

1 **ADOPTION AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Merrill F. Nelson**

5 Senate Sponsor: Todd D. Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends and enacts provisions relating to adoption.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ clarifies that a new birth certificate may be issued after the adoption of an adult;
- 13 ▶ allows an attorney in the adoption or the child-placing agency to be provided the
- 14 adoption report;
- 15 ▶ allows the attorney in the adoption or the child-placing agency to take the adoption
- 16 report to the state registrar;
- 17 ▶ clarifies that a new birth certificate may be issued for a foreign-born individual who
- 18 is adopted as an adult;
- 19 ▶ defines a term regarding a prospective adoptive parent;
- 20 ▶ requires the Division of Child and Family Services to follow the wishes of a natural
- 21 parent who has created a voluntary adoption plan;
- 22 ▶ requires a peace officer or a caseworker to inform certain individuals that a parent
- 23 of a child taken into protective custody may create a voluntary adoption plan;
- 24 ▶ requires the juvenile court, at a shelter hearing, to allow a proposed adoptive
- 25 placement to proceed, grant preferential consideration to a prospective adoptive
- 26 parent, and dismiss an abuse, neglect, and dependency petition, if the parent has
- 27 created a voluntary adoption plan and a preplacement adoptive evaluation has been



- 28 conducted and recommends the adoptive placement;
- 29 ▶ amends venue provisions for adoption proceedings;
- 30 ▶ allows the spouse of a preexisting parent to adopt a child after the child's death;
- 31 ▶ if a child-placing agency placed a child for adoption, provides that the child-placing
- 32 agency file an affidavit regarding fees and expenses with the Office of Licensing
- 33 within the Department of Human Services; and
- 34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **26-2-10**, as last amended by Laws of Utah 2015, Chapter 137
- 42 **26-2-25**, as last amended by Laws of Utah 1995, Chapter 202
- 43 **26-2-28**, as last amended by Laws of Utah 2008, Chapter 3
- 44 **62A-4a-101**, as last amended by Laws of Utah 2019, Chapters 259 and 335
- 45 **62A-4a-105**, as last amended by Laws of Utah 2020, Chapters 108 and 250
- 46 **62A-4a-202.2**, as last amended by Laws of Utah 2008, Chapter 3
- 47 **78A-6-306**, as last amended by Laws of Utah 2020, Chapters 158 and 214
- 48 **78B-6-105**, as last amended by Laws of Utah 2020, Chapter 214
- 49 **78B-6-115**, as last amended by Laws of Utah 2015, Chapter 137
- 50 **78B-6-120.1**, as enacted by Laws of Utah 2013, Chapter 458
- 51 **78B-6-136.5**, as last amended by Laws of Utah 2012, Chapter 340
- 52 **78B-6-140**, as last amended by Laws of Utah 2012, Chapter 340

53

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

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

56 **26-2-10. Supplementary certificate of birth.**

57 ~~[(1) Any person born in this state who is legitimized by the subsequent marriage of the~~
58 ~~person's natural parents, or whose parentage has been determined by any U.S. state court or~~

59 Canadian provincial court having jurisdiction, or who has been legally adopted under the law
 60 of this or any other state or any province of Canada, may request the state registrar to register a
 61 supplementary birth certificate on the basis of that status.]

62 (1) An individual born in this state may request the state registrar to register a
 63 supplementary birth certificate for the individual if:

64 (a) the individual is legitimized by the subsequent marriage of the individual's natural
 65 parents;

66 (b) the individual's parentage has been determined by a state court of the United States
 67 or a Canadian provincial court with jurisdiction; or

68 (c) the individual has been legally adopted, as a child or as an adult, under the law of
 69 this state, any other state, or any province of Canada.

70 (2) The application for registration of a supplementary birth certificate may be made
 71 by:

72 (a) the [person] individual requesting registration[;] under Subsection (1) if the
 73 [person] individual is of legal age[; by];

74 (b) a legal representative[; or by]; or

75 (c) any agency authorized to receive children for placement or adoption under the laws
 76 of this or any other state.

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

79 (b) In the case of an adopted [person] individual, that proof may be established by
 80 order of the court in which the adoption proceedings were held.

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

83 (b) Access to the original birth certificate and to the evidence submitted in support of
 84 the supplementary birth certificate are not open to inspection except upon the order of a Utah
 85 district court or ~~as provided under~~ as described in Section 78B-6-141 or Section 78B-6-144.

86 Section 2. Section **26-2-25** is amended to read:

87 **26-2-25. Divorce or adoption -- Duty of court clerk to file certificates or reports.**

88 (1) ~~(a)~~ For each adoption, annulment of adoption, divorce, and annulment of marriage
 89 ordered or decreed in this state, the clerk of the court shall prepare a divorce certificate or

90 report of adoption on a form furnished by the state registrar.

91 (2) The petitioner shall provide the information necessary to prepare the certificate or
92 report [when he files the petition with the clerk] under Subsection (1).

93 ~~[(b)]~~ (3) The clerk shall:

94 (a) prepare the certificate or report [and, immediately after the decree or order becomes
95 final, shall] under Subsection (1); and

96 (b) complete the remaining entries for the certificate or report immediately after the
97 decree or order becomes final.

98 (4) On or before the 15th day of each month, the clerk shall forward the divorce
99 certificates and reports of adoption under Subsection (1) completed by [him] the clerk during
100 the preceding month to the state registrar.

101 ~~[(2) If there is filed with the clerk of the court in an adoption proceeding a written~~
102 ~~consent to adoption by an agency licensed under the laws of the state to receive children for~~
103 ~~placement or adoption, the agency by its authorized representative shall prepare and complete~~
104 ~~the report of adoption and forward it to the state registrar immediately after entry of the decree~~
105 ~~of adoption.]~~

106 (5) (a) A report of adoption under Subsection (1) may be provided to the attorney who
107 is providing representation of a party to the adoption or the child-placing agency, as defined in
108 Section 78B-6-103, that is placing the child.

