

**Katy Hall** proposes the following substitute bill:

**Adoption Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Katy Hall**

Senate Sponsor: Chris H. Wilson

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- modifies provisions related to child-placing adoption agencies including:
  - terms of licensing;
  - advertising requirements;
  - reporting requirements; and
  - disclosure of information to birth parents and adoptive parents;
- addresses the rights of birth parents and adoptive parents;
- clarifies the types of payments and fees that are permissible in an adoption;
- addresses transportation of birth mothers to Utah from other states or countries;
- amends provisions relating to mental health therapy for a birth parent;
- clarifies that a birth parent can revoke consent under limited circumstances;
- addresses adoption services in health care facilities;
- 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

29 **26B-2-127**, as last amended by Laws of Utah 2025, Chapter 426  
30 **63G-20-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
31 **63G-20-203.5**, as enacted by Laws of Utah 2023, Chapter 466  
32 **80-2-802**, as last amended by Laws of Utah 2025, Chapter 426  
33 **81-13-101**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
34 **81-13-208**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
35 **81-13-209**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
36 **81-13-210**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
37 **81-13-211**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
38 **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
39 **81-13-217**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
40 **81-14-101**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
41 **81-14-303**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
42 **81-14-304**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
43 **81-14-305**, as renumbered and amended by Laws of Utah 2025, Chapter 426

44 ENACTS:

45 **26B-2-244**, Utah Code Annotated 1953

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

48 Section 1. Section **26B-2-101** is amended to read:

49 **26B-2-101 . Definitions.**

50 As used in this part:

- 51 (1) "Abuse" means the same as that term is defined in Section 80-1-102.  
52 (2) "Adoption services" means the same as that term is defined in Section 80-2-801.  
53 (3) "Adult day care" means nonresidential care and supervision:  
54 (a) for three or more adults for at least four but less than 24 hours a day; and  
55 (b) that meets the needs of functionally impaired adults through a comprehensive  
56 program that provides a variety of health, social, recreational, and related support  
57 services in a protective setting.  
58 (4) "Applicant" means a person that applies for an initial license or a license renewal under  
59 this part.  
60 (5)(a) "Associated with the licensee" means that an individual is:  
61 (i) affiliated with a licensee as an owner, director, member of the governing body,  
62 employee, agent, provider of care, department contractor, or volunteer; or

- 63 (ii) applying to become affiliated with a licensee in a capacity described in  
64 Subsection (5)(a)(i).
- 65 (b) "Associated with the licensee" does not include:
- 66 (i) service on the following bodies, unless that service includes direct access to a  
67 child or a vulnerable adult:
- 68 (A) a local mental health authority described in Section 17-77-301;
- 69 (B) a local substance abuse authority described in Section 17-77-201; or
- 70 (C) a board of an organization operating under a contract to provide mental health  
71 or substance use programs, or services for the local mental health authority or  
72 substance abuse authority; or
- 73 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly  
74 supervised at all times.
- 75 (6) "Behavioral health receiving center" means a 23-hour non-secure program or facility  
76 that is responsible for, and provides mental health crisis services to, an individual  
77 experiencing a mental health crisis.
- 78 (7)(a) "Boarding school" means a private school that:
- 79 (i) uses a regionally accredited education program;
- 80 (ii) provides a residence to the school's students:
- 81 (A) for the purpose of enabling the school's students to attend classes at the  
82 school; and
- 83 (B) as an ancillary service to educating the students at the school;
- 84 (iii) has the primary purpose of providing the school's students with an education, as  
85 defined in Subsection (7)(b)(i); and
- 86 (iv)(A) does not provide the treatment or services described in Subsection [(49)(a)]  
87 (51)(a); or
- 88 (B) provides the treatment or services described in Subsection [(49)(a)] (51)(a) on  
89 a limited basis, as described in Subsection (7)(b)(ii).
- 90 (b)(i) For purposes of Subsection (7)(a)(iii), "education" means a course of study for  
91 one or more grades from kindergarten through grade 12.
- 92 (ii) For purposes of Subsection (7)(a)(iv)(B), a private school provides the treatment  
93 or services described in Subsection [(49)(a)] (51)(a) on a limited basis if:
- 94 (A) the treatment or services described in Subsection [(49)(a)] (51)(a) are provided  
95 only as an incidental service to a student; and
- 96 (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.
- [(13)] (15)(a) "Congregate care program" means any of the following that provide services to a child:
- (i) an outdoor youth program;
  - (ii) a residential support program;
  - (iii) a residential treatment program; or
  - (iv) a therapeutic school.
- (b) "Congregate care program" does not include a human services program that:
- (i) is licensed to serve adults; and
  - (ii) is approved by the office to service a child for a limited time.
- [(14)] (16) "Day treatment" means specialized treatment that is provided to:
- (a) a client less than 24 hours a day; and
  - (b) four or more persons who:
    - (i) are unrelated to the owner or provider; and
    - (ii) have emotional, psychological, developmental, physical, or behavioral

- dysfunctions, impairments, or chemical dependencies.
- ~~[(15)]~~ (17) "Department contractor" means an individual who:
- (a) provides services under a contract with the department; and
  - (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable adult.
- ~~[(16)]~~ (18) "Direct access" means that an individual has, or likely will have:
- (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity for personal communication or touch; or
  - (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.
- ~~[(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.
- ~~[(18)]~~ (20) "Director" means the director of the office.
- ~~[(19)]~~ (21) "Division" means the Division of Licensing and Background Checks created under Section 26B-2-103.
- ~~[(20)]~~ (22) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- ~~[(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.
- ~~[(22)]~~ (24) "Elder adult" means a person 65 years old or older.
- ~~[(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.
- ~~[(24)]~~ (26) "Foster home" means a residence that is licensed or certified by the office for the full-time substitute care of a child.
- ~~[(25)]~~ (27) "Harm" means the same as that term is defined in Section 80-1-102.
- ~~[(26)]~~ (28) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
- ~~[(27)]~~ (29) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- ~~[(28)]~~ (30) "Health insurer" means:
- (a) an insurer who offers health care insurance as that term is defined in Section

165 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)(a) "Human services program" means:

171 (i) a foster home;

172 (ii) a therapeutic school;

173 (iii) a youth program;

174 (iv) an outdoor youth program;

175 (v) a residential treatment program;

176 (vi) a residential support program;

177 (vii) a resource family home;

178 (viii) a recovery residence;

179 (ix) a behavioral health receiving center; or

180 (x) a facility or program that provides:

181 (A) adult day care;

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  
188 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  
197 or care for an individual who:

198 (a) cannot live independently or in a less restrictive environment; and

(b) requires, without the individual's consent or control, the use of locked doors to care for the individual.

