

Senator Chris H. Wilson proposes the following substitute bill:

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;
- ▶ requires certain child-placing agencies to join a child-placing consortium by which the consortium can serve all birth mothers and all prospective adoptive parents;
- ▶ provides protections for consortium-member child-placing agencies that cannot participate in child placing that is contrary to the agency's religious teachings, practices, or beliefs, or certain 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:



- 26 • requires a prospective adoptive parent to file a fee and expense form with the
- 27 court prior to the finalization of an adoption;
- 28 • requires the court to review a fee and expense form for completeness and
- 29 reasonableness;
- 30 • requires a child placing agency to file a fee and expense form with the Office of
- 31 Licensing within the Department of Health and Human Services; and
- 32 • requires the Department of Health and Human Services to provide an annual
- 33 report to the Health and Human Services Interim Committee and Judicial
- 34 Council regarding adoption costs in the state; and
- 35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

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

45 **63G-20-102**, as enacted by Laws of Utah 2015, Chapter 46

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

47 **78B-6-128**, as last amended by Laws of Utah 2022, Chapter 335

48 **78B-6-129**, as last amended by Laws of Utah 2012, Chapter 340

49 **78B-6-130**, as last amended by Laws of Utah 2017, Chapter 280

50 **78B-6-140**, as last amended by Laws of Utah 2021, Chapter 65

51 ENACTS:

52 **63G-20-203.5**, Utah Code Annotated 1953



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

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

56 **62A-2-108.6. Child placing licensure requirements -- Prohibited acts.**

57 (1) As used in this section:

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

60 (ii) "Advertisement" includes a statement or representation described in Subsection
61 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper, leaflet, flyer,
62 circular, billboard, banner, Internet website, social media, or sign.

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

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

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

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

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

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

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

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

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

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

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

87 (i) issue or cause to be issued to any person a card, sign, or device indicating that the

88 attorney, physician, or other person is available to provide the assistance described in
89 Subsection (3)(a)(i);

90 (ii) cause, permit, or allow any sign or marking indicating that the attorney, physician,
91 or other person is available to provide the assistance described in Subsection (3)(a)(i), on or in
92 any building or structure;

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

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

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

102 (A) "comprehensive";

103 (B) "complete";

104 (C) "one-stop";

105 (D) "all-inclusive"; or

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

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

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

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

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

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

121 (6) In accordance with federal law, only an agent or employee of the Division of Child
122 and Family Services or of a licensed child-placing agency may certify to United States
123 Citizenship and Immigration Services that a family meets the preadoption requirements of the
124 Division of Child and Family Services.

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

128 (8) A child-placing agency, as that term is defined in Section 63G-20-102, that serves a
129 resident of the state who is a birth mother or a prospective adoptive parent must be a member
130 of a statewide consortium of licensed child-placing agencies that, together, serve all birth
131 mothers seeking to place a child for adoption and all qualified prospective adoptive parents.

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

133 **63G-20-102. Definitions.**

134 As used in this chapter:

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

136 (2) "Child-placing agency" means a private person that is engaged in child placing
137 related to a child who is not in the custody of the state.

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

140 (a) is taken in response to a person's exercise of a protection contained in Section
141 17-20-4, 63G-20-201, 63G-20-203.5, or 63G-20-301; and

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

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

145 [~~2~~] (4) (a) "Religious official" means an officer or official of a religion, when acting
146 as such.

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

150 ~~[(3)]~~ (5) "Religious organization" means:
151 (a) a religious organization, association, educational institution, or society;
152 (b) a religious corporation sole; or
153 (c) any corporation or association constituting a wholly owned subsidiary, affiliate, or
154 agency of any religious organization, association, educational institution, society, or religious
155 corporation sole.

156 ~~[(4)]~~ (6) "Sexuality" includes legal sexual conduct, legal sexual expression, sexual
157 desires, and the status of a person as male or female.