109 (b) If a report of adoption is provided to the attorney or the child-placing agency, as
110 defined in Section 78B-6-103, the attorney or the child-placing agency shall immediately
111 provide the report of adoption to the state registrar.

112 Section 3. Section **26-2-28** is amended to read:

113 **26-2-28. Birth certificate for foreign adoptees.**

114 Upon presentation of a court order of adoption and an order establishing the fact, time,
115 and place of birth under Section 26-2-15, the department shall prepare a birth certificate for
116 ~~[any person]~~ an individual who:

117 (1) was adopted under the laws of this state; and

118 (2) was at the time of adoption, as a child or as an adult, considered an alien child or
119 adult for whom the court received documentary evidence of ~~[legal residence]~~ lawful admission
120 under Section 78B-6-108.

121 Section 4. Section **62A-4a-101** is amended to read:

122 **62A-4a-101. Definitions.**

123 As used in this chapter:

124 (1) "Abuse" means the same as that term is defined in Section [78A-6-105](#).

125 (2) "Adoption services" means:

126 (a) placing children for adoption;

127 (b) subsidizing adoptions under Section [62A-4a-105](#);

128 (c) supervising adoption placements until the adoption is finalized by the court;

129 (d) conducting adoption studies;

130 (e) preparing adoption reports upon request of the court; and

131 (f) providing postadoptive placement services, upon request of a family, for the
132 purpose of stabilizing a possible disruptive placement.

133 (3) "Child" means, except as provided in Part 7, Interstate Compact on Placement of
134 Children, a person under 18 years of age.

135 (4) "Child protection team" means a team consisting of:

136 (a) the caseworker assigned to the case;

137 (b) the caseworker who made the decision to remove the child;

138 (c) a representative of the school or school district where the child attends school;

139 (d) the peace officer who removed the child from the home;

140 (e) a representative of the appropriate Children's Justice Center, if one is established
141 within the county where the child resides;

142 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
143 with the child's circumstances;

144 (g) members of a child protection unit; and

145 (h) any other individuals determined appropriate and necessary by the team coordinator
146 and chair.

147 (5) "Child protection unit" means any unit created by a chief of police or a sheriff of a
148 city, town, metro township, or county that is composed of at least the following individuals
149 who are trained in the prevention, identification, and treatment of abuse or neglect:

150 (a) a law enforcement officer, as defined in Section [53-13-103](#); and

151 (b) a child advocate selected by the chief of police or a sheriff.

- 152 (6) (a) "Chronic abuse" means repeated or patterned abuse.
- 153 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 154 (7) (a) "Chronic neglect" means repeated or patterned neglect.
- 155 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 156 (8) "Consult" means an interaction between two persons in which the initiating person:
- 157 (a) provides information to another person;
- 158 (b) provides the other person an opportunity to respond; and
- 159 (c) takes the other person's response, if any, into consideration.
- 160 (9) "Consumer" means a person who receives services offered by the division in
- 161 accordance with this chapter.
- 162 (10) "Custody," with regard to the division, means the custody of a minor in the
- 163 division as of the date of disposition.
- 164 (11) "Day-care services" means care of a child for a portion of the day which is less
- 165 than 24 hours:
- 166 (a) in the child's own home by a responsible person; or
- 167 (b) outside of the child's home in a:
- 168 (i) day-care center;
- 169 (ii) family group home; or
- 170 (iii) family child care home.
- 171 (12) "Dependent child" or "dependency" means a child, or the condition of a child, who
- 172 is homeless or without proper care through no fault of the child's parent, guardian, or custodian.
- 173 (13) "Director" means the director of the Division of Child and Family Services.
- 174 (14) "Division" means the Division of Child and Family Services.
- 175 (15) "Domestic violence services" means:
- 176 (a) temporary shelter, treatment, and related services to:
- 177 (i) a person who is a victim of abuse, as defined in Section [78B-7-102](#); and
- 178 (ii) the dependent children of a person who is a victim of abuse, as defined in Section
- 179 [78B-7-102](#); and
- 180 (b) treatment services for a person who is alleged to have committed, has been
- 181 convicted of, or has pled guilty to, an act of domestic violence as defined in Section [77-36-1](#).
- 182 (16) "Harm" means the same as that term is defined in Section [78A-6-105](#).

183 (17) "Homemaking service" means the care of individuals in their domiciles, and help
184 given to individual caretaker relatives to achieve improved household and family management
185 through the services of a trained homemaker.

186 (18) "Incest" means the same as that term is defined in Section [78A-6-105](#).

187 (19) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

188 (20) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

189 (21) "Minor" means, except as provided in Part 7, Interstate Compact on Placement of
190 Children:

191 (a) a child; or

192 (b) a person:

193 (i) who is at least 18 years of age and younger than 21 years of age; and

194 (ii) for whom the division has been specifically ordered by the juvenile court to provide
195 services.

196 (22) "Molestation" means the same as that term is defined in Section [78A-6-105](#).

197 (23) "Mutual case" means a case that has been:

198 (a) opened by the division under the division's discretion and procedures;

199 (b) opened by the law enforcement agency with jurisdiction over the case; and

200 (c) accepted for investigation by the child protection unit established by the chief of
201 police or sheriff, as applicable.

202 (24) "Natural parent" means a minor's biological or adoptive parent, and includes a
203 minor's noncustodial parent.

204 (25) "Neglect" means the same as that term is defined in Section [78A-6-105](#).

205 (26) "Prospective adoptive parent" means the same as that term is defined in Section
206 [78B-6-103](#).

207 [~~(26)~~] (27) "Protective custody," with regard to the division, means the shelter of a
208 child by the division from the time the child is removed from the child's home until the earlier
209 of:

210 (a) the shelter hearing; or

211 (b) the child's return home.

