

Adoption FAQ

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Frequently Asked Questions About Adoption in Utah

Adoption isn't a clear cut process. It comes with many questions and concerns from prospective parents. Here you will find the answers to some of the most common questions about adoption in Utah.

Which Utah Laws Govern Adoption?

[Utah adoptions](#) are governed by the Utah Adoption Act.



Are Stepparents Allowed to Adopt Their Stepchildren?

Yes, a stepparent is allowed to adopt their stepchildren in the state of Utah. A [stepparent adoption](#) is a bit different than a non-stepparent adoption, however. The stepparent and the adoptive child must have lived together with the custodial parent for at least one year. After the stepchild has been adopted by the stepparent, the rights of the biological parent will be terminated.

Will Adoption Require Consent?

In nearly every case, consent is required to adopt. Often, the birth mother will give consent for adoption more than one day after the child has been born. Consent is most often given to a representative of a judge, but may also be given to the judge directly. Once consent for adoption has been given, it cannot be withdrawn. In some cases, consent from the birth father will also be required. When a baby is born within a marriage or the father meets specific legal criteria, the father's consent may be required. If a child is at least 12 years of age and mentally competent, they may give consent for the adoption in the state of Utah. If the child's parents are deceased or the state has terminated their parental rights, consent may not be a requirement of adoption.

Who's Eligible to Adopt?

Married adults may adopt with permission from their spouse. Single adults may also adopt if they are not cohabitating.

[Read more about same-sex couple adoption here](#)

How Much Older Does the Adoptive Parent Need to Be Than the Adoptive Child?

The adoptive parent must be 10 years older than the adoptive child.

How Long Does It Take to Finalize an Adoption?

With stepparent adoptions, finalization takes one year. Non stepparent adoptions take six months.

What Happens if One of the Parties Doesn't Provide Consent for the Adoption?

If one of the parties involved doesn't consent to the adoption, he or she will need to provide the court with a written object within thirty days of receiving the adoption notice. They may also appear at the adoption hearing and provide their objection to the court. If one of the parties does object, it makes the adoption much more complicated because two parties are both claiming they have legal rights to the child. When handling a contested adoption, the best option is to [hire an adoption attorney](#).

Who Are You Required to Notify of an Adoption?

Those requiring notification of an adoption will depend on the case. Generally, anyone required to give consent must be notified of the adoption at least 30 days prior to the proceedings. Some of the parties you may be required to give consent to include:

- Your spouse
- Any parent listed on the birth certificate of the child.
- Any legally appointed guardian
- Anybody acting as the parent of the child and living with the child

What is the Cost of Adoption in Utah?

The cost of adoption depends on the circumstances surrounding the adoption. If you are using an agency, you may be charged between \$4,000 and \$10,000, but it can be as much as \$15,000 to \$40,000. Another factor in the cost is where the adoptive child is coming from. International adoptions are usually more expensive than domestic adoptions. An international adoption will usually cost at least \$30,000. The cost of an adoption also depends on the type of child you are adopting. Minority children often cost less than adopting a Caucasian child. If you use the non-agency or private adoption option, the cost may be significantly less. Usually, the cost of a non-agency adoption ranges from \$10,000 to \$15,000.

Will Adoption Provide Any Tax Advantages?

Yes. When you adopt a child, you become the guardian of that child. The federal government provides tax credits for adoptive parents, along with some states. This makes it possible for adoptive families to recoup some, if not all, of the monthly costs to adopt the child. The federal adoption credit for adoptive parent is currently \$13,170. If you're currently dealing with an adoption case and you need a skilled Utah adoption attorney, [contact Schmidt & Gladstone today for a free 30-minute consultation](#). We will gladly answer any additional questions or concerns you have about adoption.