

Representative Jim Nielson proposes the following substitute bill:

ADOPTION RECORDS ACCESS AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies Title 78B, Chapter 6, Part 1, Utah Adoption Act, by amending provisions relating to disclosing information in an adoption record and by requiring the Office of Vital Records and Statistics to establish a fee relating to requesting adoption information.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes procedures and requirements for the Office of Vital Records and Statistics (the office) to make the original birth certificate, for an adoption finalized before March 22, 1941, available for inspection;
- ▶ provides that copies of adoption documents, relating to an adoption finalized on or after January 1, 2015, shall be made available for inspection:
 - by an adult $\hat{H} \rightarrow$ adoptee or a $\leftarrow \hat{H}$ party to the adoption proceeding, unless the birth mother specifies otherwise; or
 - as otherwise provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act;
- ▶ provides that a birth mother may elect to make additional information, including an updated medical history, available for inspection by $\hat{H} \rightarrow$ an adult adoptee or $\leftarrow \hat{H}$ a party to the adoption



26 proceeding;

27 ▶ provides for the establishment of fees relating to use of a mutual-consent, voluntary
28 adoption registry (the registry) and other requests for adoption records;

29 ▶ provides for the release of information from the registry if the birth parent dies;

30 ▶ provides for funding, automating, improving, and advertising the services described
31 in this bill;

32 ▶ requires the office to establish a fee relating to requesting adoption information and
33 describes the funding and use of the fee; and

34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 This bill appropriates:

37 ▶ to the Department of Health - Adoption Records Access:

38 • from the General Fund, \$50,000, subject to intent language that the

39 appropriation shall be used for the purposes described in Subsection

40 [78B-6-144.5\(2\)](#); and

41 • from Dedicated Credits Revenue, \$26,200, subject to intent language that the

42 appropriation shall be used for the purposes described in Subsection

43 [78B-6-144.5\(2\)](#).

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 [26-2-10](#), as last amended by Laws of Utah 2008, Chapter 3

49 [26-2-15](#), as last amended by Laws of Utah 2008, Chapter 3

50 [26-2-22](#), as last amended by Laws of Utah 2012, Chapter 391

51 [63J-1-602.5](#), as last amended by Laws of Utah 2011, Chapters 208, 303, and 342

52 [78B-6-103](#), as last amended by Laws of Utah 2012, Chapter 340

53 [78B-6-115](#), as last amended by Laws of Utah 2012, Chapter 340

54 [78B-6-116](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

54a Ĥ→ [78B-6-124](#), as last amended by Laws of Utah 2008, Chapter 137 and renumbered
54b and amended by Laws of Utah 2008, Chapter 3 ←Ĥ

55 [78B-6-141](#), as last amended by Laws of Utah 2012, Chapter 340

56 [78B-6-144](#), as last amended by Laws of Utah 2012, Chapter 340

57 ENACTS:

58 [78B-6-144.5](#), Utah Code Annotated 1953

59

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

61 Section 1. Section **26-2-10** is amended to read:

62 **26-2-10. Supplementary certificate of birth.**

63 (1) Any person born in this state who is legitimized by the subsequent marriage of [his]
64 the person's natural parents, or whose parentage has been determined by any U.S. state court or
65 Canadian provincial court having jurisdiction, or who has been legally adopted under the law
66 of this or any other state or any province of Canada, may request the state registrar to register a
67 supplementary certificate of birth on the basis of that status.

68 (2) The application for registration of a supplementary certificate may be made by the
69 person requesting registration, if [he] the person is of legal age, by a legal representative, or by
70 any agency authorized to receive children for placement or adoption under the laws of this or
71 any other state.

72 (3) (a) The state registrar shall require that an applicant submit identification and proof
73 according to department rules.

74 (b) In the case of an adopted person, that proof may be established by order of the court
75 in which the adoption proceedings were held.

76 (4) (a) After the supplementary certificate is registered, any information disclosed from
77 the record shall be from the supplementary certificate.

78 (b) Access to the original certificate and to the evidence submitted in support of the
79 supplementary certificate are not open to inspection except [~~upon the order of a Utah district~~
80 ~~court or~~] as provided under Section [78B-6-141](#) or [78B-6-144](#).

81 Section 2. Section **26-2-15** is amended to read:

82 **26-2-15. Petition for establishment of unregistered birth or death -- Court**
83 **procedure.**

84 (1) A person holding a direct, tangible, and legitimate interest as described in
85 Subsection [26-2-22](#)~~[(2)]~~[\(4\)](#)(a) or (b) may petition for a court order establishing the fact, time,
86 and place of a birth or death that is not registered or for which a certified copy of the registered
87 birth or death certificate is not obtainable. The person shall verify the petition and file it in the

88 Utah district court for the county where:

89 (a) the birth or death is alleged to have occurred;

90 (b) the person resides whose birth is to be established; or

91 (c) the decedent named in the petition resided at the date of death.

