

# H.B. 71

## ADOPTION AMENDMENTS

Representative **Timothy D. Hawkes** proposes the following amendments:

1. *Page 1, Lines 12 through 15:*

- 12           ▶       clarifies language regarding when an adult may adopt a child if the adult has been  
13 convicted of, pleaded guilty to, or pleaded no contest to certain felonies;   {~~and~~}
- ▶       addresses adoption and child support obligations; and
- 14           ▶       makes technical changes.
- 15 Money Appropriated in this Bill:

2. *Page 1, Line 22:*

- 22 by Revisor Instructions, Laws of Utah 2017, Chapter 400  
=           78B-6-138, as last amended by Laws of Utah 2017, Chapter 417

3. *Page 4, Line 118:*

- 118 final decision on adoption has not been made and to a case filed on or after March 25, 2017.

Section 2. Section 78B-6-138 is amended to read:

**78B-6-138. Pre-existing parent's rights and duties dissolved.**

(1) A pre-existing parent of an adopted child is released from all parental rights and duties toward and all responsibilities for the adopted child, including residual parental rights and duties as defined in Section 78A-6-105, and has no further parental rights or duties with regard to that adopted child at the earlier of:

(a) the time the pre-existing parent's parental rights are terminated; or

(b) except as provided in Subsection (2), and subject to Subsections (3) and (4), the time the final decree of adoption is entered.

(2) The parental rights and duties of a pre-existing parent who, at the time the child is adopted, is lawfully married to the person adopting the child are not released under Subsection (1)(b).

(3) The parental rights and duties of a pre-existing parent who, at the time the child is adopted, is not lawfully married to the person adopting the child are released under Subsection (1)(b).

(4) (a) Notwithstanding the provisions of this section, the court may allow a prospective adoptive parent to adopt a child without releasing the pre-existing parent from parental rights and duties under Subsection (1)(b), if:

(i) the pre-existing parent and the prospective adoptive parent were lawfully married at some time during the child's life;

(ii) the pre-existing parent consents to the prospective adoptive parent's adoption of the child, or is unable to consent because the pre-existing parent is deceased or incapacitated;

(iii) notice of the adoption proceeding is provided in accordance with Section 78B-6-110;

(iv) consent to the adoption is provided in accordance with Section 78B-6-120; and

(v) the court finds that it is in the best interest of the child to grant the adoption without releasing the pre-existing parent from parental rights and duties.

(b) This Subsection (4) does not permit a child to have more than two natural parents, as that term is defined in Section 78A-6-105.

**(5) This section may not be construed as terminating any child support obligation of a parent incurred before the adoption.**