

ADOPTION RECORDS ACCESS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill modifies provisions related to accessing adoption documents.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes procedures for the Office of Vital Records and Statistics (the office) to make adoption documents available for inspection and copying;
- ▶ provides that a birth parent may elect to permit identifying information about the birth parent to be made available for inspection and copying;
- ▶ provides for the establishment of fees relating to use of a mutual-consent, voluntary adoption registry (the registry) and other requests for adoption records;
- ▶ provides for the release of information from the registry if a birth parent dies;
- ▶ provides for funding, automating, and improving the services described in this bill;
- ▶ requires the office to establish a fee relating to requesting adoption documents; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the Department of Health - Adoption Records Access:
 - from the General Fund, \$55,000, subject to intent language that the appropriation shall be used for the purposes described in Subsection [78B-6-144.5\(2\)](#); and
 - from the Dedicated Credits Revenue, \$26,200, subject to intent language that

30 the appropriation shall be used for the purposes described in Subsection 78B-6-144.5(2).

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 26-2-2, as last amended by Laws of Utah 2013, Chapter 397

36 26-2-10, as last amended by Laws of Utah 2008, Chapter 3

37 26-2-22, as last amended by Laws of Utah 2012, Chapter 391

38 63J-1-602.5, as last amended by Laws of Utah 2011, Chapters 208, 303, and 342

39 78B-6-103, as last amended by Laws of Utah 2012, Chapter 340

40 78B-6-115, as last amended by Laws of Utah 2012, Chapter 340

41 78B-6-116, as renumbered and amended by Laws of Utah 2008, Chapter 3

42 78B-6-141, as last amended by Laws of Utah 2012, Chapter 340

43 78B-6-144, as last amended by Laws of Utah 2012, Chapter 340

44 ENACTS:

45 78B-6-144.5, Utah Code Annotated 1953



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

48 Section 1. Section 26-2-2 is amended to read:

49 **26-2-2. Definitions.**

50 As used in this chapter:

51 (1) "Adoption document" means an adoption-related document filed with the office, a
52 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted
53 in support of a supplementary birth certificate.

54 [(1)] (2) "Advanced practice registered nurse" means a person licensed to practice as an
55 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

56 [(2)] (3) "Custodial funeral service director" means a funeral service director who:

57 (a) is employed by a licensed funeral establishment; and

58 (b) has custody of a dead body.

59 [~~3~~] (4) "Dead body" or "decedent" means a human body or parts of the human body
60 from the condition of which it reasonably may be concluded that death occurred.

61 [~~4~~] (5) "Dead fetus" means a product of human conception, other than those
62 circumstances described in Subsection 76-7-301(1):

63 (a) of 16 weeks' gestation or more, calculated from the date the last normal menstrual
64 period began to the date of delivery; and

65 (b) that was not born alive.

66 [~~5~~] (6) "Declarant father" means a male who claims to be the genetic father of a child,
67 and, along with the biological mother, signs a voluntary declaration of paternity to establish the
68 child's paternity.

69 [~~6~~] (7) "Dispositioner" means:

70 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
71 having the right and duty to control the disposition of the decedent, if the person voluntarily
72 acts as the dispositioner; or

73 (b) the next of kin of the decedent, if:

74 (i) (A) a person has not been designated as described in Subsection [~~6~~] (7)(a); or

75 (B) the person described in Subsection [~~6~~] (7)(a) is unable or unwilling to exercise
76 the right and duty described in Subsection [~~6~~] (7)(a); and

77 (ii) the next of kin voluntarily acts as the dispositioner.

78 [~~7~~] (8) "File" means the submission of a completed certificate or other similar
79 document, record, or report as provided under this chapter for registration by the state registrar
80 or a local registrar.

81 [~~8~~] (9) "Funeral service director" means the same as that term is [as] defined in
82 Section 58-9-102.

83 [~~9~~] (10) "Health care facility" means the same as that term is [as] defined in Section
84 26-21-2.

85 [~~10~~] (11) "Health care professional" means a physician or nurse practitioner.

86 ~~[(11)]~~ (12) "Licensed funeral establishment" means a funeral service establishment, as
87 defined in Section [58-9-102](#), that is licensed under Title 58, Chapter 9, Funeral Services
88 Licensing Act.

89 ~~[(12)]~~ (13) "Live birth" means the birth of a child who shows evidence of life after the
90 child is entirely outside of the mother.

91 ~~[(13)]~~ (14) "Local registrar" means a person appointed under Subsection [26-2-3\(2\)\(b\)](#).

