

Effective 5/12/2015

78B-6-141 Petition, report, and documents sealed -- Exceptions.

- (1) An adoption document is sealed.
- (2) An adoption document may only be open to inspection and copying as follows:
 - (a) in accordance with Subsection (4)(a), by a party to the adoption proceeding:
 - (i) while the proceeding is pending; or
 - (ii) within six months after the day on which the adoption decree is entered;
 - (b) subject to Subsection (4)(b), if a court enters an order permitting access to the documents by a person who has appealed the denial of that person's motion to intervene;
 - (c) upon order of the court expressly permitting inspection or copying, after good cause has been shown;
 - (d) as provided under Section 78B-6-144;
 - (e) when the adoption document becomes public on the one hundredth anniversary of the date the final decree of adoption was entered;
 - (f) when the birth certificate becomes public on the one hundredth anniversary of the date of birth;
 - (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court order, unless the final decree of adoption is entered by the juvenile court under Subsection 78B-6-115(3)(b); or
 - (h) to an adult adoptee, to the extent permitted under Subsection (3).
- (3)
 - (a) For an adoption finalized on or after January 1, 2016, a birth parent may elect, on a written consent form provided by the office, to permit identifying information about the birth parent to be made available for inspection by an adult adoptee.
 - (b) A birth parent may, at any time, file a written document with the office to:
 - (i) change the election described in Subsection (3)(a); or
 - (ii) elect to make other information about the birth parent, including an updated medical history, available for inspection by an adult adoptee.
 - (c) A birth parent may not access any identifying information or an adoption document under this Subsection (3).
- (4)
 - (a) A person who files a motion to intervene in an adoption proceeding:
 - (i) is not a party to the adoption proceeding, unless the motion to intervene is granted; and
 - (ii) may not be granted access to the documents described in Subsection (1), unless the motion to intervene is granted.
 - (b) An order described in Subsection (2)(b) shall:
 - (i) prohibit the person described in Subsection (2)(b) from inspecting a document described in Subsection (1) that contains identifying information of the adoptive or prospective adoptive parent; and
 - (ii) permit the person described in Subsection (4)(b)(i) to review a copy of a document described in Subsection (4)(b)(i) after the identifying information described in Subsection (4)(b)(i) is redacted from the document.

Amended by Chapter 137, 2015 General Session

Amended by Chapter 322, 2015 General Session