

Adoption Amendments
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Katy Hall
 Senate Sponsor:

LONG TITLE**Committee Note:**

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 13 voting for 2 voting against 1 absent

General Description:

This bill amends provisions relating to adoption and child-placing agencies.

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to child-placing agencies including:
 - terms of licensing;
 - advertising requirements;
 - reporting requirements; and
 - disclosure of information to birth parents and adoptive parents;
- ▶ addresses the rights of birth parents and adoptive parents;
- ▶ clarifies the types of payments and fees that are permissible in an adoption;
- ▶ addresses transportation of birth mothers to Utah from other states or countries;
- ▶ amends provisions relating to mental health therapy for a birth parent;
- ▶ clarifies that a birth parent can revoke consent under limited circumstances;
- ▶ addresses adoption services in health care facilities;
- ▶ makes technical changes; and
- ▶ defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-2-105, as last amended by Laws of Utah 2024, Chapters 261, 267 and 307

31 **26B-2-127**, as last amended by Laws of Utah 2025, Chapter 426
 32 **63G-20-203.5**, as enacted by Laws of Utah 2023, Chapter 466
 33 **80-2-802**, as last amended by Laws of Utah 2025, Chapter 426
 34 **81-13-211**, as renumbered and amended by Laws of Utah 2025, Chapter 426
 35 **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426
 36 **81-13-217**, as renumbered and amended by Laws of Utah 2025, Chapter 426

37 ENACTS:

38 **26B-2-244**, Utah Code Annotated 1953

39

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

41 Section 1. Section **26B-2-105** is amended to read:

42 **26B-2-105 . Licensure requirements -- Expiration -- Renewal.**

43 (1) Except as provided in Section 26B-2-115, an individual, agency, firm, corporation,
 44 association, or governmental unit acting severally or jointly with any other individual,
 45 agency, firm, corporation, association, or governmental unit may not establish, conduct,
 46 or maintain a human services program in this state without a valid and current license
 47 issued by and under the authority of the office as provided by this part and the rules
 48 under the authority of this part.

49 (2)(a) For purposes of this Subsection (2), "member" means a person or entity that is
 50 associated with another person or entity:

51 (i) as a member;

52 (ii) as a partner;

53 (iii) as a shareholder; or

54 (iv) as a person or entity involved in the ownership or management of a human
 55 services program owned or managed by the other person or entity.

56 (b) A license issued under this part may not be assigned or transferred.

57 (c) The office shall treat an application for a license under this part as an application for
 58 reinstatement of a revoked license if:

59 (i)(A) the person or entity applying for the license had a license revoked under this
 60 part; and

61 (B) the revoked license described in Subsection (2)(c)(i)(A) is not reinstated
 62 before the application described in this Subsection (2)(c) is made; or

63 (ii) a member of an entity applying for the license:

64 (A)(I) had a license revoked under this part; and

- 65 (II) the revoked license described in Subsection (2)(c)(ii)(A)(I) is not reinstated
66 before the application described in this Subsection (2)(c) is made; or
67 (B)(I) was a member of an entity that had a license revoked under this part at
68 any time before the license was revoked; and
69 (II) the revoked license described in Subsection (2)(c)(ii)(B)(I) is not reinstated
70 before the application described in this Subsection (2)(c) is made.
- 71 (3)(a) Subject to Section 26B-2-110, and after the five-year waiting period described in
72 Subsection 26B-2-110(1)(c), the office may conditionally approve an application for
73 reinstatement as described in Subsection (2)(c), for a maximum of two years, if:
74 (i) the applicant's license was previously revoked due to repeated or chronic
75 violations; or
76 (ii) after the applicant's license was previously revoked, the applicant associated with
77 another human services program that provides a service that is substantially
78 similar to the services for which the applicant was previously licensed.
- 79 (b) If the office issues a conditional license under Subsection (3)(a), the office shall
80 prepare a conditional license plan describing the terms and conditions of the
81 conditional license.
- 82 (4) A current license shall at all times be posted in the facility where each human services
83 program is operated, in a place that is visible and readily accessible to the public.
- 84 (5)(a) Except as provided in Subsections (5)(c) and (d), each license issued under this
85 part expires at midnight on the last day of the same month the license was issued, one
86 year following the date of issuance unless the license has been:
87 (i) previously revoked by the office;
88 (ii) voluntarily returned to the office by the licensee; or
89 (iii) extended by the office.
- 90 (b) A license shall be renewed upon application and payment of the applicable fee,
91 unless the office finds that the licensee:
92 (i) is not in compliance with the:
93 (A) provisions of this part; or
94 (B) rules made under this part;
95 (ii) has engaged in a pattern of noncompliance with the:
96 (A) provisions of this part; or
97 (B) rules made under this part;
98 (iii) has engaged in conduct that is grounds for denying a license under Section

