April 8, 2011

# ENGROSSED
# HOUSE BILL No. 1201

DIGEST OF HB 1201 (Updated April 6, 2011 11:26 am - DI 106)

**Citations Affected:** IC 31-9; IC 31-19; IC 31-25.

**Synopsis:** Release of adoption information. Makes various changes to the adoption laws regarding the release of identifying and nonidentifying information. Establishes requirements regarding requests for information concerning pre-adoptive siblings and conforms those requirements with laws concerning the release of identifying information. Requires the department of child services, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court to send a copy of a written consent, any signed writing that withdraws or modifies a consent to the release of identifying information, and a written nonrelease form to the state registrar. Requires the department of child services to provide, at least one time each month, to the state department of health a list of names of all children who are less than 21 years of age and whose birth parent had the birth parent's parental right terminated while a child in

(Continued next page)

**Effective:** July 1, 2011.

**Karickhoff, Riecken, Welch**

(SENATE SPONSORS — STEELE, ZAKAS, BRODEN)

January 10, 2011, read first time and referred to Committee on Family, Children and Human Affairs.
January 27, 2011, amended, reported — Do Pass.
February 8, 2011, read second time, amended, ordered engrossed.
February 9, 2011, engrossed.
February 10, 2011, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Judiciary.
April 7, 2011, reported favorably — Do Pass.

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Digest Continued

need of services proceeding concerning the child was pending. Prohibits the state registrar, the department of child services, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court from releasing identifying information if the request involves an adoptee who is less than 21 years of age and whose name is on the list provided to the state department of health from the department of child services. Repeals a provision that allows an individual who submits a request for the release of identifying information to request the state registrar to search the death certificates for an adoptee or birth parent. Repeals provisions that are being replaced concerning: (1) requests for information concerning adoptees and pre-adoptive siblings; and (2) allowing an attorney, a licensed child placing agency, or a county office of family and children to charge reasonable fees for certain services and actual expenses. Repeals a redundant provision that: (1) allows the state registrar to adopt rules; and (2) requires the state registrar to prescribe certain forms.

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April 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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# ENGROSSED
# HOUSE BILL No. 1201

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:*

SECTION 1. IC 31-9-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. "Adoptee", for purposes of IC 31-19-17 through ~~IC 31-19-24,~~ **IC 31-19-25.5,** means a person who has been legally adopted.

SECTION 2. IC 31-9-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. "Adoption", for purposes of IC 31-19-17 through ~~IC 31-19-24,~~ **IC 31-19-25.5,** means the judicial act of creating the relationship of parent and child where the relationship did not exist previously.

SECTION 3. IC 31-9-2-6, AS AMENDED BY P.L.129-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. "Adoptive parent", for purposes of IC 31-19-11 and IC 31-19-17 through ~~IC 31-19-24,~~ **IC 31-19-25.5,** means an adult who has become a parent of a child through adoption.

SECTION 4. IC 31-9-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) "Adult", for purposes of IC 31-19-17 through ~~IC 31-19-24,~~ **IC 31-19-25.5,** means a person who

is at least twenty-one (21) years of age.

(b) "Adult", for purposes of the juvenile law, means a person other than a child.

SECTION 5. IC 31-9-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. "Birth parent", for purposes of IC 31-19-17 through ~~IC 31-19-24,~~ **IC 31-19-25.5,** means:

(1) the woman who is legally presumed under Indiana law to be the mother of biological origin of an adoptee;

(2) the man who is legally presumed under Indiana law to be the father of biological origin of an adoptee; or

(3) a man who establishes paternity of a child born out of wedlock:

(A) in a court proceeding; or

(B) by executing a paternity affidavit under IC 16-37-2-2.1.

SECTION 6. IC 31-9-2-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 54. "Identifying information", for purposes of IC 31-19-9-6 and IC 31-19-17 through ~~IC 31-19-25,~~ **IC 31-19-25.5,** means:

(1) any name that a party to an adoption has used or is using;

(2) any address that a party to an adoption has used or is using;

(3) the original certificates of birth stored with the state department of health with evidence of adoption under IC 31-19-13-2; and

(4) any other information, except the medical history, that may identify a person as a party to an adoption or as a birth parent, an adoptee, or an adoptive parent.

SECTION 7. IC 31-9-2-89, AS AMENDED BY P.L.42-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, **IC 31-19-22, IC 31-19-25,** and the juvenile law, means:

(1) a human being;

(2) a corporation;

(3) a limited liability company;

(4) a partnership;

(5) an unincorporated association; or

(6) a governmental entity.

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

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

(d) "Person", for purposes of the Uniform Child Custody

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Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

SECTION 8. IC 31-9-2-93, AS AMENDED BY P.L.58-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 93. "Pre-adoptive sibling", for purposes of:

(1) IC 31-19-18;

(2) IC 31-19-16.5; ~~and~~

(3) ~~IC 31-19-25;~~ **IC 31-19-24; and**

**(4) IC 31-19-25.5;**

means a person who would have been a sibling of an adoptee had the adoptee not been adopted, regardless of whether the person is born before or after the adoptee's adoption is finalized.

SECTION 9. IC 31-9-2-97.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 97.4. "Professional health care provider", for purposes of IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, has the meaning set forth in IC 34-6-2-117.**

SECTION 10. IC 31-9-2-107, AS AMENDED BY P.L.131-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18, **IC 31-19-22, and IC 31-19-25,** means:

(1) an adoptive or whole blood related parent;

(2) a sibling; or

(3) a child.

(b) "Relative", for purposes of IC 31-34-3, means:

(1) a maternal or paternal grandparent;

(2) an adult aunt or uncle; or

(3) any other adult relative suggested by either parent of a child.

SECTION 11. IC 31-9-2-121 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 121. "State registrar", for purposes of IC 31-19-18 through ~~IC 31-19-25,~~ **IC 31-19-25.5,** means the person who:

(1) is in charge of the division of the state department of health that administers the system of vital records; and

(2) has charge of the files and records pertaining to vital records.

