



February 3, 2009

## SENATE BILL No. 303

DIGEST OF SB 303 (Updated January 29, 2009 2:14 pm - DI 106)

**Citations Affected:** IC 31-9; IC 31-19.

**Synopsis:** Adoption records. Requires a person that is required to store, maintain, or release certain adoption records or other adoption information to store and maintain the records or other information for at least 99 years from the date the adoption is filed, unless the records or other information are transferred to the state registrar. Specifies that certain records may be automatically transferred to the state registrar. Provides that the adoption records or other adoption information may be stored and maintained in an electronic or other format. Requires the state registrar and certain other agencies to provide identifying information to adult adoptees unless the adoptee's birth parent has filed a nonrelease form. (Under current law, the state registrar and other agencies may only release identifying information with respect to adoptions filed before January 1, 1994 if a consent form has been filed). Provides that identifying information concerning pre-1994 adoptions may only be released beginning in July 2010. Makes conforming amendments. (Repeals two chapters concerning pre-1994 adoptions).

**Effective:** July 1, 2009.

**Miller, Lubbers**

January 7, 2009, read first time and referred to Committee on Judiciary.  
February 2, 2009, amended, reported favorably — Do Pass.

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February 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 303

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-9-2-84 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 84. "Nonidentifying  
3 information", for purposes of IC 31-19-18, ~~IC 31-19-21~~, IC 31-19-23,  
4 and IC 31-19-24, means any information, other than a medical history,  
5 that:  
6 (1) concerns an interested person to an adoption; and  
7 (2) does not identify a birth parent, an adoptive parent, or an  
8 adoptee.  
9 SECTION 2. IC 31-9-2-89, AS AMENDED BY P.L.138-2007,  
10 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2009]: Sec. 89. (a) "Person", for purposes of **IC 31-19-19 and**  
12 the juvenile law, means:  
13 (1) a human being;  
14 (2) a corporation;  
15 (3) a limited liability company;  
16 (4) a partnership;  
17 (5) an unincorporated association; or

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1 (6) a governmental entity.

2 (b) "Person", for purposes of section 44.5 of this chapter, means an  
3 adult or a minor.

4 (c) "Person", for purposes of IC 31-27, means an individual who is  
5 at least twenty-one (21) years of age, a corporation, a partnership, a  
6 voluntary association, or other entity.

7 (d) "Person", for purposes of the Uniform Child Custody  
8 Jurisdiction Act under IC 31-21, has the meaning set forth in  
9 IC 31-21-2-13.

10 SECTION 3. IC 31-19-19-0.5 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. (a) This section does not  
13 apply to a confidential intermediary appointed under IC 31-19-24.**

14 **(b) Except as provided in subsection (c) or (d), a person that is  
15 required to store, maintain, or release adoption records or other  
16 adoption information under IC 31-19-12-5, IC 31-19-17,  
17 IC 31-19-18, this chapter, or IC 31-19-20 through IC 31-19-25 shall  
18 store and maintain the adoption records or other adoption  
19 information for at least ninety-nine (99) years after the date the  
20 adoption was filed. Unless otherwise provided by law, the adoption  
21 records or other adoption information may be stored and  
22 maintained in an electronic or other format, including microfiche,  
23 microfilm, or a digital format.**

24 **(c) A person who transfers adoption records or other adoption  
25 information to the state registrar or a transferee agency in  
26 accordance with IC 31-19-12-5 is not required to comply with the  
27 storage or maintenance requirements of subsection (b).**

28 **(d) A person, including a court, who obtains custody of or  
29 jurisdiction over adoption records or other adoption information  
30 following the dissolution, sale, transfer, closure, relocation, or  
31 death of a person shall transfer the records or other information  
32 to the state registrar or a transferee agency in accordance with  
33 IC 31-19-12-5, unless the person wishes to store and maintain the  
34 records in accordance with subsection (b).**

35 SECTION 4. IC 31-19-20-4 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. IC 31-19-19, this  
37 chapter, and ~~IC 31-19-21~~ IC 31-19-23 through IC 31-19-24 do not  
38 restrict a provider (as defined in IC 16-18-2-295) from releasing  
39 medical records to an attorney or agency arranging an adoption if the  
40 provider receives the appropriate authorization under IC 16-39-1.**

41 SECTION 5. IC 31-19-25-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. This chapter applies**

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1 to adoptions that are filed after ~~December 31, 1993~~. every adoption,  
2 no matter when filed. However, the state registrar may not release  
3 identifying information with respect to an adoption filed before  
4 January 1, 1994, until July 1, 2010.

5 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE  
6 JULY 1, 2009]: IC 31-19-21; IC 31-19-22.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 84. "Nonidentifying information", for purposes of IC 31-19-18, ~~IC 31-19-21~~, IC 31-19-23, and IC 31-19-24, means any information, other than a medical history, that:

- (1) concerns an interested person to an adoption; and
- (2) does not identify a birth parent, an adoptive parent, or an adoptee."

Page 2, line 6, delete "A" and insert "**Except as provided in subsection (c) or (d), a**".

Page 2, line 7, after "under" insert "**IC 31-19-12-5**".

Page 2, line 10, after "years" insert "**after the date the adoption was filed**".

Page 2, after line 13, begin a new paragraph and insert:

**"(c) A person who transfers adoption records or other adoption information to the state registrar or a transferee agency in accordance with IC 31-19-12-5 is not required to comply with the storage or maintenance requirements of subsection (b).**

**(d) A person, including a court, who obtains custody of or jurisdiction over adoption records or other adoption information following the dissolution, sale, transfer, closure, relocation, or death of a person shall transfer the records or other information to the state registrar or a transferee agency in accordance with IC 31-19-12-5, unless the person wishes to store and maintain the records in accordance with subsection (b).**

SECTION 3. IC 31-19-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-24 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

SECTION 4. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to adoptions that are filed after ~~December 31, 1993~~: **every adoption, no matter when filed. However, the state registrar may not release**

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**identifying information with respect to an adoption filed before January 1, 1994, until July 1, 2010.**

SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 31-19-21; IC 31-19-22."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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