

Katy Hall proposes the following substitute bill:

1

**Adoption Amendments**  
 2026 GENERAL SESSION  
 STATE OF UTAH  
**Chief Sponsor: Katy Hall**  
 Senate Sponsor: Chris H. Wilson

2

**LONG TITLE**

3

**General Description:**

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

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**Highlighted Provisions:**

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This bill:

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▸ modifies provisions related to child-placing adoption agencies including:

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• terms of licensing;

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• advertising requirements;

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• reporting requirements; and

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• disclosure of information to birth parents and adoptive parents;

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▸ addresses the rights of birth parents and adoptive parents;

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▸ clarifies the types of payments and fees that are permissible in an adoption;

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▸ addresses transportation of birth mothers to Utah from other states or countries;

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▸ amends provisions relating to mental health therapy for a birth parent;

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▸ clarifies that a birth parent can revoke consent under limited circumstances;

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▸ addresses adoption services in health care facilities;

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▸ makes technical and conforming changes; and

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▸ defines terms.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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None

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**Utah Code Sections Affected:**

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AMENDS:

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**26B-2-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

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

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29           **26B-2-127**, as last amended by Laws of Utah 2025, Chapter 426  
 30           **63G-20-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
 31           **63G-20-203.5**, as enacted by Laws of Utah 2023, Chapter 466  
 32           **80-2-802**, as last amended by Laws of Utah 2025, Chapter 426  
 33           **81-13-101**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 34           **81-13-208**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 35           **81-13-209**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 36           **81-13-210**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 37           **81-13-211**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 38           **81-13-212**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 39           **81-13-217**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 40           **81-14-101**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 41           **81-14-303**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 42           **81-14-304**, as renumbered and amended by Laws of Utah 2025, Chapter 426  
 43           **81-14-305**, as renumbered and amended by Laws of Utah 2025, Chapter 426

44 ENACTS:

45           **26B-2-244**, Utah Code Annotated 1953

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

48           Section 1. Section **26B-2-101** is amended to read:

49           **26B-2-101 . Definitions.**

50           As used in this part:

- 51           (1) "Abuse" means the same as that term is defined in Section 80-1-102.  
 52           (2) "Adoption services" means the same as that term is defined in Section 80-2-801.  
 53           (3) "Adult day care" means nonresidential care and supervision:  
 54               (a) for three or more adults for at least four but less than 24 hours a day; and  
 55               (b) that meets the needs of functionally impaired adults through a comprehensive  
 56               program that provides a variety of health, social, recreational, and related support  
 57               services in a protective setting.  
 58           (4) "Applicant" means a person that applies for an initial license or a license renewal under  
 59           this part.  
 60           (5)(a) "Associated with the licensee" means that an individual is:  
 61               (i) affiliated with a licensee as an owner, director, member of the governing body,  
 62               employee, agent, provider of care, department contractor, or volunteer; or

- 63 (ii) applying to become affiliated with a licensee in a capacity described in  
 64 Subsection (5)(a)(i).
- 65 (b) "Associated with the licensee" does not include:
- 66 (i) service on the following bodies, unless that service includes direct access to a  
 67 child or a vulnerable adult:
- 68 (A) a local mental health authority described in Section 17-77-301;  
 69 (B) a local substance abuse authority described in Section 17-77-201; or  
 70 (C) a board of an organization operating under a contract to provide mental health  
 71 or substance use programs, or services for the local mental health authority or  
 72 substance abuse authority; or
- 73 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly  
 74 supervised at all times.
- 75 (6) "Behavioral health receiving center" means a 23-hour non-secure program or facility  
 76 that is responsible for, and provides mental health crisis services to, an individual  
 77 experiencing a mental health crisis.
- 78 (7)(a) "Boarding school" means a private school that:
- 79 (i) uses a regionally accredited education program;
- 80 (ii) provides a residence to the school's students:
- 81 (A) for the purpose of enabling the school's students to attend classes at the  
 82 school; and
- 83 (B) as an ancillary service to educating the students at the school;
- 84 (iii) has the primary purpose of providing the school's students with an education, as  
 85 defined in Subsection (7)(b)(i); and
- 86 (iv)(A) does not provide the treatment or services described in Subsection [~~(49)~~(a)]  
 87 (51)(a); or
- 88 (B) provides the treatment or services described in Subsection [~~(49)~~(a)] (51)(a) on  
 89 a limited basis, as described in Subsection (7)(b)(ii).
- 90 (b)(i) For purposes of Subsection (7)(a)(iii), "education" means a course of study for  
 91 one or more grades from kindergarten through grade 12.
- 92 (ii) For purposes of Subsection (7)(a)(iv)(B), a private school provides the treatment  
 93 or services described in Subsection [~~(49)~~(a)] (51)(a) on a limited basis if:
- 94 (A) the treatment or services described in Subsection [~~(49)~~(a)] (51)(a) are provided  
 95 only as an incidental service to a student; and
- 96 (B) the school does not:

- 97 (I) specifically solicit a student for the purpose of providing the treatment or  
98 services described in Subsection [~~(49)~~(a)] (51)(a); or
- 99 (II) have a primary purpose of providing the treatment or services described in  
100 Subsection [~~(49)~~(a)] (51)(a).
- 101 (c) "Boarding school" does not include a therapeutic school.
- 102 (8) "Certification" means a less restrictive level of licensure issued by the department.
- 103 (9) "Child" means an individual under 18 years old.
- 104 (10) "Child placing" means receiving, accepting, or providing custody or care for any child,  
105 temporarily or permanently, for the purpose of:
- 106 (a) finding a person to adopt the child;
- 107 (b) placing the child in a home for adoption; or
- 108 (c) foster home placement.
- 109 (11) "Child-placing adoption agency" means a child-placing agency that places children for  
110 adoption.
- 111 [~~(11)~~] (12) "Child-placing agency" means a [person that engages in child placing.]  
112 child-placing adoption agency or a child-placing foster agency.
- 113 (13) "Child-placing foster agency" means a child-placing agency that places children for  
114 foster care.
- 115 [~~(12)~~] (14) "Client" means an individual who receives or has received services from a  
116 licensee.
- 117 [~~(13)~~] (15)(a) "Congregate care program" means any of the following that provide  
118 services to a child:
- 119 (i) an outdoor youth program;
- 120 (ii) a residential support program;
- 121 (iii) a residential treatment program; or
- 122 (iv) a therapeutic school.
- 123 (b) "Congregate care program" does not include a human services program that:
- 124 (i) is licensed to serve adults; and
- 125 (ii) is approved by the office to service a child for a limited time.
- 126 [~~(14)~~] (16) "Day treatment" means specialized treatment that is provided to:
- 127 (a) a client less than 24 hours a day; and
- 128 (b) four or more persons who:
- 129 (i) are unrelated to the owner or provider; and
- 130 (ii) have emotional, psychological, developmental, physical, or behavioral

- 131 dysfunctions, impairments, or chemical dependencies.
- 132 ~~[(15)]~~ (17) "Department contractor" means an individual who:
- 133 (a) provides services under a contract with the department; and
- 134 (b) due to the contract with the department, has or will likely have direct access to a
- 135 child or vulnerable adult.
- 136 ~~[(16)]~~ (18) "Direct access" means that an individual has, or likely will have:
- 137 (a) contact with or access to a child or vulnerable adult that provides the individual with
- 138 an opportunity for personal communication or touch; or
- 139 (b) an opportunity to view medical, financial, or other confidential personal identifying
- 140 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 141 ~~[(17)]~~ (19) "Directly supervised" means that an individual is being supervised under the
- 142 uninterrupted visual and auditory surveillance of another individual who has a current
- 143 background check approval issued by the office.
- 144 ~~[(18)]~~ (20) "Director" means the director of the office.
- 145 ~~[(19)]~~ (21) "Division" means the Division of Licensing and Background Checks created
- 146 under Section 26B-2-103.
- 147 ~~[(20)]~~ (22) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 148 ~~[(21)]~~ (23) "Domestic violence treatment program" means a nonresidential program
- 149 designed to provide psychological treatment and educational services to perpetrators and
- 150 victims of domestic violence.
- 151 ~~[(22)]~~ (24) "Elder adult" means a person 65 years old or older.
- 152 ~~[(23)]~~ (25) "Emergency safety intervention" means a tactic used to protect staff or a client
- 153 from being physically injured, utilized by an appropriately trained direct care staff and
- 154 only performed in accordance with a nationally or regionally recognized curriculum in
- 155 the least restrictive manner to restore staff or client safety.
- 156 ~~[(24)]~~ (26) "Foster home" means a residence that is licensed or certified by the office for the
- 157 full-time substitute care of a child.
- 158 ~~[(25)]~~ (27) "Harm" means the same as that term is defined in Section 80-1-102.
- 159 ~~[(26)]~~ (28) "Health benefit plan" means the same as that term is defined in Section
- 160 31A-1-301.
- 161 ~~[(27)]~~ (29) "Health care provider" means the same as that term is defined in Section
- 162 78B-3-403.
- 163 ~~[(28)]~~ (30) "Health insurer" means:
- 164 (a) an insurer who offers health care insurance as that term is defined in Section

- 165 31A-1-301;
- 166 (b) health benefits offered to state employees under Section 49-20-202; and
- 167 (c) a workers' compensation insurer:
  - 168 (i) authorized to provide workers' compensation insurance in the state; or
  - 169 (ii) that is a self-insured employer as defined in Section 34A-2-201.5.
- 170 [~~(29)~~] (31)(a) "Human services program" means:
  - 171 (i) a foster home;
  - 172 (ii) a therapeutic school;
  - 173 (iii) a youth program;
  - 174 (iv) an outdoor youth program;
  - 175 (v) a residential treatment program;
  - 176 (vi) a residential support program;
  - 177 (vii) a resource family home;
  - 178 (viii) a recovery residence;
  - 179 (ix) a behavioral health receiving center; or
  - 180 (x) a facility or program that provides:
    - 181 (A) adult day care;
    - 182 (B) day treatment;
    - 183 (C) outpatient treatment;
    - 184 (D) domestic violence treatment;
    - 185 (E) child-placing services;
    - 186 (F) social detoxification; or
    - 187 (G) any other human services that are required by contract with the department to
    - 188 be licensed with the department.
- 189 (b) "Human services program" does not include:
  - 190 (i) a boarding school;
  - 191 (ii) a residential vocational or life skills program, as defined in Section 13-53-102; or
  - 192 (iii) a short-term relief care provider.
- 193 [~~(30)~~] (32) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 194 [~~(31)~~] (33) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 195 [~~(32)~~] (34) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 196 [~~(33)~~] (35) "Intermediate secure treatment" means 24-hour specialized residential treatment
- 197 or care for an individual who:
  - 198 (a) cannot live independently or in a less restrictive environment; and

199 (b) requires, without the individual's consent or control, the use of locked doors to care  
200 for the individual.

201 [~~(34)~~] (36) "Licensee" means an individual or a human services program licensed by the  
202 office.

203 [~~(35)~~] (37) "Local government" means a city, town, or county.

204 [~~(36)~~] (38) "Mental health treatment program" means a program that:

205 (a) is a structured intervention; and

206 (b) is used to improve mental health, prevent mental disorders, and treat mental health  
207 conditions.

208 [~~(37)~~] (39) "Medication assisted treatment" means the use of a prescribed medication  
209 approved by the United States Food and Drug Administration, such as buprenorphine,  
210 methadone, or naltrexone, to treat substance use withdrawal symptoms or a substance  
211 use disorder.