- 99 26B-2-703; or
- 100 (iv) has engaged in conduct that poses a substantial risk of harm to any person.
- 101 (c) The office may issue a renewal license that expires at midnight on the last day of the
- 102 same month the license was issued, two years following the date of issuance, if:
- 103 (i) the licensee has maintained a human services license for at least 24 months before
- 104 the day on which the licensee applies for the renewal; and
- 105 (ii) the licensee has not violated this part or a rule made under this part.
- 106 (d)(i) For a foster home that has been licensed for fewer than two years, a foster
- 107 home license issued on or after May 1, 2023, expires at midnight on the last day of
- 108 the same month the license was issued, one year following the date of issuance.
- 109 (ii) For a foster home that has been licensed for two or more years, a foster home
- 110 license issued on or after May 1, 2023, expires at midnight on the last day of the
- 111 same month the license was issued, three years following the date of issuance:
- 112 (A) unless the license is placed on conditions, suspended, or revoked by the office,
- 113 or voluntarily returned to the office by the licensee; and
- 114 (B) if the licensee has not violated this part or a rule made under this part.
- 115 (iii) A foster home licensee shall complete an annual background screening in
- 116 compliance with the requirements of Section 26B-2-120.
- 117 (6) Any licensee that is in operation at the time rules are made in accordance with this part
- 118 shall be given a reasonable time for compliance as determined by the rule.
- 119 (7)(a) A license for a human services program issued under this section shall apply to a
- 120 specific human services program site.
- 121 (b) A human services program shall obtain a separate license for each site where the
- 122 human services program is operated.
- 123 (c) If there is more than one foster parent in a licensed foster home, the foster home
- 124 license shall include the names of all foster parents in the home.
- 125 (8) Beginning on January 1, 2027, the office may not issue or renew a child-placing agency
- 126 license unless the applicant is a nonprofit organization, as that term is defined in Section
- 127 78B-4-101.

128 Section 2. Section **26B-2-127** is amended to read:

129 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

130 **Consortium.**

131 (1) As used in this section:

132 (a)(i) "Advertisement" means any written, oral, or graphic statement or representation

- 133 made in connection with a solicitation of business.
- 134 (ii) "Advertisement" includes a statement or representation described in Subsection
- 135 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper,
- 136 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.
- 137 (b) "Birth parent" means the same as that term is defined in Section 81-13-101.
- 138 (c) "Clearly and conspicuously disclose" means the same as that term is defined in
- 139 Section 13-11a-2.
- 140 (d) "Coercion" means utilizing threats, force, intimidation, confinement, or deception to
- 141 induce a birth parent to relinquish the birth parent's child or consent to an adoption.
- 142 (e) "Daily living needs" means food, clothing, hygiene, and local transportation.
- 143 (f) "Directly affected person" means the same as that term is defined in Section 76-7-203.
- 144 (g)(i) "Living expenses" means ordinary and necessary costs to maintain an
- 145 individual's needs, including housing, utilities, and out-of-state transportation.
- 146 (ii) "Living expenses" does not include lost wages, gifts, educational expenses, or
- 147 other similar expenses.
- 148 [(~~d~~)] (h)(i) "Matching advertisement" means any written, oral, or graphic statement or
- 149 representation made in connection with a solicitation of business to provide the
- 150 assistance described in Subsection (3)(a)(i), regardless of whether there is or will
- 151 be an exchange described in Subsection (3)(a)(ii).
- 152 (ii) "Matching advertisement" includes a statement or representation described in
- 153 Subsection [(~~1~~)(~~d~~)(~~i~~)] (1)(h)(i) by a noncable television system, radio, printed
- 154 brochure, newspaper, leaflet, flyer, circular, billboard, banner, Internet website,
- 155 social media, or sign.
- 156 (i) "Weekly allowance" means funds that a licensed child-placing agency may provide to
- 157 a birth parent for daily living needs.
- 158 (2)(a) Subject to Section 81-14-205, a person may not engage in child placing, or solicit
- 159 money or other assistance for child placing, without a valid license issued by the
- 160 office in accordance with this part.
- 161 (b) If a child-placing agency's license is suspended or revoked in accordance with this
- 162 part, the care, control, or custody of any child who is in the care, control, or custody
- 163 of the child-placing agency shall be transferred to the Division of Child and Family
- 164 Services.
- 165 (3)(a)(i) An attorney, physician, or other person may assist:
- 166 (A) a birth parent to identify or locate a prospective adoptive parent who is

- 167 interested in adopting the birth parent's child; or
- 168 (B) a prospective adoptive parent to identify or locate a child to be adopted.
- 169 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any
- 170 kind, or promise or agreement to make the same, may not be made for the
- 171 assistance described in Subsection (3)(a)(i).
- 172 (b) An attorney, physician, or other person may not:
- 173 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
- 174 attorney, physician, or other person is available to provide the assistance described
- 175 in Subsection (3)(a)(i);
- 176 (ii) cause, permit, or allow any sign or marking indicating that the attorney,
- 177 physician, or other person is available to provide the assistance described in
- 178 Subsection (3)(a)(i), on or in any building or structure;
- 179 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
- 180 physician, or other person is available to provide the assistance described in
- 181 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or
- 182 television, or an Internet website relating to a business;
- 183 (iv) announce, cause, permit, or allow a matching advertisement; or
- 184 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
- 185 attorney, physician, or other person is available to provide the assistance described
- 186 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by
- 187 using any of the following terms:
- 188 (A) "comprehensive";
- 189 (B) "complete";
- 190 (C) "one-stop";
- 191 (D) "all-inclusive"; or
- 192 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)
- 193 through (D).
- 194 (c) An attorney, physician, or other person who is not licensed by the office shall clearly
- 195 and conspicuously disclose in any print media advertisement or written contract
- 196 regarding adoption services or adoption-related services that the attorney, physician,
- 197 or other person is not licensed to provide adoption services by the office.
- 198 (4)(a) An entity that advertises for adoption services shall disclose in the advertisement:
- 199 (i) the name of the states in which the entity is licensed to provide adoption services;
- 200 or

