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Adoption Modifications
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Rex P. Shipp
 Senate Sponsor: Evan J. Vickers

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3 **LONG TITLE**4 **General Description:**

5 This bill amends provisions regarding adoptive evaluations.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ creates exceptions to the requirement of a preplacement adoptive evaluation; and
- 9 ▶ makes technical and conforming changes.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **78B-6-128**, as last amended by Laws of Utah 2024, Chapter 261

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18 *Be it enacted by the Legislature of the state of Utah:*19 Section 1. Section **78B-6-128** is amended to read:20 **78B-6-128 . Preplacement adoptive evaluations -- Exceptions.**

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

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

28 (c)(i) Unless the court otherwise requests the preplacement adoption evaluation,

29 Subsection (1)(a) does not apply if:

30 (A) a pre-existing parent has legal custody of the child to be adopted and the

31 prospective adoptive parent is related to [that] the child or the pre-existing
32 parent as a stepparent, sibling by half or whole blood or by adoption,
33 grandparent, aunt, uncle, or first cousin[~~-, unless the court otherwise requests~~
34 ~~the preplacement adoption.~~] ;

35 (B) a pre-existing parent has or had legal custody of the child to be adopted, the
36 prospective adoptive parent was previously married to the pre-existing parent,
37 and the prospective adoptive parent has lived with the child for at least 180
38 days before the day on which the petition for adoption was filed; or

39 (C) the child to be adopted has lived in the adoptive home with the prospective
40 adoptive parent for at least one year before the day on which the petition for
41 adoption was filed and the court finds that the adoption is in the best interests
42 of the child.

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

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

49 (ii) If the prospective adoptive parent has previously received custody of a child for
50 the purpose of adoption, the preplacement adoptive evaluation shall be completed
51 or updated within the 12-month period immediately preceding the placement of a
52 child with the prospective adoptive parent and after the placement of the previous
53 child with the prospective adoptive parent.

54 (2) The preplacement adoptive evaluation shall include:

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

58 (i) if the child is in state custody, each prospective adoptive parent and any other
59 adult living in the prospective home shall submit fingerprints to the Department of
60 Health and Human Services, which shall perform a criminal history background
61 check in accordance with Section 26B-2-120; or

62 (ii) subject to Subsection (3), if the child is not in state custody, an adoption service
63 provider or an attorney representing a prospective adoptive parent shall submit
64 fingerprints from the prospective adoptive parent and any other adult living in the

- 65 prospective home to the Criminal and Technical Services Division of Public
66 Safety for a regional and nationwide background check, to the Office of
67 Background Processing within the Department of Health and Human Services for
68 a background check in accordance with Section 26B-2-120, or to the Federal
69 Bureau of Investigation;
- 70 (b) a report containing all information regarding reports and investigations of child
71 abuse, neglect, and dependency, with respect to each prospective adoptive parent and
72 any other adult living in the prospective home, obtained no earlier than 18 months
73 immediately preceding the day on which the child is placed in the prospective home,
74 pursuant to waivers executed by each prospective adoptive parent and any other adult
75 living in the prospective home, that:
- 76 (i) if the prospective adoptive parent or the adult living in the prospective adoptive
77 parent's home is a resident of Utah, is prepared by the Department of Health and
78 Human Services from the records of the Department of Health and Human
79 Services; or
- 80 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive
81 parent's home is not a resident of Utah, prepared by the Department of Health and
82 Human Services, or a similar agency in another state, district, or territory of the
83 United States, where each prospective adoptive parent and any other adult living
84 in the prospective home resided in the five years immediately preceding the day
85 on which the child is placed in the prospective adoptive home;
- 86 (c) in accordance with Subsection (6), a home study conducted by an adoption service
87 provider that is:
- 88 (i) an expert in family relations approved by the court;
89 (ii) a certified social worker;
90 (iii) a clinical social worker;
91 (iv) a marriage and family therapist;
92 (v) a psychologist;
93 (vi) a social service worker, if supervised by a certified or clinical social worker;
94 (vii) a clinical mental health counselor; or
95 (viii) an Office of Licensing employee within the Department of Health and Human
96 Services who is trained to perform a home study; and
- 97 (d) in accordance with Subsection (7), if the child to be adopted is a child who is in the
98 custody of any public child welfare agency, and is a child who has a special need as

99 defined in Section 80-2-801, the preplacement adoptive evaluation shall be conducted
100 by the Department of Health and Human Services or a child-placing agency that has
101 entered into a contract with the department to conduct the preplacement adoptive
102 evaluations for children with special needs.

103 (3) For purposes of Subsection (2)(a)(ii), subject to Subsection (4), the criminal history
104 background check described in Subsection (2)(a)(ii) shall be submitted in a manner
105 acceptable to the court that will:

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

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

109 (4) In order to comply with Subsection (3), the manner in which the criminal history
110 background check is submitted shall be approved by the court.

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

115 (6)(a) An individual described in Subsections (2)(c)(i) through (vii) shall be licensed to
116 practice under the laws of:

117 (i) this state; or

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

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

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

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

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

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

132 (iv) a medical history and a doctor's report, based upon a doctor's physical

- 133 examination of the prospective adoptive parent, made within two years before the
134 date of the application; and
- 135 (v) a description of an inspection of the home to determine whether sufficient space
136 and facilities exist to meet the needs of the child and whether basic health and
137 safety standards are maintained.
- 138 (7) Any fee assessed by the evaluating agency described in Subsection (2)(d) is the
139 responsibility of the adopting parent.
- 140 (8) The person conducting the preplacement adoptive evaluation shall, in connection with
141 the preplacement adoptive evaluation, provide the prospective adoptive parent with
142 literature approved by the Division of Child and Family Services relating to adoption,
143 including information relating to:
- 144 (a) the adoption process;
145 (b) developmental issues that may require early intervention; and
146 (c) community resources that are available to the prospective adoptive parent.
- 147 (9) A copy of the preplacement adoptive evaluation shall be filed with the court.
- 148 (10) A home study completed for the purposes of foster care licensing in accordance with
149 Title 80, Chapter 2, Part 3, Division Responsibilities, shall be accepted by the court for a
150 proceeding under this part.

151 Section 2. **Effective date.**

152 This bill takes effect on May 7, 2025.