212 [~~(27)~~] (28) "Protective services" means expedited services that are provided:

213 (a) in response to evidence of neglect, abuse, or dependency of a child;

214 (b) to a cohabitant who is neglecting or abusing a child, in order to:
215 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
216 causes of neglect or abuse; and
217 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
218 (c) in cases where the child's welfare is endangered:
219 (i) to bring the situation to the attention of the appropriate juvenile court and law
220 enforcement agency;
221 (ii) to cause a protective order to be issued for the protection of the child, when
222 appropriate; and
223 (iii) to protect the child from the circumstances that endanger the child's welfare
224 including, when appropriate:
225 (A) removal from the child's home;
226 (B) placement in substitute care; and
227 (C) petitioning the court for termination of parental rights.
228 [~~28~~] (29) "Severe abuse" means the same as that term is defined in Section
229 78A-6-105.
230 [~~29~~] (30) "Severe neglect" means the same as that term is defined in Section
231 78A-6-105.
232 [~~30~~] (31) "Sexual abuse" means the same as that term is defined in Section
233 78A-6-105.
234 [~~31~~] (32) "Sexual exploitation" means the same as that term is defined in Section
235 78A-6-105.
236 [~~32~~] (33) "Shelter care" means the temporary care of a minor in a nonsecure facility.
237 [~~33~~] (34) "Sibling" means a child who shares or has shared at least one parent in
238 common either by blood or adoption.
239 [~~34~~] (35) "Sibling visitation" means services provided by the division to facilitate the
240 interaction between a child in division custody with a sibling of that child.
241 [~~35~~] (36) "State" means:
242 (a) a state of the United States;
243 (b) the District of Columbia;
244 (c) the Commonwealth of Puerto Rico;

245 (d) the Virgin Islands;

246 (e) Guam;

247 (f) the Commonwealth of the Northern Mariana Islands; or

248 (g) a territory or possession administered by the United States.

249 [~~(36)~~] (37) "State plan" means the written description of the programs for children,
250 youth, and family services administered by the division in accordance with federal law.

251 [~~(37)~~] (38) "Status offense" means a violation of the law that would not be a violation
252 but for the age of the offender.

253 [~~(38)~~] (39) "Substance abuse" means the same as that term is defined in Section
254 78A-6-105.

255 [~~(39)~~] (40) "Substantiated" or "substantiation" means a judicial finding based on a
256 preponderance of the evidence that abuse or neglect occurred. Each allegation made or
257 identified in a given case shall be considered separately in determining whether there should be
258 a finding of substantiated.

259 [~~(40)~~] (41) "Substitute care" means:

260 (a) the placement of a minor in a family home, group care facility, or other placement
261 outside the minor's own home, either at the request of a parent or other responsible relative, or
262 upon court order, when it is determined that continuation of care in the minor's own home
263 would be contrary to the minor's welfare;

264 (b) services provided for a minor awaiting placement; and

265 (c) the licensing and supervision of a substitute care facility.

266 [~~(41)~~] (42) "Supported" means a finding by the division based on the evidence
267 available at the completion of an investigation that there is a reasonable basis to conclude that
268 abuse, neglect, or dependency occurred. Each allegation made or identified during the course
269 of the investigation shall be considered separately in determining whether there should be a
270 finding of supported.

271 [~~(42)~~] (43) "Temporary custody," with regard to the division, means the custody of a
272 child in the division from the date of the shelter hearing until disposition.

273 [~~(43)~~] (44) "Threatened harm" means the same as that term is defined in Section
274 78A-6-105.

275 [~~(44)~~] (45) "Transportation services" means travel assistance given to an individual

276 with escort service, if necessary, to and from community facilities and resources as part of a
277 service plan.

278 ~~[(45)]~~ (46) "Unsubstantiated" means a judicial finding that there is insufficient
279 evidence to conclude that abuse or neglect occurred.

280 ~~[(46)]~~ (47) "Unsupported" means a finding by the division at the completion of an
281 investigation that there is insufficient evidence to conclude that abuse, neglect, or dependency
282 occurred. However, a finding of unsupported means also that the division did not conclude
283 that the allegation was without merit.

284 ~~[(47)]~~ (48) "Without merit" means a finding at the completion of an investigation by
285 the division, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur,
286 or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

287 Section 5. Section **62A-4a-105** is amended to read:

288 **62A-4a-105. Division responsibilities.**

289 (1) The division shall:

290 (a) administer services to minors and families, including:

291 (i) child welfare services;

292 (ii) domestic violence services; and

293 (iii) all other responsibilities that the Legislature or the executive director may assign
294 to the division;

295 (b) provide the following services:

296 (i) financial and other assistance to an individual adopting a child with special needs
297 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the
298 child as a legal ward of the state;

299 (ii) non-custodial and in-home services, including:

300 (A) services designed to prevent family break-up; and

301 (B) family preservation services;

302 (iii) reunification services to families whose children are in substitute care in
303 accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;

304 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
305 or neglect of a child in that family;

306 (v) shelter care in accordance with the requirements of this chapter and Title 78A,

307 Chapter 6, Juvenile Court Act;

308 (vi) domestic violence services, in accordance with the requirements of federal law;

309 (vii) protective services to victims of domestic violence, as defined in Section 77-36-1,

310 and their children, in accordance with the provisions of this chapter and Title 78A, Chapter 6,

311 Part 3, Abuse, Neglect, and Dependency Proceedings;

312 (viii) substitute care for dependent, abused, and neglected children;

313 (ix) services for minors who are victims of human trafficking or human smuggling as

314 described in Sections 76-5-308 through 76-5-310 or who have engaged in prostitution or sexual

315 solicitation as defined in Sections 76-10-1302 and 76-10-1313; and

316 (x) training for staff and providers involved in the administration and delivery of

317 services offered by the division in accordance with this chapter;

318 (c) establish standards for all:

319 (i) contract providers of out-of-home care for minors and families;

320 (ii) facilities that provide substitute care for dependent, abused, and neglected children

321 placed in the custody of the division; and

322 (iii) direct or contract providers of domestic violence services described in Subsection

323 (1)(b)(vi);

324 (d) have authority to:

325 (i) contract with a private, nonprofit organization to recruit and train foster care

326 families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

327 (ii) approve facilities that meet the standards established under Subsection (1)(c) to

328 provide substitute care for dependent, abused, and neglected children placed in the custody of

329 the division;