- 201 (ii) whether the entity is not licensed to provide adoption services in any state.
- 202 (b) An entity that advertises for adoption services may not promise financial incentives
 203 in an adoption-related advertisement.
- 204 [(4)] (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of
 205 a third degree felony.
- 206 [(5)] (6) This section does not preclude payment of fees for medical, legal, or other lawful
 207 services rendered in connection with the care of a mother, delivery and care of a child,
 208 or lawful adoption proceedings, except that a child-placing agency may not:
 209 (a) charge or accept payment for services that were not actually rendered; or
 210 (b) charge or accept payment from a prospective adoptive parent for medical or hospital
 211 expenses that were paid for by public funds.
- 212 [(6)] (7) In accordance with federal law, only an agent or employee of the Division of Child
 213 and Family Services or of a licensed child-placing agency may certify to United States
 214 Citizenship and Immigration Services that a family meets the preadoption requirements
 215 of the Division of Child and Family Services.
- 216 [(7)] (8) A licensed child-placing agency or an attorney practicing in this state may not place
 217 a child for adoption, either temporarily or permanently, with an individual who would
 218 not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and
 219 81-13-402.
- 220 [(8)] (9)[(a) ~~A child-placing agency, as that term is defined in Section 63G-20-102, that~~
 221 ~~serves a resident of the state who is a birth mother or a prospective adoptive parent~~
 222 ~~must be a member of a statewide consortium of licensed child-placing agencies that,~~
 223 ~~together, serve all birth mothers lawfully seeking to place a child for adoption and all~~
 224 ~~qualified prospective adoptive parents.]~~
- 225 [(b) ~~The department shall receive and investigate any complaint against a consortium of~~
 226 ~~licensed child-placing agencies.]~~
- 227 (a) There is created the Utah Child-Placing Agency Consortium to advise the Legislature
 228 regarding child-placing agency adoptions and policy in the state.
- 229 (b) The consortium consists of one member of each licensed child-placing agency, as
 230 that term is defined in Section 63G-20-102.
- 231 (c) The consortium shall meet at least quarterly.
- 232 (d) The majority of consortium members constitutes a quorum for conducting
 233 consortium business.
- 234 (e) The consortium shall establish bylaws and procedures for consortium action and

- 235 recommendations.
- 236 (f)(i) A representative from the office shall chair the consortium.
- 237 (ii) The office shall oversee the consortium and provide staff support as needed.
- 238 (g)(i) The consortium shall report to the Health and Human Services Interim
- 239 Committee on or before October 1, 2026.
- 240 (ii) The report described in Subsection (9)(g)(i) shall include:
- 241 (A) the number of adoptions completed by each agency in 2025;
- 242 (B) the number of out-of-state transports arranged by each agency in 2025; and
- 243 (C) a description of each agency's fees in 2025.
- 244 (10)(a) A birth parent has the right to independent legal counsel in the adoption process,
- 245 selected by the birth parent, at a reasonable cost to be paid by the child-placing
- 246 agency or prospective adoptive parents.
- 247 (b) A birth parent may waive the right described in Subsection (10)(a).
- 248 (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to
- 249 the adoption of a child adoptee, the parent shall be informed of the right described in
- 250 Subsection (10), with sufficient time to exercise the right prior to relinquishment or
- 251 consent, by the:
- 252 (a) child-placing agency;
- 253 (b) prospective adoptive parents; or
- 254 (c) representative of a person described in Subsection (11)(a) or (b).
- 255 (12) Before the day on which a final decree of adoption is entered, a statement shall be filed
- 256 with the court that:
- 257 (a) is signed by each parent who:
- 258 (i) relinquishes the parent's parental rights; or
- 259 (ii) consents to the adoption; and
- 260 (b) states that, before the parent took the action described in Subsection (12)(a)(i)(A) or
- 261 (B), the parent was advised of the parent's right to independent legal counsel
- 262 described in this section at the expense of the:
- 263 (i) child-placing agency; or
- 264 (ii) prospective adoptive parents.
- 265 (13) A licensed child-placing agency shall include on the child-placing agency's website, in
- 266 a prominent and conspicuous place:
- 267 (a) information regarding how a birth parent or adoptive parent can file a complaint with
- 268 the office; and

