

HB0129S01 compared with HB0129

{Omitted text} shows text that was in HB0129 but was omitted in HB0129S01

inserted text shows text that was not in HB0129 but was inserted into HB0129S01

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Adoption Records Access Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill addresses access to adoption records.

Highlighted Provisions:

This bill:

- allows an individual who is adopted to access records associated with the individual's adoption when the individual is 18 years old or older; {and}

- allows a birth parent to petition a court to keep the records associated with an individual's adoption sealed; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

26B-8-125, as renumbered and amended by Laws of Utah 2023, Chapter 306, as renumbered and amended by Laws of Utah 2023, Chapter 306

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20 **78B-6-141** , as last amended by Laws of Utah 2021, Chapter 262 , as last amended by Laws of Utah
21 2021, Chapter 262

21

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

23 Section 1. Section **26B-8-125** is amended to read:

24 **26B-8-125. Inspection of vital records.**

23 (1) As used in this section:

24 (a) "Designated legal representative" means an attorney, physician, funeral service director, genealogist,
or other agent of the subject, or an immediate family member of the subject, who has been delegated
the authority to access vital records.

27 (b) "Drug use intervention or suicide prevention effort" means a program that studies or promotes the
prevention of drug overdose deaths or suicides in the state.

29 (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild.

31 (2)

. (a) The vital records shall be open to inspection, but only in compliance with the provisions of this part,
department rules, and Sections 78B-6-141 and 78B-6-144.

33 (b) It is unlawful for any state or local officer or employee to disclose data contained in vital records
contrary to this part, department rule, Section 78B-6-141, or Section 78B-6-144.

36 (c)

. (i) An adoption document is open to inspection as provided in Section 78B-6-141 or Section
78B-6-144.

38 (ii) A birth parent may not access an adoption document under Subsection 78B-6-141(3).

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

43 (3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital record is
present only if:

45 (a) the request is from:

46 (i) the subject;

47 (ii) an immediate family member of the subject;

48 (iii) the guardian of the subject;

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- 49 (iv) a designated legal representative of the subject; or
50 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with whom a child has
been placed pending finalization of an adoption of the child;
- 52 (b) the request involves a personal or property right of the subject of the record;
- 53 (c) the request is for official purposes of a public health authority or a state, local, or federal
governmental agency;
- 55 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or medical
research program and prior consent has been obtained from the state registrar; or
- 58 (e) the request is a certified copy of an order of a court of record specifying the record to be examined
or copied.
- 60 (4)
- . (a) Except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or an immediate
family member of a parent, who does not have legal or physical custody of or visitation or parent-
time rights for a child because of the termination of parental rights under Title 80, Chapter 4,
Termination and Restoration of Parental Rights, or by virtue of consenting to or relinquishing
a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be
considered as having a direct, tangible, and legitimate interest under this section.
- 67 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting names, addresses,
or similar information may not be considered as having a direct, tangible, and legitimate interest
under this section.
- 70 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make the
following records available to the public:
- 72 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding confidential
information collected for medical and health use, if 100 years or more have passed since the date of
birth;
- 75 (b) a death record if 50 years or more have passed since the date of death; and
- 76 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed since the date of
the event upon which the record is based.
- 78 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office shall make an
adoption document available as provided in Sections 78B-6-141 and 78B-6-144.

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

84 (a) for the inspection of adoption documents under Subsection [~~78B-6-141(4)~~] 78B-6-141(3);

86 [~~(b) for a birth parent's election to permit identifying information about the birth parent to be made available, under Section 78B-6-141;~~]

88 [~~(e)~~] (b) for the release of information by the mutual-consent, voluntary adoption registry, under Section 78B-6-144;

90 [~~(d)~~] (c) for collecting fees and donations under Section 78B-6-144.5; and

91 [~~(e)~~] (d) for the review and approval of a request described in Subsection (3)(d).

94 Section 2. Section **78B-6-141** is amended to read:

95 **78B-6-141. Court hearings may be closed -- Adoption documents.**

94 (1)

(a) Notwithstanding Section 80-4-106, court hearings in adoption cases may be closed to the public upon request of a party to the adoption petition and upon court approval.

97 (b) In a closed hearing, only the following individuals may be admitted:

98 (i) a party to the proceeding;

99 (ii) the adoptee;

100 (iii) a representative of an agency having custody of the adoptee;

101 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be relinquished and invitees of that individual to provide emotional support;

103 (v) in a hearing on the termination of parental rights, the individual whose rights may be terminated;

105 (vi) in a hearing on a petition to intervene, the proposed intervenor;

106 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and

107 (viii) other individuals for good cause, upon order of the court.