~~[(34)]~~ (36) "Licensee" means an individual or a human services program licensed by the office.

~~[(35)]~~ (37) "Local government" means a city, town, or county.

~~[(36)]~~ (38) "Mental health treatment program" means a program that:

(a) is a structured intervention; and

(b) is used to improve mental health, prevent mental disorders, and treat mental health conditions.

~~[(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.

~~[(38)]~~ (40) "Minor" means child.

~~[(39)]~~ (41) "Office" means, except as provided in Section 26B-2-120, the Office of Licensing within the department.

~~[(40)]~~ (42) "Ombudsman" means the congregate care ombudsman created in Section 26B-2-124.2.

~~[(41)]~~ (43) "Outdoor youth program" means a program that provides:

(a) services to a child who has:

(i) a chemical dependency; or

(ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or behavioral;

(b) a 24-hour outdoor group living environment; and

(c)(i) regular therapy, including group, individual, or supportive family therapy; or

(ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor behavioral healthcare.

~~[(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.

~~[(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:

(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

(b) the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

[(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.

[(45)] (47) "Qualifying residential treatment program" means a residential treatment program that is licensed under this part and:

(a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in Section 16-6a-102; or

(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.

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

(a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in Section 16-6a-102; or

(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.

[(47)] (49)(a) "Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:

(i) provides a supervised living environment for individuals recovering from a substance use disorder;

(ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

(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;

(iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or

(v)(A) receives public funding; or

(B) is run as a business venture, either for-profit or not-for-profit.

(b) "Recovery residence" does not mean:



- (i) a residential treatment program;
- (ii) residential support program;
- (iii) a residential vocational or life skills program; or
- (iv) a home, residence, or facility, in which:
  - (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;
  - (B) residents equitably share rent and housing-related expenses; and
  - (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.

~~[(48)]~~ (50) "Regular business hours" means:

- (a) the hours during which services of any kind are provided to a client; or
- (b) the hours during which a client is present at the facility of a licensee.

~~[(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.

(b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:

- (i) emotional;
- (ii) psychological;
- (iii) developmental; or
- (iv) behavioral.

(c) Treatment is not a necessary component of a residential support program.

(d) "Residential support program" does not include:

- (i) a recovery residence; or
- (ii) a program that provides residential services that are performed:
  - (A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or
  - (B) in a facility that serves fewer than four individuals.

~~[(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.

(b) "Residential treatment" does not include a:

- (i) boarding school;
- (ii) foster home; or
- (iii) recovery residence.

~~[(51)]~~ (53) "Residential treatment program" means a program or facility that provides:

- (a) residential treatment; or
- (b) intermediate secure treatment.

~~[(52)]~~ (54) "Seclusion" means the involuntary confinement of an individual in a room or an area:

- (a) away from the individual's peers; and
- (b) in a manner that physically prevents the individual from leaving the room or area.

~~[(53)]~~ (55) "Short-term relief care provider" means an individual who:

- (a) provides short-term and temporary relief care to a foster parent:
  - (i) for less than six consecutive nights; and
  - (ii) in the short-term relief care provider's home;
- (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster parent;
- (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- (d) has been approved to provide short-term relief care by the department;
- (e) is not reimbursed by the department for the temporary relief care provided; and
- (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster child.

~~[(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:

- (a) room and board for persons who are unrelated to the owner or manager of the facility;
- (b) specialized rehabilitation to acquire sobriety; and
- (c) aftercare services.

~~[(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  
336 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

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

343 (i) a diagnosed substance use disorder; or

344 (ii) chemical dependency disorder.

345 [~~(57)~~] (59) "Therapeutic school" means a residential group living facility:

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

347 (i) the owner of the facility; or

348 (ii) the primary service provider of the facility;

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

350 (i) at home;

351 (ii) in a public school; or

352 (iii) in a nonresidential private school; and

353 (c) that offers:

354 (i) room and board; and

355 (ii) an academic education integrated with:

356 (A) specialized structure and supervision; or

357 (B) services or treatment related to:

358 (I) a disability;

359 (II) emotional development;

360 (III) behavioral development;

361 (IV) familial development; or

362 (V) social development.

363 [~~(58)~~] (60) "Unrelated persons" means persons other than parents, legal guardians,  
364 grandparents, brothers, sisters, uncles, or aunts.

365 [~~(59)~~] (61) "Vulnerable adult" means an elder adult or an adult who has a temporary or  
366 permanent mental or physical impairment that substantially affects the person's ability to:

367 (a) provide personal protection;

368 (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
- (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

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

- (i) serves adjudicated or nonadjudicated youth;
- (ii) charges a fee for the program's services;
- (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- (iv) may provide all or part of the program's services in the outdoors;
- (v) may limit or censor access to parents or guardians; and
- (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

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

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

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

- (i) a relative of the child;
- (ii) a state agency; or
- (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.

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

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

(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.

(2)(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

(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.

(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.

(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.

