

**78B-6-134 Custody pending final decree.**

- (1)
  - (a) A licensed child placing adoption agency, or a petitioner if the petition for adoption is filed before a child's birth, may seek an order establishing that the agency or petitioner shall have temporary custody of the child from the time of birth.
  - (b) The court shall grant an order for temporary custody under Subsection (1)(a) upon determining that:
    - (i) the birth mother or both birth parents consent to the order;
    - (ii) the agency or petitioner is willing and able to take custody of the child; and
    - (iii) an order will be in the best interest of the child.
  - (c) The court shall vacate an order if, prior to the child's birth, the birth mother or birth parents withdraw their consent.
- (2) Except as otherwise provided by the court, once a petitioner has received the adoptee into his home and a petition for adoption has been filed, the petitioner is entitled to the custody and control of the adoptee and is responsible for the care, maintenance, and support of the adoptee, including any necessary medical or surgical treatment, pending further order of the court.
- (3) Once a child has been placed with, relinquished to, or ordered into the custody of a child-placing agency for purposes of adoption, the agency shall have custody and control of the child and is responsible for his care, maintenance, and support. The agency may delegate the responsibility for care, maintenance, and support, including any necessary medical or surgical treatment, to the petitioner once the petitioner has received the child into his home. However, until the final decree of adoption is entered by the court, the agency has the right to the custody and control of the child.

Amended by Chapter 458, 2013 General Session