

Jen Plumb 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 as a minor child to access records associated with the individual's adoption if the individual is 18 years old or older;

- amends the jurisdiction of the juvenile court;

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

- includes a coordination clause to address substantive and technical conflicts if this bill and S.B. 119, Domestic Relations Recodification, both pass and become law; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

78A-6-103, as last amended by Laws of Utah 2024, Chapter 366

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

Utah Code Sections affected by Coordination Clause:

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

78A-6-103, as last amended by Laws of Utah 2024, Chapter 366

29 **78B-6-141**, as last amended by Laws of Utah 2021, Chapter 262

30

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

32 *The following section is affected by a coordination clause at the end of this bill.*

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

34 **26B-8-125 . Inspection of vital records.**

35 (1) As used in this section:

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

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

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

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

45 (b) It is unlawful for any state or local officer or employee to disclose data contained in
46 vital records contrary to this part, department rule, Section 78B-6-141, or Section
47 78B-6-144.

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

50 (ii) A birth parent may not access an adoption document under Subsection
51 78B-6-141(3).

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

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

57 (a) the request is from:

58 (i) the subject;

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

60 (iii) the guardian of the subject;

61 (iv) a designated legal representative of the subject; or

62 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with

- 63 whom a child has been placed pending finalization of an adoption of the child;
- 64 (b) the request involves a personal or property right of the subject of the record;
- 65 (c) the request is for official purposes of a public health authority or a state, local, or
- 66 federal governmental agency;
- 67 (d) the request is for a drug use intervention or suicide prevention effort or a statistical or
- 68 medical research program and prior consent has been obtained from the state
- 69 registrar; or
- 70 (e) the request is a certified copy of an order of a court of record specifying the record to
- 71 be examined or copied.
- 72 (4)(a) Except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent,
- 73 or an immediate family member of a parent, who does not have legal or physical
- 74 custody of or visitation or parent-time rights for a child because of the termination of
- 75 parental rights under Title 80, Chapter 4, Termination and Restoration of Parental
- 76 Rights, or by virtue of consenting to or relinquishing a child for adoption pursuant to
- 77 Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a
- 78 direct, tangible, and legitimate interest under this section.
- 79 (b) Except as provided in Subsection (2)(d), a commercial firm or agency requesting
- 80 names, addresses, or similar information may not be considered as having a direct,
- 81 tangible, and legitimate interest under this section.
- 82 (5) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 83 shall make the following records available to the public:
- 84 (a) except as provided in Subsection 26B-8-110(4)(b), a birth record, excluding
- 85 confidential information collected for medical and health use, if 100 years or more
- 86 have passed since the date of birth;
- 87 (b) a death record if 50 years or more have passed since the date of death; and
- 88 (c) a vital record not subject to Subsection (5)(a) or (b) if 75 years or more have passed
- 89 since the date of the event upon which the record is based.
- 90 (6) Upon payment of a fee established in accordance with Section 63J-1-504, the office
- 91 shall make an adoption document available as provided in Sections 78B-6-141 and
- 92 78B-6-144.
- 93 (7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
- 94 Administrative Rulemaking Act, establishing procedures and the content of forms as
- 95 follows:
- 96 (a) for the inspection of adoption documents under Subsection [78B-6-141(4)]

- 97 78B-6-141(3);
- 98 ~~[(b) for a birth parent's election to permit identifying information about the birth parent~~
- 99 ~~to be made available, under Section 78B-6-141;]~~
- 100 ~~[(e)]~~ (b) for the release of information by the mutual-consent, voluntary adoption
- 101 registry, under Section 78B-6-144;
- 102 ~~[(d)]~~ (c) for collecting fees and donations under Section 78B-6-144.5; and
- 103 ~~[(e)]~~ (d) for the review and approval of a request described in Subsection (3)(d).

