

78B-6-120 Necessary consent to adoption or relinquishment for adoption.

- (1) Except as provided in Subsection (2), consent to adoption of a child, or relinquishment of a child for adoption, is required from:
 - (a) the adoptee, if the adoptee is more than 12 years of age, unless the adoptee does not have the mental capacity to consent;
 - (b) a man who:
 - (i) by operation of law under Section 78B-15-204, is recognized as the father of the proposed adoptee, unless:
 - (A) the presumption is rebutted under Section 78B-15-607; or
 - (B) the man was not married to the mother of the proposed adoptee until after the mother consented to adoption, or relinquishment for adoption, of the proposed adoptee; or
 - (ii) is the father of the adoptee by a previous legal adoption;
 - (c) the mother of the adoptee;
 - (d) a biological parent who has been adjudicated to be the child's biological father by a court of competent jurisdiction prior to the mother's execution of consent to adoption or her relinquishment of the child for adoption;
 - (e) consistent with Subsection (3), a biological parent who has executed and filed a voluntary declaration of paternity with the state registrar of vital statistics within the Department of Health in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, prior to the mother's execution of consent to adoption or her relinquishment of the child for adoption;
 - (f) an unmarried biological father, of an adoptee, whose consent is not required under Subsection (1)(d) or (1)(e), only if he fully and strictly complies with the requirements of Sections 78B-6-121 and 78B-6-122; and
 - (g) the person or agency to whom an adoptee has been relinquished and that is placing the child for adoption.
- (2)
 - (a) The consent of a person described in Subsections (1)(b) through (g) is not required if the adoptee is 18 years of age or older.
 - (b) The consent of a person described in Subsections (1)(b) through (f) is not required if the person's parental rights relating to the adoptee have been terminated.
- (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered filed when it is entered into a database that:
 - (a) can be accessed by the Department of Health; and
 - (b) is designated by the state registrar of vital statistics as the official database for voluntary declarations of paternity.

Amended by Chapter 458, 2013 General Session