



Reprinted
February 9, 2011

HOUSE BILL No. 1201

DIGEST OF HB 1201 (Updated February 8, 2011 4:32 pm - DI 110)

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 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
(Continued next page)

Effective: July 1, 2011.

Karickhoff, Riecken, Welch

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.

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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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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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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:

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

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

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

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

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1 is at least twenty-one (21) years of age.
 2 (b) "Adult", for purposes of the juvenile law, means a person other
 3 than a child.
 4 SECTION 5. IC 31-9-2-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. "Birth parent", for
 6 purposes of IC 31-19-17 through ~~IC 31-19-24~~, **IC 31-19-25.5**, means:
 7 (1) the woman who is legally presumed under Indiana law to be
 8 the mother of biological origin of an adoptee;
 9 (2) the man who is legally presumed under Indiana law to be the
 10 father of biological origin of an adoptee; or
 11 (3) a man who establishes paternity of a child born out of
 12 wedlock:
 13 (A) in a court proceeding; or
 14 (B) by executing a paternity affidavit under IC 16-37-2-2.1.
 15 SECTION 6. IC 31-9-2-54 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 54. "Identifying
 17 information", for purposes of IC 31-19-9-6 and IC 31-19-17 through
 18 ~~IC 31-19-25~~, **IC 31-19-25.5**, means:
 19 (1) any name that a party to an adoption has used or is using;
 20 (2) any address that a party to an adoption has used or is using;
 21 (3) the original certificates of birth stored with the state
 22 department of health with evidence of adoption under
 23 IC 31-19-13-2; and
 24 (4) any other information, except the medical history, that may
 25 identify a person as a party to an adoption or as a birth parent, an
 26 adoptee, or an adoptive parent.
 27 SECTION 7. IC 31-9-2-89, AS AMENDED BY P.L.42-2009,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2011]: Sec. 89. (a) "Person", for purposes of IC 31-19-19,
 30 **IC 31-19-22, IC 31-19-25**, and the juvenile law, means:
 31 (1) a human being;
 32 (2) a corporation;
 33 (3) a limited liability company;
 34 (4) a partnership;
 35 (5) an unincorporated association; or
 36 (6) a governmental entity.
 37 (b) "Person", for purposes of section 44.5 of this chapter, means an
 38 adult or a minor.
 39 (c) "Person", for purposes of IC 31-27, means an individual who is
 40 at least twenty-one (21) years of age, a corporation, a partnership, a
 41 voluntary association, or other entity.
 42 (d) "Person", for purposes of the Uniform Child Custody

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

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

- 6 (1) IC 31-19-18;
- 7 (2) IC 31-19-16.5; and
- 8 (3) ~~IC 31-19-25~~; **IC 31-19-24**; and
- 9 (4) **IC 31-19-25.5**;

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

13 SECTION 9. IC 31-9-2-97.4 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2011]: **Sec. 97.4. "Professional health care provider", for
16 purposes of IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, has the
17 meaning set forth in IC 34-6-2-117.**

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

- 22 (1) an adoptive or whole blood related parent;
- 23 (2) a sibling; or
- 24 (3) a child.
- 25 (b) "Relative", for purposes of IC 31-34-3, means:
 - 26 (1) a maternal or paternal grandparent;
 - 27 (2) an adult aunt or uncle; or
 - 28 (3) any other adult relative suggested by either parent of a child.

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

- 33 (1) is in charge of the division of the state department of health
34 that administers the system of vital records; and
- 35 (2) has charge of the files and records pertaining to vital records.