158 ~~[(5)]~~ (7) "State or local government" means:
159 (a) a state government entity, agency, or instrumentality; or
160 (b) a local government entity, agency, or instrumentality.

161 ~~[(6)]~~ (8) "State or local government official" means an officer, employee, or appointee
162 of a state or local government.

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

164 **63G-20-202. Prohibition on government retaliation.**

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

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

169 (2) a child-placing agency for exercising the protections contained in Section
170 63G-20-203.5.

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

172 **63G-20-203.5. Child-placing agencies.**

173 (1) As used in this section, "consortium" means a statewide consortium of
174 child-placing agencies described in Subsection 62A-2-108.6(8).

175 (2) Notwithstanding any other provision of law, a state or local government, a state or
176 local government official, or another accrediting, certifying, or licensing body, including the
177 Office of Licensing within the Department of Health and Human Services, may not:

178 (a) require a consortium-member child-placing agency to perform, assist, counsel,
179 recommend, consent to, facilitate, or participate in child placing, with a qualified prospective
180 adoptive parent, that is contrary to the child-placing agency's religious teaching, practices, or

181 sincerely held beliefs, or the good faith wishes of the birth mother as to the optimal placement
182 of the child;

183 (b) deny a consortium-member child-placing agency any grant, contract, or
184 participation in a government program because the child-placing agency cannot, consistent
185 with the child-placing agency's religious teaching, practices, or sincerely held beliefs, or
186 consistent with the good faith wishes of the birth mother as to the optimal placement of the
187 child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a child
188 placement with a qualified prospective adoptive parent; or

189 (c) deny an application for an initial license or accreditation, deny the renewal of a
190 license or accreditation, or revoke the license or accreditation of a consortium-member
191 child-placing agency that cannot, consistent with the child-placing agency's religious teaching,
192 practices, or sincerely held beliefs, or consistent with the good faith wishes of the birth mother
193 as to the optimal placement of the child, perform, assist, counsel, recommend, consent to,
194 facilitate, or participate in a child placement with a qualified prospective adoptive parent.

195 (3) (a) A consortium-member child-placing agency that cannot, consistent with the
196 child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with
197 the good faith wishes of the birth mother as to the optimal placement of the child, perform,
198 assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a
199 qualified prospective adoptive parent, shall refer the individual who is seeking child-placement
200 services to another child-placing agency in the consortium.

201 (b) A referral by a child-placing agency under Subsection (3)(a) does not constitute a
202 determination that a proposed placement is not in the best interest of the child.

203 (4) The fact that a consortium-member child-placing agency cannot, consistent with the
204 child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with
205 the good faith wishes of the birth mother as to the optimal placement of the child, perform,
206 assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a
207 qualified prospective adoptive parent, may not form the basis for:

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

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

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

211 **78B-6-128. Preplacement adoptive evaluations -- Exceptions.**

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

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

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

223 (ii) The prospective adoptive parent described in this Subsection (1)(c) shall obtain the
224 information described in Subsections (2)(a) and (b), and file that documentation with the court
225 prior to finalization of the adoption.

226 (d) (i) The preplacement adoptive evaluation shall be completed or updated within the
227 12-month period immediately preceding the placement of a child with the prospective adoptive
228 parent.

229 (ii) If the prospective adoptive parent has previously received custody of a child for the
230 purpose of adoption, the preplacement adoptive evaluation shall be completed or updated
231 within the 12-month period immediately preceding the placement of a child with the
232 prospective adoptive parent and after the placement of the previous child with the prospective
233 adoptive parent.