330 (e) cooperate with the federal government in the administration of child welfare and

331 domestic violence programs and other human service activities assigned by the department;

332 (f) if there is a privacy agreement with an Indian tribe to protect the confidentiality of

333 division records to the same extent that the division is required to protect division records,

334 cooperate with and share all appropriate information in the division's possession regarding an

335 Indian child, the Indian child's parent or guardian, or a proposed placement for the Indian child

336 with the Indian tribe that is affiliated with the Indian child;

337 (g) in accordance with Subsection (2)(a), promote and enforce state and federal laws

338 enacted for the protection of abused, neglected, and dependent children, in accordance with the
339 requirements of this chapter, unless administration is expressly vested in another division or
340 department of the state;

341 (h) cooperate with the Workforce Development Division within the Department of
342 Workforce Services in meeting the social and economic needs of an individual who is eligible
343 for public assistance;

344 (i) compile relevant information, statistics, and reports on child and family service
345 matters in the state;

346 (j) prepare and submit to the department, the governor, and the Legislature reports of
347 the operation and administration of the division in accordance with the requirements of
348 Sections [62A-4a-117](#) and [62A-4a-118](#);

349 (k) within appropriations from the Legislature, provide or contract for a variety of
350 domestic violence services and treatment methods;

351 (l) ensure regular, periodic publication, including electronic publication, regarding the
352 number of children in the custody of the division who:

353 (i) have a permanency goal of adoption; or

354 (ii) have a final plan of termination of parental rights, pursuant to Section [78A-6-314](#),
355 and promote adoption of those children;

356 (m) subject to Subsection (2)(b), refer an individual receiving services from the
357 division to the local substance abuse authority or other private or public resource for a
358 court-ordered drug screening test;

359 (n) report before November 30, 2020, and every third year thereafter, to the Social
360 Services Appropriations Subcommittee regarding:

361 (i) the daily reimbursement rate that is provided to licensed foster parents based on
362 level of care;

363 (ii) the amount of money spent on daily reimbursements for licensed foster parents in
364 the state during the previous fiscal year; and

365 (iii) any recommended changes to the division's budget to support the daily
366 reimbursement rates described in Subsection (1)(n)(i); ~~and~~

367 (o) if a natural parent creates a voluntary adoption plan under Subsection
368 [62A-4a-202.2\(1\)\(a\)\(viii\)](#) and agrees to terminate the natural parent's parental rights, follow the

369 wishes of the natural parent regarding the proposed adoptive placement of the child; and

370 ~~[(p)]~~ (p) perform other duties and functions required by law.

371 (2) (a) In carrying out the requirements of Subsection (1)(g), the division shall:

372 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and
373 with all public and private licensed child welfare agencies and institutions to develop and
374 administer a broad range of services and support;

375 (ii) take the initiative in all matters involving the protection of abused or neglected
376 children, if adequate provisions have not been made or are not likely to be made; and

377 (iii) make expenditures necessary for the care and protection of the children described
378 in this Subsection (2)(a), within the division's budget.

379 (b) When an individual is referred to a local substance abuse authority or other private
380 or public resource for court-ordered drug screening under Subsection (1)(m), the court shall
381 order the individual to pay all costs of the tests unless:

382 (i) the cost of the drug screening is specifically funded or provided for by other federal
383 or state programs;

384 (ii) the individual is a participant in a drug court; or

385 (iii) the court finds that the individual is impecunious.

386 (3) Except to the extent provided by rule, the division is not responsible for
387 investigating domestic violence in the presence of a child, as described in Section 76-5-109.1.

388 (4) The division may not require a parent who has a child in the custody of the division
389 to pay for some or all of the cost of any drug testing the parent is required to undergo.

390 Section 6. Section 62A-4a-202.2 is amended to read:

391 **62A-4a-202.2. Notice upon removal of child -- Locating noncustodial parent --**

392 **Written statement of procedural rights and preliminary proceedings.**

393 (1) (a) Any peace officer or caseworker who takes a child into protective custody
394 ~~[pursuant to]~~ in accordance with Section 62A-4a-202.1 shall immediately use reasonable
395 efforts to locate and inform, through the most efficient means available, the parents, including a
396 noncustodial parent, the guardian, or responsible relative:

397 (i) that the child has been taken into protective custody;

398 (ii) the reasons for removal and placement of the child in protective custody;

399 (iii) that a written statement is available that explains:

- 400 (A) the parent's or guardian's procedural rights; and
- 401 (B) the preliminary stages of the investigation and shelter hearing;
- 402 (iv) of a telephone number where the parent or guardian may access further
- 403 information;
- 404 (v) that the child and the child's parent or guardian are entitled to have an attorney
- 405 present at the shelter hearing;
- 406 (vi) that if the child's parent or guardian is impecunious and desires to have an attorney,
- 407 one will be provided; [~~and~~]
- 408 (vii) that resources are available to assist the child's parent or guardian, including:
- 409 (A) a parent advocate;
- 410 (B) a qualified attorney; or
- 411 (C) potential expert witnesses to testify on behalf of the:
- 412 (I) child;
- 413 (II) child's parent;
- 414 (III) child's guardian; or
- 415 (IV) child's family[-]; and
- 416 (viii) that a natural parent of the child may create a voluntary adoption plan for the
- 417 child.
- 418 (b) For purposes of locating and informing the noncustodial parent as required in
- 419 Subsection (1)(a), the division shall search for the noncustodial parent through the national
- 420 parent locator database if the division is unable to locate the noncustodial parent through other
- 421 reasonable efforts.
- 422 (2) (a) The Office of the Attorney General shall adopt, print, and distribute a form for
- 423 the written statement described in Subsection (1)(a)(iii).
- 424 (b) The statement described in Subsections (1)(a)(iii) and (2)(a) shall:
- 425 (i) be made available to the division and for distribution in:
- 426 (A) schools;
- 427 (B) health care facilities;
- 428 (C) local police and sheriff's offices;
- 429 (D) the division; and
- 430 (E) any other appropriate office within the Department of Human Services;

