

ADOPTION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses adoptions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a child-placing agency from charging an adoptive parent for services that are not actually rendered or for medical or hospital expenses that were paid for with public funds;
- ▶ provides protections for private child-placing agencies that decline to participate in child placing that is contrary to the agency's sincerely held religious beliefs or the wishes of the birth mother;
- ▶ allows the court to waive a home study for prospective adoptive parents in certain circumstances;
- ▶ requires the Judicial Council to create a uniform fee and expense form for adoption proceedings;
- ▶ with certain conditions and exceptions:
 - requires a prospective adoptive parent to file a fee and expense form with the court prior to the finalization of an adoption;
 - requires the court to review a fee and expense form for completeness and reasonableness;



- 28 • requires a child placing agency to file a fee and expense form with the Office of
- 29 Licensing within the Department of Health and Human Services; and
- 30 • requires the Department of Health and Human Services to provide an annual
- 31 report to the Health and Human Services Interim Committee and Judicial
- 32 Council regarding adoption costs in the state; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **62A-2-108.6**, as last amended by Laws of Utah 2022, Chapters 287, 326 and
41 renumbered and amended by Laws of Utah 2022, Chapter 334 and last amended by
42 Coordination Clause, Laws of Utah 2022, Chapter 334

43 **63G-20-102**, as enacted by Laws of Utah 2015, Chapter 46

44 **63G-20-202**, as enacted by Laws of Utah 2015, Chapter 46

45 **78B-6-128**, as last amended by Laws of Utah 2022, Chapter 335

46 **78B-6-129**, as last amended by Laws of Utah 2012, Chapter 340

47 **78B-6-130**, as last amended by Laws of Utah 2017, Chapter 280

48 **78B-6-140**, as last amended by Laws of Utah 2021, Chapter 65

49 ENACTS:

50 **63G-20-203.5**, Utah Code Annotated 1953



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

53 Section 1. Section **62A-2-108.6** is amended to read:

54 **62A-2-108.6. Child placing licensure requirements -- Prohibited acts.**

55 (1) As used in this section:

56 (a) (i) "Advertisement" means any written, oral, or graphic statement or representation
57 made in connection with a solicitation of business.

58 (ii) "Advertisement" includes a statement or representation described in Subsection

59 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper, leaflet, flyer,
60 circular, billboard, banner, Internet website, social media, or sign.

61 (b) "Birth parent" means the same as that term is defined in Section 78B-6-103.

62 (c) "Clearly and conspicuously disclose" means the same as that term is defined in
63 Section 13-11a-2.

64 (d) (i) "Matching advertisement" means any written, oral, or graphic statement or
65 representation made in connection with a solicitation of business to provide the assistance
66 described in Subsection (3)(a)(i), regardless of whether there is or will be an exchange
67 described in Subsection (3)(a)(ii).

68 (ii) "Matching advertisement" includes a statement or representation described in
69 Subsection (1)(d)(i) by a noncable television system, radio, printed brochure, newspaper,
70 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.

71 (2) (a) Subject to Section 78B-24-205, a person may not engage in child placing, or
72 solicit money or other assistance for child placing, without a valid license issued by the office
73 in accordance with this chapter.

74 (b) If a child-placing agency's license is suspended or revoked in accordance with this
75 chapter, the care, control, or custody of any child who is in the care, control, or custody of the
76 child-placing agency shall be transferred to the Division of Child and Family Services.

77 (3) (a) (i) An attorney, physician, or other person may assist:

78 (A) a birth parent to identify or locate a prospective adoptive parent who is interested
79 in adopting the birth parent's child; or

80 (B) a prospective adoptive parent to identify or locate a child to be adopted.

81 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any
82 kind, or promise or agreement to make the same, may not be made for the assistance described
83 in Subsection (3)(a)(i).

84 (b) An attorney, physician, or other person may not:

85 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
86 attorney, physician, or other person is available to provide the assistance described in
87 Subsection (3)(a)(i);

88 (ii) cause, permit, or allow any sign or marking indicating that the attorney, physician,
89 or other person is available to provide the assistance described in Subsection (3)(a)(i), on or in

90 any building or structure;

91 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
92 physician, or other person is available to provide the assistance described in Subsection
93 (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or television, or an Internet
94 website relating to a business;

95 (iv) announce, cause, permit, or allow a matching advertisement; or

96 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
97 attorney, physician, or other person is available to provide the assistance described in
98 Subsection (3)(a)(i) as part of, or related to, other adoption-related services by using any of the
99 following terms:

100 (A) "comprehensive";

101 (B) "complete";

102 (C) "one-stop";

103 (D) "all-inclusive"; or

104 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A) through
105 (D).