212 [~~(38)~~] (40) "Minor" means child.

213 [~~(39)~~] (41) "Office" means, except as provided in Section 26B-2-120, the Office of  
214 Licensing within the department.

215 [~~(40)~~] (42) "Ombudsman" means the congregate care ombudsman created in Section  
216 26B-2-124.2.

217 [~~(41)~~] (43) "Outdoor youth program" means a program that provides:

218 (a) services to a child who has:

219 (i) a chemical dependency; or

220 (ii) a dysfunction or impairment that is emotional, psychological, developmental,  
221 physical, or behavioral;

222 (b) a 24-hour outdoor group living environment; and

223 (c)(i) regular therapy, including group, individual, or supportive family therapy; or

224 (ii) informal therapy or similar services, including wilderness therapy, adventure  
225 therapy, or outdoor behavioral healthcare.

226 [~~(42)~~] (44) "Outpatient treatment" means individual, family, or group therapy or counseling  
227 designed to improve and enhance social or psychological functioning for those whose  
228 physical and emotional status allows them to continue functioning in their usual living  
229 environment.

230 [~~(43)~~] (45) "Practice group" or "group practice" means two or more health care providers  
231 legally organized as a partnership, professional corporation, or similar association, for  
232 which:

- 233 (a) substantially all of the services of the health care providers who are members of the  
234 group are provided through the group and are billed in the name of the group and  
235 amounts received are treated as receipts of the group; and
- 236 (b) the overhead expenses of and the income from the practice are distributed in  
237 accordance with methods previously determined by members of the group.
- 238 [~~(44)~~] (46) "Private-placement child" means a child whose parent or guardian enters into a  
239 contract with a congregate care program for the child to receive services.
- 240 [~~(45)~~] (47) "Qualifying residential treatment program" means a residential treatment  
241 program that is licensed under this part and:
- 242 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms  
243 are defined in Section 16-6a-102; or
- 244 (b) receives any local, state, or federal government funding, government grant money, or  
245 any other form of government assistance to operate or provide services or training in  
246 the ordinary course of business.
- 247 [~~(46)~~] (48) "Qualifying recovery residence" means a recovery residence that is licensed  
248 under this part and:
- 249 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms  
250 are defined in Section 16-6a-102; or
- 251 (b) receives any local, state, or federal government funding, government grant money, or  
252 any other form of government assistance to operate or provide services or training in  
253 the ordinary course of business.
- 254 [~~(47)~~] (49)(a) "Recovery residence" means a home, residence, or facility that meets at  
255 least two of the following requirements:
- 256 (i) provides a supervised living environment for individuals recovering from a  
257 substance use disorder;
- 258 (ii) provides a living environment in which more than half of the individuals in the  
259 residence are recovering from a substance use disorder;
- 260 (iii) provides or arranges for residents to receive services related to the resident's  
261 recovery from a substance use disorder, either on or off site;
- 262 (iv) is held out as a living environment in which individuals recovering from  
263 substance abuse disorders live together to encourage continued sobriety; or
- 264 (v)(A) receives public funding; or  
265 (B) is run as a business venture, either for-profit or not-for-profit.
- 266 (b) "Recovery residence" does not mean:

- 267 (i) a residential treatment program;
- 268 (ii) residential support program;
- 269 (iii) a residential vocational or life skills program; or
- 270 (iv) a home, residence, or facility, in which:
- 271 (A) residents, by a majority vote of the residents, establish, implement, and
- 272 enforce policies governing the living environment, including the manner in
- 273 which applications for residence are approved and the manner in which
- 274 residents are expelled;
- 275 (B) residents equitably share rent and housing-related expenses; and
- 276 (C) a landlord, owner, or operator does not receive compensation, other than fair
- 277 market rental income, for establishing, implementing, or enforcing policies
- 278 governing the living environment.

279 [(48)] (50) "Regular business hours" means:

- 280 (a) the hours during which services of any kind are provided to a client; or
- 281 (b) the hours during which a client is present at the facility of a licensee.

282 [(49)] (51)(a) "Residential support program" means a program that arranges for or

283 provides the necessities of life as a protective service to individuals or families who

284 have a disability or who are experiencing a dislocation or emergency that prevents

285 them from providing these services for themselves or their families.

286 (b) "Residential support program" includes a program that provides a supervised living

287 environment for individuals with dysfunctions or impairments that are:

- 288 (i) emotional;
- 289 (ii) psychological;
- 290 (iii) developmental; or
- 291 (iv) behavioral.

292 (c) Treatment is not a necessary component of a residential support program.

293 (d) "Residential support program" does not include:

- 294 (i) a recovery residence; or
- 295 (ii) a program that provides residential services that are performed:
- 296 (A) exclusively under contract with the department and provided to individuals
- 297 through the Division of Services for People with Disabilities; or
- 298 (B) in a facility that serves fewer than four individuals.

299 [(50)] (52)(a) "Residential treatment" means a 24-hour group living environment for four

300 or more individuals unrelated to the owner or provider that offers room or board and

301 specialized treatment, behavior modification, rehabilitation, discipline, emotional  
302 growth, or habilitation services for persons with emotional, psychological,  
303 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

304 (b) "Residential treatment" does not include a:

305 (i) boarding school;

306 (ii) foster home; or

307 (iii) recovery residence.

308 ~~[(51)]~~ (53) "Residential treatment program" means a program or facility that provides:

309 (a) residential treatment; or

310 (b) intermediate secure treatment.

311 ~~[(52)]~~ (54) "Seclusion" means the involuntary confinement of an individual in a room or an  
312 area:

313 (a) away from the individual's peers; and

314 (b) in a manner that physically prevents the individual from leaving the room or area.

315 ~~[(53)]~~ (55) "Short-term relief care provider" means an individual who:

316 (a) provides short-term and temporary relief care to a foster parent:

317 (i) for less than six consecutive nights; and

318 (ii) in the short-term relief care provider's home;

319 (b) is an immediate family member or relative, as those terms are defined in Section  
320 80-3-102, of the foster parent;

321 (c) is direct access qualified, as that term is defined in Section 26B-2-120;

322 (d) has been approved to provide short-term relief care by the department;

323 (e) is not reimbursed by the department for the temporary relief care provided; and

324 (f) is not an immediate family member or relative, as those terms are defined in Section  
325 80-3-102, of the foster child.

326 ~~[(54)]~~ (56) "Social detoxification" means short-term residential services for persons who are  
327 experiencing or have recently experienced drug or alcohol intoxication, that are provided  
328 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and  
329 Inspection, and that include:

330 (a) room and board for persons who are unrelated to the owner or manager of the facility;

331 (b) specialized rehabilitation to acquire sobriety; and

332 (c) aftercare services.

333 ~~[(55)]~~ (57) "Substance abuse disorder" or "substance use disorder" mean the same as  
334 "substance use disorder" is defined in Section 26B-5-501.

- 335 [~~(56)~~] (58) "Substance abuse treatment program" or "substance use disorder treatment  
 336 program" means a program:
- 337 (a) designed to provide:
- 338 (i) specialized drug or alcohol treatment;
- 339 (ii) rehabilitation; or
- 340 (iii) habilitation services; and
- 341 (b) that provides the treatment or services described in Subsection [~~(56)(a)~~] (58)(a) to  
 342 persons with:
- 343 (i) a diagnosed substance use disorder; or
- 344 (ii) chemical dependency disorder.
- 345 [~~(57)~~] (59) "Therapeutic school" means a residential group living facility:
- 346 (a) for four or more individuals that are not related to:
- 347 (i) the owner of the facility; or
- 348 (ii) the primary service provider of the facility;
- 349 (b) that serves students who have a history of failing to function:
- 350 (i) at home;
- 351 (ii) in a public school; or
- 352 (iii) in a nonresidential private school; and
- 353 (c) that offers:
- 354 (i) room and board; and
- 355 (ii) an academic education integrated with:
- 356 (A) specialized structure and supervision; or
- 357 (B) services or treatment related to:
- 358 (I) a disability;
- 359 (II) emotional development;
- 360 (III) behavioral development;
- 361 (IV) familial development; or
- 362 (V) social development.
- 363 [~~(58)~~] (60) "Unrelated persons" means persons other than parents, legal guardians,  
 364 grandparents, brothers, sisters, uncles, or aunts.
- 365 [~~(59)~~] (61) "Vulnerable adult" means an elder adult or an adult who has a temporary or  
 366 permanent mental or physical impairment that substantially affects the person's ability to:
- 367 (a) provide personal protection;
- 368 (b) provide necessities such as food, shelter, clothing, or mental or other health care;

- 369 (c) obtain services necessary for health, safety, or welfare;
- 370 (d) carry out the activities of daily living;
- 371 (e) manage the adult's own resources; or
- 372 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 373 neglect, or exploitation.
- 374 [(60)] (62)(a) "Youth program" means a program designed to provide behavioral,
- 375 substance use, or mental health services to minors that:
- 376 (i) serves adjudicated or nonadjudicated youth;
- 377 (ii) charges a fee for the program's services;
- 378 (iii) may provide host homes or other arrangements for overnight accommodation of
- 379 the youth;
- 380 (iv) may provide all or part of the program's services in the outdoors;
- 381 (v) may limit or censor access to parents or guardians; and
- 382 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
- 383 minor's own free will.
- 384 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
- 385 Scouts, 4-H, and other such organizations.
- 386 [(61)] (63)(a) "Youth transportation company" means any person that transports a child
- 387 for payment to or from a congregate care program in Utah.
- 388 (b) "Youth transportation company" does not include:
- 389 (i) a relative of the child;
- 390 (ii) a state agency; or
- 391 (iii) a congregate care program's employee who transports the child from the
- 392 congregate care program that employs the employee and returns the child to the
- 393 same congregate care program.
- 394 Section 2. Section **26B-2-105** is amended to read:
- 395 **26B-2-105 . Licensure requirements -- Expiration -- Renewal.**
- 396 (1) Except as provided in Section 26B-2-115, an individual, agency, firm, corporation,
- 397 association, or governmental unit acting severally or jointly with any other individual,
- 398 agency, firm, corporation, association, or governmental unit may not establish, conduct,
- 399 or maintain a human services program in this state without a valid and current license
- 400 issued by and under the authority of the office as provided by this part and the rules
- 401 under the authority of this part.
- 402 (2)(a) For purposes of this Subsection (2), "member" means a person or entity that is

- 403 associated with another person or entity:
- 404 (i) as a member;
- 405 (ii) as a partner;
- 406 (iii) as a shareholder; or
- 407 (iv) as a person or entity involved in the ownership or management of a human
- 408 services program owned or managed by the other person or entity.
- 409 (b) A license issued under this part may not be assigned or transferred.
- 410 (c) The office shall treat an application for a license under this part as an application for
- 411 reinstatement of a revoked license if:
- 412 (i)(A) the person or entity applying for the license had a license revoked under this
- 413 part; and
- 414 (B) the revoked license described in Subsection (2)(c)(i)(A) is not reinstated
- 415 before the application described in this Subsection (2)(c) is made; or
- 416 (ii) a member of an entity applying for the license:
- 417 (A)(I) had a license revoked under this part; and
- 418 (II) the revoked license described in Subsection (2)(c)(ii)(A)(I) is not reinstated
- 419 before the application described in this Subsection (2)(c) is made; or
- 420 (B)(I) was a member of an entity that had a license revoked under this part at
- 421 any time before the license was revoked; and
- 422 (II) the revoked license described in Subsection (2)(c)(ii)(B)(I) is not reinstated
- 423 before the application described in this Subsection (2)(c) is made.
- 424 (3)(a) Subject to Section 26B-2-110, and after the five-year waiting period described in
- 425 Subsection 26B-2-110(1)(c), the office may conditionally approve an application for
- 426 reinstatement as described in Subsection (2)(c), for a maximum of two years, if:
- 427 (i) the applicant's license was previously revoked due to repeated or chronic
- 428 violations; or
- 429 (ii) after the applicant's license was previously revoked, the applicant associated with
- 430 another human services program that provides a service that is substantially
- 431 similar to the services for which the applicant was previously licensed.
- 432 (b) If the office issues a conditional license under Subsection (3)(a), the office shall
- 433 prepare a conditional license plan describing the terms and conditions of the
- 434 conditional license.
- 435 (4) A current license shall at all times be posted in the facility where each human services
- 436 program is operated, in a place that is visible and readily accessible to the public.