104 *The following section is affected by a coordination clause at the end of this bill.*

105 Section 2. Section **78A-6-103** is amended to read:

106 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**

107 **Findings -- Transfer of a case from another court.**

- 108 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- 109 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 110 state, or federal law, that was committed by a child;
- 111 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
- 112 state, or federal law, that was committed by an individual:
- 113 (i) who is under 21 years old at the time of all court proceedings; and
- 114 (ii) who was under 18 years old at the time the offense was committed; and
- 115 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,
- 116 that was committed:
- 117 (i) by an individual:
- 118 (A) who was 18 years old and enrolled in high school at the time of the offense;
- 119 and
- 120 (B) who is under 21 years old at the time of all court proceedings; and
- 121 (ii) on school property where the individual was enrolled:
- 122 (A) when school was in session; or
- 123 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 124 (2) The juvenile court has original jurisdiction over:
- 125 (a) any proceeding concerning:
- 126 (i) a child who is an abused child, neglected child, or dependent child;
- 127 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
- 128 Child Protective Orders;
- 129 (iii) the appointment of a guardian of the individual or other guardian of a minor who
- 130 comes within the court's jurisdiction under other provisions of this section;

- 131 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
132 Emancipation;
- 133 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
134 Termination and Restoration of Parental Rights, including termination of residual
135 parental rights and duties;
- 136 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 137 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
138 accordance with Section 81-2-304;
- 139 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 140 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 141 (x) the treatment or commitment of a child with a mental illness;
- 142 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
143 Section 26B-5-204;
- 144 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
145 Part 4, Competency;
- 146 (xiii) de novo review of final agency actions resulting from an informal adjudicative
147 proceeding as provided in Section 63G-4-402;
- 148 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
149 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered
150 an order terminating the rights of a parent and finds that adoption is in the best
151 interest of the child;
- 152 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
153 Division of Juvenile Justice and Youth Services if, despite earnest and persistent
154 efforts by the Division of Juvenile Justice and Youth Services, the child has
155 demonstrated that the child:
- 156 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
157 that the child's behavior or condition endangers the child's own welfare or the
158 welfare of others; or
- 159 (B) has run away from home; and
- 160 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
161 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for
162 failure to comply with a promise to appear and bring a child to the juvenile court;
- 163 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
164 Expungement;

- 165 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 166 (d) a petition for special findings under Section 80-3-305; [~~and~~]
- 167 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211[-] ;
- 168 and
- 169 (f) a pre-existing parent's petition to seal adoption documents as described in Subsection
- 170 78B-6-141(5).
- 171 (3) The juvenile court does not have original jurisdiction over an offense committed by a
- 172 minor as described in Subsection (1) if:
- 173 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 174 (b) the district court has original jurisdiction over the offense under Subsection
- 175 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense
- 176 under Section 78A-6-103.5; or
- 177 (c) the justice court has original jurisdiction over the offense under Subsection
- 178 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense
- 179 under Section 78A-6-103.5.
- 180 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law
- 181 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
- 182 (2)(a)(xvi), (b), or (c).
- 183 (5) This section does not restrict the right of access to the juvenile court by private agencies
- 184 or other persons.
- 185 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising
- 186 under Title 80, Chapter 6, Part 5, Transfer to District Court.
- 187 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,
- 188 or without merit, in accordance with Section 80-3-404.
- 189 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
- 190 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.
- 191 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in
- 192 Subsection 78B-7-303(8).

193 *The following section is affected by a coordination clause at the end of this bill.*