234 (2) The preplacement adoptive evaluation shall include:

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

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

242 (ii) subject to Subsection [~~(3)~~] (4), if the child is not in state custody, an adoption

243 service provider or an attorney representing a prospective adoptive parent shall submit
244 fingerprints from the prospective adoptive parent and any other adult living in the prospective
245 home to the Criminal and Technical Services Division of Public Safety for a regional and
246 nationwide background check, to the Office of Licensing within the Department of Health and
247 Human Services for a background check in accordance with Section 62A-2-120, or to the
248 Federal Bureau of Investigation;

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

254 (i) if the prospective adoptive parent or the adult living in the prospective adoptive
255 parent's home is a resident of Utah, is prepared by the Department of Health and Human
256 Services from the records of the Department of Health and Human Services; or

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

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

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

266 (ii) a certified social worker;

267 (iii) a clinical social worker;

268 (iv) a marriage and family therapist;

269 (v) a psychologist;

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

271 (vii) a clinical mental health counselor; or

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

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

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

285 (b) The following documents shall be submitted to the court before the court may
286 consider waiving a home study:

287 (i) the background check required by Subsection (2)(a);

288 (ii) the report required by Subsection (2)(b);

289 (iii) the results of the home study that was conducted within the preceding four years;

290 and

291 (iv) a home study update, completed by an adoption service provider described in
292 Subsection (2)(c), that includes:

293 (A) a review of all adults living in the prospective home;

294 (B) an evaluation of the child's needs compared to the current dynamics of the
295 prospective home;

296 (C) a review of each prospective adoptive parent's current financial situation; and

297 (D) an evaluation of each prospective adoptive parent's current health and ability to
298 care for the child.

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

301 [~~(3)~~] (4) For purposes of Subsection (2)(a)(ii), subject to Subsection [~~(4)~~] (5), the
302 criminal history background check described in Subsection (2)(a)(ii) shall be submitted in a
303 manner acceptable to the court that will:

304 (a) preserve the chain of custody of the results; and

305 (b) not permit tampering with the results by a prospective adoptive parent or other
306 interested party.

307 [~~(4)~~] (5) In order to comply with Subsection [~~(3)~~] (4), the manner in which the criminal
308 history background check is submitted shall be approved by the court.

309 [~~(5)~~] (6) Except as provided in Subsection 78B-6-131(2), in addition to the other
310 requirements of this section, before a child in state custody is placed with a prospective foster
311 parent or a prospective adoptive parent, the Department of Health and Human Services shall
312 comply with Section 78B-6-131.

313 [~~(6)~~] (7) (a) An individual described in Subsections (2)(c)(i) through (vii) shall be
314 licensed to practice under the laws of:

315 (i) this state; or

316 (ii) the state, district, or territory of the United States where the prospective adoptive
317 parent or other person living in the prospective adoptive home resides.

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

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

323 (i) a recommendation to the court regarding the suitability of the prospective adoptive
324 parent for placement of a child;

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

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

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

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

336 [(7)] (8) Any fee assessed by the evaluating agency described in Subsection (2)(d) is
337 the responsibility of the adopting parent.

338 [(8)] (9) The person conducting the preplacement adoptive evaluation shall, in
339 connection with the preplacement adoptive evaluation, provide the prospective adoptive parent
340 with literature approved by the Division of Child and Family Services relating to adoption,
341 including information relating to:

- 342 (a) the adoption process;
- 343 (b) developmental issues that may require early intervention; and
- 344 (c) community resources that are available to the prospective adoptive parent.

345 [(9)] (10) A copy of the preplacement adoptive evaluation shall be filed with the court.
346 Section 6. Section **78B-6-129** is amended to read:

347 **78B-6-129. Postplacement adoptive evaluations.**

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

- 351 (a) verification of the allegations of fact contained in the petition for adoption;
- 352 (b) an evaluation of the progress of the child's placement in the adoptive home; and
- 353 (c) a recommendation regarding whether the adoption is in the best interest of the
354 child.

355 (2) The exemptions from and requirements for evaluations, described in Subsections
356 **78B-6-128**(1)(c), (2)(c), [~~(6), and (8)~~] (7), and (9), also apply to postplacement adoptive
357 evaluations.

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

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

362 **78B-6-130. Preplacement and postplacement adoptive evaluations -- Review by**
363 **court.**

364 (1) (a) If the person conducting the preplacement adoptive evaluation or postplacement
365 adoptive evaluation disapproves the adoptive placement, the court may dismiss the petition for
366 adoption.