- 431 (ii) be in simple language; and
- 432 (iii) include at least the following information:
- 433 (A) the conditions under which a child may be released;
- 434 (B) hearings that may be required;
- 435 (C) the means by which the parent or guardian may access further specific information
- 436 about a child's case and conditions of protective and temporary custody; and
- 437 (D) the rights of a child and of the parent or guardian to legal counsel and to appeal.
- 438 (3) If reasonable efforts are made by the peace officer or caseworker to notify the
- 439 parent or guardian or a responsible relative in accordance with the requirements of Subsection
- 440 (1), failure to notify:
- 441 (a) shall be considered to be due to circumstances beyond the control of the peace
- 442 officer or caseworker; and
- 443 (b) may not be construed to:
- 444 (i) permit a new defense to any juvenile or judicial proceeding; or
- 445 (ii) interfere with any rights, procedures, or investigations provided for by this chapter
- 446 or Title 78A, Chapter 6, Juvenile Court Act of 1996.
- 447 Section 7. Section **78A-6-306** is amended to read:
- 448 **78A-6-306. Shelter hearing.**
- 449 (1) A shelter hearing shall be held within 72 hours excluding weekends and holidays
- 450 after any one or all of the following occur:
- 451 (a) removal of the child from the child's home by the division;
- 452 (b) placement of the child in the protective custody of the division;
- 453 (c) emergency placement under Subsection [62A-4a-202.1\(4\)](#);
- 454 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
- 455 at the request of the division; or
- 456 (e) a "Motion for Expedited Placement in Temporary Custody" is filed under
- 457 Subsection [78A-6-106\(4\)](#).
- 458 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
- 459 division shall issue a notice that contains all of the following:
- 460 (a) the name and address of the person to whom the notice is directed;
- 461 (b) the date, time, and place of the shelter hearing;

- 462 (c) the name of the child on whose behalf a petition is being brought;
- 463 (d) a concise statement regarding:
 - 464 (i) the reasons for removal or other action of the division under Subsection (1); and
 - 465 (ii) the allegations and code sections under which the proceeding has been instituted;
- 466 (e) a statement that the parent or guardian to whom notice is given, and the child, are
- 467 entitled to have an attorney present at the shelter hearing, and that if the parent or guardian is
- 468 indigent and cannot afford an attorney, and desires to be represented by an attorney, one will be
- 469 provided in accordance with Title 78B, Chapter 22, Indigent Defense Act; and
- 470 (f) a statement that the parent or guardian is liable for the cost of support of the child in
- 471 the protective custody, temporary custody, and custody of the division, and the cost for legal
- 472 counsel appointed for the parent or guardian under Subsection (2)(e), according to the financial
- 473 ability of the parent or guardian.
- 474 (3) The notice described in Subsection (2) shall be personally served as soon as
- 475 possible, but no later than one business day after removal of the child from the child's home, or
- 476 the filing of a "Motion for Expedited Placement in Temporary Custody" under Subsection
- 477 [78A-6-106\(4\)](#), on:
 - 478 (a) the appropriate guardian ad litem; and
 - 479 (b) both parents and any guardian of the child, unless the parents or guardians cannot
 - 480 be located.
- 481 (4) The following persons shall be present at the shelter hearing:
 - 482 (a) the child, unless it would be detrimental for the child;
 - 483 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
 - 484 fail to appear in response to the notice;
 - 485 (c) counsel for the parents, if one is requested;
 - 486 (d) the child's guardian ad litem;
 - 487 (e) the caseworker from the division who is assigned to the case; and
 - 488 (f) the attorney from the attorney general's office who is representing the division.
- 489 (5) (a) At the shelter hearing, the court shall:
 - 490 (i) provide an opportunity to provide relevant testimony to:
 - 491 (A) the child's parent or guardian, if present; and
 - 492 (B) any other person having relevant knowledge;

493 (ii) subject to Section [78A-6-305](#), provide an opportunity for the child to testify; ~~and~~
494 (iii) in accordance with Subsections [78A-6-307](#)(18)(c) through (e) and except as
495 provided by Subsection (5)(a)(iv), grant preferential consideration to a relative or friend for the
496 temporary placement of the child~~[-]; and~~
497 (iv) if the natural parent of the child has created a voluntary adoption plan under
498 Subsection [62A-4a-202.2](#)(1)(a)(viii), a preplacement adoptive evaluation has been conducted
499 for the prospective adoptive parent of the child in accordance with Section [78B-6-128](#), and the
500 preplacement adoptive evaluation recommends the suitability of the prospective adoptive
501 parent for placement of a child:
502 (A) allow the proposed adoptive placement to proceed;
503 (B) grant preferential consideration to the prospective adoptive parent for the
504 temporary placement of the child; and
505 (C) dismiss the petition filed under Section [78A-6-304](#).
506 (b) The court:
507 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
508 Procedure;
509 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
510 the requesting party, or their counsel; and
511 (iii) may in its discretion limit testimony and evidence to only that which goes to the
512 issues of removal and the child's need for continued protection.
513 (6) If the child is in the protective custody of the division, the division shall report to
514 the court:
515 (a) the reason why the child was removed from the parent's or guardian's custody;
516 (b) any services provided to the child and the child's family in an effort to prevent
517 removal;
518 (c) the need, if any, for continued shelter;
519 (d) the available services that could facilitate the return of the child to the custody of
520 the child's parent or guardian; and
521 (e) subject to Subsections [78A-6-307](#)(18)(c) through (e), whether any relatives of the
522 child or friends of the child's parents may be able and willing to accept temporary placement of
523 the child.

524 (7) The court shall consider all relevant evidence provided by persons or entities
525 authorized to present relevant evidence pursuant to this section.

526 (8) (a) If necessary to protect the child, preserve the rights of a party, or for other good
527 cause shown, the court may grant no more than one continuance, not to exceed five judicial
528 days.

529 (b) A court shall honor, as nearly as practicable, the request by a parent or guardian for
530 a continuance under Subsection (8)(a).

531 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
532 described in Subsection (2) within the time described in Subsection (3), the court may grant the
533 request of a parent or guardian for a continuance, not to exceed five judicial days.

