

245 reasonable knowledge of the pregnancy, to offer and provide financial and emotional support to
 246 the birth mother for a period of six months before the day on which the adoptee is born.

247 (b) A court ~~shall~~ **may** ~~not~~ determine that a father abandoned the birth mother if
 247a the father
 248 failed to provide financial or emotional support because the birth mother refused to accept
 249 support.

249a **shall** (2)(a) **As used in this section, "emotional support" means a pattern of statements or**
 249b **actions that indicate to a reasonable person that a father intends to provide for the physical**
 249c **and emotional well-being of an unborn child.**

249d (b) **A court may not find that a father failed to provide emotional support if the father's failure**
 249e **was due to impossibility of performance.** ~~shall~~

250 ~~shall~~ (2) (3) ~~shall~~ Consent or relinquishment, as required by Subsection 78B-6-120(1), may be
 251 implied by any of the following acts:

252 (a) abandonment;

253 (b) leaving the adoptee ~~shall~~ with a third party, ~~shall~~ without ~~shall~~ providing the third
 253a party with ~~knowledge of~~ ~~shall~~ the parent's ~~shall~~ whereabouts identification, ~~shall~~ for 30
 254 consecutive days;

255 (c) knowingly leaving the adoptee with another person, without providing for support,
 256 communicating, or otherwise maintaining a substantial relationship with the adoptee, for six
 257 consecutive months; or

258 (d) receiving notification of a pending adoption proceeding under Subsection
 259 78B-6-110(6) or of a termination proceeding under Section 78B-6-112 and failing to respond
 260 as required.

261 ~~shall~~ (3) (4) ~~shall~~ Implied consent under Subsection ~~shall~~ (2) (3) ~~shall~~ (a) may not be
 261a withdrawn.

262 ~~shall~~ (4) (5) ~~shall~~ Nothing in this section negates the requirements of Section 78B-6-121 or
 263 78B-6-122 for an unmarried biological father.

264 Section 5. Section **78B-6-121** is amended to read:

265 **78B-6-121. Consent of unmarried biological father.**

266 (1) Except as provided in Subsections (2)(a) and 78B-6-122(1), and subject to
 267 Subsection (5), with regard to a child who is placed with prospective adoptive parents more
 268 than six months after birth, consent of an unmarried biological father is not required unless the
 269 unmarried biological father:

270 (a) (i) developed a substantial relationship with the child by: