

Utah Legal Services

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Adoption

Adoption creates a parent/child relationship with all of its rights and duties and at the same time removes the rights and duties of any previous parent/child relationship. This relationship must also be created by court order. You will have to appear before the court and sign a written statement saying that you will act in all ways as the parent of the person and that you will take on all the duties that go with that.

Some of the most often asked questions are:

May I adopt?

In order to adopt, you must be an adult who is 1) married with permission from your spouse, or 2) single and not living with another person. Also, the person you are adopting must be at least ten years younger than you.

If you are able to adopt a child, the court will consider the best interest of the child. In order to decide what are the best interests of the child, the court may order the Department of Child and Family Services (DCFS) to investigate and make a report to the court.

Where do I file the paperwork?

A petition for adoption is often filed in district court. However, if there is an action in juvenile court to end a parent's rights, the petition may be filed there.

Who needs to be notified?

Any person or institution whose consent is needed must be given at least thirty (30) days notice. Below are some examples of people who might need to be notified:

- Anyone who has filed a paternity action for the child and filed a notice of that action with the Department of Vital Statistics;
- Any legally appointed guardian or caregiver;

- Your spouse, if you are married;
- A parent listed on the birth certificate; and
- A person who lives with the child and acts like the child's parent.

Who needs to give consent?

You will usually need written consent from at least one person. Consent may be given in front of a judge or given to an adoption agency. Once consent is given, it cannot be taken back. A person may not give consent until the child is at least 24 hours old. The list of who may have to give consent is like the list of those you must notify:

- The person being adopted if they are over 12 and mentally sound;
- Both parents of a minor child, if born within a marriage;
- If the child was born outside of marriage, you need the consent of the mother of the child, and the father if:
 - a court has ruled that he is the father,
 - he has filed a statement that he is the father before the mother signs the consent of adoption,
 - he has developed a strong bond with the child and has taken some responsibility and/or shown some commitment for the child, or
 - he has lived with the child for 6 months within the child's first year and acted as though the child was his own.
- the adoption agency.

When is consent not needed?

Consent will not be needed if no other relationship with the person being adopted exists. Some examples are:

- a person's parental rights have been ended
- an unmarried father has not proven his parentage (as described above), or
- a parent is dead.

If you cannot get consent from the natural father because he cannot be found, you must file a certificate from the Department of Health stating that a complete search for the filing of paternity was done and that no filing could be found.

What if someone doesn't agree to the adoption?

They have a right to fight the adoption if they disagree. To do so, they must appear at the hearing or file a written statement of their concerns within 30 days of service of the notice of adoption.

How long does it take?

The adoption will not be completed until the person has lived in the home of the adoptive parent a period of time:

- One year if the adoptive parent is a step-parent; or
- Otherwise, six months.

What about privacy?

Adoption records are sealed by the court and cannot be read or copied without permission of the court. Limited access to health information may be obtained. However, Utah does have an adoption registry that has identifying information of an adopted child and their natural parent. A child or parent can place their information in the registry. Brothers and sisters of adopted children who register may receive information about each other.

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