- (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:
- (i) previously revoked by the office;
  - (ii) voluntarily returned to the office by the licensee; or
  - (iii) extended by the office.
- (b) A license shall be renewed upon application and payment of the applicable fee, unless the office finds that the licensee:
- (i) is not in compliance with the:
    - (A) provisions of this part; or
    - (B) rules made under this part;
  - (ii) has engaged in a pattern of noncompliance with the:
    - (A) provisions of this part; or
    - (B) rules made under this part;
  - (iii) has engaged in conduct that is grounds for denying a license under Section 26B-2-703; or
  - (iv) has engaged in conduct that poses a substantial risk of harm to any person.
- (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:
- (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
  - (ii) the licensee has not violated this part or a rule made under this part.
- (d)(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 child-placing adoption agency license unless the applicant is a nonprofit organization, as that term is defined in Section 78B-4-101.

Section 3. 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;

(C) a home study;

(D) assistance or support in financial, legal, or medical matters;

(E) prenatal or postpartum support; and

(F) mental health therapy.

(ii) "Adoption services" does not include one-time informational inquiries.

~~[(a)]~~ (b)(i) "Advertisement" means any written, oral, or graphic statement or representation made in connection with a solicitation of business.

(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 website, social media, or sign.

~~[(b)]~~ (c) "Birth parent" means the same as that term is defined in Section 81-13-101.

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

(e) "Child-placing agency" means a child-placing adoption agency or a child-placing foster agency.

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

~~(e)~~ (g) "Clearly and conspicuously disclose" means the same as that term is defined in Section 13-11a-2.

(h) "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.

(i) "Daily living needs" means food, clothing, hygiene, and local transportation.

(j) "Directly affected person" means the same as that term is defined in Section 76-7-203.

(k)(i) "Living expenses" means ordinary and necessary costs to maintain an individual's needs, including housing, utilities, and out-of-state transportation.

(ii) "Living expenses" does not include lost wages, gifts, educational expenses, or other similar expenses.

~~(d)~~ (l)(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).

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

(m) "Weekly allowance" means funds that a licensed child-placing adoption agency 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.



- 539 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any  
540 kind, or promise or agreement to make the same, may not be made for the  
541 assistance described in Subsection (3)(a)(i).
- 542 (b) An attorney, physician, or other person may not:
- 543 (i) issue or cause to be issued to any person a card, sign, or device indicating that the  
544 attorney, physician, or other person is available to provide the assistance described  
545 in Subsection (3)(a)(i);
- 546 (ii) cause, permit, or allow any sign or marking indicating that the attorney,  
547 physician, or other person is available to provide the assistance described in  
548 Subsection (3)(a)(i), on or in any building or structure;
- 549 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,  
550 physician, or other person is available to provide the assistance described in  
551 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or  
552 television, or an Internet website relating to a business;
- 553 (iv) announce, cause, permit, or allow a matching advertisement; or
- 554 (v) announce, cause, permit, or allow an advertisement that indicates or implies the  
555 attorney, physician, or other person is available to provide the assistance described  
556 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by  
557 using any of the following terms:
- 558 (A) "comprehensive";
- 559 (B) "complete";
- 560 (C) "one-stop";
- 561 (D) "all-inclusive"; or
- 562 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)  
563 through (D).
- 564 (c) An attorney, physician, or other person who is not licensed by the office shall clearly  
565 and conspicuously disclose in any print media advertisement or written contract  
566 regarding adoption services or adoption-related services that the attorney, physician,  
567 or other person is not licensed to provide adoption services by the office.
- 568 (4)(a) An entity that advertises for adoption services shall disclose in the advertisement:
- 569 (i) the name of the states in which the entity is licensed to provide adoption services;  
570 or
- 571 (ii) whether the entity is not licensed to provide adoption services in any state.
- 572 (b) An entity that advertises for adoption services may not promise financial incentives

573 in an adoption-related advertisement.

574 [(4)] (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of  
575 a third degree felony.

576 [(5)] (6) This section does not preclude payment of fees for medical, legal, or other lawful  
577 services rendered in connection with the care of a mother, delivery and care of a child,  
578 or lawful adoption proceedings, except that a child-placing adoption agency may not:  
579 (a) charge or accept payment for services that were not actually rendered; or  
580 (b) charge or accept payment from a prospective adoptive parent for medical or hospital  
581 expenses that were paid for by public funds.

582 [(6)] (7) In accordance with federal law, only an agent or employee of the Division of Child  
583 and Family Services or of a licensed child-placing agency may certify to United States  
584 Citizenship and Immigration Services that a family meets the preadoption requirements  
585 of the Division of Child and Family Services.

586 [(7)] (8) A licensed child-placing agency or an attorney practicing in this state may not place  
587 a child for adoption, either temporarily or permanently, with an individual who would  
588 not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and  
589 81-13-402.

590 [(8)] (9)[(a) A child-placing agency, as that term is defined in Section 63G-20-102, that  
591 serves a resident of the state who is a birth mother or a prospective adoptive parent  
592 must be a member of a statewide consortium of licensed child-placing agencies that,  
593 together, serve all birth mothers lawfully seeking to place a child for adoption and all  
594 qualified prospective adoptive parents.]

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

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

599 (b) The consortium consists of one member of each licensed child-placing adoption  
600 agency.

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

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

604 (e) The consortium shall establish bylaws and procedures for consortium action and  
605 recommendations.

606 (f)(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
- 609                 the consortium.
- 610       (g)(i) The consortium shall review a request from a licensed child-placing adoption
- 611                 agency to exceed the financial limits described in Subsection (14).
- 612           (ii) The consortium may approve a request described in Subsection (9)(g)(i) if:
- 613                 (A) the requesting agency demonstrates a specific need to exceed the limit in
- 614                         Subsection (14);
- 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
- 617                         there is a reasonable need to exceed the limit described in Subsection (14).
- 618       (h)(i) The consortium shall report to the Health and Human Services Interim
- 619                 Committee on or before October 1, 2026.
- 620           (ii) The report described in Subsection (9)(g)(i) shall include:
- 621                 (A) the number of adoptions completed by each child-placing adoption agency in
- 622                         2025;
- 623                 (B) the number of out-of-state transports arranged by each child-placing adoption
- 624                         agency in 2025; and
- 625                 (C) a description of each child-placing adoption agency's fees in 2025.
- 626       (10)(a) A birth parent has the right to independent legal counsel in the adoption process,
- 627                 selected by the birth parent, at a reasonable cost to be paid by the child-placing
- 628                 agency or prospective adoptive parents.
- 629           (b) A birth parent may waive the right described in Subsection (10)(a), but may not be
- 630                 required to waive the right to legal counsel.
- 631       (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to
- 632                 the adoption of a child adoptee, the parent shall be informed of the right described in
- 633                 Subsection (10), with sufficient time to exercise the right prior to relinquishment or
- 634                 consent, by the:
- 635                 (a) child-placing agency;
- 636                 (b) prospective adoptive parents; or
- 637                 (c) representative of a person described in Subsection (11)(a) or (b).
- 638       (12) Before the day on which a final decree of adoption is entered, a statement shall be filed
- 639                 with the court that:
- 640                 (a) is signed by each parent who:

