

Effective 5/12/2015

78B-6-115 Who may adopt -- Adoption of minor -- Adoption of adult.

- (1) For purposes of this section, "vulnerable adult" means:
 - (a) a person 65 years of age or older; or
 - (b) an adult, 18 years of age or older, who has a mental or physical impairment which substantially affects that person's ability to:
 - (i) provide personal protection;
 - (ii) provide necessities such as food, shelter, clothing, or medical or other health care;
 - (iii) obtain services necessary for health, safety, or welfare;
 - (iv) carry out the activities of daily living;
 - (v) manage the adult's own resources; or
 - (vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
- (2) Subject to this section and Section 78B-6-117, any adult may be adopted by another adult.
- (3) The following provisions of this part apply to the adoption of an adult just as though the person being adopted were a minor:
 - (a)
 - (i) Section 78B-6-108;
 - (ii) Section 78B-6-114;
 - (iii) Section 78B-6-116;
 - (iv) Section 78B-6-118;
 - (v) Section 78B-6-124;
 - (vi) Section 78B-6-136;
 - (vii) Section 78B-6-137;
 - (viii) Section 78B-6-138;
 - (ix) Section 78B-6-139;
 - (x) Section 78B-6-141; and
 - (xi) Section 78B-6-142;
 - (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the adoption arises from a case where the juvenile court has continuing jurisdiction over the mature adoptee; and
 - (c) if the mature adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131, regardless of whether the mature adoptee resides, or will reside, with the adoptors, unless the court, based on a finding of good cause, waives the requirements of those sections.
- (4) Before a court enters a final decree of adoption of a mature adoptee, the mature adoptee and the prospective adoptive parent or parents shall appear before the court presiding over the adoption proceedings and execute consent to the adoption.
- (5) No provision of this part, other than those listed or described in this section or Section 78B-6-117, apply to the adoption of an adult.

Amended by Chapter 137, 2015 General Session