SECTION 12. IC 31-19-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the following:

(1) An explanation concerning the **following:**

(A) **The** availability of adoption history information under

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IC 31-19-17 through ~~IC 31-19-25,~~ ~~and~~ **IC 31-19-25.5.**

(B) **The** birth parent's option to file a nonrelease form with the state registrar if the birth parent seeks to restrict the release of identifying information.

**(C) That identifying information may be released unless the birth parent files the nonrelease form with the state registrar.**

(2) A nonrelease form prescribed by the state registrar under IC 31-19-25-4.

SECTION 13. IC 31-19-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. When a new certificate of birth is established following adoption, the new certificate of birth replaces the original registration of birth. The original registration of birth shall be filed with the evidence of adoption and withheld from inspection except:

(1) for a child adopted by a stepparent; or

(2) as provided in IC 31-19-17 through ~~IC 31-19-24.~~ **IC 31-19-25.5.**

SECTION 14. IC 31-19-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The state registrar shall administer the adoption history program provided for in this chapter, ~~and~~ IC 31-19-19 through IC 31-19-23, **IC 31-19-25, and IC 31-19-25.5.**

SECTION 15. IC 31-19-18-2, AS AMENDED BY P.L.58-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The following persons may transmit identifying information and nonidentifying information to the state registrar for inclusion with the adoption history:

(1) An adoptee who is an adult.

(2) A birth parent.

(3) An adoptive parent.

(4) A pre-adoptive sibling who is at least twenty-one (21) years of age.

(5) The spouse or relative of a deceased adoptee. ~~if the relationship existed at the time of the adoptee's death.~~

(6) The spouse or relative of a deceased birth parent. ~~if the relationship existed at the time of the birth parent's death.~~

(b) The state registrar shall store all information received under this section in a manner that is readily recoverable.

(c) Any transmission of information received under this section must include an affirmation by the person that:

(1) the information is true or that the person believes the

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information to be true; and

(2) the person is a person described in subsection (a).

SECTION 16. IC 31-19-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The state registrar shall publicize the availability of the adoption history information, including the availability of the information under

~~(1)~~ this chapter and IC 31-19-19 through ~~IC 31-19-24;~~ ~~and~~ **IC 31-19-25.5.**

~~(2) IC 31-19-25.~~

(b) The state registrar's publicity efforts must include periodic public service announcements regarding the availability of adoption history information.

SECTION 17. IC 31-19-18-5, AS AMENDED BY P.L.130-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The state registrar:

(1) may adopt rules under IC 4-22-2; and

(2) shall prescribe forms necessary;

to implement this chapter, IC 31-19-12-5, and IC 31-19-19 through ~~IC 31-19-24.~~ **IC 31-19-25.5.**

SECTION 18. IC 31-19-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The adoption history fund is established for the purpose of carrying out this chapter and IC 31-19-19 through ~~IC 31-19-24.~~ **IC 31-19-25.5.** The state registrar shall administer the fund.

(b) The expenses of administering the fund shall be paid from:

(1) money in the fund; or

(2) if revenues are insufficient, a supplemental appropriation.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 19. IC 31-19-19-0.5, AS ADDED BY P.L.42-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.5. (a) This section does not apply to a confidential intermediary appointed under IC 31-19-24.

(b) Except as provided in subsection (c) or (d), a person that is required to store, maintain, or release adoption records or other adoption information under IC 31-19-12-5, IC 31-19-17, IC 31-19-18, this chapter, or IC 31-19-20 through ~~IC 31-19-25~~ **IC 31-19-25.5** shall store and maintain the adoption records or other adoption information for at least ninety-nine (99) years after the date the adoption was filed. Unless otherwise provided by law, the adoption records or other adoption information may be stored and maintained in an electronic or other format, including microfiche, microfilm, or a digital format.

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(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 20. IC 31-19-19-2, AS AMENDED BY P.L.145-2006, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

(1) the county office of family and children;
(2) the department; or
(3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, ~~or IC 31-19-25~~ **this chapter, or IC 31-19-20 through IC 31-19-25.5.**

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

(1) are open to the inspection of the court hearing the petition for adoption; and
(2) on order of the court, may be:
    (A) introduced into evidence; and
    (B) made a part of the record;
in the adoption proceeding.

SECTION 21. IC 31-19-19-4, AS AMENDED BY P.L.145-2006, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

(1) the permanent record of the court; or
(2) a file in:
    (A) the division of vital records;
    (B) the department or county office of family and children;
    (C) a licensed child placing agency; or
    (D) a professional health care provider (as defined in IC 34-6-2-117);

are confidential and may be disclosed only in accordance with

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IC 31-19-17, this chapter, or ~~IC 31-19-25,~~ **or IC 31-19-20 through IC 31-19-25.5.**

SECTION 22. IC 31-19-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) An employer or any person administering adoption records who recklessly, knowingly, or intentionally:

(1) discloses any confidential information relating to any adoption except as provided in

~~(A)~~ **IC 31-19-17,** this chapter, or IC 31-19-20 through ~~IC 31-19-24, or~~ **IC 31-19-25.5;**

~~(B) IC 31-19-25,~~ or

(2) allows an employee to disclose any confidential information relating to any adoption except as provided in this chapter;

commits a Class A misdemeanor.

(b) If a public employee commits a violation described in subsection (a), the violation is cause for discharge.

SECTION 23. IC 31-19-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. IC 31-19-19, this chapter, and IC 31-19-21 through ~~IC 31-19-24~~ **IC 31-19-25.5** 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 24. IC 31-19-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

(1) the last version of the consent filed with the holder; and

(2) IC 31-19-22 **and IC 31-19-24 through IC 31-19-25.5.**

SECTION 25. IC 31-19-21-6, AS AMENDED BY P.L.145-2006, SECTION 256, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out IC 31-19-22 **and IC 31-19-24 through IC 31-19-25.5:**

(1) The state registrar.