- 437 (5)(a) Except as provided in Subsections (5)(c) and (d), each license issued under this  
438 part expires at midnight on the last day of the same month the license was issued, one  
439 year following the date of issuance unless the license has been:
- 440 (i) previously revoked by the office;
  - 441 (ii) voluntarily returned to the office by the licensee; or
  - 442 (iii) extended by the office.
- 443 (b) A license shall be renewed upon application and payment of the applicable fee,  
444 unless the office finds that the licensee:
- 445 (i) is not in compliance with the:
    - 446 (A) provisions of this part; or
    - 447 (B) rules made under this part;
  - 448 (ii) has engaged in a pattern of noncompliance with the:
    - 449 (A) provisions of this part; or
    - 450 (B) rules made under this part;
  - 451 (iii) has engaged in conduct that is grounds for denying a license under Section  
452 26B-2-703; or
  - 453 (iv) has engaged in conduct that poses a substantial risk of harm to any person.
- 454 (c) The office may issue a renewal license that expires at midnight on the last day of the  
455 same month the license was issued, two years following the date of issuance, if:
- 456 (i) the licensee has maintained a human services license for at least 24 months before  
457 the day on which the licensee applies for the renewal; and
  - 458 (ii) the licensee has not violated this part or a rule made under this part.
- 459 (d)(i) For a foster home that has been licensed for fewer than two years, a foster  
460 home license issued on or after May 1, 2023, expires at midnight on the last day of  
461 the same month the license was issued, one year following the date of issuance.
- 462 (ii) For a foster home that has been licensed for two or more years, a foster home  
463 license issued on or after May 1, 2023, expires at midnight on the last day of the  
464 same month the license was issued, three years following the date of issuance:
    - 465 (A) unless the license is placed on conditions, suspended, or revoked by the office,  
466 or voluntarily returned to the office by the licensee; and
    - 467 (B) if the licensee has not violated this part or a rule made under this part.
  - 468 (iii) A foster home licensee shall complete an annual background screening in  
469 compliance with the requirements of Section 26B-2-120.
- 470 (6) Any licensee that is in operation at the time rules are made in accordance with this part

- 471 shall be given a reasonable time for compliance as determined by the rule.
- 472 (7)(a) A license for a human services program issued under this section shall apply to a  
473 specific human services program site.
- 474 (b) A human services program shall obtain a separate license for each site where the  
475 human services program is operated.
- 476 (c) If there is more than one foster parent in a licensed foster home, the foster home  
477 license shall include the names of all foster parents in the home.
- 478 (8) Beginning on January 1, 2027, the office may not issue or renew a child-placing  
479 adoption agency license unless the applicant is a nonprofit organization, as that term is  
480 defined in Section 78B-4-101.

481 Section 3. Section **26B-2-127** is amended to read:

482 **26B-2-127 . Child placing licensure requirements -- Prohibited acts --**

483 **Consortium.**

484 (1) As used in this section:

485 (a)(i) "Adoption services" means services provided to an individual related to a  
486 potential adoption, including:

487 (A) adoption education, advising, or counseling;

488 (B) matching a potential birth parent with a potential adoptive parent;

489 (C) a home study;

490 (D) assistance or support in financial, legal, or medical matters;

491 (E) prenatal or postpartum support; and

492 (F) mental health therapy.

493 (ii) "Adoption services" does not include one-time informational inquiries.

494 [(a)] (b)(i) "Advertisement" means any written, oral, or graphic statement or  
495 representation made in connection with a solicitation of business.

496 (ii) "Advertisement" includes a statement or representation described in Subsection [  
497 (1)(a)(i)] (1)(b)(i) by a noncable television system, radio, printed brochure,  
498 newspaper, leaflet, flyer, circular, billboard, banner, Internet website, social  
499 media, or sign.

500 [(b)] (c) "Birth parent" means the same as that term is defined in Section 81-13-101.

501 (d) "Child-placing adoption agency" means a child-placing agency that places children  
502 for adoption.

503 (e) "Child-placing agency" means a child-placing adoption agency or a child-placing  
504 foster agency.

- 505 (f) "Child-placing foster agency" means a child-placing agency that places children for  
506 foster care.
- 507 [~~e~~] (g) "Clearly and conspicuously disclose" means the same as that term is defined in  
508 Section 13-11a-2.
- 509 (h) "Coercion" means utilizing threats, force, duress, intimidation, confinement, undue  
510 influence, or deception to induce a birth parent to relinquish the birth parent's child or  
511 consent to an adoption.
- 512 (i) "Daily living needs" means food, clothing, hygiene, and local transportation.
- 513 (j) "Directly affected person" means the same as that term is defined in Section 76-7-203.
- 514 (k)(i) "Living expenses" means ordinary and necessary costs to maintain an  
515 individual's needs, including housing, utilities, and out-of-state transportation.
- 516 (ii) "Living expenses" does not include lost wages, gifts, educational expenses, or  
517 other similar expenses.
- 518 [~~d~~] (l)(i) "Matching advertisement" means any written, oral, or graphic statement or  
519 representation made in connection with a solicitation of business to provide the  
520 assistance described in Subsection (3)(a)(i), regardless of whether there is or will  
521 be an exchange described in Subsection (3)(a)(ii).
- 522 (ii) "Matching advertisement" includes a statement or representation described in  
523 Subsection [~~d~~](i) (1)(l)(i) by a noncable television system, radio, printed  
524 brochure, newspaper, leaflet, flyer, circular, billboard, banner, Internet website,  
525 social media, or sign.
- 526 (m) "Weekly allowance" means funds that a licensed child-placing adoption agency may  
527 provide to a birth parent for daily living needs.
- 528 (2)(a) Subject to Section 81-14-205, a person may not engage in child placing, or solicit  
529 money or other assistance for child placing, without a valid license issued by the  
530 office in accordance with this part.
- 531 (b) If a child-placing agency's license is suspended or revoked in accordance with this  
532 part, the care, control, or custody of any child who is in the care, control, or custody  
533 of the child-placing agency shall be transferred to the Division of Child and Family  
534 Services.
- 535 (3)(a)(i) An attorney, physician, or other person may assist:
- 536 (A) a birth parent to identify or locate a prospective adoptive parent who is  
537 interested in adopting the birth parent's child; or
- 538 (B) a prospective adoptive parent to identify or locate a child to be adopted.

- 539 (ii) A payment, charge, fee, reimbursement of expense, or exchange of value of any  
540 kind, or promise or agreement to make the same, may not be made for the  
541 assistance described in Subsection (3)(a)(i).
- 542 (b) An attorney, physician, or other person may not:
- 543 (i) issue or cause to be issued to any person a card, sign, or device indicating that the  
544 attorney, physician, or other person is available to provide the assistance described  
545 in Subsection (3)(a)(i);
- 546 (ii) cause, permit, or allow any sign or marking indicating that the attorney,  
547 physician, or other person is available to provide the assistance described in  
548 Subsection (3)(a)(i), on or in any building or structure;
- 549 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,  
550 physician, or other person is available to provide the assistance described in  
551 Subsection (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or  
552 television, or an Internet website relating to a business;
- 553 (iv) announce, cause, permit, or allow a matching advertisement; or
- 554 (v) announce, cause, permit, or allow an advertisement that indicates or implies the  
555 attorney, physician, or other person is available to provide the assistance described  
556 in Subsection (3)(a)(i) as part of, or related to, other adoption-related services by  
557 using any of the following terms:
- 558 (A) "comprehensive";
- 559 (B) "complete";
- 560 (C) "one-stop";
- 561 (D) "all-inclusive"; or
- 562 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A)  
563 through (D).
- 564 (c) An attorney, physician, or other person who is not licensed by the office shall clearly  
565 and conspicuously disclose in any print media advertisement or written contract  
566 regarding adoption services or adoption-related services that the attorney, physician,  
567 or other person is not licensed to provide adoption services by the office.
- 568 (4)(a) An entity that advertises for adoption services shall disclose in the advertisement:
- 569 (i) the name of the states in which the entity is licensed to provide adoption services;  
570 or
- 571 (ii) whether the entity is not licensed to provide adoption services in any state.
- 572 (b) An entity that advertises for adoption services may not promise financial incentives

573 in an adoption-related advertisement.

574 [(4)] (5) A person who intentionally or knowingly violates Subsection (2) or (3) is guilty of  
575 a third degree felony.

576 [(5)] (6) This section does not preclude payment of fees for medical, legal, or other lawful  
577 services rendered in connection with the care of a mother, delivery and care of a child,  
578 or lawful adoption proceedings, except that a child-placing adoption agency may not:  
579 (a) charge or accept payment for services that were not actually rendered; or  
580 (b) charge or accept payment from a prospective adoptive parent for medical or hospital  
581 expenses that were paid for by public funds.

582 [(6)] (7) In accordance with federal law, only an agent or employee of the Division of Child  
583 and Family Services or of a licensed child-placing agency may certify to United States  
584 Citizenship and Immigration Services that a family meets the preadoption requirements  
585 of the Division of Child and Family Services.

586 [(7)] (8) A licensed child-placing agency or an attorney practicing in this state may not place  
587 a child for adoption, either temporarily or permanently, with an individual who would  
588 not be qualified for adoptive placement under Sections 81-13-202, 81-13-203, and  
589 81-13-402.

590 [(8)] (9)[(a) A child-placing agency, as that term is defined in Section 63G-20-102, that  
591 serves a resident of the state who is a birth mother or a prospective adoptive parent  
592 must be a member of a statewide consortium of licensed child-placing agencies that,  
593 together, serve all birth mothers lawfully seeking to place a child for adoption and all  
594 qualified prospective adoptive parents.]

595 [(b) The department shall receive and investigate any complaint against a consortium of  
596 licensed child-placing agencies.]

597 (a) There is created the Utah Child-Placing Adoption Agency Consortium to advise the  
598 Legislature regarding child-placing agency adoptions and policy in the state.

599 (b) The consortium consists of one member of each licensed child-placing adoption  
600 agency.

601 (c) The consortium shall meet at least quarterly.

602 (d) The majority of consortium members constitutes a quorum for conducting  
603 consortium business.

604 (e) The consortium shall establish bylaws and procedures for consortium action and  
605 recommendations.

606 (f)(i) A representative from the office shall chair the consortium.