92 (2) In order for the court to have jurisdiction, the petition shall:

93 (a) allege the date, time, and place of the birth or death; and

94 (b) state either that no certificate of birth or death has been registered or that a copy of
95 the registered certificate cannot be obtained.

96 (3) The court shall set a hearing for five to 10 days after the filing of the petition.

97 (4) (a) If the time and place of birth or death are in question, the court shall hear
98 available evidence and determine the time and place of the birth or death.

99 (b) If the time and place of birth or death are not in question, the court shall determine
100 the time and place of birth or death to be those alleged in the petition.

101 (5) A court order under this section shall be made on a form prescribed and furnished
102 by the department and is effective upon the filing of a certified copy of the order with the state
103 registrar.

104 (6) (a) For purposes of this section, the birth certificate of an adopted alien child, as
105 defined in Section [78B-6-108](#), is considered to be unobtainable if the child was born in a
106 country that is not recognized by department rule as having an established vital records
107 registration system.

108 (b) If the adopted child was born in a country recognized by department rule, but a
109 person described in Subsection (1) is unable to obtain a certified copy of the birth certificate,
110 the state registrar shall authorize the preparation of a birth certificate if he receives a written
111 statement signed by the registrar of the child's birth country stating a certified copy of the birth
112 certificate is not available.

113 Section 3. Section **26-2-22** is amended to read:

114 **26-2-22. Inspection of vital records.**

115 (1) (a) The vital records shall be open to inspection, but only in compliance with the
116 provisions of this chapter, department rules, and [Section] Sections [78B-6-141](#) and [78B-6-144](#).

117 (b) It is unlawful for any state or local officer or employee to disclose data contained in
118 vital records contrary to this chapter [~~or~~], department rule, or Section [78B-6-141](#) or [78-6-144](#).

119 [(e)] (2) A custodian of vital records may permit inspection of a vital record or issue a
 120 certified copy of a record or a part of a record when the custodian is satisfied that the applicant
 121 has demonstrated a direct, tangible, and legitimate interest.

122 (3) (a) For purposes of this Subsection (3), "adoption documents" is as defined in
 123 Section 78B-6-103.

124 (b) Only the Office of Vital Records and Statistics or a ~~Utah district~~ ←
 124a court may issue
 125 adoption documents.

126 (c) The Office of Vital Records and Statistics shall issue adoption documents pursuant
 127 to Sections 78B-6-141 and 78B-6-144, and to this section, to the extent that this section does
 128 not conflict with Sections 78B-6-141 and 78B-6-144.

129 (d) A parent, or an immediate family member of a parent, who does not have legal or
 130 physical custody of or visitation or parent-time rights for a child because of the termination of
 131 parental rights to the child pursuant to Title 78A, Chapter 6, Juvenile Court Act, may not
 132 obtain adoption documents.

133 (e) The Office of Vital Records and Statistics shall make rules in accordance with Title
 134 63G, Chapter 3, Utah Administrative Rulemaking Act, related to the content of any forms and
 135 the procedures required by Subsections 78B-6-141(1) through (4), and Sections 78B-6-144 and
 136 78B-6-144.5.

137 [(2)] (4) A direct, tangible, and legitimate interest in a vital record is present only if:

138 (a) the request is from:

139 (i) the subject;

140 (ii) a member of the subject's immediate family;

141 (iii) the guardian of the subject;

142 (iv) a designated legal representative of the subject; or

143 (v) a person, including a child-placing agency as defined in Section 78B-6-103, with
 144 whom a child has been placed pending finalization of an adoption of the child;

145 (b) the request involves a personal or property right of the subject of the record;

146 (c) the request is for official purposes of a public health authority or a state, local, or
 147 federal governmental agency;

148 (d) the request is for a statistical or medical research program and prior consent has
 149 been obtained from the state registrar; or

150 (e) the request is a certified copy of an order of a court of record specifying the record
151 to be examined or copied.

152 ~~[(3)]~~ (5) For purposes of Subsection ~~[(2)]~~ (4):

153 (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or
154 grandchild;

155 (b) a designated legal representative means an attorney, physician, funeral service
156 director, genealogist, or other agent of the subject or the subject's immediate family who has
157 been delegated the authority to access vital records; and

158 ~~[(c) except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or~~
159 ~~the immediate family member of a parent, who does not have legal or physical custody of or~~
160 ~~visitation or parent-time rights for a child because of the termination of parental rights pursuant~~
161 ~~to Title 78A, Chapter 6, Juvenile Court Act of 1996, or by virtue of consenting to or~~
162 ~~relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act,~~
163 ~~may not be considered as having a direct, tangible, and legitimate interest; and]~~

164 ~~[(d)]~~ (c) a commercial firm or agency requesting names, addresses, or similar
165 information may not be considered as having a direct, tangible, and legitimate interest.

