

ADOPTION OF AN ADULT PROVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill amends the provisions of the Juvenile Court Act of 1996 relating to the adoption of an adult.

Highlighted Provisions:

This bill:

- ▶ describes the requirements that apply to the adoption of an adult;
- ▶ provides for the disclosure, under certain circumstances, of records relating to the adoption of an adult; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-30-1, as last amended by Chapter 208, Laws of Utah 2000

78-30-15, as last amended by Chapter 224, Laws of Utah 1999

ENACTS:

78-30-1.2, Utah Code Annotated 1953



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

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

30 **78-30-1. Who may adopt -- Adoption of minor -- Adoption of adult.**

31 (1) Any minor child may be adopted by an adult person, in accordance with the
32 provisions and requirements of this section and this chapter.

33 (2) ~~[Any]~~ (a) Subject to this Subsection (2) and Subsection (3), any adult may be
34 adopted by another adult. ~~[However, all]~~

35 (b) The following provisions of this chapter apply to the adoption of an adult just as
36 though the person being adopted were a minor~~[-except that consent of the parents of an adult~~
37 ~~person being adopted is not required.];~~

38 (i) Sections 78-30-1.2, 78-30-2, 78-30-3, 78-30-4.18, 78-30-6, 78-30-8, 78-30-8.5,
39 78-30-8.6, 78-30-9, 78-30-10, 78-30-11, and 78-30-15; and

40 (ii) Subsections 78-30-7(1), (2), and (7), except that the juvenile court does not have
41 jurisdiction over a proceeding for adoption of an adult, unless the adoption arises from a case
42 where the juvenile court has continuing jurisdiction over the adult adoptee.

43 (c) Before a court enters a final decree of adoption of an adult, the adoptee and the
44 adoptive parent or parents shall appear before the court presiding over the adoption
45 proceedings and execute consent to the adoption.

46 (d) No provision of this chapter, other than those listed or described in this Subsection
47 (2) or Subsection (3), apply to the adoption of an adult.

48 (3) (a) A child may be adopted by:

49 (i) adults who are legally married to each other in accordance with the laws of this
50 state, including adoption by a stepparent; or

51 (ii) any single adult, except as provided in Subsection (3)(b).

52 (b) A child may not be adopted by a person who is cohabiting in a relationship that is
53 not a legally valid and binding marriage under the laws of this state. For purposes of this
54 Subsection (3)(b), "cohabiting" means residing with another person and being involved in a
55 sexual relationship with that person.

56 Section 2. Section **78-30-1.2** is enacted to read:

57 **78-30-1.2. Notice and consent for adoption of an adult.**

58 (1) (a) Consent to the adoption of an adult is required from:

- 59 (i) the adult adoptee;
60 (ii) any person who is adopting the adult;
61 (iii) the spouse of a person adopting the adult; and
62 (iv) any legally appointed guardian or custodian of the adult.
63 (b) No person, other than a person described in Subsection (1)(a), may consent, or
64 withhold consent, to the adoption of an adult.
65 (2) (a) Except as provided in Subsection (2)(b), notice of a proceeding for the adoption
66 of an adult shall be served on each person described in Subsection(1)(a) and the spouse of the
67 adoptee.
68 (b) The notice described in Subsection (2)(a) may be waived, in writing, by the person
69 entitled to receive notice.
70 (3) The notice described in Subsection (2):
71 (a) shall be served at least 30 days before the day on which the adoption is finalized;
72 (b) shall specifically state that the person served must respond to the petition within 30
73 days of service if the person intends to intervene in the adoption proceeding;
74 (c) shall state the name of the person to be adopted;
75 (d) may not state the name of a person adopting the adoptee, unless the person
76 consents, in writing, to disclosure of the person's name;
77 (e) with regard to a person described in Subsection (1)(a):
78 (i) except as provided in Subsection (2)(b), shall be in accordance with the provisions
79 of the Utah Rules of Civil Procedure; and
80 (ii) may not be made by publication; and
81 (f) with regard to the spouse of the adoptee, may be made:
82 (i) in accordance with the provisions of the Utah Rules of Civil procedure;
83 (ii) by certified mail, return receipt requested; or
84 (iii) by publication, posting, or other means if:
85 (A) the service described in Subsection (3)(f)(ii) cannot be completed after two
86 attempts; and
87 (B) the court issues an order providing for service by publication, posting, or other
88 means.
89 (4) Proof of service of the notice on each person to whom notice is required by this

90 section shall be filed with the court before the adoption is finalized.

91 (5) (a) Any person who is served with notice of a proceeding for the adoption of an
92 adult and who wishes to intervene in the adoption shall file a motion in the adoption
93 proceeding:

94 (i) within 30 days after the day on which the person is served with notice of the
95 adoption proceeding;

96 (ii) that sets forth the specific relief sought; and

97 (iii) that is accompanied by a memorandum specifying the factual and legal grounds
98 upon which the motion is made.

99 (b) A person who fails to file the motion described in Subsection (5)(a) within the time
100 described in Subsection (5)(a)(i):

101 (i) waives any right to further notice of the adoption proceeding; and

102 (ii) is barred from intervening in, or bringing or maintaining any action challenging, the
103 adoption proceeding.

104 Section 3. Section **78-30-15** is amended to read:

105 **78-30-15. Petition, report, and documents to be sealed -- Exceptions.**

106 The court shall order that the petition for adoption, the written report described in
107 Section 78-30-14, and any other documents filed in connection with the hearing be sealed.

108 Those items are not open to inspection or copying except:

109 (1) upon order of the court expressly permitting inspection or copying, after good cause
110 has been shown;

111 (2) as provided under Section 78-30-18; [or]

112 (3) those records shall become public on the one hundredth anniversary of the date the
113 final decree of adoption was entered[-]; or

114 (4) if the adoptee is an adult at the time the final decree of adoption is entered, the
115 documents described in this section are open to inspection and copying without a court order
116 by the adoptee or a parent who adopted the adoptee, unless the final decree of adoption is
117 entered by the juvenile court under Subsection 78-30-1(2)(b)(ii).

Legislative Review Note
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Office of Legislative Research and General Counsel