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

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

374 (3) With respect to the home study required as part of the preplacement adoptive
375 evaluation described in Subsection 78B-6-128(2)(c), a court may review and consider
376 information other than the information contained in the home study described in Subsection
377 ~~[78B-6-128(6)(e)]~~ 78B-6-128(7)(c).

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

379 **78B-6-140. Itemization of fees and expenses -- Reporting.**

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

386 (b) An affidavit filed pursuant to Subsection (1)(a) shall be signed by each prospective
387 adoptive parent and, if the child was placed by a child-placing agency, the person or agency
388 placing the child.

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

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

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

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

395 (iii) The results of the court's review under Subsection (1)(c)(i) shall be noted in the
396 court's record.

397 (2) (a) The Judicial Council shall prescribe a uniform form for the affidavit described

398 in Subsection (1).

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

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

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

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

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

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

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

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

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

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

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

420 ~~[(e) the state of residence of the:]~~

421 ~~[(i) birth mother or the preexisting parents; and]~~

422 ~~[(ii) prospective adoptive parent or parents;]~~

423 ~~[(f)]~~ (viii) if a child-placing agency placed the child:

424 (A) a description of services provided to the prospective adoptive parents or
425 preexisting parents in connection with the adoption; [and]

426 (B) all expenses associated with matching the prospective adoptive parent or parents
427 and the birth mother;

428 (C) all expenses associated with advertising; and

429 (D) any other agency fees or expenses paid by an adoptive parent that are not itemized
430 under one of the other categories described in this Subsection (2)(b), including a description of
431 the reason for the fee or expense.

432 [~~(g) that Section 76-7-203 has not been violated.~~]

433 (c) The uniform affidavit form shall require:

434 (i) a statement of the state of residence of the:

435 (A) birth mother or the preexisting parents; and

436 (B) prospective adoptive parent or parents;

437 (ii) a declaration that Section 76-7-203 has not been violated; and

438 (iii) if the affidavit includes an itemized amount for both of the categories described in
439 Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or hospital
440 expenses were paid by a source other than public funds.

441 (3) (a) If a child-placing agency, that is licensed by this state, placed the child, the
442 child-placing agency shall provide a copy of the affidavit described in Subsection (1) [~~shall be~~
443 ~~provided~~] to the Office of Licensing within the Department of Health and Human Services.

444 (b) Before August 30 of each year, the Office of Licensing within the Department of
445 Health and Human Services shall provide a written report to the Health and Human Services
446 Interim Committee and to the Judicial Council regarding the cost of adoptions in the state that
447 includes:

448 (i) the total number of affidavits provided to the Office of Licensing during the
449 previous year; and

450 (ii) for each of the categories described in Subsection (2)(b):

451 (A) the average amount disclosed on affidavits submitted during the previous year; and

452 (B) the range of amounts disclosed on affidavits submitted during the previous year;

453 (iii) the average total amount disclosed on affidavits submitted during the previous
454 year;

455 (iv) the range of total amounts disclosed on affidavits submitted during the previous
456 year; and

457 (v) any recommended legislation that may help reduce the cost of adoptions.

458 (c) The Health and Human Services Interim Committee shall, based on information in
459 reports provided under Subsection (3)(b), consider:

- 460 (i) what constitutes reasonable fees and expenses related to adoption;
461 (ii) the standards a court may use when analyzing whether the itemized amounts
462 described in Subsection (2)(b) are reasonable in a specific case; and
463 (iii) the authority a court should have if the court determines that the itemized amounts
464 described in Subsection (2)(b) are not reasonable in a specific case.
465 (4) The Judicial Council shall make a copy of each report provided by the Office of
466 Licensing under Subsection (3)(b) available to each court that may be required to review an
467 affidavit under Subsection (1)(c).
468 [~~4~~] (5) This section does not apply if the prospective adoptive parent is the legal
469 spouse of a preexisting parent.