

HOUSE BILL No. 1201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-19.

Synopsis: Release of adoption information. Makes various changes and clarifications 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. 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.

Effective: July 1, 2011.

Karickhoff

January 10, 2011, read first time and referred to Committee on Family, Children and Human Affairs.

C
O
P
Y



Introduced

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.

C
o
p
y

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



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

- 30 (1) IC 31-19-18;
- 31 (2) IC 31-19-16.5; ~~and~~
- 32 (3) ~~IC 31-19-25~~; **IC 31-19-24**; and
- 33 (4) **IC 31-19-25.5**;

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

37 SECTION 8. IC 31-9-2-97.4 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2011]: **Sec. 97.4. "Professional health care provider", for
40 purposes of IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, has the
41 meaning set forth in IC 34-6-2-117.**

42 SECTION 9. IC 31-9-2-107, AS AMENDED BY P.L.131-2009,

C
o
p
y



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

- 4 (1) an adoptive or whole blood related parent;
- 5 (2) a sibling; or
- 6 (3) a child.
- 7 (b) "Relative", for purposes of IC 31-34-3, means:
- 8 (1) a maternal or paternal grandparent;
- 9 (2) an adult aunt or uncle; or
- 10 (3) any other adult relative suggested by either parent of a child.

11 SECTION 10. IC 31-9-2-121 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 121. "State registrar",
13 for purposes of IC 31-19-18 through ~~IC 31-19-25~~; **IC 31-19-25.5**,
14 means the person who:

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

18 SECTION 11. IC 31-19-9-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The individual who
20 or agency that arranges for the signing of a consent to adoption shall
21 provide each birth parent whose consent to adoption is obtained under
22 this chapter with the following:

- 23 (1) An explanation concerning the **following**:
- 24 (A) The availability of adoption history information under
25 IC 31-19-17 through ~~IC 31-19-25~~; **and IC 31-19-25.5**.
- 26 (B) **The** birth parent's option to file a nonrelease form with the
27 state registrar if the birth parent seeks to restrict the release of
28 identifying information.
- 29 (C) **That identifying information may be released unless**
30 **the birth parent files the nonrelease form with the state**
31 **registrar.**
- 32 (2) A nonrelease form prescribed by the state registrar under
33 IC 31-19-25-4.

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

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

C
o
p
y



1 SECTION 13. IC 31-19-18-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The state registrar
 3 shall administer the adoption history program provided for in this
 4 chapter, ~~and~~ IC 31-19-19 through IC 31-19-23, **IC 31-19-25, and**
 5 **IC 31-19-25.5.**

6 SECTION 14. IC 31-19-18-2, AS AMENDED BY P.L.58-2009,
 7 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 2. (a) The following persons may transmit
 9 identifying information and nonidentifying information to the state
 10 registrar for inclusion with the adoption history:

- 11 (1) An adoptee who is an adult.
- 12 (2) A birth parent.
- 13 (3) An adoptive parent.
- 14 (4) A pre-adoptive sibling who is at least twenty-one (21) years of
 15 age.
- 16 (5) The spouse or relative of a deceased adoptee. ~~if the~~
 17 ~~relationship existed at the time of the adoptee's death.~~
- 18 (6) The spouse or relative of a deceased birth parent. ~~if the~~
 19 ~~relationship existed at the time of the birth parent's death.~~

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

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

- 24 (1) the information is true or that the person believes the
 25 information to be true; and
- 26 (2) the person is a person described in subsection (a).

27 SECTION 15. IC 31-19-18-4 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The state
 29 registrar shall publicize the availability of the adoption history
 30 information, including the availability of the information under

- 31 ~~(1)~~ this chapter and IC 31-19-19 through ~~IC 31-19-24, and~~
 32 **IC 31-19-25.5.**
- 33 ~~(2) IC 31-19-25.~~

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

37 SECTION 16. IC 31-19-18-5, AS AMENDED BY P.L.130-2005,
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2011]: Sec. 5. The state registrar:

- 40 (1) may adopt rules under IC 4-22-2; and
 - 41 (2) shall prescribe forms necessary;
- 42 to implement this chapter, IC 31-19-12-5, and IC 31-19-19 through

C
O
P
Y



1 ~~IC 31-19-24.~~ **IC 31-19-25.5.**

2 SECTION 17. IC 31-19-18-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The adoption
4 history fund is established for the purpose of carrying out this chapter
5 and IC 31-19-19 through ~~IC 31-19-24.~~ **IC 31-19-25.5.** The state
6 registrar shall administer the fund.

