

**AMENDMENTS TO INSURANCE BENEFIT FOR  
ADOPTIVE PARENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed P. Mayne**

AN ACT RELATING TO INSURANCE; EXTENDING FROM 30 DAYS TO 90 DAYS THE PERIOD DURING WHICH A CHILD MUST BE PLACED WITH AN ADOPTIVE PARENT FOR THE PARENT TO QUALIFY FOR AN ADOPTION INDEMNITY BENEFIT; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**31A-22-610.1**, as last amended by Chapter 329, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **31A-22-610.1** is amended to read:

**31A-22-610.1. Adoption indemnity benefit.**

(1) (a) If an insured has coverage for maternity benefits **§ ON THE DATE OF AN ADOPTIVE**

**PLACEMENT** § , the insured's policy shall provide

an adoption indemnity benefit payable to the insured, if [~~the~~] a child is placed for adoption with the insured within [~~30~~] 90 days of the child's birth.

(b) An insurer that has paid the adoption indemnity benefit under Subsection (1)(a) may seek reimbursement of the benefit if:

(i) the postplacement evaluation disapproves the adoption placement; and

(ii) a court rules the adoption may not be finalized because of an act or omission of an adoptive parent or parents that affects the child's health or safety.

(c) The commissioner shall:

(i) establish, by rule, the amount of the adoption indemnity benefit provided under Subsection (1) at a minimum of \$2,500; and

(ii) review the amount of the adoption indemnity benefit every two years to make any

28 necessary and reasonable adjustments, taking into account the average insurance cost of an  
29 uncomplicated birth.

30 (d) Each insurer shall pay its pro rata share of the adoption indemnity benefit if each  
31 adoptive parent:

32 (i) has coverage for maternity benefits with a different insurer; and

33 (ii) makes a claim for the adoption indemnity benefit provided in Subsection (1)(a).

34 (2) If a policy offers optional maternity benefits, it shall also offer coverage for adoption  
35 indemnity benefits if:

36 (a) ~~the~~ a child is placed for adoption with the insured within ~~[30]~~ 90 days of the child's  
37 birth; and

38 (b) the adoption is finalized within one year of the child's birth.

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**Legislative Review Note**

**as of 1-27-99 10:36 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**