- 269 (b) notice of any current or former warnings or violations that the office has issued to the
270 child-placing agency within the past three years.
- 271 (14)(a) A licensed child-placing agency may only pay the following fees or expenses on
272 behalf of a birth parent:
- 273 (i) up to \$8,000 in living expenses;
 - 274 (ii) weekly allowance;
 - 275 (iii) medical expenses; and
 - 276 (iv) legal expenses related to the adoption.
- 277 (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing agency that
278 pays fees or expenses described in Subsection (14)(a) on behalf of a birth parent shall
279 make the payment directly to the applicable service provider when possible.
- 280 (c)(i) A licensed child-placing agency may provide a weekly allowance directly to a
281 birth parent.
- 282 (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed
283 on a weekly basis for up to 12 weeks during pregnancy and four weeks
284 postpartum.
 - 285 (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75
286 per week for a directly affected person that is dependent on the birth parent.
- 287 (d) A licensed child-placing agency may exceed the limits described in this Subsection
288 (14) with court approval.
- 289 (15) Prior to an adoption being finalized, an adoptive parent or licensed child-placing
290 agency may not discuss or promise a potential post-adoption gift to a birth parent.
- 291 (16)(a) A licensed child-placing agency, an employee or contractor of a licensed
292 child-placing agency, or a prospective adoption parent may not utilize coercion in
293 any interaction with a birth parent.
- 294 (b) Coercive behavior includes:
- 295 (i) threatening financial or legal retaliation if a birth parent chooses to parent;
 - 296 (ii) telling a birth parent that the birth parent will not receive assistance to return to
297 the birth parent's state of residence;
 - 298 (iii) preventing a birth parent from physically leaving the birth parent's location;
 - 299 (iv) preventing a birth parent from contacting the birth parent's supports, such as
300 family, friends, mental health professional, or legal counsel; and
 - 301 (v) promising a financial benefit in exchange for the birth parent's relinquishment or
302 consent.

- 303 (17) If any member of a licensed child-placing agency has a financial interest in a service
304 provider that receives a payment as described in Subsection (14)(b), the licensed
305 child-placing agency shall disclose the financial interest to a birth parent, prospective
306 adoptive parent, the office, and a court that finalizes the adoption.
- 307 (18)(a) A licensed child-placing agency may not transport or arrange the transport of:
308 (i) a birth mother to the state if the agency knows or should know that the mother is
309 at 36 or more weeks of gestation; or
310 (ii) a birth mother who is less than 18 years old to the state.
- 311 (b) A parent or guardian of a birth mother who is less than 18 years old may make
312 independent arrangements to transport or travel with the minor birth mother.
- 313 (c) A licensed child-placing agency shall verify whether an out-of-state birth mother is
314 receiving Medicaid benefits prior to transporting or arranging the transport of the
315 birth mother to Utah.
- 316 (d) An individual who travels to Utah for the sole purpose of giving birth without intent
317 to remain in Utah following the birth does not qualify for Utah Medicaid benefits.
- 318 (19) A licensed child-placing agency that transports or arranges the transport of a birth
319 mother to the state for purposes related to an adoption shall ensure that the birth mother
320 is returned to the state from which the birth mother was transported using the same
321 mode and quality of transportation that was used to bring the birth mother to the state if
322 the birth mother does not elect to remain in Utah, regardless of the birth mother's
323 decision regarding relinquishment.
- 324 (20)(a) A licensed child-placing agency shall submit a form, created by the office, to the
325 office for each birth parent to whom the agency provides service.
- 326 (b) The form described in Subsection (20)(a) shall include:
327 (i) the name of the licensed child-placing agency;
328 (ii) whether the birth parent chose:
329 (A) to parent the child;
330 (B) adoption; or
331 (C) something else;
332 (iii) the date of:
333 (A) the birth parent's first contact with the agency;
334 (B) birth of the child adoptee;
335 (C) relinquishment; and
336 (D) the finalized adoption;

- 337 (iv) the location of the birth parent on each date described in Subsection (20)(b)(iii);
 338 (v) whether a third-party facilitator was used to connect the birth parent and the
 339 agency;
 340 (vi) the total amount of funds that a birth parent received directly through a weekly
 341 allowance;
 342 (vii) the total amount that was paid on behalf of the birth parent for housing,
 343 out-of-state transportation, or utilities;
 344 (viii) the total amount that was paid for the birth parent's medical expenses, including
 345 mental health therapy;
 346 (ix) the total amount that was paid for the birth parent's legal expenses;
 347 (x) the value of any gifts provided to the birth parent;
 348 (xi) a description and value of any other benefit that was paid to or on behalf of the
 349 birth parent;
 350 (xii) whether the birth parent received Utah Medicaid benefits;
 351 (xiii) whether the birth parent received Medicaid benefits in another state; and
 352 (xiv) whether the birth parent received any other public assistance in Utah.

353 (21) The office shall investigate and may revoke or suspend a license of a child-placing
 354 agency that violates this section.

