

78B-6-113 Prospective adoptive parent not a resident -- Preplacement requirements.

- (1) When an adoption petition is to be finalized in this state with regard to any prospective adoptive parent who is not a resident of this state at the time a child is placed in that person's home, the prospective adoptive parent shall:
 - (a) comply with the provisions of Sections 78B-6-128 and 78B-6-130; and
 - (b)
 - (i) if the child is in state custody:
 - (A) submit fingerprints for a Federal Bureau of Investigation national criminal history record check through the Criminal and Technical Services Division of the Department of Public Safety in accordance with the provisions of Section 62A-2-120; or
 - (B) submit to a fingerprint based Federal Bureau of Investigation national criminal history record check through a law enforcement agency in another state, district, or territory of the United States; or
 - (ii) subject to Subsection (2), if the child is not in state custody:
 - (A) submit fingerprints for a Federal Bureau of Investigation national criminal history records check as a personal records check; or
 - (B) complete a criminal records check and child abuse database check for each state and, if available, country, where the prospective adoptive parent resided during the five years immediately preceding the day on which the adoption petition is to be finalized.
- (2) For purposes of Subsection (1)(b)(ii):
 - (a) if the adoption is being handled by a human services program, as defined in Section 62A-2-101:
 - (i) the criminal history check described in Subsection (1)(b)(ii)(A) shall be submitted in accordance with procedures established by the Criminal Investigations and Technical Services Division of the Department of Public Safety; and
 - (ii) subject to Subsection (3), the criminal history check described in Subsection (1)(b)(ii)(B) shall be submitted in a manner acceptable to the court that will:
 - (A) preserve the chain of custody of the results; and
 - (B) not permit tampering with the results by a prospective adoptive parent or other interested party; and
 - (b) if the adoption is being handled by a private attorney, and not a human services program, the criminal history checks described in Subsection (1)(b)(ii), shall be:
 - (i) submitted in accordance with procedures established by the Criminal Investigations and Technical Services Division of the Department of Public Safety; or
 - (ii) subject to Subsection (3), submitted in a manner acceptable to the court that will:
 - (A) preserve the chain of custody of the results; and
 - (B) not permit tampering with the results by a prospective adoptive parent or other interested party.
- (3) In order to comply with Subsection (2)(a)(ii) or (b)(ii), the manner in which the criminal history check is submitted shall be approved by the court.
- (4) Except as provided in Subsection 78B-6-131(2), in addition to the other requirements of this section, before a child in state custody is placed with a prospective foster parent or a prospective adoptive parent, the Department of Human Services shall comply with Section 78B-6-131.

Amended by Chapter 340, 2012 General Session