

90 (5) The notice required by this section:

91 (a) may be served at any time after the day on which the petition for adoption is filed,
92 but may not be served on a birth mother before she has given birth to the child who is the
93 subject of the petition for adoption;

94 (b) shall be served at least ~~§~~ :

94a (i) ~~§~~ [30] 60 days [~~prior to~~] before the day on which the final
95 dispositional hearing is held; ~~§~~ or

95a (ii) if the child is in the custody of the division or under the continuing jurisdiction of
95b the juvenile court under Section 78A-6-120, 30 days before the day on which the final
95c dispositional hearing is held; ~~§~~

96 (c) shall specifically state that the person served shall fulfill the requirements of
97 Subsection (6)(a) within [30] 60 days after the day on which the person receives service if the
98 person intends to intervene in or contest the adoption;

99 (d) shall state the consequences, described in Subsection (6)(b), for failure of a person
100 to file a motion for relief within [30] 60 days after the day on which the person is served with
101 notice of an adoption proceeding;

102 (e) is not required to include, nor be accompanied by, a summons or a copy of the
103 petition for adoption;

104 (f) shall state where the person may obtain a copy of the petition for adoption; and

105 (g) shall indicate the right to the appointment of counsel for a party whom the court
106 determines is indigent and at risk of losing the party's parental rights.

107 (6) (a) A person who [~~has been~~] is served with notice of an adoption proceeding and
108 who wishes to contest the adoption shall file a motion to intervene in the adoption proceeding:

109 (i) within [30] 60 days after the day on which the person [~~was~~] is served with notice of
110 the adoption proceeding;

111 (ii) setting forth specific relief sought; and

112 (iii) accompanied by a memorandum specifying the factual and legal grounds upon
113 which the motion is based.

114 (b) A person who fails to fully and strictly comply with all of the requirements
115 described in Subsection (6)(a) within [30] 60 days after the day on which the person [~~was~~] is
116 served with notice of the adoption proceeding:

117 (i) waives any right to further notice in connection with the adoption;

118 (ii) forfeits all rights in relation to the adoptee; and

119 (iii) is barred from thereafter bringing or maintaining any action to assert any interest in

276 (vii) Section 78B-6-137;

277 (viii) Section 78B-6-138;

278 (ix) Section 78B-6-139;

279 (x) Section 78B-6-141; and

280 (xi) Section 78B-6-142;

281 (b) Subsections 78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7), except that the
282 juvenile court does not have jurisdiction over a proceeding for adoption of an adult, unless the
283 adoption arises from a case where the juvenile court has continuing jurisdiction over the mature
284 adoptee; and

285 (c) if the mature adoptee is a vulnerable adult, Sections 78B-6-128 through 78B-6-131,
286 regardless of whether the mature adoptee resides, or will reside, with the adoptors, unless the
287 court, based on a finding of good cause, waives the requirements of those sections.

288 (4) ~~§~~ **→** (a) ~~←~~ **§** An adult may not adopt a prospective mature adoptee, unless at least one of
288a the
289 following is a resident of the state for at least six consecutive months before the day on which
290 the adoption petition is filed:

291 ~~§~~ **→** ~~(a)~~ (i) ~~←~~ **§** a prospective adoptive parent;

292 ~~§~~ **→** ~~(b)~~ (ii) ~~←~~ **§** a biological parent of the prospective mature adoptee; or

293 ~~§~~ **→** ~~(c)~~ (iii) ~~←~~ **§** the prospective mature adoptee.

293a ~~§~~ **→** (b) Subsection (4)(a) does not apply if a prospective mature adoptee is under the
293b continuing jurisdiction of the juvenile court under Section 78A-6-120. ~~←~~ **§**

294 [~~(4)~~] (5) Before a court enters a final decree of adoption of a mature adoptee, the
295 mature adoptee and the prospective adoptive parent or parents shall appear before the court
296 presiding over the adoption proceedings and execute consent to the adoption.

297 [~~(5)~~] (6) No provision of this part, other than those listed or described in this section or
298 Section 78B-6-117, apply to the adoption of an adult.

299 Section 5. Section **78B-6-117** is amended to read:

300 **78B-6-117. Who may adopt -- Adoption of minor.**

301 (1) A minor child may be adopted by an adult [~~person~~], in accordance with this section
302 and this part.

303 (2) A child may be adopted by:

304 (a) adults who are legally married to each other in accordance with the laws of this
305 state, including adoption by a stepparent; or

306 (b) subject to Subsection (4), a single adult, except as provided in Subsection (3).

307 (3) A child may not be adopted by [~~a person~~] an adult who is cohabiting in a
 308 relationship that is not a legally valid and binding marriage under the laws of this state.

309 (4) To provide a child who is in the custody of the division with the most beneficial
 310 family structure, when a child in the custody of the division is placed for adoption, the division
 311 or child-placing agency shall place the child with a man and a woman who are married to each
 312 other, unless:

313 (a) there are no qualified married couples who:

314 (i) have applied to adopt a child;

315 (ii) are willing to adopt the child; and

316 (iii) are an appropriate placement for the child;

317 (b) the child is placed with a relative of the child;

318 (c) the child is placed with [~~a person~~] an adult who has already developed a substantial
 319 relationship with the child;

320 (d) the child is placed with [~~a person~~] an adult who:

321 (i) is selected by a parent or former parent of the child, if the parent or former parent
 322 consented to the adoption of the child; and

323 (ii) the parent or former parent described in Subsection (4)(d)(i):

324 (A) knew the person with whom the child is placed before the parent consented to the
 325 adoption; or

326 (B) became aware of the person with whom the child is placed through a source other
 327 than the division or the child-placing agency that assists with the adoption of the child; or

328 (e) it is in the best interests of the child to place the child with a single [~~person~~] adult.

329 (5) (a) Except as provided in Subsection (5)(b), an adult may not adopt a child, unless
 330 at least one of the following is a resident of the state for at least six consecutive months before
 331 the day on which the adoption petition is filed:

332 (i) a prospective adoptive parent;

333 (ii) a biological parent of the child; or

334 (iii) the child.

335 (b) Subsection (5)(a) does not apply ~~§~~ :

335a (i) ~~§~~ under circumstances when the division makes an
 336 out-of-state placement under Title 62A, Chapter 4a, Part 7, Interstate Compact on Placement of
 337 Children ~~§~~ [;] ; or

337a (ii) if the child is in the custody of the division or under the continuing jurisdiction of
 337b the juvenile court under Section 78A-6-120. ~~§~~