92 ~~[(14)]~~ (15) "Nurse practitioner" means an advanced practice registered nurse
93 specializing as a nurse practitioner who has completed an education program regarding the
94 completion of a certificate of death developed by the department by administrative rule adopted
95 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

96 (16) "Office" means the Office of Vital Records and Statistics within the Department
97 of Health, operating under Title 26, Chapter 2, Utah Vital Statistics Act.

98 ~~[(15)]~~ (17) "Physician" means a person licensed to practice as a physician or osteopath
99 in this state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah
100 Osteopathic Medical Practice Act.

101 ~~[(16)]~~ (18) "Presumed father" means the father of a child conceived or born during a
102 marriage as defined in Section [30-1-17.2](#).

103 ~~[(17)]~~ (19) "Registration" or "register" means acceptance by the local or state registrar
104 of a certificate and incorporation of the certificate into the permanent records of the state.

105 ~~[(18)]~~ (20) "State registrar" means the state registrar of vital records appointed under
106 Subsection [26-2-3\(1\)\(e\)](#).

107 ~~[(19)]~~ (21) "Vital records" means:

108 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
109 dissolution of marriage, or annulment;

110 (b) amendments to any of the registered certificates or reports described in Subsection

111 ~~[(19)]~~ (21)(a); ~~[and]~~

112 (c) an adoption document; and

113 ~~[(c)]~~ (d) other similar documents.

114 [~~(20)~~] (22) "Vital statistics" means the data derived from registered certificates and
115 reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce,
116 dissolution of marriage, or annulment.

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

118 **26-2-10. Supplementary certificate of birth.**

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

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

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

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

132 (4) (a) After the supplementary birth certificate is registered, any information disclosed
133 from the record shall be from the supplementary birth certificate.

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

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

138 **26-2-22. Inspection of vital records.**

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

141 (b) It is unlawful for any state or local officer or employee to disclose data contained in

142 vital records contrary to this chapter [~~or~~], department rule, Section 78B-6-141, or Section
143 78B-6-144.

144 (c) (i) An adoption document is open to inspection as provided in Section 78B-6-141
145 or Section 78B-6-144.

146 (ii) A birth parent may not access an adoption document under Subsection
147 78B-6-141(3).

148 [~~(c)~~] (d) A custodian of vital records may permit inspection of a vital record or issue a
149 certified copy of a record or a part of a record when the custodian is satisfied that the applicant
150 has demonstrated a direct, tangible, and legitimate interest.

151 (2) A direct, tangible, and legitimate interest in a vital record is present only if:

152 (a) the request is from:

153 (i) the subject;

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

155 (iii) the guardian of the subject;

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

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

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

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

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

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

166 (3) For purposes of Subsection (2):

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

169 (b) a designated legal representative means an attorney, physician, funeral service

170 director, genealogist, or other agent of the subject or the subject's immediate family who has
171 been delegated the authority to access vital records;

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

178 (d) a commercial firm or agency requesting names, addresses, or similar information
179 may not be considered as having a direct, tangible, and legitimate interest.

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

182 (a) except as provided in Subsection [26-2-10\(4\)\(b\)](#), a birth record, excluding
183 confidential information collected for medical and health use, if 100 years or more have passed
184 since the date of birth;

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

186 (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed
187 since the date of the event upon which the record is based.

188 (5) Upon payment of a fee established in accordance with Section [63J-1-504](#), the office
189 shall make an adoption document available as provided in Sections [78B-6-141](#) and [78B-6-144](#).

190 (6) The office shall make rules in accordance with Title 63G, Chapter 3, Utah
191 Administrative Rulemaking Act, establishing procedures and the content of forms as follows:

192 (a) for a birth parent's election to permit identifying information about the birth parent
193 to be made available, under Section [78B-6-141](#);

194 (b) for the release of information by the mutual-consent, voluntary adoption registry,
195 under Section [78B-6-144](#); and

196 (c) for collecting fees and donations pursuant to Section [78B-6-144.5](#).

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

198 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

199 (1) Funds collected by the housing of state probationary inmates or state parole
200 inmates, as provided in Subsection [64-13e-104\(2\)](#).

201 (2) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
202 State Lands, as provided in Section [65A-8-103](#).

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

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

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

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

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

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

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

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

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

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

219 (13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
220 Park, Jordan River State Park, and Green River State Park, as provided under Section
221 [79-4-403](#).

