

78B-6-117 Who may adopt -- Adoption of minor.

- (1) A minor child may be adopted by an adult person, in accordance with the provisions and requirements of this section and this part.
- (2) A child may be adopted by:
 - (a) adults who are legally married to each other in accordance with the laws of this state, including adoption by a stepparent; or
 - (b) subject to Subsection (4), any single adult, except as provided in Subsection (3).
- (3) A child may not be adopted by a person who is cohabiting in a relationship that is not a legally valid and binding marriage under the laws of this state.
- (4) In order to provide a child who is in the custody of the division with the most beneficial family structure, when a child in the custody of the division is placed for adoption, the division or child-placing agency shall place the child with a man and a woman who are married to each other, unless:
 - (a) there are no qualified married couples who:
 - (i) have applied to adopt a child;
 - (ii) are willing to adopt the child; and
 - (iii) are an appropriate placement for the child;
 - (b) the child is placed with a relative of the child;
 - (c) the child is placed with a person who has already developed a substantial relationship with the child;
 - (d) the child is placed with a person who:
 - (i) is selected by a parent or former parent of the child, if the parent or former parent consented to the adoption of the child; and
 - (ii) the parent or former parent described in Subsection (4)(d)(i):
 - (A) knew the person with whom the child is placed before the parent consented to the adoption; or
 - (B) became aware of the person with whom the child is placed through a source other than the division or the child-placing agency that assists with the adoption of the child; or
 - (e) it is in the best interests of the child to place the child with a single person.

Enacted by Chapter 3, 2008 General Session