355 Section 3. Section **26B-2-244** is enacted to read:

356 **26B-2-244 . Birthing services at health care facilities.**

- 357 (1) As used in this section, "adoption services" means action related to an adoption,
 358 including counseling between a child-placing agency and a birth parent, signing
 359 paperwork related to an adoption, or the transfer of physical custody of a child adoptee
 360 from a birth parent to a child-placing agency or prospective adoptive parent.
 361 (2) A health care facility that provides birthing services shall develop policies regarding
 362 adoption services that occur at a health care facility.
 363 (3) A health care facility that provides birthing services shall notify the Office of Licensing
 364 if the health care facility takes action against a child-placing agency or a child-placing
 365 agency's representatives.
 366 (4) A health care facility or a health care facility's staff may notify the Office of Licensing
 367 if the facility or staff has concerns regarding unethical practices related to adoption
 368 services that occur at the health care facility.

369 Section 4. Section **63G-20-203.5** is amended to read:

370 **63G-20-203.5 . Child-placing agencies.**

- 371 (1) As used in this section, "consortium" means [~~a statewide consortium of child-placing~~
372 ~~agencies]~~ the Utah Child-Placing Agency Consortium described in Subsection [
373 ~~26B-2-127(8)]~~ 26B-2-127(9).
- 374 (2) Notwithstanding any other provision of law, a state or local government, a state or local
375 government official, or another accrediting, certifying, or licensing body, including the
376 Office of Licensing within the Department of Health and Human Services, may not:
- 377 (a) require a consortium-member child-placing agency to perform, assist, counsel,
378 recommend, consent to, facilitate, or participate in child placing, with a qualified
379 prospective adoptive parent, that is contrary to the child-placing agency's religious
380 teaching, practices, or sincerely held beliefs, or the good faith wishes of the birth
381 mother as to the optimal placement of the child;
- 382 (b) deny a consortium-member child-placing agency any grant, contract, or participation
383 in a government program because the child-placing agency cannot, consistent with
384 the child-placing agency's religious teaching, practices, or sincerely held beliefs, or
385 consistent with the good faith wishes of the birth mother as to the optimal placement
386 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate
387 in a child placement with a qualified prospective adoptive parent; or
- 388 (c) deny an application for an initial license or accreditation, deny the renewal of a
389 license or accreditation, or revoke the license or accreditation of a
390 consortium-member child-placing agency that cannot, consistent with the
391 child-placing agency's religious teaching, practices, or sincerely held beliefs, or
392 consistent with the good faith wishes of the birth mother as to the optimal placement
393 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate
394 in a child placement with a qualified prospective adoptive parent.
- 395 (3)(a) A consortium-member child-placing agency that cannot, consistent with the
396 child-placing agency's religious teaching, practices, or sincerely held beliefs, or
397 consistent with the good faith wishes of the birth mother as to the optimal placement
398 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate
399 in a child placement with a qualified prospective adoptive parent, shall refer the
400 individual who is seeking child-placement services to another child-placing agency in
401 the consortium.
- 402 (b) A referral by a child-placing agency under Subsection (3)(a) does not constitute a
403 determination that a proposed placement is not in the best interest of the child.
- 404 (4) The fact that a consortium-member child-placing agency cannot, consistent with the

405 child-placing agency's religious teaching, practices, or sincerely held beliefs, or
 406 consistent with the good faith wishes of the birth mother as to the optimal placement of
 407 the child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a
 408 child placement with a qualified prospective adoptive parent, may not form the basis for:
 409 (a) the imposition of a civil fine or other adverse administrative action; or
 410 (b) any claim or cause of action under any state or local law.

411 Section 5. Section **80-2-802** is amended to read:

412 **80-2-802 . Division child placing and adoption services -- Restrictions on**
 413 **placement of a child.**

414 (1) Except as provided in Subsection (3), the division may provide adoption services and,
 415 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services
 416 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter
 417 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and
 418 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.

419 (2) The division shall base the division's decision for placement of an adoptable child for
 420 adoption on the best interest of the adoptable child.

421 (3) The division may not:

422 (a) in accordance with Subsection [~~26B-2-127(6)~~] 26B-2-127(7), place a child for
 423 adoption, either temporarily or permanently, with an individual who does not qualify
 424 for adoptive placement under Sections 81-13-202, 81-13-203, and 81-13-402;

425 (b) consider a potential adoptive parent's willingness or unwillingness to enter a
 426 postadoption contact agreement under Section 81-13-216 as a condition of placing a
 427 child with a potential adoptive parent; or

428 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through
 429 1963, base the division's decision for placement of an adoptable child on the race,
 430 color, ethnicity, or national origin of either the child or the potential adoptive parent.

431 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah
 432 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section
 433 81-13-402, priority of placement shall be provided to a family in which a couple is
 434 legally married under the laws of the state.

435 (5) Subsections (3) and (4) do not limit the placement of a child with the child's parent or
 436 relative or in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.