534 (9) (a) If the child is in the protective custody of the division, the court shall order that
535 the child be returned to the custody of the parent or guardian unless it finds, by a
536 preponderance of the evidence, consistent with the protections and requirements provided in
537 Subsection [62A-4a-201\(1\)](#), that any one of the following exists:

538 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
539 safety of the child and the child's physical health or safety may not be protected without
540 removing the child from the custody of the child's parent;

541 (ii) (A) the child is suffering emotional damage that results in a serious impairment in
542 the child's growth, development, behavior, or psychological functioning;

543 (B) the parent or guardian is unwilling or unable to make reasonable changes that
544 would sufficiently prevent future damage; and

545 (C) there are no reasonable means available by which the child's emotional health may
546 be protected without removing the child from the custody of the child's parent or guardian;

547 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
548 not removed from the custody of the child's parent or guardian;

549 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
550 household has been, or is considered to be at substantial risk of being, physically abused,
551 sexually abused, or sexually exploited by a:

552 (A) parent or guardian;

553 (B) member of the parent's household or the guardian's household; or

554 (C) person known to the parent or guardian;

- 555 (v) the parent or guardian is unwilling to have physical custody of the child;
- 556 (vi) the child is without any provision for the child's support;
- 557 (vii) a parent who is incarcerated or institutionalized has not or cannot arrange for safe
558 and appropriate care for the child;
- 559 (viii) (A) a relative or other adult custodian with whom the child is left by the parent or
560 guardian is unwilling or unable to provide care or support for the child;
- 561 (B) the whereabouts of the parent or guardian are unknown; and
- 562 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
- 563 (ix) subject to Subsections 78A-6-105(40)(b) and 78A-6-117(2) and Section
564 78A-6-301.5, the child is in immediate need of medical care;
- 565 (x) (A) the physical environment or the fact that the child is left unattended beyond a
566 reasonable period of time poses a threat to the child's health or safety; and
- 567 (B) the parent or guardian is unwilling or unable to make reasonable changes that
568 would remove the threat;
- 569 (xi) (A) the child or a minor residing in the same household has been neglected; and
- 570 (B) the parent or guardian is unwilling or unable to make reasonable changes that
571 would prevent the neglect;
- 572 (xii) the parent, guardian, or an adult residing in the same household as the parent or
573 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine Drug Lab Act,
574 and any clandestine laboratory operation was located in the residence or on the property where
575 the child resided;
- 576 (xiii) (A) the child's welfare is substantially endangered; and
- 577 (B) the parent or guardian is unwilling or unable to make reasonable changes that
578 would remove the danger; or
- 579 (xiv) the child's natural parent:
- 580 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
581 child;
- 582 (B) is identified by a law enforcement agency as the primary suspect in an investigation
583 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
- 584 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
585 recklessly causing the death of another parent of the child.

586 (b) (i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
587 established if:

588 (A) a court previously adjudicated that the child suffered abuse, neglect, or dependency
589 involving the parent; and

590 (B) a subsequent incident of abuse, neglect, or dependency involving the parent occurs.

591 (ii) For purposes of Subsection (9)(a)(iv), if the court finds that the parent knowingly
592 allowed the child to be in the physical care of a person after the parent received actual notice
593 that the person physically abused, sexually abused, or sexually exploited the child, that fact
594 constitutes prima facie evidence that there is a substantial risk that the child will be physically
595 abused, sexually abused, or sexually exploited.

596 (10) (a) (i) The court shall also make a determination on the record as to whether
597 reasonable efforts were made to prevent or eliminate the need for removal of the child from the
598 child's home and whether there are available services that would prevent the need for continued
599 removal.

600 (ii) If the court finds that the child can be safely returned to the custody of the child's
601 parent or guardian through the provision of those services, the court shall place the child with
602 the child's parent or guardian and order that those services be provided by the division.

603 (b) In making the determination described in Subsection (10)(a), and in ordering and
604 providing services, the child's health, safety, and welfare shall be the paramount concern, in
605 accordance with federal law.

606 (11) Where the division's first contact with the family occurred during an emergency
607 situation in which the child could not safely remain at home, the court shall make a finding that
608 any lack of preplacement preventive efforts was appropriate.

609 (12) In cases where actual sexual abuse, sexual exploitation, abandonment, severe
610 abuse, or severe neglect are involved, neither the division nor the court has any duty to make
611 "reasonable efforts" or to, in any other way, attempt to maintain a child in the child's home,
612 return a child to the child's home, provide reunification services, or attempt to rehabilitate the
613 offending parent or parents.

614 (13) The court may not order continued removal of a child solely on the basis of
615 educational neglect as defined in Section 78A-6-105, truancy, or failure to comply with a court
616 order to attend school.

617 (14) (a) Whenever a court orders continued removal of a child under this section, the
618 court shall state the facts on which that decision is based.

619 (b) If no continued removal is ordered and the child is returned home, the court shall
620 state the facts on which that decision is based.

621 (15) If the court finds that continued removal and temporary custody are necessary for
622 the protection of a child pursuant to Subsection (9)(a), the court shall order continued removal
623 regardless of:

624 (a) any error in the initial removal of the child;

625 (b) the failure of a party to comply with notice provisions; or

626 (c) any other procedural requirement of this chapter or Title 62A, Chapter 4a, Child
627 and Family Services.

