

78B-6-136.5 Timing of entry of final decree of adoption -- Posthumous adoption.

- (1) Except as provided in Subsection (2), a final decree of adoption may not be entered until the earlier of:
 - (a) when the child has lived in the home of the prospective adoptive parent for six months; or
 - (b) when the child has been placed for adoption with the prospective adoptive parent for six months.
- (2)
 - (a) If the prospective adoptive parent is the spouse of the pre-existing parent, a final decree of adoption may not be entered until the child has lived in the home of that prospective adoptive parent for one year, unless, based on a finding of good cause, the court orders that the final decree of adoption may be entered at an earlier time.
 - (b) The court may, based on a finding of good cause, order that the final decree of adoption be entered at an earlier time than described in Subsection (1).
- (3) If the child dies during the time that the child is placed in the home of a prospective adoptive parent or parents for the purpose of adoption, the court has authority to enter a final decree of adoption after the child's death upon the request of the prospective adoptive parents.
- (4) The court may enter a final decree of adoption declaring that a child is adopted by both a deceased and a surviving adoptive parent if, after the child is placed in the home of the child's prospective adoptive parents:
 - (a) one of the prospective adoptive parents dies;
 - (b) the surviving prospective adoptive parent requests that the court enter the decree; and
 - (c) the decree is entered after the child has lived in the home of the surviving prospective adoptive parent for at least six months.
- (5) Upon request of a surviving pre-existing parent, or a surviving parent for whom adoption of a child has been finalized, the court may enter a final decree of adoption declaring that a child is adopted by a deceased adoptive parent who was the spouse of the surviving parent at the time of the prospective adoptive parent's death.
- (6) The court may enter a final decree of adoption declaring that a child is adopted by both deceased prospective adoptive parents if:
 - (a) both of the prospective adoptive parents die after the child is placed in the prospective adoptive parents' home; and
 - (b) it is in the best interests of the child to enter the decree.
- (7) Nothing in this section shall be construed to grant any rights to the pre-existing parents of a child to assert any interest in the child during the six-month or one-year periods described in this section.

Amended by Chapter 340, 2012 General Session