

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

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

- 63 before the application described in this Subsection (2)(c) is made; or
64 (B)(I) was a member of an entity that had a license revoked under this part at
65 any time before the license was revoked; and
66 (II) the revoked license described in Subsection (2)(c)(ii)(B)(I) is not reinstated
67 before the application described in this Subsection (2)(c) is made.
- 68 (3)(a) Subject to Section 26B-2-110, and after the five-year waiting period described in
69 Subsection 26B-2-110(1)(c), the office may conditionally approve an application for
70 reinstatement as described in Subsection (2)(c), for a maximum of two years, if:
71 (i) the applicant's license was previously revoked due to repeated or chronic
72 violations; or
73 (ii) after the applicant's license was previously revoked, the applicant associated with
74 another human services program that provides a service that is substantially
75 similar to the services for which the applicant was previously licensed.
- 76 (b) If the office issues a conditional license under Subsection (3)(a), the office shall
77 prepare a conditional license plan describing the terms and conditions of the
78 conditional license.
- 79 (4) A current license shall at all times be posted in the facility where each human services
80 program is operated, in a place that is visible and readily accessible to the public.
- 81 (5)(a) Except as provided in Subsections (5)(c) and (d), each license issued under this
82 part expires at midnight on the last day of the same month the license was issued, one
83 year following the date of issuance unless the license has been:
84 (i) previously revoked by the office;
85 (ii) voluntarily returned to the office by the licensee; or
86 (iii) extended by the office.
- 87 (b) A license shall be renewed upon application and payment of the applicable fee,
88 unless the office finds that the licensee:
89 (i) is not in compliance with the:
90 (A) provisions of this part; or
91 (B) rules made under this part;
92 (ii) has engaged in a pattern of noncompliance with the:
93 (A) provisions of this part; or
94 (B) rules made under this part;
95 (iii) has engaged in conduct that is grounds for denying a license under Section
96 26B-2-703; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

127 **Consortium.**

128 (1) As used in this section:

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

- 131 (A) adoption education, advising, or counseling;
 132 (B) matching a potential birth parent with a potential adoptive parent;
 133 (C) a home study;
 134 (D) assistance or support in financial, legal, or medical matters;
 135 (E) prenatal or postpartum support; and
 136 (F) mental health therapy.
- 137 (ii) "Adoption services" does not include one-time informational inquiries.
- 138 [~~(a)~~] (b)(i) "Advertisement" means any written, oral, or graphic statement or
 139 representation made in connection with a solicitation of business.
- 140 (ii) "Advertisement" includes a statement or representation described in Subsection [
 141 ~~(1)~~(a)(~~i~~) (1)(b)(i) by a noncable television system, radio, printed brochure,
 142 newspaper, leaflet, flyer, circular, billboard, banner, [~~Internet~~] internet website,
 143 social media, or sign.
- 144 [~~(b)~~] (c) "Birth parent" means the same as that term is defined in Section 81-13-101.
- 145 [~~(e)~~] (d) "Clearly and conspicuously disclose" means the same as that term is defined in
 146 Section 13-11a-2.
- 147 (e) "Coercion" means utilizing threats, force, duress, intimidation, confinement, undue
 148 influence, or deception to induce a birth parent to relinquish the birth parent's child or
 149 consent to an adoption.
- 150 (f) "Daily living needs" means food, clothing, hygiene, and local transportation.
- 151 (g) "Directly affected person" means the same as that term is defined in Section 76-7-203.
- 152 (h)(i) "Living expenses" means ordinary and necessary costs to maintain an
 153 individual's needs, including housing, utilities, and out-of-state transportation.
- 154 (ii) "Living expenses" does not include lost wages, gifts, educational expenses, or
 155 other similar expenses.
- 156 [~~(d)~~] (i)(i) "Matching advertisement" means any written, oral, or graphic statement or
 157 representation made in connection with a solicitation of business to provide the
 158 assistance described in Subsection (3)(a)(i), regardless of whether there is or will
 159 be an exchange described in Subsection (3)(a)(ii).
- 160 (ii) "Matching advertisement" includes a statement or representation described in
 161 Subsection [~~(1)~~(~~d~~)(~~i~~) (1)(i)(i) by a noncable television system, radio, printed
 162 brochure, newspaper, leaflet, flyer, circular, billboard, banner, [~~Internet~~] internet
 163 website, social media, or sign.
- 164 (j) "Weekly allowance" means funds that a licensed child-placing agency that is a