(2) The department.

(3) County offices of family and children.

(4) Licensed child placing agencies.

(5) Professional health care providers (as defined in IC 34-6-2-117).

(6) Courts.

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SECTION 26. IC 31-19-21-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7. The following persons shall send a copy of a consent for the release of identifying information and any signed writing that withdraws or modifies a consent for the release of identifying information received by the person to the state registrar:**

**(1) The department.**

**(2) A county office of family and children.**

**(3) A licensed child placing agency.**

**(4) A professional health care provider (as defined in IC 34-6-2-117).**

**(5) An attorney.**

**(6) A court.**

SECTION 27. IC 31-19-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies to ~~the release of identifying information. However, this chapter does not apply to the release of identifying information to an adult adoptee whose adoption is finalized after December 31, 1993.~~ **adoptions that are filed before January 1, 1994.**

SECTION 28. IC 31-19-22-2, AS AMENDED BY P.L.145-2006, SECTION 257, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **(a) Except as provided in section 3 of this chapter and subject to subsection (b) and section 12 of this chapter,** the state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, ~~(as defined in IC 34-6-2-117),~~ **an attorney,** and a court shall release identifying information in the ~~entity's~~ **person's** possession only if:

(1) the information is requested by: ~~a person described in IC 31-19-18-2(a); and~~

**(A) an adoptee who is an adult;**

**(B) a birth parent;**

**(C) an adoptive parent;**

**(D) the spouse or relative of a deceased adoptee; or**

**(E) the spouse or relative of a deceased birth parent; and**

(2) the following ~~persons~~ **individuals** have submitted a written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to the state registrar **or the person from whom the identifying information is requested** that allows the release of identifying information to the ~~person~~ **individual** requesting the information:

(A) The adult adoptee.

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(B) A birth parent.

**(b) Except as provided under subsection (c), if an individual requests the release of identifying information under subsection (a) for an adoptee who is less than twenty-one (21) years of age, the state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this section unless the adoptee's adoptive parent has submitted a written consent for the release of identifying information.**

**(c) The state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

**(d) A licensed child placing agency, a professional health care provider, an attorney, and a court:**

**(1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and**

**(2) shall, at the time of the request, provide:**

**(A) the name of the adoptee at the time parental rights were terminated; and**

**(B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.**

**(e) Not later than five (5) days after the state department of health receives a request and an affidavit under subsection (d), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

SECTION 29. IC 31-19-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a)** The consent of a birth parent is not required for release of **identifying** information under this chapter if ~~an affidavit~~ **the individual requesting the release**

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**of the identifying information under section 2 of this chapter submits:**

**(1) a death certificate;**

**(2) an obituary; or**

**(3) any other form of evidence approved by the state department of health;**

**indicating that a birth parent is deceased** ~~is submitted~~ to the ~~releasing agency that avers that~~ **person releasing the identifying information for** each birth parent who is named on the adoptee's original birth certificate. ~~is deceased.~~

**(b) The consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:**

**(1) the death certificate of the adoptee;**

**(2) an obituary for the adoptee; or**

**(3) any other form of evidence approved by the state department of health;**

**indicating that the adoptee is deceased to the person releasing the identifying information.**

SECTION 30. IC 31-19-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~Whenever~~ **If** an ~~adoptee or a birth parent~~ **individual** submits a ~~written consent~~ **request** for **the** release of identifying information ~~under IC 31-19-21 (or IC 31-3-4-27 before its repeal),~~ **under section 2 of this chapter,** the state registrar ~~may~~ **shall** search the death certificates in the state registrar's possession regarding the related adoptee or a birth parent:

(1) who has not submitted a consent for the release of information under IC 31-19-21; and

(2) whose consent is necessary before identifying information may be released to the ~~adoptee or birth parent who has submitted the written consent.~~ **individual.**

SECTION 31. IC 31-19-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. If, upon searching the death certificates under section 4 of this chapter, the state registrar finds that the adoptee or birth parent who has not yet submitted a written consent is deceased, the state registrar shall inform the ~~related adoptee or birth parent~~ **individual** who submitted the ~~written consent~~ **request** ~~under IC 31-19-21 (or IC 31-3-4-27 before its repeal),~~ of the death and:

(1) may not release identifying information if additional consent is required by this chapter; and



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(2) may release identifying information if additional consent is not required by this chapter.

SECTION 32. IC 31-19-22-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. An ~~adoptee or a birth parent who submits a written consent for the release of identifying information under IC 31-19-21 (or IC 31-3-4-27 before its repeal),~~ **individual listed in section 2(a)(1) of this chapter** may contact the:

(1) attorney;

(2) licensed child placing agency; or

(3) county office of family and children;

who arranged the adoption to request that the attorney, agency, or county office of family and children contact the adoptee, ~~or~~ birth parent, **or adoptive parent** whose consent is necessary before identifying information may be released under this chapter.

SECTION 33. IC 31-19-22-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. An attorney, a licensed child placing agency, and a county office of family and children may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 7 of this chapter if the request involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

SECTION 34. IC 31-19-22-8, AS AMENDED BY P.L.58-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) Except as provided in section 7.5 of this chapter and subject to section 12 of this chapter,** an attorney, a licensed child placing agency, or a county office of family and children who contacts an adoptee, ~~or~~ a birth parent, **or an adoptive parent** upon a request under section 7 of this chapter may not disclose identifying information unless the:

(1) adoptee who:

(A) is at least twenty-one (21) years of age gives written consent; or

(B) is less than twenty-one (21) years of age has the written consent of the adoptee's adoptive parents; and

(2) birth parent gives written consent;

to the release of identifying information by the attorney, licensed child placing agency, or county office of family and children.

