

78B-6-119 Counseling for parents.

- (1) Subject to Subsection (2)(a), before relinquishing a child to a child-placing agency, or consenting to the adoption of a child, a parent of the child has the right to participate in counseling:
 - (a) by a licensed counselor or an adoption service provider selected by the parent participating in the counseling;
 - (b) for up to three sessions of at least 50 minutes per session; and
 - (c) subject to Subsection (2)(b), at the expense of the:
 - (i) child-placing agency; or
 - (ii) prospective adoptive parents.
- (2)
 - (a) Notwithstanding Subsection (1), a parent who has the right to participate in the counseling described in this section may waive that right.
 - (b) Notwithstanding Subsection (1)(c), the total amount required to be paid by a child-placing agency or the prospective adoptive parents for the counseling described in Subsection (1) may not exceed \$400, unless an agreement for a greater amount is signed by:
 - (i) the parent who receives the counseling; and
 - (ii) the child-placing agency or prospective adoptive parents.
- (3) Before a parent relinquishes a child to a child-placing agency, or consents to the adoption of a child, the parent shall be informed of the right described in Subsection (1) by the:
 - (a) child-placing agency;
 - (b) prospective adoptive parents; or
 - (c) representative of a person described in Subsection (3)(a) or (b).
- (4)
 - (a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of adoption is entered, a statement shall be filed with the court that:
 - (i) is signed by each parent who:
 - (A) relinquishes the parent's parental rights; or
 - (B) consents to the adoption; and
 - (ii) states that, before the parent took the action described in Subsection (4)(a)(i)(A) or (B), the parent was advised of the parent's right to participate in the counseling described in this section at the expense of the:
 - (A) child-placing agency; or
 - (B) prospective adoptive parents.
 - (b) The statement described in Subsection (4)(a) may be included in the document that:
 - (i) relinquishes the parent's parental rights; or
 - (ii) consents to the adoption.
 - (c) Failure by a person to give the notice described in Subsection (3), or pay for the counseling described in this section:
 - (i) shall not constitute grounds for invalidating a:
 - (A) relinquishment of parental rights; or
 - (B) consent to adoption; and
 - (ii) shall give rise to a cause of action for the recovery of damages suffered, if any, by the parent or guardian who took the action described in Subsection (4)(c)(i)(A) or (B) against the person required to:
 - (A) give the notice described in Subsection (3); or
 - (B) pay for the counseling described in this section.

Amended by Chapter 159, 2009 General Session