166 ~~[(4)]~~ (6) Upon payment of a fee established in accordance with Section 63J-1-504, the
167 office shall make the following records ~~[shall be]~~ available to the public:

168 (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding
169 confidential information collected for medical and health use, if 100 years or more have passed
170 since the date of birth;

171 (b) a death record if 50 years or more have passed since the date of death; and

172 (c) a vital record not subject to ~~[Subsection (4)(a) or (b)]~~ Subsection (6)(a) or (b) if 75
173 years or more have passed since the date of the event upon which the record is based.

174 (7) Upon payment of a fee established in accordance with Section 63J-1-504, the office
175 shall make adoption documents available as provided in Sections 78B-6-141 and 78B-6-144.

176 Section 4. Section 63J-1-602.5 is amended to read:

177 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

178 (1) Funds collected by the housing of state probationary inmates or state parole
179 inmates, as provided in Subsection 64-13e-104(2).

180 (2) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and

181 State Lands, as provided in Section [65A-8-103](#).

182 (3) The Department of Human Resource Management user training program, as
183 provided in Section [67-19-6](#).

184 (4) Funds for the University of Utah Poison Control Center program, as provided in
185 Section [69-2-5.5](#).

186 (5) The Traffic Noise Abatement Program created in Section [72-6-112](#).

187 (6) Certain funds received by the Office of the State Engineer for well drilling fines or
188 bonds, as provided in Section [73-3-25](#).

189 (7) Certain money appropriated from the Water Resources Conservation and
190 Development Fund, as provided in Section [73-23-2](#).

191 (8) Certain funds appropriated for compensation for special prosecutors, as provided in
192 Section [77-10a-19](#).

193 (9) Funds donated or paid to a juvenile court by private sources, as provided in
194 Subsection [78A-6-203\(1\)\(c\)](#).

195 (10) A state rehabilitative employment program, as provided in Section [78A-6-210](#).

196 (11) Fees for certificate of admission created under Section [78A-9-102](#).

197 (12) The money for the Utah Geological Survey, as provided in Section [79-3-401](#).

198 (13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
199 Park, Jordan River State Park, and Green River State Park, as provided under Section
200 [79-4-403](#).

201 (14) Certain funds received by the Division of Parks and Recreation from the sale or
202 disposal of buffalo, as provided under Section [79-4-1001](#).

203 (15) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

204 (16) Funds appropriated and collected for adoption records access as provided in
205 Sections [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).

206 Section 5. Section **78B-6-103** is amended to read:

207 **78B-6-103. Definitions.**

208 As used in this part:

209 (1) "Adoptee" means a person who:

210 (a) is the subject of an adoption proceeding; or

211 (b) has been legally adopted.

212 (2) "Adoption" means the judicial act that:

213 (a) creates the relationship of parent and child where it did not previously exist; and

214 (b) except as provided in Subsection 78B-6-138(2), terminates the parental rights of
215 any other person with respect to the child.

216 (3) "Adoption documents" means adoption-related documents filed with a

216a ~~H~~→ [Utah district] ←~~H~~

217 court or with the office, including a petition for adoption, the written report described in

218 Section 78B-6-135, any other documents filed in connection with the petition, and a decree of
219 adoption.

220 [~~3~~] (4) "Adoption service provider" means a:

221 (a) child-placing agency; or

222 (b) licensed counselor who has at least one year of experience providing professional
223 social work services to:

224 (i) adoptive parents;

225 (ii) prospective adoptive parents; or

226 (iii) birth parents.

227 [~~4~~] (5) "Adoptive parent" means a person who has legally adopted an adoptee.

228 [~~5~~] (6) "Adult" means a person who is 18 years of age or older.

229 [~~6~~] (7) "Adult adoptee" means an adoptee who is 18 years of age or older and was
230 adopted as a minor.

231 [~~7~~] (8) "Adult sibling" means a brother or sister of the adoptee, who is 18 years of age
232 or older and whose birth mother or father is the same as that of the adoptee.

233 [~~8~~] (9) "Birth mother" means the biological mother of a child.

234 [~~9~~] (10) "Birth parent" means:

235 (a) a birth mother;

236 (b) a man whose paternity of a child is established;

237 (c) a man who:

238 (i) has been identified as the father of a child by the child's birth mother; and

239 (ii) has not denied paternity; or

240 (d) an unmarried biological father.

241 [~~10~~] (11) "Child-placing agency" means an agency licensed to place children for
242 adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

243 [~~(11)~~] (12) "Cohabiting" means residing with another person and being involved in a
244 sexual relationship with that person.

