

Effective 5/12/2015

78B-6-103 Definitions.

As used in this part:

- (1) "Adoptee" means a person who:
 - (a) is the subject of an adoption proceeding; or
 - (b) has been legally adopted.
- (2) "Adoption" means the judicial act that:
 - (a) creates the relationship of parent and child where it did not previously exist; and
 - (b) except as provided in Subsection 78B-6-138(2), terminates the parental rights of any other person with respect to the child.
- (3) "Adoption document" means an adoption-related document filed with the office, a petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.
- (4) "Adoption service provider" means a:
 - (a) child-placing agency; or
 - (b) licensed counselor who has at least one year of experience providing professional social work services to:
 - (i) adoptive parents;
 - (ii) prospective adoptive parents; or
 - (iii) birth parents.
- (5) "Adoptive parent" means a person who has legally adopted an adoptee.
- (6) "Adult" means a person who is 18 years of age or older.
- (7) "Adult adoptee" means an adoptee who is 18 years of age or older and was adopted as a minor.
- (8) "Adult sibling" means a brother or sister of the adoptee, who is 18 years of age or older and whose birth mother or father is the same as that of the adoptee.
- (9) "Birth mother" means the biological mother of a child.
- (10) "Birth parent" means:
 - (a) a birth mother;
 - (b) a man whose paternity of a child is established;
 - (c) a man who:
 - (i) has been identified as the father of a child by the child's birth mother; and
 - (ii) has not denied paternity; or
 - (d) an unmarried biological father.
- (11) "Child-placing agency" means an agency licensed to place children for adoption under Title 62A, Chapter 4a, Part 6, Child Placing.
- (12) "Cohabiting" means residing with another person and being involved in a sexual relationship with that person.
- (13) "Division" means the Division of Child and Family Services, within the Department of Human Services, created in Section 62A-4a-103.
- (14) "Extra-jurisdictional child-placing agency" means an agency licensed to place children for adoption by a district, territory, or state of the United States, other than Utah.
- (15) "Genetic and social history" means a comprehensive report, when obtainable, on an adoptee's birth parents, aunts, uncles, and grandparents, which contains the following information:
 - (a) medical history;
 - (b) health status;
 - (c) cause of and age at death;
 - (d) height, weight, and eye and hair color;

- (e) ethnic origins;
 - (f) where appropriate, levels of education and professional achievement; and
 - (g) religion, if any.
- (16) "Health history" means a comprehensive report of the adoptee's health status at the time of placement for adoption, and medical history, including neonatal, psychological, physiological, and medical care history.
- (17) "Identifying information" means information in the possession of the office, which contains the name and address of a pre-existing parent or adult adoptee, or other specific information that by itself or in reasonable conjunction with other information may be used to identify that person, including information on a birth certificate or in an adoption document.
- (18) "Licensed counselor" means a person who is licensed by the state, or another state, district, or territory of the United States as a:
- (a) certified social worker;
 - (b) clinical social worker;
 - (c) psychologist;
 - (d) marriage and family therapist;
 - (e) professional counselor; or
 - (f) an equivalent licensed professional of another state, district, or territory of the United States.
- (19) "Man" means a male individual, regardless of age.
- (20) "Mature adoptee" means an adoptee who is adopted when the adoptee is an adult.
- (21) "Office" means the Office of Vital Records and Statistics within the Department of Health operating under Title 26, Chapter 2, Utah Vital Statistics Act.
- (22) "Parent," for purposes of Section 78B-6-119, means any person described in Subsections 78B-6-120(1)(b) through (f) from whom consent for adoption or relinquishment for adoption is required under Sections 78B-6-120 through 78B-6-122.
- (23) "Potential birth father" means a man who:
- (a) is identified by a birth mother as a potential biological father of the birth mother's child, but whose genetic paternity has not been established; and
 - (b) was not married to the biological mother of the child described in Subsection (23)(a) at the time of the child's conception or birth.
- (24) "Pre-existing parent" means:
- (a) a birth parent; or
 - (b) a person who, before an adoption decree is entered, is, due to an earlier adoption decree, legally the parent of the child being adopted.
- (25) "Prospective adoptive parent" means a person who seeks to adopt an adoptee.
- (26) "Relative" means:
- (a) an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of a child, or first cousin of the child's parent; and
 - (b) in the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, an "extended family member" as defined by that statute.
- (27) "Unmarried biological father" means a person who:
- (a) is the biological father of a child; and
 - (b) was not married to the biological mother of the child described in Subsection (27)(a) at the time of the child's conception or birth.

Amended by Chapter 137, 2015 General Session
Amended by Chapter 194, 2015 General Session