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

- 41 (1) An explanation concerning the **following**:
42 (A) **The** availability of adoption history information under

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1 IC 31-19-17 through ~~IC 31-19-25~~; and **IC 31-19-25.5.**
 2 (B) **The** birth parent's option to file a nonrelease form with the
 3 state registrar if the birth parent seeks to restrict the release of
 4 identifying information.
 5 **(C) That identifying information may be released unless**
 6 **the birth parent files the nonrelease form with the state**
 7 **registrar.**

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

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

- 16 (1) for a child adopted by a stepparent; or
- 17 (2) as provided in IC 31-19-17 through ~~IC 31-19-24~~;
 18 **IC 31-19-25.5.**

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

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

- 29 (1) An adoptee who is an adult.
- 30 (2) A birth parent.
- 31 (3) An adoptive parent.
- 32 (4) A pre-adoptive sibling who is at least twenty-one (21) years of
 33 age.
- 34 (5) The spouse or relative of a deceased adoptee. ~~if the~~
 35 ~~relationship existed at the time of the adoptee's death.~~
- 36 (6) The spouse or relative of a deceased birth parent. ~~if the~~
 37 ~~relationship existed at the time of the birth parent's death.~~
- 38 (b) The state registrar shall store all information received under this
 39 section in a manner that is readily recoverable.
- 40 (c) Any transmission of information received under this section
 41 must include an affirmation by the person that:
 42 (1) the information is true or that the person believes the

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1 information to be true; and
 2 (2) the person is a person described in subsection (a).
 3 SECTION 16. IC 31-19-18-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The state
 5 registrar shall publicize the availability of the adoption history
 6 information, including the availability of the information under
 7 ~~(1) this chapter and IC 31-19-19 through IC 31-19-24; and~~
 8 **IC 31-19-25.5.**
 9 ~~(2) IC 31-19-25.~~
 10 (b) The state registrar's publicity efforts must include periodic
 11 public service announcements regarding the availability of adoption
 12 history information.
 13 SECTION 17. IC 31-19-18-5, AS AMENDED BY P.L.130-2005,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 5. The state registrar:
 16 (1) may adopt rules under IC 4-22-2; and
 17 (2) shall prescribe forms necessary;
 18 to implement this chapter, IC 31-19-12-5, and IC 31-19-19 through
 19 ~~IC 31-19-24.~~ **IC 31-19-25.5.**
 20 SECTION 18. IC 31-19-18-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The adoption
 22 history fund is established for the purpose of carrying out this chapter
 23 and IC 31-19-19 through ~~IC 31-19-24.~~ **IC 31-19-25.5.** The state
 24 registrar shall administer the fund.
 25 (b) The expenses of administering the fund shall be paid from:
 26 (1) money in the fund; or
 27 (2) if revenues are insufficient, a supplemental appropriation.
 28 (c) Money in the fund at the end of a state fiscal year does not revert
 29 to the state general fund.
 30 SECTION 19. IC 31-19-19-0.5, AS ADDED BY P.L.42-2009,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 0.5. (a) This section does not apply to a
 33 confidential intermediary appointed under IC 31-19-24.
 34 (b) Except as provided in subsection (c) or (d), a person that is
 35 required to store, maintain, or release adoption records or other
 36 adoption information under IC 31-19-12-5, IC 31-19-17, IC 31-19-18,
 37 this chapter, or IC 31-19-20 through ~~IC 31-19-25~~ **IC 31-19-25.5** shall
 38 store and maintain the adoption records or other adoption information
 39 for at least ninety-nine (99) years after the date the adoption was filed.
 40 Unless otherwise provided by law, the adoption records or other
 41 adoption information may be stored and maintained in an electronic or
 42 other format, including microfiche, microfilm, or a digital format.

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

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

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

- 16 (1) the county office of family and children;
 - 17 (2) the department; or
 - 18 (3) any of the licensed child placing agencies;
- 19 are confidential and open to inspection only as provided in
20 IC 31-19-13-2(2), IC 31-19-17, ~~or IC 31-19-25~~ **this chapter, or**
21 **IC 31-19-20 through IC 31-19-25.5.**

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

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

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

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

42 are confidential and may be disclosed only in accordance with

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

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

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

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

11 ~~(B) IC 31-19-25~~; or

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

14 commits a Class A misdemeanor.

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

17 SECTION 23. IC 31-19-20-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. IC 31-19-19, this
19 chapter, and IC 31-19-21 through ~~IC 31-19-24~~ **IC 31-19-25.5** do not
20 restrict a provider (as defined in IC 16-18-2-295) from releasing
21 medical records to an attorney or agency arranging an adoption if the
22 provider receives the appropriate authorization under IC 16-39-1.

