

Raymond P. Ward proposes the following substitute bill:

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;

▸ 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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(1) As used in this section:

(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.

(b) "Drug use intervention or suicide prevention effort" means a program that studies or

- 30 promotes the prevention of drug overdose deaths or suicides in the state.
- 31 (c) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
32 grandchild.
- 33 (2)(a) The vital records shall be open to inspection, but only in compliance with the
34 provisions of this part, department rules, and Sections 78B-6-141 and 78B-6-144.
- 35 (b) It is unlawful for any state or local officer or employee to disclose data contained in
36 vital records contrary to this part, department rule, Section 78B-6-141, or Section
37 78B-6-144.
- 38 (c)(i) An adoption document is open to inspection as provided in Section 78B-6-141
39 or Section 78B-6-144.
- 40 (ii) A birth parent may not access an adoption document under Subsection
41 78B-6-141(3).
- 42 (d) A custodian of vital records may permit inspection of a vital record or issue a
43 certified copy of a record or a part of a record when the custodian is satisfied that the
44 applicant has demonstrated a direct, tangible, and legitimate interest.
- 45 (3) Except as provided in Subsection (4), a direct, tangible, and legitimate interest in a vital
46 record is present only if:
- 47 (a) the request is from:
- 48 (i) the subject;
- 49 (ii) an immediate family member of the subject;
- 50 (iii) the guardian of the subject;
- 51 (iv) a designated legal representative of the subject; or
- 52 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with
53 whom a child has been placed pending finalization of an adoption of the child;
- 54 (b) the request involves a personal or property right of the subject of the record;
- 55 (c) the request is for official purposes of a public health authority or a state, local, or
56 federal governmental agency;
- 57 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or
58 medical research program and prior consent has been obtained from the state
59 registrar; or
- 60 (e) the request is a certified copy of an order of a court of record specifying the record to
61 be examined or copied.
- 62 (4)(a) Except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent,
63 or an immediate family member of a parent, who does not have legal or physical

64 custody of or visitation or parent-time rights for a child because of the termination of
 65 parental rights under Title 80, Chapter 4, Termination and Restoration of Parental
 66 Rights, or by virtue of consenting to or relinquishing a child for adoption pursuant to
 67 Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a
 68 direct, tangible, and legitimate interest under this section.

69 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting
 70 names, addresses, or similar information may not be considered as having a direct,
 71 tangible, and legitimate interest under this section.

72 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office
 73 shall make the following records available to the public:

74 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding
 75 confidential information collected for medical and health use, if 100 years or more
 76 have passed since the date of birth;

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

78 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed
 79 since the date of the event upon which the record is based.

80 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office
 81 shall make an adoption document available as provided in Sections 78B-6-141 and
 82 78B-6-144.

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

86 (a) for the inspection of adoption documents under Subsection ~~[78B-6-141(4)]~~
 87 ~~78B-6-141(3);~~

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

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

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

93 ~~[(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.**

96 (1)(a) Notwithstanding Section 80-4-106, court hearings in adoption cases may be

97 closed to the public upon request of a party to the adoption petition and upon court

98 approval.

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

100 (i) a party to the proceeding;

101 (ii) the adoptee;

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

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

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

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

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

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

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

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

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

114 (i) while the proceeding is pending; or

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

116 (b) subject to Subsection ~~[(5)(b)]~~ (4)(b), if a court enters an order permitting access to the
117 documents by an individual who has appealed the denial of that individual's motion
118 to intervene;

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

121 (d) as provided under Section 78B-6-144;

122 (e) when the adoption document becomes public on the one hundredth anniversary of
123 the date the final decree of adoption was entered;

124 (f) when the birth certificate becomes public on the one hundredth anniversary of the
125 date of birth;

126 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court
127 order, unless the final decree of adoption is entered by the juvenile court under
128 Subsection 78B-6-115(3)(b); or

129 (h) to an adult adoptee~~[- to the extent permitted under Subsection (4)]~~ who is the subject
130 of the adoption, unless there is a court order sealing the documents as described in
131 Subsection (5).

- 132 ~~[(4)(a) An adult adoptee that was born in the state may access an adoption document~~
 133 ~~associated with the adult adoptee's adoption without a court order:]~~
- 134 ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
 135 ~~[(ii) if the birth parents listed on the original birth certificate are deceased:]~~
- 136 ~~[(b) A birth parent may:]~~
- 137 ~~[(i) provide consent to allow the access described in Subsection (4)(a) by electing,~~
 138 ~~electronically or on a written form provided by the office, allowing the birth~~
 139 ~~parent to elect to:]~~
- 140 ~~[(A) allow the office to provide the adult adoptee with the contact information of~~
 141 ~~the birth parent that the birth parent indicates;]~~
- 142 ~~[(B) allow the office to provide the adult adoptee with the contact information of~~
 143 ~~an intermediary that the birth parent indicates;]~~
- 144 ~~[(C) prohibit the office from providing any contact information to the adult~~
 145 ~~adoptee;]~~
- 146 ~~[(D) allow the office to provide the adult adoptee with a noncertified copy of the~~
 147 ~~original birth certificate; and]~~
- 148 ~~[(ii) at any time, file, electronically or on a written document with the office, to:]~~
- 149 ~~[(A) change the election described in Subsection (4)(b); or]~~
 150 ~~[(B) elect to make other information about the birth parent, including an updated~~
 151 ~~medical history, available for inspection by an adult adoptee.]~~
- 152 ~~[(c) A birth parent may not access any identifying information or an adoption document~~
 153 ~~under this Subsection (4).]~~
- 154 ~~[(d) If two birth parents are listed on the original birth certificate and only one birth~~
 155 ~~parent consents under Subsection (4)(b) or is deceased, the office may redact the~~
 156 ~~name of the other birth parent.]~~
- 157 ~~[(5)]~~ (4)(a) An individual who files a motion to intervene in an adoption proceeding:
- 158 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted;
 159 and
- 160 (ii) may not be granted access to the documents described in Subsection (2), unless
 161 the motion to intervene is granted.
- 162 (b) An order described in Subsection (3)(b) shall:
- 163 (i) prohibit the individual described in Subsection (3)(b) from inspecting a document
 164 described in Subsection (2) that contains identifying information of the adoptive
 165 or prospective adoptive parent; and

166 (ii) permit the individual described in Subsection ~~[(5)(b)(i)]~~ (3)(b) to review a copy of
167 a document described in Subsection ~~[(5)(b)(i)]~~ (4)(b)(i) after the identifying
168 information ~~[described in Subsection (5)(b)(i)]~~ of the adoptive or prospective
169 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
171 bring a petition in a court before the individual reaches 18 years old to keep the
172 documents described in Subsection (2) sealed for 10 years after the day on which the
173 individual reaches 18 years old.

174 (b) If the court grants a birth parent's petition under Subsection (5)(a), the birth parent
175 may bring a petition, every 10 years and before the court order expires, to keep the
176 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
179 in reasonable fear of harm; or

180 (ii) there is good cause to prevent access to the documents described in Subsection (2)
181 that is similar to the good cause described in Subsection (5)(c)(i).

182 Section 3. **Effective Date.**

183 This bill takes effect on May 7, 2025.