165 private entity that provides adoption services may provide to a birth parent for daily
166 living needs.

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

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

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

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

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

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

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

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

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

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

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

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

197 (A) "comprehensive";

198 (B) "complete";

- 199 (C) "one-stop";
 200 (D) "all-inclusive"; or
 201 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)
 202 through (D).
- 203 (c) An attorney, physician, or other person who is not licensed by the office shall clearly
 204 and conspicuously disclose in any print media advertisement or written contract
 205 regarding adoption services or adoption-related services that the attorney, physician,
 206 or other person is not licensed to provide adoption services by the office.
- 207 (4)(a) An entity that advertises for adoption services shall disclose in the advertisement:
 208 (i) the name of the states in which the entity is licensed to provide adoption services;
 209 or
 210 (ii) whether the entity is not licensed to provide adoption services in any state.
- 211 (b) An entity that advertises for adoption services may not promise financial incentives
 212 in an adoption-related advertisement.
- 213 ~~[(4)]~~ (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of
 214 a third degree felony.
- 215 ~~[(5)]~~ (6) This section does not preclude payment of fees for medical, legal, or other lawful
 216 services rendered in connection with the care of a mother, delivery and care of a child,
 217 or lawful adoption proceedings, except that a child-placing agency may not:
 218 (a) charge or accept payment for services that were not actually rendered; or
 219 (b) charge or accept payment from a prospective adoptive parent for medical or hospital
 220 expenses that were paid for by public funds.
- 221 ~~[(6)]~~ (7) In accordance with federal law, only an agent or employee of the Division of Child
 222 and Family Services or of a licensed child-placing agency may certify to United States
 223 Citizenship and Immigration Services that a family meets the preadoption requirements
 224 of the Division of Child and Family Services.
- 225 ~~[(7)]~~ (8) A licensed child-placing agency or an attorney practicing in this state may not place
 226 a child for adoption, either temporarily or permanently, with an individual who would
 227 not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and
 228 81-13-402.
- 229 ~~[(8)]~~ (9)~~[(a) A child-placing agency, as that term is defined in Section 63G-20-102, that~~
 230 ~~serves a resident of the state who is a birth mother or a prospective adoptive parent~~
 231 ~~must be a member of a statewide consortium of licensed child-placing agencies that,~~
 232 ~~together, serve all birth mothers lawfully seeking to place a child for adoption and all~~

