



28           ▶ amends provisions relating to notice of an adoption proceeding;

28a **H→ ▶ adds a social service worker to the list of individuals who are qualified to conduct a**  
 28b **preplacement adoptive evaluation; ←H**

29           ▶ removes the requirement that a form approved by the Department of Human  
 30 Services be used for a preplacement adoptive evaluation; and

31           ▶ makes technical changes.

32 **Money Appropriated in this Bill:**

33           None

34 **Other Special Clauses:**

35           None

36 **Utah Code Sections Affected:**

37 AMENDS:

38           **78B-6-110**, as last amended by Laws of Utah 2010, Chapter 237

39           **78B-6-128**, as last amended by Laws of Utah 2010, Chapter 237

40 **H→ [ENACTS:**

41 ~~———— 78A-6-510.5, Utah Code Annotated 1953] ←H~~

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

44           **H→ [Section 1. Section 78A-6-510.5 is enacted to read:**

45 ~~———— 78A-6-510.5. Selection by natural parent of adoptive placement of a child who is~~  
 46 ~~in-state custody.~~

47 ~~———— (1) Except as provided in Subsection (2), a court shall comply with the decision of a~~  
 48 ~~natural parent of a child who is in the custody of the division to place the child for adoption~~  
 49 ~~with an adoption agency selected by the natural parent, or a prospective adoptive parent or~~  
 50 ~~parents selected by the natural parent, if:~~

51 ~~———— (a) (i) the other natural parent of the child, if any, consents to the adoption; or~~

52 ~~———— (ii) the parental rights of the other natural parent of the child, if any:~~

53 ~~———— (A) have been terminated; or~~

54 ~~———— (B) will be terminated before the adoption decree is entered;~~

55 ~~———— (b) the court determines that the placement is in the best interest of the child; and~~

56 ~~———— (c) the placement complies with all applicable requirements of federal and state law~~  
 57 ~~relating to the adoption.~~

58 ~~———— (2) A court is only required to comply with Subsection (1) with respect to one adoption~~

59 ~~agency, one adoptive parent, or one set of prospective adoptive parents selected by the natural~~  
 60 ~~parent. If the selection made by the natural parent does not satisfy the requirements described~~  
 61 ~~in Subsection (1), or the parent changes the parent's selection, the court may, but is not required~~  
 62 ~~to, comply with an additional selection by the natural parent.~~

63 ~~—— (3) A decision by a natural parent, under this section, to place a child for adoption or to~~  
 64 ~~consent to termination of the natural parent's parental rights may not be used as grounds for~~  
 65 ~~subsequently terminating the parental rights of the natural parent if the natural parent~~  
 66 ~~withdraws the natural parent's consent or selects a different placement than originally selected~~  
 67 ~~by the natural parent.] ←H~~

68 Section H→ [2] 1 ←H . Section 78B-6-110 is amended to read:

69 **78B-6-110. Notice of adoption proceedings.**

70 (1) (a) An unmarried biological father, by virtue of the fact that he has engaged in a  
 71 sexual relationship with a woman:

72 (i) is considered to be on notice that a pregnancy and an adoption proceeding regarding  
 73 the child may occur; and

74 (ii) has a duty to protect his own rights and interests.

75 (b) An unmarried biological father is entitled to actual notice of a birth or an adoption  
 76 proceeding with regard to his child only as provided in this section.

77 (2) Notice of an adoption proceeding shall be served on each of the following persons:

78 (a) any person or agency whose consent or relinquishment is required under Section  
 79 78B-6-120 or 78B-6-121, unless that right has been terminated by:

80 (i) waiver;

81 (ii) relinquishment;

82 (iii) consent; or

83 (iv) judicial action;

84 (b) any person who has initiated a paternity proceeding and filed notice of that action  
 85 with the state registrar of vital statistics within the Department of Health, in accordance with  
 86 Subsection (3);

87 (c) any legally appointed custodian or guardian of the adoptee;

88 (d) the petitioner's spouse, if any, only if the petitioner's spouse has not joined in the  
 89 petition;

152 (7) Service of notice under this section shall be made as follows:

153 (a) (i) Subject to Subsection (5)~~(e)~~(f), service on a person whose consent is necessary  
154 under Section 78B-6-120 or 78B-6-121 shall be in accordance with the provisions of the Utah  
155 Rules of Civil Procedure.

