

HB0051S04 compared with HB0051S02

~~{Omitted text}~~ shows text that was in HB0051S02 but was omitted in HB0051S04

inserted text shows text that was not in HB0051S02 but was inserted into HB0051S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Adoption Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor:Chris H. Wilson

2

3

LONG TITLE

4

General Description:

5

This bill amends provisions relating to adoption and child-placing {adoption} agencies.

6

Highlighted Provisions:

7

This bill:

8

▸ modifies provisions related to child-placing {adoption} agencies including:

9

- terms of licensing;

10

- advertising requirements;

11

- reporting requirements; and

12

- disclosure of information to birth parents and adoptive parents;

13

▸ addresses the rights of birth parents and adoptive parents;

14

▸ clarifies the types of payments and fees that are permissible in an adoption;

15

▸ addresses transportation of birth mothers to Utah from other states or countries;

16

▸ amends provisions relating to mental health therapy for a birth parent;

17

▸ clarifies that a birth parent can revoke consent under limited circumstances;

18

▸ addresses adoption services in health care facilities;

HB0051S02

HB0051S02 compared with HB0051S04

- makes technical and conforming changes; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{26B-2-101, as last amended by Laws of Utah 2025, First Special Session, Chapter 16}~~

26B-2-105 , as last amended by Laws of Utah 2024, Chapters 261, 267 and 307

26B-2-127 , as last amended by Laws of Utah 2025, Chapter 426

~~{63G-20-102, as last amended by Laws of Utah 2025, First Special Session, Chapter 17}~~

63G-20-203.5 , as enacted by Laws of Utah 2023, Chapter 466

80-2-802 , as last amended by Laws of Utah 2025, Chapter 426

~~{81-13-101, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-13-208, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-13-209, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-13-210, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

81-13-211 , as renumbered and amended by Laws of Utah 2025, Chapter 426

81-13-212 , as renumbered and amended by Laws of Utah 2025, Chapter 426

81-13-217 , as renumbered and amended by Laws of Utah 2025, Chapter 426

~~{81-14-101, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-14-303, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-14-304, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

~~{81-14-305, as renumbered and amended by Laws of Utah 2025, Chapter 426}~~

ENACTS:

26B-2-244 , Utah Code Annotated 1953

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

~~{Section 1. Section 26B-2-101 is amended to read: }~~

26B-2-101. Definitions.

HB0051S02 compared with HB0051S04

As used in this part:

- (1) "Abuse" means the same as that term is defined in Section 80-1-102.
- (2) "Adoption services" means the same as that term is defined in Section 80-2-801.
- (3) "Adult day care" means nonresidential care and supervision:
 - (a) for three or more adults for at least four but less than 24 hours a day; and
 - (b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.
- (4) "Applicant" means a person that applies for an initial license or a license renewal under this part.
- (5)
 - (a) "Associated with the licensee" means that an individual is:
 - (i) affiliated with a licensee as an owner, director, member of the governing body, employee, agent, provider of care, department contractor, or volunteer; or
 - (ii) applying to become affiliated with a licensee in a capacity described in Subsection (5)(a)(i).
 - (b) "Associated with the licensee" does not include:
 - (i) service on the following bodies, unless that service includes direct access to a child or a vulnerable adult:
 - (A) a local mental health authority described in Section 17-77-301;
 - (B) a local substance abuse authority described in Section 17-77-201; or
 - (C) a board of an organization operating under a contract to provide mental health or substance use programs, or services for the local mental health authority or substance abuse authority; or
 - (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised at all times.
- (6) "Behavioral health receiving center" means a 23-hour non-secure program or facility that is responsible for, and provides mental health crisis services to, an individual experiencing a mental health crisis.
- (7)
 - (a) "Boarding school" means a private school that:
 - (i) uses a regionally accredited education program;
 - (ii) provides a residence to the school's students:
 - (A) for the purpose of enabling the school's students to attend classes at the school; and
 - (B) as an ancillary service to educating the students at the school;

HB0051S02 compared with HB0051S04

(iii) has the primary purpose of providing the school's students with an education, as defined in Subsection (7)(b)(i); and

(iv)

(A) does not provide the treatment or services described in Subsection [(49)(a)] (51)(a); or

(B) provides the treatment or services described in Subsection [(49)(a)] (51)(a) on a limited basis, as described in Subsection (7)(b)(ii).

(b)

(i) For purposes of Subsection (7)(a)(iii), "education" means a course of study for one or more grades from kindergarten through grade 12.

(ii) For purposes of Subsection (7)(a)(iv)(B), a private school provides the treatment or services described in Subsection [(49)(a)] (51)(a) on a limited basis if:

(A) the treatment or services described in Subsection [(49)(a)] (51)(a) are provided only as an incidental service to a student; and

(B) the school does not:

(I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection [(49)(a)] (51)(a); or

(II) have a primary purpose of providing the treatment or services described in Subsection [(49)(a)] (51)(a).

(c) "Boarding school" does not include a therapeutic school.

(8) "Certification" means a less restrictive level of licensure issued by the department.

(9) "Child" means an individual under 18 years old.

(10) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily or permanently, for the purpose of:

(a) finding a person to adopt the child;

(b) placing the child in a home for adoption; or

(c) foster home placement.

(11) "Child-placing adoption agency" means a child-placing agency that places children for adoption.

[(11)] (12) "Child-placing agency" means a [person that engages in child placing.] child-placing adoption agency or a child-placing foster agency.

(13) "Child-placing foster agency" means a child-placing agency that places children for foster care.

[(12)] (14) "Client" means an individual who receives or has received services from a licensee.

HB0051S02 compared with HB0051S04

117 ~~[(13)]~~ (15)

(a) "Congregate care program" means any of the following that provide services to a child:

- 119 (i) an outdoor youth program;
- 120 (ii) a residential support program;
- 121 (iii) a residential treatment program; or
- 122 (iv) a therapeutic school.

123 (b) "Congregate care program" does not include a human services program that:

- 124 (i) is licensed to serve adults; and
- 125 (ii) is approved by the office to service a child for a limited time.

126 ~~[(14)]~~ (16) "Day treatment" means specialized treatment that is provided to:

- 127 (a) a client less than 24 hours a day; and
- 128 (b) four or more persons who:
 - 129 (i) are unrelated to the owner or provider; and
 - 130 (ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies.

132 ~~[(15)]~~ (17) "Department contractor" means an individual who:

- 133 (a) provides services under a contract with the department; and
- 134 (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable adult.

136 ~~[(16)]~~ (18) "Direct access" means that an individual has, or likely will have:

- 137 (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity for personal communication or touch; or
- 139 (b) an opportunity to view medical, financial, or other confidential personal identifying information of the child, the child's parents or legal guardians, or the vulnerable adult.

141 ~~[(17)]~~ (19) "Directly supervised" means that an individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background check approval issued by the office.

144 ~~[(18)]~~ (20) "Director" means the director of the office.

145 ~~[(19)]~~ (21) "Division" means the Division of Licensing and Background Checks created under Section 26B-2-103.

147 ~~[(20)]~~ (22) "Domestic violence" means the same as that term is defined in Section 77-36-1.

HB0051S02 compared with HB0051S04

148 ~~[(21)]~~ (23) "Domestic violence treatment program" means a nonresidential program designed to provide
psychological treatment and educational services to perpetrators and victims of domestic violence.

151 ~~[(22)]~~ (24) "Elder adult" means a person 65 years old or older.

152 ~~[(23)]~~ (25) "Emergency safety intervention" means a tactic used to protect staff or a client from being
physically injured, utilized by an appropriately trained direct care staff and only performed in
accordance with a nationally or regionally recognized curriculum in the least restrictive manner to
restore staff or client safety.

156 ~~[(24)]~~ (26) "Foster home" means a residence that is licensed or certified by the office for the full-time
substitute care of a child.

158 ~~[(25)]~~ (27) "Harm" means the same as that term is defined in Section 80-1-102.

159 ~~[(26)]~~ (28) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.

161 ~~[(27)]~~ (29) "Health care provider" means the same as that term is defined in Section 78B-3-403.

163 ~~[(28)]~~ (30) "Health insurer" means:

164 (a) an insurer who offers health care insurance as that term is defined in Section 31A-1-301;

166 (b) health benefits offered to state employees under Section 49-20-202; and

167 (c) a workers' compensation insurer:

168 (i) authorized to provide workers' compensation insurance in the state; or

169 (ii) that is a self-insured employer as defined in Section 34A-2-201.5.

170 ~~[(29)]~~ (31)

171 (a) "Human services program" means:

172 (i) a foster home;

173 (ii) a therapeutic school;

174 (iii) a youth program;

175 (iv) an outdoor youth program;

176 (v) a residential treatment program;

177 (vi) a residential support program;

178 (vii) a resource family home;

179 (viii) a recovery residence;

180 (ix) a behavioral health receiving center; or

181 (x) a facility or program that provides:

181 (A) adult day care;

HB0051S02 compared with HB0051S04

- 182 (B) day treatment;
183 (C) outpatient treatment;
184 (D) domestic violence treatment;
185 (E) child-placing services;
186 (F) social detoxification; or
187 (G) any other human services that are required by contract with the department to be licensed with the
department.
- 189 (b) "Human services program" does not include:
190 (i) a boarding school;
191 (ii) a residential vocational or life skills program, as defined in Section 13-53-102; or
192 (iii) a short-term relief care provider.
- 193 ~~[(30)]~~ (32) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
194 ~~[(31)]~~ (33) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
195 ~~[(32)]~~ (34) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
196 ~~[(33)]~~ (35) "Intermediate secure treatment" means 24-hour specialized residential treatment or care for
an individual who:
198 (a) cannot live independently or in a less restrictive environment; and
199 (b) requires, without the individual's consent or control, the use of locked doors to care for the
individual.
- 201 ~~[(34)]~~ (36) "Licensee" means an individual or a human services program licensed by the office.
203 ~~[(35)]~~ (37) "Local government" means a city, town, or county.
204 ~~[(36)]~~ (38) "Mental health treatment program" means a program that:
205 (a) is a structured intervention; and
206 (b) is used to improve mental health, prevent mental disorders, and treat mental health conditions.
- 208 ~~[(37)]~~ (39) "Medication assisted treatment" means the use of a prescribed medication approved by the
United States Food and Drug Administration, such as buprenorphine, methadone, or naltrexone, to
treat substance use withdrawal symptoms or a substance use disorder.
- 212 ~~[(38)]~~ (40) "Minor" means child.
213 ~~[(39)]~~ (41) "Office" means, except as provided in Section 26B-2-120, the Office of Licensing within the
department.
215 ~~[(40)]~~ (42) "Ombudsman" means the congregate care ombudsman created in Section 26B-2-124.2.