**(b)** If: ~~both~~

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**(1)** the:

**(A)** adoptee who is at least twenty-one (21) years of age; **or**

**(B) adoptive parent of an adoptee who is less than twenty-one (21) years of age;** and

**(2)** the birth parent;

consent to the release of identifying information but do not provide the consent in writing, the attorney, **licensed child placing** agency, or county office of family and children may inform the ~~adoptee or the birth parent~~ **individual requesting the identifying information** regarding the fact that an adoptee, ~~or a~~ birth parent, **or adoptive parent** has consented to the release of identifying information. ~~under IC 31-19-21 (or IC 31-3-4-27 before its repeal).~~ The attorney, licensed child placing agency, or county office of family and children may inquire as to whether the adoptee, ~~or~~ birth parent, **or adoptive parent,** whose consent is still needed before identifying information may be released, is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-21, this chapter, ~~and~~ IC 31-19-23 through IC 31-19-24, **and IC 31-19-25.5.**

SECTION 35. IC 31-19-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. This chapter does not prohibit an adoptee who is at least twenty-one (21) years of age from having access to identifying information as provided by IC 31-19-25 **and IC 31-19-25.5.**

SECTION 36. IC 31-19-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a) An attorney, a licensed child placing agency, or a county office of family and children may charge a reasonable fee for services performed or actual expenses incurred under section 8 of this chapter.**

**(b)** ~~Licensed child placing agencies and professional health care providers~~ **The following persons** may charge a reasonable fee for actual expenses incurred ~~to comply~~ **in complying** with this chapter and IC 31-19-23:

**(1) A licensed child placing agency.**

**(2) The court.**

**(3) The department.**

**(4) A county office of family and children.**

**(5) A professional health care provider.**

**(6) An attorney.**

**(7) The state department of health.**

SECTION 37. IC 31-19-22-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) An attorney may release**

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**identifying information under this chapter only if the client represented by the attorney in the adoption has submitted a written consent to the release of identifying information to the individual requesting the release of identifying information.**

**(b) If a client described under subsection (a) is deceased or otherwise unavailable, the identifying information in the attorney's possession may be released only under a court order issued in a proceeding under IC 31-19-24.**

SECTION 38. IC 31-19-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Any interested person may file a petition with any court with probate jurisdiction in Indiana requesting the release of:

(1) medical information
(2) nonidentifying information; or
(3) identifying information.

that is not available through the state registrar **or not allowed to be released by the state registrar.**

(b) The contents of a petition must include to the best knowledge of the petitioner the following:

(1) The full name and current address of the petitioner.
(2) The adopted person's:
  (A) full name;
  (B) sex;
  (C) date of birth;
  (D) place of birth, if known; and
  (E) current address, if known.
(3) The county of the adoption proceeding, if known.
(4) The name and address of the agency that placed the adopted person, if known.
(5) The full name and current address of the petitioners for adoption, if any.
(6) The date of the adoption proceeding, if known.
(7) The full name and current address of the birth parents, if known.
(8) The nature of the:
  (A) medical;
  (B) identifying; or
  (C) nonidentifying;
information being sought.
(9) An affirmation:
  (A) by an attending physician, if medical information is sought, that indicates:

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(i) the nature of the illness;
(ii) that the illness is believed to be hereditary or congenital; or
(iii) why the information to be sought or shared is necessary for diagnosis or treatment of any person;
(B) by the petitioner, if medical, identifying, or nonidentifying information is sought, that sets forth the reasons why the release of the information may be beneficial to the welfare of the adoptee or birth parent; and
(C) that the medical, identifying, or nonidentifying information sought:
**(i)** is not available through the state registrar; **or**
**(ii) is not allowed to be released by the state registrar.**
(10) A statement by the petitioner that the petitioner agrees to the payment of:
(A) a reasonable fee for the services of a confidential intermediary if a confidential intermediary is appointed under section 2 of this chapter; and
(B) reasonable fees and any actual expenses of an attorney, a child placing agency, or a professional health care provider (as defined in IC 34-6-2-117) that is requested to search its records and release information under sections 2 through 11 of this chapter.
(11) A description of the medical, identifying, or nonidentifying information being sought.

SECTION 39. IC 31-19-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Upon the filing of a petition under section 1 of this chapter, the court shall:
(1) establish that the state registrar:
(A) has been served with notice of the petitioner's request for disclosure of information; and
(B) has been afforded the opportunity to respond to the petitioner's request for disclosure of information; and
(2) appoint a confidential intermediary after consultation with the state registrar or the state registrar's designee if the:
(A) requirements of subdivision (1) are complied with; and
(B) petitioner has shown:
(i) an emergency medical need; ~~or~~
(ii) good cause relating to the welfare of the adoptee or the birth parent;
**(iii) an interest in having contact with a pre-adoptive sibling; or**

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**(iv) if the petitioner is a pre-adoptive sibling, an interest in having contact with an adoptee.**

A confidential intermediary appointed under subdivision (2) may be any person who the court reasonably believes is competent to carry out the responsibilities described in section 3 of this chapter and meets the qualifications under section 14 of this chapter.

SECTION 40. IC 31-19-24-3, AS AMENDED BY P.L.145-2006, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Whenever the court appoints a confidential intermediary under section 2(2) of this chapter, the court shall do the following:

(1) Consider:

(A) the highly emotional and personal issues relating to adoption;

(B) the privacy rights of both birth parents, ~~and~~ adoptees, **and pre-adoptive siblings;**

(C) the reasons the medical, identifying, or nonidentifying information is being sought under section 1 of this chapter; and

(D) any irreparable harm to a birth parent, an adoptee, ~~or both,~~ **or a pre-adoptive sibling** that may arise if appropriate consideration is not given to the issues described in clauses (A) through (C).

(2) Provide the confidential intermediary with an order authorizing the confidential intermediary to search certain records that may include:

(A) the division of public health statistics;

(B) the department or county office of family and children;

(C) any licensed child placing agency; or

(D) any professional health care provider (as defined in IC 34-6-2-117).