- 233 ~~qualified prospective adoptive parents.]~~
- 234 ~~[(b) The department shall receive and investigate any complaint against a consortium of~~
- 235 ~~licensed child-placing agencies.]~~
- 236 (a) There is created the Utah Child-Placing Adoption Agency Consortium to advise the
- 237 Legislature regarding child-placing agency adoptions and policy in the state.
- 238 (b) A licensed child-placing agency that is a private entity that provides adoption
- 239 services in Utah shall be a member of the consortium.
- 240 (c) The consortium consists of one member of each licensed child-placing agency that is
- 241 a private entity that provides adoption services.
- 242 (d) The consortium shall meet at least quarterly.
- 243 (e) The majority of consortium members constitutes a quorum for conducting
- 244 consortium business.
- 245 (f) The consortium shall establish bylaws and procedures for consortium action and
- 246 recommendations.
- 247 (g)(i) A representative from the office shall chair the consortium.
- 248 (ii) The office shall oversee the consortium and provide staff support as needed.
- 249 (iii) The office may impose a membership fee sufficient to cover the cost of staffing
- 250 the consortium.
- 251 (h)(i) The consortium shall review a request from a licensed child-placing agency
- 252 that is a private entity that provides adoption services to exceed the financial
- 253 limits described in Subsection (14).
- 254 (ii) The consortium may approve a request described in Subsection (9)(h)(i) if:
- 255 (A) the requesting agency demonstrates a specific need to exceed the limit in
- 256 Subsection (14);
- 257 (B) the requesting agency requests a specific amount to be approved; and
- 258 (C) a majority of the consortium, excluding the requesting agency, determines that
- 259 there is a reasonable need to exceed the limit described in Subsection (14).
- 260 (iii) Actual living expenses or lost wages that are documented and proven to the
- 261 satisfaction of the consortium shall be presumed to be a reasonable need.
- 262 (i)(i) The consortium shall report to the Health and Human Services Interim
- 263 Committee on or before October 1, 2026.
- 264 (ii) The report described in Subsection (9)(i)(i) shall include:
- 265 (A) the number of adoptions completed by each child-placing agency in the
- 266 consortium in 2025;

- 267 (B) the number of out-of-state transports arranged by each child-placing agency in
268 the consortium in 2025; and
- 269 (C) a description of the fees in 2025 for each child-placing agency in the
270 consortium.
- 271 (j) Together, the consortium shall serve all birth mothers lawfully seeking to place a
272 child for adoption and all qualified prospective adoptive parents.
- 273 (10)(a) A birth parent has the right to independent legal counsel in the adoption process,
274 selected by the birth parent, at a reasonable cost to be paid by the child-placing
275 agency or prospective adoptive parents.
- 276 (b) A birth parent may waive the right described in Subsection (10)(a), but may not be
277 required to waive the right to legal counsel.
- 278 (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to
279 the adoption of a child adoptee, the parent shall be informed of the right described in
280 Subsection (10), with sufficient time to exercise the right before relinquishment or
281 consent, by the:
- 282 (a) child-placing agency;
283 (b) prospective adoptive parents; or
284 (c) representative of a person described in Subsection (11)(a) or (b).
- 285 (12) Before the day on which a final decree of adoption is entered, a statement shall be filed
286 with the court that:
- 287 (a) is signed by each parent who:
- 288 (i) relinquishes the parent's parental rights; or
289 (ii) consents to the adoption; and
- 290 (b) states that, before the parent took the action described in Subsection (12)(a)(i) or (ii),
291 the parent was advised of the parent's right to independent legal counsel described in
292 this section at the expense of the:
- 293 (i) child-placing agency; or
294 (ii) prospective adoptive parents.
- 295 (13) A licensed child-placing agency that is a private entity that provides adoption services
296 shall include on the agency's website, in a prominent and conspicuous place:
- 297 (a) information regarding how a birth parent or adoptive parent can file a complaint with
298 the office; and
- 299 (b) notice of any current or former warnings or violations that the office has issued to the
300 child-placing agency within the past three years.