HB0051S02 compared with HB0051S04

217 [(41)] (43) "Outdoor youth program" means a program that provides:
218 (a) services to a child who has:
219 (i) a chemical dependency; or
220 (ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or
behavioral;
222 (b) a 24-hour outdoor group living environment; and
223 (c)
(i) regular therapy, including group, individual, or supportive family therapy; or
224 (ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor
behavioral healthcare.

226 [(42)] (44) "Outpatient treatment" means individual, family, or group therapy or counseling designed
to improve and enhance social or psychological functioning for those whose physical and emotional
status allows them to continue functioning in their usual living environment.

230 [(43)] (45) "Practice group" or "group practice" means two or more health care providers legally
organized as a partnership, professional corporation, or similar association, for which:
233 (a) substantially all of the services of the health care providers who are members of the group are
provided through the group and are billed in the name of the group and amounts received are treated
as receipts of the group; and
236 (b) the overhead expenses of and the income from the practice are distributed in accordance with
methods previously determined by members of the group.

238 [(44)] (46) "Private-placement child" means a child whose parent or guardian enters into a contract with
a congregate care program for the child to receive services.

240 [(45)] (47) "Qualifying residential treatment program" means a residential treatment program that is
licensed under this part and:
242 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in
Section 16-6a-102; or
244 (b) receives any local, state, or federal government funding, government grant money, or any other
form of government assistance to operate or provide services or training in the ordinary course of
business.

247 [(46)] (48) "Qualifying recovery residence" means a recovery residence that is licensed under this part
and:

HB0051S02 compared with HB0051S04

- 249 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in
Section 16-6a-102; or
- 251 (b) receives any local, state, or federal government funding, government grant money, or any other
form of government assistance to operate or provide services or training in the ordinary course of
business.
- 254 ~~[(47)]~~ (49)
- (a) "Recovery residence" means a home, residence, or facility that meets at least two of the following
requirements:
- 256 (i) provides a supervised living environment for individuals recovering from a substance use
disorder;
- 258 (ii) provides a living environment in which more than half of the individuals in the residence are
recovering from a substance use disorder;
- 260 (iii) provides or arranges for residents to receive services related to the resident's recovery from a
substance use disorder, either on or off site;
- 262 (iv) is held out as a living environment in which individuals recovering from substance abuse
disorders live together to encourage continued sobriety; or
- 264 (v)
- (A) receives public funding; or
- 265 (B) is run as a business venture, either for-profit or not-for-profit.
- 266 (b) "Recovery residence" does not mean:
- 267 (i) a residential treatment program;
- 268 (ii) residential support program;
- 269 (iii) a residential vocational or life skills program; or
- 270 (iv) a home, residence, or facility, in which:
- 271 (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing
the living environment, including the manner in which applications for residence are approved and
the manner in which residents are expelled;
- 275 (B) residents equitably share rent and housing-related expenses; and
- 276 (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income,
for establishing, implementing, or enforcing policies governing the living environment.
- 279 ~~[(48)]~~ (50) "Regular business hours" means:

HB0051S02 compared with HB0051S04

- 280 (a) the hours during which services of any kind are provided to a client; or
281 (b) the hours during which a client is present at the facility of a licensee.
282 ~~[(49)]~~ (51)
- (a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.
- 286 (b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:
- 288 (i) emotional;
289 (ii) psychological;
290 (iii) developmental; or
291 (iv) behavioral.
- 292 (c) Treatment is not a necessary component of a residential support program.
- 293 (d) "Residential support program" does not include:
- 294 (i) a recovery residence; or
295 (ii) a program that provides residential services that are performed:
296 (A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or
298 (B) in a facility that serves fewer than four individuals.
- 299 ~~[(50)]~~ (52)
- (a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
- 304 (b) "Residential treatment" does not include a:
- 305 (i) boarding school;
306 (ii) foster home; or
307 (iii) recovery residence.
- 308 ~~[(51)]~~ (53) "Residential treatment program" means a program or facility that provides:

HB0051S02 compared with HB0051S04

- 309 (a) residential treatment; or
310 (b) intermediate secure treatment.
- 311 [(52)] (54) "Seclusion" means the involuntary confinement of an individual in a room or an area:
313 (a) away from the individual's peers; and
314 (b) in a manner that physically prevents the individual from leaving the room or area.
- 315 [(53)] (55) "Short-term relief care provider" means an individual who:
316 (a) provides short-term and temporary relief care to a foster parent:
317 (i) for less than six consecutive nights; and
318 (ii) in the short-term relief care provider's home;
319 (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the
foster parent;
321 (c) is direct access qualified, as that term is defined in Section 26B-2-120;
322 (d) has been approved to provide short-term relief care by the department;
323 (e) is not reimbursed by the department for the temporary relief care provided; and
324 (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the
foster child.
- 326 [(54)] (56) "Social detoxification" means short-term residential services for persons who are
experiencing or have recently experienced drug or alcohol intoxication, that are provided outside of
a health care facility licensed under Part 2, Health Care Facility Licensing and Inspection, and that
include:
330 (a) room and board for persons who are unrelated to the owner or manager of the facility;
331 (b) specialized rehabilitation to acquire sobriety; and
332 (c) aftercare services.
- 333 [(55)] (57) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use
disorder" is defined in Section 26B-5-501.
- 335 [(56)] (58) "Substance abuse treatment program" or "substance use disorder treatment program" means
a program:
337 (a) designed to provide:
338 (i) specialized drug or alcohol treatment;
339 (ii) rehabilitation; or
340 (iii) habilitation services; and

HB0051S02 compared with HB0051S04

(b) that provides the treatment or services described in Subsection [(56)(a)] (58)(a) to persons with:

(i) a diagnosed substance use disorder; or

(ii) chemical dependency disorder.

[(57)] (59) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals that are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to:

(I) a disability;

(II) emotional development;

(III) behavioral development;

(IV) familial development; or

(V) social development.

[(58)] (60) "Unrelated persons" means persons other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.

[(59)] (61) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent mental or physical impairment that substantially affects the person's ability to:

(a) provide personal protection;

(b) provide necessities such as food, shelter, clothing, or mental or other health care;

(c) obtain services necessary for health, safety, or welfare;

(d) carry out the activities of daily living;

(e) manage the adult's own resources; or

HB0051S02 compared with HB0051S04

(f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

374 [(60)] (62)

(a) "Youth program" means a program designed to provide behavioral, substance use, or mental health services to minors that:

376 (i) serves adjudicated or nonadjudicated youth;

377 (ii) charges a fee for the program's services;

378 (iii) may provide host homes or other arrangements for overnight accommodation of the youth;

380 (iv) may provide all or part of the program's services in the outdoors;

381 (v) may limit or censor access to parents or guardians; and

382 (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

384 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

386 [(61)] (63)

(a) "Youth transportation company" means any person that transports a child for payment to or from a congregate care program in Utah.

388 (b) "Youth transportation company" does not include:

389 (i) a relative of the child;

390 (ii) a state agency; or

391 (iii) a congregate care program's employee who transports the child from the congregate care program that employs the employee and returns the child to the same congregate care program.

38 Section 1. Section **26B-2-105** is amended to read:

39 **26B-2-105. Licensure requirements -- Expiration -- Renewal.**

396 (1) Except as provided in Section 26B-2-115, an individual, agency, firm, corporation, association, or governmental unit acting severally or jointly with any other individual, agency, firm, corporation, association, or governmental unit may not establish, conduct, or maintain a human services program in this state without a valid and current license issued by and under the authority of the office as provided by this part and the rules under the authority of this part.

402 (2)

HB0051S02 compared with HB0051S04

(a) For purposes of this Subsection (2), "member" means a person or entity that is associated with another person or entity:

(i) as a member;

(ii) as a partner;

(iii) as a shareholder; or

(iv) as a person or entity involved in the ownership or management of a human services program owned or managed by the other person or entity.

(b) A license issued under this part may not be assigned or transferred.

(c) The office shall treat an application for a license under this part as an application for reinstatement of a revoked license if:

(i)

(A) the person or entity applying for the license had a license revoked under this part; and

(B) the revoked license described in Subsection (2)(c)(i)(A) is not reinstated before the application described in this Subsection (2)(c) is made; or

(ii) a member of an entity applying for the license:

(A)

(I) had a license revoked under this part; and

(II) the revoked license described in Subsection (2)(c)(ii)(A)(I) is not reinstated before the application described in this Subsection (2)(c) is made; or

(B)

(I) was a member of an entity that had a license revoked under this part at any time before the license was revoked; and

(II) the revoked license described in Subsection (2)(c)(ii)(B)(I) is not reinstated before the application described in this Subsection (2)(c) is made.