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

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

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

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

36 (1) The state registrar.

37 (2) The department.

38 (3) County offices of family and children.

39 (4) Licensed child placing agencies.

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

42 (6) Courts.

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

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

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

21 SECTION 28. IC 31-19-22-2, AS AMENDED BY P.L.145-2006,
22 SECTION 257, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2011]: **Sec. 2. (a) Except as provided in**
24 **section 3 of this chapter and subject to subsection (b) and section**
25 **12 of this chapter, the state registrar, the department, a county office**
26 **of family and children, a licensed child placing agency, a professional**
27 **health care provider, (as defined in IC 34-6-2-117), an attorney, and**
28 **a court shall release identifying information in the entity's person's**
29 **possession only if:**

- 30 (1) **the information is requested by: a person described in**
31 **IC 31-19-18-2(a); and**
- 32 (A) **an adoptee who is an adult;**
- 33 (B) **a birth parent;**
- 34 (C) **an adoptive parent;**
- 35 (D) **the spouse or relative of a deceased adoptee; or**
- 36 (E) **the spouse or relative of a deceased birth parent; and**
- 37 (2) **the following persons individuals have submitted a written**
38 **consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to**
39 **the state registrar or the person from whom the identifying**
40 **information is requested that allows the release of identifying**
41 **information to the person individual requesting the information:**
- 42 (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 from the individual requesting the release

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

- 3 (1) a death certificate;
- 4 (2) an obituary; or
- 5 (3) any other form of evidence approved by the state
6 department of health;

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

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

- 15 (1) the death certificate of the adoptee;
- 16 (2) an obituary for the adoptee; or
- 17 (3) any other form of evidence approved by the state
18 department of health;

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

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

- 28 (1) who has not submitted a consent for the release of information
29 under IC 31-19-21; and
- 30 (2) whose consent is necessary before identifying information
31 may be released to the adoptee or birth parent who has submitted
32 the written consent. individual.

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

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

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

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

- 8 (1) attorney;
- 9 (2) licensed child placing agency; or
- 10 (3) county office of family and children;

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

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

- 23 (1) **The adoptee is less than twenty-one (21) years of age.**
- 24 (2) **The adoptee's name is on the list provided to the state**
- 25 **department of health under IC 31-25-2-22.**

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

- 34 (1) adoptee who:
 - 35 (A) is at least twenty-one (21) years of age gives written
 - 36 consent; or
 - 37 (B) is less than twenty-one (21) years of age has the written
 - 38 consent of the adoptee's adoptive parents; and
 - 39 (2) birth parent gives written consent;
- 40 to the release of identifying information by the attorney, licensed child
41 placing agency, or county office of family and children.

42 (b) If: ~~both~~

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1 (1) the:
 2 (A) adoptee who is at least twenty-one (21) years of age; or
 3 (B) **adoptive parent of an adoptee who is less than**
 4 **twenty-one (21) years of age;** and
 5 (2) the birth parent;
 6 consent to the release of identifying information but do not provide the
 7 consent in writing, the attorney, **licensed child placing agency,** or
 8 county office of family and children may inform the ~~adoptee or the~~
 9 ~~birth parent individual requesting the identifying information~~
 10 regarding the fact that an adoptee, ~~or a~~ birth parent, **or adoptive**
 11 **parent** has consented to the release of identifying information. ~~under~~
 12 ~~IC 31-19-21 (or IC 31-3-4-27 before its repeal).~~ The attorney, licensed
 13 child placing agency, or county office of family and children may
 14 inquire as to whether the adoptee, ~~or~~ birth parent, **or adoptive parent,**
 15 whose consent is still needed before identifying information may be
 16 released, is interested in participating in the adoption registry under
 17 IC 31-19-18 through IC 31-19-21, this chapter, ~~and~~ IC 31-19-23
 18 through IC 31-19-24, **and IC 31-19-25.5.**

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

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

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

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

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

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

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

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

- 13 (1) medical information
- 14 (2) nonidentifying information; or
- 15 (3) identifying information.