- 301 (14)(a) A licensed child-placing agency that is a private entity that provides adoption
302 services may only pay the following fees or expenses on behalf of a birth parent:
303 (i) up to \$8,000 in living expenses;
304 (ii) weekly allowance;
305 (iii) medical expenses; and
306 (iv) legal expenses related to the adoption.
307 (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing agency that
308 pays fees or expenses described in Subsection (14)(a) on behalf of a birth parent shall
309 make the payment directly to the applicable service provider when possible.
310 (c)(i) A licensed child-placing agency that is a private entity that provides adoption
311 services may provide a weekly allowance directly to a birth parent.
312 (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed
313 on a weekly basis for up to 12 weeks during pregnancy and four weeks
314 postpartum.
315 (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75
316 per week for a directly affected person that is dependent on the birth parent.
317 (d) A licensed child-placing agency may exceed the limits described in this Subsection
318 (14) in accordance with Subsection (9).
319 (15) Before an adoption is finalized, an adoptive parent or licensed child-placing agency
320 may not discuss or promise a potential post-adoption gift to a birth parent.
321 (16)(a) A licensed child-placing agency, an employee or contractor of a licensed
322 child-placing agency, or a prospective adoptive parent may not utilize coercion in any
323 interaction with a birth parent.
324 (b) Coercive behavior includes:
325 (i) threatening financial or legal retaliation if a birth parent chooses to parent;
326 (ii) telling a birth parent that the birth parent will not receive assistance to return to
327 the birth parent's state of residence;
328 (iii) preventing a birth parent from physically leaving the birth parent's location;
329 (iv) preventing a birth parent from privately contacting the birth parent's supports,
330 such as family, friends, mental health professional, or legal counsel; and
331 (v) promising a financial benefit in exchange for the birth parent's relinquishment or
332 consent.
333 (17) If any member of a licensed child-placing agency that is a private entity that provides
334 adoption services has a financial interest in a service provider that receives a payment as

335 described in Subsection (14)(b), the licensed child-placing agency shall disclose the
336 financial interest to a birth parent, prospective adoptive parent, the office, and a court
337 that finalizes the adoption.

338 (18)(a) A licensed child-placing agency that is a private entity that provides adoption
339 services may not transport or arrange the transport of:

340 (i) a birth mother to the state if the child-placing agency knows or should know that
341 the mother is at 36 or more weeks of gestation; or

342 (ii) a birth mother who is less than 18 years old to the state.

343 (b) A licensed child-placing agency that is a private entity that provides adoption
344 services shall make a reasonable inquiry regarding the health of a birth mother before
345 transporting or arranging the transport of a birth mother.

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

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

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

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

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

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

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

364 (ii) whether the birth parent chose:

365 (A) to parent the child;

366 (B) adoption; or

367 (C) something else;

368 (iii) the date of:

- 369 (A) the birth parent's first contact with the child-placing agency;
 370 (B) birth of the child adoptee;
 371 (C) relinquishment; and
 372 (D) the finalized adoption;
 373 (iv) the location of the birth parent on each date described in Subsection (20)(b)(iii);
 374 (v) whether a third-party facilitator was used to connect the birth parent and the
 375 child-placing agency;
 376 (vi) the total amount of funds that a birth parent received directly through a weekly
 377 allowance;
 378 (vii) the total amount that was paid on behalf of the birth parent for living expenses;
 379 (viii) the total amount that was paid for the birth parent's medical expenses, including
 380 mental health therapy;
 381 (ix) the total amount that was paid for the birth parent's legal expenses;
 382 (x) whether the consortium approved exceeding the financial limits described in this
 383 section;
 384 (xi) the value of any gifts provided to the birth parent;
 385 (xii) a description and value of any other benefit that was paid to or on behalf of the
 386 birth parent;
 387 (xiii) whether the birth parent received Utah Medicaid benefits;
 388 (xiv) if the birth parent was transported to Utah, whether the birth parent received
 389 Medicaid benefits in another state; and
 390 (xv) whether the birth parent received any other public assistance in Utah.

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

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

394 **26B-2-244 . Birthing services at health care facilities.**

- 395 (1) As used in this section, "adoption services" means action related to an adoption,
 396 including counseling between a child-placing agency and a birth parent, signing
 397 paperwork related to an adoption, or the transfer of physical custody of a child adoptee
 398 from a birth parent to a child-placing agency or prospective adoptive parent.
 399 (2) A health care facility that provides birthing services shall develop policies regarding
 400 adoption services that occur at a health care facility.
 401 (3) A health care facility that provides birthing services shall notify the Office of Licensing
 402 if the health care facility files a complaint or otherwise takes action against a

403 child-placing agency or a child-placing agency's representatives.

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

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

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

409 (1) As used in this section, "consortium" means [~~a statewide consortium of child-placing~~
 410 ~~agencies]~~ the Utah Child-Placing Adoption Agency Consortium described in Subsection [
 411 ~~26B-2-127(8)]~~ 26B-2-127(9).

