

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

## Adoption Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

## Chief Sponsor: Katy Hall

Senate Sponsor: Chris H. Wilson

## LONG TITLE

### **General Description:**

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

## **Highlighted Provisions:**

This bill:

- modifies provisions related to child-placing 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-2-105**, as last amended by Laws of Utah 2024, Chapters 261, 267 and 307

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

29       **63G-20-203.5**, as enacted by Laws of Utah 2023, Chapter 466  
30       **80-2-802**, as last amended by Laws of Utah 2025, Chapter 426  
31       **81-13-211**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
32       **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
33       **81-13-217**, as renumbered and amended by Laws of Utah 2025, Chapter 426

34       ENACTS:

35       **26B-2-244**, Utah Code Annotated 1953

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

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

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

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

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

48           (i) as a member;  
49           (ii) as a partner;  
50           (iii) as a shareholder; or  
51           (iv) as a person or entity involved in the ownership or management of a human  
52           services program owned or managed by the other person or entity.

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

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

56           (i)(A) the person or entity applying for the license had a license revoked under this  
57           part; and  
58           (B) the revoked license described in Subsection (2)(c)(i)(A) is not reinstated  
59           before the application described in this Subsection (2)(c) is made; or  
60           (ii) a member of an entity applying for the license:  
61              (A)(I) had a license revoked under this part; and  
62              (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.

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.

- (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.

Beginning on January 1, 2027, the office may not issue or renew a license for a child-placing agency that only offers adoption services unless the applicant is a nonprofit organization, as that term is defined in Section 78B-4-101.

## 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] internet website, social media, or sign.

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

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

(e) "Coercion" means utilizing threats, force, duress, intimidation, confinement, undue influence, or deception to induce a birth parent to relinquish the birth parent's child or consent to an adoption.

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

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

(h)(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)] (i)(i) "Matching advertisement" means any written, oral, or graphic statement or representation made in connection with a solicitation of business to provide the assistance described in Subsection (3)(a)(i), regardless of whether there is or will be an exchange described in Subsection (3)(a)(ii).

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

(j) "Weekly allowance" means funds that a licensed child-placing agency that only

165                   offers adoption services may provide to a birth parent for daily living needs.

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

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

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

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

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

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

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

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

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

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

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

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

196                   (A) "comprehensive";

197                   (B) "complete";

198                   (C) "one-stop";

199 (D) "all-inclusive"; or  
200 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)  
201 through (D).

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

206 (4)(a) An entity that advertises for adoption services shall disclose in the advertisement:  
207 (i) the name of the states in which the entity is licensed to provide adoption services;  
208 or  
209 (ii) whether the entity is not licensed to provide adoption services in any state.

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

212 [(4)] (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of  
213 a third degree felony.

214 [(5)] (6) This section does not preclude payment of fees for medical, legal, or other lawful  
215 services rendered in connection with the care of a mother, delivery and care of a child,  
216 or lawful adoption proceedings, except that a child-placing agency may not:

217 (a) charge or accept payment for services that were not actually rendered; or  
218 (b) charge or accept payment from a prospective adoptive parent for medical or hospital  
219 expenses that were paid for by public funds.

220 [(6)] (7) In accordance with federal law, only an agent or employee of the Division of Child  
221 and Family Services or of a licensed child-placing agency may certify to United States  
222 Citizenship and Immigration Services that a family meets the preadoption requirements  
223 of the Division of Child and Family Services.

224 [(7)] (8) A licensed child-placing agency or an attorney practicing in this state may not place  
225 a child for adoption, either temporarily or permanently, with an individual who would  
226 not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and  
227 81-13-402.

228 [(8)] (9)[(a) ~~A child-placing agency, as that term is defined in Section 63G-20-102, that~~  
229 ~~serves a resident of the state who is a birth mother or a prospective adoptive parent~~  
230 ~~must be a member of a statewide consortium of licensed child-placing agencies that,~~  
231 ~~together, serve all birth mothers lawfully seeking to place a child for adoption and all~~  
232 ~~qualified prospective adoptive parents.]~~

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

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

237 (b) The consortium consists of one member of each licensed child-placing agency that  
238 only offers adoption services.

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

240 (d) The majority of consortium members constitutes a quorum for conducting  
241 consortium business.

242 (e) The consortium shall establish bylaws and procedures for consortium action and  
243 recommendations.

244 (f)(i) A representative from the office shall chair the consortium.  
245 (ii) The office shall oversee the consortium and provide staff support as needed.  
246 (iii) The office may impose a membership fee sufficient to cover the cost of staffing  
247 the consortium.