(3)

(a) Subject to Section 26B-2-110, and after the five-year waiting period described in Subsection 26B-2-110(1)(c), the office may conditionally approve an application for reinstatement as described in Subsection (2)(c), for a maximum of two years, if:

(i) the applicant's license was previously revoked due to repeated or chronic violations; or

HB0051S02 compared with HB0051S04

(ii) after the applicant's license was previously revoked, the applicant associated with another human services program that provides a service that is substantially similar to the services for which the applicant was previously licensed.

432 (b) If the office issues a conditional license under Subsection (3)(a), the office shall prepare a conditional license plan describing the terms and conditions of the conditional license.

435 (4) A current license shall at all times be posted in the facility where each human services program is operated, in a place that is visible and readily accessible to the public.

437 (5)

(a) Except as provided in Subsections (5)(c) and (d), each license issued under this part expires at midnight on the last day of the same month the license was issued, one year following the date of issuance unless the license has been:

440 (i) previously revoked by the office;

441 (ii) voluntarily returned to the office by the licensee; or

442 (iii) extended by the office.

443 (b) A license shall be renewed upon application and payment of the applicable fee, unless the office finds that the licensee:

445 (i) is not in compliance with the:

446 (A) provisions of this part; or

447 (B) rules made under this part;

448 (ii) has engaged in a pattern of noncompliance with the:

449 (A) provisions of this part; or

450 (B) rules made under this part;

451 (iii) has engaged in conduct that is grounds for denying a license under Section 26B-2-703; or

453 (iv) has engaged in conduct that poses a substantial risk of harm to any person.

454 (c) The office may issue a renewal license that expires at midnight on the last day of the same month the license was issued, two years following the date of issuance, if:

456 (i) the licensee has maintained a human services license for at least 24 months before the day on which the licensee applies for the renewal; and

458 (ii) the licensee has not violated this part or a rule made under this part.

459 (d)

HB0051S02 compared with HB0051S04

(i) For a foster home that has been licensed for fewer than two years, a foster home license issued on or after May 1, 2023, expires at midnight on the last day of the same month the license was issued, one year following the date of issuance.

(ii) For a foster home that has been licensed for two or more years, a foster home license issued on or after May 1, 2023, expires at midnight on the last day of the same month the license was issued, three years following the date of issuance:

(A) unless the license is placed on conditions, suspended, or revoked by the office, or voluntarily returned to the office by the licensee; and

(B) if the licensee has not violated this part or a rule made under this part.

(iii) A foster home licensee shall complete an annual background screening in compliance with the requirements of Section 26B-2-120.

(6) Any licensee that is in operation at the time rules are made in accordance with this part shall be given a reasonable time for compliance as determined by the rule.

(7)

(a) A license for a human services program issued under this section shall apply to a specific human services program site.

(b) A human services program shall obtain a separate license for each site where the human services program is operated.

(c) If there is more than one foster parent in a licensed foster home, the foster home license shall include the names of all foster parents in the home.

(8) Beginning on January 1, 2027, the office may not issue or renew a **license for a** child-placing {adoption} agency {license} **that is a private entity that provides adoption services** unless the applicant is a nonprofit organization, as that term is defined in Section 78B-4-101.

Section 2. Section **26B-2-127** is amended to read:

26B-2-127. Child placing licensure requirements -- Prohibited acts -- Consortium.

(1) As used in this section:

(a)

(i) "Adoption services" means services provided to an individual related to a potential adoption, including:

(A) adoption education, advising, or counseling;

(B) matching a potential birth parent with a potential adoptive parent;

HB0051S02 compared with HB0051S04

- 489 (C) a home study;
490 (D) assistance or support in financial, legal, or medical matters;
491 (E) prenatal or postpartum support; and
492 (F) mental health therapy.
- 493 (ii) "Adoption services" does not include one-time informational inquiries.
494 [(a)] (b)
- (i) "Advertisement" means any written, oral, or graphic statement or representation made in connection with a solicitation of business.
- 496 (ii) "Advertisement" includes a statement or representation described in Subsection [(1)(a)(i)] (1)(b)
(i) by a noncable television system, radio, printed brochure, newspaper, leaflet, flyer, circular, billboard, banner, ~~Internet~~ internet website, social media, or sign.
- 500 [(b)] (c) "Birth parent" means the same as that term is defined in Section 81-13-101.
- 501 ~~{(d) "Child-placing adoption agency" means a child-placing agency that places children for adoption.}~~
503 ~~{(e) "Child-placing agency" means a child-placing adoption agency or a child-placing foster agency.}~~
505 ~~{(f) "Child-placing foster agency" means a child-placing agency that places children for foster care.}~~
507 [(e)] (g){(d)} "Clearly and conspicuously disclose" means the same as that term is defined in Section 13-11a-2.
- 509 (h){(e)} "Coercion" means utilizing threats, force, duress, intimidation, confinement, undue influence, or deception to induce a birth parent to relinquish the birth parent's child or consent to an adoption.
- 512 (i){(f)} "Daily living needs" means food, clothing, hygiene, and local transportation.
- 513 (j){(g)} "Directly affected person" means the same as that term is defined in Section 76-7-203.
- 514 (k){(h)}
- (i) "Living expenses" means ordinary and necessary costs to maintain an individual's needs, including housing, utilities, and out-of-state transportation.
- 516 (ii) "Living expenses" does not include lost wages, gifts, educational expenses, or other similar expenses.
- 518 [(d)] (l){(i)}
- (i) "Matching advertisement" means any written, oral, or graphic statement or representation made in connection with a solicitation of business to provide the assistance described in Subsection (3)(a)(i), regardless of whether there is or will be an exchange described in Subsection (3)(a)(ii).

522

HB0051S02 compared with HB0051S04

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

(m){(j)} "Weekly allowance" means funds that a licensed child-placing ~~{adoption}~~ agency that is a private entity that provides adoption services may provide to a birth parent for daily living needs.

(2)

(a) Subject to Section 81-14-205, a person may not engage in child placing, or solicit money or other assistance for child placing, without a valid license issued by the office in accordance with this part.

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

(3)

(a)

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

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

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

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

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

(i) issue or cause to be issued to any person a card, sign, or device indicating that the attorney, physician, or other person is available to provide the assistance described in Subsection (3)(a)(i);

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

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

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

HB0051S02 compared with HB0051S04

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

(A) "comprehensive";

(B) "complete";

(C) "one-stop";

(D) "all-inclusive"; or

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

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

(4)

(a) An entity that advertises for adoption services shall disclose in the advertisement:

(i) the name of the states in which the entity is licensed to provide adoption services; or

(ii) whether the entity is not licensed to provide adoption services in any state.

(b) An entity that advertises for adoption services may not promise financial incentives in an adoption-related advertisement.

~~[(4)]~~ (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of a third degree felony.

~~[(5)]~~ (6) This section does not preclude payment of fees for medical, legal, or other lawful services rendered in connection with the care of a mother, delivery and care of a child, or lawful adoption proceedings, except that a child-placing{ ~~adoption~~ } agency may not:

(a) charge or accept payment for services that were not actually rendered; or

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

~~[(6)]~~ (7) In accordance with federal law, only an agent or employee of the Division of Child and Family Services or of a licensed child-placing agency may certify to United States Citizenship and Immigration Services that a family meets the preadoption requirements of the Division of Child and Family Services.

HB0051S02 compared with HB0051S04

[~~(7)~~] (8) A licensed child-placing agency or an attorney practicing in this state may not place a child for adoption, either temporarily or permanently, with an individual who would not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and 81-13-402.

590 [~~(8)~~] (9)

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

595 [~~(b) The department shall receive and investigate any complaint against a consortium of licensed child-placing agencies.]~~

597 (a) There is created the Utah Child-Placing Adoption Agency Consortium to advise the Legislature regarding child-placing agency adoptions and policy in the state.

238 (b) A licensed child-placing agency that is a private entity that provides adoption services in Utah shall be a member of the consortium.

599 (b){(c)} The consortium consists of one member of each licensed child-placing {adoption} agencythat is a private entity that provides adoption services.

601 (c){(d)} The consortium shall meet at least quarterly.

602 (d){(e)} The majority of consortium members constitutes a quorum for conducting consortium business.

604 (e){(f)} The consortium shall establish bylaws and procedures for consortium action and recommendations.

606 (f){(g)}

(i) A representative from the office shall chair the consortium.

607 (ii) The office shall oversee the consortium and provide staff support as needed.

608 (iii) The office may impose a membership fee sufficient to cover the cost of staffing the consortium.

610 (g){(h)}

(i) The consortium shall review a request from a licensed child-placing {adoption} agencythat is a private entity that provides adoption servicesto exceed the financial limits described in Subsection (14).

