

78B-6-124 Persons who may take consents and relinquishments.

- (1) A consent or relinquishment by a birth mother or an adoptee shall be signed before:
 - (a) a judge of any court that has jurisdiction over adoption proceedings;
 - (b) subject to Subsection (6), a person appointed by the judge described in Subsection (1)(a) to take consents or relinquishments; or
 - (c) subject to Subsection (6), a person who is authorized by a child-placing agency to take consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a child-placing agency or an extra-jurisdictional child-placing agency.
- (2) If the consent or relinquishment of a birth mother or adoptee is taken out of state it shall be signed before:
 - (a) subject to Subsection (6), a person who is authorized by a child-placing agency to take consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a child-placing agency or an extra-jurisdictional child-placing agency;
 - (b) subject to Subsection (6), a person authorized or appointed to take consents or relinquishments by a court of this state that has jurisdiction over adoption proceedings;
 - (c) a court that has jurisdiction over adoption proceedings in the state where the consent or relinquishment is taken; or
 - (d) a person authorized, under the laws of the state where the consent or relinquishment is taken, to take consents or relinquishments of a birth mother or adoptee.
- (3) The consent or relinquishment of any other person or agency as required by Section 78B-6-120 may be signed before a Notary Public or any person authorized to take a consent or relinquishment under Subsection (1) or (2).
- (4) A person, authorized by Subsection (1) or (2) to take consents or relinquishments, shall certify to the best of his information and belief that the person executing the consent or relinquishment has read and understands the consent or relinquishment and has signed it freely and voluntarily.
- (5) A person executing a consent or relinquishment is entitled to receive a copy of the consent or relinquishment.
- (6) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:
 - (a) notarized; or
 - (b) witnessed by two individuals who are not members of the birth mother's or the signatory's immediate family.

Renumbered and Amended by Chapter 3, 2008 General Session
Amended by Chapter 137, 2008 General Session