- 607           (ii) The office shall oversee the consortium and provide staff support as needed.
- 608           (iii) The office may impose a membership fee sufficient to cover the cost of staffing
- 609                 the consortium.
- 610       (g)(i) The consortium shall review a request from a licensed child-placing adoption
- 611                 agency to exceed the financial limits described in Subsection (14).
- 612           (ii) The consortium may approve a request described in Subsection (9)(g)(i) if:
- 613                 (A) the requesting agency demonstrates a specific need to exceed the limit in
- 614                         Subsection (14);
- 615                 (B) the requesting agency requests a specific amount to be approved; and
- 616                 (C) a majority of the consortium, excluding the requesting agency, determines that
- 617                         there is a reasonable need to exceed the limit described in Subsection (14).
- 618           (iii) Actual living expenses or lost wages that are documented and proven to the
- 619                 satisfaction of the consortium shall be presumed to be a reasonable need.
- 620       (h)(i) The consortium shall report to the Health and Human Services Interim
- 621                 Committee on or before October 1, 2026.
- 622           (ii) The report described in Subsection (9)(h)(i) shall include:
- 623                 (A) the number of adoptions completed by each child-placing adoption agency in
- 624                         2025;
- 625                 (B) the number of out-of-state transports arranged by each child-placing adoption
- 626                         agency in 2025; and
- 627                 (C) a description of each child-placing adoption agency's fees in 2025.
- 628       (10)(a) A birth parent has the right to independent legal counsel in the adoption process,
- 629                 selected by the birth parent, at a reasonable cost to be paid by the child-placing
- 630                 agency or prospective adoptive parents.
- 631           (b) A birth parent may waive the right described in Subsection (10)(a), but may not be
- 632                 required to waive the right to legal counsel.
- 633       (11) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to
- 634                 the adoption of a child adoptee, the parent shall be informed of the right described in
- 635                 Subsection (10), with sufficient time to exercise the right prior to relinquishment or
- 636                 consent, by the:
- 637                 (a) child-placing agency;
- 638                 (b) prospective adoptive parents; or
- 639                 (c) representative of a person described in Subsection (11)(a) or (b).
- 640       (12) Before the day on which a final decree of adoption is entered, a statement shall be filed

- 641 with the court that:
- 642 (a) is signed by each parent who:
- 643 (i) relinquishes the parent's parental rights; or
- 644 (ii) consents to the adoption; and
- 645 (b) states that, before the parent took the action described in Subsection (12)(a)(i) or (ii),
- 646 the parent was advised of the parent's right to independent legal counsel described in
- 647 this section at the expense of the:
- 648 (i) child-placing agency; or
- 649 (ii) prospective adoptive parents.
- 650 (13) A licensed child-placing adoption agency shall include on the child-placing adoption
- 651 agency's website, in a prominent and conspicuous place:
- 652 (a) information regarding how a birth parent or adoptive parent can file a complaint with
- 653 the office; and
- 654 (b) notice of any current or former warnings or violations that the office has issued to the
- 655 child-placing adoption agency within the past three years.
- 656 (14)(a) A licensed child-placing adoption agency may only pay the following fees or
- 657 expenses on behalf of a birth parent:
- 658 (i) up to \$8,000 in living expenses;
- 659 (ii) weekly allowance;
- 660 (iii) medical expenses; and
- 661 (iv) legal expenses related to the adoption.
- 662 (b) Except as provided in Subsection (14)(c)(i), a licensed child-placing adoption agency
- 663 that pays fees or expenses described in Subsection (14)(a) on behalf of a birth parent
- 664 shall make the payment directly to the applicable service provider when possible.
- 665 (c)(i) A licensed child-placing adoption agency may provide a weekly allowance
- 666 directly to a birth parent.
- 667 (ii) A weekly allowance may not be provided as a lump sum, but shall be distributed
- 668 on a weekly basis for up to 12 weeks during pregnancy and four weeks
- 669 postpartum.
- 670 (iii) A weekly allowance may not exceed \$200 per week for a birth parent and \$75
- 671 per week for a directly affected person that is dependent on the birth parent.
- 672 (d) A licensed child-placing adoption agency may exceed the limits described in this
- 673 Subsection (14) in accordance with Subsection (9).
- 674 (15) Prior to an adoption being finalized, an adoptive parent or licensed child-placing

675 adoption agency may not discuss or promise a potential post-adoption gift to a birth  
676 parent.

677 (16)(a) A licensed child-placing adoption agency, an employee or contractor of a  
678 licensed child-placing adoption agency, or a prospective adoptive parent may not  
679 utilize coercion in any interaction with a birth parent.

680 (b) Coercive behavior includes:

- 681 (i) threatening financial or legal retaliation if a birth parent chooses to parent;
- 682 (ii) telling a birth parent that the birth parent will not receive assistance to return to  
683 the birth parent's state of residence;
- 684 (iii) preventing a birth parent from physically leaving the birth parent's location;
- 685 (iv) preventing a birth parent from privately contacting the birth parent's supports,  
686 such as family, friends, mental health professional, or legal counsel; and
- 687 (v) promising a financial benefit in exchange for the birth parent's relinquishment or  
688 consent.

689 (17) If any member of a licensed child-placing adoption agency has a financial interest in a  
690 service provider that receives a payment as described in Subsection (14)(b), the licensed  
691 child-placing adoption agency shall disclose the financial interest to a birth parent,  
692 prospective adoptive parent, the office, and a court that finalizes the adoption.

693 (18)(a) A licensed child-placing adoption agency may not transport or arrange the  
694 transport of:

- 695 (i) a birth mother to the state if the child-placing adoption agency knows or should  
696 know that the mother is at 36 or more weeks of gestation; or
- 697 (ii) a birth mother who is less than 18 years old to the state.

698 (b) A licensed child-placing adoption agency shall make a reasonable inquiry regarding  
699 the health of a birth mother prior to transporting or arranging the transport of a birth  
700 mother.

701 (c) A parent or guardian of a birth mother who is less than 18 years old may make  
702 independent arrangements to transport or travel with the minor birth mother.

703 (d) A licensed child-placing adoption agency shall verify whether an out-of-state birth  
704 mother is receiving Medicaid benefits prior to transporting or arranging the transport  
705 of the birth mother to Utah.

706 (e) An individual who travels to Utah for the sole purpose of giving birth without intent  
707 to remain in Utah following the birth does not qualify for Utah Medicaid benefits.

708 (19) A licensed child-placing adoption agency that transports or arranges the transport of a

709 birth mother to the state for purposes related to an adoption shall ensure that the birth  
710 mother is returned to the state from which the birth mother was transported using the  
711 same mode and quality of transportation that was used to bring the birth mother to the  
712 state if the birth mother does not elect to remain in Utah, regardless of the birth mother's  
713 decision regarding relinquishment.

714 (20)(a) A licensed child-placing adoption agency shall submit a form, created by the  
715 office, to the office for each birth parent to whom the child-placing adoption agency  
716 provides adoption services.

717 (b) The form described in Subsection (20)(a) shall include:

718 (i) the name of the licensed child-placing adoption agency;

719 (ii) whether the birth parent chose:

720 (A) to parent the child;

721 (B) adoption; or

722 (C) something else;

723 (iii) the date of:

724 (A) the birth parent's first contact with the child-placing adoption agency;

725 (B) birth of the child adoptee;

726 (C) relinquishment; and

727 (D) the finalized adoption;

728 (iv) the location of the birth parent on each date described in Subsection (20)(b)(iii);

729 (v) whether a third-party facilitator was used to connect the birth parent and the  
730 child-placing adoption agency;

731 (vi) the total amount of funds that a birth parent received directly through a weekly  
732 allowance;

733 (vii) the total amount that was paid on behalf of the birth parent for living expenses;

734 (viii) the total amount that was paid for the birth parent's medical expenses, including  
735 mental health therapy;

736 (ix) the total amount that was paid for the birth parent's legal expenses;

737 (x) whether the consortium approved exceeding the financial limits described in this  
738 section;

739 (xi) the value of any gifts provided to the birth parent;

740 (xii) a description and value of any other benefit that was paid to or on behalf of the  
741 birth parent;

742 (xiii) whether the birth parent received Utah Medicaid benefits;

743 (xiv) if the birth parent was transported to Utah, whether the birth parent received  
 744 Medicaid benefits in another state; and

745 (xv) whether the birth parent received any other public assistance in Utah.

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

748 Section 4. Section **26B-2-244** is enacted to read:

749 **26B-2-244 . Birthing services at health care facilities.**

750 (1) As used in this section:

751 (a) "Adoption services" means action related to an adoption, including counseling  
 752 between a child-placing adoption agency and a birth parent, signing paperwork  
 753 related to an adoption, or the transfer of physical custody of a child adoptee from a  
 754 birth parent to a child-placing adoption agency or prospective adoptive parent.

755 (b) "Child-placing adoption agency" means the same as that term is defined in Section  
 756 26B-2-127.

757 (2) A health care facility that provides birthing services shall develop policies regarding  
 758 adoption services that occur at a health care facility.

759 (3) A health care facility that provides birthing services shall notify the Office of Licensing  
 760 if the health care facility files a complaint or otherwise takes action against a  
 761 child-placing adoption agency or a child-placing adoption agency's representatives.

762 (4) A health care facility or a health care facility's staff may notify the Office of Licensing  
 763 if the facility or staff has concerns regarding unethical practices related to adoption  
 764 services that occur at the health care facility.

765 Section 5. Section **63G-20-102** is amended to read:

766 **63G-20-102 . Definitions.**

767 As used in this chapter:

768 (1) "Child placing" means the same as that term is defined in Section 26B-2-101.

769 (2) "Child-placing adoption agency" means a child-placing agency that places children for  
 770 adoption.

771 [~~(2)~~] (3) "Child-placing agency" means a[ ~~private person that is engaged in child placing~~  
 772 related to a child who is not in the custody of the state.] child-placing adoption agency  
 773 or a child-placing foster agency.

774 (4) "Child-placing foster agency" means a child-placing agency that places children for  
 775 foster care.

776 [~~(3)~~] (5) "Government retaliation" means an action by a state or local government or an

777 action by a state or local government official that:

778 (a) is taken in response to a person's exercise of a protection contained in Subsection  
779 17-70-302(18) or Section 63G-20-201, 63G-20-203.5, or 63G-20-301; and

780 (b)(i) imposes a formal penalty on, fines, disciplines, discriminates against, denies the  
781 rights of, denies benefits to, or denies tax-exempt status to a person; or

782 (ii) subjects a person to an injunction or to an administrative claim or proceeding.

783 [(4)] (6)(a) "Religious official" means an officer or official of a religion, when acting as  
784 such.

785 (b) "Religious official" includes an individual designated by the religion as clergy,  
786 minister, priest, pastor, rabbi, imam, bishop, stake president, or sealer, when that  
787 individual is acting as such.

788 [(5)] (7) "Religious organization" means:

789 (a) a religious organization, association, educational institution, or society;

790 (b) a religious corporation sole; or

791 (c) any corporation or association constituting a wholly owned subsidiary, affiliate, or  
792 agency of any religious organization, association, educational institution, society, or  
793 religious corporation sole.

794 [(6)] (8) "Sexuality" includes legal sexual conduct, legal sexual expression, sexual desires,  
795 and the status of a person as male or female.

796 [(7)] (9) "State or local government" means:

797 (a) a state government entity, agency, or instrumentality; or

798 (b) a local government entity, agency, or instrumentality.

799 [(8)] (10) "State or local government official" means an officer, employee, or appointee of a  
800 state or local government.

801 Section 6. Section **63G-20-203.5** is amended to read:

802 **63G-20-203.5 . Child-placing agencies.**

803 [(1) As used in this section, "consortium" means a statewide consortium of child-placing  
804 agencies described in Subsection 26B-2-127(8).]