194 Section 3. Section **78B-6-141** is amended to read:

195 **78B-6-141 . Court hearings may be closed -- Adoption documents.**

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

- 199 (b) In a closed hearing, only the following individuals may be admitted:
- 200 (i) a party to the proceeding;
- 201 (ii) the adoptee;
- 202 (iii) a representative of an agency having custody of the adoptee;
- 203 (iv) in a hearing to relinquish parental rights, the individual whose rights are to be
- 204 relinquished and invitees of that individual to provide emotional support;
- 205 (v) in a hearing on the termination of parental rights, the individual whose rights may
- 206 be terminated;
- 207 (vi) in a hearing on a petition to intervene, the proposed intervenor;
- 208 (vii) in a hearing to finalize an adoption, invitees of the petitioner; and
- 209 (viii) other individuals for good cause, upon order of the court.
- 210 (2) ~~[An]~~ Except as provided in Subsection (3) and (4), an adoption document and any other
- 211 documents filed in connection with a petition for adoption are sealed.
- 212 (3) The documents described in Subsection (2) may only be open to inspection and copying:
- 213 (a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:
- 214 (i) while the proceeding is pending; or
- 215 (ii) within six months after the day on which the adoption decree is entered;
- 216 (b) subject to Subsection (5)(b), if a court enters an order permitting access to the
- 217 documents by an individual who has appealed the denial of that individual's motion
- 218 to intervene;
- 219 (c) upon order of the court expressly permitting inspection or copying, after good cause
- 220 has been shown;
- 221 (d) as provided under Section 78B-6-144;
- 222 (e) when the adoption document becomes public on the one hundredth anniversary of
- 223 the date the final decree of adoption was entered;
- 224 (f) when the birth certificate becomes public on the one hundredth anniversary of the
- 225 date of birth; or
- 226 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court
- 227 order, unless the final decree of adoption is entered by the juvenile court under
- 228 Subsection 78B-6-115(3)(b)~~[; or]~~ .
- 229 ~~[(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~
- 230 ~~[(4)(a) An adult adoptee that was born in the state may access an adoption document~~
- 231 ~~associated with the adult adoptee's adoption without a court order:]~~
- 232 ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~

- 233 ~~[(ii) if the birth parents listed on the original birth certificate are deceased.]~~
234 ~~[(b) A birth parent may:]~~
235 ~~[(i) provide consent to allow the access described in Subsection (4)(a) by electing,~~
236 ~~electronically or on a written form provided by the office, allowing the birth~~
237 ~~parent to elect to:]~~
238 ~~[(A) allow the office to provide the adult adoptee with the contact information of~~
239 ~~the birth parent that the birth parent indicates;]~~
240 ~~[(B) allow the office to provide the adult adoptee with the contact information of~~
241 ~~an intermediary that the birth parent indicates;]~~
242 ~~[(C) prohibit the office from providing any contact information to the adult~~
243 ~~adoptee;]~~
244 ~~[(D) allow the office to provide the adult adoptee with a noncertified copy of the~~
245 ~~original birth certificate; and]~~
246 ~~[(ii) at any time, file, electronically or on a written document with the office, to:]~~
247 ~~[(A) change the election described in Subsection (4)(b); or]~~
248 ~~[(B) elect to make other information about the birth parent, including an updated~~
249 ~~medical history, available for inspection by an adult adoptee.]~~
250 ~~[(e) A birth parent may not access any identifying information or an adoption document~~
251 ~~under this Subsection (4).]~~
252 ~~[(d) If two birth parents are listed on the original birth certificate and only one birth~~
253 ~~parent consents under Subsection (4)(b) or is deceased, the office may redact the~~
254 ~~name of the other birth parent.]~~
255 (4)(a) Unless there is a court order sealing the documents, an adult adoptee may inspect
256 and copy the following adoption documents associated with the adult adoptee's
257 adoption, without a court order:
258 (i) the report of adoption;
259 (ii) the original birth certificate;
260 (iii) the findings of fact for the adoption; and
261 (iv) the final decree of adoption.
262 (b) A pre-existing parent of an adult adoptee may bring a petition in the court that
263 entered the final decree of adoption to keep the documents described in Subsection
264 (4)(a) sealed for 10 years after the day on which the adult adoptee reaches 18 years
265 old.
266 (c) The pre-existing parent shall:

