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In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>In the Matter of the Adoption of _____ (adoptee's name)</p>	<p><b>Findings of Fact and Conclusions of Law</b></p> <p>_____</p> <p>Case Number _____</p> <p>_____</p> <p>Judge _____</p> <p>_____</p> <p>Commissioner _____</p>
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Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The Court Finds:**

- (1) The co-petitioners want \_\_\_\_\_ (name of adopting parent) to adopt \_\_\_\_\_ (adoptee's current name).
- (2) Utah has jurisdiction under Utah Code Section 78B-6-105.
- (3) The case is properly filed in this county because (Choose one.)
  - Petitioners reside in this county.
  - Petitioners are not residents of this state, and (Choose all that apply.)
    - the proposed adoptee was born in this county.

the proposed adoptee resides in this county on the day on which this petition is filed.

a parent of the proposed adoptee resides in this county on the day on which this petition is filed.

- (4) Adoption serves the adoptee's health, safety, welfare and moral climate and will promote the adoptee's best interests.
- (5) The adopting parent is the adoptee's stepparent.
- (6) The adopting parent is married to the adoptee's custodial parent in a marriage that is legally valid and binding.
- (7) (Choose one or both.):
- The adopting parent is at least 10 years older than the adoptee.
- The adopting parent's spouse is at least 10 years older than the adoptee.
- (8) The adoptee was born: (Choose one.)
- in Utah.
- in a state other than Utah and the requirements of Title 62A, Chapter 4a, Part 7, Interstate Compact on Placement of Children, have been complied with.
- (9) The adoptee has lived in the adopting parent's home for: (Choose one.)
- one year
- less than one year, but there is good cause to waive the one-year requirement.
- (10) The adoptee is not an Indian child as defined in 25 U.S. Code Section 1903.
- (11) The adoptee is: (Choose one.)
- 16 years of age or older.
- under 16 and is considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
- under 16 years of age and is not considered a citizen or national of the United States by the United States Citizenship and Immigration Services.
- (12) The pre-placement and post-placement adoptive evaluations are not required because the adopting parent is the adoptee's stepparent and the adopting parent's spouse is the adoptee's custodial parent.

- (13) The Bureau of Criminal Identification has conducted a criminal history investigation, based on fingerprint identification, about the adopting parent, which is on file with this court.
- (14) The adopting parent has not been convicted of, pleaded guilty to, or pleaded no contest to a disqualifying offense under Utah Code 78B-6-117(5).
- (15) The Division of Child and Family Services has investigated all reports and investigations of child abuse, neglect, and dependency about the adopting parent, which is on file with this court.

#### WAIVER OF RIGHTS; CONSENT REQUIRED

- (16) The adoptee: (Choose one.)
- has consented to this adoption and waives their rights.
  - cannot consent because the adoptee is less than 12 years old.
  - cannot consent because the adoptee lacks the mental capacity to consent.
- (17) The adoptee's mother: (Choose one.)
- is a co-petitioner.
  - has died.
  - has consented to this adoption and waives her rights.
  - has not consented to this adoption, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.
  - is not entitled to consent because her parental rights have been terminated.
- (18) The adoptee's father: (Choose one.)
- is a co-petitioner
  - has died.
  - has consented to this adoption and waives his rights.
  - has not consented to this adoption, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.
  - is not entitled to consent because his parental rights have been terminated.
  - is not entitled to consent because the child was conceived as a result of conduct by the father which would constitute a sexual offense described in Title 76, Chapter 5, Part 4.
  - is not entitled to consent because: (All must apply.)

- he has not fully and strictly complied with the requirements of Utah Code Sections 78B-6-121 and 78B-6-122; and
- he has not been adjudicated to be the adoptee's biological father before the mother consented to the adoption or relinquished the adoptee for adoption; and
- he has not signed and filed a voluntary declaration of paternity with the state registrar of vital statistics before the mother consented to the adoption or relinquished the adoptee for adoption.

#### ADOPTEE'S GUARDIAN

(19)  The adoptee does not have a guardian.

OR

The adoptee's guardian: (Choose one.)

has authority to consent, has consented to this adoption, and waives their rights.

has authority to consent, has not consented to this adoption, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.

does not have authority to consent, but has waived their right to notice and to intervene.

does not have authority to consent, has not waived their rights to notice and to intervene, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.

#### WAIVER OF RIGHTS; CONSENT NOT REQUIRED

(20) The adoptee's custodian: (Choose one.)

has waived their rights.

has not waived their rights, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.

The adoptee does not have a custodian.

(21) The adoptee's spouse: (Choose one.)

has waived their rights.

has not waived their rights, was served with Notice of Petition to Adopt and Notice of Rights, and did not timely file a Motion to Intervene.

The adoptee does not have a spouse.

**The Court Concludes:**

(22) The requirements of the Title 78B, Chapter 6, Part 1, Utah Adoption Act, have been met.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Judge \_\_\_\_\_