An order under this subdivision must specify the information to be sought by the confidential intermediary.

(3) Specify the direct contact, if any, that a confidential intermediary may have with any person from whom the medical, identifying, or nonidentifying information is being sought, such as providing that the confidential intermediary may only inform the person of the existence of the adoption history program administered by the state registrar under **IC 31-19-18 through IC 31-19-23,** this chapter, ~~and~~ IC 31-19-25, **and IC 31-19-25.5.**

(4) Specify the limitations, if any, that the court considers necessary to prevent the confidential intermediary's search under

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this chapter from resulting in harm to a birth parent, ~~or~~ an adoptee, **or a pre-adoptive sibling.**

(5) Require the confidential intermediary to affirm under oath that the confidential intermediary agrees to act in good faith and perform its responsibilities in accordance with sections 2 through 11 of this chapter.

(6) Instruct the confidential intermediary to act as quickly as possible.

SECTION 41. IC 31-19-25-2, AS AMENDED BY P.L.145-2006, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) ~~An adoptee who is at least twenty-one (21) years of age~~ **The following** may request **the release of** identifying information: ~~by submitting a written request to the state registrar:~~

**(1) An adoptee who is an adult.**

**(2) A birth parent.**

**(3) An adoptive parent.**

**(4) The spouse or relative of a deceased adoptee.**

**(5) The spouse or relative of a deceased birth parent.**

(b) Except as provided in sections 3, ~~through 10~~ **15, and 17** of this chapter **and subject to sections 2.5 and 21 of this chapter,** upon a request for the release of identifying information under subsection (a),

(1) the state registrar;

(2) the department;

(3) a county office of family and children;

(4) a licensed child placing agency;

(5) a professional health care provider; ~~(as defined in IC 34-6-2-117);~~

(6) the attorney who arranged the adoption; and

(7) a court;

shall release identifying information in the ~~possession of the registrar, agency, professional health care provider, or court to an adoptee.~~ **person's possession to the individual requesting the release of identifying information only if the adoptee has submitted a written consent under IC 31-19-21 to the state registrar or the person from whom the release of identifying information is requested for release of identifying information to the individual requesting the release of identifying information.**

SECTION 42. IC 31-19-25-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) Except as provided in subsection (b), if an individual requests the release of identifying**

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**information under section 2 of this chapter regarding an adoptee who is less than twenty-one (21) years of age, the state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter unless the adoptee's adoptive parent has submitted a written consent for the release of identifying information.**

**(b) The state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

**(c) A licensed child placing agency, a professional health care provider, an attorney, and a court:**

**(1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and**

**(2) shall, at the time of the request, provide:**

**(A) the name of the adoptee at the time parental rights were terminated; and**

**(B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.**

**(d) Not later than five (5) days after the state department of health receives a request and affidavit under subsection (c), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided under IC 31-25-2-22.**

SECTION 43. IC 31-19-25-3, AS AMENDED BY P.L.58-2009, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) ~~An adoptee's~~ **A** birth parent may restrict access to identifying information concerning the birth parent by filing a written nonrelease form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information

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under this ~~section.~~ **chapter.**

**(b) A person who arranges for the signing of a consent to adoption shall provide the birth parent with a nonrelease form and the explanation described in IC 31-19-9-6.**

~~(b)~~ **(c) Except as provided in sections 15 and 17 of this chapter,** the following persons may not release any identifying information concerning ~~the~~ **a** birth parent to ~~the adoptee~~ **an individual requesting the release of identifying information under section 2 of this chapter** if a nonrelease form is in effect at the time of the request for identifying information:

(1) The state registrar.
(2) The department.
(3) A county office of family and children.
(4) A licensed child placing agency.
(5) A professional health care provider.
**(6) The attorney who arranged the adoption.**
~~(6)~~ **(7)** A court.

~~(c)~~ **(d) Except as provided in subsection (f),** the nonrelease form filed under this section:

(1) remains in effect during the period indicated by the ~~person~~ **individual** submitting the form;
(2) is renewable; and
(3) may be withdrawn at any time by the ~~person~~ **individual** who submitted the form.

~~(d)~~ **(e)** The nonrelease form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

**(f) A nonrelease form is no longer in effect if the birth parent who filed the nonrelease form is deceased unless the nonrelease form specifically states that the nonrelease form remains in effect after the birth parent's death.**

SECTION 44. IC 31-19-25-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. The following persons shall send a copy of a written nonrelease form received by the person from a birth parent to the state registrar:**

**(1) The department.**
**(2) A county office of family and children.**
**(3) A licensed child placing agency.**
**(4) A professional health care provider.**
**(5) An attorney.**
**(6) A court.**

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SECTION 45. IC 31-19-25-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

(1) contain a space in which the birth parent may check "yes" or "no" concerning whether the ~~person~~ **individual** submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and

(2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

SECTION 46. IC 31-19-25-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The state registrar may contact ~~a person~~ **an individual** who submits a request form or nonrelease form that is incorrectly or incompletely executed to inform the ~~person~~ **individual** regarding the error in the execution of the form.

SECTION 47. IC 31-19-25-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15. Except as provided in section 21 of this chapter, the consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:**

**(1) a death certificate;**

**(2) an obituary; or**

**(3) any other form of evidence approved by the state department of health;**

**indicating that the adoptee is deceased, to the person releasing the identifying information.**

SECTION 48. IC 31-19-25-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 16. If an individual submits a request for the release of identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession regarding:**

**(1) a related adoptee:**

**(A) who has not submitted a consent for the release of information under IC 31-19-21; and**

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**(B) whose consent is necessary before identifying information may be released to the individual who has submitted the request; or**

**(2) a birth parent who has filed a written nonrelease form under section 3 of this chapter.**

SECTION 49. IC 31-19-25-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) If, upon searching the death certificates under section 16 of this chapter, the state registrar finds that an adoptee or a birth parent is deceased, the state registrar shall:**