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

8 (1) money in the fund; or

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

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

12 SECTION 18. IC 31-19-19-0.5, AS ADDED BY P.L.42-2009,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 0.5. (a) This section does not apply to a
15 confidential intermediary appointed under IC 31-19-24.

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

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

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

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

40 (1) the county office of family and children;

41 (2) the department; or

42 (3) any of the licensed child placing agencies;

**C
O
P
Y**



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

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

7 (1) are open to the inspection of the court hearing the petition for
8 adoption; and

9 (2) on order of the court, may be:

10 (A) introduced into evidence; and

11 (B) made a part of the record;

12 in the adoption proceeding.

13 SECTION 20. IC 31-19-19-4, AS AMENDED BY P.L.145-2006,
14 SECTION 255, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2011]: Sec. 4. All papers, records, and
16 information pertaining to the adoption, whether part of:

17 (1) the permanent record of the court; or

18 (2) a file in:

19 (A) the division of vital records;

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

21 (C) a licensed child placing agency; or

22 (D) a professional health care provider (as defined in
23 IC 34-6-2-117);

24 are confidential and may be disclosed only in accordance with
25 IC 31-19-17, this chapter, ~~or IC 31-19-25~~, **or IC 31-19-20 through**
26 **IC 31-19-25.5.**

27 SECTION 21. IC 31-19-19-5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) An employer or
29 any person administering adoption records who recklessly, knowingly,
30 or intentionally:

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

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

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

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

38 commits a Class A misdemeanor.

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

41 SECTION 22. IC 31-19-20-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. IC 31-19-19, this

C
o
p
y



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 23. 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 24. 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) Attorneys.**
- ~~(6)~~ **(7) Courts.**

SECTION 25. 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 26. 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 **individual's** or entity's possession only if:

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

C
o
p
y



- 1 (A) an adoptee who is an adult;
- 2 (B) a birth parent;
- 3 (C) an adoptive parent;
- 4 (D) the spouse or relative of a deceased adoptee; or
- 5 (E) the spouse or relative of a deceased birth parent; and
- 6 (2) the following ~~persons~~ **individuals** have submitted a written
- 7 consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to
- 8 the state registrar **or the individual or entity from whom the**
- 9 **identifying information is requested** that allows the release of
- 10 identifying information to the ~~person~~ **individual** requesting the
- 11 information:

- 12 (A) The adult adoptee.
- 13 (B) A birth parent.

14 (b) **If an individual requests the release of identifying**

15 **information under subsection (a) for an adoptee who is less than**

16 **twenty-one (21) years of age, the state registrar, the department,**

17 **a county office of family and children, a licensed child placing**

18 **agency, a professional health care provider, an attorney, and a**

19 **court may not release identifying information under this section**

20 **unless the adoptee's adoptive parent has submitted a written**

21 **consent for the release of identifying information.**

22 SECTION 27. IC 31-19-22-3 IS AMENDED TO READ AS

23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The consent of

24 a birth parent is not required for release of **identifying** information

25 under this chapter if ~~an affidavit~~ **the individual requesting the release**

26 **of the identifying information under section 2 of this chapter**

27 **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 a birth parent is deceased is submitted to the~~

33 ~~releasing agency that avers that individual or entity that would~~

34 ~~release the identifying information for each birth parent who is~~

35 ~~named on the adoptee's original birth certificate. is deceased.~~

36 (b) **Except as provided in subsection (c), the consent of an**

37 **adoptee is not required for the release of identifying information**

38 **under this chapter if the individual requesting the release of**

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

- 40 (1) the death certificate of the adoptee;
- 41 (2) an obituary for the adoptee; or
- 42 (3) any other form of evidence approved by the state

