; or
- 157 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with
- 158 whom a child has been placed pending finalization of an adoption of the child;
- 159 (b) the request involves a personal or property right of the subject of the record;
- 160 (c) the request is for official purposes of a public health authority or a state, local, or
- 161 federal governmental agency;
- 162 (d) the request is for a statistical or medical research program and prior consent has
- 163 been obtained from the state registrar; or
- 164 (e) the request is a certified copy of an order of a court of record specifying the record
- 165 to be examined or copied.
- 166 (3) For purposes of Subsection (2):
- 167 (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or
- 168 grandchild;
- 169 (b) a designated legal representative means an attorney, physician, funeral service
- 170 director, genealogist, or other agent of the subject or the subject's immediate family who has
- 171 been delegated the authority to access vital records;
- 172 (c) except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or
- 173 the immediate family member of a parent, who does not have legal or physical custody of or
- 174 visitation or parent-time rights for a child because of the termination of parental rights pursuant
- 175 to Title 78A, Chapter 6, Juvenile Court Act of 1996, or by virtue of consenting to or
- 176 relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act,
- 177 may not be considered as having a direct, tangible, and legitimate interest; and
- 178 (d) a commercial firm or agency requesting names, addresses, or similar information
- 179 may not be considered as having a direct, tangible, and legitimate interest.
- 180 (4) Upon payment of a fee established in accordance with Section 63J-1-504, the
- 181 ~~following records shall be~~ office shall make the following records available to the public:
- 182 (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding

183 confidential information collected for medical and health use, if 100 years or more have passed
184 since the date of birth;

185 (b) a death record if 50 years or more have passed since the date of death; and

186 (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed
187 since the date of the event upon which the record is based.

188 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office
189 shall make an adoption document available as provided in Sections 78B-6-141 and 78B-6-144.

190 (6) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
191 Administrative Rulemaking Act, establishing procedures and the content of forms as follows:

192 (a) for a birth parent's election to permit identifying information about the birth parent
193 to be made available, under Section 78B-6-141;

194 (b) for the release of information by the mutual-consent, voluntary adoption registry,
195 under Section 78B-6-144;

196 (c) for advertising the services provided by the mutual-consent, voluntary adoption
197 registry, pursuant to Section 78B-6-144; and

198 (d) for collecting fees and donations pursuant to Section 78B-6-144.5.

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

200 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

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

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

205 (3) The Department of Human Resource Management user training program, as
206 provided in Section 67-19-6.

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

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

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

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

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

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

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

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

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

221 (13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
222 Park, Jordan River State Park, and Green River State Park, as provided under Section
223 79-4-403.

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

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

227 (16) Funds appropriated and collected for adoption document access as provided in
228 Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

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

230 **78B-6-103. Definitions.**

231 As used in this part:

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

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

234 (b) has been legally adopted.

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

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

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

239 (3) "Adoption document" means an adoption-related document filed with the office, a
240 petition for adoption, any document filed in connection with the petition for adoption, a decree
241 of adoption, an original birth certificate, or evidence submitted in support of a supplementary
242 birth certificate.

243 [~~3~~] (4) "Adoption service provider" means a:

244 (a) child-placing agency; or

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

- 247 (i) adoptive parents;
- 248 (ii) prospective adoptive parents; or
- 249 (iii) birth parents.

250 [~~4~~] (5) "Adoptive parent" means a person who has legally adopted an adoptee.

251 [~~5~~] (6) "Adult" means a person who is 18 years of age or older.

252 [~~6~~] (7) "Adult adoptee" means an adoptee who is 18 years of age or older and was
253 adopted as a minor.

254 [~~7~~] (8) "Adult sibling" means a brother or sister of the adoptee, who is 18 years of age
255 or older and whose birth mother or father is the same as that of the adoptee.

256 [~~8~~] (9) "Birth mother" means the biological mother of a child.

