

78B-6-110.1 Prebirth notice to presumed father of intent to place a child for adoption.

- (1) As used in this section, "birth father" means:
 - (a) a potential biological father; or
 - (b) an unmarried biological father.
- (2) Before the birth of a child, the following individuals may notify a birth father of the child that the mother of the child is considering an adoptive placement for the child:
 - (a) the child's mother;
 - (b) a licensed child placing agency;
 - (c) an attorney representing a prospective adoptive parent of the child; or
 - (d) an attorney representing the mother of the child.
- (3) Providing a birth father with notice under Subsection (2) does not obligate the mother of the child to proceed with an adoptive placement of the child.
- (4) The notice described in Subsection (2) shall include the name, address, and telephone number of the person providing the notice, and shall include the following information:
 - (a) the mother's intent to place the child for adoption;
 - (b) that the mother has named the person receiving this notice as a potential birth father of her child;
 - (c) the requirements to contest the adoption, including taking the following steps within 30 days after the day on which the notice is served:
 - (i) initiating proceedings to establish or assert paternity in a district court of Utah within 30 days after the day on which notice is served, including filing an affidavit stating:
 - (A) that the birth father is fully able and willing to have full custody of the child;
 - (B) the birth father's plans to care for the child; and
 - (C) that the birth father agrees to pay for child support and expenses incurred in connection with the pregnancy and birth; and
 - (ii) filing a notice of commencement of paternity proceedings with the state registrar of vital statistics within the Utah Department of Health;
 - (d) the consequences for failure to comply with Subsection (4)(c), including that:
 - (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to the adoption is irrevocably lost;
 - (ii) the birth father will lose the ability to assert the right to contest any future adoption of the child; and
 - (iii) the birth father will lose the right, if any, to notice of any adoption proceedings related to the child;
 - (e) that the birth father may consent to the adoption, if any, within 30 days after the day on which the notice is received, and that his consent is irrevocable; and
 - (f) that no communication between the mother of the child and the birth father changes the rights and responsibilities of the birth father described in the notice.
- (5) If the recipient of the notice described in Subsection (2) does not fully and strictly comply with the requirements of Subsection (4)(c) within 30 days after the day on which he receives the notice, he will lose:
 - (a) the ability to assert the right to consent or refuse to consent to an adoption of the child described in the notice;
 - (b) the ability to assert the right to contest any future adoption of the child described in the notice; and
 - (c) the right to notice of any adoption proceedings relating to the child described in the notice.

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

Enacted by Chapter 340, 2012 General Session