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

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

- 20 (1) The full name and current address of the petitioner.
- 21 (2) The adopted person's:
 - 22 (A) full name;
 - 23 (B) sex;
 - 24 (C) date of birth;
 - 25 (D) place of birth, if known; and
 - 26 (E) current address, if known.
- 27 (3) The county of the adoption proceeding, if known.
- 28 (4) The name and address of the agency that placed the adopted
29 person, if known.
- 30 (5) The full name and current address of the petitioners for
31 adoption, if any.
- 32 (6) The date of the adoption proceeding, if known.
- 33 (7) The full name and current address of the birth parents, if
34 known.
- 35 (8) The nature of the:
 - 36 (A) medical;
 - 37 (B) identifying; or
 - 38 (C) nonidentifying;
- 39 information being sought.
- 40 (9) An affirmation:
 - 41 (A) by an attending physician, if medical information is
42 sought, that indicates:

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- 1 (i) the nature of the illness;
- 2 (ii) that the illness is believed to be hereditary or congenital;
- 3 or
- 4 (iii) why the information to be sought or shared is necessary
- 5 for diagnosis or treatment of any person;
- 6 (B) by the petitioner, if medical, identifying, or nonidentifying
- 7 information is sought, that sets forth the reasons why the
- 8 release of the information may be beneficial to the welfare of
- 9 the adoptee or birth parent; and
- 10 (C) that the medical, identifying, or nonidentifying information
- 11 sought:
- 12 (i) is not available through the state registrar; or
- 13 (ii) **is not allowed to be released by the state registrar.**
- 14 (10) A statement by the petitioner that the petitioner agrees to the
- 15 payment of:
- 16 (A) a reasonable fee for the services of a confidential
- 17 intermediary if a confidential intermediary is appointed under
- 18 section 2 of this chapter; and
- 19 (B) reasonable fees and any actual expenses of an attorney, a
- 20 child placing agency, or a professional health care provider (as
- 21 defined in IC 34-6-2-117) that is requested to search its
- 22 records and release information under sections 2 through 11 of
- 23 this chapter.
- 24 (11) A description of the medical, identifying, or nonidentifying
- 25 information being sought.
- 26 SECTION 39. IC 31-19-24-2 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Upon the filing of a
- 28 petition under section 1 of this chapter, the court shall:
- 29 (1) establish that the state registrar:
- 30 (A) has been served with notice of the petitioner's request for
- 31 disclosure of information; and
- 32 (B) has been afforded the opportunity to respond to the
- 33 petitioner's request for disclosure of information; and
- 34 (2) appoint a confidential intermediary after consultation with the
- 35 state registrar or the state registrar's designee if the:
- 36 (A) requirements of subdivision (1) are complied with; and
- 37 (B) petitioner has shown:
- 38 (i) an emergency medical need; or
- 39 (ii) good cause relating to the welfare of the adoptee or the
- 40 birth parent;
- 41 (iii) **an interest in having contact with a pre-adoptive**
- 42 **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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1 this chapter from resulting in harm to a birth parent, ~~or an~~
2 adoptee, **or a pre-adoptive sibling.**

3 (5) Require the confidential intermediary to affirm under oath that
4 the confidential intermediary agrees to act in good faith and
5 perform its responsibilities in accordance with sections 2 through
6 11 of this chapter.

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

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

- 15 (1) **An adoptee who is an adult.**
- 16 (2) **A birth parent.**
- 17 (3) **An adoptive parent.**
- 18 (4) **The spouse or relative of a deceased adoptee.**
- 19 (5) **The spouse or relative of a deceased birth parent.**

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

- 23 (1) the state registrar;
- 24 (2) the department;
- 25 (3) a county office of family and children;
- 26 (4) a licensed child placing agency;
- 27 (5) a professional health care provider; ~~(as defined in~~
28 ~~IC 34-6-2-117);~~
- 29 (6) the attorney who arranged the adoption; and
- 30 (7) a court;

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

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

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

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

- 15 (1) The adoptee is less than twenty-one (21) years of age.
- 16 (2) The adoptee's name is on the list provided to the state
17 department of health under IC 31-25-2-22.