156 (ii) If service of a person described in Subsection (7)(a)(i) is by publication, the court  
157 shall designate the content of the notice regarding the identity of the parties.

158 (iii) The notice described in this Subsection (7)(a) may not include the name of a  
159 person seeking to adopt the adoptee.

160 (b) (i) Except as provided in Subsection (7)(b)(ii) to any other person for whom notice  
161 is required under this section, service by certified mail, return receipt requested, is sufficient.

162 (ii) If the service described in Subsection (7)(b)(i) cannot be completed after two  
163 attempts, the court may issue an order providing for service by publication, posting, or by any  
164 other manner of service.

165 (c) Notice to a person who has initiated a paternity proceeding and filed notice of that  
166 action with the state registrar of vital statistics in the Department of Health in accordance with  
167 the requirements of Subsection (3), shall be served by certified mail, return receipt requested, at  
168 the last address filed with the registrar.

169 (8) The notice required by this section may be waived in writing by the person entitled  
170 to receive notice.

171 (9) Proof of service of notice on all persons for whom notice is required by this section  
172 shall be filed with the court before the final dispositional hearing on the adoption.

173 (10) Notwithstanding any other provision of law, neither the notice of an adoption  
174 proceeding nor any process in that proceeding is required to contain the name of the person or  
175 persons seeking to adopt the adoptee.

176 (11) Except as to those persons whose consent to an adoption is required under Section  
177 78B-6-120 or 78B-6-121, the sole purpose of notice under this section is to enable the person  
178 served to:

179 (a) intervene in the adoption; and

180 (b) present evidence to the court relevant to the best interest of the child.

181 Section ~~Ĥ~~ → [3] 2 ← ~~Ĥ~~ . Section 78B-6-128 is amended to read:

182 **78B-6-128. Preplacement adoptive evaluations -- Exceptions.**

214 the United States; or

215 (ii) subject to Subsection (3), if the child is not in state custody, each prospective  
216 adoptive parent and any other adult living in the prospective home shall:

217 (A) submit fingerprints for a Federal Bureau of Investigation national criminal history  
218 records check as a personal records check; or

219 (B) complete a criminal records check, if available, for each state and country where  
220 the potential adoptive parent and any adult living in the prospective adoptive home resided  
221 during the five years immediately preceding the day on which the adoption petition is to be  
222 finalized;

223 (b) a report containing all information regarding reports and investigations of child  
224 abuse, neglect, and dependency, with respect to each prospective adoptive parent and any other  
225 adult living in the prospective home, obtained no earlier than 18 months immediately preceding  
226 the day on which the child is placed in the prospective home, pursuant to waivers executed by  
227 each prospective adoptive parent and any other adult living in the prospective home, that:

228 (i) if the prospective adoptive parent or the adult living in the prospective adoptive  
229 parent's home is a resident of Utah, is prepared by the Department of Human Services from the  
230 records of the Department of Human Services; or

231 (ii) if the prospective adoptive parent or the adult living in the prospective adoptive  
232 parent's home is not a resident of Utah, prepared by the Department of Human Services, or a  
233 similar agency in another state, district, or territory of the United States, where each  
234 prospective adoptive parent and any other adult living in the prospective home resided in the  
235 five years immediately preceding the day on which the child is placed in the prospective  
236 adoptive home;

237 (c) in accordance with Subsection (6), an evaluation conducted by:

238 (i) an expert in family relations approved by the court;

239 (ii) a certified social worker;

240 (iii) a clinical social worker;

241 (iv) a marriage and family therapist;

242 (v) a psychologist; ~~H→~~ [or] ~~←H~~

243 (vi) a professional counselor; ~~H→~~ [and] or

243a (vii) a social service worker; and ~~←H~~

244 (d) in accordance with Subsection (7), if the child to be adopted is a child who is in the