- 641           (i) relinquishes the parent's parental rights; or  
642           (ii) consents to the adoption; and  
643       (b) states that, before the parent took the action described in Subsection (12)(a)(i)(A) or  
644           (B), the parent was advised of the parent's right to independent legal counsel  
645           described in this section at the expense of the:  
646           (i) child-placing agency; or  
647           (ii) prospective adoptive parents.  
648       (13) A licensed child-placing adoption agency shall include on the child-placing adoption  
649           agency's website, in a prominent and conspicuous place:  
650           (a) information regarding how a birth parent or adoptive parent can file a complaint with  
651               the office; and  
652           (b) notice of any current or former warnings or violations that the office has issued to the  
653               child-placing adoption agency within the past three years.  
654       (14)(a) A licensed child-placing adoption agency may only pay the following fees or  
655           expenses on behalf of a birth parent:  
656               (i) up to \$8,000 in living expenses;  
657               (ii) weekly allowance;  
658               (iii) medical expenses; and  
659               (iv) legal expenses related to the adoption.  
660       (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing adoption agency  
661           that pays fees or expenses described in Subsection (14)(a) on behalf of a birth parent  
662           shall make the payment directly to the applicable service provider when possible.  
663       (c)(i) A licensed child-placing adoption agency may provide a weekly allowance  
664           directly to a birth parent.  
665               (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed  
666               on a weekly basis for up to 12 weeks during pregnancy and four weeks  
667               postpartum.  
668               (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75  
669               per week for a directly affected person that is dependent on the birth parent.  
670       (d) A licensed child-placing adoption agency may exceed the limits described in this  
671           Subsection (14) in accordance with Subsection (9).  
672       (15) Prior to an adoption being finalized, an adoptive parent or licensed child-placing  
673           adoption agency may not discuss or promise a potential post-adoption gift to a birth  
674           parent.

- 675 (16)(a) A licensed child-placing adoption agency, an employee or contractor of a  
676 licensed child-placing adoption agency, or a prospective adoptive parent may not  
677 utilize coercion in any interaction with a birth parent.
- 678 (b) Coercive behavior includes:
- 679 (i) threatening financial or legal retaliation if a birth parent chooses to parent;  
680 (ii) telling a birth parent that the birth parent will not receive assistance to return to  
681 the birth parent's state of residence;  
682 (iii) preventing a birth parent from physically leaving the birth parent's location;  
683 (iv) preventing a birth parent from privately contacting the birth parent's supports,  
684 such as family, friends, mental health professional, or legal counsel; and  
685 (v) promising a financial benefit in exchange for the birth parent's relinquishment or  
686 consent.
- 687 (17) If any member of a licensed child-placing adoption agency has a financial interest in a  
688 service provider that receives a payment as described in Subsection (14)(b), the licensed  
689 child-placing adoption agency shall disclose the financial interest to a birth parent,  
690 prospective adoptive parent, the office, and a court that finalizes the adoption.
- 691 (18)(a) A licensed child-placing adoption agency may not transport or arrange the  
692 transport of:
- 693 (i) a birth mother to the state if the child-placing adoption agency knows or should  
694 know that the mother is at 36 or more weeks of gestation; or  
695 (ii) a birth mother who is less than 18 years old to the state.
- 696 (b) A licensed child-placing adoption agency shall make a reasonable inquiry regarding  
697 the health of a birth mother prior to transporting or arranging the transport of a birth  
698 mother.
- 699 (c) A parent or guardian of a birth mother who is less than 18 years old may make  
700 independent arrangements to transport or travel with the minor birth mother.
- 701 (d) A licensed child-placing adoption agency shall verify whether an out-of-state birth  
702 mother is receiving Medicaid benefits prior to transporting or arranging the transport  
703 of the birth mother to Utah.
- 704 (e) An individual who travels to Utah for the sole purpose of giving birth without intent  
705 to remain in Utah following the birth does not qualify for Utah Medicaid benefits.
- 706 (19) A licensed child-placing adoption agency that transports or arranges the transport of a  
707 birth mother to the state for purposes related to an adoption shall ensure that the birth  
708 mother is returned to the state from which the birth mother was transported using the

709 same mode and quality of transportation that was used to bring the birth mother to the  
710 state if the birth mother does not elect to remain in Utah, regardless of the birth mother's  
711 decision regarding relinquishment.

712 (20)(a) A licensed child-placing adoption agency shall submit a form, created by the  
713 office, to the office for each birth parent to whom the child-placing adoption agency  
714 provides adoption services.