248 (g)(i) The consortium shall review a request from a licensed child-placing agency  
249 that only offers adoption services to exceed the financial limits described in  
250 Subsection (14).  
251 (ii) The consortium may approve a request described in Subsection (9)(g)(i) if:  
252 (A) the requesting agency demonstrates a specific need to exceed the limit in  
253 Subsection (14);  
254 (B) the requesting agency requests a specific amount to be approved; and  
255 (C) a majority of the consortium, excluding the requesting agency, determines that  
256 there is a reasonable need to exceed the limit described in Subsection (14).  
257 (iii) Actual living expenses or lost wages that are documented and proven to the  
258 satisfaction of the consortium shall be presumed to be a reasonable need.

259 (h)(i) The consortium shall report to the Health and Human Services Interim  
260 Committee on or before October 1, 2026.  
261 (ii) The report described in Subsection (9)(h)(i) shall include:  
262 (A) the number of adoptions completed by each child-placing agency that only  
263 offers adoption services in 2025;  
264 (B) the number of out-of-state transports arranged by each child-placing agency  
265 that only offers adoption services in 2025; and  
266 (C) a description of the fees in 2025 for each child-placing agency that only offers

267 adoption.

268 (10)(a) A birth parent has the right to independent legal counsel in the adoption process,  
269 selected by the birth parent, at a reasonable cost to be paid by the child-placing  
270 agency or prospective adoptive parents.

271 (b) A birth parent may waive the right described in Subsection (10)(a), but may not be  
272 required to waive the right to legal counsel.

273 (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to  
274 the adoption of a child adoptee, the parent shall be informed of the right described in  
275 Subsection (10), with sufficient time to exercise the right before relinquishment or  
276 consent, by the:

277 (a) child-placing agency;

278 (b) prospective adoptive parents; or

279 (c) representative of a person described in Subsection (11)(a) or (b).

280 (12) Before the day on which a final decree of adoption is entered, a statement shall be filed  
281 with the court that:

282 (a) is signed by each parent who:

283 (i) relinquishes the parent's parental rights; or

284 (ii) consents to the adoption; and

285 (b) states that, before the parent took the action described in Subsection (12)(a)(i) or (ii),  
286 the parent was advised of the parent's right to independent legal counsel described in  
287 this section at the expense of the:

288 (i) child-placing agency; or

289 (ii) prospective adoptive parents.

290 (13) A licensed child-placing agency that only offers adoption services shall include on the  
291 agency's website, in a prominent and conspicuous place:

292 (a) information regarding how a birth parent or adoptive parent can file a complaint with  
293 the office; and

294 (b) notice of any current or former warnings or violations that the office has issued to the  
295 child-placing agency within the past three years.

296 (14)(a) A licensed child-placing agency that only offers adoption services may only pay  
297 the following fees or expenses on behalf of a birth parent:

298 (i) up to \$8,000 in living expenses;

299 (ii) weekly allowance;

300 (iii) medical expenses; and

- (iv) legal expenses related to the adoption.
- (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing agency that pays fees or expenses described in Subsection (14)(a) on behalf of a birth parent shall make the payment directly to the applicable service provider when possible.
- (c)(i) A licensed child-placing agency that only offers adoption services may provide a weekly allowance directly to a birth parent.
- (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed on a weekly basis for up to 12 weeks during pregnancy and four weeks postpartum.
- (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75 per week for a directly affected person that is dependent on the birth parent.
- (d) A licensed child-placing agency may exceed the limits described in this Subsection (14) in accordance with Subsection (9).

) Before an adoption is finalized, an adoptive parent or licensed child-placing agency may not discuss or promise a potential post-adoption gift to a birth parent.

) (a) A licensed child-placing agency, an employee or contractor of a licensed child-placing agency, or a prospective adoptive parent may not utilize coercion in any interaction with a birth parent.

(b) Coercive behavior includes:

- (i) threatening financial or legal retaliation if a birth parent chooses to parent;
- (ii) telling a birth parent that the birth parent will not receive assistance to return to the birth parent's state of residence;
- (iii) preventing a birth parent from physically leaving the birth parent's location;
- (iv) preventing a birth parent from privately contacting the birth parent's supports, such as family, friends, mental health professional, or legal counsel; and
- (v) promising a financial benefit in exchange for the birth parent's relinquishment or consent.

) If any member of a licensed child-placing agency that only offers adoption services has a financial interest in a service provider that receives a payment as described in Subsection (14)(b), the licensed child-placing agency shall disclose the financial interest to a birth parent, prospective adoptive parent, the office, and a court that finalizes the adoption.

