

78B-6-120.1 Implied consent.

- (1)
 - (a) As used in this section, "abandonment" means failure of a father, with reasonable knowledge of the pregnancy, to offer and provide financial and emotional support to the birth mother for a period of six months before the day on which the adoptee is born.
 - (b) A court may not determine that a father abandoned the birth mother if the father failed to provide financial or emotional support because the birth mother refused to accept support.
- (2)
 - (a) As used in this section, "emotional support" means a pattern of statements or actions that indicate to a reasonable person that a father intends to provide for the physical and emotional well-being of an unborn child.
 - (b) A court may not find that a father failed to provide emotional support if the father's failure was due to impossibility of performance.
- (3) Consent or relinquishment, as required by Subsection 78B-6-120(1), may be implied by any of the following acts:
 - (a) abandonment;
 - (b) leaving the adoptee with a third party, without providing the third party with the parent's identification, for 30 consecutive days;
 - (c) knowingly leaving the adoptee with another person, without providing for support, communicating, or otherwise maintaining a substantial relationship with the adoptee, for six consecutive months; or
 - (d) receiving notification of a pending adoption proceeding under Subsection 78B-6-110(6) or of a termination proceeding under Section 78B-6-112 and failing to respond as required.
- (4) Implied consent under Subsection (3)(a) may not be withdrawn.
- (5) Nothing in this section negates the requirements of Section 78B-6-121 or 78B-6-122 for an unmarried biological father.

Enacted by Chapter 458, 2013 General Session