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

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

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

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

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

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

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

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

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

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

- 11 (1) The state registrar.
- 12 (2) The department.
- 13 (3) A county office of family and children.
- 14 (4) A licensed child placing agency.
- 15 (5) A professional health care provider.
- 16 **(6) The attorney who arranged the adoption.**
- 17 ~~(6)~~ (7) A court.

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

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

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

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

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

- 37 (1) The department.
- 38 (2) A county office of family and children.
- 39 (3) A licensed child placing agency.
- 40 (4) A professional health care provider.
- 41 (5) An attorney.
- 42 (6) A court.

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

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

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

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

21 SECTION 47. IC 31-19-25-15 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: **Sec. 15. Except as provided in section**
 24 **21 of this chapter, the consent of an adoptee is not required for the**
 25 **release of identifying information under this chapter if the**
 26 **individual requesting the release of identifying information under**
 27 **section 2 of this chapter submits:**

28 (1) a death certificate;

29 (2) an obituary; or

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

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

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

40 (1) a related adoptee:

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

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

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

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

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

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

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

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

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

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

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

30 (2) a licensed child placing agency; or

31 (3) the attorney who arranged the adoption;

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

36 SECTION 51. IC 31-19-25-18.5 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: Sec. 18.5. An attorney, a licensed child
39 placing agency, and a county office of family and children may not
40 contact an adoptee, a birth parent, or an adoptive parent or
41 disclose identifying information upon a request under section 18 of
42 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 **(1) A licensed child placing agency.**
 2 **(2) The court.**
 3 **(3) The department.**
 4 **(4) A county office of family and children.**
 5 **(5) A professional health care provider.**
 6 **(6) An attorney.**
 7 **(7) The state department of health.**
- 8 SECTION 54. IC 31-19-25-21 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: **Sec. 21. (a) An attorney may release**
 11 **identifying information under this chapter only if the client that the**
 12 **attorney represented in the adoption has submitted a written**
 13 **consent to the release of the identifying information to the**
 14 **individual requesting the identifying information.**
- 15 **(b) If a client described under subsection (a) is deceased or**
 16 **otherwise unavailable, the identifying information in the attorney's**
 17 **possession may be released only under a court order issued in a**
 18 **proceeding under IC 31-19-24.**
- 19 SECTION 55. IC 31-19-25.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]:
- 22 **Chapter 25.5. Requests for Information Concerning**
 23 **Pre-Adoptive Siblings**
- 24 **Sec. 1. Except as provided under sections 6 and 7 of this chapter,**
 25 **this chapter applies to:**
- 26 **(1) adoptees; and**
 27 **(2) pre-adoptive siblings;**
 28 **who are at least twenty-one (21) years of age.**
- 29 **Sec. 2. (a) An adoptee may submit a written request to the state**
 30 **registrar that includes the following:**
- 31 **(1) A statement that the adoptee has an interest in having**
 32 **contact with any pre-adoptive siblings of the adoptee.**
 33 **(2) A statement that authorizes the state registrar to release**
 34 **the name and present location of the adoptee to any**
 35 **pre-adoptive sibling of the adoptee who submits a similar**
 36 **request.**
- 37 **(b) A pre-adoptive sibling of an adoptee may submit a written**
 38 **request to the state registrar that includes the following:**
- 39 **(1) A statement that the pre-adoptive sibling has an interest**
 40 **in having contact with the adoptee.**
 41 **(2) A statement that authorizes the state registrar to release**
 42 **the name and present location of the pre-adoptive sibling to**

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

2 **Sec. 3. (a)** If an adoptee submits a written request to the state

3 registrar under section 2 of this chapter, the state registrar shall

4 determine whether the pre-adoptive sibling of the adoptee has

5 submitted a similar request.