108 (2) [~~A~~n~~~~] Except as provided in Subsection (3), an adoption document and any other documents filed in connection with a petition for adoption are sealed.

110 (3) The documents described in Subsection (2) may only be open to inspection and copying:

111 (a) in accordance with Subsection [~~(5)(a)~~] (4)(a), by a party to the adoption proceeding:

112 (i) while the proceeding is pending; or

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

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- (b) subject to Subsection [~~(5)(b)~~] (4)(b), if a court enters an order permitting access to the documents by an individual who has appealed the denial of that individual's motion to intervene;
- 117 (c) upon order of the court expressly permitting inspection or copying, after good cause has been shown;
- 119 (d) as provided under Section 78B-6-144;
- 120 (e) when the adoption document becomes public on the one hundredth anniversary of the date the final decree of adoption was entered;
- 122 (f) when the birth certificate becomes public on the one hundredth anniversary of the date of birth;
- 124 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court order, unless the final decree of adoption is entered by the juvenile court under Subsection 78B-6-115(3)(b); or
- 127 (h) to an adult adoptee~~[, to the extent permitted under Subsection (4)]~~ who is the subject of the adoption, unless there is a court order sealing the documents as described in Subsection (5).
- 129 [~~(4)~~
- . (a) ~~An adult adoptee that was born in the state may access an adoption document associated with the adult adoptee's adoption without a court order:]~~
- 131 [~~(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
- 132 [~~(ii) if the birth parents listed on the original birth certificate are deceased:]~~
- 133 [~~(b) A birth parent may:]~~
- 134 [~~(i) provide consent to allow the access described in Subsection (4)(a) by electing, electronically or on a written form provided by the office, allowing the birth parent to elect to:]~~
- 137 [~~(A) allow the office to provide the adult adoptee with the contact information of the birth parent that the birth parent indicates;]~~
- 139 [~~(B) allow the office to provide the adult adoptee with the contact information of an intermediary that the birth parent indicates;]~~
- 141 [~~(C) prohibit the office from providing any contact information to the adult adoptee;]~~
- 143 [~~(D) allow the office to provide the adult adoptee with a noncertified copy of the original birth certificate; and]~~
- 145 [~~(ii) at any time, file, electronically or on a written document with the office, to:]~~
- 146 [~~(A) change the election described in Subsection (4)(b); or]~~
- 147 [~~(B) elect to make other information about the birth parent, including an updated medical history, available for inspection by an adult adoptee.]~~

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- 149 [(e) A birth parent may not access any identifying information or an adoption document under this
Subsection (4).]
- 151 [(d) If two birth parents are listed on the original birth certificate and only one birth parent consents
under Subsection (4)(b) or is deceased, the office may redact the name of the other birth parent.]
- 154 [(5)] (4)
- . (a) An individual who files a motion to intervene in an adoption proceeding:
- 155 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted; and
- 157 (ii) may not be granted access to the documents described in Subsection (2), unless the motion to
intervene is granted.
- 159 (b) An order described in Subsection (3)(b) shall:
- 160 (i) prohibit the individual described in Subsection (3)(b) from inspecting a document described in
Subsection (2) that contains identifying information of the adoptive or prospective adoptive parent;
and
- 163 (ii) permit the individual described in Subsection [(5)(b)(i)] (3)(b) to review a copy of a document
described in Subsection [(5)(b)(i)] (4)(b)(i) after the identifying information [described in
Subsection (5)(b)(i)] of the adoptive or prospective adoptive parent is redacted from the document.
- 170 (5)
- . (a) For a birth parent of an individual who is adopted as a minor, the birth parent may bring a petition in
a court before the individual reaches 18 years old to keep the documents described in Subsection (2)
sealed for 10 years after the day on which the individual reaches 18 years old.
- 174 (b) If the court grants a birth parent's petition under Subsection (5)(a), the birth parent may bring a
petition, every 10 years and before the court order expires, to keep the documents sealed for an
additional 10 years.
- 177 (c) The court may only grant a petition under Subsection (5)(a) or (5)(b) if:
- 178 (i) access to the documents described in Subsection (2) would place the birth parent in reasonable fear
of harm; or
- 180 (ii) there is good cause to prevent access to the documents described in Subsection (2) that is similar to
the good cause described in Subsection (5)(c)(i).

182 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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