106 (c) An attorney, physician, or other person who is not licensed by the office shall
107 clearly and conspicuously disclose in any print media advertisement or written contract
108 regarding adoption services or adoption-related services that the attorney, physician, or other
109 person is not licensed to provide adoption services by the office.

110 (4) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of
111 a third degree felony.

112 (5) This section does not preclude payment of fees for medical, legal, or other lawful
113 services rendered in connection with the care of a mother, delivery and care of a child, or
114 lawful adoption proceedings, except that a child-placing agency may not:

115 (a) charge or accept payment from a prospective adoptive parent for services that were
116 not actually rendered to the prospective adoptive parent; or

117 (b) charge or accept payment from a prospective adoptive parent for medical or
118 hospital expenses that were paid for by public funds.

119 (6) In accordance with federal law, only an agent or employee of the Division of Child
120 and Family Services or of a licensed child-placing agency may certify to United States

121 Citizenship and Immigration Services that a family meets the preadoption requirements of the
122 Division of Child and Family Services.

123 (7) A licensed child-placing agency or an attorney practicing in this state may not place
124 a child for adoption, either temporarily or permanently, with an individual who would not be
125 qualified for adoptive placement under Sections [78B-6-102](#), [78B-6-117](#), and [78B-6-137](#).

126 Section 2. Section **63G-20-102** is amended to read:

127 **63G-20-102. Definitions.**

128 As used in this chapter:

129 (1) "Child placing" means the same as that term is defined in Section [62A-2-101](#).

130 (2) "Child-placing agency" means a private person that engages in child placing.

131 (3) "Government retaliation" means an action by a state or local government or an
132 action by a state or local government official that:

133 (a) is taken in response to a person's exercise of a protection contained in Section
134 [17-20-4](#), [63G-20-201](#), [63G-20-203.5](#), or [63G-20-301](#); and

135 (b) (i) imposes a formal penalty on, fines, disciplines, discriminates against, denies the
136 rights of, denies benefits to, or denies tax-exempt status to a person; or

137 (ii) subjects a person to an injunction or to an administrative claim or proceeding.

138 [~~2~~] (4) (a) "Religious official" means an officer or official of a religion, when acting
139 as such.

140 (b) "Religious official" includes an individual designated by the religion as clergy,
141 minister, priest, pastor, rabbi, imam, bishop, stake president, or sealer, when that individual is
142 acting as such.

143 [~~3~~] (5) "Religious organization" means:

144 (a) a religious organization, association, educational institution, or society;

145 (b) a religious corporation sole; or

146 (c) any corporation or association constituting a wholly owned subsidiary, affiliate, or
147 agency of any religious organization, association, educational institution, society, or religious
148 corporation sole.

149 [~~4~~] (6) "Sexuality" includes legal sexual conduct, legal sexual expression, sexual
150 desires, and the status of a person as male or female.

151 [~~5~~] (7) "State or local government" means:

152 (a) a state government entity, agency, or instrumentality; or

153 (b) a local government entity, agency, or instrumentality.

154 [(6)] (8) "State or local government official" means an officer, employee, or appointee
155 of a state or local government.

156 Section 3. Section 63G-20-202 is amended to read:

157 **63G-20-202. Prohibition on government retaliation.**

158 Notwithstanding any other law, a state or local government or a state or local
159 government official may not engage in government retaliation against:

160 (1) an individual, a religious official when acting as such, or a religious organization
161 for exercising the protections contained in Section 17-20-4, 63G-20-201, or 63G-20-301[-]; or

162 (2) a child-placing agency for exercising the protections contained in Section
163 63G-20-203.5.