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

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

717 (ii) whether the birth parent chose:

718 (A) to parent the child;

719 (B) adoption; or

720 (C) something else;

721 (iii) the date of:

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

723 (B) birth of the child adoptee;

724 (C) relinquishment; and

725 (D) the finalized adoption;

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

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

729 (vi) the total amount of funds that a birth parent received directly through a weekly  
730 allowance;

731 (vii) the total amount that was paid on behalf of the birth parent for living expenses;

732 (viii) the total amount that was paid for the birth parent's medical expenses, including  
733 mental health therapy;

734 (ix) the total amount that was paid for the birth parent's legal expenses;

735 (x) whether the consortium approved exceeding the financial limits described in this  
736 section;

737 (xi) the value of any gifts provided to the birth parent;

738 (xii) a description and value of any other benefit that was paid to or on behalf of the  
739 birth parent;

740 (xiii) whether the birth parent received Utah Medicaid benefits;

741 (xiv) if the birth parent was transported to Utah, whether the birth parent received  
742 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 4. Section **26B-2-244** is enacted to read:

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

(1) As used in this section:

(a) "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:

**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.

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

Section 6. Section **63G-20-203.5** is amended to read:

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

[(1)] As used in this section, "~~consortium~~" means a statewide consortium of child-placing agencies described in Subsection 26B-2-127(8).]

[(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:

- (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;



- (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
- (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.

[(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 adoptive parent, shall refer the individual who is seeking child-placement services to another child-placing agency[ ~~in the consortium~~].

- (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.

[(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:

- (a) the imposition of a civil fine or other adverse administrative action; or
- (b) any claim or cause of action under any state or local law.

Section 7. Section **80-2-802** is amended to read:

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

- (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.
- (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.
- (3) The division may not:
- (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;
  - (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
  - (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.
- (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.
- (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.

Section 8. Section **81-13-101** is amended to read:

**81-13-101 . Definitions for chapter.**

As used in this chapter:

- (1) "Adoptee" means:
- (a) a child adoptee; or
  - (b) an adult adoptee.
- (2) "Adoption" means the process by which an individual seeks to:
- (a) create the legal relationship of parent and child where the relationship did not previously exist; and
  - (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

879 respect to the child.

880 (3) "Adoption document" means an adoption-related document filed with the office, a  
881 petition for adoption, a decree of adoption, an original birth certificate, or evidence  
882 submitted in support of a supplementary birth certificate.

883 (4) "Adoption proceeding" means any proceeding under this chapter.

884 (5) "Adoption service provider" means:

885 (a) a child-placing agency;

886 (b) a licensed counselor who has at least one year of experience providing professional  
887 social work services to:

888 (i) adoptive parents;

889 (ii) prospective adoptive parents; or

890 (iii) birth parents; or

891 (c) the Office of Licensing within the Department of Health and Human Services.

892 (6) "Adoptive parent" means an individual who has legally adopted an adoptee.

893 (7) "Adult" means an individual who is 18 years old or older.

894 (8) "Adult adoptee" means an individual:

895 (a) who is an adult and is the subject of an adoption proceeding; or

896 (b) who was adopted when the individual was an adult.

897 (9) "Adult sibling" means an individual:

898 (a) who is a child adoptee's brother or sister;

899 (b) who is 18 years old or older; and

900 (c) whose birth parent is the same as that of the child adoptee.

901 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.

902 (11) "Birth parent" means:

903 (a) an individual that has a parent-child relationship with an adoptee as described in  
904 Section 81-5-201;

905 (b) a man who:

906 (i) has been identified as the father of an adoptee by the adoptee's birth mother; and

907 (ii) has not denied paternity; or

908 (c) an unmarried biological father.

909 (12) "Child adoptee" means an individual:

910 (a) who is a minor child and is the subject of an adoption proceeding; or

911 (b) who was adopted when the individual was a minor child.

912 (13) "Child-placing adoption agency" means a child-placing agency that places children for

913 adoption.

914 (14) "Child-placing agency" means [an agency licensed to place a minor child for adoption  
915 under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities] a  
916 child-placing adoption agency or a child-placing foster agency.

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

919 ~~[(14)]~~ (16) "Cohabiting" means residing with another individual and being involved in a  
920 sexual relationship with that individual.

921 ~~[(15)]~~ (17) "Division" means the Division of Child and Family Services, within the  
922 Department of Health and Human Services, created in Section 80-2-201.

923 ~~[(16)]~~ (18) "Extra-jurisdictional child-placing agency" means an agency licensed to place  
924 children for adoption by a district, territory, or state of the United States, other than Utah.

925 ~~[(17)]~~ (19) "Genetic and social history" means a comprehensive report, when obtainable,  
926 that contains the following information on an adoptee's birth parents, aunts, uncles, and  
927 grandparents:

928 (a) medical history;

929 (b) health status;

930 (c) cause of and age at death;

931 (d) height, weight, and eye and hair color;

932 (e) ethnic origins;

933 (f) where appropriate, levels of education and professional achievement; and

934 (g) religion, if any.

935 ~~[(18)]~~ (20) "Health history" means a comprehensive report of the adoptee's health status at  
936 the time of placement for adoption, and medical history, including neonatal,  
937 psychological, physiological, and medical care history.

938 ~~[(19)]~~ (21) "Identifying information" means information that is in the possession of the  
939 office and that contains:

940 (a) the name and address of:

941 (i) a pre-existing parent; or

942 (ii) a child adoptee who is 18 years old or older; or

943 (b) other specific information that by itself or in reasonable conjunction with other

944 information may be used to identify a pre-existing parent or child adoptee, including

945 information on a birth certificate or in an adoption document.

946 ~~[(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:

- (a) certified social worker;
- (b) clinical social worker;
- (c) psychologist;
- (d) marriage and family therapist;
- (e) clinical mental health counselor; or
- (f) an equivalent licensed professional of another state, district, or territory of the United States.

~~[(21)]~~ (23) "Man" means a male individual of any age.

~~[(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.

~~[(23)]~~ (25) "Potential birth father" means a man who:

- (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
- (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.

~~[(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.

- (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.

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

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

- (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
- (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.

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

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

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

- 981 (a) an individual who is 65 years old or older; or  
982 (b) an adult who has a mental or physical impairment that substantially affects that  
983 adult's ability to:  
984 (i) provide personal protection;  
985 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;  
986 (iii) obtain services necessary for health, safety, or welfare;  
987 (iv) carry out the activities of daily living;  
988 (v) manage the adult's own resources; or  
989 (vi) comprehend the nature and consequences of remaining in a situation of abuse,  
990 neglect, or exploitation.