257 [~~9~~] (10) "Birth parent" means:

- 258 (a) a birth mother;
- 259 (b) a man whose paternity of a child is established;
- 260 (c) a man who:
 - 261 (i) has been identified as the father of a child by the child's birth mother; and
 - 262 (ii) has not denied paternity; or
- 263 (d) an unmarried biological father.

264 [~~10~~] (11) "Child-placing agency" means an agency licensed to place children for
265 adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

266 [~~11~~] (12) "Cohabiting" means residing with another person and being involved in a
267 sexual relationship with that person.

268 [~~12~~] (13) "Division" means the Division of Child and Family Services, within the
269 Department of Human Services, created in Section [62A-4a-103](#).

270 [~~13~~] (14) "Extra-jurisdictional child-placing agency" means an agency licensed to
271 place children for adoption by a district, territory, or state of the United States, other than Utah.

272 [~~14~~] (15) "Genetic and social history" means a comprehensive report, when
273 obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the
274 following information:

- 275 (a) medical history;

- 276 (b) health status;
277 (c) cause of and age at death;
278 (d) height, weight, and eye and hair color;
279 (e) ethnic origins;
280 (f) where appropriate, levels of education and professional achievement; and
281 (g) religion, if any.

282 ~~[(15)]~~ (16) "Health history" means a comprehensive report of the adoptee's health
283 status at the time of placement for adoption, and medical history, including neonatal,
284 psychological, physiological, and medical care history.

285 ~~[(16)]~~ (17) "Identifying information" means the name and address of a pre-existing
286 parent or adult adoptee, or other specific information which by itself or in reasonable
287 conjunction with other information may be used to identify that person, including information
288 on a birth certificate or in an adoption document.

289 ~~[(17)]~~ (18) "Licensed counselor" means a person who is licensed by the state, or
290 another state, district, or territory of the United States as a:

- 291 (a) certified social worker;
292 (b) clinical social worker;
293 (c) psychologist;
294 (d) marriage and family therapist;
295 (e) professional counselor; or
296 (f) an equivalent licensed professional of another state, district, or territory of the
297 United States.

298 ~~[(18)]~~ (19) "Man" means a male individual, regardless of age.

299 ~~[(19)]~~ (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.

300 ~~[(19)]~~ (21) "Office" means the Office of Vital Records and Statistics within the
301 Department of Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.

302 ~~[(20)]~~ (22) "Parent," for purposes of Section 78B-6-119, means any person described in
303 Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment
304 for adoption is required under Sections 78B-6-120 through 78B-6-122.

305 ~~[(21)]~~ (23) "Potential birth father" means a man who:

- 306 (a) is identified by a birth mother as a potential biological father of the birth mother's

307 child, but whose genetic paternity has not been established; and

308 (b) was not married to the biological mother of the child described in Subsection [~~(21)~~]

309 (23)(a) at the time of the child's conception or birth.

310 [~~(22)~~] (24) "Pre-existing parent" means:

311 (a) a birth parent; or

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

314 [~~(23)~~] (25) "Prospective adoptive parent" means a person who seeks to adopt an

315 adoptee.

316 [~~(24)~~] (26) "Unmarried biological father" means a person who:

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

318 (b) was not married to the biological mother of the child described in Subsection [~~(24)~~]

319 (26)(a) at the time of the child's conception or birth.

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

321 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**

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

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

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

326 (i) provide personal protection;

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

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

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

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

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

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

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

337 (a) (i) Section **78B-6-108**;