437 Section 6. Section **81-13-211** is amended to read:

438 **81-13-211 . Counseling for parents.**

- 439 (1) As used in this section, "parent" means a person described in Subsections
 440 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for
 441 the adoption is required.
- 442 (2) Subject to Subsection (3)(a), before relinquishing a minor child to a child-placing
 443 agency, or consenting to the adoption of a child adoptee, a parent of the child adoptee
 444 has the right to participate in, or elect to participate in, [~~counseling~~] mental health therapy:
 445 (a) by a [~~licensed counselor or an adoption service provider~~] mental health professional
 446 who is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act,
 447 and selected by the parent participating in the [~~counseling~~] mental health therapy;
 448 (b) for up to three sessions of at least 50 minutes per session completed before
 449 relinquishing a child adoptee [~~or within 120 days~~] and up to three sessions of at least
 450 50 minutes per session following the relinquishment of a child adoptee; and
 451 (c) subject to Subsection (3)(b), at the expense of the:
 452 (i) child-placing agency; or
 453 (ii) prospective adoptive parents.
- 454 (3)(a) Notwithstanding Subsection (2), a parent who has the right to participate in the [
 455 ~~counseling~~] mental health therapy under Subsection (2) may waive that right.
 456 (b) Notwithstanding Subsection (2)(c), the total amount required to be paid by a
 457 child-placing agency or the prospective adoptive parents for the [~~counseling~~] mental
 458 health therapy described in Subsection (2) may not exceed [~~\$400~~] \$800, unless an
 459 agreement for a greater amount is signed by:
 460 (i) the parent who receives the [~~counseling~~] mental health therapy; and
 461 (ii) the child-placing agency or prospective adoptive parents.
- 462 (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the
 463 adoption of a child adoptee, the parent shall be informed of the right described in
 464 Subsection (1) by the:
 465 (a) child-placing agency;
 466 (b) prospective adoptive parents; or
 467 (c) representative of a person described in Subsection (4)(a) or (b).
- 468 (5) If the parent who is entitled to the [~~counseling~~] mental health therapy as described in
 469 Subsection (1) elects to attend one or more [~~counseling~~] mental health therapy sessions
 470 following the relinquishment of a child adoptee[;]
 471 [~~(a) the parent of the child adoptee shall inform the child-placing agency or prospective~~
 472 ~~adoptive parents of this election prior to relinquishing the child adoptee to a~~

473 ~~child-placing agency or consenting to the adoption of the child adoptee; and]~~
 474 [(b)] the parent of the child adoptee and the child-placing agency or attorney
 475 representing a prospective adoptive parent of the child adoptee shall enter into an
 476 agreement to pay for the [~~counseling~~] mental health therapy in accordance with this
 477 section.

478 (6)(a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of
 479 adoption is entered, a statement shall be filed with the court that:

480 (i) is signed by each parent who:

481 (A) relinquishes the parent's parental rights; or

482 (B) consents to the adoption; and

483 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A)
 484 or (B), the parent was advised of the parent's right to participate in the [~~counseling~~]
 485 mental health therapy described in this section at the expense of the:

486 (A) child-placing agency; or

487 (B) prospective adoptive parents.

488 (b) The statement described in Subsection (6)(a) may be included in the document that:

489 (i) relinquishes the parent's parental rights; or

490 (ii) consents to the adoption.

491 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [
 492 ~~counseling~~] mental health therapy described in this section[;]

493 [(i)] shall not constitute grounds for invalidating a:

494 [~~(A)] (i) relinquishment of parental rights; or~~

495 [~~(B)] (ii) consent to adoption[; and] .~~

496 [(ii) shall give rise to a cause of action for the recovery of damages suffered, if any,
 497 by the parent or guardian who took the action described in Subsection (6)(c)(i)(A)
 498 or (B) against the person required to:]

499 [(A) give the notice described in Subsection (4); or]

500 [(B) pay for the counseling described in this section:]

501 Section 7. Section **81-13-212** is amended to read:

502 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**
 503 **minor child -- Implied consent.**

504 (1) Except as provided in Subsection (2), the following persons are required to consent to
 505 an adoption of a minor child, or to relinquishment of a minor child, before an adoption
 506 of the minor child is granted:

- 507 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child
508 adoptee does not have the mental capacity to consent;
- 509 (b) a man or woman who:
- 510 (i) by operation of law under Section 81-5-204, is recognized as the father or mother
511 of the proposed adoptee, unless:
- 512 (A) the presumption is rebutted under Section 81-5-607;
- 513 (B) at the time of the marriage, the man or woman knew or reasonably should
514 have known that the marriage to the mother of the proposed child adoptee was
515 or could be declared invalid; or
- 516 (C) the man or woman was not married to the mother of the proposed child
517 adoptee until after the mother consented to adoption, or relinquishment for
518 adoption, of the proposed child adoptee; or
- 519 (ii) is the parent of the child adoptee by a previous legal adoption;
- 520 (c) the birth mother of the child adoptee;
- 521 (d) an individual who has been adjudicated to be the child adoptee's parent by a court
522 with jurisdiction before the birth mother's execution of consent to adoption or the
523 birth mother's relinquishment of the child adoptee for adoption;
- 524 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary
525 declaration of paternity with the office in accordance with Chapter 5, Uniform
526 Parentage Act, before the birth mother's execution of consent to adoption or the birth
527 mother's relinquishment of the child adoptee for adoption;
- 528 (f) an unmarried biological father of the child adoptee, whose consent is not required
529 under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and
530 strictly complies with the requirements of Section 81-13-213; and
- 531 (g) the person or agency to whom an adoptee has been relinquished and that is placing
532 the child adoptee for adoption.
- 533 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through
534 (f) is not required if the individual's parental rights relating to the child adoptee have
535 been terminated by a court.
- 536 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered
537 filed when the voluntary declaration is entered into a database that:
- 538 (a) can be accessed by the Department of Health and Human Services; and
- 539 (b) is designated by the office as the official database for voluntary declarations of
540 paternity.