991 Section 9. Section **81-13-208** is amended to read:

992 **81-13-208 . Prebirth notice to birth father of intent to place a minor child for**  
993 **adoption.**

- 994 (1) As used in this section, "birth father" means:  
995 (a) a potential birth father; or  
996 (b) an unmarried biological father.
- 997 (2) Before the birth of a minor child, the following persons may notify a birth father of the  
998 minor child that the birth mother of the minor child is considering an adoptive placement  
999 for the minor child:  
1000 (a) the minor child's birth mother;  
1001 (b) a licensed child-placing adoption agency;  
1002 (c) an attorney representing a prospective adoptive parent of the minor child; or  
1003 (d) an attorney representing the birth mother of the minor child.
- 1004 (3) Providing a birth father with notice under Subsection (2) does not obligate the birth  
1005 mother of the minor child to proceed with an adoptive placement of the minor child.
- 1006 (4) The notice described in Subsection (2) shall include the name, address, and telephone  
1007 number of the person providing the notice and the following information:  
1008 (a) the birth mother's intent to place the minor child for adoption;  
1009 (b) that the birth mother has named the person receiving this notice as a potential birth  
1010 father of the minor child;  
1011 (c) the requirements to contest the adoption, including taking the following steps within  
1012 30 days after the day on which the notice is served:  
1013 (i) initiating proceedings to establish or assert paternity in a court with jurisdiction  
1014 under Title 78A, Judiciary and Judicial Administration, within 30 days after the

- 1015 day on which notice is served, including filing an affidavit stating:
- 1016 (A) that the birth father is fully able and willing to have full custody of the minor
- 1017 child;
- 1018 (B) the birth father's plans to care for the minor child; and
- 1019 (C) that the birth father agrees to pay for child support and expenses incurred in
- 1020 connection with the pregnancy and birth of the minor child; and
- 1021 (ii) filing a notice of commencement of parentage proceedings with the office;
- 1022 (d) the consequences for failure to comply with Subsection (4)(c), including that:
- 1023 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to
- 1024 the adoption is irrevocably lost;
- 1025 (ii) the birth father will lose the ability to assert the right to contest any future
- 1026 adoption of the minor child; and
- 1027 (iii) the birth father will lose the right, if any, to notice of any adoption proceedings
- 1028 related to the minor child;
- 1029 (e) that the birth father may consent to the adoption, if any, within 30 days after the day
- 1030 on which the notice is received, and that the birth father's consent is irrevocable; and
- 1031 (f) that no communication between the birth mother of the minor child and the birth
- 1032 father changes the rights and responsibilities of the birth father described in the notice.
- 1033 (5) If a birth father does not fully and strictly comply with the requirements of Subsection
- 1034 (4)(c) within 30 days after the day on which the birth father receives the notice, the birth
- 1035 father will lose:
- 1036 (a) the ability to assert the right to consent or refuse to consent to an adoption of the
- 1037 minor child described in the notice;
- 1038 (b) the ability to assert the right to contest any future adoption of the minor child
- 1039 described in the notice; and
- 1040 (c) the right to notice of any adoption proceedings relating to the minor child described
- 1041 in the notice.
- 1042 (6) If a person described in Subsection (2) chooses to notify a birth father under this
- 1043 section, the notice shall be served on a birth father in a manner consistent with the Utah
- 1044 Rules of Civil Procedure or by certified mail.
- 1045 Section 10. Section **81-13-209** is amended to read:
- 1046 **81-13-209 . Declaration regarding each potential birth father for out-of-state**
- 1047 **birth mother and adoptive parents-- Putative father registry -- Notice to potential birth**
- 1048 **father.**

- (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.
- (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.
- (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 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.
- (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.
- (4) In determining whether the 90-day requirement described in Subsection (2) is satisfied, the following apply:
- (a) the 90 days are not required to be consecutive;
  - (b) no absence from the state may be for more than seven consecutive days;
  - (c) any day on which the individual is absent from the state does not count toward the total 90-day period; and
  - (d) the 90-day period begins and ends during a period that is no more than 120 consecutive days.
- (5) The declaration filed under Subsection (2) regarding a potential birth father shall include, for each potential birth father, the following information:
- (a) if known, the potential birth father's name, date of birth, social security number, and address;
  - (b) with regard to a state's putative father registry in each state described in Subsection (3):
    - (i) whether the state has a putative father registry; and



- 1083 (ii) for each state that has a putative father registry, with the declaration, a certificate  
1084 or written statement from the state's putative father registry that a search of the  
1085 state's putative father registry was made and disclosing the results of the search;
- 1086 (c) whether the potential birth father was notified of:
- 1087 (i) the birth mother's pregnancy;
- 1088 (ii) the fact that he is a potential birth father; or
- 1089 (iii) the fact that the birth mother intends to consent to adoption or relinquishment of  
1090 the child adoptee for adoption in Utah;
- 1091 (d) each state where the birth mother lived during the pregnancy;
- 1092 (e) if known, the state in which the child adoptee was conceived;
- 1093 (f) whether the birth mother informed the potential birth father that she was traveling to  
1094 or planning to reside in Utah;
- 1095 (g) whether the birth mother has contacted the potential birth father while she was  
1096 located in Utah;
- 1097 (h) whether, and for how long, the potential birth father has ever lived with the child  
1098 adoptee;
- 1099 (i) whether the potential birth father has given the birth mother money or offered to pay  
1100 for any of the birth mother's expenses during pregnancy or the child adoptee's birth;
- 1101 (j) whether the potential birth father has offered to pay child support;
- 1102 (k) if known, whether the potential birth father has taken any legal action to establish  
1103 paternity of the child adoptee, either in Utah or in any other state, and, if known,  
1104 what action the potential birth father has taken; and
- 1105 (l) whether the birth mother has ever been involved in a domestic violence matter with  
1106 the potential birth father.
- 1107 (6) Except as provided in Subsection (8), based on the declaration regarding the potential  
1108 birth father, the court shall order the birth mother to serve a potential birth father notice  
1109 that she intends to consent or has consented to adoption or relinquishment of the child  
1110 adoptee for adoption, if the court finds that the potential birth father:
- 1111 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
- 1112 (b) has taken sufficient action to attempt to preserve the potential birth father's legal  
1113 rights as a birth father, including by filing a legal action to establish parentage or  
1114 filing with a state's putative father registry; or
- 1115 (c) does not know, and does not have a reason to know, that:
- 1116 (i) the mother or child adoptee are present in Utah;

- (ii) the mother intended to give birth to the child adoptee in Utah;
- (iii) the child adoptee was born in Utah; or
- (iv) the mother intends to consent to adoption or relinquishment of the child adoptee for adoption in Utah.