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

- 415 (a) require a consortium-member child-placing agency to perform, assist, counsel,
 416 recommend, consent to, facilitate, or participate in child placing, with a qualified
 417 prospective adoptive parent, that is contrary to the child-placing agency's religious
 418 teaching, practices, or sincerely held beliefs, or the good faith wishes of the birth
 419 mother as to the optimal placement of the child;
- 420 (b) deny a consortium-member child-placing agency any grant, contract, or participation
 421 in a government program because the child-placing agency cannot, consistent with
 422 the child-placing agency's religious teaching, practices, or sincerely held beliefs, or
 423 consistent with the good faith wishes of the birth mother as to the optimal placement
 424 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate
 425 in a child placement with a qualified prospective adoptive parent; or
- 426 (c) deny an application for an initial license or accreditation, deny the renewal of a
 427 license or accreditation, or revoke the license or accreditation of a
 428 consortium-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.

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

437 in a child placement with a qualified prospective adoptive parent, shall refer the
438 individual who is seeking child-placement services to another child-placing agency in
439 the consortium.

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

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

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

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

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

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

452 (1) Except as provided in Subsection (3), the division may provide adoption services and,
453 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services
454 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter
455 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and
456 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.

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

459 (3) The division may not:

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

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

466 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through
467 1963, base the division's decision for placement of an adoptable child on the race,
468 color, ethnicity, or national origin of either the child or the potential adoptive parent.

469 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah
470 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section

- 471 81-13-402, priority of placement shall be provided to a family in which a couple is
 472 legally married under the laws of the state.
- 473 (5) Subsections (3) and (4) do not limit the placement of a child with the child's parent or
 474 relative or in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.
 475 Section 6. Section **81-13-211** is amended to read:
- 476 **81-13-211 . Counseling for parents.**
- 477 (1) As used in this section, "parent" means a person described in Subsections
 478 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for
 479 the adoption is required.
- 480 (2) Subject to Subsection (3)(a), before relinquishing a minor child to a child-placing
 481 agency, or consenting to the adoption of a child adoptee, a parent of the child adoptee
 482 has the right to participate in, or elect to participate in, [~~eounseling~~] mental health therapy:
 483 (a) by a [~~licensed counselor or an adoption service provider~~] mental health professional
 484 who is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act,
 485 and selected by the parent participating in the [~~eounseling~~] mental health therapy;
 486 (b) for up to three sessions of at least 50 minutes per session completed before
 487 relinquishing a child adoptee [~~or within 120 days~~] and up to three sessions of at least
 488 50 minutes per session following the relinquishment of a child adoptee; and
 489 (c) subject to Subsection (3)(b), at the expense of the:
 490 (i) child-placing agency; or
 491 (ii) prospective adoptive parents.
- 492 (3)(a) Notwithstanding Subsection (2), a parent who has the right to participate in the [~~eounseling~~]
 493 mental health therapy under Subsection (2) may waive that right.
- 494 (b) Notwithstanding Subsection (2)(c), the total amount required to be paid by a
 495 child-placing agency or the prospective adoptive parents for the [~~eounseling~~] mental
 496 health therapy described in Subsection (2) may not exceed [~~\$400~~] \$800, unless an
 497 agreement for a greater amount is signed by:
 498 (i) the parent who receives the [~~eounseling~~] mental health therapy; and
 499 (ii) the child-placing agency or prospective adoptive parents.
- 500 (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the
 501 adoption of a child adoptee, the parent shall be informed of the right described in
 502 Subsection (1) by the:
 503 (a) child-placing agency;
 504 (b) prospective adoptive parents; or