164 Section 4. Section 63G-20-203.5 is enacted to read:

165 **63G-20-203.5. Child-placing agencies.**

166 (1) Notwithstanding any other provision of law, a state or local government, a state or
167 local government official, or another accrediting, certifying, or licensing body may not:

168 (a) require a child-placing agency to perform, assist, counsel, recommend, consent to,
169 facilitate, or participate in child placing that is contrary to:

170 (i) the child-placing agency's sincerely held religious beliefs; or

171 (ii) the wishes of the birth mother; or

172 (b) deny a child-placing agency any grant, contract, or participation in a government
173 program because of the child-placing agency's objection to performing, assisting, counseling,
174 recommending, consenting to, facilitating, or participating in child placing that is contrary to:

175 (i) the child-placing agency's sincerely held religious beliefs; or

176 (ii) the wishes of the birth mother.

177 (2) The Office of Licensing within the Department of Health and Human Services,
178 created by Section 62A-2-103, may not deny an application for an initial license or renewal of a
179 license, or revoke the license of a child-placing agency because of the child-placing agency's
180 objection to performing, assisting, counseling, recommending, consenting to, facilitating, or
181 participating in child placing that is contrary to:

182 (a) the child-placing agency's sincerely held religious beliefs; or

183 (b) the wishes of the birth mother.

184 (3) Refusal by a child-placing agency to perform, assist, counsel, recommend, consent
185 to, facilitate, or participate in child placing that is contrary to the child-placing agency's
186 sincerely held religious beliefs, or that is contrary to the wishes of the birth mother, does not
187 constitute a determination that a proposed placement is not in the best interest of the child.

188 (4) If a child-placing agency declines to perform, assist, counsel, recommend, consent
189 to, facilitate, or participate in a child placing that is contrary to the child-placing agency's
190 sincerely held religious beliefs, or that is contrary to the wishes of the birth mother, the
191 child-placing agency shall refer the individual to another child-placing agency that the referring
192 child-placing agency believes in good faith will be able to provide the service sought by the
193 individual.

194 (5) Refusal of a child-placing agency to perform, assist, counsel, recommend, consent
195 to, facilitate, or participate in child placing that is contrary to the child-placing agency's
196 sincerely held religious beliefs, or that is contrary to the wishes of the birth mother, may not
197 form the basis for:

198 (a) the imposition of a civil fine or other adverse administrative action; or

199 (b) any claim or cause of action under any state or local law.

200 Section 5. Section **78B-6-128** is amended to read:

201 **78B-6-128. Preplacement adoptive evaluations -- Exceptions.**

202 (1) (a) Except as otherwise provided in this section, a child may not be placed in an
203 adoptive home until a preplacement adoptive evaluation, assessing the prospective adoptive
204 parent and the prospective adoptive home, has been conducted in accordance with the
205 requirements of this section.

206 (b) Except as provided in Section **78B-6-131**, the court may, at any time, authorize
207 temporary placement of a child in a prospective adoptive home pending completion of a
208 preplacement adoptive evaluation described in this section.

209 (c) (i) Subsection (1)(a) does not apply if a pre-existing parent has legal custody of the
210 child to be adopted and the prospective adoptive parent is related to that child or the
211 pre-existing parent as a stepparent, sibling by half or whole blood or by adoption, grandparent,
212 aunt, uncle, or first cousin, unless the court otherwise requests the preplacement adoption.

213 (ii) The prospective adoptive parent described in this Subsection (1)(c) shall obtain the

214 information described in Subsections (2)(a) and (b), and file that documentation with the court
215 prior to finalization of the adoption.

216 (d) (i) The preplacement adoptive evaluation shall be completed or updated within the
217 12-month period immediately preceding the placement of a child with the prospective adoptive
218 parent.

219 (ii) If the prospective adoptive parent has previously received custody of a child for the
220 purpose of adoption, the preplacement adoptive evaluation shall be completed or updated
221 within the 12-month period immediately preceding the placement of a child with the
222 prospective adoptive parent and after the placement of the previous child with the prospective
223 adoptive parent.