245 [~~(12)~~] (13) "Division" means the Division of Child and Family Services, within the
246 Department of Human Services, created in Section [62A-4a-103](#).

247 [~~(13)~~] (14) "Extra-jurisdictional child-placing agency" means an agency licensed to
248 place children for adoption by a district, territory, or state of the United States, other than Utah.

249 [~~(14)~~] (15) "Genetic and social history" means a comprehensive report, when
250 obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the
251 following information:

252 (a) medical history;

253 (b) health status;

254 (c) cause of and age at death;

255 (d) height, weight, and eye and hair color;

256 (e) ethnic origins;

257 (f) where appropriate, levels of education and professional achievement; and

258 (g) religion, if any.

259 [~~(15)~~] (16) "Health history" means a comprehensive report of the adoptee's health
260 status at the time of placement for adoption, and medical history, including neonatal,
261 psychological, physiological, and medical care history.

262 [~~(16)~~] (17) "Identifying information" means the name and address of a pre-existing
263 parent or adult adoptee, or other specific information which by itself or in reasonable
264 conjunction with other information may be used to identify that person.

265 [~~(17)~~] (18) "Licensed counselor" means a person who is licensed by the state, or
266 another state, district, or territory of the United States as a:

267 (a) certified social worker;

268 (b) clinical social worker;

269 (c) psychologist;

270 (d) marriage and family therapist;

271 (e) professional counselor; or

272 (f) an equivalent licensed professional of another state, district, or territory of the
273 United States.

274 ~~[(18)]~~ (19) "Man" means a male individual, regardless of age.
275 (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.
276 ~~[(19)]~~ (21) "Office" means the Office of Vital Records and Statistics within the
277 Department of Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.
278 ~~[(20)]~~ (22) "Parent," for purposes of Section 78B-6-119, means any person described in
279 Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment
280 for adoption is required under Sections 78B-6-120 through 78B-6-122.
281 ~~[(21)]~~ (23) "Potential birth father" means a man who:
282 (a) is identified by a birth mother as a potential biological father of the birth mother's
283 child, but whose genetic paternity has not been established; and
284 (b) was not married to the biological mother of the child described in Subsection ~~[(21)]~~
285 (23)(a) at the time of the child's conception or birth.
286 ~~[(22)]~~ (24) "Pre-existing parent" means:
287 (a) a birth parent; or
288 (b) a person who, before an adoption decree is entered, is, due to an earlier adoption
289 decree, legally the parent of the child being adopted.
290 ~~[(23)]~~ (25) "Prospective adoptive parent" means a person who seeks to adopt an
291 adoptee.
292 ~~[(24)]~~ (26) "Unmarried biological father" means a person who:
293 (a) is the biological father of a child; and
294 (b) was not married to the biological mother of the child described in Subsection ~~[(24)]~~
295 (26)(a) at the time of the child's conception or birth.
296 Section 6. Section 78B-6-115 is amended to read:
297 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**
298 (1) For purposes of this section, "vulnerable adult" means:
299 (a) a person 65 years of age or older; or
300 (b) an adult, 18 years of age or older, who has a mental or physical impairment which
301 substantially affects that person's ability to:
302 (i) provide personal protection;
303 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;
304 (iii) obtain services necessary for health, safety, or welfare;

- 305 (iv) carry out the activities of daily living;
- 306 (v) manage the adult's own resources; or
- 307 (vi) comprehend the nature and consequences of remaining in a situation of abuse,
- 308 neglect, or exploitation.
- 309 (2) Subject to this section and Section 78B-6-117, any adult may be adopted by another
- 310 adult.
- 311 (3) The following provisions of this part apply to the adoption of an adult just as
- 312 though the person being adopted were a minor:
- 313 (a) (i) Section 78B-6-108;
- 314 (ii) Section 78B-6-114;
- 315 (iii) Section 78B-6-116;
- 316 (iv) Section 78B-6-118;
- 317 (v) Section 78B-6-124;
- 318 (vi) Section 78B-6-136;
- 319 (vii) Section 78B-6-137;
- 320 (viii) Section 78B-6-138;
- 321 (ix) Section 78B-6-139;
- 322 (x) Section 78B-6-141; and
- 323 (xi) Section 78B-6-142;
- 324 (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the
- 325 juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the
- 326 adoption arises from a case where the juvenile court has continuing jurisdiction over the [adult]
- 327 mature adoptee; and
- 328 (c) if the [adult] mature adoptee is a vulnerable adult, Sections 78B-6-128 through
- 329 78B-6-131, regardless of whether the [adult] mature adoptee resides, or will reside, with the
- 330 adoptors, unless the court, based on a finding of good cause, waives the requirements of those
- 331 sections.
- 332 (4) Before a court enters a final decree of adoption of an adult, the mature adoptee and
- 333 the prospective adoptive parent or parents shall appear before the court presiding over the
- 334 adoption proceedings and execute consent to the adoption.
- 335 (5) No provision of this part, other than those listed or described in this section or