805 [(2)] (1) Notwithstanding any other provision of law, a state or local government, a state or  
806 local government official, or another accrediting, certifying, or licensing body, including  
807 the Office of Licensing within the Department of Health and Human Services, may not:

808 (a) require a [~~consortium-member~~]child-placing agency to perform, assist, counsel,  
809 recommend, consent to, facilitate, or participate in child placing, with a qualified  
810 prospective adoptive parent, that is contrary to the child-placing agency's religious

- 811 teaching, practices, or sincerely held beliefs, or the good faith wishes of the birth  
812 mother as to the optimal placement of the child;
- 813 (b) deny a [~~consortium-member~~]child-placing agency any grant, contract, or  
814 participation in a government program because the child-placing agency cannot,  
815 consistent with the child-placing agency's religious teaching, practices, or sincerely  
816 held beliefs, or consistent with the good faith wishes of the birth mother as to the  
817 optimal placement of the child, perform, assist, counsel, recommend, consent to,  
818 facilitate, or participate in a child placement with a qualified prospective adoptive  
819 parent; or
- 820 (c) deny an application for an initial license or accreditation, deny the renewal of a  
821 license or accreditation, or revoke the license or accreditation of a [  
822 ~~consortium-member~~]child-placing agency that cannot, consistent with the  
823 child-placing agency's religious teaching, practices, or sincerely held beliefs, or  
824 consistent with the good faith wishes of the birth mother as to the optimal placement  
825 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate  
826 in a child placement with a qualified prospective adoptive parent.
- 827 [(3)] (2)(a) A [~~consortium-member~~]child-placing agency that cannot, consistent with the  
828 child-placing agency's religious teaching, practices, or sincerely held beliefs, or  
829 consistent with the good faith wishes of the birth mother as to the optimal placement  
830 of the child, perform, assist, counsel, recommend, consent to, facilitate, or participate  
831 in a child placement with a qualified prospective adoptive parent, shall refer the  
832 individual who is seeking child-placement services to another child-placing agency[  
833 ~~in the consortium~~].
- 834 (b) A referral by a child-placing agency under Subsection [(3)(a)] (2)(a) does not  
835 constitute a determination that a proposed placement is not in the best interest of the  
836 child.
- 837 [(4)] (3) The fact that a [~~consortium-member~~] child-placing agency cannot, consistent with  
838 the child-placing agency's religious teaching, practices, or sincerely held beliefs, or  
839 consistent with the good faith wishes of the birth mother as to the optimal placement of  
840 the child, perform, assist, counsel, recommend, consent to, facilitate, or participate in a  
841 child placement with a qualified prospective adoptive parent, may not form the basis for:
- 842 (a) the imposition of a civil fine or other adverse administrative action; or  
843 (b) any claim or cause of action under any state or local law.
- 844 Section 7. Section **80-2-802** is amended to read:

845           **80-2-802 . Division child placing and adoption services -- Restrictions on**  
846 **placement of a child.**

- 847 (1) Except as provided in Subsection (3), the division may provide adoption services and,  
848 as a licensed child-placing agency under Title 26B, Chapter 2, Part 1, Human Services  
849 Programs and Facilities, engage in child placing in accordance with this chapter, Chapter  
850 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse, Neglect, and  
851 Dependency Proceedings, and Chapter 4, Termination and Restoration of Parental Rights.
- 852 (2) The division shall base the division's decision for placement of an adoptable child for  
853 adoption on the best interest of the adoptable child.
- 854 (3) The division may not:
- 855 (a) in accordance with Subsection [~~26B-2-127(6)~~] 26B-2-127(7), place a child for  
856 adoption, either temporarily or permanently, with an individual who does not qualify  
857 for adoptive placement under Sections 81-13-202, 81-13-203, and 81-13-402;
- 858 (b) consider a potential adoptive parent's willingness or unwillingness to enter a  
859 postadoption contact agreement under Section 81-13-216 as a condition of placing a  
860 child with a potential adoptive parent; or
- 861 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901 through  
862 1963, base the division's decision for placement of an adoptable child on the race,  
863 color, ethnicity, or national origin of either the child or the potential adoptive parent.
- 864 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah  
865 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section  
866 81-13-402, priority of placement shall be provided to a family in which a couple is  
867 legally married under the laws of the state.
- 868 (5) Subsections (3) and (4) do not limit the placement of a child with the child's parent or  
869 relative or in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.
- 870 Section 8. Section **81-13-101** is amended to read:

871           **81-13-101 . Definitions for chapter.**

872 As used in this chapter:

- 873 (1) "Adoptee" means:
- 874 (a) a child adoptee; or
- 875 (b) an adult adoptee.
- 876 (2) "Adoption" means the process by which an individual seeks to:
- 877 (a) create the legal relationship of parent and child where the relationship did not  
878 previously exist; and

- 879 (b) except as provided in Subsections 81-13-220(2) and (4) and Subsections  
880 81-13-306(2) and (4), terminate the parental rights of any other individual with  
881 respect to the child.
- 882 (3) "Adoption document" means an adoption-related document filed with the office, a  
883 petition for adoption, a decree of adoption, an original birth certificate, or evidence  
884 submitted in support of a supplementary birth certificate.
- 885 (4) "Adoption proceeding" means any proceeding under this chapter.
- 886 (5) "Adoption service provider" means:
- 887 (a) a child-placing agency;
- 888 (b) a licensed counselor who has at least one year of experience providing professional  
889 social work services to:
- 890 (i) adoptive parents;
- 891 (ii) prospective adoptive parents; or
- 892 (iii) birth parents; or
- 893 (c) the Office of Licensing within the Department of Health and Human Services.
- 894 (6) "Adoptive parent" means an individual who has legally adopted an adoptee.
- 895 (7) "Adult" means an individual who is 18 years old or older.
- 896 (8) "Adult adoptee" means an individual:
- 897 (a) who is an adult and is the subject of an adoption proceeding; or
- 898 (b) who was adopted when the individual was an adult.
- 899 (9) "Adult sibling" means an individual:
- 900 (a) who is a child adoptee's brother or sister;
- 901 (b) who is 18 years old or older; and
- 902 (c) whose birth parent is the same as that of the child adoptee.
- 903 (10) "Birth mother" means the same as that term is defined in Section 81-5-102.
- 904 (11) "Birth parent" means:
- 905 (a) an individual that has a parent-child relationship with an adoptee as described in  
906 Section 81-5-201;
- 907 (b) a man who:
- 908 (i) has been identified as the father of an adoptee by the adoptee's birth mother; and
- 909 (ii) has not denied paternity; or
- 910 (c) an unmarried biological father.
- 911 (12) "Child adoptee" means an individual:
- 912 (a) who is a minor child and is the subject of an adoption proceeding; or

- 913 (b) who was adopted when the individual was a minor child.
- 914 (13) "Child-placing adoption agency" means a child-placing agency that places children for  
915 adoption.
- 916 (14) "Child-placing agency" means [an agency licensed to place a minor child for adoption  
917 under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities] a  
918 child-placing adoption agency or a child-placing foster agency.
- 919 (15) "Child-placing foster agency" means a child-placing agency that places children for  
920 foster care.
- 921 [(14)] (16) "Cohabiting" means residing with another individual and being involved in a  
922 sexual relationship with that individual.
- 923 [(15)] (17) "Division" means the Division of Child and Family Services, within the  
924 Department of Health and Human Services, created in Section 80-2-201.
- 925 [(16)] (18) "Extra-jurisdictional child-placing agency" means an agency licensed to place  
926 children for adoption by a district, territory, or state of the United States, other than Utah.
- 927 [(17)] (19) "Genetic and social history" means a comprehensive report, when obtainable,  
928 that contains the following information on an adoptee's birth parents, aunts, uncles, and  
929 grandparents:
- 930 (a) medical history;
- 931 (b) health status;
- 932 (c) cause of and age at death;
- 933 (d) height, weight, and eye and hair color;
- 934 (e) ethnic origins;
- 935 (f) where appropriate, levels of education and professional achievement; and
- 936 (g) religion, if any.
- 937 [(18)] (20) "Health history" means a comprehensive report of the adoptee's health status at  
938 the time of placement for adoption, and medical history, including neonatal,  
939 psychological, physiological, and medical care history.
- 940 [(19)] (21) "Identifying information" means information that is in the possession of the  
941 office and that contains:
- 942 (a) the name and address of:
- 943 (i) a pre-existing parent; or
- 944 (ii) a child adoptee who is 18 years old or older; or
- 945 (b) other specific information that by itself or in reasonable conjunction with other  
946 information may be used to identify a pre-existing parent or child adoptee, including

- 947 information on a birth certificate or in an adoption document.
- 948 [~~(20)~~] (22) "Licensed counselor" means an individual who is licensed by the state, or
- 949 another state, district, or territory of the United States as a:
- 950 (a) certified social worker;
- 951 (b) clinical social worker;
- 952 (c) psychologist;
- 953 (d) marriage and family therapist;
- 954 (e) clinical mental health counselor; or
- 955 (f) an equivalent licensed professional of another state, district, or territory of the United
- 956 States.
- 957 [~~(21)~~] (23) "Man" means a male individual of any age.
- 958 [~~(22)~~] (24) "Office" means the Office of Vital Records and Statistics within the Department
- 959 of Health and Human Services operating under Title 26B, Chapter 8, Part 1, Vital
- 960 Statistics.
- 961 [~~(23)~~] (25) "Potential birth father" means a man who:
- 962 (a) is identified by a birth mother as a potential biological father of the birth mother's
- 963 minor child, but whose genetic paternity has not been established; and
- 964 (b) was not married to the birth mother of the minor child described in Subsection [
- 965 ~~(23)(a)~~] (25)(a) at the time of the minor child's conception or birth.
- 966 [~~(24)~~] (26)(a) "Pre-existing parent" means an individual who is an adoptee's birth parent
- 967 before an adoption decree is entered for the adoptee.
- 968 (b) "Pre-existing parent" includes an individual who is legally the parent of the adoptee,
- 969 due to an earlier adoption decree, before an adoption decree is entered for the adoptee.
- 970 [~~(25)~~] (27) "Prospective adoptive parent" means an individual who seeks to adopt an
- 971 adoptee.
- 972 [~~(26)~~] (28) "Relative" means:
- 973 (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
- 974 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a minor
- 975 child, or first cousin of a minor child's parent; or
- 976 (b) in the case of a minor child who is an "Indian child" under the Indian Child Welfare
- 977 Act, 25 U.S.C. Sec. 1903, an "extended family member" as defined by that statute.
- 978 [~~(27)~~] (29) "Unmarried biological father" means a man who:
- 979 (a) is the biological father of a minor child; and
- 980 (b) was not married to the birth mother of the minor child described in Subsection [

981           ~~(27)(a)~~ (29)(a) at the time of the minor child's conception or birth.

982   ~~[(28)]~~ (30) "Vulnerable adult" means:

983           (a) an individual who is 65 years old or older; or

984           (b) an adult who has a mental or physical impairment that substantially affects that  
985           adult's ability to:

986               (i) provide personal protection;

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

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

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

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

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

993           Section 9. Section **81-13-208** is amended to read:

994           **81-13-208 . Prebirth notice to birth father of intent to place a minor child for**  
995   **adoption.**

996   (1) As used in this section, "birth father" means:

997           (a) a potential birth father; or

998           (b) an unmarried biological father.

999   (2) Before the birth of a minor child, the following persons may notify a birth father of the  
1000   minor child that the birth mother of the minor child is considering an adoptive placement  
1001   for the minor child:

1002           (a) the minor child's birth mother;

1003           (b) a licensed child-placing adoption agency;

1004           (c) an attorney representing a prospective adoptive parent of the minor child; or

1005           (d) an attorney representing the birth mother of the minor child.