- 338 (ii) Section 78B-6-114;
- 339 (iii) Section 78B-6-116;
- 340 (iv) Section 78B-6-118;
- 341 (v) Section 78B-6-124;
- 342 (vi) Section 78B-6-136;
- 343 (vii) Section 78B-6-137;
- 344 (viii) Section 78B-6-138;
- 345 (ix) Section 78B-6-139;
- 346 (x) Section 78B-6-141; and
- 347 (xi) Section 78B-6-142;
- 348 (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the
- 349 juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the
- 350 adoption arises from a case where the juvenile court has continuing jurisdiction over the [adult]
- 351 mature adoptee; and
- 352 (c) if the [adult] mature adoptee is a vulnerable adult, Sections 78B-6-128 through
- 353 78B-6-131, regardless of whether the [adult] mature adoptee resides, or will reside, with the
- 354 adoptors, unless the court, based on a finding of good cause, waives the requirements of those
- 355 sections.
- 356 (4) Before a court enters a final decree of adoption of [an adult] a mature adoptee, the
- 357 mature adoptee and the prospective adoptive parent or parents shall appear before the court
- 358 presiding over the adoption proceedings and execute consent to the adoption.
- 359 (5) No provision of this part, other than those listed or described in this section or
- 360 Section 78B-6-117, apply to the adoption of an adult.
- 361 Section 7. Section 78B-6-116 is amended to read:
- 362 **78B-6-116. Notice and consent for adoption of an adult.**
- 363 (1) (a) Consent to the adoption of an adult is required from:
- 364 (i) the [adult] mature adoptee;
- 365 (ii) any person who is adopting the adult;
- 366 (iii) the spouse of a person adopting the adult; and
- 367 (iv) any legally appointed guardian or custodian of the adult adoptee.
- 368 (b) No person, other than a person described in Subsection (1)(a), may consent, or

369 withhold consent, to the adoption of an adult.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

392 (B) the court issues an order providing for service by publication, posting, or other
393 means.

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

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

399 (i) within 30 days after the day on which the person is served with notice of the

400 adoption proceeding;

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

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

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

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

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

409 (6) Except as provided in Subsection (7), after a court enters a final decree of adoption
410 of an adult, the ~~[adult]~~ mature adoptee shall:

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

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

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

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

418 **78B-6-141. Petition, report, and documents sealed -- Exceptions.**

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

421 (1) An adoption document is sealed.

422 ~~(2) [The documents described in Subsection (1)]~~ An adoption document may only be
423 open to inspection and copying as follows:

424 (a) in accordance with Subsection ~~[(3)]~~ (4)(a), by a party to the adoption proceeding:

425 (i) while the proceeding is pending; or

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

427 (b) subject to Subsection ~~[(3)]~~ (4)(b), if a court enters an order permitting access to the
428 documents by a person who has appealed the denial of that person's motion to intervene;

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

- 431 (d) as provided under Section [78B-6-144](#);
- 432 (e) ~~[those records shall become]~~ when the adoption document becomes public on the
433 one hundredth anniversary of the date the final decree of adoption was entered; [or]
- 434 (f) when the birth certificate becomes public on the one hundredth anniversary of the
435 date of birth;
- 436 ~~[(f) if the adoptee is an adult at the time the final decree of adoption is entered, the~~
437 ~~documents described in this section are open to inspection and copying without a court order~~
438 ~~by the adoptee or a parent who adopted the adoptee]~~
- 439 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court
440 order, unless the final decree of adoption is entered by the juvenile court under Subsection
441 [78B-6-115\(3\)\(b\)](#); or
- 442 (h) to an adult adoptee, to the extent permitted under Subsection (3).
- 443 (3) (a) For an adoption finalized on or after January 1, 2016, a birth parent may elect,
444 on a written consent form provided by the office, to permit identifying information about the
445 birth parent to be made available for inspection and copying by an adult adoptee or a party to
446 the adoption proceeding, including an adoptive parent or an adoption agency.
- 447 (b) A birth parent may, at any time, file a written document with the office to:
- 448 (i) change the election described in Subsection (3)(a); or
- 449 (ii) elect to make other information about the birth parent, including an updated
450 medical history, available for inspection and copying by an adult adoptee or a party to the
451 adoption proceeding, including an adoptive parent or an adoption agency.
- 452 ~~[(3)]~~ (4) (a) A person who files a motion to intervene in an adoption proceeding:
- 453 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted;
- 454 and
- 455 (ii) may not be granted access to the documents described in Subsection (1), unless the
456 motion to intervene is granted.
- 457 (b) An order described in Subsection (2)(b) shall:
- 458 (i) prohibit the person described in Subsection (2)(b) from inspecting a document
459 described in Subsection (1) that contains identifying information of the adoptive or prospective
460 adoptive parent; and
- 461 (ii) permit the person described in Subsection ~~[(3)]~~ (4)(b)(i) to review a copy of a

462 document described in Subsection [(3)] (4)(b)(i) after the identifying information described in
463 Subsection [(3)] (4)(b)(i) is redacted from the document.

