

# Utah Legal Services

Committed to Equal Justice

[www.utahlegalservices.org](http://www.utahlegalservices.org)

---



## LGBTQIA

### What are the laws concerning adoption?

- If the parents are legally married, they can adopt a child.
  - This includes stepchild adoption.
  - This does not include second parent adoption, as Utah law states that a single person cannot adopt if they're cohabiting in a relationship that's not a marriage
- Only a married couple can adopt a child, but there are a couple of exceptions.
  - [https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S117.html?v=C78B-6-S117\\_2020051220200512](https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S117.html?v=C78B-6-S117_2020051220200512)
- Consent is required from:
  - Biological parents
  - Adoptee (if over 12 years old and with enough mental capacity to consent)
  - If an adult is adopting and that adult is not legally separated from their spouse, then they need the consent of their legal spouse
- <https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S115.html>

### What about surrogacy?

- Surrogacy is available to all couples, provided they are legally married.
  - <https://le.utah.gov/xcode/Title78B/Chapter15/78B-15-S801.html>

### How do I change my gender on official documents?

- For all of the official documents listed below, you will need a court order.
  - To get a court order. you request a name change with the courts, with the reason for a name change being a change in gender identity
    - <https://www.utcourts.gov/resources/forms/namechange/instruct.asp>
  - There is no form with specific gender change language, so modified forms will have to be used. You can obtain these modified forms from <https://transequality.org/documents/state/utah> or you can discuss it with an attorney who can modify it for you.
- Passport
  - <https://transequality.org/know-your-rights/passports>

- <https://travel.state.gov/content/travel/en/passports/need-passport/change-of-sex-marker.html>
- As mentioned in the links above, you will need to provide a medical certification written and signed by a licensed physician.
- Driver's license
  - <https://dld.utah.gov/name-and-address-faq/>
- Birth Certificate
  - <https://vitalrecords.health.utah.gov/certificates/amend-a-vital-record>, section titled "Gender Change"
- Social Security
  - <https://transequality.org/know-your-rights/social-security>
  - <https://faq.ssa.gov/en-us/Topic/article/KA-01453>
  - You'll want to take care of this last since it requires the other documents as proof of identification (passport, birth certificate, etc.)

## Employment

- Utah law prohibits employments specifically from discriminating against someone because of their sexual orientation or gender identity.
  - <https://le.utah.gov/xcode/Title34A/Chapter5/34A-5-S106.html>

## Housing

- Utah law prohibits housing establishments specifically from discriminating against someone because of their sexual orientation or gender identity.
  - <https://le.utah.gov/xcode/Title57/Chapter21/57-21-S6.html>

## Hate Crimes

- Utah law states that a crime committed with the motivation of hate towards a protected group will be punished more severely than the same crime without the aforementioned motivation.
  - <https://le.utah.gov/xcode/Title76/Chapter3/76-3-S203.3.html>

## Estate Planning

- Here are some frequently asked questions about estate planning: <https://www.pearsonbutler.com/estate-planning/lgbt-estate-planning-faq/>
- In the event of death without an estate plan, the estate would go to a spouse and/or descendants. If there is no spouse, then it goes to the parents or siblings. This can all be circumvented if officially designate someone with power of attorney for your estate.

## Power of Attorney

- Here is the form one would fill out to designate someone as an agent with power of

attorney:

[https://www.utcourts.gov/howto/family/power\\_of\\_attorney\\_general/docs/01\\_Power\\_of\\_Attorney.pdf](https://www.utcourts.gov/howto/family/power_of_attorney_general/docs/01_Power_of_Attorney.pdf)

## Medical Power of Attorney

- To bestow power of attorney specifically for medical purposes (regular power of attorney won't do that in Utah), you need to appoint someone to be your health care agent. You appoint someone when you create an Advance Health Care Directive, which details how you want your medical care to be handled if you are unable to make decisions.
  - <https://leaving-well.org/make-wishes-clear/advance-directives>
    - [https://ucoa.utah.edu/\\_resources/documents/directives/fillin-2009electronic.pdf](https://ucoa.utah.edu/_resources/documents/directives/fillin-2009electronic.pdf) is the Advance Directives form.
  - The only people not allowed to be a health care agent are your health care provider, or an owner, operator, or employer of a health care facility where you're receiving care. The only exception is if said person is related to you by marriage, blood, or adoption.
    - <https://leaving-well.org/make-wishes-clear/health-care-power-of-attorney>

---

Printed: September 17, 2021

<http://www.utahlegalservices.org/node/84/lgbtqia>

©Utah Legal Services