

**ADOPTION LAW REVISIONS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rosalind J. McGee**

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to reporting requirements for child placing agencies.

**Highlighted Provisions:**

This bill:

- ▶ requires that the state of residence of the birth mother be included in the affidavit submitted to the court prior to finalization of an adoption; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78-30-15.5**, as last amended by Chapter 192, Laws of Utah 2004

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

Section 1. Section **78-30-15.5** is amended to read:

**78-30-15.5. Itemization of fees and expenses.**

(1) [~~Prior~~] Except as provided in Subsection (4), prior to the date that a final decree of adoption is entered in any adoption proceeding, an affidavit regarding fees and expenses,



28 signed by the adoptive parent or parents and the person or agency placing the child, shall be  
29 filed with the court. [~~That~~]

30 (2) The affidavit described in Subsection (1) shall itemize the following items in  
31 connection with the adoption:

32 (a) all legal expenses, maternity expenses, medical or hospital expenses, and living  
33 expenses [~~which~~] that have been or will be paid to or on behalf of the birth mother or  
34 biological father, including the source of payment;

35 (b) fees paid by the prospective adoptive parent or parents in connection with the  
36 adoption;

37 (c) all gifts, property, or other items [~~which~~] that have been or will be provided to the  
38 birth mother or biological father, including the source of the gifts, property, or other items;

39 (d) all public funds used for any medical or hospital costs in connection with the;

40 (i) pregnancy [~~and~~];

41 (ii) delivery of the child; or

42 (iii) care of the child;

43 (e) the state of residence of the;

44 (i) birth mother; and

45 (ii) prospective adoptive parent or parents;

46 (f) a description of services provided to the prospective adoptive parent or parents or  
47 biological parents in connection with the adoption; and

48 (g) that [~~the requirements of~~] Section 76-7-203 [~~have been complied with~~] has not been  
49 violated.

50 [~~(2)~~] (3) A copy of [~~this~~] the affidavit described in Subsection (1) shall be provided to  
51 the Office of Licensing within the Department of Human Services.

52 [~~(3)~~] (4) This section does not apply if the adoptive parent is the legal spouse of the  
53 birth parent.

**Legislative Review Note**

as of 1-24-05 2:18 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

An ongoing General Fund appropriation of \$44,100 is required to implement the provisions of this bill. This will be matched with additional federal funds of \$9,700.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$44,100	\$44,100	\$0	\$0
Federal Funds	\$9,700	\$9,700	\$9,700	\$9,700
<b>TOTAL</b>	<b>\$53,800</b>	<b>\$53,800</b>	<b>\$9,700</b>	<b>\$9,700</b>

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**Individual and Business Impact**

If an adopted person chooses to find their birth mother, this bill may help reduce the associated expenses.

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