**(1) inform the individual requesting the release of the identifying information under section 2 of this chapter of the death; and**

**(2) release the identifying information if additional consent is not required by this chapter.**

**(b) The state registrar may not release identifying information under subsection (a) concerning:**

**(1) a birth parent or adoptee if additional consent is required by this chapter; or**

**(2) a birth parent if a nonrelease form submitted by the birth parent specifically states that the nonrelease form remains in effect after the birth parent's death.**

SECTION 50. IC 31-19-25-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18. An individual who submits a request for the release of identifying information under section 2 of this chapter may contact:**

**(1) a county office of family and children;**

**(2) a licensed child placing agency; or**

**(3) the attorney who arranged the adoption;**

**to request that the county office of family and children, the licensed child placing agency, or the attorney contact an adoptee whose consent is necessary before identifying information may be released under this chapter.**

SECTION 51. IC 31-19-25-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. An attorney, a licensed child placing agency, and a county office of family and children may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 18 of this chapter if the request involves an adoptee to whom both of the**

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**following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

SECTION 52. IC 31-19-25-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 19. (a) Except as provided in section 18.5 of this chapter and subject to section 21 of this chapter, upon a request described under section 18 of this chapter, a county office of family and children, a licensed child placing agency, or an attorney that contacts an adoptee may not disclose identifying information unless the adoptee:**

**(1) if the adoptee is at least twenty-one (21) years of age, gives written consent; or**

**(2) if the adoptee is less than twenty-one (21) years of age, has the written consent of the adoptee's adoptive parents;**

**to the release of identifying information by the county office of family and children, the licensed child placing agency, or the attorney.**

**(b) If:**

**(1) an adoptee who is at least twenty-one (21) years of age; or**

**(2) an adoptive parent of an adoptee who is less than twenty-one (21) years of age;**

**consents to the release of identifying information but does not provide the consent in writing, the county office of family and children, the licensed child placing agency, or the attorney may inform the birth parent regarding the fact that the adoptee or the adoptive parent has consented to the release of identifying information. The county office of family and children, the licensed child placing agency, or the attorney may inquire as to whether the adoptee or adoptive parent, whose consent is still needed before identifying information may be released, is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-24, this chapter, or IC 31-19-25.5.**

SECTION 53. IC 31-19-25-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 20. (a) A county office of family and children, a licensed child placing agency, or an attorney may charge a reasonable fee for services performed or actual expenses incurred under section 19 of this chapter.**

**(b) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:**

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**(1) A licensed child placing agency.**
**(2) The court.**
**(3) The department.**
**(4) A county office of family and children.**
**(5) A professional health care provider.**
**(6) An attorney.**
**(7) The state department of health.**

SECTION 54. IC 31-19-25-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 21. (a) An attorney may release identifying information under this chapter only if the client that the attorney represented in the adoption has submitted a written consent to the release of the identifying information to the individual requesting the identifying information.**

**(b) If a client described under subsection (a) is deceased or otherwise unavailable, the identifying information in the attorney's possession may be released only under a court order issued in a proceeding under IC 31-19-24.**

SECTION 55. IC 31-19-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

**Chapter 25.5. Requests for Information Concerning Pre-Adoptive Siblings**

**Sec. 1. Except as provided under sections 6 and 7 of this chapter, this chapter applies to:**
**(1) adoptees; and**
**(2) pre-adoptive siblings;**
**who are at least twenty-one (21) years of age.**

**Sec. 2. (a) An adoptee may submit a written request to the state registrar that includes the following:**
**(1) A statement that the adoptee has an interest in having contact with any pre-adoptive siblings of the adoptee.**
**(2) A statement that authorizes the state registrar to release the name and present location of the adoptee to any pre-adoptive sibling of the adoptee who submits a similar request.**

**(b) A pre-adoptive sibling of an adoptee may submit a written request to the state registrar that includes the following:**
**(1) A statement that the pre-adoptive sibling has an interest in having contact with the adoptee.**
**(2) A statement that authorizes the state registrar to release the name and present location of the pre-adoptive sibling to**

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**the adoptee if the adoptee has submitted a similar request.**

**Sec. 3. (a) If an adoptee submits a written request to the state registrar under section 2 of this chapter, the state registrar shall determine whether the pre-adoptive sibling of the adoptee has submitted a similar request.**

**(b) If a pre-adoptive sibling of an adoptee submits a written request to the state registrar under section 2 of this chapter, the state registrar shall determine whether an adoptee has submitted a similar request.**

**Sec. 4. (a) This section applies to adoptions that are filed before January 1, 1994.**

**(b) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:**

**(1) The pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter.**

**(2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.**

**(c) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:**

**(1) The adoptee has submitted a written request under section 2 of this chapter.**

**(2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.**

**(d) The consent of a birth parent is not required for the release of information under this section if a person who submits a request under section 2 of this chapter provides:**

**(1) a death certificate;**

**(2) an obituary; or**

**(3) any other form of evidence approved by the state department of health;**

**indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.**

**(e) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if an adoptee**

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**and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact. If the state registrar determines that a birth parent is deceased, the consent of the birth parent who is deceased is not required for the release of the information under this section.**

**(f) If the state registrar is prohibited under this section from releasing the name and address of a pre-adoptive sibling or an adoptee, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling requesting the release of the information.**

**Sec. 5. (a) This section applies to adoptions that are filed after December 31, 1993.**

**(b) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if:**

**(1) the pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter; and**

**(2) a birth parent has not filed a written nonrelease form with the state registrar under IC 31-19-25.**

**(c) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if:**

**(1) the adoptee has submitted a written request under section 2 of this chapter; and**

**(2) a birth parent has not filed a written nonrelease form with the state registrar under IC 31-19-25.**

**(d) Except as provided under subsection (g), the state registrar shall release information under this section if:**

**(1) both the adoptee and pre-adoptive sibling of the adoptee have submitted requests under section 2 of this chapter; and**