336 Section 78B-6-117, [apply] applies to the adoption of an adult.

337 Section 7. Section 78B-6-116 is amended to read:

338 **78B-6-116. Notice and consent for adoption of adult.**

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

340 (i) the [~~adult~~] mature adoptee;

341 (ii) any person who is adopting the adult;

342 (iii) the spouse of a person adopting the adult; and

343 (iv) any legally appointed guardian or custodian of the [~~adult~~] mature adoptee.

344 (b) No person, other than a person described in Subsection (1)(a), may consent, or
345 withhold consent, to the adoption of an adult.

346 (2) (a) Except as provided in Subsection (2)(b), notice of a proceeding for the adoption
347 of an adult shall be served on each person described in Subsection (1)(a) and the spouse of the
348 mature adoptee.

349 (b) The notice described in Subsection (2)(a) may be waived, in writing, by the person
350 entitled to receive notice.

351 (3) The notice described in Subsection (2):

352 (a) shall be served at least 30 days before the day on which the adoption is finalized;

353 (b) shall specifically state that the person served must respond to the petition within 30
354 days of service if the person intends to intervene in the adoption proceeding;

355 (c) shall state the name of the person to be adopted;

356 (d) may not state the name of a person adopting the mature adoptee, unless the person
357 consents, in writing, to disclosure of the person's name;

358 (e) with regard to a person described in Subsection (1)(a):

359 (i) except as provided in Subsection (2)(b), shall be in accordance with the provisions
360 of the Utah Rules of Civil Procedure; and

361 (ii) may not be made by publication; and

362 (f) with regard to the spouse of the mature adoptee, may be made:

363 (i) in accordance with the provisions of the Utah Rules of Civil Procedure;

364 (ii) by certified mail, return receipt requested; or

365 (iii) by publication, posting, or other means if:

366 (A) the service described in Subsection (3)(f)(ii) cannot be completed after two

367 attempts; and

368 (B) the court issues an order providing for service by publication, posting, or other
369 means.

370 (4) Proof of service of the notice on each person to whom notice is required by this
371 section shall be filed with the court before the adoption is finalized.

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

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

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

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

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

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

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

385 (6) Except as provided in Subsection (7), after a court enters a final decree of adoption
386 of an adult, the mature adult adoptee shall:

387 (a) serve notice of the finalization of the adoption, pursuant to the Utah Rules of Civil
388 Procedure, on each person who was a legal parent of the adult adoptee before the final decree
389 of adoption described in this Subsection (6) was entered; and

390 (b) file with the court proof of service of the notice described in Subsection (6)(a).

391 (7) A court may, based on a finding of good cause, waive the notification requirement
392 described in Subsection (6).

392a **H→ Section 8. Section 78B-6-124 is amended to read:**

392b **78B-6-124. Persons who may take consents and relinquishments.**

392c **(1) A consent or relinquishment by a birth mother or an adoptee shall be signed before:**

392d **(a) a judge of any court that has jurisdiction over adoption proceedings;**

392e **(b) subject to Subsection (6), a person appointed by the judge described in Subsection (1)(a) to**
392f **take consents or relinquishments; or**

392g **(c) subject to Subsection (6), a person who is authorized by a child-placing agency to take**
392h **consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a**
392i **child-placing agency or an extra-jurisdictional child-placing agency.**

392j **(2) If the consent or relinquishment of a birth mother or adoptee is taken out of state it shall**
392k **be signed before:**

392l **(a) subject to Subsection (6), a person who is authorized by a child-placing agency to take**

392m consents or relinquishments, if the consent or relinquishment grants legal custody of the child to a
 392n child-placing agency or an extra-jurisdictional child-placing agency;

392o (b) subject to Subsection (6), a person authorized or appointed to take consents or
 392p relinquishments by a court of this state that has jurisdiction over adoption proceedings;

392q (c) a court that has jurisdiction over adoption proceedings in the state where the consent or
 392r relinquishment is taken; or

392s (d) a person authorized, under the laws of the state where the consent or relinquishment is
 392t taken, to take consents or relinquishments of a birth mother or adoptee.

392u (3) The consent or relinquishment of any other person or agency as required by Section
 392v 78B-6-120 may be signed before a Notary Public or any person authorized to take a consent or
 392w relinquishment under Subsection (1) or (2).