612 (ii) The consortium may approve a request described in Subsection {~~(9)(g)(i)~~} (9)(h)(i) if:

613 (A) the requesting agency demonstrates a specific need to exceed the limit in Subsection (14);

HB0051S02 compared with HB0051S04

- 615 (B) the requesting agency requests a specific amount to be approved; and
- 616 (C) a majority of the consortium, excluding the requesting agency, determines that there is a reasonable
need to exceed the limit described in Subsection (14).
- 618 (iii) Actual living expenses or lost wages that are documented and proven to the satisfaction of the
consortium shall be presumed to be a reasonable need.
- 620 (h){(i)}
- (i) The consortium shall report to the Health and Human Services Interim Committee on or before
October 1, 2026.
- 622 (ii) The report described in Subsection {(9)(h)(i)} (9)(i)(i) shall include:
- 623 (A) the number of adoptions completed by each child-placing {adoption} agency in the consortium in
2025;
- 625 (B) the number of out-of-state transports arranged by each child-placing {adoption} agency in the
consortium in 2025; and
- 627 (C) a description of {each child-placing adoption agency's} the fees in 2025for each child-placing
agency in the consortium.
- 271 (j) Together, the consortium shall serve all birth mothers lawfully seeking to place a child for adoption
and all qualified prospective adoptive parents.
- 628 (10)
- (a) A birth parent has the right to independent legal counsel in the adoption process, selected by the
birth parent, at a reasonable cost to be paid by the child-placing agency or prospective adoptive
parents.
- 631 (b) A birth parent may waive the right described in Subsection (10)(a), but may not be required to waive
the right to legal counsel.
- 633 (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the adoption
of a child adoptee, the parent shall be informed of the right described in Subsection (10), with
sufficient time to exercise the right {prior to} before relinquishment or consent, by the:
- 637 (a) child-placing agency;
- 638 (b) prospective adoptive parents; or
- 639 (c) representative of a person described in Subsection (11)(a) or (b).
- 640 (12) Before the day on which a final decree of adoption is entered, a statement shall be filed with the
court that:

HB0051S02 compared with HB0051S04

- 642 (a) is signed by each parent who:
643 (i) relinquishes the parent's parental rights; or
644 (ii) consents to the adoption; and
645 (b) states that, before the parent took the action described in Subsection (12)(a)(i) or (ii), the parent was
advised of the parent's right to independent legal counsel described in this section at the expense of
the:
648 (i) child-placing agency; or
649 (ii) prospective adoptive parents.
650 (13) A licensed child-placing {adoption-} agency that is a private entity that provides adoption services
shall include on the {child-placing-adoption-} agency's website, in a prominent and conspicuous
place:
652 (a) information regarding how a birth parent or adoptive parent can file a complaint with the office; and
654 (b) notice of any current or former warnings or violations that the office has issued to the child-placing
{adoption-} agency within the past three years.
656 (14)
(a) A licensed child-placing {adoption-} agency that is a private entity that provides adoption services
may only pay the following fees or expenses on behalf of a birth parent:
658 (i) up to \$8,000 in living expenses;
659 (ii) weekly allowance;
660 (iii) medical expenses; and
661 (iv) legal expenses related to the adoption.
662 (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing {adoption-} agency that pays
fees or expenses described in Subsection (14)(a) on behalf of a birth parent shall make the payment
directly to the applicable service provider when possible.
665 (c)
(i) A licensed child-placing {adoption-} agency that is a private entity that provides adoption services
may provide a weekly allowance directly to a birth parent.
667 (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed on a weekly basis
for up to 12 weeks during pregnancy and four weeks postpartum.
670 (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75 per week for a
directly affected person that is dependent on the birth parent.

HB0051S02 compared with HB0051S04

- 672 (d) A licensed child-placing {adoption} agency may exceed the limits described in this Subsection (14)
in accordance with Subsection (9).
- 674 (15) {Prior to} Before an adoption {being} is finalized, an adoptive parent or licensed child-placing
{adoption} agency may not discuss or promise a potential post-adoption gift to a birth parent.
- 677 (16)
- (a) A licensed child-placing {adoption} agency, an employee or contractor of a licensed child-placing
{adoption} agency, or a prospective adoptive parent may not utilize coercion in any interaction
with a birth parent.
- 680 (b) Coercive behavior includes:
- 681 (i) threatening financial or legal retaliation if a birth parent chooses to parent;
- 682 (ii) telling a birth parent that the birth parent will not receive assistance to return to the birth parent's
state of residence;
- 684 (iii) preventing a birth parent from physically leaving the birth parent's location;
- 685 (iv) preventing a birth parent from privately contacting the birth parent's supports, such as family,
friends, mental health professional, or legal counsel; and
- 687 (v) promising a financial benefit in exchange for the birth parent's relinquishment or consent.
- 689 (17) If any member of a licensed child-placing {adoption agency} agency that is a private entity that
provides adoption services has a financial interest in a service provider that receives a payment as
described in Subsection (14)(b), the licensed child-placing {adoption} agency shall disclose the
financial interest to a birth parent, prospective adoptive parent, the office, and a court that finalizes
the adoption.
- 693 (18)
- (a) A licensed child-placing {adoption} agency that is a private entity that provides adoption services
may not transport or arrange the transport of:
- 695 (i) a birth mother to the state if the child-placing {adoption} agency knows or should know that the
mother is at 36 or more weeks of gestation; or
- 697 (ii) a birth mother who is less than 18 years old to the state.
- 698 (b) A licensed child-placing {adoption agency} agency that is a private entity that provides adoption
services shall make a reasonable inquiry regarding the health of a birth mother {prior to} before
transporting or arranging the transport of a birth mother.

701

HB0051S02 compared with HB0051S04

(c) A parent or guardian of a birth mother who is less than 18 years old may make independent arrangements to transport or travel with the minor birth mother.

(d) A licensed child-placing {adoption-agency} ~~agency that is a private entity that provides adoption services~~ shall verify whether an out-of-state birth mother is receiving Medicaid benefits {prior to} before transporting or arranging the transport of the birth mother to Utah.

(e) An individual who travels to Utah for the sole purpose of giving birth without intent to remain in Utah following the birth does not qualify for Utah Medicaid benefits.

(19) A licensed child-placing {adoption-} agency ~~that is a private entity that provides adoption services~~ that transports or arranges the transport of a birth mother to the state for purposes related to an adoption shall ensure that the birth mother is returned to the state from which the birth mother was transported using the same mode and quality of transportation that was used to bring the birth mother to the state if the birth mother does not elect to remain in Utah, regardless of the birth mother's decision regarding relinquishment.

(20)

(a) A licensed child-placing {adoption-agency} ~~agency that is a private entity that provides adoption services~~ shall submit a form, created by the office, to the office for each birth parent to whom the child-placing {adoption-} agency provides adoption services.

(b) The form described in Subsection (20)(a) shall include:

(i) the name of the licensed child-placing {adoption-} agency;

(ii) whether the birth parent chose:

(A) to parent the child;

(B) adoption; or

(C) something else;

(iii) the date of:

(A) the birth parent's first contact with the child-placing {adoption-} agency;

(B) birth of the child adoptee;

(C) relinquishment; and

(D) the finalized adoption;

(iv) the location of the birth parent on each date described in Subsection (20)(b)(iii);

(v) whether a third-party facilitator was used to connect the birth parent and the child-placing {adoption-} agency;

HB0051S02 compared with HB0051S04

- (vi) the total amount of funds that a birth parent received directly through a weekly allowance;
(vii) the total amount that was paid on behalf of the birth parent for living expenses;
(viii) the total amount that was paid for the birth parent's medical expenses, including mental health therapy;
(ix) the total amount that was paid for the birth parent's legal expenses;
(x) whether the consortium approved exceeding the financial limits described in this section;
(xi) the value of any gifts provided to the birth parent;
(xii) a description and value of any other benefit that was paid to or on behalf of the birth parent;
(xiii) whether the birth parent received Utah Medicaid benefits;
(xiv) if the birth parent was transported to Utah, whether the birth parent received Medicaid benefits in another state; and
(xv) whether the birth parent received any other public assistance in Utah.
(21) The office shall investigate and may revoke or suspend a license of a child-placing agency that violates this section.

Section 3. Section 3 is enacted to read:

26B-2-244. Birthing services at health care facilities.

~~{(1) {As used in this section:} }~~

(a) ~~{(1) }~~ ~~{"Adoption" }~~ As used in this section, "adoption" services means action related to an adoption, including counseling between a child-placing ~~{adoption-}~~ agency and a birth parent, signing paperwork related to an adoption, or the transfer of physical custody of a child adoptee from a birth parent to a child-placing ~~{adoption-}~~ agency or prospective adoptive parent.

~~{(b) {"Child-placing adoption agency" means the same as that term is defined in Section 26B-2-127.} }~~

(2) A health care facility that provides birthing services shall develop policies regarding adoption services that occur at a health care facility.

(3) A health care facility that provides birthing services shall notify the Office of Licensing if the health care facility files a complaint or otherwise takes action against a child-placing ~~{adoption-}~~ agency or a child-placing ~~{adoption-}~~ agency's representatives.

(4) A health care facility or a health care facility's staff may notify the Office of Licensing if the facility or staff has concerns regarding unethical practices related to adoption services that occur at the health care facility.

~~{Section 5. Section 63G-20-102 is amended to read: }~~

HB0051S02 compared with HB0051S04

63G-20-102. Definitions.

As used in this chapter:

(1) "Child placing" means the same as that term is defined in Section 26B-2-101.

(2) "Child-placing adoption agency" means a child-placing agency that places children for adoption.

~~[(2)] (3) "Child-placing agency" means a[private person that is engaged in child placing related to a child who is not in the custody of the state.]~~ child-placing adoption agency or a child-placing foster agency.

(4) "Child-placing foster agency" means a child-placing agency that places children for foster care.

~~[(3)] (5)~~ "Government retaliation" means an action by a state or local government or an action by a state or local government official that:

(a) is taken in response to a person's exercise of a protection contained in Subsection 17-70-302(18) or Section 63G-20-201, 63G-20-203.5, or 63G-20-301; and

(b)

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

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

~~[(4)] (6)~~

(a) "Religious official" means an officer or official of a religion, when acting as such.

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

~~[(5)] (7)~~ "Religious organization" means:

(a) a religious organization, association, educational institution, or society;

(b) a religious corporation sole; or

(c) any corporation or association constituting a wholly owned subsidiary, affiliate, or agency of any religious organization, association, educational institution, society, or religious corporation sole.

~~[(6)] (8)~~ "Sexuality" includes legal sexual conduct, legal sexual expression, sexual desires, and the status of a person as male or female.

~~[(7)] (9)~~ "State or local government" means:

(a) a state government entity, agency, or instrumentality; or

(b) a local government entity, agency, or instrumentality.

HB0051S02 compared with HB0051S04

~~[(8)]~~ (10) "State or local government official" means an officer, employee, or appointee of a state or local government.