**(2) the adoptee or pre-adoptive sibling who requested information under section 2 of this chapter submits:**

**(A) a death certificate;**

**(B) an obituary; or**

**(C) any other form of evidence approved by the state department of health;**

**indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.**

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**(e) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if:**

**(1) an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact; and**

**(2) a birth parent has filed a nonrelease form under IC 31-19-25.**

**(f) Except as provided under subsection (g), if, upon searching the death certificates under subsection (e), the state registrar finds that a birth parent is deceased, the state registrar shall:**

**(1) inform the adoptee and pre-adoptive sibling of the death; and**

**(2) release the information if additional consent is not required by this chapter.**

**(g) The state registrar may not release information under this section to an adoptee or pre-adoptive sibling if:**

**(1) additional consent is required under this chapter; or**

**(2) a nonrelease form submitted by a birth parent specifically states that the nonrelease form shall remain in effect after the birth parent's death.**

**(h) If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.**

**Sec. 6. (a) If:**

**(1) an adoptee submits a request under section 2 of this chapter; and**

**(2) the pre-adoptive sibling of the adoptee is less than twenty-one (21) years of age;**

**the state registrar shall notify the adoptee if the pre-adoptive sibling has been located and provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee. However, the state registrar may not release the name or address of the pre-adoptive sibling to the adoptee.**

**(b) If:**

**(1) a pre-adoptive sibling submits a request under section 2 of this chapter; and**

**(2) the adoptee is less than twenty-one (21) years of age;**

**the state registrar shall notify the pre-adoptive sibling if the adoptee has been located and provide information on requesting the release of adoption information under IC 31-19-24 to the pre-adoptive sibling. However, the state registrar may not release**

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**the name or address of the adoptee to the pre-adoptive sibling.**

**Sec. 7. (a) The adoptive parents of an adoptee who is less than twenty-one (21) years of age may submit a written request for information concerning the identity and present location of any pre-adoptive siblings of the adoptee.**

**(b) The state registrar shall release information concerning the name and present location of an adult pre-adoptive sibling to the adoptive parents if the pre-adoptive sibling submitted a written request under section 2 of this chapter.**

**(c) If a pre-adoptive sibling has not submitted a request under section 2 of this chapter, the state registrar shall do the following:**

**(1) Search the sealed adoption records for information concerning the pre-adoptive sibling.**

**(2) Release information to the adoptive parents only if the pre-adoptive sibling is at least twenty-one (21) years of age and consents to the release of the information.**

**(d) If a pre-adoptive sibling is less than twenty-one (21) years of age, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptive parents.**

**Sec. 8. (a) The state registrar shall notify an adoptee who has submitted a request under section 2 of this chapter if:**

**(1) the state registrar is unable to identify or locate a pre-adoptive sibling; or**

**(2) a pre-adoptive sibling is deceased and had not submitted a request under section 2 of this chapter.**

**The state registrar shall provide information to the adoptee on requesting the release of adoption information under IC 31-19-24. However, the state registrar may not release any information that may identify the pre-adoptive sibling under this section.**

**(b) The state registrar shall notify a pre-adoptive sibling who has submitted a request under section 2 of this chapter if:**

**(1) the state registrar is unable to identify or locate an adoptee; or**

**(2) an adoptee is deceased and had not submitted a request under section 2 of this chapter.**

**The state registrar shall provide information to the pre-adoptive sibling on requesting the release of adoption information under IC 31-19-24. However, the state registrar may not release any information that may identify the adoptee under this section.**

**Sec. 9. A person may withdraw a:**

**(1) request by the person submitted under section 2 of this**

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**chapter; or**

**(2) consent by the person for the release of information under this chapter;**

**by submitting to the state registrar a statement signed by the person withdrawing the request or consent.**

**Sec. 10. The state registrar may contact a person who submits a request or consent under this chapter that is incorrectly or incompletely executed to inform the person regarding the error in the execution of the request or consent.**

**Sec. 11. The state department of health may charge a reasonable fee for actual expenses incurred in complying with this chapter.**

SECTION 56. IC 31-25-2-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a) The department shall, at least one (1) time each month, provide to the state department of health a list of the names of all of the children to whom both of the following apply:**

**(1) The birth parent of the child had the birth parent's parental rights terminated under IC 31-35-1 or IC 31-35-2 while a child in need of services proceeding concerning the child was pending.**

**(2) The child is less than twenty-one (21) years of age.**

**(b) The department shall provide the list described under subsection (a) through electronic means agreed to by the department and the state department of health.**

SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 31-19-22-5; IC 31-19-22-9; IC 31-19-25-6; IC 31-19-25-7; IC 31-19-25-8; IC 31-19-25-9; IC 31-19-25-10; IC 31-19-25-14.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 7. IC 31-9-2-89, AS AMENDED BY P.L.42-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, **IC 31-19-22, IC 31-19-25,** and the juvenile law, means:

(1) a human being;
(2) a corporation;
(3) a limited liability company;
(4) a partnership;
(5) an unincorporated association; or
(6) a governmental entity.

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

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

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

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 26. IC 31-19-21-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7. The following persons shall send a copy of a consent for the release of identifying information and any signed writing that withdraws or modifies a consent for the release of identifying information received by the person to the state registrar:**

**(1) The department.**
**(2) A county office of family and children.**
**(3) A licensed child placing agency.**
**(4) A professional health care provider (as defined in IC 34-6-2-117).**
**(5) An attorney.**
**(6) A court.**".

Page 7, line 39, delete "individual's or".

Page 7, line 40, strike "entity's" and insert "**person's**".

Page 8, line 8, delete "individual or entity" and insert "**person**".



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Page 8, line 33, delete "individual or entity that would" and insert "**person**".

Page 8, line 34, delete "release" and insert "**releasing**".

Page 8, line 36, delete "Except as provided in subsection (c), the" and insert "**The**".

Page 9, line 2, delete "or entity".

