

R436. Health, Center for Health Data, Vital Records and Statistics.

R436-18. Adoption Program Procedures, Form Content, and Donations.

R436-18-1. Purpose.

In accordance with Sections 26-2-22, 78B-6-141, 78B-6-144, and 78B-6-144.5, this rule provides procedures for a birth parent, adult adoptee, or adult sibling of an adult adoptee to register with the Utah Mutual Consent Voluntary Adoption Registry as provided under Section 78B-6-144; and to provide for access to adoption documents associated with the adult adoptee's adoption without a court order as provided under Section 78B-6-141 upon consent of the birth parent.

R436-18-2. Definitions.

- (1) Terms used in this rule are defined in Sections 26-2-2 and 78B-6-103.
- (2) Additional terms used in this rule are defined as follows:
 - (a) "Contact information" means name, address, phone number and email that will be used by the office to communicate with the individual.
 - (b) "Registrant identifying information" means information provided when registering with the Adoption Registry, that the registrant may elect to disclose to a matched individual pursuant to Sections 78B-6-141 and 78B-6-144.
 - (c) "Match" means that the department has determined birth parent or adult sibling and the adult adoptee are related.
 - (d) "Registrant" means an adult adoptee, adult sibling of an adult adoptee, or birth parent who is registering on the Utah Mutual Consent Voluntary Adoption Registry.
 - (e) "Utah Mutual Consent Voluntary Adoption Registry" ("Adoption Registry") means the voluntary adoption registry established in Section 78B-6-144.

R436-18-3. Adoption Registry Program Registration Procedures, form content.

- (1) A registrant must meet the following requirements:
 - (a) complete registration online through the Adoption Registry website or submit a paper form provided by the office;and
 - (b) pay the registration fee, which is required regardless of whether a match is made.
 - (2) Registrants on the Adoption Registry shall include the following information, to the fullest extent known:
 - (a) current name of registrant;
 - (b) current contact information of registrant, including email address;
 - (c) birth mother's name at time of adoptee's birth;
 - (d) birth father's name at the time of adoptee's birth;
 - (e) birth mother's current name;
 - (f) birth father's current name;
 - (g) adult adoptee birth name;
 - (h) adult adoptee adoptive name;
 - (i) adult adoptee current name;
 - (j) adult adoptee birth date;
 - (i) adult adoptee birth place including city, county, and facility or location of birth;
 - (k) name of adoptive parent(s) at time of adoption;
 - (l) name of adoption agency or private attorney that handled the adoption; and
 - (m) any additional information that will help to identify the birth parent or adult adoptee.
 - (3) The registrant may elect to share or receive any of the following information:
 - (a) receive registrant identifying information;
 - (b) share registrant identifying information which may include a method for contact;
 - (c) share name and contact information of an intermediary who will facilitate communication between the matches; and
 - (d) share identifying information but decline to provide a method for contact.
 - (4) Birth parents may allow the office to provide the adult adoptee with a non-certified copy of the original birth certificate with the following limitations:
 - (a) the certificate may not include health and medical data gathered for statistical purposes; and
 - (b) the certificate may not reflect identifiable information of an individual that is not registered with the Adoption Registry or who has not consented to the release of an original birth certificate except as provided in (5).
 - (5) Birth parents may allow the office to make available for inspection by an adult adoptee other information about the birth parent, including an updated health history.
 - (6) Birth parents may prohibit the office from sharing any of their information or documents with the adult adoptee without a court order.
 - (7) Adult Adoptees may request a non-certified copy of the original birth certificate.
 - (a) If two birth parents are listed on the original birth certificate, and both birth parents are deceased, the adult adoptee may provide proof of their deaths and request a non-certified copy of the original birth certificate.
 - (b) If only one birth parent is listed on the original birth certificate and that birth parent is deceased, the adult adoptee may provide proof of death and request a non-certified copy of the original birth certificate.

(c) If two birth parents are listed on the birth certificate and only one consents to the release of an original birth certificate, the office shall redact the identifying information of the nonconsenting parent and provide a non-certified copy of the original birth certificate to the adult adoptee.

(8) Adult adoptees may request other non-identifying information, including an updated medical history provided by the birth parent.

R436-18-4. Access to Adoption Documents.

Access to adoption documents is governed by Sections 26-2-22, 78B-6-141, and 78B-6-144. A court order is required for the adoptee to obtain other adoption documents. A court order is required to obtain a non-certified birth certificate if a birth parent has not registered their consent for such.

R436-18-5. Changes to Registrant Information or Elections.

- (1) A registrant may change their elections or update their information at any time.
- (2) A change or update to the information used for matching that will require a new search may require an update fee .
- (3) A change or update made by the registrant online in the Adoption Registry, to their current contact information, registrant identifying information, non-identifying health history, or election choices will not require an update fee.
- (4) A change or update requested through the paper process will require an update fee.

R436-18-6. Contact with a Match.

When an adult adoptee, birth parent, or adult sibling obtains identifying information about a match from the office under Sections 78B-6-141 or 78B-6-144 as applicable, the adult adoptee, birth parent, or adult sibling may choose if they contact their match or respond to contact from their match.

R436-18-7. Adoption Program Donations.

In accordance with Section 78B-6-144.5, donations to support adoption records access services may be made by completing a form provided by the office.

KEY: adoptions

Date of Enactment or Last Substantive Amendment: August 3, 2021

Notice of Continuation: November 16, 2020

Authorizing, and Implemented or Interpreted Law: 26-2; 78B-6