224 (2) The preplacement adoptive evaluation shall include:

225 (a) a criminal history background check regarding each prospective adoptive parent
226 and any other adult living in the prospective home, prepared no earlier than 18 months
227 immediately preceding placement of the child in accordance with the following:

228 (i) if the child is in state custody, each prospective adoptive parent and any other adult
229 living in the prospective home shall submit fingerprints to the Department of Health and
230 Human Services, which shall perform a criminal history background check in accordance with
231 Section [62A-2-120](#); or

232 (ii) subject to Subsection [~~(3)~~] (4), if the child is not in state custody, an adoption
233 service provider or an attorney representing a prospective adoptive parent shall submit
234 fingerprints from the prospective adoptive parent and any other adult living in the prospective
235 home to the Criminal and Technical Services Division of Public Safety for a regional and
236 nationwide background check, to the Office of Licensing within the Department of Health and
237 Human Services for a background check in accordance with Section [62A-2-120](#), or to the
238 Federal Bureau of Investigation;

239 (b) a report containing all information regarding reports and investigations of child
240 abuse, neglect, and dependency, with respect to each prospective adoptive parent and any other
241 adult living in the prospective home, obtained no earlier than 18 months immediately preceding
242 the day on which the child is placed in the prospective home, pursuant to waivers executed by
243 each prospective adoptive parent and any other adult living in the prospective home, that:

244 (i) if the prospective adoptive parent or the adult living in the prospective adoptive

245 parent's home is a resident of Utah, is prepared by the Department of Health and Human
246 Services from the records of the Department of Health and Human Services; or

247 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive
248 parent's home is not a resident of Utah, prepared by the Department of Health and Human
249 Services, or a similar agency in another state, district, or territory of the United States, where
250 each prospective adoptive parent and any other adult living in the prospective home resided in
251 the five years immediately preceding the day on which the child is placed in the prospective
252 adoptive home;

253 (c) in accordance with Subsection [~~(6)~~] (7), a home study conducted by an adoption
254 service provider that is:

255 (i) an expert in family relations approved by the court;

256 (ii) a certified social worker;

257 (iii) a clinical social worker;

258 (iv) a marriage and family therapist;

259 (v) a psychologist;

260 (vi) a social service worker, if supervised by a certified or clinical social worker;

261 (vii) a clinical mental health counselor; or

262 (viii) an Office of Licensing employee within the Department of Health and Human
263 Services who is trained to perform a home study; and

264 (d) in accordance with Subsection [~~(7)~~] (8), if the child to be adopted is a child who is
265 in the custody of any public child welfare agency, and is a child who has a special need as
266 defined in Section 80-2-801, the preplacement adoptive evaluation shall be conducted by the
267 Department of Health and Human Services or a child-placing agency that has entered into a
268 contract with the department to conduct the preplacement adoptive evaluations for children
269 with special needs.

270 (3) (a) Upon the request of the petitioner, the court may waive a home study described
271 in Subsection (2)(c) if each prospective adoptive parent and any other adult living in the
272 prospective home has been subject to a home study conducted in accordance with Subsection
273 (2)(c) within the four years immediately preceding placement of the child in the prospective
274 adoptive home.

275 (b) Each prospective adoptive parent and any other adult living in the prospective

276 home shall provide the following documents to the court before the court may consider
277 waiving a home study:

- 278 (i) the background check required by Subsection (2)(a);
279 (ii) the report required by Subsection (2)(b); and
280 (iii) the results of the home study that was conducted within the preceding four years.

281 (c) The court may not waive the home study described in Subsection (2)(c) if the court
282 determines that it is in the best interest of the child to require the home study.

283 ~~[(3)]~~ (4) For purposes of Subsection (2)(a)(ii), subject to Subsection ~~[(4)]~~ (5), the
284 criminal history background check described in Subsection (2)(a)(ii) shall be submitted in a
285 manner acceptable to the court that will:

- 286 (a) preserve the chain of custody of the results; and
287 (b) not permit tampering with the results by a prospective adoptive parent or other
288 interested party.

289 ~~[(4)]~~ (5) In order to comply with Subsection ~~[(3)]~~ (4), the manner in which the criminal
290 history background check is submitted shall be approved by the court.

291 ~~[(5)]~~ (6) Except as provided in Subsection [78B-6-131](#)(2), in addition to the other
292 requirements of this section, before a child in state custody is placed with a prospective foster
293 parent or a prospective adoptive parent, the Department of Health and Human Services shall
294 comply with Section [78B-6-131](#).

295 ~~[(6)]~~ (7) (a) An individual described in Subsections (2)(c)(i) through (vii) shall be
296 licensed to practice under the laws of:

- 297 (i) this state; or
298 (ii) the state, district, or territory of the United States where the prospective adoptive
299 parent or other person living in the prospective adoptive home resides.

300 (b) Neither the Department of Health and Human Services nor any of the department's
301 divisions may proscribe who qualifies as an expert in family relations or who may conduct a
302 home study under Subsection (2)(c).