COPY



1 **department of health;**
2 **indicating that an adoptee is deceased to the person or entity**
3 **releasing the identifying information.**

4 **(c) The consent of an adoptee is required for the release of**
5 **identifying information under this chapter regardless of whether**
6 **the adoptee is deceased if the birth parent's parental rights were**
7 **involuntarily terminated.**

8 SECTION 28. IC 31-19-22-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~Whenever~~ **If an**
10 ~~adoptee or a birth parent~~ **individual** submits a written consent request
11 for the release of identifying information ~~under IC 31-19-21 (or~~
12 ~~IC 31-3-4-27 before its repeal);~~ **under section 2 of this chapter,** the
13 state registrar ~~may~~ **shall** search the death certificates in the state
14 registrar's possession regarding the related adoptee or a birth parent:

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

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

20 SECTION 29. IC 31-19-22-6 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. If, upon searching
22 the death certificates under section 4 of this chapter, the state registrar
23 finds that the adoptee or birth parent who has not yet submitted a
24 written consent is deceased, the state registrar shall inform the ~~related~~
25 ~~adoptee or birth parent~~ **individual** who submitted the written consent
26 **the request under IC 31-19-21 (or IC 31-3-4-27 before its repeal);** of
27 the death and:

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

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

32 SECTION 30. IC 31-19-22-7 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. ~~An adoptee or a birth~~
34 ~~parent who submits a written consent for the release of identifying~~
35 ~~information under IC 31-19-21 (or IC 31-3-4-27 before its repeal);~~
36 **individual listed in section 2(a)(1) of this chapter** may contact the:

37 (1) attorney;

38 (2) licensed child placing agency; or

39 (3) county office of family and children;

40 who arranged the adoption to request that the attorney, agency, or
41 county office of family and children contact the adoptee, ~~or~~ birth
42 parent, **or adoptive parent** whose consent is necessary before

C
o
p
y



1 identifying information may be released under this chapter.

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

9 (1) adoptee who:

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

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

14 (2) birth parent gives written consent;

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

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

18 **(1) the:**

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

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

22 **(2) the birth parent:**

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

36 SECTION 32. IC 31-19-22-10 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. This chapter does
38 not prohibit an adoptee who is at least twenty-one (21) years of age
39 from having access to identifying information as provided by
40 IC 31-19-25 **and IC 31-19-25.5.**

41 SECTION 33. IC 31-19-22-11 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a) An attorney,**

C
o
p
y



1 a licensed child placing agency, or a county office of family and
2 children may charge a reasonable fee for services performed or
3 actual expenses incurred under section 8 of this chapter.

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

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

15 SECTION 34. IC 31-19-22-12 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) An attorney may release**
18 **identifying information under this chapter only if the client**
19 **represented by the attorney in the adoption has submitted a**
20 **written consent to the release of identifying information to the**
21 **individual requesting the release of identifying information.**

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

26 SECTION 35. IC 31-19-24-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. (a) Any interested**
28 **person may file a petition with any court with probate jurisdiction in**
29 **Indiana requesting the release of:**

- 30 (1) **medical information**
- 31 (2) **nonidentifying information; or**
- 32 (3) **identifying information.**

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

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

- 37 (1) **The full name and current address of the petitioner.**
- 38 (2) **The adopted person's:**
 - 39 (A) **full name;**
 - 40 (B) **sex;**
 - 41 (C) **date of birth;**
 - 42 (D) **place of birth, if known; and**