392x (4) (a) At the time of a birth mother's consent to adoption of a child, or relinquishment of a
 392y child for adoption, a person authorized by Subsection (1) or (2) to take consents or relinquishments
 392z shall notify the birth mother that $\hat{S} \rightarrow$:

392z1 (i) $\leftarrow \hat{S}$ adoption documents shall be made available for inspection and
 392aa copying in accordance with Subsection 78B-6-141(3), unless the birth mother declines to permit
 392ab identifying information to be made available for inspection and copying $\hat{S} \rightarrow$; and

392ab1 (ii) the birth mother may decline to permit identifying information to be made available for
 392ab2 inspection and copying $\leftarrow \hat{S}$.

392ac (b) $\hat{S} \rightarrow$ [H] After determining that $\leftarrow \hat{S}$ the birth mother declines to permit identifying
 392ad information to be made available for
 392ad inspection and copying, the person authorized by Subsection (1) or (2) to take consents or
 392ae relinquishments shall assist the birth mother with filing a written document that states the birth
 392af mother's refusal in accordance with Subsection 78B-6-141(3).

392af1 $\hat{H} \rightarrow$ (c) This Subsection (4) does not apply to a parent or a parent's designee who safely
 392af2 relinquishes a newborn child pursuant to Section 62A-4a-802. $\leftarrow \hat{H}$

392ag [(4)] (5) A person, authorized by Subsection (1) or (2) to take consents or relinquishments,
 392ah shall certify to the best of his information and belief that the person executing the consent or
 392ai relinquishment has read and understands the consent or relinquishment and has signed it freely and
 392aj voluntarily.

392ak [(5)] (6) A person executing a consent or relinquishment is entitled to receive a copy of the
 392al consent or relinquishment.

392am [(6)] (7) A signature described in Subsection (1)(b), (1)(c), (2)(a), or (2)(b), shall be:

392an (a) notarized; or

392ao (b) witnessed by two individuals who are not members of the birth mother's or the signatory's
 392ap immediate family.

392aq $\hat{S} \rightarrow$ (8) (a) At the beginning of the adoption process, a person authorized by a child-placing
 392ar agency to take consents or relinquishments under Subsection (1)(c) or (2)(a) shall notify the
 392as birth mother that: $\leftarrow \hat{S}$

392at §→(i) adoption documents shall be made available for inspection and copying in
 392au accordance with Subsection 78B-6-141(3), unless the birth mother declines to permit
 392av identifying information to be made available for inspection and copying; and (ii) the birth
 392aw mother may decline to permit identifying information to be made available for inspection and
 392ax copying.

392ay (b) After determining that the birth mother declines to permit identifying information
 392az to be made available for inspection and copying, the person authorized by a child-placing
 392ba agency to take consents or relinquishments under Subsection (1)(c) or (2)(a) shall assist the
 392bb birth mother with filing a written document that states the birth mother's refusal in
 392bc accordance with Subsection 78B-6-141(3). ←§

393 [~~Section 8.~~] Section 9. ←~~§~~ Section 78B-6-141 is amended to read:

394 **78B-6-141. Petition, report, and documents sealed -- Exceptions.**

395 [~~(1) A petition for adoption, the written report described in Section 78B-6-135, and any~~
 396 ~~other documents filed in connection with the petition are sealed.]~~

397 (1) For an adoption finalized before March 22, 1941, the office shall make the

398 information on the birth certificate, if any exists, available to an adoptee or an adoptee's
 399 designated legal representative, for inspection and copying pursuant to Subsections [26-2-22\(1\)](#),
 400 (3), and (6).

401 (2) Except as provided in Subsection (3), for an adoption finalized on or after March
 402 22, 1941, the adoption documents are sealed, and the office may make the adoption documents
 403 available for inspection and copying only in accordance with Subsection (4) or Section
 404 [78B-6-144](#).

405 (3) (a) Except as provided in Subsection (3)(b), for an adoption finalized on or after
 406 January 1, 2015, the office shall make the adoption documents available for inspection and
 407 copying to ~~the~~ **an adult adoptee or** ~~a party to the adoption proceeding if the~~
 407a **adult adoptee or** ~~a party who requests the documents~~ **:**

408 —— **(i) is an adult at the time of the request; and**

409 —— **(ii)** ~~the~~ **makes the request on a form designated by the office.**

410 (b) Subject to ~~the~~ **Subsections** ~~Subsection~~ **(3)(d)** ~~and (e)~~ **,** for an
 410a adoption finalized on or after January
 411 1, 2015, a birth mother may, at or after the time of finalization, file a written document with the
 412 office stating that she ~~refuses~~ **declines** ~~to permit identifying information about the~~
 412a **birth mother to be**
 413 **made available for inspection or copying.**

414 (c) Subject to ~~the~~ **Subsections** ~~Subsection~~ **(3)(d)** ~~and (e)~~ **,** if a birth
 414a mother elects, under Subsection
 415 (3)(b), to ~~refuse~~ **decline** ~~to permit identifying information about the birth mother~~
 415a **to be made available**
 416 for inspection or copying, the office shall, before providing copies of the adoption documents
 417 to an individual other than the birth mother, redact all identifying information about the birth
 418 mother.