(7) Notice under this section shall be made in accordance with Subsections 81-13-207(7) through (11).

(8) A court may only order the notice requirements in Subsection (6) to the extent that they do not exceed the notice requirements of:

- (a) the state of conception; or
- (b) the birth mother's state of residence.

Section 11. Section **81-13-210** is amended to read:

**81-13-210 . Custody pending final decree.**

(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.

(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.

(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.

(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.

(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.

(b) The court shall grant an order for temporary custody under Subsection (3)(a) upon determining that:

- (i) the birth mother or both birth parents consent to the order;

(ii) the child-placing adoption agency or petitioner is willing and able to take custody of the child adoptee; and

(iii) an order will be in the best interest of the child adoptee.

(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.

Section 12. Section **81-13-211** is amended to read:

**81-13-211 . Counseling for parents.**

- (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.
- (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:
- (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;
- (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
- (c) subject to Subsection (3)(b), at the expense of the:
- (i) child-placing agency; or
- (ii) prospective adoptive parents.
- (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.
- (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:
- (i) the parent who receives the [~~counseling~~] mental health therapy; and
- (ii) the child-placing agency or prospective adoptive parents.
- (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:
- (a) child-placing agency;

- 1185 (b) prospective adoptive parents; or
- 1186 (c) representative of a person described in Subsection (4)(a) or (b).
- 1187 (5) If the parent who is entitled to the ~~[counseling]~~ mental health therapy as described in
- 1188 Subsection (1) elects to attend one or more ~~[counseling]~~ mental health therapy sessions
- 1189 following the relinquishment of a child adoptee[;]
- 1190 ~~[(a) the parent of the child adoptee shall inform the child-placing agency or prospective~~
- 1191 ~~adoptive parents of this election prior to relinquishing the child adoptee to a~~
- 1192 ~~child-placing agency or consenting to the adoption of the child adoptee; and]~~
- 1193 ~~[(b)]~~ the parent of the child adoptee and the child-placing agency or attorney
- 1194 representing a prospective adoptive parent of the child adoptee shall enter into an
- 1195 agreement to pay for the ~~[counseling]~~ mental health therapy in accordance with this
- 1196 section.
- 1197 (6)(a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of
- 1198 adoption is entered, a statement shall be filed with the court that:
- 1199 (i) is signed by each parent who:
- 1200 (A) relinquishes the parent's parental rights; or
- 1201 (B) consents to the adoption; and
- 1202 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A)
- 1203 or (B), the parent was advised of the parent's right to participate in the ~~[counseling]~~ mental health therapy
- 1204 described in this section at the expense of the:
- 1205 (A) child-placing agency; or
- 1206 (B) prospective adoptive parents.
- 1207 (b) The statement described in Subsection (6)(a) may be included in the document that:
- 1208 (i) relinquishes the parent's parental rights; or
- 1209 (ii) consents to the adoption.
- 1210 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [~~counseling]~~ mental health therapy
- 1211 described in this section[;]
- 1212 ~~[(i)]~~ shall not constitute grounds for invalidating a:
- 1213 ~~[(A)]~~ (i) relinquishment of parental rights; or
- 1214 ~~[(B)]~~ (ii) consent to adoption[; and] .
- 1215 ~~[(ii)]~~ shall give rise to a cause of action for the recovery of damages suffered, if any,
- 1216 ~~by the parent or guardian who took the action described in Subsection (6)(c)(i)(A)~~
- 1217 ~~or (B) against the person required to:]~~
- 1218 ~~[(A) give the notice described in Subsection (4); or]~~

1219           ~~[(B) pay for the counseling described in this section.]~~

1220           Section 13. Section **81-13-212** is amended to read:

1221           **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**  
1222 **minor child -- Implied consent.**

1223           (1) Except as provided in Subsection (2), the following persons are required to consent to  
1224           an adoption of a minor child, or to relinquishment of a minor child, before an adoption  
1225           of the minor child is granted:

1226           (a) if the child adoptee is 12 years old or older, the child adoptee unless the child  
1227           adoptee does not have the mental capacity to consent;

1228           (b) a man or woman who:

1229           (i) by operation of law under Section 81-5-204, is recognized as the father or mother  
1230           of the proposed adoptee, unless:

1231           (A) the presumption is rebutted under Section 81-5-607;

1232           (B) at the time of the marriage, the man or woman knew or reasonably should  
1233           have known that the marriage to the mother of the proposed child adoptee was  
1234           or could be declared invalid; or

1235           (C) the man or woman was not married to the mother of the proposed child  
1236           adoptee until after the mother consented to adoption, or relinquishment for  
1237           adoption, of the proposed child adoptee; or

1238           (ii) is the parent of the child adoptee by a previous legal adoption;

1239           (c) the birth mother of the child adoptee;

1240           (d) an individual who has been adjudicated to be the child adoptee's parent by a court  
1241           with jurisdiction before the birth mother's execution of consent to adoption or the  
1242           birth mother's relinquishment of the child adoptee for adoption;

1243           (e) consistent with Subsection (3), an individual who has executed and filed a voluntary  
1244           declaration of paternity with the office in accordance with Chapter 5, Uniform  
1245           Parentage Act, before the birth mother's execution of consent to adoption or the birth  
1246           mother's relinquishment of the child adoptee for adoption;

1247           (f) an unmarried biological father of the child adoptee, whose consent is not required  
1248           under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and  
1249           strictly complies with the requirements of Section 81-13-213; and

1250           (g) the person or agency to whom an adoptee has been relinquished and that is placing  
1251           the child adoptee for adoption.

1252           (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.

(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.

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

- (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.
- (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.

(b) A consent or relinquishment required by Subsection (1) may be implied by any of the following acts:

- (i) abandonment;
- (ii) leaving the child adoptee with a third party for 30 consecutive days without providing the third party with the birth parent's identification;
- (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
- (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.

(c) For purposes of this Subsection (7), a court may not:

- (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
- (ii) find that the birth parent failed to provide emotional support if the individual's failure was due to impossibility of performance.

(d) Implied consent under this Subsection (7) may not be withdrawn.

(e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an unmarried biological father.

(8) Nothing in this Section establishes new requirements for an individual relinquishing a child in accordance with Section 80-4-502.

Section 14. Section **81-13-217** is amended to read:

**81-13-217 . Affidavit regarding fees and expenses before final decree of adoption of a minor 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;]~~

~~[(B) delivery of the child adoptee; or]~~

~~[(C) care of the child adoptee; and]~~

~~[(viii) if a child-placing agency placed the child adoptee:]~~

~~[(A) a description of services provided to the prospective adoptive parents or]~~



- preexisting parents in connection with the adoption;]
- ~~[(B) all expenses associated with matching the prospective adoptive parent or parents and the birth mother;]~~
- ~~[(C) all expenses associated with advertising; and]~~
- ~~[(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.]~~
- (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;
- (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;
- (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct support;
- (iv) the total amount that the adoptive parent has paid for a preexisting parent's indirect support;
- (v) the total amount that the adoptive parent has paid to a child-placing agency in fees and costs; and
- (vi) a description of services provided to the prospective adoptive parent and preexisting parent in connection with the adoption.
- (c) The uniform affidavit form shall require:
- (i) a ~~[statement of the]~~ declaration of each state or country of residence for 12 months prior to the birth of the:
- (A) birth mother or the preexisting parents; and
- (B) prospective adoptive parent or parents; and
- (ii) a declaration that Section 76-7-203 has not been violated~~[; and]~~ .
- ~~[(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.]~~
- (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 if the affidavit contains the same information and is in a reasonably equivalent format as the uniform affidavit form prescribed by the Judicial Council.
- (3)(a)(i) If a child-placing agency, that is licensed by this state, placed the child

1389 adoptee, the child-placing agency shall provide a copy of the affidavit described in  
1390 Subsection (1) to the Office of Licensing within the Department of Health and  
1391 Human Services[-] on or before 75 days after the day on which the adoption is  
1392 finalized.

1393 (ii) If an attorney arranged the placement of the child adoptee with the adoptive  
1394 parent or parents, the attorney shall provide a copy of the affidavit described in  
1395 Subsection (1) to the Office of Licensing within the Department of Health and  
1396 Human Services on or before 75 days after the day on which the adoption is  
1397 finalized.

1398 (b) Before August 30 of each even-numbered year, the Office of Licensing within the  
1399 Department of Health and Human Services shall provide a written report to the  
1400 Health and Human Services Interim Committee and to the Judicial Council regarding  
1401 the cost of adoptions in the state that includes:

1402 (i) the total number of affidavits provided to the Office of Licensing during the  
1403 previous year;

1404 (ii) for each of the categories described in Subsection (2)(b):

1405 (A) the average amount disclosed on affidavits submitted during the previous  
1406 year; and

1407 (B) the range of amounts disclosed on affidavits submitted during the previous  
1408 year;

1409 (iii) the average total amount disclosed on affidavits submitted during the previous  
1410 year;

1411 (iv) the range of total amounts disclosed on affidavits submitted during the previous  
1412 year; and

1413 (v) any recommended legislation that may help reduce the cost of adoptions.

1414 (c) The Health and Human Services Interim Committee shall, based on information in  
1415 reports provided under Subsection (3)(b) and in consultation with [~~a consortium~~  
1416 ~~described~~] the Utah Child-Placing Adoption Agency Consortium created in  
1417 Subsection [26B-2-127(8)] 26B-2-127(9), consider:

1418 (i) what constitutes reasonable fees and expenses related to adoption; and

1419 (ii) the standards that may be used to determine whether fees and expenses related to  
1420 adoption are reasonable in a specific case.

1421 (4) The Judicial Council shall make a copy of each report provided by the Office of  
1422 Licensing under Subsection (3)(b) available to each court that may be required to review

an affidavit under Subsection (1)(c).

(5) The Office of Licensing shall investigate and may suspend or revoke the license of a child-placing agency if the child-placing agency fails to comply with the requirements described in this section.

~~[(5)]~~ (6) This section does not apply if the prospective adoptive parent is the legal spouse of a preexisting parent.

Section 15. Section **81-14-101** is amended to read:

**81-14-101 . Definitions.**

As used in this chapter:

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

~~[(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.

~~[(b)] "Child-placing agency" does not include a parent of a minor child.]~~

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

~~[(2)]~~ (4) "Custody" means the exercise of physical care and supervision of a minor child.

~~[(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.

(b) "Intercountry adoption" includes an adoption finalized in the minor child's country of residence or in a state.

~~[(4)]~~ (6) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

~~[(5)]~~ (7) "Record" means information:

(a) inscribed on a tangible medium; or

(b) stored in an electronic or other medium and retrievable in perceivable form.

~~[(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.

(b) "State" includes a federally recognized Indian tribe.

Section 16. Section **81-14-303** is amended to read:

**81-14-303 . General adoption information.**

(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;

(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:

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

1525 (b) for an intercountry adoption, in accordance with federal law.

1526 Section 19. **Effective Date.**

1527 This bill takes effect on May 6, 2026.