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

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

225 (16) Funds appropriated and collected for adoption document access as provided in

226 Sections [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).

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

228 **78B-6-103. Definitions.**

229 As used in this part:

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

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

232 (b) has been legally adopted.

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

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

235 (b) except as provided in Subsection [78B-6-138\(2\)](#), terminates the parental rights of
236 any other person with respect to the child.

237 (3) "Adoption document" means an adoption-related document filed with the office, a
238 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted
239 in support of a supplementary birth certificate.

240 [~~3~~] (4) "Adoption service provider" means a:

241 (a) child-placing agency; or

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

244 (i) adoptive parents;

245 (ii) prospective adoptive parents; or

246 (iii) birth parents.

247 [~~4~~] (5) "Adoptive parent" means a person who has legally adopted an adoptee.

248 [~~5~~] (6) "Adult" means a person who is 18 years of age or older.

249 [~~6~~] (7) "Adult adoptee" means an adoptee who is 18 years of age or older and was
250 adopted as a minor.

251 [~~7~~] (8) "Adult sibling" means a brother or sister of the adoptee, who is 18 years of age
252 or older and whose birth mother or father is the same as that of the adoptee.

253 [~~8~~] (9) "Birth mother" means the biological mother of a child.

254 [~~(9)~~] (10) "Birth parent" means:

255 (a) a birth mother;

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

257 (c) a man who:

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

259 (ii) has not denied paternity; or

260 (d) an unmarried biological father.

261 [~~(10)~~] (11) "Child-placing agency" means an agency licensed to place children for
262 adoption under Title 62A, Chapter 4a, Part 6, Child Placing.

263 [~~(11)~~] (12) "Cohabiting" means residing with another person and being involved in a
264 sexual relationship with that person.

265 [~~(12)~~] (13) "Division" means the Division of Child and Family Services, within the
266 Department of Human Services, created in Section [62A-4a-103](#).

267 [~~(13)~~] (14) "Extra-jurisdictional child-placing agency" means an agency licensed to
268 place children for adoption by a district, territory, or state of the United States, other than Utah.

269 [~~(14)~~] (15) "Genetic and social history" means a comprehensive report, when
270 obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the
271 following information:

272 (a) medical history;

273 (b) health status;

274 (c) cause of and age at death;

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

276 (e) ethnic origins;

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

278 (g) religion, if any.

279 [~~(15)~~] (16) "Health history" means a comprehensive report of the adoptee's health
280 status at the time of placement for adoption, and medical history, including neonatal,
281 psychological, physiological, and medical care history.

282 [~~(16)~~] (17) "Identifying information" means information in the possession of the office,
283 which contains the name and address of a pre-existing parent or adult adoptee, or other specific
284 information [~~which~~] that by itself or in reasonable conjunction with other information may be
285 used to identify that person, including information on a birth certificate or in an adoption
286 document.

287 [~~(17)~~] (18) "Licensed counselor" means a person who is licensed by the state, or
288 another state, district, or territory of the United States as a:

- 289 (a) certified social worker;
- 290 (b) clinical social worker;
- 291 (c) psychologist;
- 292 (d) marriage and family therapist;
- 293 (e) professional counselor; or
- 294 (f) an equivalent licensed professional of another state, district, or territory of the
295 United States.

296 [~~(18)~~] (19) "Man" means a male individual, regardless of age.

297 (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.

298 [~~(19)~~] (21) "Office" means the Office of Vital Records and Statistics within the
299 Department of Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.

300 [~~(20)~~] (22) "Parent," for purposes of Section 78B-6-119, means any person described in
301 Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment
302 for adoption is required under Sections 78B-6-120 through 78B-6-122.

303 [~~(21)~~] (23) "Potential birth father" means a man who:

304 (a) is identified by a birth mother as a potential biological father of the birth mother's
305 child, but whose genetic paternity has not been established; and

306 (b) was not married to the biological mother of the child described in Subsection [~~(21)~~]

307 (23)(a) at the time of the child's conception or birth.

308 [~~(22)~~] (24) "Pre-existing parent" means:

309 (a) a birth parent; or

310 (b) a person who, before an adoption decree is entered, is, due to an earlier adoption
311 decree, legally the parent of the child being adopted.

312 [~~(23)~~] (25) "Prospective adoptive parent" means a person who seeks to adopt an
313 adoptee.

314 [~~(24)~~] (26) "Unmarried biological father" means a person who:

315 (a) is the biological father of a child; and

316 (b) was not married to the biological mother of the child described in Subsection [~~(24)~~]
317 (26)(a) at the time of the child's conception or birth.