Page 9, delete lines 4 through 7.

Page 11, line 5, delete "individuals and entities" and insert "**persons**".

Page 15, line 8, delete "individual's or entity's" and insert "**person's**".

Page 15, line 11, delete "individual or entity" and insert "**person**".

Page 15, line 36, reset in roman "persons".

Page 15, line 36, delete "individuals or entities".

Page 16, line 8, strike "person" and insert "**individual**".

Page 16, line 11, strike "person" and insert "**individual**".

Page 16, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 43. IC 31-19-25-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. The following persons shall send a copy of a written nonrelease form received by the person from a birth parent to the state registrar:**

**(1) The department.**

**(2) A county office of family and children.**

**(3) A licensed child placing agency.**

**(4) A professional health care provider.**

**(5) An attorney.**

**(6) A court.**

SECTION 44. IC 31-19-25-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

(1) contain a space in which the birth parent may check "yes" or "no" concerning whether the ~~person~~ **individual** submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and

(2) indicate that the birth parent may choose to prevent the

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nonrelease form from lapsing.

SECTION 45. IC 31-19-25-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The state registrar may contact ~~a person~~ **an individual** who submits a request form or nonrelease form that is incorrectly or incompletely executed to inform the ~~person~~ **individual** regarding the error in the execution of the form.".

Page 16, line 22, delete "(a)".

Page 16, line 23, delete "subsection (b) or".

Page 16, line 31, delete "a birth parent" and insert "**the adoptee**".

Page 16, line 31, delete "who would" and insert "**releasing**".

Page 16, line 32, delete "release".

Page 16, line 32, delete "information for each birth parent who is" and insert "**information.**".

Page 16, delete lines 33 through 37.

Page 18, line 33, delete "individuals and entities" and insert "**persons**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1201 as introduced.)

NOE, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 3, line 42, delete "The" and insert "**The**".

Page 9, line 3, delete "If" and insert "**Except as provided under subsection (c), if**".

Page 9, between lines 10 and 11, begin a new paragraph and insert:

"**(c) The state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**



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**(d) A licensed child placing agency, a professional health care provider, an attorney, and a court:**

**(1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and**

**(2) shall, at the time of the request, provide:**

**(A) the name of the adoptee at the time parental rights were terminated; and**

**(B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.**

**(e) Not later than five (5) days after the state department of health receives a request and an affidavit under subsection (d), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**".

Page 9, line 33, delete "an" and insert "**the**".

Page 10, line 11, delete "the".

Page 10, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 33. IC 31-19-22-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. An attorney, a licensed child placing agency, and a county office of family and children may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 7 of this chapter if the request involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**".

Page 10, line 31, delete "Subject" and insert "**Except as provided in section 7.5 of this chapter and subject**".

Page 11, line 7, delete ":" and insert ";".

Page 13, line 14, reset in roman ";".

Page 14, line 17, after "adoptees" reset in roman ",".

Page 16, line 1, delete "If" and insert "**(a) Except as provided in subsection (b), if**".

Page 16, between lines 9 and 10, begin a new paragraph and insert:

"**(b) The state registrar, the department, a county office of**

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**family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**

**(c) A licensed child placing agency, a professional health care provider, an attorney, and a court:**

**(1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and**

**(2) shall, at the time of the request, provide:**

**(A) the name of the adoptee at the time parental rights were terminated; and**

**(B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.**

**(d) Not later than five (5) days after the state department of health receives a request and affidavit under subsection (c), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided under IC 31-25-2-22.**".

Page 18, line 2, delete "," and insert "**;**".

Page 19, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 51. IC 31-19-25-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. An attorney, a licensed child placing agency, and a county office of family and children may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 18 of this chapter if the request involves an adoptee to whom both of the following apply:**

**(1) The adoptee is less than twenty-one (21) years of age.**

**(2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.**".

Page 19, line 11, delete "Subject" and insert "**Except as provided in section 18.5 of this chapter and subject**".



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Page 19, line 15, delete "who:" and insert "**:**".
Page 19, line 16, after "(1)" insert "**if the adoptee**".
Page 19, line 16, after "age" insert "**,**".
Page 19, line 18, after "(2)" insert "**if the adoptee**".
Page 19, line 18, after "age" insert "**,**".
Page 21, line 29, delete "An" and insert "**The**".
Page 22, line 33, after "(g)" insert "**,**".
Page 23, line 33, delete "a" and insert "**the**".
Page 23, line 42, delete "an" and insert "**the**".
Page 24, line 16, delete "of the adoptee." and insert "**.**".
Page 24, line 17, delete "a" and insert "**the**".
Page 24, line 18, delete "who".
Page 24, line 19, after "age" insert "**and**".
Page 25, line 7, delete "a statement to withdrawal" and insert "**to the state registrar a statement signed by the person withdrawing**".
Page 25, line 7, after "consent" insert "**.**".
Page 25, delete line 8.
Page 25, line 10, after "consent" insert "**under this chapter**".
Page 25, between lines 14 and 15, begin a new paragraph and insert:
"SECTION 56. IC 31-25-2-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a) The department shall, at least one (1) time each month, provide to the state department of health a list of the names of all of the children to whom both of the following apply:**

**(1) The birth parent of the child had the birth parent's parental rights terminated under IC 31-35-1 or IC 31-35-2 while a child in need of services proceeding concerning the child was pending.**

**(2) The child is less than twenty-one (21) years of age.**

**(b) The department shall provide the list described under subsection (a) through electronic means agreed to by the department and the state department of health.**".
Renumber all SECTIONS consecutively.

(Reference is to HB 1201 as printed January 28, 2011.)

KARICKHOFF

C o p y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 7, delete line 42.

Page 8, line 1, reset in roman "(6)".

Page 8, line 1, delete "(7)".

(Reference is to HB 1201 as printed January 28, 2011.)

FOLEY

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1201 as printed February 9, 2011.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

C o p y