- 267 (i) file a petition described in Subsection (4)(a) before the adoptee reaches 18 years
268 old; and
- 269 (ii) include in the petition sufficient information for the court to reliably determine
270 the adoption documents at issue in the petition.
- 271 (d) The court may only grant the petition described in Subsection (4)(b) if the
272 pre-existing parent establishes by sworn affidavit that the adult adoptee's access to
273 the documents described in Subsection (4)(a) would place the pre-existing parent in
274 reasonable fear of harm from an individual.
- 275 (e) If the court grants a pre-existing parent's petition, the documents described in
276 Subsection (4)(a) shall remain sealed for 10 years from the entry of the order, unless
277 the court permits access to the documents under Subsection (3)(c).
- 278 (f) The pre-existing parent may bring a new petition every 10 years for an order
279 extending the sealing of the documents described in Subsection (4)(a) for an
280 additional 10 years.
- 281 (g) The pre-existing parent shall file a petition described in Subsection (4)(f) before the
282 expiration of the previous order.
- 283 (h) A petition to extend the sealing of the documents described in Subsection (4)(a) shall
284 satisfy all of the requirements described in Subsections (4)(b) through (d) for the
285 original petition.
- 286 (5)(a) An individual who files a motion to intervene in an adoption proceeding:
- 287 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted;
288 and
- 289 (ii) may not be granted access to the documents described in Subsection (2), unless
290 the motion to intervene is granted.
- 291 (b) An order described in Subsection (3)(b) shall:
- 292 (i) prohibit the individual described in Subsection (3)(b) from inspecting a document
293 described in Subsection (2) that contains identifying information of the adoptive
294 or prospective adoptive parent; and
- 295 (ii) permit the individual described in Subsection [~~(5)(b)(i)~~] (5)(b) to review a copy of
296 a document described in Subsection (5)(b)(i) after the identifying information [
297 ~~described in Subsection (5)(b)(i)~~] of the adoptive or prospective adoptive parent is
298 redacted from the document.

299 Section 4. **Effective Date.**

300 This bill takes effect on November 1, 2025.

- 301 Section 5. **Coordinating H.B. 129 with S.B. 119.**
- 302 If H.B. 129, Adoption Records Access Amendments, and S.B. 119, Domestic Relations
- 303 Recodification, both pass and become law, the Legislature intends that:
- 304 (1) on September 1, 2025, the coordination clause in S.B. 119 that coordinates H.B. 129
- 305 with S.B. 119 not take effect; and
- 306 (2) on November 1, 2025:
- 307 (a) Subsection 26B-8-125(7) be amended to read:
- 308 "(7) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
- 309 Administrative Rulemaking Act, establishing procedures and the content of forms as
- 310 follows:
- 311 (a) for the inspection of adoption documents under Subsection [78B-6-141(4)]
- 312 81-13-103(3);
- 313 [(b) for a birth parent's election to permit identifying information about the birth
- 314 parent to be made available, under Section 78B-6-141;]
- 315 [(e)] (b) for the release of information by the mutual-consent, voluntary adoption
- 316 registry[, under Section 78B-6-144] as described in Section 81-13-504;
- 317 [(d)] (c) for collecting fees and donations under Section [78B-6-144.5] 81-13-505;
- 318 and
- 319 [(e)] (d) for the review and approval of a request described in Subsection (3)(d).";
- 320 (b) the reference in Subsection 78A-6-103(2)(f) in H.B. 129 be changed from
- 321 "Subsection 78B-6-141(5)" to "Subsection 81-13-103(6)";
- 322 (c) Section 81-13-103 (renumbered from Section 78B-6-141) in S.B. 119 be amended to
- 323 read:
- 324 **[78B-6-141] 81-13-103. Court hearings -- Adoption documents -- Motion to**
- 325 **intervene.**
- 326 (1)(a) Notwithstanding Section 80-4-106, [court hearings in adoption cases may
- 327 be closed to the public] the court may close to the public any court hearing regarding
- 328 an adoption upon the request of a party to the [adoption petition and upon court
- 329 approval] petition for adoption.
- 330 (b) In a closed hearing, the court may only admit the following individuals[may
- 331 be admitted]:
- 332 (i) a party to the proceeding;
- 333 (ii) the adoptee;
- 334 (iii) a representative of an agency having custody of the adoptee;