407 Section 4. Section **63G-20-203.5** is amended to read:

408 **63G-20-203.5. Child-placing agencies.**

803 ~~{{(1) As used in this section, "consortium" means }}~~ a statewide consortium of child-placing agencies ~~the Utah Child-Placing Adoption Agency Consortium~~ { described in Subsection } ~~[26B-2-127(8)]~~ 26B-2-127(9) ~~{.}~~

805 ~~{{(2){} {(1)}{}}~~ Notwithstanding any other provision of law, a state or local government, a state or local government official, or another accrediting, certifying, or licensing body, including the Office of Licensing within the Department of Health and Human Services, may not:

808 (a) require a {{consortium-member }} child-placing agency to perform, assist, counsel, recommend, consent to, facilitate, or participate in child placing, with a qualified prospective adoptive parent, that is contrary to the child-placing agency's religious teaching, practices, or sincerely held beliefs, or the good faith wishes of the birth mother as to the optimal placement of the child;

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

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

827 ~~{{(3){} {(2)}{}}~~

(a) A {{consortium-member }} child-placing agency that cannot, consistent with the child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with the good faith wishes of the birth mother as to the optimal placement of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a qualified prospective

HB0051S02 compared with HB0051S04

adoptive parent, shall refer the individual who is seeking child-placement services to another child-placing agency{f in the consortium} .

834 (b) A referral by a child-placing agency under Subsection {{(3)(a)} (2)(a)} does not constitute a determination that a proposed placement is not in the best interest of the child.

837 {{(4)} {(3)}} The fact that a{ consortium-member {} }-child-placing agency cannot, consistent with the child-placing agency's religious teaching, practices, or sincerely held beliefs, or consistent with the good faith wishes of the birth mother as to the optimal placement of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a child placement with a qualified prospective adoptive parent, may not form the basis for:

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

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

449 Section 5. Section **80-2-802** is amended to read:

450 **80-2-802. Division child placing and adoption services -- Restrictions on placement of a child.**

847 (1) Except as provided in Subsection (3), the division may provide adoption services and, as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities, engage in child placing in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.

852 (2) The division shall base the division's decision for placement of an adoptable child for adoption on the best interest of the adoptable child.

854 (3) The division may not:

855 (a) in accordance with Subsection [26B-2-127(6)] 26B-2-127(7), place a child for adoption, either temporarily or permanently, with an individual who does not qualify for adoptive placement under Sections 81-13-202, 81-13-203, and 81-13-402;

858 (b) consider a potential adoptive parent's willingness or unwillingness to enter a postadoption contact agreement under Section 81-13-216 as a condition of placing a child with a potential adoptive parent; or

861 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through 1963, base the division's decision for placement of an adoptable child on the race, color, ethnicity, or national origin of either the child or the potential adoptive parent.

HB0051S02 compared with HB0051S04

- 864 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section 81-13-402, priority of placement shall be provided to a family in which a couple is legally married under the laws of the state.
- 868 (5) Subsections (3) and (4) do not limit the placement of a child with the child's parent or relative or in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.
- 870 ~~{Section 8. Section 81-13-101 is amended to read: }~~
- 871 **81-13-101. Definitions for chapter.**
As used in this chapter:
- 873 (1) "Adoptee" means:
- 874 (a) a child adoptee; or
- 875 (b) an adult adoptee.
- 876 (2) "Adoption" means the process by which an individual seeks to:
- 877 (a) create the legal relationship of parent and child where the relationship did not previously exist; and
- 879 (b) except as provided in Subsections 81-13-220(2) and (4) and Subsections 81-13-306(2) and (4), terminate the parental rights of any other individual with respect to the child.
- 882 (3) "Adoption document" means an adoption-related document filed with the office, a petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.
- 885 (4) "Adoption proceeding" means any proceeding under this chapter.
- 886 (5) "Adoption service provider" means:
- 887 (a) a child-placing agency;
- 888 (b) a licensed counselor who has at least one year of experience providing professional social work services to:
- 890 (i) adoptive parents;
- 891 (ii) prospective adoptive parents; or
- 892 (iii) birth parents; or
- 893 (c) the Office of Licensing within the Department of Health and Human Services.
- 894 (6) "Adoptive parent" means an individual who has legally adopted an adoptee.
- 895 (7) "Adult" means an individual who is 18 years old or older.
- 896 (8) "Adult adoptee" means an individual:

HB0051S02 compared with HB0051S04

- 897 (a) who is an adult and is the subject of an adoption proceeding; or
898 (b) who was adopted when the individual was an adult.
- 899 (9) "Adult sibling" means an individual:
900 (a) who is a child adoptee's brother or sister;
901 (b) who is 18 years old or older; and
902 (c) whose birth parent is the same as that of the child adoptee.
- 903 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.
904 (11) "Birth parent" means:
905 (a) an individual that has a parent-child relationship with an adoptee as described in Section 81-5-201;
907 (b) a man who:
908 (i) has been identified as the father of an adoptee by the adoptee's birth mother; and
909 (ii) has not denied paternity; or
910 (c) an unmarried biological father.
- 911 (12) "Child adoptee" means an individual:
912 (a) who is a minor child and is the subject of an adoption proceeding; or
913 (b) who was adopted when the individual was a minor child.
- 914 (13) "Child-placing adoption agency" means a child-placing agency that places children for adoption.
916 (14) "Child-placing agency" means [an agency licensed to place a minor child for adoption under Title
26B, Chapter 2, Part 1, Human Services Programs and Facilities] a child-placing adoption agency or
a child-placing foster agency.
- 919 (15) "Child-placing foster agency" means a child-placing agency that places children for foster care.
921 ~~[(14)]~~ (16) "Cohabiting" means residing with another individual and being involved in a sexual
relationship with that individual.
- 923 ~~[(15)]~~ (17) "Division" means the Division of Child and Family Services, within the Department of
Health and Human Services, created in Section 80-2-201.
- 925 ~~[(16)]~~ (18) "Extra-jurisdictional child-placing agency" means an agency licensed to place children for
adoption by a district, territory, or state of the United States, other than Utah.
- 927 ~~[(17)]~~ (19) "Genetic and social history" means a comprehensive report, when obtainable, that contains
the following information on an adoptee's birth parents, aunts, uncles, and grandparents:
930 (a) medical history;
931 (b) health status;

HB0051S02 compared with HB0051S04

- 932 (c) cause of and age at death;
933 (d) height, weight, and eye and hair color;
934 (e) ethnic origins;
935 (f) where appropriate, levels of education and professional achievement; and
936 (g) religion, if any.
- 937 [(18)] (20) "Health history" means a comprehensive report of the adoptee's health status at the time of
placement for adoption, and medical history, including neonatal, psychological, physiological, and
medical care history.
- 940 [(19)] (21) "Identifying information" means information that is in the possession of the office and that
contains:
- 942 (a) the name and address of:
943 (i) a pre-existing parent; or
944 (ii) a child adoptee who is 18 years old or older; or
945 (b) other specific information that by itself or in reasonable conjunction with other information may be
used to identify a pre-existing parent or child adoptee, including information on a birth certificate or
in an adoption document.
- 948 [(20)] (22) "Licensed counselor" means an individual who is licensed by the state, or another state,
district, or territory of the United States as a:
- 950 (a) certified social worker;
951 (b) clinical social worker;
952 (c) psychologist;
953 (d) marriage and family therapist;
954 (e) clinical mental health counselor; or
955 (f) an equivalent licensed professional of another state, district, or territory of the United States.
- 957 [(21)] (23) "Man" means a male individual of any age.
- 958 [(22)] (24) "Office" means the Office of Vital Records and Statistics within the Department of Health
and Human Services operating under Title 26B, Chapter 8, Part 1, Vital Statistics.
- 961 [(23)] (25) "Potential birth father" means a man who:
962 (a) is identified by a birth mother as a potential biological father of the birth mother's minor child, but
whose genetic paternity has not been established; and
964

HB0051S02 compared with HB0051S04

(b) was not married to the birth mother of the minor child described in Subsection [(23)(a)] (25)(a) at the time of the minor child's conception or birth.

966 [(24)] (26)

(a) "Pre-existing parent" means an individual who is an adoptee's birth parent before an adoption decree is entered for the adoptee.

968 (b) "Pre-existing parent" includes an individual who is legally the parent of the adoptee, due to an earlier adoption decree, before an adoption decree is entered for the adoptee.

970 [(25)] (27) "Prospective adoptive parent" means an individual who seeks to adopt an adoptee.

972 [(26)] (28) "Relative" means:

973 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a minor child, or first cousin of a minor child's parent; or

976 (b) in the case of a minor child who is an "Indian child" under the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, an "extended family member" as defined by that statute.

978 [(27)] (29) "Unmarried biological father" means a man who:

979 (a) is the biological father of a minor child; and

980 (b) was not married to the birth mother of the minor child described in Subsection [(27)(a)] (29)(a) at the time of the minor child's conception or birth.

