

## Checklist for Petition to Open Court's Adoption Records to Permit Inspection and Copying

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- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

### (1) Coversheet

- Print your name and address and those of the other parties and lawyers (if known).
- You are not claiming damages, so leave that line blank or print "none." A jury trial is not permitted in this type of case, so check "no."
- On page 2, check the box next to "Open Sealed Record" in the section titled "Special Matters."

### (2) Petition

- Print your name and contact information at the top of the first page. Check whether you are the petitioner or the attorney for the petitioner.
- Print the judicial district number, the county name and the court address on the blank lines.
- If you want to ask for a hearing, check the box next to "hearing requested." If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): Identify who you are in the case.

- Paragraph (2): Enter the date (approximate, if you're not sure) the adoption decree was issued by the court.
- Paragraph (4): Describe specifically what information you want to get from the adoption records.
- Paragraph (5): Explain why you are seeking this information. If you need more room than is provided, attach additional sheets of paper to the Petition.
- Paragraph (6): If you are seeking health, genetic or social information from the adoption file because the information provided by the Utah Bureau of Vital Statistics is insufficient, check the box and explain why the information provided by Vital Records is not enough.
- Paragraph (6): If the voluntary adoption registry of the Utah Bureau of Vital Statistics is insufficient, check the box and explain why the information provided by the voluntary registry is not enough.
- Paragraph (8): Check the correct box to show whether you request a hearing.
- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- File the original form and any attachments with the judicial services representative.

### **(3) Notice of Petition and Proof of Service**

If the judge has not ordered you to notify anyone, skip this step.

The judge may order you to serve the petition on any person having an interest in the adoption file. This may include the placement agency, the attorney in the case, the birth parents or the adoptee.

- Print your name and contact information at the top of the first page.
- Print the judicial district number, the county name and the court address on the blank lines.
- In the "To" line, print the name and address of the person who is being notified of the Petition
- Paragraph (1): Write your name in the blank line.

- The Petition and Notice of Petition must be served according to [Utah Rule of Civil Procedure 4](#). For more information see our website at: [http://www.utcourts.gov/howto/service/service\\_of\\_process.html](http://www.utcourts.gov/howto/service/service_of_process.html).
- The person who serves the documents must complete and file proof of service. Professional process servers, like deputy sheriffs, constables and private investigators usually have their own form. If the person serving the documents uses the court's Proof of Service form, use the forms and follow the instructions found at: [http://www.utcourts.gov/howto/service/service\\_of\\_process.html#Forms](http://www.utcourts.gov/howto/service/service_of_process.html#Forms).

#### **(4) Consent**

If the judge has not ordered you to notify anyone, this form does not apply and you skip this step.

If the judge ordered you to notify other parties of your Petition, any of those parties may use this form to consent to the Petition if they wish. This form would be **completed and signed by the person consenting** – not by the petitioner.

- Print your name and contact information at the top of the first page.
- Print the judicial district number, the county name and the court address on the blank lines.
- Paragraph (1): Identify who you are in the case.
- Date and sign the form in front of a judicial services representative or notary public.

#### **(5) Notice of Hearing**

If the judge has not ordered you to notify anyone, and/or if you have not requested a hearing, skip this step.

You will need this form if you requested a hearing and/or you were required to notify others of your Petition. If you have requested a hearing, call the judge's judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant and complete this form unless the assistant tells you that the court will send out the notice. Select a date that is convenient for you, the other party and the court.

- Print your name and contact information at the top of the first page.
- Print the judicial district number, the county name and the court address on the blank lines.
- Identify interested parties (if any) by name and address.
- Date and sign the form.

- If there are interested parties that need to be notified, complete the Certificate of Service.
- Serve the form and any attachments on interested parties (if any) by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

**(6) Attend the Hearing**

If there is a hearing, be sure to attend.

**(7) Findings of Fact, Conclusions of Law and Order**

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address on the blank lines.
- Do not check any other boxes or fill in any other blanks – this is the form the judge will use to make his/her order.
- Unless a hearing is required in your case, file the proposed Findings of Fact, Conclusions of Law and Order at the same time you file your Petition.
- If a hearing is held in your case, prepare the Findings of Fact, Conclusions of Law and Order as directed by the judge at the hearing. Serve a copy of the proposed form on any other party who attended the hearing by one of the methods described in the certificate of service. [URCP 5](#) governs service. Any party served with the proposed form may object as to the form of the order according to [URCP 7\(f\)\(2\)](#).