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

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

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

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

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

342 (2) ~~[An] Except as provided in Subsection (3) through (7), an adoption document~~
 343 ~~and any other documents filed in connection with a petition for adoption are sealed.~~
 344 ~~[(3) The documents described in Subsection (2) may only be open to inspection~~
 345 ~~and copying:]~~

346 ~~[(a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:]~~
 347 ~~[(i) while the proceeding is pending; or]~~
 348 ~~[(ii) within six months after the day on which the adoption decree is entered;]~~

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

352 ~~[(c) upon order of the court expressly permitting inspection or copying, after good~~
 353 ~~cause has been shown;]~~

354 ~~[(d) as provided under Section 78B-6-144;]~~

355 ~~[(e) when the adoption document becomes public on the one hundredth~~
 356 ~~anniversary of the date the final decree of adoption was entered;]~~

357 ~~[(f) when the birth certificate becomes public on the one hundredth anniversary of~~
 358 ~~the date of birth;]~~

359 ~~[(g) to a mature adoptee or a parent who adopted the mature adoptee, without a~~
 360 ~~court order, unless the final decree of adoption is entered by the juvenile court under~~
 361 ~~Subsection 78B-6-115(3)(b); or]~~

362 ~~[(h) to an adult adoptee, to the extent permitted under Subsection (4).]~~

363 ~~[(4)(a) An adult adoptee that was born in the state may access an adoption~~
 364 ~~document associated with the adult adoptee's adoption without a court order:]~~

365 ~~[(i) to the extent that a birth parent consents under Subsection (4)(b); or]~~
 366 ~~[(ii) if the birth parents listed on the original birth certificate are deceased.]~~

367 ~~[(b) A birth parent may:]~~

368 ~~[(i) provide consent to allow the access described in Subsection (4)(a) by electing;~~

369 electronically or on a written form provided by the office, allowing the birth parent to
370 elect to:]

371 [~~(A) allow the office to provide the adult adoptee with the contact information of~~
372 ~~the birth parent that the birth parent indicates;]~~

373 [~~(B) allow the office to provide the adult adoptee with the contact information of~~
374 ~~an intermediary that the birth parent indicates;]~~

375 [~~(C) prohibit the office from providing any contact information to the adult~~
376 ~~adoptee;]~~

377 [~~(D) allow the office to provide the adult adoptee with a noncertified copy of the~~
378 ~~original birth certificate; and]~~

379 [~~(ii) at any time, file, electronically or on a written document with the office, to:]~~

380 [~~(A) change the election described in Subsection (4)(b); or]~~

381 [~~(B) elect to make other information about the birth parent, including an updated~~
382 ~~medical history, available for inspection by an adult adoptee.]~~

383 [~~(c) A birth parent may not access any identifying information or an adoption~~
384 ~~document under this Subsection (4).]~~

385 [~~(d) If two birth parents are listed on the original birth certificate and only one~~
386 ~~birth parent consents under Subsection (4)(b) or is deceased, the office may redact~~
387 ~~the name of the other birth parent.]~~

388 [~~(5)(a) An individual who files a motion to intervene in an adoption proceeding:]~~

389 [~~(i) is not a party to the adoption proceeding, unless the motion to intervene is~~
390 ~~granted; and]~~

391 [~~(ii) may not be granted access to the documents described in Subsection (2),~~
392 ~~unless the motion to intervene is granted.]~~

393 [~~(b) An order described in Subsection (3)(b) shall:]~~

394 [~~(i) prohibit the individual described in Subsection (3)(b) from inspecting a~~
395 ~~document described in Subsection (2) that contains identifying information of the~~
396 ~~adoptive or prospective adoptive parent; and]~~

397 [~~(ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a~~
398 ~~document described in Subsection (5)(b)(i) after the identifying information~~
399 ~~described in Subsection (5)(b)(i) is redacted from the document.]~~

400 (3) A person may only inspect and copy the documents described in Subsection
401 (2):