982 [(28)] (30) "Vulnerable adult" means:

983 (a) an individual who is 65 years old or older; or

984 (b) an adult who has a mental or physical impairment that substantially affects that adult's ability to:

986 (i) provide personal protection;

987 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

988 (iii) obtain services necessary for health, safety, or welfare;

989 (iv) carry out the activities of daily living;

990 (v) manage the adult's own resources; or

991 (vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

993 {Section 9. Section 81-13-208 is amended to read: }

994 **81-13-208. Prebirth notice to birth father of intent to place a minor child for adoption.**

996 (1) As used in this section, "birth father" means:

HB0051S02 compared with HB0051S04

- 997 (a) a potential birth father; or
998 (b) an unmarried biological father.
- 999 (2) Before the birth of a minor child, the following persons may notify a birth father of the minor child
that the birth mother of the minor child is considering an adoptive placement for the minor child:
- 1002 (a) the minor child's birth mother;
1003 (b) a licensed child-placing adoption agency;
1004 (c) an attorney representing a prospective adoptive parent of the minor child; or
1005 (d) an attorney representing the birth mother of the minor child.
- 1006 (3) Providing a birth father with notice under Subsection (2) does not obligate the birth mother of the
minor child to proceed with an adoptive placement of the minor child.
- 1008 (4) The notice described in Subsection (2) shall include the name, address, and telephone number of the
person providing the notice and the following information:
- 1010 (a) the birth mother's intent to place the minor child for adoption;
1011 (b) that the birth mother has named the person receiving this notice as a potential birth father of the
minor child;
- 1013 (c) the requirements to contest the adoption, including taking the following steps within 30 days after
the day on which the notice is served:
- 1015 (i) initiating proceedings to establish or assert paternity in a court with jurisdiction under Title 78A,
Judiciary and Judicial Administration, within 30 days after the day on which notice is served,
including filing an affidavit stating:
- 1018 (A) that the birth father is fully able and willing to have full custody of the minor child;
1020 (B) the birth father's plans to care for the minor child; and
1021 (C) that the birth father agrees to pay for child support and expenses incurred in connection with the
pregnancy and birth of the minor child; and
- 1023 (ii) filing a notice of commencement of parentage proceedings with the office;
1024 (d) the consequences for failure to comply with Subsection (4)(c), including that:
- 1025 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to the adoption is
irrevocably lost;
- 1027 (ii) the birth father will lose the ability to assert the right to contest any future adoption of the minor
child; and
- 1029

HB0051S02 compared with HB0051S04

(iii) the birth father will lose the right, if any, to notice of any adoption proceedings related to the minor child;

1031 (e) that the birth father may consent to the adoption, if any, within 30 days after the day on which the notice is received, and that the birth father's consent is irrevocable; and

1033 (f) that no communication between the birth mother of the minor child and the birth father changes the rights and responsibilities of the birth father described in the notice.

1035 (5) If a birth father does not fully and strictly comply with the requirements of Subsection (4)(c) within 30 days after the day on which the birth father receives the notice, the birth father will lose:

1038 (a) the ability to assert the right to consent or refuse to consent to an adoption of the minor child described in the notice;

1040 (b) the ability to assert the right to contest any future adoption of the minor child described in the notice; and

1042 (c) the right to notice of any adoption proceedings relating to the minor child described in the notice.

1044 (6) If a person described in Subsection (2) chooses to notify a birth father under this section, the notice shall be served on a birth father in a manner consistent with the Utah Rules of Civil Procedure or by certified mail.

1047 ~~{Section 10. Section 81-13-209 is amended to read: }~~

1048 **81-13-209. Declaration regarding each potential birth father for out-of-state birth mother and adoptive parents-- Putative father registry -- Notice to potential birth father.**

1051 (1) The procedural and substantive requirements of this section are required only to the extent that the requirements do not exceed the requirements of the state of conception or the birth mother's state of residence.

1054 (2)

(a) For a child adoptee who is six months old or younger at the time that the child adoptee is placed with the prospective adoptive parents and subject to the rights of a birth mother described in Subsection 81-13-202(7), the birth mother shall sign, and the prospective adoptive parents shall file with the court, a declaration regarding each potential birth father before or at the time a petition for adoption is filed with the court.

1060 (b) A declaration is not required under Subsection (2)(a) if the birth mother or one of the adoptive parents has resided in the state for 90 total days or more at any point during the time period

HB0051S02 compared with HB0051S04

beginning at the conception of the child adoptee and ending at the time that the birth mother executes consent to the adoption or relinquishment of the child adoptee for adoption.

- 1065 (3) The child-placing adoption agency or prospective adoptive parents shall search the putative father registry of each state where the birth mother believes the child adoptee may have been conceived and each state where the birth mother lived during her pregnancy, if the state has a putative father registry, to determine whether a potential birth father registered with the state's putative father registry.
- 1070 (4) In determining whether the 90-day requirement described in Subsection (2) is satisfied, the following apply:
- 1072 (a) the 90 days are not required to be consecutive;
- 1073 (b) no absence from the state may be for more than seven consecutive days;
- 1074 (c) any day on which the individual is absent from the state does not count toward the total 90-day period; and
- 1076 (d) the 90-day period begins and ends during a period that is no more than 120 consecutive days.
- 1078 (5) The declaration filed under Subsection (2) regarding a potential birth father shall include, for each potential birth father, the following information:
- 1080 (a) if known, the potential birth father's name, date of birth, social security number, and address;
- 1082 (b) with regard to a state's putative father registry in each state described in Subsection (3):
- 1084 (i) whether the state has a putative father registry; and
- 1085 (ii) for each state that has a putative father registry, with the declaration, a certificate or written statement from the state's putative father registry that a search of the state's putative father registry was made and disclosing the results of the search;
- 1088 (c) whether the potential birth father was notified of:
- 1089 (i) the birth mother's pregnancy;
- 1090 (ii) the fact that he is a potential birth father; or
- 1091 (iii) the fact that the birth mother intends to consent to adoption or relinquishment of the child adoptee for adoption in Utah;
- 1093 (d) each state where the birth mother lived during the pregnancy;
- 1094 (e) if known, the state in which the child adoptee was conceived;
- 1095 (f) whether the birth mother informed the potential birth father that she was traveling to or planning to reside in Utah;

HB0051S02 compared with HB0051S04

- 1097 (g) whether the birth mother has contacted the potential birth father while she was located in Utah;
1099 (h) whether, and for how long, the potential birth father has ever lived with the child adoptee;
1101 (i) whether the potential birth father has given the birth mother money or offered to pay for any of the
birth mother's expenses during pregnancy or the child adoptee's birth;
1103 (j) whether the potential birth father has offered to pay child support;
1104 (k) if known, whether the potential birth father has taken any legal action to establish paternity of the
child adoptee, either in Utah or in any other state, and, if known, what action the potential birth
father has taken; and
1107 (l) whether the birth mother has ever been involved in a domestic violence matter with the potential
birth father.
1109 (6) Except as provided in Subsection (8), based on the declaration regarding the potential birth father,
the court shall order the birth mother to serve a potential birth father notice that she intends to
consent or has consented to adoption or relinquishment of the child adoptee for adoption, if the court
finds that the potential birth father:
1113 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
1114 (b) has taken sufficient action to attempt to preserve the potential birth father's legal rights as a birth
father, including by filing a legal action to establish parentage or filing with a state's putative father
registry; or
1117 (c) does not know, and does not have a reason to know, that:
1118 (i) the mother or child adoptee are present in Utah;
1119 (ii) the mother intended to give birth to the child adoptee in Utah;
1120 (iii) the child adoptee was born in Utah; or
1121 (iv) the mother intends to consent to adoption or relinquishment of the child adoptee for adoption in
Utah.
1123 (7) Notice under this section shall be made in accordance with Subsections 81-13-207(7) through (11).
1125 (8) A court may only order the notice requirements in Subsection (6) to the extent that they do not
exceed the notice requirements of:
1127 (a) the state of conception; or
1128 (b) the birth mother's state of residence.
1129 ~~{Section 11. Section 81-13-210 is amended to read: }~~
1130 **81-13-210. Custody pending final decree.**

HB0051S02 compared with HB0051S04

- 1131 (1) Except as otherwise provided by the court, once a petitioner has received the adoptee into the
petitioner's home and a petition for adoption has been filed, the petitioner is entitled to the custody
and control of the child adoptee and is responsible for the care, maintenance, and support of the
adoptee, including any necessary medical or surgical treatment, pending further order of the court.
- 1136 (2)
- (a) Once a child adoptee has been placed with, relinquished to, or ordered into the custody of a child-
placing adoption agency for purposes of adoption, the agency shall have custody and control of the
child adoptee and is responsible for the child adoptee's care, maintenance, and support.
- 1140 (b) Subject to Subsection (3)(c), the child-placing adoption agency may delegate the responsibility
for care, maintenance, and support, including any necessary medical or surgical treatment, to the
petitioner once the petitioner has received the child adoptee into the petitioner's home, including a
temporary place of abode for the petitioner.
- 1144 (c) Until the final decree of adoption is entered by the court, the child-placing adoption agency has the
right to the custody and control of the child adoptee.
- 1146 (3)
- (a) A licensed child-placing adoption agency, or a petitioner if the petition of adoption is filed before
a child adoptee's birth, may seek an order establishing that the child-placing adoption agency or
petitioner shall have temporary custody of the child adoptee from the time of the child adoptee's
birth.
- 1150 (b) The court shall grant an order for temporary custody under Subsection (3)(a) upon determining that:
- 1152 (i) the birth mother or both birth parents consent to the order;
- 1153 (ii) the child-placing adoption agency or petitioner is willing and able to take custody of the child
adoptee; and
- 1155 (iii) an order will be in the best interest of the child adoptee.
- 1156 (c) The court shall vacate an order if, before the child adoptee's birth, the birth mother or both birth
parents withdraw consent to the order.
- 475 Section 6. Section **81-13-211** is amended to read:
- 476 **81-13-211. Counseling for parents.**
- 1160 (1) As used in this section, "parent" means a person described in Subsections 81-13-212(1)(b) through
(f) for whom the consent or relinquishment of a minor child for the adoption is required.