1006   (3) Providing a birth father with notice under Subsection (2) does not obligate the birth  
1007   mother of the minor child to proceed with an adoptive placement of the minor child.

1008   (4) The notice described in Subsection (2) shall include the name, address, and telephone  
1009   number of the person providing the notice and the following information:

1010           (a) the birth mother's intent to place the minor child for adoption;

1011           (b) that the birth mother has named the person receiving this notice as a potential birth  
1012           father of the minor child;

1013           (c) the requirements to contest the adoption, including taking the following steps within  
1014           30 days after the day on which the notice is served:

- 1015 (i) initiating proceedings to establish or assert paternity in a court with jurisdiction  
 1016 under Title 78A, Judiciary and Judicial Administration, within 30 days after the  
 1017 day on which notice is served, including filing an affidavit stating:  
 1018 (A) that the birth father is fully able and willing to have full custody of the minor  
 1019 child;  
 1020 (B) the birth father's plans to care for the minor child; and  
 1021 (C) that the birth father agrees to pay for child support and expenses incurred in  
 1022 connection with the pregnancy and birth of the minor child; and  
 1023 (ii) filing a notice of commencement of parentage proceedings with the office;  
 1024 (d) the consequences for failure to comply with Subsection (4)(c), including that:  
 1025 (i) the birth father's ability to assert the right, if any, to consent or refuse to consent to  
 1026 the adoption is irrevocably lost;  
 1027 (ii) the birth father will lose the ability to assert the right to contest any future  
 1028 adoption of the minor child; and  
 1029 (iii) the birth father will lose the right, if any, to notice of any adoption proceedings  
 1030 related to the minor child;  
 1031 (e) that the birth father may consent to the adoption, if any, within 30 days after the day  
 1032 on which the notice is received, and that the birth father's consent is irrevocable; and  
 1033 (f) that no communication between the birth mother of the minor child and the birth  
 1034 father changes the rights and responsibilities of the birth father described in the notice.  
 1035 (5) If a birth father does not fully and strictly comply with the requirements of Subsection  
 1036 (4)(c) within 30 days after the day on which the birth father receives the notice, the birth  
 1037 father will lose:  
 1038 (a) the ability to assert the right to consent or refuse to consent to an adoption of the  
 1039 minor child described in the notice;  
 1040 (b) the ability to assert the right to contest any future adoption of the minor child  
 1041 described in the notice; and  
 1042 (c) the right to notice of any adoption proceedings relating to the minor child described  
 1043 in the notice.  
 1044 (6) If a person described in Subsection (2) chooses to notify a birth father under this  
 1045 section, the notice shall be served on a birth father in a manner consistent with the Utah  
 1046 Rules of Civil Procedure or by certified mail.  
 1047 Section 10. Section **81-13-209** is amended to read:  
 1048 **81-13-209 . Declaration regarding each potential birth father for out-of-state**

1049 **birth mother and adoptive parents-- Putative father registry -- Notice to potential birth**  
1050 **father.**

1051 (1) The procedural and substantive requirements of this section are required only to the  
1052 extent that the requirements do not exceed the requirements of the state of conception or  
1053 the birth mother's state of residence.

1054 (2)(a) For a child adoptee who is six months old or younger at the time that the child  
1055 adoptee is placed with the prospective adoptive parents and subject to the rights of a  
1056 birth mother described in Subsection 81-13-202(7), the birth mother shall sign, and  
1057 the prospective adoptive parents shall file with the court, a declaration regarding each  
1058 potential birth father before or at the time a petition for adoption is filed with the  
1059 court.

1060 (b) A declaration is not required under Subsection (2)(a) if the birth mother or one of the  
1061 adoptive parents has resided in the state for 90 total days or more at any point during  
1062 the time period beginning at the conception of the child adoptee and ending at the  
1063 time that the birth mother executes consent to the adoption or relinquishment of the  
1064 child adoptee for adoption.

1065 (3) The child-placing adoption agency or prospective adoptive parents shall search the  
1066 putative father registry of each state where the birth mother believes the child adoptee  
1067 may have been conceived and each state where the birth mother lived during her  
1068 pregnancy, if the state has a putative father registry, to determine whether a potential  
1069 birth father registered with the state's putative father registry.

1070 (4) In determining whether the 90-day requirement described in Subsection (2) is satisfied,  
1071 the following apply:

1072 (a) the 90 days are not required to be consecutive;

1073 (b) no absence from the state may be for more than seven consecutive days;

1074 (c) any day on which the individual is absent from the state does not count toward the  
1075 total 90-day period; and

1076 (d) the 90-day period begins and ends during a period that is no more than 120  
1077 consecutive days.

1078 (5) The declaration filed under Subsection (2) regarding a potential birth father shall  
1079 include, for each potential birth father, the following information:

1080 (a) if known, the potential birth father's name, date of birth, social security number, and  
1081 address;

1082 (b) with regard to a state's putative father registry in each state described in Subsection

- 1083 (3):
- 1084 (i) whether the state has a putative father registry; and
- 1085 (ii) for each state that has a putative father registry, with the declaration, a certificate
- 1086 or written statement from the state's putative father registry that a search of the
- 1087 state's putative father registry was made and disclosing the results of the search;
- 1088 (c) whether the potential birth father was notified of:
- 1089 (i) the birth mother's pregnancy;
- 1090 (ii) the fact that he is a potential birth father; or
- 1091 (iii) the fact that the birth mother intends to consent to adoption or relinquishment of
- 1092 the child adoptee for adoption in Utah;
- 1093 (d) each state where the birth mother lived during the pregnancy;
- 1094 (e) if known, the state in which the child adoptee was conceived;
- 1095 (f) whether the birth mother informed the potential birth father that she was traveling to
- 1096 or planning to reside in Utah;
- 1097 (g) whether the birth mother has contacted the potential birth father while she was
- 1098 located in Utah;
- 1099 (h) whether, and for how long, the potential birth father has ever lived with the child
- 1100 adoptee;
- 1101 (i) whether the potential birth father has given the birth mother money or offered to pay
- 1102 for any of the birth mother's expenses during pregnancy or the child adoptee's birth;
- 1103 (j) whether the potential birth father has offered to pay child support;
- 1104 (k) if known, whether the potential birth father has taken any legal action to establish
- 1105 paternity of the child adoptee, either in Utah or in any other state, and, if known,
- 1106 what action the potential birth father has taken; and
- 1107 (l) whether the birth mother has ever been involved in a domestic violence matter with
- 1108 the potential birth father.
- 1109 (6) Except as provided in Subsection (8), based on the declaration regarding the potential
- 1110 birth father, the court shall order the birth mother to serve a potential birth father notice
- 1111 that she intends to consent or has consented to adoption or relinquishment of the child
- 1112 adoptee for adoption, if the court finds that the potential birth father:
- 1113 (a) has taken sufficient action to demonstrate an interest in the child adoptee;
- 1114 (b) has taken sufficient action to attempt to preserve the potential birth father's legal
- 1115 rights as a birth father, including by filing a legal action to establish parentage or
- 1116 filing with a state's putative father registry; or

- 1117 (c) does not know, and does not have a reason to know, that:
- 1118 (i) the mother or child adoptee are present in Utah;
- 1119 (ii) the mother intended to give birth to the child adoptee in Utah;
- 1120 (iii) the child adoptee was born in Utah; or
- 1121 (iv) the mother intends to consent to adoption or relinquishment of the child adoptee
- 1122 for adoption in Utah.

1123 (7) Notice under this section shall be made in accordance with Subsections 81-13-207(7)

1124 through (11).

1125 (8) A court may only order the notice requirements in Subsection (6) to the extent that they

1126 do not exceed the notice requirements of:

- 1127 (a) the state of conception; or
- 1128 (b) the birth mother's state of residence.

1129 Section 11. Section **81-13-210** is amended to read:

1130 **81-13-210 . Custody pending final decree.**

1131 (1) Except as otherwise provided by the court, once a petitioner has received the adoptee

1132 into the petitioner's home and a petition for adoption has been filed, the petitioner is

1133 entitled to the custody and control of the child adoptee and is responsible for the care,

1134 maintenance, and support of the adoptee, including any necessary medical or surgical

1135 treatment, pending further order of the court.

1136 (2)(a) Once a child adoptee has been placed with, relinquished to, or ordered into the

1137 custody of a child-placing adoption agency for purposes of adoption, the agency shall

1138 have custody and control of the child adoptee and is responsible for the child

1139 adoptee's care, maintenance, and support.

1140 (b) Subject to Subsection (3)(c), the child-placing adoption agency may delegate the

1141 responsibility for care, maintenance, and support, including any necessary medical or

1142 surgical treatment, to the petitioner once the petitioner has received the child adoptee

1143 into the petitioner's home, including a temporary place of abode for the petitioner.

1144 (c) Until the final decree of adoption is entered by the court, the child-placing adoption

1145 agency has the right to the custody and control of the child adoptee.

1146 (3)(a) A licensed child-placing adoption agency, or a petitioner if the petition of

1147 adoption is filed before a child adoptee's birth, may seek an order establishing that the

1148 child-placing adoption agency or petitioner shall have temporary custody of the child

1149 adoptee from the time of the child adoptee's birth.

1150 (b) The court shall grant an order for temporary custody under Subsection (3)(a) upon

- 1151 determining that:
- 1152 (i) the birth mother or both birth parents consent to the order;
- 1153 (ii) the child-placing adoption agency or petitioner is willing and able to take custody
- 1154 of the child adoptee; and
- 1155 (iii) an order will be in the best interest of the child adoptee.
- 1156 (c) The court shall vacate an order if, before the child adoptee's birth, the birth mother or
- 1157 both birth parents withdraw consent to the order.