6 **(b)** If a pre-adoptive sibling of an adoptee submits a written

7 request to the state registrar under section 2 of this chapter, the

8 state registrar shall determine whether an adoptee has submitted

9 a similar request.

10 **Sec. 4. (a)** This section applies to adoptions that are filed before

11 January 1, 1994.

12 **(b)** Except as provided under subsections (d) and (e), the state

13 registrar shall release the name and address of a pre-adoptive

14 sibling to an adoptee who submits a written request under section

15 2 of this chapter if the following requirements are satisfied:

16 **(1)** The pre-adoptive sibling of the adoptee has submitted a

17 written request under section 2 of this chapter.

18 **(2)** Each birth parent who is listed on the adoptee's original

19 birth certificate has submitted a written consent for release of

20 identifying information under IC 31-19-21.

21 **(c)** Except as provided under subsections (d) and (e), the state

22 registrar shall release the name and address of an adoptee to a

23 pre-adoptive sibling of the adoptee who submits a written request

24 under section 2 of this chapter if the following requirements are

25 satisfied:

26 **(1)** The adoptee has submitted a written request under section

27 2 of this chapter.

28 **(2)** Each birth parent who is listed on the adoptee's original

29 birth certificate has submitted a written consent for release of

30 identifying information under IC 31-19-21.

31 **(d)** The consent of a birth parent is not required for the release

32 of information under this section if a person who submits a request

33 under section 2 of this chapter provides:

34 **(1)** a death certificate;

35 **(2)** an obituary; or

36 **(3)** any other form of evidence approved by the state

37 department of health;

38 indicating that a birth parent is deceased to the state registrar for

39 each birth parent who is named on the adoptee's original birth

40 certificate.

41 **(e)** The state registrar shall search the death certificates in the

42 state registrar's possession regarding a birth parent if an adoptee

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

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

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

14 (b) Except as provided under subsections (d) and (e), the state
 15 registrar shall release the name and address of a pre-adoptive
 16 sibling to an adoptee who submits a written request under section
 17 2 of this chapter if:

- 18 (1) the pre-adoptive sibling of the adoptee has submitted a
 19 written request under section 2 of this chapter; and
- 20 (2) a birth parent has not filed a written nonrelease form with
 21 the state registrar under IC 31-19-25.

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

- 26 (1) the adoptee has submitted a written request under section
 27 2 of this chapter; and
- 28 (2) a birth parent has not filed a written nonrelease form with
 29 the state registrar under IC 31-19-25.

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

- 32 (1) both the adoptee and pre-adoptive sibling of the adoptee
 33 have submitted requests under section 2 of this chapter; and
- 34 (2) the adoptee or pre-adoptive sibling who requested
 35 information under section 2 of this chapter submits:

- 36 (A) a death certificate;
- 37 (B) an obituary; or
- 38 (C) any other form of evidence approved by the state
 39 department of health;

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

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

- 3 (1) an adoptee and a pre-adoptive sibling of the adoptee have
4 submitted written requests to be in contact; and
5 (2) a birth parent has filed a nonrelease form under
6 IC 31-19-25.

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

- 10 (1) inform the adoptee and pre-adoptive sibling of the death;
11 and
12 (2) release the information if additional consent is not
13 required by this chapter.

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

- 16 (1) additional consent is required under this chapter; or
17 (2) a nonrelease form submitted by a birth parent specifically
18 states that the nonrelease form shall remain in effect after the
19 birth parent's death.

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

25 Sec. 6. (a) If:

- 26 (1) an adoptee submits a request under section 2 of this
27 chapter; and
28 (2) the pre-adoptive sibling of the adoptee is less than
29 twenty-one (21) years of age;

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

35 (b) If:

- 36 (1) a pre-adoptive sibling submits a request under section 2 of
37 this chapter; and
38 (2) the adoptee is less than twenty-one (21) years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 chapter; or
 2 (2) consent by the person for the release of information under
 3 this chapter;
 4 by submitting to the state registrar a statement signed by the
 5 person withdrawing the request or consent.

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

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

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

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

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

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

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

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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.

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.)

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KARICKHOFF



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.)

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