

1 **PERSONAL RECORDS AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stewart E. Barlow**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill allows an adult adoptee to access the adoptee's original birth certificate
10 without a court order or consent from a birth parent in certain circumstances.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows an adult adoptee to access an adoption document related to the adult adoptee
14 in certain circumstances;
- 15 ▶ allows a birth parent to:
- 16 • refuse an adult adoptee's access to an adoption document; and
 - 17 • state preferences regarding contact with the adult adoptee; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **78B-6-141**, as last amended by Laws of Utah 2018, Chapter 30

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



28 Section 1. Section 78B-6-141 is amended to read:

29 **78B-6-141. Court hearings may be closed -- Petition and documents sealed --**

30 **Exceptions.**

31 (1) (a) Notwithstanding Section 78A-6-114, court hearings in adoption cases may be
32 closed to the public upon request of a party to the adoption petition and upon court approval.

33 (b) In a closed hearing, only the following individuals may be admitted:

34 ~~(a)~~ (i) a party to the proceeding;

35 ~~(b)~~ (ii) the adoptee;

36 ~~(c)~~ (iii) a representative of an agency having custody of the adoptee;

37 ~~(d)~~ (iv) in a hearing to relinquish parental rights, the individual whose rights are to be
38 relinquished and invitees of that individual to provide emotional support;

39 ~~(e)~~ (v) in a hearing on the termination of parental rights, the individual whose rights
40 may be terminated;

41 ~~(f)~~ (vi) in a hearing on a petition to intervene, the proposed intervenor;

42 ~~(g)~~ (vii) in a hearing to finalize an adoption, invitees of the petitioner; and

43 ~~(h)~~ (viii) other individuals for good cause, upon order of the court.

44 (2) An adoption document and any other documents filed in connection with a petition
45 for adoption are sealed.

46 (3) The documents described in Subsection (2) may only be open to inspection and
47 copying:

48 (a) in accordance with Subsection (5)(a), by a party to the adoption proceeding:

49 (i) while the proceeding is pending; or

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

51 (b) subject to Subsection (5)(b), if a court enters an order permitting access to the
52 documents by an individual who has appealed the denial of that individual's motion to
53 intervene;

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

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

57 (e) when the adoption document becomes public on the one hundredth anniversary of
58 the date the final decree of adoption was entered;

59 (f) when the birth certificate becomes public on the one hundredth anniversary of the
60 date of birth;

61 (g) to a mature adoptee or a parent who adopted the mature adoptee, without a court
62 order, unless the final decree of adoption is entered by the juvenile court under Subsection
63 [78B-6-115\(3\)\(b\)](#); or

64 (h) to an adult adoptee, to the extent permitted under Subsection (4).

65 (4) (a) Unless a birth parent of an adult adoptee elects to refuse access in accordance
66 with Subsection (4)(b), the adult adoptee that was born in the state may access an adoption
67 document associated with the adult adoptee's adoption without a court order or the consent of a
68 birth parent.

69 [~~(4) (a) For an adoption finalized on or after January 1, 2016, a~~]

70 (b) A birth parent may elect, on a written [consent] form provided by the office, to
71 refuse the access described in Subsection (4)(a).

72 (c) If a birth parent does not refuse access in accordance with Subsection (4)(b), the
73 birth parent may elect, on a written form provided by the office, to:

74 (i) state the birth parent's preference regarding the adult adoptee contacting the birth
75 parent, contacting the birth parent through an intermediary, or not contacting the birth parent;
76 or

77 (ii) permit identifying information about the birth parent to be made available for
78 inspection by [an] the adult adoptee.

79 [~~(b)~~] (d) A birth parent may, at any time, file a written document with the office to:

80 (i) change the election described in Subsection [~~(4)(a)~~] (4)(b) or (4)(c); or

81 (ii) elect to make other information about the birth parent, including an updated
82 medical history, available for inspection by an adult adoptee.

83 [~~(e)~~] (e) A birth parent may not access any identifying information or an adoption
84 document under this Subsection (4).

85 (5) (a) An individual who files a motion to intervene in an adoption proceeding:

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

88 (ii) may not be granted access to the documents described in Subsection (2), unless the
89 motion to intervene is granted.

90 (b) An order described in Subsection (3)(b) shall:

91 (i) prohibit the individual described in Subsection (3)(b) from inspecting a document
92 described in Subsection (2) that contains identifying information of the adoptive or prospective
93 adoptive parent; and

94 (ii) permit the individual described in Subsection (5)(b)(i) to review a copy of a
95 document described in Subsection (5)(b)(i) after the identifying information described in
96 Subsection (5)(b)(i) is redacted from the document.