402 (a) if the adoption proceeding is pending and the person is a party to the adoption

403 proceeding;
404 (b) within 180 days after the day on which the final decree of adoption is entered
405 if the person is a party to the adoption proceeding;
406 (c) if the court enters an order expressly permitting the inspection or copying the
407 documents after the person filed a motion to intervene and the motion to intervene
408 was granted on appeal;
409 (d) if the court enters an order expressly permitting the inspection or copying of
410 the documents after good cause is shown;
411 (e) if the office is permitted to release the documents to the person as described in
412 Section 81-13-504;
413 (f) when the documents become public 100 years after the day on which the final
414 decree of adoption was entered;
415 (g) when the birth certificate becomes public 100 years after the day on which the
416 adoptee was born; or
417 (h) if the person is permitted access to the documents under Subsection (6) or (7).
418 (4) A person who files a motion to intervene in an adoption proceeding:
419 (a) is not a party to the adoption proceeding, unless the motion to intervene is
420 granted; and
421 (b) subject to Subsection (5), may not be granted access to the documents
422 described in Subsection (2), unless the motion to intervene is granted.
423 (5) If the court enters an order under Subsection (3)(c) or a potential birth father is
424 made a party to the adoption proceeding upon a motion to intervene, the court shall:
425 (a) prohibit the person described in Subsection (3)(c) or the potential birth father
426 from inspecting a document described in Subsection (2) that contains identifying
427 information of an adoptive or prospective adoptive parent; and
428 (b) permit the person described in Subsection (3)(c) or the potential birth father to
429 review a copy of the document described in Subsection (5)(a) after the identifying
430 information of the adoptive or prospective adoptive parent is redacted from the
431 document.
432 (6) (a) Unless there is a court order sealing the documents, a child adoptee may
433 inspect and copy the following documents associated with the child adoptee's
434 adoption, without a court order, if the child adoptee is 18 years old or older:
435 (i) the report of adoption;
436 (ii) the original birth certificate;

- 437 (iii) the findings of fact for the adoption; and
438 (iv) the final decree of adoption.
- 439 (b) A pre-existing parent of a child adoptee may bring a petition in the court that
440 entered the final decree of adoption to keep the documents described in Subsection
441 (6)(a) sealed for 10 years after the day on which the child adoptee reaches 18 years
442 old.
- 443 (c) The pre-existing parent shall:
- 444 (i) file a petition described in Subsection (6)(b) before the child adoptee reaches
445 18 years old; and
- 446 (ii) include in the petition sufficient information for the court to reliably determine
447 the adoption documents at issue in the petition.
- 448 (d) The court may only grant the petition described in Subsection (6)(b) if the
449 pre-existing parent establishes by sworn affidavit that the child adoptee's access to
450 the documents described in Subsection (6)(a) would place the pre-existing parent in
451 reasonable fear of harm from an individual.
- 452 (e) If the court grants a pre-existing parent's petition, the documents described in
453 Subsection (6)(a) shall remain sealed for 10 years from the entry of the order, unless
454 the court permits access to the documents under Subsection (3)(d).
- 455 (f) The pre-existing parent may bring a new petition every 10 years for an order
456 extending the sealing of the documents described in Subsections (6)(a) for an
457 additional 10 years.
- 458 (g) The pre-existing parent shall file a petition described in Subsection (6)(f)
459 before the expiration of the previous order.
- 460 (h) A petition to extend the sealing of the documents described in Subsection (6)(a)
461 shall satisfy all of the requirements described in Subsection (6)(b) through (d) for the
462 original petition.
- 463 (7) An adult adoptee, or the adoptive parent of the adult adoptee, may inspect an
464 adoption document associated with the adult adoptee's adoption without a court
465 order, unless the final decree of adoption is entered by the juvenile court.
- 466 (8) A pre-existing parent may not access the documents described in Subsection
467 (2)."; and
- 468 (d) the changes to Section 78B-6-141 in H.B. 129 not be made.