628 Section 8. Section **78B-6-105** is amended to read:

629 **78B-6-105. Venue -- Jurisdiction over nonresidents -- Time for filing.**

630 ~~[(1) Adoption proceedings shall be commenced by filing a petition with the clerk of the
631 district court either:]~~

632 ~~[(a) in the district where the prospective adoptive parent resides;]~~

633 ~~[(b) if the prospective adoptive parent is not a resident of this state, in the district
634 where:]~~

635 ~~[(i) the adoptee was born;]~~

636 ~~[(ii) the adoptee resides on the day on which the petition is filed; or]~~

637 ~~[(iii) a parent of the proposed adoptee resides on the day on which the petition is filed;
638 or]~~

639 ~~[(c) with the juvenile court as provided in Subsection [78A-6-103\(2\)](#).]~~

640 (1) (a) Notwithstanding Title 78B, Chapter 3, Part 3, Place of Trial -- Venue, an
641 adoption proceeding shall be commenced by filing a petition for adoption:

642 (i) in the juvenile court in accordance with Section [78A-6-110](#) if the juvenile court has
643 jurisdiction over the proceeding under Subsection [78A-6-103\(2\)](#); or

644 (ii) in the district court where:

645 (A) the prospective adoptive parent resides;

646 (B) a child-placing agency with custody of the adoptee conducts the child-placing
647 agency's business;

648 (C) the adoptee was born;
649 (D) the adoptee resides on the day on which petition is filed; or
650 (E) a parent of the proposed adoptee resides on the day on which the petition is filed.

651 (b) If a petition is filed in a district court that is not the proper court for the adoption
652 proceeding, the district court may transfer the adoption proceeding to the proper court in
653 accordance with the Utah Rules of Civil Procedure, Rule 42.

654 (2) All petitions, orders, decrees, agreements, and notices in [~~the proceedings~~] an
655 adoption proceeding shall be filed with the clerk of the court [~~where the adoption proceedings~~
656 ~~were commenced under Subsection (1)] where the adoption proceeding is held.~~

657 (3) A petition for adoption:

658 (a) may be filed before the birth of a child;

659 (b) may be filed before or after the adoptee is placed in the home of the petitioner for
660 the purpose of adoption; and

661 (c) shall be filed no later than 30 days after the day on which the adoptee is placed in
662 the home of the petitioners for the purpose of adoption, unless:

663 (i) the time for filing has been extended by the court; or

664 (ii) the adoption is arranged by a child-placing agency in which case the agency may
665 extend the filing time.

666 (4) (a) If a person whose consent for the adoption is required under Section [78B-6-120](#)
667 or [78B-6-121](#) cannot be found within the state, the fact of the minor's presence within the state
668 shall confer jurisdiction on the court in proceedings under this chapter as to such absent person,
669 provided that due notice has been given in accordance with the Utah Rules of Civil Procedure.

670 (b) The notice may not include the name of:

671 (i) a prospective adoptive parent; or

672 (ii) an unmarried mother without her consent.

673 (5) Service of notice [~~as provided~~] described in Subsection (6) shall vest the court with
674 jurisdiction over the person served in the same manner and to the same extent as if the person
675 served was served personally within the state.

676 (6) In the case of service outside the state, service completed not less than five days
677 before the time set in the notice for appearance of the person served shall be sufficient to confer
678 jurisdiction.

679 (7) Computation of periods of time not otherwise set forth in this section shall be made
680 in accordance with the Utah Rules of Civil Procedure.

681 Section 9. Section **78B-6-115** is amended to read:

682 **78B-6-115. Who may adopt -- Adoption of minor -- Adoption of adult.**

683 (1) ~~[For purposes of]~~ As used in this section, "vulnerable adult" means:

684 (a) ~~[a person 65 years of age]~~ an individual who is 65 years old or older; or

685 (b) an adult~~[, 18 years of age]~~ who is 18 years old or older, and who has a mental or
686 physical impairment ~~[which]~~ that substantially affects that ~~[person's]~~ adult's ability to:

687 (i) provide personal protection;

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

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

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

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

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

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

696 (3) The following provisions of this part apply to the adoption of an adult just as
697 though the ~~[person]~~ individual being adopted were a minor:

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

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

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

701 (iv) Section **78B-6-118**;

702 (v) Section **78B-6-124**;

703 (vi) Section **78B-6-136**;

704 (vii) Section **78B-6-137**;

705 (viii) Section **78B-6-138**;

706 (ix) Section **78B-6-139**;

707 (x) Section **78B-6-141**; and

708 (xi) Section **78B-6-142**;

709 (b) Subsections ~~[78B-6-105(1)(a), (1)(b)(i), (1)(b)(ii), (2), and (7)]~~ 78B-6-105(1)(a)(i),

710 (1)(a)(ii)(A), (1)(a)(ii)(C), (1)(a)(ii)(D), (1)(b), (2), and (7), except that the juvenile court does
711 not have jurisdiction over a proceeding for adoption of an adult, unless the adoption arises from
712 a case where the juvenile court has continuing jurisdiction over the mature adoptee; and

713 (c) if the mature adoptee is a vulnerable adult, Sections [78B-6-128](#) through [78B-6-131](#),
714 regardless of whether the mature adoptee resides, or will reside, with the ~~[adoptors]~~ adopters,
715 unless the court, based on a finding of good cause, waives the requirements of those sections.

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

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

721 Section 10. Section [78B-6-120.1](#) is amended to read:

722 **[78B-6-120.1. Implied consent.](#)**

723 (1) ~~[(a)]~~ As used in this section~~[-,"abandonment"]~~:

724 (a) "Abandonment" means failure of a father, with reasonable knowledge of the
725 pregnancy, to offer and provide financial and emotional support to the birth mother for a period
726 of six months before the day on which the adoptee is born.

727 (b) "Emotional support" means a pattern of statements or actions that indicate to a
728 reasonable person that a father intends to provide for the physical and emotional well-being of
729 an unborn child.

730 ~~[(b)]~~ (2) (a) A court may not determine that a father abandoned the birth mother if the
731 father failed to provide financial or emotional support because the birth mother refused to
732 accept support.

733 ~~[(2) (a) As used in this section, "emotional support" means a pattern of statements or
734 actions that indicate to a reasonable person that a father intends to provide for the physical and
735 emotional well-being of an unborn child.]~~

736 (b) A court may not find that a father failed to provide emotional support if the father's
737 failure was due to impossibility of performance.