- 505 (c) representative of a person described in Subsection (4)(a) or (b).
- 506 (5) If the parent who is entitled to the ~~[counseling]~~ mental health therapy as described in
507 Subsection (1) elects to attend one or more ~~[counseling]~~ mental health therapy sessions
508 following the relinquishment of a child adoptee[;]
- 509 ~~[(a) the parent of the child adoptee shall inform the child-placing agency or prospective~~
510 ~~adoptive parents of this election prior to relinquishing the child adoptee to a~~
511 ~~child-placing agency or consenting to the adoption of the child adoptee; and]~~
- 512 ~~[(b)]~~ the parent of the child adoptee and the child-placing agency or attorney
513 representing a prospective adoptive parent of the child adoptee shall enter into an
514 agreement to pay for the ~~[counseling]~~ mental health therapy in accordance with this
515 section.
- 516 (6)(a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of
517 adoption is entered, a statement shall be filed with the court that:
- 518 (i) is signed by each parent who:
- 519 (A) relinquishes the parent's parental rights; or
520 (B) consents to the adoption; and
- 521 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A)
522 or (B), the parent was advised of the parent's right to participate in the ~~[counseling]~~
523 mental health therapy described in this section at the expense of the:
- 524 (A) child-placing agency; or
525 (B) prospective adoptive parents.
- 526 (b) The statement described in Subsection (6)(a) may be included in the document that:
- 527 (i) relinquishes the parent's parental rights; or
528 (ii) consents to the adoption.
- 529 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [
530 ~~counseling]~~ mental health therapy described in this section[;]
- 531 ~~[(i)]~~ shall not constitute grounds for invalidating a:
- 532 ~~[(A)]~~ (i) relinquishment of parental rights; or
533 ~~[(B)]~~ (ii) consent to adoption[; and] .
- 534 ~~[(ii)]~~ shall give rise to a cause of action for the recovery of damages suffered, if any,
535 by the parent or guardian who took the action described in Subsection (6)(c)(i)(A)
536 or (B) against the person required to:
- 537 ~~[(A) give the notice described in Subsection (4); or]~~
538 ~~[(B) pay for the counseling described in this section.]~~

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

540 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**
541 **minor child -- Implied consent.**

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

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

547 (b) a man or woman who:

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

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

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

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

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

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

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

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

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

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

571 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through
572 (f) is not required if the individual's parental rights relating to the child adoptee have

- 573 been terminated by a court.
- 574 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
575 filed when the voluntary declaration is entered into a database that:
- 576 (a) can be accessed by the Department of Health and Human Services; and
577 (b) is designated by the office as the official database for voluntary declarations of
578 paternity.
- 579 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
580 execute a consent or relinquishment at any time, including before the birth of the
581 child adoptee.
- 582 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
583 control or custody of the child adoptee, until at least 24 hours after the birth of the
584 child adoptee.
- 585 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
586 least 12 years old.
- 587 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 588 (i) consent to the adoption of the birth parent's minor child; and
589 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 590 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
591 same force and effect as a consent or relinquishment executed by a birth parent who
592 is an adult.
- 593 (c) A birth parent, who is younger than 18 years old and has executed a consent or
594 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
595 old or otherwise becoming emancipated.
- 596 (6)(a) ~~[A consent or relinquishment is effective when the consent or relinquishment is~~
597 ~~signed and may not be revoked.] A birth parent may revoke the birth parent's consent
598 or relinquishment for any reason within 72 hours after the birth parent consents or
599 relinquishes the child adoptee.~~
- 600 (b) A birth parent may waive in writing the revocation period described in Subsection
601 (6)(a).
- 602 (c) A birth parent may revoke the birth parent's consent or relinquishment before a final
603 decree of adoption has been entered if a court determines that the consent or
604 relinquishment was given under duress, fraud, or undue influence by the
605 child-placing agency.
- 606 (d) A birth parent may not sign a consent or relinquishment while under the effects of