) (a) A licensed child-placing agency that only offers adoption services may not transport or arrange the transport of:

335 (i) a birth mother to the state if the child-placing agency knows or should know that  
336 the mother is at 36 or more weeks of gestation; or  
337 (ii) a birth mother who is less than 18 years old to the state.

338 (b) A licensed child-placing agency that only offers adoption services shall make a  
339 reasonable inquiry regarding the health of a birth mother before transporting or  
340 arranging the transport of a birth mother.

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

343 (d) A licensed child-placing agency that only offers adoption services shall verify  
344 whether an out-of-state birth mother is receiving Medicaid benefits before  
345 transporting or arranging the transport of the birth mother to Utah.

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

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

354 (20)(a) A licensed child-placing agency that only offers adoption services shall submit a  
355 form, created by the office, to the office for each birth parent to whom the  
356 child-placing agency provides adoption services.

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

358 (i) the name of the licensed child-placing agency;  
359 (ii) whether the birth parent chose:  
360 (A) to parent the child;  
361 (B) adoption; or  
362 (C) something else;  
363 (iii) the date of:  
364 (A) the birth parent's first contact with the child-placing agency;  
365 (B) birth of the child adoptee;  
366 (C) relinquishment; and  
367 (D) the finalized adoption;  
368 (iv) the location of the birth parent on each date described in Subsection (20)(b)(iii);

369 (v) whether a third-party facilitator was used to connect the birth parent and the  
370 child-placing agency;  
371 (vi) the total amount of funds that a birth parent received directly through a weekly  
372 allowance;  
373 (vii) the total amount that was paid on behalf of the birth parent for living expenses;  
374 (viii) the total amount that was paid for the birth parent's medical expenses, including  
375 mental health therapy;  
376 (ix) the total amount that was paid for the birth parent's legal expenses;  
377 (x) whether the consortium approved exceeding the financial limits described in this  
378 section;  
379 (xi) the value of any gifts provided to the birth parent;  
380 (xii) a description and value of any other benefit that was paid to or on behalf of the  
381 birth parent;  
382 (xiii) whether the birth parent received Utah Medicaid benefits;  
383 (xiv) if the birth parent was transported to Utah, whether the birth parent received  
384 Medicaid benefits in another state; and  
385 (xv) whether the birth parent received any other public assistance in Utah.

386 (21) The office shall investigate and may revoke or suspend a license of a child-placing  
387 agency that violates this section.

388 Section 3. Section **26B-2-244** is enacted to read:

389 **26B-2-244 . Birthing services at health care facilities.**

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

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

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

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

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

403           **63G-20-203.5 . Child-placing agencies.**

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

406       [(2)] (1) Notwithstanding any other provision of law, a state or local government, a state or  
407       local government official, or another accrediting, certifying, or licensing body, including  
408       the Office of Licensing within the Department of Health and Human Services, may not:

409       (a) require a [eonsortium-member]child-placing agency to perform, assist, counsel,  
410       recommend, consent to, facilitate, or participate in child placing, with a qualified  
411       prospective adoptive parent, that is contrary to the child-placing agency's religious  
412       teaching, practices, or sincerely held beliefs, or the good faith wishes of the birth  
413       mother as to the optimal placement of the child;

414       (b) deny a [eonsortium-member]child-placing agency any grant, contract, or  
415       participation in a government program because the child-placing agency cannot,  
416       consistent with the child-placing agency's religious teaching, practices, or sincerely  
417       held beliefs, or consistent with the good faith wishes of the birth mother as to the  
418       optimal placement of the child, perform, assist, counsel, recommend, consent to,  
419       facilitate, or participate in a child placement with a qualified prospective adoptive  
420       parent; or

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

428       [(3)] (2)(a) A [eonsortium-member]child-placing agency that cannot, consistent with the  
429       child-placing agency's religious teaching, practices, or sincerely held beliefs, or  
430       consistent with the good faith wishes of the birth mother as to the optimal placement  
431       of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate  
432       in a child placement with a qualified prospective adoptive parent, shall refer the  
433       individual who is seeking child-placement services to another child-placing agency[  
434       in the consortium].

435       (b) A referral by a child-placing agency under Subsection [(3)(a)] (2)(a) does not  
436       constitute a determination that a proposed placement is not in the best interest of the

437 child.

438 [44] (3) The fact that a[~~consortium-member~~] child-placing agency cannot, consistent with  
439 the child-placing agency's religious teaching, practices, or sincerely held beliefs, or  
440 consistent with the good faith wishes of the birth mother as to the optimal placement of  
441 the child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a  
442 child placement with a qualified prospective adoptive parent, may not form the basis for:  
443 (a) the imposition of a civil fine or other adverse administrative action; or  
444 (b) any claim or cause of action under any state or local law.