303 (c) The home study described in Subsection (2)(c) shall be a written document that
304 contains the following:

- 305 (i) a recommendation to the court regarding the suitability of the prospective adoptive
306 parent for placement of a child;

307 (ii) a description of in-person interviews with the prospective adoptive parent, the
308 prospective adoptive parent's children, and other individuals living in the home;

309 (iii) a description of character and suitability references from at least two individuals
310 who are not related to the prospective adoptive parent and with at least one individual who is
311 related to the prospective adoptive parent;

312 (iv) a medical history and a doctor's report, based upon a doctor's physical examination
313 of the prospective adoptive parent, made within two years before the date of the application;
314 and

315 (v) a description of an inspection of the home to determine whether sufficient space
316 and facilities exist to meet the needs of the child and whether basic health and safety standards
317 are maintained.

318 ~~[(7)]~~ (8) Any fee assessed by the evaluating agency described in Subsection (2)(d) is
319 the responsibility of the adopting parent.

320 ~~[(8)]~~ (9) The person conducting the preplacement adoptive evaluation shall, in
321 connection with the preplacement adoptive evaluation, provide the prospective adoptive parent
322 with literature approved by the Division of Child and Family Services relating to adoption,
323 including information relating to:

324 (a) the adoption process;

325 (b) developmental issues that may require early intervention; and

326 (c) community resources that are available to the prospective adoptive parent.

327 ~~[(9)]~~ (10) A copy of the preplacement adoptive evaluation shall be filed with the court.
328 Section 6. Section **78B-6-129** is amended to read:

329 **78B-6-129. Postplacement adoptive evaluations.**

330 (1) Except as provided in Subsections (2) and (3), a postplacement evaluation shall be
331 conducted and submitted to the court prior to the final hearing in an adoption proceeding. The
332 postplacement evaluation shall include:

333 (a) verification of the allegations of fact contained in the petition for adoption;

334 (b) an evaluation of the progress of the child's placement in the adoptive home; and

335 (c) a recommendation regarding whether the adoption is in the best interest of the
336 child.

337 (2) The exemptions from and requirements for evaluations, described in Subsections

338 78B-6-128(1)(c), (2)(c), [~~(6), and (8)~~] (7), and (9), also apply to postplacement adoptive
339 evaluations.

340 (3) Upon the request of the petitioner, the court may waive the postplacement adoptive
341 evaluation, unless it determines that it is in the best interest of the child to require the
342 postplacement evaluation.

343 Section 7. Section 78B-6-130 is amended to read:

344 **78B-6-130. Preplacement and postplacement adoptive evaluations -- Review by**
345 **court.**

346 (1) (a) If the person conducting the preplacement adoptive evaluation or postplacement
347 adoptive evaluation disapproves the adoptive placement, the court may dismiss the petition for
348 adoption.

349 (b) Upon request by a prospective adoptive parent, the court shall order that an
350 additional preplacement adoptive evaluation or postplacement adoptive evaluation be
351 conducted, and shall hold a hearing on the suitability of the adoption, including testimony of
352 interested parties.

353 (2) Before finalization of a petition for adoption the court shall review and consider the
354 information and recommendations contained in the preplacement adoptive evaluation and
355 postplacement adoptive evaluation described in Sections 78B-6-128 and 78B-6-129.

356 (3) With respect to the home study required as part of the preplacement adoptive
357 evaluation described in Subsection 78B-6-128(2)(c), a court may review and consider
358 information other than the information contained in the home study described in Subsection
359 [~~78B-6-128(6)(c)~~] 78B-6-128(7)(c).

360 Section 8. Section 78B-6-140 is amended to read:

361 **78B-6-140. Itemization of fees and expenses -- Reporting.**

362 (1) (a) Except as provided in Subsection [~~(4)~~] (5), before the date that a final decree of
363 adoption is entered, a prospective adoptive parent or, if the child was placed by a child-placing
364 agency, the person or agency placing the child shall file with the court an affidavit regarding
365 fees and expenses [~~signed by the prospective adoptive parent or parents and the person or~~
366 ~~agency placing the child, shall be filed with the court] on a form prescribed by the Judicial
367 Council in accordance with Subsection (2).~~

368 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective

369 adoptive parent and, if the child was placed by a child-placing agency, the person or agency
370 placing the child.