318 Section 6. Section **78B-6-115** is amended to read:

319 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**

320 (1) For purposes of this section, "vulnerable adult" means:

321 (a) a person 65 years of age or older; or

322 (b) an adult, 18 years of age or older, who has a mental or physical impairment which
323 substantially affects that person's ability to:

324 (i) provide personal protection;

325 (ii) provide necessities such as food, shelter, clothing, or medical or other health care;

326 (iii) obtain services necessary for health, safety, or welfare;

327 (iv) carry out the activities of daily living;

328 (v) manage the adult's own resources; or

329 (vi) comprehend the nature and consequences of remaining in a situation of abuse,
330 neglect, or exploitation.

331 (2) Subject to this section and Section **78B-6-117**, any adult may be adopted by another
332 adult.

333 (3) The following provisions of this part apply to the adoption of an adult just as
334 though the person being adopted were a minor:

335 (a) (i) Section **78B-6-108**;

336 (ii) Section **78B-6-114**;

337 (iii) Section **78B-6-116**;

- 338 (iv) Section 78B-6-118;
- 339 (v) Section 78B-6-124;
- 340 (vi) Section 78B-6-136;
- 341 (vii) Section 78B-6-137;
- 342 (viii) Section 78B-6-138;
- 343 (ix) Section 78B-6-139;
- 344 (x) Section 78B-6-141; and
- 345 (xi) Section 78B-6-142;
- 346 (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the
- 347 juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the
- 348 adoption arises from a case where the juvenile court has continuing jurisdiction over the [adult]
- 349 mature adoptee; and
- 350 (c) if the [adult] mature adoptee is a vulnerable adult, Sections 78B-6-128 through
- 351 78B-6-131, regardless of whether the [adult] mature adoptee resides, or will reside, with the
- 352 adoptors, unless the court, based on a finding of good cause, waives the requirements of those
- 353 sections.
- 354 (4) Before a court enters a final decree of adoption of [~~an adult~~] a mature adoptee, the
- 355 mature adoptee and the prospective adoptive parent or parents shall appear before the court
- 356 presiding over the adoption proceedings and execute consent to the adoption.
- 357 (5) No provision of this part, other than those listed or described in this section or
- 358 Section 78B-6-117, apply to the adoption of an adult.
- 359 Section 7. Section 78B-6-116 is amended to read:
- 360 **78B-6-116. Notice and consent for adoption of an adult.**
- 361 (1) (a) Consent to the adoption of an adult is required from:
- 362 (i) the [adult] mature adoptee;
- 363 (ii) any person who is adopting the adult;
- 364 (iii) the spouse of a person adopting the adult; and
- 365 (iv) any legally appointed guardian or custodian of the adult adoptee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388 (A) the service described in Subsection (3)(f)(ii) cannot be completed after two
389 attempts; and

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

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

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

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

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

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

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

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

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

407 (6) Except as provided in Subsection (7), after a court enters a final decree of adoption
408 of an adult, the ~~[adult]~~ mature adoptee shall:

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

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

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

415 Section 8. Section **78B-6-141** is amended to read:

416 **78B-6-141. Petition, report, and documents sealed -- Exceptions.**

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

419 (1) An adoption document is sealed.

420 (2) ~~[The documents described in Subsection (1)]~~ An adoption document may only be
421 open to inspection and copying as follows:

- 422 (a) in accordance with Subsection [~~(3)~~] (4)(a), by a party to the adoption proceeding:
- 423 (i) while the proceeding is pending; or
- 424 (ii) within six months after the day on which the adoption decree is entered;
- 425 (b) subject to Subsection [~~(3)~~] (4)(b), if a court enters an order permitting access to the
- 426 documents by a person who has appealed the denial of that person's motion to intervene;
- 427 (c) upon order of the court expressly permitting inspection or copying, after good cause
- 428 has been shown;
- 429 (d) as provided under Section 78B-6-144;
- 430 (e) [~~those records shall become~~] when the adoption document becomes public on the
- 431 one hundredth anniversary of the date the final decree of adoption was entered; [or]
- 432 (f) when the birth certificate becomes public on the one hundredth anniversary of the
- 433 date of birth;
- 434 [~~(f) if the adoptee is an adult at the time the final decree of adoption is entered, the~~
- 435 ~~documents described in this section are open to inspection and copying without a court order~~
- 436 ~~by the adoptee or a parent who adopted the adoptee]~~
- 437 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court
- 438 order, unless the final decree of adoption is entered by the juvenile court under Subsection
- 439 78B-6-115(3)(b)[~~;~~]; or
- 440 (h) to an adult adoptee, to the extent permitted under Subsection (3).
- 441 (3) (a) For an adoption finalized on or after January 1, 2016, a birth parent may elect,
- 442 on a written consent form provided by the office, to permit identifying information about the
- 443 birth parent to be made available for inspection by an adult adoptee.
- 444 (b) A birth parent may, at any time, file a written document with the office to:
- 445 (i) change the election described in Subsection (3)(a); or
- 446 (ii) elect to make other information about the birth parent, including an updated
- 447 medical history, available for inspection by an adult adoptee.
- 448 (c) A birth parent may not access any identifying information or an adoption document
- 449 under this Subsection (3).