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

446 **80-2-802 . Division child placing and adoption services -- Restrictions on**  
447 **placement of a child.**

448 (1) Except as provided in Subsection (3), the division may provide adoption services and,  
449 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services  
450 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter  
451 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and  
452 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.

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

455 (3) The division may not:

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

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

462 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through  
463 1963, base the division's decision for placement of an adoptable child on the race,  
464 color, ethnicity, or national origin of either the child or the potential adoptive parent.

465 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah  
466 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section  
467 81-13-402, priority of placement shall be provided to a family in which a couple is  
468 legally married under the laws of the state.

469 (5) Subsections (3) and (4) do not limit the placement of a child with the child's parent or  
470 relative or in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.

471       Section 6. Section **81-13-211** is amended to read:

472       **81-13-211 . Counseling for parents.**

473       (1) As used in this section, "parent" means a person described in Subsections  
474       81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for  
475       the adoption is required.

476       (2) Subject to Subsection (3)(a), before relinquishing a minor child to a child-placing  
477       agency, or consenting to the adoption of a child adoptee, a parent of the child adoptee  
478       has the right to participate in, or elect to participate in, [eounseling] mental health therapy:  
479       (a) by a [licensed counselor or an adoption service provider] mental health professional  
480       who is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act,  
481       and selected by the parent participating in the [eounseling] mental health therapy;  
482       (b) for up to three sessions of at least 50 minutes per session completed before  
483       relinquishing a child adoptee [or within 120 days] and up to three sessions of at least  
484       50 minutes per session following the relinquishment of a child adoptee; and  
485       (c) subject to Subsection (3)(b), at the expense of the:  
486        (i) child-placing agency; or  
487        (ii) prospective adoptive parents.

488       (3)(a) Notwithstanding Subsection (2), a parent who has the right to participate in the [  
489        eounseling] mental health therapy under Subsection (2) may waive that right.  
490       (b) Notwithstanding Subsection (2)(c), the total amount required to be paid by a  
491        child-placing agency or the prospective adoptive parents for the [eounseling] mental  
492       health therapy described in Subsection (2) may not exceed [\$400] \$800, unless an  
493       agreement for a greater amount is signed by:  
494        (i) the parent who receives the [eounseling] mental health therapy; and  
495        (ii) the child-placing agency or prospective adoptive parents.

496       (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the  
497        adoption of a child adoptee, the parent shall be informed of the right described in  
498        Subsection (1) by the:  
499        (a) child-placing agency;  
500        (b) prospective adoptive parents; or  
501        (c) representative of a person described in Subsection (4)(a) or (b).

502       (5) If the parent who is entitled to the [eounseling] mental health therapy as described in  
503        Subsection (1) elects to attend one or more [eounseling] mental health therapy sessions  
504        following the relinquishment of a child adoptee[:]

505 [((a) the parent of the child adoptee shall inform the child-placing agency or prospective  
506 adoptive parents of this election prior to relinquishing the child adoptee to a  
507 child-placing agency or consenting to the adoption of the child adoptee; and]  
508

509 [((b))] the parent of the child adoptee and the child-placing agency or attorney  
510 representing a prospective adoptive parent of the child adoptee shall enter into an  
511 agreement to pay for the [counseling] mental health therapy in accordance with this  
section.

512 (6)(a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of  
513 adoption is entered, a statement shall be filed with the court that:

514 (i) is signed by each parent who:

515 (A) relinquishes the parent's parental rights; or  
516 (B) consents to the adoption; and

517 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A)  
518 or (B), the parent was advised of the parent's right to participate in the [counseling]  
519 mental health therapy described in this section at the expense of the:

520 (A) child-placing agency; or  
521 (B) prospective adoptive parents.

522 (b) The statement described in Subsection (6)(a) may be included in the document that:

523 (i) relinquishes the parent's parental rights; or  
524 (ii) consents to the adoption.

525 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [  
526 counseling] mental health therapy described in this section[:]

527 [(i)] shall not constitute grounds for invalidating a:

528 [(A)] (i) relinquishment of parental rights; or  
529 [(B)] (ii) consent to adoption[; and].

530 [(ii)] shall give rise to a cause of action for the recovery of damages suffered, if any,  
531 by the parent or guardian who took the action described in Subsection (6)(e)(i)(A)  
532 or (B) against the person required to:]

533 [(A) give the notice described in Subsection (4); or]  
534 [(B) pay for the counseling described in this section.]