371 (c) (i) The court shall review an affidavit filed under this section:

372 (A) for completeness and compliance with the requirements of this section; and

373 (B) to determine if the itemized amounts described in Subsection (2)(b) are reasonable
374 considering the totality of the circumstances of the adoption.

375 (ii) When making a determination under Subsection (1)(c)(i)(B), the court may
376 consider information in the report described in Subsection (3)(b).

377 (2) (a) The Judicial Council shall prescribe a uniform form for the affidavit described
378 in Subsection (1).

379 (b) The uniform affidavit form shall [itemize] require itemization of the following
380 items in connection with the adoption:

381 [~~(a)~~] (i) all legal expenses[~~, maternity expenses, medical or hospital expenses, and~~
382 living expenses] that have been or will be paid to or on behalf of the preexisting parents of the
383 child, including the source of payment;

384 (ii) all maternity expenses that have been or will be paid to or on behalf of the
385 preexisting parents of the child, including the source of payment;

386 (iii) all medical or hospital expenses that have been or will be paid to or on behalf of
387 the preexisting parents of the child, including the source of payment;

388 (iv) all living expenses that have been or will be paid to or on behalf of the preexisting
389 parents of the child, including the source of payment;

390 [~~(b)~~] (v) fees paid by the prospective adoptive parent or parents in connection with the
391 adoption;

392 [~~(c)~~] (vi) all gifts, property, or other items that have been or will be provided to the
393 preexisting parents, including the source and approximate value of the gifts, property, or other
394 items;

395 [~~(d)~~] (vii) all public funds used for any medical or hospital costs in connection with
396 the:

397 [~~(i)~~] (A) pregnancy;

398 [~~(ii)~~] (B) delivery of the child; or

399 [~~(iii)~~] (C) care of the child; and

400 ~~[(e) the state of residence of the:]~~
401 ~~[(i) birth mother or the preexisting parents; and]~~
402 ~~[(ii) prospective adoptive parent or parents;]~~
403 ~~[(f)]~~ (viii) if a child-placing agency placed the child:
404 (A) a description of services provided to the prospective adoptive parents or
405 preexisting parents in connection with the adoption; [and]
406 ~~[(g) that Section 76-7-203 has not been violated.]~~
407 (B) all expenses associated with matching the prospective adoptive parent or parents
408 and the birth mother;
409 (C) all expenses associated with advertising; and
410 (D) any other agency fees or expenses paid by an adoptive parent that are not itemized
411 under one of the other categories described in this Subsection (2)(b), including a description of
412 the reason for the fee or expense.
413 (c) The uniform affidavit form shall require:
414 (i) a statement of the state of residence of the:
415 (A) birth mother or the preexisting parents; and
416 (B) prospective adoptive parent or parents;
417 (ii) a declaration that Section 76-7-203 has not been violated; and
418 (iii) if the affidavit includes an itemized amount for both of the categories described in
419 Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or hospital
420 expenses were paid by a source other than public funds.
421 (3) (a) If a child-placing agency, that is licensed by this state, placed the child, the
422 child-placing agency shall provide a copy of the affidavit described in Subsection (1) ~~[shall be~~
423 ~~provided]~~ to the Office of Licensing within the Department of Health and Human Services.
424 (b) Before August 30 of each year, the Office of Licensing within the Department of
425 Health and Human Services shall provide a written report to the Health and Human Services
426 Interim Committee and to the Judicial Council regarding the cost of adoptions in the state that
427 includes:
428 (i) the total number of affidavits provided to the Office of Licensing during the
429 previous year; and
430 (ii) for each of the categories described in Subsection (2)(b):

431 (A) the average amount disclosed on affidavits submitted during the previous year; and
432 (B) the range of amounts disclosed on affidavits submitted during the previous year;
433 (iii) the average total amount disclosed on affidavits submitted during the previous
434 year;
435 (iv) the range of total amounts disclosed on affidavits submitted during the previous
436 year; and
437 (v) any recommended legislation that may help reduce the cost of adoptions.
438 (4) The Judicial Council shall make a copy of each report provided by the Office of
439 Licensing under Subsection (3)(b) available to each court that may be required to review an
440 affidavit under Subsection (1)(c).
441 ~~[(4)]~~ (5) This section does not apply if the prospective adoptive parent is the legal
442 spouse of a preexisting parent.