

Effective 5/13/2014

78B-6-110.5 Out-of-state birth mothers and adoptive parents -- Declaration regarding potential birth fathers.

- (1)
 - (a) For a child who is six months of age or less at the time the child is placed with prospective adoptive parents, if, at any point during the time period beginning at the conception of the child and ending at the time the mother executes consent to adoption or relinquishment of the child for adoption, the birth mother or at least one of the adoptive parents has not resided in the state for 90 total days or more, as described in Subsection (1)(c), the birth mother shall file with the court a declaration regarding each potential birth father, in accordance with this section, before or at the time a petition for adoption is filed with the court.
 - (b) The birth mother shall search the putative father registry of each state where the birth mother believes the child may have been conceived and each state where the birth mother lived during her pregnancy, if the state has a putative father registry, to determine whether a potential birth father registered with the state's putative father registry.
 - (c) In determining whether the 90-day requirement is satisfied, the following apply:
 - (i) the 90 days are not required to be consecutive;
 - (ii) no absence from the state may be for more than seven consecutive days;
 - (iii) any day on which the individual is absent from the state does not count toward the total 90-day period; and
 - (iv) the 90-day period begins and ends during a period that is no more than 120 consecutive days.
- (2) The declaration filed under Subsection (1) regarding a potential birth father shall include, for each potential birth father, the following information:
 - (a) if known, the potential birth father's name, date of birth, Social Security number, and address;
 - (b) with regard to a state's putative father registry in each state described in Subsection (1)(b):
 - (i) whether the state has a putative father registry; and
 - (ii) for each state that has a putative father registry, with the declaration, a certificate or written statement from the state's putative father registry that a search of the state's putative father registry was made and disclosing the results of the search;
 - (c) whether the potential birth father was notified of:
 - (i) the birth mother's pregnancy;
 - (ii) the fact that he is a potential birth father; or
 - (iii) the fact that the birth mother intends to consent to adoption or relinquishment of the child for adoption, in Utah;
 - (d) each state where the birth mother lived during the pregnancy;
 - (e) if known, the state in which the child was conceived;
 - (f) whether the birth mother informed the potential birth father that she was traveling to or planning to reside in Utah;
 - (g) whether the birth mother has contacted the potential birth father while she was located in Utah;
 - (h) whether, and for how long, the potential birth father has ever lived with the child;
 - (i) whether the potential birth father has given the birth mother money or offered to pay for any of her expenses during pregnancy or the child's birth;
 - (j) whether the potential birth father has offered to pay child support;
 - (k) if known, whether the potential birth father has taken any legal action to establish paternity of the child, either in Utah or in any other state, and, if known, what action he has taken; and

- (l) whether the birth mother has ever been involved in a domestic violence matter with the potential birth father.
- (3) Based on the declaration regarding the potential birth father, the court shall order the birth mother to serve a potential birth father notice that she intends to consent or has consented to adoption or relinquishment of the child for adoption, if the court finds that the potential birth father:
 - (a) has taken sufficient action to demonstrate an interest in the child;
 - (b) has taken sufficient action to attempt to preserve his legal rights as a birth father, including by filing a legal action to establish paternity or filing with a state's putative father registry; or
 - (c) does not know, and does not have a reason to know, that:
 - (i) the mother or child are present in Utah;
 - (ii) the mother intended to give birth to the child in Utah;
 - (iii) the child was born in Utah; or
 - (iv) the mother intends to consent to adoption or relinquishment of the child for adoption in Utah.
- (4) Notice under this section shall be made in accordance with Subsections 78B-6-110(7) through (12).

Enacted by Chapter 410, 2014 General Session