C
o
p
y



- 1 (E) current address, if known.
- 2 (3) The county of the adoption proceeding, if known.
- 3 (4) The name and address of the agency that placed the adopted
- 4 person, if known.
- 5 (5) The full name and current address of the petitioners for
- 6 adoption, if any.
- 7 (6) The date of the adoption proceeding, if known.
- 8 (7) The full name and current address of the birth parents, if
- 9 known.
- 10 (8) The nature of the:
- 11 (A) medical;
- 12 (B) identifying; or
- 13 (C) nonidentifying;
- 14 information being sought.
- 15 (9) An affirmation:
- 16 (A) by an attending physician, if medical information is
- 17 sought, that indicates:
- 18 (i) the nature of the illness;
- 19 (ii) that the illness is believed to be hereditary or congenital;
- 20 or
- 21 (iii) why the information to be sought or shared is necessary
- 22 for diagnosis or treatment of any person;
- 23 (B) by the petitioner, if medical, identifying, or nonidentifying
- 24 information is sought, that sets forth the reasons why the
- 25 release of the information may be beneficial to the welfare of
- 26 the adoptee or birth parent; and
- 27 (C) that the medical, identifying, or nonidentifying information
- 28 sought:
- 29 (i) is not available through the state registrar; **or**
- 30 (ii) **is not allowed to be released by the state registrar.**
- 31 (10) A statement by the petitioner that the petitioner agrees to the
- 32 payment of:
- 33 (A) a reasonable fee for the services of a confidential
- 34 intermediary if a confidential intermediary is appointed under
- 35 section 2 of this chapter; and
- 36 (B) reasonable fees and any actual expenses of an attorney, a
- 37 child placing agency, or a professional health care provider (as
- 38 defined in IC 34-6-2-117) that is requested to search its
- 39 records and release information under sections 2 through 11 of
- 40 this chapter.
- 41 (11) A description of the medical, identifying, or nonidentifying
- 42 information being sought.

C
O
P
Y



1 SECTION 36. IC 31-19-24-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Upon the filing of a
3 petition under section 1 of this chapter, the court shall:

- 4 (1) establish that the state registrar:
 - 5 (A) has been served with notice of the petitioner's request for
 - 6 disclosure of information; and
 - 7 (B) has been afforded the opportunity to respond to the
 - 8 petitioner's request for disclosure of information; and
- 9 (2) appoint a confidential intermediary after consultation with the
- 10 state registrar or the state registrar's designee if the:
 - 11 (A) requirements of subdivision (1) are complied with; and
 - 12 (B) petitioner has shown:
 - 13 (i) an emergency medical need; ~~or~~
 - 14 (ii) good cause relating to the welfare of the adoptee or the
 - 15 birth parent;
 - 16 **(iii) an interest in having contact with a pre-adoptive**
 - 17 **sibling; or**
 - 18 **(iv) if the petitioner is a pre-adoptive sibling, an interest**
 - 19 **in having contact with an adoptee.**

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

24 SECTION 37. IC 31-19-24-3, AS AMENDED BY P.L.145-2006,
25 SECTION 259, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2011]: Sec. 3. Whenever the court appoints a
27 confidential intermediary under section 2(2) of this chapter, the court
28 shall do the following:

- 29 (1) Consider:
 - 30 (A) the highly emotional and personal issues relating to
 - 31 adoption;
 - 32 (B) the privacy rights of both birth parents, ~~and~~ adoptees, **and**
 - 33 **pre-adoptive siblings;**
 - 34 (C) the reasons the medical, identifying, or nonidentifying
 - 35 information is being sought under section 1 of this chapter;
 - 36 and
 - 37 (D) any irreparable harm to a birth parent, an adoptee, ~~or both,~~
 - 38 **or a pre-adoptive sibling** that may arise if appropriate
 - 39 consideration is not given to the issues described in clauses
 - 40 (A) through (C).
- 41 (2) Provide the confidential intermediary with an order
- 42 authorizing the confidential intermediary to search certain records

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- 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 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 38. 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;

C
o
p
y



- 1 (4) a licensed child placing agency;
- 2 (5) a professional health care provider; ~~(as defined in~~
- 3 ~~IC 34-6-2-117);~~
- 4 (6) the attorney who arranged the adoption; and
- 5 (7) a court;

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

14 SECTION 39. IC 31-19-25-2.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. If an individual requests the**
 17 **release of identifying information under section 2 of this chapter**
 18 **regarding an adoptee who is less than twenty-one (21) years of age,**
 19 **the state registrar, the department, a county office of family and**
 20 **children, a licensed child placing agency, a professional health care**
 21 **provider, an attorney, and a court may not release identifying**
 22 **information under this chapter unless the adoptee's adoptive**
 23 **parent has submitted a written consent for the release of**
 24 **identifying information.**

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

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

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

- 41 (1) The state registrar.
- 42 (2) The department.

