

# H.B. 130

## ADOPTION AMENDMENTS

Senator **Carlene M. Walker** proposes the following amendments:

1. *Page 9, Lines 245 through 272:*

245           ~~{ (10) Notwithstanding the provisions of Subsections (4) and (6), the consent of an~~  
246 ~~unmarried biological father, with respect to an adoptee who is under the age of 18, is required~~  
247 ~~if:~~  
248           ~~—— (a) (i) the unmarried biological father did not know, and through the exercise of~~  
249 ~~reasonable diligence could not have known, that the child or the child's mother were present in~~  
250 ~~the state of Utah at any time during the period of time beginning at the conception of the child~~  
251 ~~and ending at the time the mother executed a consent to adoption or relinquishment of the child~~  
252 ~~for adoption; and~~  
253           ~~—— (ii) before the mother executed a consent to adoption or relinquishment of the child for~~  
254 ~~adoption, the unmarried biological father fully complied with the requirements to establish~~  
255 ~~parental rights in the child, and to preserve the right to notice of a proceeding in connection~~  
256 ~~with the adoption of the child, imposed by:~~  
257           ~~—— (A) the last state where the unmarried biological father knew, or through the exercise~~  
258 ~~of reasonable diligence should have known, that the mother resided in before the mother came~~  
259 ~~to the state of Utah; or~~  
260           ~~—— (B) the state where the child was conceived; or~~  
261           ~~—— (b) (i) the unmarried biological father knew, or through the exercise of reasonable~~  
262 ~~diligence should have known, that the child or the child's mother were present in the state of~~  
263 ~~Utah at any time during the period of time beginning at the conception of the child and ending~~  
264 ~~at the time the mother executed a consent to adoption or relinquishment of the child for~~  
265 ~~adoption; and~~  
266           ~~—— (ii) the unmarried biological father complied with the requirements of Subsection (4)~~  
267 ~~or (6) before the later of:~~  
268           ~~—— (A) 20 days after the day that the unmarried biological father knew, ~~it~~→ [and] or ←~~it~~~~  
268a ~~through the~~  
269 ~~exercise of reasonable diligence should have known, that the child or the child's mother were~~  
270 ~~present in the state of Utah; or~~  
271           ~~—— (B) the time that the mother executed a consent to adoption or relinquishment of the~~  
272 ~~child for adoption. }~~

(10) (a) For purposes of this Subsection (10), "qualifying circumstance" means that, at any point during the time period beginning at the conception of the child and ending at the time the mother

executed a consent to adoption or relinquishment of the child for adoption:

(i) the child or the child's mother resided, on a permanent or temporary basis, in the state of Utah;

(ii) the mother intended to give birth to the child in the state of Utah;

(iii) the child was born in the state of Utah; or

(iv) the mother intended to execute a consent to adoption or relinquishment of the child for adoption:

(A) in the state of Utah; or

(B) under the laws of the state of Utah.

(b) Notwithstanding the provisions of Subsections (4) and (6), the consent of an unmarried biological father is required with respect to an adoptee who is under the age of 18 if:

(i) (A) the unmarried biological father did not know, and through the exercise of reasonable diligence could not have known, before the time the mother executed a consent to adoption or relinquishment of the child for adoption, that a qualifying circumstance existed; and

(B) before the mother executed a consent to adoption or relinquishment of the child for adoption, the unmarried biological father fully complied with the requirements to establish parental rights in the child, and to preserve the right to notice of a proceeding in connection with the adoption of the child, imposed by:

(I) the last state where the unmarried biological father knew, or through the exercise of reasonable diligence should have known, that the mother resided in before the mother executed the consent to adoption or relinquishment of the child for adoption; or

(II) the state where the child was conceived; or

(ii) (A) the unmarried biological father knew, or through the exercise of reasonable diligence should have known, before the time the mother executed a consent to adoption or relinquishment of the child for adoption, that a qualifying circumstance existed; and

(B) the unmarried biological father complied with the requirements of Subsection (4) or (6) before the later of:

(I) 20 days after the day that the unmarried biological father knew, or through the exercise of reasonable diligence should have known, that a qualifying circumstance existed; or

(II) the time that the mother executed a consent to adoption or relinquishment of the child for adoption.