- 541 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may
542 execute a consent or relinquishment at any time, including before the birth of the
543 child adoptee.
- 544 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish
545 control or custody of the child adoptee, until at least 24 hours after the birth of the
546 child adoptee.
- 547 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at
548 least 12 years old.
- 549 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 550 (i) consent to the adoption of the birth parent's minor child; and
551 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 552 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the
553 same force and effect as a consent or relinquishment executed by a birth parent who
554 is an adult.
- 555 (c) A birth parent, who is younger than 18 years old and has executed a consent or
556 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years
557 old or otherwise becoming emancipated.
- 558 (6)(a) ~~[A consent or relinquishment is effective when the consent or relinquishment is~~
559 ~~signed and may not be revoked.] A birth parent may revoke the birth parent's consent~~
560 ~~or relinquishment for any reason within 72 hours after the birth parent consents or~~
561 ~~relinquishes the child adoptee.~~
- 562 (b) A birth parent may waive the revocation period described in Subsection (6)(a).
- 563 (c) A birth parent may revoke the birth parent's consent or relinquishment before a final
564 decree of adoption has been entered if the consent or relinquishment was given under
565 duress, fraud, or undue influence.
- 566 (d) A birth parent may not sign a consent or relinquishment while under the effects of
567 anesthesia or medication that impacts the birth parent's ability to think clearly.
- 568 (7)(a) As used in this Subsection (7):
- 569 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the
570 pregnancy, to offer and provide financial and emotional support to the birth
571 mother for a period of 180 days before the day on which the child adoptee is born.
- 572 (ii) "Emotional support" means a pattern of statements or actions that indicate to a
573 reasonable person that a birth parent intends to provide for the physical and
574 emotional well-being of an unborn child adoptee.

- 575 (b) A consent or relinquishment required by Subsection (1) may be implied by any of
576 the following acts:
- 577 (i) abandonment;
 - 578 (ii) leaving the child adoptee with a third party for 30 consecutive days without
579 providing the third party with the birth parent's identification;
 - 580 (iii) knowingly leaving the child adoptee with another person for 180 consecutive
581 days without providing for support, communicating, or otherwise maintaining a
582 substantial relationship with the child adoptee; or
 - 583 (iv) receiving notification of a pending adoption proceeding as described in Section
584 81-13-207, or of a termination proceeding described in Section 81-13-205, and
585 failing to respond as required.
- 586 (c) For purposes of this Subsection (7), a court may not:
- 587 (i) determine that a birth parent abandoned the birth mother if the birth parent failed
588 to provide financial or emotional support because the birth mother refused to
589 accept support; or
 - 590 (ii) find that the birth parent failed to provide emotional support if the individual's
591 failure was due to impossibility of performance.
- 592 (d) Implied consent under this Subsection (7) may not be withdrawn.
- 593 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an
594 unmarried biological father.

595 Section 8. Section **81-13-217** is amended to read:

596 **81-13-217 . Affidavit regarding fees and expenses before final decree of adoption**
597 **of a minor child.**

- 598 (1)(a) Except as provided in Subsection [~~(5)~~] (6), before the date that a final decree of
599 adoption for a child adoptee is entered, a prospective adoptive parent or, if the child
600 adoptee was placed by a child-placing agency, the person or agency placing the child
601 adoptee shall file with the court an affidavit regarding fees and expenses on a form
602 prescribed by the Judicial Council in accordance with Subsection (2).
- 603 (b) An affidavit filed [~~pursuant to~~] in accordance with Subsection (1)(a) shall be signed
604 by each prospective adoptive parent and, if the child adoptee was placed by a
605 child-placing agency, the person or agency placing the child adoptee.
 - 606 (c) The court shall review an affidavit filed under this section for completeness and
607 compliance with the requirements of this section.
 - 608 (d) The results of the court's review under Subsection (1)(c) shall be noted in the court's

609 record.

610 (2)(a) The Judicial Council shall prescribe a uniform form for the affidavit described in
611 Subsection (1).