1158 Section 12. Section **81-13-211** is amended to read:

1159 **81-13-211 . Counseling for parents.**

- 1160 (1) As used in this section, "parent" means a person described in Subsections
- 1161 81-13-212(1)(b) through (f) for whom the consent or relinquishment of a minor child for
- 1162 the adoption is required.
- 1163 (2) Subject to Subsection (3)(a), before relinquishing a minor child to a child-placing
- 1164 agency, or consenting to the adoption of a child adoptee, a parent of the child adoptee
- 1165 has the right to participate in, or elect to participate in, [~~counseling~~] mental health therapy:
- 1166 (a) by a [~~licensed counselor or an adoption service provider~~] mental health professional
- 1167 who is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act,
- 1168 and selected by the parent participating in the [~~counseling~~] mental health therapy;
- 1169 (b) for up to three sessions of at least 50 minutes per session completed before
- 1170 relinquishing a child adoptee [~~or within 120 days~~] and up to three sessions of at least
- 1171 50 minutes per session following the relinquishment of a child adoptee; and
- 1172 (c) subject to Subsection (3)(b), at the expense of the:
- 1173 (i) child-placing agency; or
- 1174 (ii) prospective adoptive parents.
- 1175 (3)(a) Notwithstanding Subsection (2), a parent who has the right to participate in the [~~counseling~~]
- 1176 mental health therapy under Subsection (2) may waive that right.
- 1177 (b) Notwithstanding Subsection (2)(c), the total amount required to be paid by a
- 1178 child-placing agency or the prospective adoptive parents for the [~~counseling~~] mental
- 1179 health therapy described in Subsection (2) may not exceed [~~\$400~~] \$800, unless an
- 1180 agreement for a greater amount is signed by:
- 1181 (i) the parent who receives the [~~counseling~~] mental health therapy; and
- 1182 (ii) the child-placing agency or prospective adoptive parents.
- 1183 (4) Before a parent relinquishes a child adoptee to a child-placing agency, or consents to the
- 1184 adoption of a child adoptee, the parent shall be informed of the right described in

- 1185 Subsection (1) by the:
- 1186 (a) child-placing agency;
- 1187 (b) prospective adoptive parents; or
- 1188 (c) representative of a person described in Subsection (4)(a) or (b).
- 1189 (5) If the parent who is entitled to the ~~[counseling]~~ mental health therapy as described in
- 1190 Subsection (1) elects to attend one or more ~~[counseling]~~ mental health therapy sessions
- 1191 following the relinquishment of a child adoptee[;]
- 1192 ~~[(a) the parent of the child adoptee shall inform the child-placing agency or prospective~~
- 1193 ~~adoptive parents of this election prior to relinquishing the child adoptee to a~~
- 1194 ~~child-placing agency or consenting to the adoption of the child adoptee; and]~~
- 1195 ~~[(b)]~~ the parent of the child adoptee and the child-placing agency or attorney
- 1196 representing a prospective adoptive parent of the child adoptee shall enter into an
- 1197 agreement to pay for the ~~[counseling]~~ mental health therapy in accordance with this
- 1198 section.
- 1199 (6)(a) Subject to Subsections (4)(b) and (c), before the day on which a final decree of
- 1200 adoption is entered, a statement shall be filed with the court that:
- 1201 (i) is signed by each parent who:
- 1202 (A) relinquishes the parent's parental rights; or
- 1203 (B) consents to the adoption; and
- 1204 (ii) states that, before the parent took the action described in Subsection (6)(a)(i)(A)
- 1205 or (B), the parent was advised of the parent's right to participate in the ~~[counseling]~~
- 1206 mental health therapy described in this section at the expense of the:
- 1207 (A) child-placing agency; or
- 1208 (B) prospective adoptive parents.
- 1209 (b) The statement described in Subsection (6)(a) may be included in the document that:
- 1210 (i) relinquishes the parent's parental rights; or
- 1211 (ii) consents to the adoption.
- 1212 (c) Failure by a person to give the notice described in Subsection (4), or pay for the [~~counseling]~~
- 1213 mental health therapy described in this section[;]
- 1214 ~~[(i)]~~ shall not constitute grounds for invalidating a:
- 1215 ~~[(A)]~~ (i) relinquishment of parental rights; or
- 1216 ~~[(B)]~~ (ii) consent to adoption[; and] .
- 1217 ~~[(ii)]~~ shall give rise to a cause of action for the recovery of damages suffered, if any,
- 1218 by the parent or guardian who took the action described in Subsection (6)(c)(i)(A)

1219 or (B) against the person required to:]  
1220 [(A) give the notice described in Subsection (4); or]  
1221 [(B) pay for the counseling described in this section.]

1222 Section 13. Section **81-13-212** is amended to read:

1223 **81-13-212 . Necessary consent to adoption or relinquishment for adoption of a**  
1224 **minor child -- Implied consent.**

1225 (1) Except as provided in Subsection (2), the following persons are required to consent to  
1226 an adoption of a minor child, or to relinquishment of a minor child, before an adoption  
1227 of the minor child is granted:

1228 (a) if the child adoptee is 12 years old or older, the child adoptee unless the child  
1229 adoptee does not have the mental capacity to consent;

1230 (b) a man or woman who:

1231 (i) by operation of law under Section 81-5-204, is recognized as the father or mother  
1232 of the proposed adoptee, unless:

1233 (A) the presumption is rebutted under Section 81-5-607;

1234 (B) at the time of the marriage, the man or woman knew or reasonably should  
1235 have known that the marriage to the mother of the proposed child adoptee was  
1236 or could be declared invalid; or

1237 (C) the man or woman was not married to the mother of the proposed child  
1238 adoptee until after the mother consented to adoption, or relinquishment for  
1239 adoption, of the proposed child adoptee; or

1240 (ii) is the parent of the child adoptee by a previous legal adoption;

1241 (c) the birth mother of the child adoptee;

1242 (d) an individual who has been adjudicated to be the child adoptee's parent by a court  
1243 with jurisdiction before the birth mother's execution of consent to adoption or the  
1244 birth mother's relinquishment of the child adoptee for adoption;

1245 (e) consistent with Subsection (3), an individual who has executed and filed a voluntary  
1246 declaration of paternity with the office in accordance with Chapter 5, Uniform  
1247 Parentage Act, before the birth mother's execution of consent to adoption or the birth  
1248 mother's relinquishment of the child adoptee for adoption;

1249 (f) an unmarried biological father of the child adoptee, whose consent is not required  
1250 under Subsection (1)(d) or (1)(e), only if the unmarried biological father fully and  
1251 strictly complies with the requirements of Section 81-13-213; and

1252 (g) the person or agency to whom an adoptee has been relinquished and that is placing

- 1253 the child adoptee for adoption.
- 1254 (2) The consent or relinquishment of an individual described in Subsections (1)(b) through  
1255 (f) is not required if the individual's parental rights relating to the child adoptee have  
1256 been terminated by a court.
- 1257 (3) For purposes of Subsection (1)(e), a voluntary declaration of paternity is considered  
1258 filed when the voluntary declaration is entered into a database that:
- 1259 (a) can be accessed by the Department of Health and Human Services; and  
1260 (b) is designated by the office as the official database for voluntary declarations of  
1261 paternity.
- 1262 (4)(a) Except as provided in Subsection (4)(b), a person described in Subsection (1) may  
1263 execute a consent or relinquishment at any time, including before the birth of the  
1264 child adoptee.
- 1265 (b) A birth mother may not consent to the adoption of the child adoptee, or relinquish  
1266 control or custody of the child adoptee, until at least 24 hours after the birth of the  
1267 child adoptee.
- 1268 (c) A child adoptee may not execute a consent to an adoption until the child adoptee is at  
1269 least 12 years old.
- 1270 (5)(a) A birth parent who is younger than 18 years old has the power to:
- 1271 (i) consent to the adoption of the birth parent's minor child; and  
1272 (ii) relinquish the birth parent's control or custody of the minor child for adoption.
- 1273 (b) The consent or relinquishment described in Subsection (5)(a) is valid and has the  
1274 same force and effect as a consent or relinquishment executed by a birth parent who  
1275 is an adult.
- 1276 (c) A birth parent, who is younger than 18 years old and has executed a consent or  
1277 relinquishment, cannot revoke that consent or relinquishment upon reaching 18 years  
1278 old or otherwise becoming emancipated.
- 1279 (6)(a) ~~[A consent or relinquishment is effective when the consent or relinquishment is~~  
1280 ~~signed and may not be revoked.] A birth parent may revoke the birth parent's consent  
1281 or relinquishment for any reason within 72 hours after the birth parent consents or  
1282 relinquishes the child adoptee.~~
- 1283 (b) A birth parent may waive in writing the revocation period described in Subsection  
1284 (6)(a).
- 1285 (c) A birth parent may revoke the birth parent's consent or relinquishment before a final  
1286 decree of adoption has been entered if a court determines that the consent or

- 1287 relinquishment was given under duress, fraud, or undue influence by the  
1288 child-placing adoption agency.
- 1289 (d) A birth parent may not sign a consent or relinquishment while under the effects of  
1290 anesthesia or medication that impacts the birth parent's ability to think clearly.
- 1291 (7)(a) As used in this Subsection (7):
- 1292 (i) "Abandonment" means failure of a birth parent, with reasonable knowledge of the  
1293 pregnancy, to offer and provide financial and emotional support to the birth  
1294 mother for a period of 180 days before the day on which the child adoptee is born.
- 1295 (ii) "Emotional support" means a pattern of statements or actions that indicate to a  
1296 reasonable person that a birth parent intends to provide for the physical and  
1297 emotional well-being of an unborn child adoptee.
- 1298 (b) A consent or relinquishment required by Subsection (1) may be implied by any of  
1299 the following acts:
- 1300 (i) abandonment;
- 1301 (ii) leaving the child adoptee with a third party for 30 consecutive days without  
1302 providing the third party with the birth parent's identification;
- 1303 (iii) knowingly leaving the child adoptee with another person for 180 consecutive  
1304 days without providing for support, communicating, or otherwise maintaining a  
1305 substantial relationship with the child adoptee; or
- 1306 (iv) receiving notification of a pending adoption proceeding as described in Section  
1307 81-13-207, or of a termination proceeding described in Section 81-13-205, and  
1308 failing to respond as required.
- 1309 (c) For purposes of this Subsection (7), a court may not:
- 1310 (i) determine that a birth parent abandoned the birth mother if the birth parent failed  
1311 to provide financial or emotional support because the birth mother refused to  
1312 accept support; or
- 1313 (ii) find that the birth parent failed to provide emotional support if the individual's  
1314 failure was due to impossibility of performance.
- 1315 (d) Implied consent under this Subsection (7) may not be withdrawn.
- 1316 (e) Nothing in this Subsection (7) negates the requirements of Section 81-13-213 for an  
1317 unmarried biological father.
- 1318 (8) Nothing in this section establishes new requirements for an individual relinquishing a  
1319 child in accordance with Section 80-4-502.
- 1320 Section 14. Section **81-13-217** is amended to read:

1321 **81-13-217 . Affidavit regarding fees and expenses before final decree of adoption**  
 1322 **of a minor child.**

1323 (1)(a) Except as provided in Subsection [~~(5)~~] (6), before the date that a final decree of  
 1324 adoption for a child adoptee is entered, a prospective adoptive parent or, if the child  
 1325 adoptee was placed by a child-placing agency, the person or agency placing the child  
 1326 adoptee shall file with the court an affidavit regarding fees and expenses on a form  
 1327 prescribed by the Judicial Council in accordance with Subsection (2).

1328 (b) An affidavit filed [~~pursuant to~~] in accordance with Subsection (1)(a) shall be signed  
 1329 by each prospective adoptive parent and, if the child adoptee was placed by a  
 1330 child-placing agency, the person or agency placing the child adoptee.

1331 (c) The court shall review an affidavit filed under this section for completeness and  
 1332 compliance with the requirements of this section.

1333 (d) The results of the court's review under Subsection (1)(c) shall be noted in the court's  
 1334 record.

1335 (2)(a) The Judicial Council shall prescribe a uniform form for the affidavit described in  
 1336 Subsection (1).