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

465 **78B-6-144. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.**

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

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

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

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

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

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

493 (c) After matching the request of an adult adoptee with that of the adoptee's adult
494 sibling, if the office [~~has been provided with~~] determines that the office has sufficient
495 information to make that match, the office shall notify both the adult adoptee and the adult
496 sibling that the requests have been matched, and disclose the identifying information to those
497 parties.

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

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

501 (ii) if the search described in Subsection (2)(d)(i) reveals that one or both of the adult
502 adoptee's birth parents is dead, inform the adult adoptee that the birth parent is dead and
503 disclose the identity of the birth parent.

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

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

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

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

512 (4) [~~Information~~] Except as provided in Section 78B-6-141, the office may not disclose
513 information regarding a birth parent who has not registered a request with the [~~bureau may not~~
514 be disclosed] office.

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

517 (5) The office may, in consultation with the State Tax Commission, develop language
518 advertising the services provided by the mutual-consent, voluntary adoption registry to be
519 included on the State Tax Commission's website.

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

522 (7) The office shall, on or before October 31, make an annual report on the
523 effectiveness of the mutual-consent, voluntary adoption registry to the Health and Human

524 Services Interim Committee.

525 (8) Nothing in this section limits the disclosure of information in accordance with

526 Section 78B-6-141.

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

528 **78B-6-144.5. Adoption records fees.**

529 (1) (a) The office shall, in accordance with Section 63J-1-504, establish a fee to be paid

530 by an individual who requests information or other services under Section 78B-6-141 or

531 Section 78B-6-144, and to cover the costs related to providing the information, services, and

532 improvements described in Subsection (2).

533 (b) The office may accept donations or grants from public or private entities to cover

534 the costs related to providing the information, services, and improvements described in

535 Subsection (2).

536 (2) The office shall deposit fees and donations collected under Subsection (1) into the

537 General Fund as dedicated credits and may be used only to:

538 (a) fund, automate, and improve the provision of services described in Sections

539 78B-6-141 and 78B-6-144;

540 (b) implement means of maximizing potential matches for the services described in

541 Sections 78B-6-141 and 78B-6-144, including the use of broad search terms and methods; or

542 (c) advertise the services provided by the mutual-consent, voluntary adoption registry

543 under Section 78B-6-144.

544 Section 11. **Appropriation.**

545 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

546 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

547 are appropriated from resources not otherwise appropriated, or reduced from amounts

548 previously appropriated, out of the funds or accounts indicated. These sums of money are in

549 addition to any amounts previously appropriated for fiscal year 2016.

550 To Department of Health -- Adoption Records Access

551 From General Fund

\$55,000

552 From Dedicated Credits Revenue

\$26,200

553 Schedule of Programs:

554 Adoption Records Access

\$81,200

555 The Legislature intends that appropriations provided under this section be used by the
556 office for the purposes described in Subsection 78B-6-144.5(2). Under Section 63J-1-603, the
557 Legislature intends that appropriations provided under this section not lapse at the close of
558 fiscal year 2016. The use of any nonlapsing funds is limited to the purposes described in
559 Subsection 78B-6-144.5(2).

560 Section 12. **Effective date.**

561 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

562 (2) Uncodified Section 11, Appropriation, takes effect on July 1, 2015.

Legislative Review Note
as of 1-19-15 2:51 PM

Office of Legislative Research and General Counsel