419 (d) ~~Subject to Subsection (3)(e), a~~ **A** ~~birth mother may, at any time, file a written~~
 420 **document with the office to:**

421 (i) ~~change the election described in Subsection (3)(b); or~~

422 (ii) ~~elect to make other information about herself, including an updated medical~~
 423 ~~history, available for inspection and copying by ~~the~~ **an adult adoptee or** ~~a party to the~~~~
 423a ~~adoption proceeding ~~the~~ **if the party**~~
 424 ~~who requests the information is an adult at the time of the request]~~ **.**

425 ~~the~~ **(e) (i) If the birth mother is a minor at the time of finalization, only the birth mother's**
 426 **parent or legal guardian may consent to and sign the birth mother's written refusal under**
 427 **Subsection (3)(b):**

428 —— **(ii) If the birth mother is a minor at the time she decides to change the election or make**

429 other information about herself available under Subsection (3)(d), only the birth mother's
 430 parent or legal guardian may consent to and sign the birth mother's written election under
 431 Subsection (3)(d).] ←H

432 ~~[(2) The]~~ (4) Except as otherwise provided in this section, the adoption documents
 433 ~~[described in Subsection (1)]~~ may only be open to inspection and copying as follows:

434 (a) in accordance with Subsection ~~[(3)]~~ (5)(a), by a party to the adoption proceeding:

435 (i) while the proceeding is pending; or

436 (ii) within six months after the day on which the adoption decree is entered;

437 (b) subject to Subsection ~~[(3)]~~ (5)(b), a court enters an order permitting access to the
 438 documents by a person who has appealed the denial of that person's motion to intervene;

439 (c) upon order of the court expressly permitting inspection or copying, after good cause
 440 has been shown;

441 (d) as provided under Section 78B-6-144;

442 (e) those records shall become public on the one hundredth anniversary of the date the
 443 final decree of adoption was entered; or

444 (f) if the adoptee is an adult at the time the final decree of adoption is entered, the
 445 adoption documents ~~[described in this section]~~ are open to inspection and copying without a
 446 court order by the mature adoptee or a parent who adopted the mature adoptee, unless the final
 447 decree of adoption is entered by the juvenile court under Subsection 78B-6-115(3)(b).

448 ~~[(3)]~~ (5) (a) A person who files a motion to intervene in an adoption proceeding:

449 (i) is not a party to the adoption proceeding, unless the motion to intervene is granted;
 450 and

451 (ii) may not be granted access to the adoption documents ~~[described in Subsection (1)]~~,
 452 unless the motion to intervene is granted.

453 (b) An order described in Subsection ~~[(2)]~~ (4)(b) shall:

454 (i) prohibit the person described in Subsection ~~[(2)]~~ (4)(b) from inspecting ~~[a document~~
 455 ~~described in Subsection (1) that contains]~~ the adoption documents that contain identifying
 456 information [of] regarding the adoptive or prospective adoptive parent; and

457 (ii) permit the person described in Subsection ~~[(3)]~~ (4)(b)~~[(i)]~~ to review a copy of ~~[a~~
 458 ~~document described in Subsection (3)(b)(i)]~~ the adoption documents after the identifying
 459 information ~~[described in Subsection (3)(b)(i)]~~ is redacted from the ~~[document]~~ documents.

460 ~~Ĥ→ [Section 9.]~~ Section 10. ~~←Ĥ~~ Section 78B-6-144 is amended to read:

461 **78B-6-144. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.**

462 (1) The office shall establish a mutual-consent, voluntary adoption registry.

463 (a) ~~[Adult adoptees and birth parents of adult adoptees]~~ An adult adoptee or a birth
464 parent of an adult adoptee, upon presentation of positive identification, may request identifying
465 information from the office, in the form established by the office. A court of competent
466 jurisdiction or a child-placing agency may accept that request from the adult adoptee or birth
467 parent, in the form provided by the office, and transfer that request to the office. The adult
468 adoptee or birth parent is responsible for notifying the office of any change in information
469 contained in the request.

470 (b) ~~[The]~~ Except as otherwise provided in this part, the office may only release
471 identifying information to an adult adoptee or birth parent when it receives requests from both
472 the adoptee and the adoptee's birth parent.