- 607 anesthesia or medication that impacts the birth parent's ability to think clearly.
 608 (e) Subsections (6)(a) through (d) does not apply to a voluntary relinquishment that is
 609 executed in juvenile court in accordance with Section 80-4-307.
- 610 (7)(a) As used in this Subsection (7):
- 611 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
 612 pregnancy, to offer and provide financial and emotional support to the birth
 613 mother for a period of 180 days before the day on which the child adoptee is born.
- 614 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
 615 reasonable person that a birth parent intends to provide for the physical and
 616 emotional well-being of an unborn child adoptee.
- 617 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
 618 the following acts:
- 619 (i) abandonment;
- 620 (ii) leaving the child adoptee with a third party for 30 consecutive days without
 621 providing the third party with the birth parent's identification;
- 622 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
 623 days without providing for support, communicating, or otherwise maintaining a
 624 substantial relationship with the child adoptee; or
- 625 (iv) receiving notification of a pending adoption proceeding as described in Section
 626 81-13-207, or of a termination proceeding described in Section 81-13-205, and
 627 failing to respond as required.
- 628 (c) For purposes of this Subsection (7), a court may not:
- 629 (i) determine that a birth parent abandoned the birth mother if the birth parent failed
 630 to provide financial or emotional support because the birth mother refused to
 631 accept support; or
- 632 (ii) find that the birth parent failed to provide emotional support if the individual's
 633 failure was due to impossibility of performance.
- 634 (d) Implied consent under this Subsection (7) may not be withdrawn.
- 635 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
 636 unmarried biological father.
- 637 (8) Nothing in this section establishes new requirements for an individual relinquishing a
 638 child in accordance with Section 80-4-502.

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

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

641 **of a minor child.**

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

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

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

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

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

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

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

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

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

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

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

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

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

672 [~~(A) pregnancy;~~]

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

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

- 675 ~~[(viii) if a child-placing agency placed the child adoptee:]~~
- 676 ~~[(A) a description of services provided to the prospective adoptive parents or~~
- 677 ~~preexisting parents in connection with the adoption;]~~
- 678 ~~[(B) all expenses associated with matching the prospective adoptive parent or~~
- 679 ~~parents and the birth mother;]~~
- 680 ~~[(C) all expenses associated with advertising; and]~~
- 681 ~~[(D) any other agency fees or expenses paid by an adoptive parent that are not~~
- 682 ~~itemized under one of the other categories described in this Subsection (2)(b),~~
- 683 ~~including a description of the reason for the fee or expense.]~~
- 684 (i) the total amount of legal expenses that have been or will be paid to or on behalf of
- 685 the preexisting parents of the child adoptee;
- 686 (ii) the total amount of medical or hospital expenses that have been or will be paid to
- 687 or on behalf of the preexisting parents of the child adoptee;
- 688 (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct
- 689 support;
- 690 (iv) the total amount that the adoptive parent has paid for a preexisting parent's
- 691 indirect support;
- 692 (v) the total amount that the adoptive parent has paid to a child-placing agency in fees
- 693 and costs; and
- 694 (vi) a description of services provided to the prospective adoptive parent and
- 695 preexisting parent in connection with the adoption.
- 696 (c) The uniform affidavit form shall require:
- 697 (i) a ~~[statement of the]~~ declaration of each state or country of residence for 12 months
- 698 before the birth of the:
- 699 (A) birth mother or the preexisting parents; and
- 700 (B) prospective adoptive parent or parents; and
- 701 (ii) a declaration that Section 76-7-203 has not been violated~~[- and] .~~
- 702 ~~[(iii) if the affidavit includes an itemized amount for both of the categories described~~
- 703 ~~in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or~~
- 704 ~~hospital expenses were paid by a source other than public funds.]~~
- 705 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
- 706 that is submitted in a form accepted by the Office of Licensing within the Department
- 707 of Health and Human Services if the affidavit contains the same information and is in
- 708 a reasonably equivalent format as the uniform affidavit form prescribed by the

709 Judicial Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

749 [~~5~~] (6) This section does not apply if the prospective adoptive parent is the legal spouse of
750 a preexisting parent.

751 Section 9. **Effective Date.**

752 This bill takes effect on May 6, 2026.