C
o
p
y



1 (3) A county office of family and children.
 2 (4) A licensed child placing agency.
 3 (5) A professional health care provider.
 4 **(6) The attorney who arranged the adoption.**
 5 ~~(7)~~ (7) A court.
 6 ~~(d)~~ **(d) Except as provided in subsection (f), the nonrelease form**
 7 **filed under this section:**
 8 (1) remains in effect during the period indicated by the person
 9 submitting the form;
 10 (2) is renewable; and
 11 (3) may be withdrawn at any time by the person who submitted
 12 the form.
 13 ~~(e)~~ **(e) The nonrelease form is no longer in effect if the birth parent**
 14 **consents in writing to the release of identifying information and has not**
 15 **withdrawn that consent.**
 16 **(f) A nonrelease form is no longer in effect if the birth parent**
 17 **who filed the nonrelease form is deceased unless the nonrelease**
 18 **form specifically states that the nonrelease form remains in effect**
 19 **after the birth parent's death.**
 20 SECTION 41. IC 31-19-25-15 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: **Sec. 15. (a) Except as provided in**
 23 **subsection (b) or section 21 of this chapter, the consent of an**
 24 **adoptee is not required for the release of identifying information**
 25 **under this chapter if the individual requesting the release of**
 26 **identifying information under section 2 of this chapter submits:**
 27 (1) a death certificate;
 28 (2) an obituary, or
 29 (3) any other form of evidence approved by the state
 30 department of health;
 31 **indicating that a birth parent is deceased, to the person who would**
 32 **release the identifying information for each birth parent who is**
 33 **named on the adoptee's original birth certificate.**
 34 **(b) The consent of an adoptee is required for the release of**
 35 **identifying information under this chapter, regardless of whether**
 36 **the adoptee is deceased, if the birth parent's parental rights were**
 37 **involuntarily terminated.**
 38 SECTION 42. IC 31-19-25-16 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2011]: **Sec. 16. If an individual submits a**
 41 **request for the release of identifying information under section 2**
 42 **of this chapter, the state registrar shall search the death certificates**

COPY



1 in the state registrar's possession regarding:

2 (1) a related adoptee:

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

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

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

10 SECTION 43. IC 31-19-25-17 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) If, upon searching the
13 death certificates under section 16 of this chapter, the state
14 registrar finds that an adoptee or a birth parent is deceased, the
15 state registrar shall:

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

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

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

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

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

28 SECTION 44. IC 31-19-25-18 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: Sec. 18. An individual who submits a
31 request for the release of identifying information under section 2
32 of this chapter may contact:

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

34 (2) a licensed child placing agency; or

35 (3) the attorney who arranged the adoption;

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

40 SECTION 45. IC 31-19-25-19 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) Subject to section 21 of

C
O
P
Y



1 this chapter, upon a request described under section 18 of this
2 chapter, a county office of family and children, a licensed child
3 placing agency, or an attorney that contacts an adoptee may not
4 disclose identifying information unless the adoptee who:

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

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

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

12 (b) If:

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

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

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

27 SECTION 46. IC 31-19-25-20 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) A county office of family
30 and children, a licensed child placing agency, or an attorney may
31 charge a reasonable fee for services performed or actual expenses
32 incurred under section 19 of this chapter.

33 (b) The following individuals and entities may charge a
34 reasonable fee for actual expenses incurred in complying with this
35 chapter:

36 (1) A licensed child placing agency.

37 (2) The court.

38 (3) The department.

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

40 (5) A professional health care provider.

41 (6) An attorney.

42 (7) The state department of health.