535 Section 7. Section **81-13-212** is amended to read:

536 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a  
537 minor child -- Implied consent.**

538 (1) Except as provided in Subsection (2), the following persons are required to consent to

539 an adoption of a minor child, or to relinquishment of a minor child, before an adoption  
540 of the minor child is granted:

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

543 (b) a man or woman who:

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

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

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

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

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

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

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

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

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

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

567 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through  
568 (f) is not required if the individual's parental rights relating to the child adoptee have  
569 been terminated by a court.

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

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

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

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

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

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

583 (5)(a) A birth parent who is younger than 18 years old has the power to:  
584 (i) consent to the adoption of the birth parent's minor child; and  
585 (ii) relinquish the birth parent's control or custody of the minor child for adoption.

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

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

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

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

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

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

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

605 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the  
606 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.

Section 8. 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 [§ 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).

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

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

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

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

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

652 [(i) all legal expenses that have been or will be paid to or on behalf of the preexisting  
653 parents of the child adoptee, including the source of payment;]  
654 [(ii) all maternity expenses that have been or will be paid to or on behalf of the  
655 preexisting parents of the child adoptee, including the source of payment;]  
656 [(iii) all medical or hospital expenses that have been or will be paid to or on behalf of  
657 the preexisting parents of the child adoptee, including the source of payment;]  
658 [(iv) all living expenses that have been or will be paid to or on behalf of the  
659 preexisting parents of the child adoptee, including the source of payment;]  
660 [(v) fees paid by the prospective adoptive parent or parents in connection with the  
661 adoption;]  
662 [(vi) all gifts, property, or other items that have been or will be provided to the  
663 preexisting parents, including the source and approximate value of the gifts,  
664 property, or other items;]  
665 [(vii) all public funds used for any medical or hospital costs in connection with the:]  
666 [(A) pregnancy;]  
667 [(B) delivery of the child adoptee; or]  
668 [(C) care of the child adoptee; and]  
669 [(viii) if a child-placing agency placed the child adoptee:]  
670 [(A) a description of services provided to the prospective adoptive parents or  
671 preexisting parents in connection with the adoption;]  
672 [(B) all expenses associated with matching the prospective adoptive parent or  
673 parents and the birth mother;]  
674 [(C) all expenses associated with advertising; and]

675 ~~[(D) any other agency fees or expenses paid by an adoptive parent that are not~~  
676 ~~itemized under one of the other categories described in this Subsection (2)(b),~~  
677 ~~including a description of the reason for the fee or expense.]~~

678 (i) the total amount of legal expenses that have been or will be paid to or on behalf of  
679 the preexisting parents of the child adoptee;  
680 (ii) the total amount of medical or hospital expenses that have been or will be paid to  
681 or on behalf of the preexisting parents of the child adoptee;  
682 (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct  
683 support;  
684 (iv) the total amount that the adoptive parent has paid for a preexisting parent's  
685 indirect support;  
686 (v) the total amount that the adoptive parent has paid to a child-placing agency in fees  
687 and costs; and  
688 (vi) a description of services provided to the prospective adoptive parent and  
689 preexisting parent in connection with the adoption.

690 (c) The uniform affidavit form shall require:

691 (i) a [statement of the] declaration of each state or country of residence for 12 months  
692 before the birth of the:  
693 (A) birth mother or the preexisting parents; and  
694 (B) prospective adoptive parent or parents; and  
695 (ii) a declaration that Section 76-7-203 has not been violated[; and].  
696 [(iii) if the affidavit includes an itemized amount for both of the categories described  
697 in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or  
698 hospital expenses were paid by a source other than public funds.]

699 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit  
700 that is submitted in a form accepted by the Office of Licensing within the Department  
701 of Health and Human Services if the affidavit contains the same information and is in  
702 a reasonably equivalent format as the uniform affidavit form prescribed by the  
703 Judicial Council.

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

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

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

- (i) the total number of affidavits provided to the Office of Licensing during the previous year;
- (ii) for each of the categories described in Subsection (2)(b):
  - (A) the average amount disclosed on affidavits submitted during the previous year; and
  - (B) the range of amounts disclosed on affidavits submitted during the previous year;
- (iii) the average total amount disclosed on affidavits submitted during the previous year;
- (iv) the range of total amounts disclosed on affidavits submitted during the previous year; and
- (v) any recommended legislation that may help reduce the cost of adoptions.

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

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

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

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.

743 [({5})] (6) This section does not apply if the prospective adoptive parent is the legal spouse of  
744 a preexisting parent.

745 **Section 9. Effective Date.**

746 This bill takes effect on May 6, 2026.