

SUPREME COURT OF UTAH

In re Adoption of B.B.

2020 UT 52 (2020) · No. 20180239 · Decided July 23, 2020

SUMMARY

The Utah Supreme Court affirmed the denial of a biological father's motion to revoke his relinquishment of parental rights in an adoption proceeding. The court held that he identified no sufficient factual basis for involuntariness, that any failure to notify him of statutory counseling rights did not invalidate the relinquishment, and that his due process argument was inadequately supported. The court declined to reach the merits of his equal protection challenge because he lacked standing.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Associate Chief Justice Lee; Chief Justice Durrant; Justice Himonas; Justice Pearce; Justice Petersen
JURISDICTION	Utah
DECIDED	July 23, 2020
DOCKET	20180239
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an adoption decree and the denial of a biological father's motion to revoke his relinquishment of parental rights; certified by the Utah Court of Appeals to the Utah Supreme Court.
STANDARD OF REVIEW	The opinion does not expressly state a single standard-of-review formulation. It reviews the district court's legal conclusions and standing determination, and upholds the district court's determination that S.A.S. failed to allege facts sufficient to require an evidentiary hearing.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; binding precedent in Utah, subject to subsequent treatment.
PARTIES	S.A.S. v. K.H.B., K.R.B.

TOPICS

- adoption
- parental rights
- due process
- equal protection
- appellate procedure

PRACTICE AREAS

adoption

parental rights

constitutional law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court erred in determining that S.A.S.'s relinquishment of parental rights was voluntary and in denying an evidentiary hearing on his allegations of duress, undue influence, coercion, or fraud.
2. Whether a failure to notify a biological father of his statutory right to counseling invalidates his relinquishment of parental rights under the Due Process Clause.
3. Whether Utah Code section 78B-6-124's different execution requirements for birth mothers and biological fathers violate the Equal Protection Clause, and whether S.A.S. had standing to raise that challenge.

HOLDINGS

1. A biological parent may challenge the enforceability of a consent and relinquishment on contract-law grounds such as duress, undue influence, misrepresentation, or deception, but S.A.S. failed to allege facts sufficient to support involuntariness or require an evidentiary hearing. The district court therefore correctly concluded that the relinquishment was voluntary.
2. The Due Process Clause does not require invalidation or revocation of a relinquishment merely because a biological parent was not notified of the statutory right to counseling. Utah Code section 78B-6-119(4) (c) makes monetary damages the remedy for failure to provide the notice and expressly states that the failure does not invalidate a relinquishment or consent.
3. S.A.S. lacked standing to assert his equal protection challenge because he did not show that the differential treatment of biological fathers and birth mothers caused his loss of parental rights or that the requested judgment would redress that injury. The court therefore declined to reach the merits and dismissed the equal protection claim.

KEY QUOTATIONS

“there is nonetheless a right to show that the consent “was not entered into voluntarily but was induced through duress, undue influence, or under some misrepresentation or deception, or other grounds which would justify release from the obligations of any contract.”” (¶ 17)

“Under our case law, S.A.S. bears the burden of showing that the specific right and remedy he asserts is guaranteed by the original public meaning of the Due Process Clause.” (¶ 25)

“But he has not established a causal connection to the challenged action—the differential treatment of biological fathers and mothers under the Adoption Act—or shown that the judgment he seeks would redress his injury.” (¶ 32)

FACTUAL BACKGROUND

B.B. was born out of wedlock in September 2016. S.A.S. established paternity and initially sought custody, but later decided to consent to the adoption and signed a notarized relinquishment of parental rights after sending messages stating that the decision was his own and that he was at peace with it. He subsequently sought to revoke the relinquishment, alleging that the prospective adoptive parents had promised him continued contact with B.B. and had not honored that promise, and asserting that he had not been notified of his statutory right to counseling.

PROCEDURAL HISTORY

S.A.S. established paternity and initially opposed the adoption, but later signed a relinquishment of parental rights. After changing his mind, he moved to revoke the relinquishment, alleging duress, undue inducement, coercion, or fraud, and also challenged the relinquishment statutes on due process and equal protection grounds. The district court denied his motion and entered the adoption decree on March 23, 2018. S.A.S. appealed, and the Utah Court of Appeals certified the case to the Utah Supreme Court.

DISPOSITION

affirmed

CASES CITED

- In re Adoption of Infant Anonymous, 760 P.2d 916 (Utah Ct. App. 1988)
- In re Adoption of G.A.O., 2005 UT App 140
- ASC Utah, Inc. v. Wolf Mountain Resorts, L.C., 2013 UT 24, ¶ 27, 309 P.3d 201
- Utah Physicians for a Healthy Environment v. Executive Director of the Utah Department of Environmental Quality, 2016 UT 49, ¶¶ 3, 27, 391 P.3d 148
- Johnson v. Johnson, 2014 UT 21, ¶ 20, 330 P.3d 704
- In re Adoption of J.S., 2014 UT 51, ¶ 122, 358 P.3d 1009
- State v. Lujan, 2020 UT 5, ¶¶ 5, 26, 459 P.3d 992
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- Lassiter v. Department of Social Services, 452 U.S. 18, 24 (1981)
- In re J.P., 648 P.2d 1364, 1376-77 (Utah 1982)
- Alpine Homes, Inc. v. City of West Jordan, 2017 UT 45, 424 P.3d 95
- Jenkins v. Swan, 675 P.2d 1145, 1149 (Utah 1983)
- Northeastern Florida Chapter of Associated General Contractors of America v. City of Jacksonville, 508 U.S. 656, 659, 666 (1993)
- Texas v. Lesage, 528 U.S. 18, 19, 21 (1999)
- Lehr v. Robertson, 463 U.S. 248, 261 (1983)
- M.L.B. v. S.L.J., 519 U.S. 102, 124 (1996)