1163

HB0051S02 compared with HB0051S04

- (2) Subject to Subsection (3)(a), before relinquishing a minor child to a child-placing agency, or consenting to the adoption of a child adoptee, a parent of the child adoptee has the right to participate in, or elect to participate in, ~~[counseling]~~ mental health therapy:
- 1166 (a) by a ~~[licensed counselor or an adoption service provider]~~ mental health professional who is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act, and selected by the parent participating in the ~~[counseling]~~ mental health therapy;
- 1169 (b) for up to three sessions of at least 50 minutes per session completed before relinquishing a child adoptee ~~[or within 120 days]~~ and up to three sessions of at least 50 minutes per session following the relinquishment of a child adoptee; and
- 1172 (c) subject to Subsection (3)(b), at the expense of the:
- 1173 (i) child-placing agency; or
- 1174 (ii) prospective adoptive parents.
- 1175 (3)
- (a) Notwithstanding Subsection (2), a parent who has the right to participate in the ~~[counseling]~~ mental health therapy under Subsection (2) may waive that right.
- 1177 (b) Notwithstanding Subsection (2)(c), the total amount required to be paid by a child-placing agency or the prospective adoptive parents for the ~~[counseling]~~ mental health therapy described in Subsection (2) may not exceed ~~[\$400]~~ \$800, unless an agreement for a greater amount is signed by:
- 1181 (i) the parent who receives the ~~[counseling]~~ mental health therapy; and
- 1182 (ii) the child-placing agency or prospective adoptive parents.
- 1183 (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the adoption of a child adoptee, the parent shall be informed of the right described in Subsection (1) by the:
- 1186 (a) child-placing agency;
- 1187 (b) prospective adoptive parents; or
- 1188 (c) representative of a person described in Subsection (4)(a) or (b).
- 1189 (5) If the parent who is entitled to the ~~[counseling]~~ mental health therapy as described in Subsection (1) elects to attend one or more ~~[counseling]~~ mental health therapy sessions following the relinquishment of a child adoptee[;]
- 1192 ~~[(a) the parent of the child adoptee shall inform the child-placing agency or prospective adoptive parents of this election prior to relinquishing the child adoptee to a child-placing agency or consenting to the adoption of the child adoptee; and]~~

HB0051S02 compared with HB0051S04

- 1195 ~~[(b)]~~ the parent of the child adoptee and the child-placing agency or attorney representing a
prospective adoptive parent of the child adoptee shall enter into an agreement to pay for the
[~~counseling~~] mental health therapy in accordance with this section.
- 1199 (6)
- 1201 (a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of adoption is entered, a
statement shall be filed with the court that:
- 1202 (i) is signed by each parent who:
- 1203 (A) relinquishes the parent's parental rights; or
- 1204 (B) consents to the adoption; and
- 1207 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A) or (B), the
parent was advised of the parent's right to participate in the [~~counseling~~] mental health therapy
described in this section at the expense of the:
- 1208 (A) child-placing agency; or
- 1209 (B) prospective adoptive parents.
- 1210 (b) The statement described in Subsection (6)(a) may be included in the document that:
- 1211 (i) relinquishes the parent's parental rights; or
- 1212 (ii) consents to the adoption.
- 1214 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [~~counseling~~] mental
health therapy described in this section[;]
- 1215 ~~[(i)]~~ shall not constitute grounds for invalidating a:
- 1216 ~~[(A)]~~ (i) relinquishment of parental rights; or
- 1217 ~~[(B)]~~ (ii) consent to adoption[; and] .
- 1220 ~~[(ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by the parent or~~
~~guardian who took the action described in Subsection (6)(c)(i)(A) or (B) against the person required~~
~~to:]~~
- 1221 ~~[(A) give the notice described in Subsection (4); or]~~
- 1222 ~~[(B) pay for the counseling described in this section.]~~
- 539 Section 7. Section **81-13-212** is amended to read:
- 540 **81-13-212. Necessary consent to adoption or relinquishment for adoption of a minor child --**
Implied consent.
- 1225

HB0051S02 compared with HB0051S04

(1) Except as provided in Subsection (2), the following persons are required to consent to an adoption of a minor child, or to relinquishment of a minor child, before an adoption of the minor child is granted:

- 1228 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child adoptee does not have
the mental capacity to consent;
- 1230 (b) a man or woman who:
- 1231 (i) by operation of law under Section 81-5-204, is recognized as the father or mother of the proposed
adoptee, unless:
- 1233 (A) the presumption is rebutted under Section 81-5-607;
- 1234 (B) at the time of the marriage, the man or woman knew or reasonably should have known that the
marriage to the mother of the proposed child adoptee was or could be declared invalid; or
- 1237 (C) the man or woman was not married to the mother of the proposed child adoptee until after the
mother consented to adoption, or relinquishment for adoption, of the proposed child adoptee; or
- 1240 (ii) is the parent of the child adoptee by a previous legal adoption;
- 1241 (c) the birth mother of the child adoptee;
- 1242 (d) an individual who has been adjudicated to be the child adoptee's parent by a court with jurisdiction
before the birth mother's execution of consent to adoption or the birth mother's relinquishment of the
child adoptee for adoption;
- 1245 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary declaration
of paternity with the office in accordance with Chapter 5, Uniform Parentage Act, before the birth
mother's execution of consent to adoption or the birth mother's relinquishment of the child adoptee
for adoption;
- 1249 (f) an unmarried biological father of the child adoptee, whose consent is not required under Subsection
(1)(d) or (1)(e), only if the unmarried biological father fully and strictly complies with the
requirements of Section 81-13-213; and
- 1252 (g) the person or agency to whom an adoptee has been relinquished and that is placing the child adoptee
for adoption.
- 1254 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through (f) is not
required if the individual's parental rights relating to the child adoptee have been terminated by a
court.

1257

HB0051S02 compared with HB0051S04

(3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered filed when the voluntary declaration is entered into a database that:

(a) can be accessed by the Department of Health and Human Services; and

(b) is designated by the office as the official database for voluntary declarations of paternity.

(4)

(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may execute a consent or relinquishment at any time, including before the birth of the child adoptee.

(b) A birth mother may not consent to the adoption of the child adoptee, or relinquish control or custody of the child adoptee, until at least 24 hours after the birth of the child adoptee.

(c) A child adoptee may not execute a consent to an adoption until the child adoptee is at least 12 years old.

(5)

(a) A birth parent who is younger than 18 years old has the power to:

(i) consent to the adoption of the birth parent's minor child; and

(ii) relinquish the birth parent's control or custody of the minor child for adoption.

(b) The consent or relinquishment described in Subsection (5)(a) is valid and has the same force and effect as a consent or relinquishment executed by a birth parent who is an adult.

(c) A birth parent, who is younger than 18 years old and has executed a consent or relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years old or otherwise becoming emancipated.

(6)

~~(a) [A consent or relinquishment is effective when the consent or relinquishment is signed and may not be revoked.]~~ A birth parent may revoke the birth parent's consent or relinquishment for any reason within 72 hours after the birth parent consents or relinquishes the child adoptee.

(b) A birth parent may waive in writing the revocation period described in Subsection (6)(a).

(c) A birth parent may revoke the birth parent's consent or relinquishment before a final decree of adoption has been entered if a court determines that the consent or relinquishment was given under duress, fraud, or undue influence by the child-placing {adoption} agency.

(d) A birth parent may not sign a consent or relinquishment while under the effects of anesthesia or medication that impacts the birth parent's ability to think clearly.

~~{(7)}~~

HB0051S02 compared with HB0051S04

~~{(a)}~~ Subsections (6)(a) through (d) does not apply to a voluntary relinquishment that is executed in juvenile court in accordance with Section 80-4-307.

610 (7)

(a) As used in this Subsection (7):

- 1292 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the pregnancy, to
offer and provide financial and emotional support to the birth mother for a period of 180 days
before the day on which the child adoptee is born.
- 1295 (ii) "Emotional support" means a pattern of statements or actions that indicate to a reasonable
person that a birth parent intends to provide for the physical and emotional well-being of an
unborn child adoptee.
- 1298 (b) A consent or relinquishment required by Subsection (1) may be implied by any of the following
acts:
- 1300 (i) abandonment;
- 1301 (ii) leaving the child adoptee with a third party for 30 consecutive days without providing the third party
with the birth parent's identification;
- 1303 (iii) knowingly leaving the child adoptee with another person for 180 consecutive days without
providing for support, communicating, or otherwise maintaining a substantial relationship with the
child adoptee; or
- 1306 (iv) receiving notification of a pending adoption proceeding as described in Section 81-13-207, or of a
termination proceeding described in Section 81-13-205, and failing to respond as required.
- 1309 (c) For purposes of this Subsection (7), a court may not:
- 1310 (i) determine that a birth parent abandoned the birth mother if the birth parent failed to provide financial
or emotional support because the birth mother refused to accept support; or
- 1313 (ii) find that the birth parent failed to provide emotional support if the individual's failure was due to
impossibility of performance.
- 1315 (d) Implied consent under this Subsection (7) may not be withdrawn.
- 1316 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an unmarried
biological father.
- 1318 (8) Nothing in this section establishes new requirements for an individual relinquishing a child in
accordance with Section 80-4-502.

639 Section 8. Section **81-13-217** is amended to read:

HB0051S02 compared with HB0051S04

640 **81-13-217. Affidavit regarding fees and expenses before final decree of adoption of a minor**
1323 **child.**

(1)

(a) Except as provided in Subsection [(5)] (6), before the date that a final decree of adoption for a child adoptee is entered, a prospective adoptive parent or, if the child adoptee was placed by a child-placing agency, the person or agency placing the child adoptee shall file with the court an affidavit regarding fees and expenses on a form prescribed by the Judicial Council in accordance with Subsection (2).

(b) An affidavit filed [~~pursuant to~~] in accordance with Subsection (1)(a) shall be signed by each prospective adoptive parent and, if the child adoptee was placed by a child-placing agency, the person or agency placing the child adoptee.

(c) The court shall review an affidavit filed under this section for completeness and compliance with the requirements of this section.

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

(2)

(a) The Judicial Council shall prescribe a uniform form for the affidavit described in Subsection (1).