473 (c) After matching the request of an adult adoptee with that of at least one of the
474 adoptee's birth parents, the office shall notify both the adult adoptee and the birth parent that
475 the requests have been matched, and disclose the identifying information to those parties.
476 However, if that adult adoptee has a sibling of the same birth parent who is under the age of 18
477 years, and who was raised in the same family setting as the adult adoptee, the office ~~[shall]~~ may
478 not disclose the requested identifying information to that adult adoptee or the adoptee's birth
479 parent.

480 (2) (a) Adult adoptees and adult siblings of adult adoptees, upon presentation of
481 positive identification, may request identifying information from the office, in the form
482 established by the office. A court of competent jurisdiction or a child-placing agency may
483 accept that request from the adult adoptee or adult sibling, in the form provided by the office,
484 and transfer that request to the office. The adult adoptee or adult sibling is responsible for
485 notifying the office of any change in information contained in the request.

486 (b) The office may only release identifying information to an adult adoptee or adult
487 sibling when it receives requests from both the adult adoptee and the adult adoptee's adult
488 sibling.

489 (c) After matching the request of an adult adoptee with that of the adoptee's adult
490 sibling, if the office ~~[has been provided with]~~ determines that the office has sufficient

491 information to make that match, the office shall notify both the adult adoptee and the adult
492 sibling that the requests have been matched, and disclose the identifying information to those
493 parties.

494 (d) After receiving a request for information from an adult adoptee under this section,
495 the office shall:

496 (i) search the office's vital records for the adult adoptee's birth parent; and

497 (ii) if the search described in Subsection (2)(d)(i) reveals that an adult adoptee's birth
498 parent is dead, inform the adult adoptee that the birth parent is dead and disclose the identity of
499 the birth parent.

500 (e) The office shall attempt to notify an individual who requests information under this
501 section:

502 (i) of the results of the initial search for a match; and

503 (ii) if the initial search does not produce a match, that the office will keep the request
504 on file and will attempt to notify the individual in the event of a match.

505 (3) Information registered with the [bureau] office under this section is available only
506 to a registered adult adoptee and the adoptee's registered birth parent or registered adult sibling,
507 under the terms of this section.

508 (4) Information regarding a birth parent who has not registered a request with the
509 [bureau] office may not be disclosed, except as provided in Section [78B-6-141](#).

510 [~~(5) The bureau may charge a fee for services provided under this section, limited to~~
511 ~~the cost of providing those services.]~~

512 (5) The office shall, in consultation with the State Tax Commission, develop language
513 advertising the services provided by the mutual-consent, voluntary adoption registry to be
514 included on the State Tax Commission's website.

515 (6) The office may contract with a private or nonprofit organization to supplement the
516 advertising described in Subsection (5).

517 (7) The office shall, on or before October 31, make an annual report on the
518 effectiveness of the mutual-consent, voluntary adoption registry to the Health and Human
519 Services Interim Committee.

520 (8) Nothing in this section limits the disclosure of information in accordance with
521 Section [78B-6-141](#).

522 H→ [Section 10.] Section 11. ←H Section 78B-6-144.5 is enacted to read:

523 78B-6-144.5. Adoption records fees.

524 (1) (a) The office shall, in accordance with Section 63J-1-504, establish a fee to be paid
 525 by an individual who requests information or other services under Section 78B-6-141 or
 526 78B-6-144 to cover the costs related to providing the information or services, including
 527 improvements described in Subsection (2).

528 (b) The office may accept donations or grants from public or private entities to cover
 529 the costs related to providing the information or services, including improvements described in
 530 Subsection (2).

531 (2) Fees and donations collected in Subsection (1) shall be deposited into the General
 532 Fund as dedicated credits and may be used only to:

533 (a) fund, automate, and improve the provision of services described in Sections
 534 78B-6-141 and 78B-6-144;

535 (b) implement means of maximizing potential matches for the services described in
 536 Sections 78B-6-141 and 78B-6-144, including the use of broad search terms and methods; and

537 (c) advertise the services provided by the mutual-consent, voluntary adoption registry
 538 pursuant to Section 78B-6-144.

539 H→ [Section 11.] Section 12. ←H **Appropriation.**

540 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 541 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
 542 are appropriated from resources not otherwise appropriated, or reduced from amounts
 543 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 544 addition to any amounts previously appropriated for fiscal year 2015.

545 To Department of Health, Adoption Records Access

546 From General Fund \$50,000

547 From Dedicated Credits Revenue \$26,200

548 Schedule of Programs:

549 Adoption Records Access \$76,200

550 The Legislature intends that appropriations provided under this section be used by the
 551 office for the purposes described in Subsection 78B-6-144.5(2). Under Section 63J-1-603, the
 552 Legislature intends that appropriations provided under this section not lapse at the close of

553 fiscal year 2015. The use of any nonlapsing funds is limited to the purposes described in
554 Subsection [78B-6-144.5\(2\)](#).