612 (b) The uniform affidavit form shall require ~~[itemization]~~ disclosure of the following
613 items in connection with the adoption:

614 ~~[(i) all legal expenses that have been or will be paid to or on behalf of the preexisting
615 parents of the child adoptee, including the source of payment;]~~

616 ~~[(ii) all maternity expenses that have been or will be paid to or on behalf of the
617 preexisting parents of the child adoptee, including the source of payment;]~~

618 ~~[(iii) all medical or hospital expenses that have been or will be paid to or on behalf of
619 the preexisting parents of the child adoptee, including the source of payment;]~~

620 ~~[(iv) all living expenses that have been or will be paid to or on behalf of the
621 preexisting parents of the child adoptee, including the source of payment;]~~

622 ~~[(v) fees paid by the prospective adoptive parent or parents in connection with the
623 adoption;]~~

624 ~~[(vi) all gifts, property, or other items that have been or will be provided to the
625 preexisting parents, including the source and approximate value of the gifts,
626 property, or other items;]~~

627 ~~[(vii) all public funds used for any medical or hospital costs in connection with the:]
628 [(A) pregnancy;]~~

629 ~~[(B) delivery of the child adoptee; or]~~

630 ~~[(C) care of the child adoptee; and]~~

631 ~~[(viii) if a child-placing agency placed the child adoptee:]~~

632 ~~[(A) a description of services provided to the prospective adoptive parents or
633 preexisting parents in connection with the adoption;]~~

634 ~~[(B) all expenses associated with matching the prospective adoptive parent or
635 parents and the birth mother;]~~

636 ~~[(C) all expenses associated with advertising; and]~~

637 ~~[(D) any other agency fees or expenses paid by an adoptive parent that are not
638 itemized under one of the other categories described in this Subsection (2)(b),
639 including a description of the reason for the fee or expense.]~~

640 (i) the total amount of legal expenses that have been or will be paid to or on behalf of
641 the preexisting parents of the child adoptee;

642 (ii) the total amount of medical or hospital expenses that have been or will be paid to

- 643 or on behalf of the preexisting parents of the child adoptee;
 644 (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct
 645 support;
 646 (iv) the total amount that the adoptive parent has paid for a preexisting parent's
 647 indirect support;
 648 (v) the total amount that the adoptive parent has paid to a child-placing agency in fees
 649 and costs; and
 650 (vi) a description of services provided to the prospective adoptive parent and
 651 preexisting parent in connection with the adoption.
- 652 (c) The uniform affidavit form shall require:
- 653 (i) a ~~[statement of the]~~ declaration of each state or country of residence for 12 months
 654 prior to the birth of the:
- 655 (A) birth mother or the preexisting parents; and
 656 (B) prospective adoptive parent or parents; and
- 657 (ii) a declaration that Section 76-7-203 has not been violated~~[; and]~~ .
 658 ~~[(iii) if the affidavit includes an itemized amount for both of the categories described~~
 659 ~~in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or~~
 660 ~~hospital expenses were paid by a source other than public funds.]~~
- 661 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
 662 that is submitted in a form accepted by the Office of Licensing within the Department
 663 of Health and Human Services if the affidavit contains the same information and is in
 664 a reasonably equivalent format as the uniform affidavit form prescribed by the
 665 Judicial Council.
- 666 (3)(a)(i) If a child-placing agency, that is licensed by this state, placed the child
 667 adoptee, the child-placing agency shall provide a copy of the affidavit described in
 668 Subsection (1) to the Office of Licensing within the Department of Health and
 669 Human Services~~[-]~~ on or before 30 days after the day on which the adoption is
 670 finalized.
- 671 (ii) A child-placing agency shall amend the affidavit described in Subsection (3)(a)(i)
 672 if additional costs are accrued.
- 673 (b) Before August 30 of each even-numbered year, the Office of Licensing within the
 674 Department of Health and Human Services shall provide a written report to the
 675 Health and Human Services Interim Committee and to the Judicial Council regarding
 676 the cost of adoptions in the state that includes:

- 677 (i) the total number of affidavits provided to the Office of Licensing during the
 678 previous year;
- 679 (ii) for each of the categories described in Subsection (2)(b):
- 680 (A) the average amount disclosed on affidavits submitted during the previous
 681 year; and
- 682 (B) the range of amounts disclosed on affidavits submitted during the previous
 683 year;
- 684 (iii) the average total amount disclosed on affidavits submitted during the previous
 685 year;
- 686 (iv) the range of total amounts disclosed on affidavits submitted during the previous
 687 year; and
- 688 (v) any recommended legislation that may help reduce the cost of adoptions.
- 689 (c) The Health and Human Services Interim Committee shall, based on information in
 690 reports provided under Subsection (3)(b) and in consultation with [~~a consortium~~
 691 ~~described]~~ the Utah Child-Placing Agency Consortium created in Subsection [
 692 26B-2-127(8)] 26B-2-127(9), consider:
- 693 (i) what constitutes reasonable fees and expenses related to adoption; and
- 694 (ii) the standards that may be used to determine whether fees and expenses related to
 695 adoption are reasonable in a specific case.
- 696 (4) The Judicial Council shall make a copy of each report provided by the Office of
 697 Licensing under Subsection (3)(b) available to each court that may be required to review
 698 an affidavit under Subsection (1)(c).
- 699 (5) The Office of Licensing shall investigate and may suspend or revoke the license of a
 700 child-placing agency if the child-placing agency fails to comply with the requirements
 701 described in this section.
- 702 [~~5)] (6) This section does not apply if the prospective adoptive parent is the legal spouse of
 703 a preexisting parent.~~

704 **Section 9. Effective Date.**

705 This bill takes effect on May 6, 2026.