1337 (b) The uniform affidavit form shall require [~~itemization~~] disclosure of the following  
 1338 items in connection with the adoption:

1339 [~~(i) all legal expenses that have been or will be paid to or on behalf of the preexisting~~  
 1340 ~~parents of the child adoptee, including the source of payment;]~~

1341 [~~(ii) all maternity expenses that have been or will be paid to or on behalf of the~~  
 1342 ~~preexisting parents of the child adoptee, including the source of payment;]~~

1343 [~~(iii) all medical or hospital expenses that have been or will be paid to or on behalf of~~  
 1344 ~~the preexisting parents of the child adoptee, including the source of payment;]~~

1345 [~~(iv) all living expenses that have been or will be paid to or on behalf of the~~  
 1346 ~~preexisting parents of the child adoptee, including the source of payment;]~~

1347 [~~(v) fees paid by the prospective adoptive parent or parents in connection with the~~  
 1348 ~~adoption;]~~

1349 [~~(vi) all gifts, property, or other items that have been or will be provided to the~~  
 1350 ~~preexisting parents, including the source and approximate value of the gifts,~~  
 1351 ~~property, or other items;]~~

1352 [~~(vii) all public funds used for any medical or hospital costs in connection with the:]~~

1353 [~~(A) pregnancy;]~~

1354 [~~(B) delivery of the child adoptee; or]~~

- 1355 ~~[(C) care of the child adoptee; and]~~
- 1356 ~~[(viii) if a child-placing agency placed the child adoptee;]~~
- 1357 ~~[(A) a description of services provided to the prospective adoptive parents or~~
- 1358 ~~preexisting parents in connection with the adoption;]~~
- 1359 ~~[(B) all expenses associated with matching the prospective adoptive parent or~~
- 1360 ~~parents and the birth mother;]~~
- 1361 ~~[(C) all expenses associated with advertising; and]~~
- 1362 ~~[(D) any other agency fees or expenses paid by an adoptive parent that are not~~
- 1363 ~~itemized under one of the other categories described in this Subsection (2)(b);~~
- 1364 ~~including a description of the reason for the fee or expense.]~~
- 1365 (i) the total amount of legal expenses that have been or will be paid to or on behalf of
- 1366 the preexisting parents of the child adoptee;
- 1367 (ii) the total amount of medical or hospital expenses that have been or will be paid to
- 1368 or on behalf of the preexisting parents of the child adoptee;
- 1369 (iii) the total amount that the adoptive parent has paid for a preexisting parent's direct
- 1370 support;
- 1371 (iv) the total amount that the adoptive parent has paid for a preexisting parent's
- 1372 indirect support;
- 1373 (v) the total amount that the adoptive parent has paid to a child-placing agency in fees
- 1374 and costs; and
- 1375 (vi) a description of services provided to the prospective adoptive parent and
- 1376 preexisting parent in connection with the adoption.
- 1377 (c) The uniform affidavit form shall require:
- 1378 (i) a ~~[statement of the]~~ declaration of each state or country of residence for 12 months
- 1379 prior to the birth of the:
- 1380 (A) birth mother or the preexisting parents; and
- 1381 (B) prospective adoptive parent or parents; and
- 1382 (ii) a declaration that Section 76-7-203 has not been violated~~[; and]~~ .
- 1383 ~~[(iii) if the affidavit includes an itemized amount for both of the categories described~~
- 1384 ~~in Subsections (2)(b)(iii) and (vii), a statement explaining why certain medical or~~
- 1385 ~~hospital expenses were paid by a source other than public funds.]~~
- 1386 (d) To satisfy the requirement of Subsection (1)(a), the court shall accept an affidavit
- 1387 that is submitted in a form accepted by the Office of Licensing within the Department
- 1388 of Health and Human Services if the affidavit contains the same information and is in

1389 a reasonably equivalent format as the uniform affidavit form prescribed by the  
1390 Judicial Council.

1391 (3)(a)(i) If a child-placing agency, that is licensed by this state, placed the child  
1392 adoptee, the child-placing agency shall provide a copy of the affidavit described in  
1393 Subsection (1) to the Office of Licensing within the Department of Health and  
1394 Human Services on or before 75 days after the day on which the adoption is  
1395 finalized.

1396 (ii) If an attorney arranged the placement of the child adoptee with the adoptive  
1397 parent or parents, the attorney shall provide a copy of the affidavit described in  
1398 Subsection (1) to the Office of Licensing within the Department of Health and  
1399 Human Services on or before 75 days after the day on which the adoption is  
1400 finalized.

1401 (b) Before August 30 of each even-numbered year, the Office of Licensing within the  
1402 Department of Health and Human Services shall provide a written report to the  
1403 Health and Human Services Interim Committee and to the Judicial Council regarding  
1404 the cost of adoptions in the state that includes:

1405 (i) the total number of affidavits provided to the Office of Licensing during the  
1406 previous year;

1407 (ii) for each of the categories described in Subsection (2)(b):

1408 (A) the average amount disclosed on affidavits submitted during the previous  
1409 year; and

1410 (B) the range of amounts disclosed on affidavits submitted during the previous  
1411 year;

1412 (iii) the average total amount disclosed on affidavits submitted during the previous  
1413 year;

1414 (iv) the range of total amounts disclosed on affidavits submitted during the previous  
1415 year; and

1416 (v) any recommended legislation that may help reduce the cost of adoptions.

1417 (c) The Health and Human Services Interim Committee shall, based on information in  
1418 reports provided under Subsection (3)(b) and in consultation with [~~a consortium~~  
1419 ~~described]~~ the Utah Child-Placing Adoption Agency Consortium created in  
1420 Subsection [~~26B-2-127(8)] 26B-2-127(9), consider:~~

1421 (i) what constitutes reasonable fees and expenses related to adoption; and

1422 (ii) the standards that may be used to determine whether fees and expenses related to

1423 adoption are reasonable in a specific case.

1424 (4) The Judicial Council shall make a copy of each report provided by the Office of  
1425 Licensing under Subsection (3)(b) available to each court that may be required to review  
1426 an affidavit under Subsection (1)(c).

1427 (5) The Office of Licensing shall investigate and may suspend or revoke the license of a  
1428 child-placing agency if the child-placing agency fails to comply with the requirements  
1429 described in this section.

1430 [(5)] (6) This section does not apply if the prospective adoptive parent is the legal spouse of  
1431 a preexisting parent.

1432 Section 15. Section **81-14-101** is amended to read:

1433 **81-14-101 . Definitions.**

1434 As used in this chapter:

1435 (1) "Child-placing adoption agency" means the same as that term is defined in Section  
1436 26B-2-101.

1437 [(1)] (2)[(a)] "Child-placing agency" means [~~a person with authority under other law of~~  
1438 ~~this state to identify or place a minor child for adoption.~~] the same as that term is  
1439 defined in Section 26B-2-101.

1440 [(b)] "~~Child-placing agency" does not include a parent of a minor child.~~"

1441 (3) "Child-placing foster agency" means the same as that term is defined in Section  
1442 26B-2-101.

1443 [(2)] (4) "Custody" means the exercise of physical care and supervision of a minor child.

1444 [(3)] (5)(a) "Intercountry adoption" means an adoption or placement for adoption of a  
1445 minor child who resides in a foreign country at the time of adoption or placement.

1446 (b) "Intercountry adoption" includes an adoption finalized in the minor child's country of  
1447 residence or in a state.

1448 [(4)] (6) "Person" means an individual, estate, business or nonprofit entity, public  
1449 corporation, government or governmental subdivision, agency, or instrumentality, or  
1450 other legal entity.

1451 [(5)] (7) "Record" means information:

1452 (a) inscribed on a tangible medium; or

1453 (b) stored in an electronic or other medium and retrievable in perceivable form.

1454 [(6)] (8)(a) "State" means a state of the United States, the District of Columbia, Puerto  
1455 Rico, the United States Virgin Islands, or any other territory or possession subject to  
1456 the jurisdiction of the United States.

1457 (b) "State" includes a federally recognized Indian tribe.

1458 Section 16. Section **81-14-303** is amended to read:

1459 **81-14-303 . General adoption information.**

1460 (1) Within a reasonable time before a child-placing adoption agency places a minor child  
1461 for adoption with a prospective adoptive parent, the child-placing adoption agency shall  
1462 provide or cause to be provided to the prospective adoptive parent general adoption  
1463 information.

1464 (2) The information under Subsection (1) shall address:

1465 (a) possible physical, mental, emotional, and behavioral issues concerning:

1466 (i) identity, loss, and trauma that a minor child might experience before, during, or  
1467 after adoption; and

1468 (ii) a minor child leaving familiar ties and surroundings;

1469 (b) the effect that access to resources, including health insurance, might have on the  
1470 ability of an adoptive parent to meet the needs of a minor child;

1471 (c) causes of disruption of an adoptive placement or dissolution of an adoption and  
1472 resources available to help avoid disruption or dissolution; and

1473 (d) prohibitions under Sections 81-14-203 and 81-14-205.

1474 Section 17. Section **81-14-304** is amended to read:

1475 **81-14-304 . Information about a minor child.**

1476 (1)(a) Except as prohibited by other law of this state, within a reasonable time before a  
1477 child-placing adoption agency places a minor child for adoption with a prospective  
1478 adoptive parent, the agency shall provide or cause to be provided to the prospective  
1479 adoptive parent information specific to the minor child that is known or reasonably  
1480 obtainable by the child-placing adoption agency and material to the prospective  
1481 adoptive parents informed decision to adopt the minor child.

1482 (b) The information under Subsection (1)(a) shall include:

1483 (i) the minor child's family, cultural, racial, religious, ethnic, linguistic, and  
1484 educational background;

1485 (ii) the minor child's physical, mental, emotional, and behavioral health;

1486 (iii) circumstances that may adversely affect the minor child's physical, mental,  
1487 emotional, or behavioral health;

1488 (iv) the minor child's medical history, including immunizations;

1489 (v) the medical history of the minor child's genetic parents and siblings;

1490 (vi) the history of an adoptive or out-of-home placement of the minor child and the

- 1491 reason the adoption or placement ended;
- 1492 (vii) the minor child's United States immigration status;
- 1493 (viii) medical, therapeutic, and educational resources, including language-acquisition
- 1494 training, available to the adoptive parent and minor child after placement or
- 1495 adoption to assist in responding effectively to physical, mental, emotional, or
- 1496 behavioral issues; and
- 1497 (ix) available records relevant to the information in Subsections (1)(b)(i) through
- 1498 (viii).

1499 (2) If, before an adoption is finalized, additional information under Subsection (1) that is

1500 material to a prospective adoptive parent's informed decision to adopt the minor child

1501 becomes known or reasonably obtainable by the child-placing adoption agency, the

1502 child-placing adoption agency shall provide the information to the prospective adoptive

1503 parent.

1504 (3) If, after an adoption is finalized, additional information under Subsection (1) becomes

1505 known to the child-placing adoption agency, the child-placing adoption agency shall

1506 make a reasonable effort to provide the information to the adoptive parent.

1507 Section 18. Section **81-14-305** is amended to read:

1508 **81-14-305 . Guidance and instruction.**

1509 (1) A child-placing adoption agency placing a minor child for adoption shall provide or

1510 cause to be provided to the prospective adoptive parent guidance and instruction specific

1511 to the minor child to help prepare the parent to respond effectively to needs of the child

1512 that are known or reasonably ascertainable by the child-placing adoption agency.

1513 (2) The guidance and instruction under Subsection (1) shall address, if applicable:

1514 (a) the potential effect on the minor child of:

1515 (i) previous adoption or out-of-home placement;

1516 (ii) multiple previous adoptions or out-of-home placements;

1517 (iii) trauma, insecure attachment, fetal alcohol exposure, or malnutrition;

1518 (iv) neglect, abuse, drug exposure, or similar adversity;

1519 (v) separation from a sibling or significant caregiver; and

1520 (vi) a difference in ethnicity, race, or cultural identity between the minor child and

1521 the prospective adoptive parent or other minor child of the parent;

1522 (b) information available from the federal government on the process for the child to

1523 acquire United States citizenship; and

1524 (c) any other matter the child-placing adoption agency considers material to the adoption.

- 1525 (3) The guidance and instruction under Subsection (1) shall be provided:  
1526 (a) for adoption of a minor child residing in the United States, a reasonable time before  
1527 the adoption is finalized; or  
1528 (b) for an intercountry adoption, in accordance with federal law.

1529 Section 19. **Effective Date.**

1530 This bill takes effect on May 6, 2026.