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

[(i) all legal expenses that have been or will be paid to or on behalf of the preexisting parents of the child adoptee, including the source of payment;]

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

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

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

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

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

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

[(A) pregnancy;]

HB0051S02 compared with HB0051S04

- 1354 ~~[(B) delivery of the child adoptee; or]~~
1355 ~~[(C) care of the child adoptee; and]~~
1356 ~~[(viii) if a child-placing agency placed the child adoptee:]~~
1357 ~~[(A) a description of services provided to the prospective adoptive parents or preexisting parents in connection with the adoption;]~~
1359 ~~[(B) all expenses associated with matching the prospective adoptive parent or parents and the birth mother;]~~
1361 ~~[(C) all expenses associated with advertising; and]~~
1362 ~~[(D) any other agency fees or expenses paid by an adoptive parent that are not itemized under one of the other categories described in this Subsection (2)(b), including a description of the reason for the fee or expense.]~~
1365 (i) the total amount of legal expenses that have been or will be paid to or on behalf of the preexisting parents of the child adoptee;
1367 (ii) the total amount of medical or hospital expenses that have been or will be paid to or on behalf of the preexisting parents of the child adoptee;
1369 (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct support;
1371 (iv) the total amount that the adoptive parent has paid for a preexisting parent's indirect support;
1373 (v) the total amount that the adoptive parent has paid to a child-placing agency in fees and costs; and
1375 (vi) a description of services provided to the prospective adoptive parent and preexisting parent in connection with the adoption.
1377 (c) The uniform affidavit form shall require:
1378 (i) a ~~[statement of the]~~ declaration of each state or country of residence for 12 months ~~{prior to}~~ before the birth of the:
1380 (A) birth mother or the preexisting parents; and
1381 (B) prospective adoptive parent or parents; and
1382 (ii) a declaration that Section 76-7-203 has not been violated~~[, and]~~ .
1383 ~~[(iii) if the affidavit includes an itemized amount for both of the categories described in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or hospital expenses were paid by a source other than public funds.]~~
1386 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit that is submitted in a form accepted by the Office of Licensing within the Department of Health and Human Services

HB0051S02 compared with HB0051S04

if the affidavit contains the same information and is in a reasonably equivalent format as the uniform affidavit form prescribed by the Judicial Council.

1391 (3)

(a)

(i) If a child-placing agency, that is licensed by this state, placed the child adoptee, the child-placing agency shall provide a copy of the affidavit described in Subsection (1) to the Office of Licensing within the Department of Health and Human Services[.] on or before {75-} 60 days after the day on which the adoption is finalized.

1396 (ii) If an attorney arranged the placement of the child adoptee with the adoptive parent or parents, the attorney shall provide a copy of the affidavit described in Subsection (1) to the Office of Licensing within the Department of Health and Human Services on or before {75-} 60 days after the day on which the adoption is finalized.

1401 (b) Before August 30 of each even-numbered year, the Office of Licensing within the Department of Health and Human Services shall provide a written report to the Health and Human Services Interim Committee and to the Judicial Council regarding the cost of adoptions in the state that includes:

1405 (i) the total number of affidavits provided to the Office of Licensing during the previous year;

1407 (ii) for each of the categories described in Subsection (2)(b):

1408 (A) the average amount disclosed on affidavits submitted during the previous year; and

1410 (B) the range of amounts disclosed on affidavits submitted during the previous year;

1412 (iii) the average total amount disclosed on affidavits submitted during the previous year;

1414 (iv) the range of total amounts disclosed on affidavits submitted during the previous year; and

1416 (v) any recommended legislation that may help reduce the cost of adoptions.

1417 (c) The Health and Human Services Interim Committee shall, based on information in reports provided under Subsection (3)(b) and in consultation with [~~a consortium described~~] the Utah Child-Placing Adoption Agency Consortium created in Subsection [26B-2-127(8)] 26B-2-127(9), consider:

1421 (i) what constitutes reasonable fees and expenses related to adoption; and

1422 (ii) the standards that may be used to determine whether fees and expenses related to adoption are reasonable in a specific case.

1424 (4) The Judicial Council shall make a copy of each report provided by the Office of Licensing under Subsection (3)(b) available to each court that may be required to review an affidavit under Subsection (1)(c).

HB0051S02 compared with HB0051S04

- 1427 (5) The Office of Licensing shall investigate and may suspend or revoke the license of a child-placing
1430 agency if the child-placing agency fails to comply with the requirements described in this section.
1432 ~~{Section 15. Section 81-14-101 is amended to read: }~~
1433 **81-14-101. Definitions.**
As used in this chapter:
1435 (1) "Child-placing adoption agency" means the same as that term is defined in Section 26B-2-101.
1437 ~~[(1)]~~ (2)
~~[(a)]~~ "Child-placing agency" means ~~[a person with authority under other law of this state to identify or~~
~~place a minor child for adoption.]~~ the same as that term is defined in Section 26B-2-101.
1440 ~~[(b)]~~ "Child-placing agency" does not include a parent of a minor child.]
1441 (3) "Child-placing foster agency" means the same as that term is defined in Section 26B-2-101.
1443 ~~[(2)]~~ (4) "Custody" means the exercise of physical care and supervision of a minor child.
1444 ~~[(3)]~~ (5)
(a) "Intercountry adoption" means an adoption or placement for adoption of a minor child who resides
in a foreign country at the time of adoption or placement.
1446 (b) "Intercountry adoption" includes an adoption finalized in the minor child's country of residence or in
a state.
1448 ~~[(4)]~~ (6) "Person" means an individual, estate, business or nonprofit entity, public corporation,
government or governmental subdivision, agency, or instrumentality, or other legal entity.
1451 ~~[(5)]~~ (7) "Record" means information:
1452 (a) inscribed on a tangible medium; or
1453 (b) stored in an electronic or other medium and retrievable in perceivable form.
1454 ~~[(6)]~~ (8)
(a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States
Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.
1457 (b) "State" includes a federally recognized Indian tribe.
1458 ~~{Section 16. Section 81-14-303 is amended to read: }~~
1459 **81-14-303. General adoption information.**
1460

HB0051S02 compared with HB0051S04

(1) Within a reasonable time before a child-placing adoption agency places a minor child for adoption with a prospective adoptive parent, the child-placing adoption agency shall provide or cause to be provided to the prospective adoptive parent general adoption information.

(2) The information under Subsection (1) shall address:

(a) possible physical, mental, emotional, and behavioral issues concerning:

(i) identity, loss, and trauma that a minor child might experience before, during, or after adoption; and

(ii) a minor child leaving familiar ties and surroundings;

(b) the effect that access to resources, including health insurance, might have on the ability of an adoptive parent to meet the needs of a minor child;

(c) causes of disruption of an adoptive placement or dissolution of an adoption and resources available to help avoid disruption or dissolution; and

(d) prohibitions under Sections 81-14-203 and 81-14-205.

~~{Section 17. Section 81-14-304 is amended to read: }~~

81-14-304. Information about a minor child.

(1)

(a) Except as prohibited by other law of this state, within a reasonable time before a child-placing adoption agency places a minor child for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive parent information specific to the minor child that is known or reasonably obtainable by the child-placing adoption agency and material to the prospective adoptive parents informed decision to adopt the minor child.

(b) The information under Subsection (1)(a) shall include:

(i) the minor child's family, cultural, racial, religious, ethnic, linguistic, and educational background;

(ii) the minor child's physical, mental, emotional, and behavioral health;

(iii) circumstances that may adversely affect the minor child's physical, mental, emotional, or behavioral health;

(iv) the minor child's medical history, including immunizations;

(v) the medical history of the minor child's genetic parents and siblings;

(vi) the history of an adoptive or out-of-home placement of the minor child and the reason the adoption or placement ended;

(vii) the minor child's United States immigration status;

HB0051S02 compared with HB0051S04

(viii) medical, therapeutic, and educational resources, including language-acquisition training, available to the adoptive parent and minor child after placement or adoption to assist in responding effectively to physical, mental, emotional, or behavioral issues; and

(ix) available records relevant to the information in Subsections (1)(b)(i) through (viii).

(2) If, before an adoption is finalized, additional information under Subsection (1) that is material to a prospective adoptive parent's informed decision to adopt the minor child becomes known or reasonably obtainable by the child-placing adoption agency, the child-placing adoption agency shall provide the information to the prospective adoptive parent.

(3) If, after an adoption is finalized, additional information under Subsection (1) becomes known to the child-placing adoption agency, the child-placing adoption agency shall make a reasonable effort to provide the information to the adoptive parent.

~~{Section 18. Section 81-14-305 is amended to read: }~~

81-14-305. Guidance and instruction.

(1) A child-placing adoption agency placing a minor child for adoption shall provide or cause to be provided to the prospective adoptive parent guidance and instruction specific to the minor child to help prepare the parent to respond effectively to needs of the child that are known or reasonably ascertainable by the child-placing adoption agency.

(2) The guidance and instruction under Subsection (1) shall address, if applicable:

(a) the potential effect on the minor child of:

(i) previous adoption or out-of-home placement;

(ii) multiple previous adoptions or out-of-home placements;

(iii) trauma, insecure attachment, fetal alcohol exposure, or malnutrition;

(iv) neglect, abuse, drug exposure, or similar adversity;

(v) separation from a sibling or significant caregiver; and

(vi) a difference in ethnicity, race, or cultural identity between the minor child and the prospective adoptive parent or other minor child of the parent;

(b) information available from the federal government on the process for the child to acquire United States citizenship; and

(c) any other matter the child-placing adoption agency considers material to the adoption.

(3) The guidance and instruction under Subsection (1) shall be provided:

HB0051S02 compared with HB0051S04

(a) for adoption of a minor child residing in the United States, a reasonable time before the adoption is finalized; or

1528 (b) for an intercountry adoption, in accordance with federal law.

751 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-13-26 3:31 PM