

ACCESS TO ADOPTION RECORDS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Adoption Act by modifying when adoption records can be unsealed.

Highlighted Provisions:

This bill:

- ▶ provides that, in the event an adoptee has a medical need requiring knowledge of the adoptee's biological heritage, a court shall unseal the adoption record; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-141, as last amended by Laws of Utah 2009, Chapter 159

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

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

78B-6-141. Petition, report, and documents sealed -- Exceptions.

(1) A petition for adoption, the written report described in Section 78B-6-135, and any



28 other documents filed in connection with the petition are sealed.

29 (2) The documents described in Subsection (1) may only be open to inspection as
30 follows:

31 (a) in accordance with Subsection (3)(a), by a party to the adoption proceeding:

32 (i) while the proceeding is pending; or

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

34 (b) subject to Subsection (3)(b), a court enters an order permitting access to the
35 documents by a person who has appealed the denial of that person's motion to intervene;

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

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

39 (e) those records shall become public on the one hundredth anniversary of the date the
40 final decree of adoption was entered; [~~or~~]

41 (f) if the adoptee is an adult at the time the final decree of adoption is entered, the
42 documents described in this section are open to inspection and copying without a court order
43 by the adoptee or a parent who adopted the adoptee, unless the final decree of adoption is
44 entered by the juvenile court under Subsection 78B-6-115(3)(b)[~~;~~]; or

45 (g) if an adoptee has a medical need to know the adoptee's biological heritage, a court
46 shall immediately order the unsealing of the adoption record if the need is certified by a
47 licensed physician by testimony or in a written statement.

48 (3) (a) A person who files a motion to intervene in an adoption proceeding:

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

51 (ii) may not be granted access to the documents described in Subsection (1), unless the
52 motion to intervene is granted.

53 (b) An order described in Subsection (2)(b) shall:

54 (i) prohibit the person described in Subsection (2)(b) from inspecting a document
55 described in Subsection (1) that contains identifying information of the adoptive or potential
56 adoptive parents; and

57 (ii) permit the person described in Subsection (3)(b)(i) to review a copy of a document
58 described in Subsection (3)(b)(i) after the identifying information described in Subsection

59 (3)(b)(i) is redacted from the document.

Legislative Review Note
as of 2-2-11 3:04 PM

Office of Legislative Research and General Counsel