450 [(3)] (4) (a) A person who files a motion to intervene in an adoption proceeding:

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

452 and

453 (ii) may not be granted access to the documents described in Subsection (1), unless the
454 motion to intervene is granted.

455 (b) An order described in Subsection (2)(b) shall:

456 (i) prohibit the person described in Subsection (2)(b) from inspecting a document
457 described in Subsection (1) that contains identifying information of the adoptive or prospective
458 adoptive parent; and

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

462 Section 9. Section **78B-6-144** is amended to read:

463 **78B-6-144. Mutual-consent, voluntary adoption registry -- Procedures -- Fees.**

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

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

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

475 (c) After matching the request of an adult adoptee with that of at least one of the
476 adoptee's birth parents, the office shall notify both the adult adoptee and the birth parent that
477 the requests have been matched, and disclose the identifying information to those parties.

478 However, if that adult adoptee has a sibling of the same birth parent who is under the age of 18
479 years, and who was raised in the same family setting as the adult adoptee, the office [~~shall~~] may
480 not disclose the requested identifying information to that adult adoptee or the adoptee's birth
481 parent.

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

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

491 (c) After matching the request of an adult adoptee with that of the adoptee's adult
492 sibling, if the office [~~has been provided with~~] determines that the office has sufficient
493 information to make that match, the office shall notify both the adult adoptee and the adult
494 sibling that the requests have been matched, and disclose the identifying information to those
495 parties.

496 (d) After receiving a request for information from an adult adoptee and a birth parent
497 under this section, the office shall:

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

499 (ii) if the search described in Subsection (2)(d)(i) reveals that the birth parent who had
500 requested information under this section is dead, inform the adult adoptee that the birth parent
501 is dead and disclose the identity of the birth parent.

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

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

505 (ii) if the initial search does not produce a match, that the office will keep the request

506 on file and will attempt to notify the individual in the event of a match.

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

510 (4) ~~[Information]~~ Except as provided in Section 78B-6-141, the office may not disclose
511 information regarding a birth parent who has not registered a request with the ~~[bureau may not~~
512 ~~be disclosed]~~ office.

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

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

518 (6) Nothing in this section limits the disclosure of information in accordance with
519 Section 78B-6-141.

520 Section 10. Section **78B-6-144.5** is enacted to read:

521 **78B-6-144.5. Adoption records fees.**

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

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

529 (2) The office shall deposit fees and donations collected under Subsection (1) into the
530 General Fund as dedicated credits and may be used only to:

531 (a) fund, automate, and improve the provision of services described in Sections
532 78B-6-141 and 78B-6-144; or

533 (b) implement means of maximizing potential matches for the services described in

534 Sections [78B-6-141](#) and [78B-6-144](#), including the use of broad search terms and methods.

535 Section 11. **Appropriation.**

536 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
537 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
538 are appropriated from resources not otherwise appropriated, or reduced from amounts
539 previously appropriated, out of the funds or accounts indicated. These sums of money are in
540 addition to any amounts previously appropriated for fiscal year 2016.

541 To Department of Health -- Adoption Records Access

542 From General Fund \$55,000

543 From Dedicated Credits Revenue \$26,200

544 Schedule of Programs:

545 Adoption Records Access \$81,200

546 The Legislature intends that appropriations provided under this section be used by the
547 office for the purposes described in Subsection [78B-6-144.5\(2\)](#). Under Section [63J-1-603](#), the
548 Legislature intends that appropriations provided under this section not lapse at the close of
549 fiscal year 2016. The use of any nonlapsing funds is limited to the purposes described in
550 Subsection [78B-6-144.5\(2\)](#).

551 Section 12. **Effective date.**

552 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

553 (2) Uncodified Section 11, Appropriation, takes effect on July 1, 2015.