738 (3) Consent or relinquishment, as required by Subsection [78B-6-120\(1\)](#), may be
739 implied by any of the following acts:

740 (a) abandonment;

741 (b) leaving the adoptee with a third party, without providing the third party with the
742 parent's identification, for 30 consecutive days;

743 (c) knowingly leaving the adoptee with another person, without providing for support,
744 communicating, or otherwise maintaining a substantial relationship with the adoptee, for six
745 consecutive months; or

746 (d) receiving notification of a pending adoption proceeding under Subsection
747 78B-6-110(6) or of a termination proceeding under Section 78B-6-112 and failing to respond
748 as required.

749 (4) Implied consent under Subsection (3)[(a)] may not be withdrawn.

750 (5) Nothing in this section negates the requirements of Section 78B-6-121 or
751 78B-6-122 for an unmarried biological father.

752 Section 11. Section 78B-6-136.5 is amended to read:

753 **78B-6-136.5. Timing of entry of final decree of adoption -- Posthumous adoption.**

754 (1) Except as provided in Subsection (2), a final decree of adoption may not be entered
755 until the earlier of:

756 (a) when the child has lived in the home of the prospective adoptive parent for six
757 months; or

758 (b) when the child has been placed for adoption with the prospective adoptive parent
759 for six months.

760 (2) (a) If the prospective adoptive parent is the spouse of the [~~pre-existing~~] preexisting
761 parent, a final decree of adoption may not be entered until the child has lived in the home of
762 that prospective adoptive parent for one year, unless, based on a finding of good cause, the
763 court orders that the final decree of adoption may be entered at an earlier time.

764 (b) The court may, based on a finding of good cause, order that the final decree of
765 adoption be entered at an earlier time than described in Subsection (1).

766 (3) [~~If the child dies during the time that the child is placed in the home of a~~
767 ~~prospective adoptive parent or parents for the purpose of adoption, the~~] The court has authority
768 to enter a final decree of adoption after [~~the~~] a child's death upon the request of the prospective
769 adoptive parent or parents[:] of the child if:

770 (a) the child dies during the time that the child is placed in the home of a prospective
771 adoptive parent or parents for the purpose of adoption; or

772 (b) the prospective adoptive parent is the spouse of a preexisting parent of the child and
773 the child lived with the prospective adoptive parent before the child's death.

774 ~~[(4) The court may enter a final decree of adoption declaring that a child is adopted by~~
775 ~~both a deceased and a surviving adoptive parent if, after the child is placed in the home of the~~
776 ~~child's prospective adoptive parents:]~~

777 ~~[(a) one of the prospective adoptive parents dies;]~~

778 ~~[(b) the surviving prospective adoptive parent requests that the court enter the decree;~~
779 ~~and]~~

780 ~~[(c) the decree is entered after the child has lived in the home of the surviving~~
781 ~~prospective adoptive parent for at least six months.]~~

782 (4) The court may enter a final decree of adoption declaring that a child is adopted by:

783 (a) both a deceased and a surviving adoptive parent if after the child is placed in the
784 home of the child's prospective adoptive parents:

785 (i) one of the prospective adoptive parents dies;

786 (ii) the surviving prospective adoptive parent requests that the court enter the decree;

787 and

788 (iii) the decree is entered after the child has lived in the home of the surviving
789 prospective adoptive parent for at least six months; or

790 (b) a spouse of a preexisting parent if after the child has lived with the spouse of the
791 preexisting parent:

792 (i) the preexisting parent, or the spouse of preexisting parent, dies;

793 (ii) the preexisting parent, or the spouse of the preexisting parent, requests that the
794 court enter the decree; and

795 (iii) the child has lived in the same home as the spouse of the preexisting parent for at
796 least one year.

797 (5) Upon request of a surviving ~~[pre-existing]~~ preexisting parent, or a surviving parent
798 for whom adoption of a child has been finalized, the court may enter a final decree of adoption
799 declaring that a child is adopted by a deceased adoptive parent who was the spouse of the
800 surviving parent at the time of the prospective adoptive parent's death.

801 (6) The court may enter a final decree of adoption declaring that a child is adopted by
802 both deceased prospective adoptive parents if:

803 (a) both of the prospective adoptive parents die after the child is placed in the
804 prospective adoptive parents' home; and

805 (b) it is in the best interests of the child to enter the decree.

806 (7) Nothing in this section shall be construed to grant any rights to the [~~pre-existing~~]
807 preexisting parents of a child to assert any interest in the child during the six-month or one-year
808 periods described in this section.

809 Section 12. Section **78B-6-140** is amended to read:

810 **78B-6-140. Itemization of fees and expenses.**

811 (1) Except as provided in Subsection (4), [~~prior to~~] before the date that a final decree of
812 adoption is entered, an affidavit regarding fees and expenses, signed by the prospective
813 adoptive parent or parents and the person or agency placing the child, shall be filed with the
814 court.

815 (2) The affidavit described in Subsection (1) shall itemize the following items in
816 connection with the adoption:

817 (a) all legal expenses, maternity expenses, medical or hospital expenses, and living
818 expenses that have been or will be paid to or on behalf of the [~~pre-existing~~] preexisting parents
819 of the child, including the source of payment;

820 (b) fees paid by the prospective adoptive parent or parents in connection with the
821 adoption;

822 (c) all gifts, property, or other items that have been or will be provided to the
823 [~~pre-existing~~] preexisting parents, including the source of the gifts, property, or other items;

824 (d) all public funds used for any medical or hospital costs in connection with the:

825 (i) pregnancy;

826 (ii) delivery of the child; or

827 (iii) care of the child;

828 (e) the state of residence of the:

829 (i) birth mother or the [~~pre-existing~~] preexisting parents; and

830 (ii) prospective adoptive parent or parents;

831 (f) a description of services provided to the prospective adoptive parents or
832 [~~pre-existing~~] preexisting parents in connection with the adoption; and

833 (g) that Section **76-7-203** has not been violated.

834 (3) ~~[A]~~ If a child-placing agency, that is licensed by this state, placed the child, a copy
835 of the affidavit described in Subsection (1) shall be provided to the Office of Licensing within
836 the Department of Human Services.

837 (4) This section does not apply if the prospective adoptive parent is the legal spouse of
838 a ~~[pre-existing]~~ preexisting parent.