C
o
p
y



1 SECTION 47. IC 31-19-25-21 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: **Sec. 21. (a) An attorney may release
4 identifying information under this chapter only if the client that the
5 attorney represented in the adoption has submitted a written
6 consent to the release of the identifying information to the
7 individual requesting the identifying information.**

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

12 SECTION 48. IC 31-19-25.5 IS ADDED TO THE INDIANA
13 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]:

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

17 **Sec. 1. Except as provided under sections 6 and 7 of this chapter,
18 this chapter applies to:**

- 19 (1) adoptees; and
- 20 (2) pre-adoptive siblings;

21 **who are at least twenty-one (21) years of age.**

22 **Sec. 2. (a) An adoptee may submit a written request to the state
23 registrar that includes the following:**

- 24 (1) A statement that the adoptee has an interest in having
25 contact with any pre-adoptive siblings of the adoptee.
- 26 (2) A statement that authorizes the state registrar to release
27 the name and present location of the adoptee to any
28 pre-adoptive sibling of the adoptee who submits a similar
29 request.

30 **(b) A pre-adoptive sibling of an adoptee may submit a written
31 request to the state registrar that includes the following:**

- 32 (1) A statement that the pre-adoptive sibling has an interest
33 in having contact with the adoptee.
- 34 (2) A statement that authorizes the state registrar to release
35 the name and present location of the pre-adoptive sibling to
36 the adoptee if the adoptee has submitted a similar request.

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

41 **(b) If a pre-adoptive sibling of an adoptee submits a written
42 request to the state registrar under section 2 of this chapter, the**

**C
o
p
y**



1 state registrar shall determine whether an adoptee has submitted
2 a similar request.

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

5 (b) Except as provided under subsections (d) and (e), the state
6 registrar shall release the name and address of a pre-adoptive
7 sibling to an adoptee who submits a written request under section
8 2 of this chapter if the following requirements are satisfied:

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

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

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

19 (1) An adoptee has submitted a written request under section
20 2 of this chapter.

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

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

27 (1) a death certificate;

28 (2) an obituary; or

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

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

34 (e) The state registrar shall search the death certificates in the
35 state registrar's possession regarding a birth parent if an adoptee
36 and a pre-adoptive sibling of the adoptee have submitted written
37 requests to be in contact. If the state registrar determines that a
38 birth parent is deceased, the consent of the birth parent who is
39 deceased is not required for the release of the information under
40 this section.

41 (f) If the state registrar is prohibited under this section from
42 releasing the name and address of a pre-adoptive sibling or an

C
O
P
Y



1 adoptee, the state registrar shall provide information on requesting
 2 the release of adoption information under IC 31-19-24 to the
 3 adoptee or pre-adoptive sibling requesting the release of the
 4 information.

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

7 (b) Except as provided under subsections (d) and (e), the state
 8 registrar shall release the name and address of a pre-adoptive
 9 sibling to an adoptee who submits a written request under section
 10 2 of this chapter if:

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

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

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

19 (1) the adoptee has submitted a written request under section
 20 2 of this chapter; and

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

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

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

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

29 (A) a death certificate;

30 (B) an obituary; or

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

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

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

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

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

42 (f) Except as provided under subsection (g), if, upon searching

C
O
P
Y



1 the death certificates under subsection (e), the state registrar finds
2 that a birth parent is deceased, the state registrar shall:

- 3 (1) inform the adoptee and pre-adoptive sibling of the death;
- 4 and
- 5 (2) release the information if additional consent is not
- 6 required by this chapter.

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

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

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

18 Sec. 6. (a) If:

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

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

28 (b) If:

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

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

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

41 (b) The state registrar shall release information concerning the
42 name and present location of an adult pre-adoptive sibling to the

C
o
p
y



1 adoptive parents if the pre-adoptive sibling submitted a written
2 request under section 2 of this chapter.

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

5 (1) Search the sealed adoption records for information
6 concerning the pre-adoptive sibling of the adoptee.

7 (2) Release information to the adoptive parents only if a
8 pre-adoptive sibling who is at least twenty-one (21) years of
9 age consents to the release of the information.

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

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

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

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

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

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

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

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

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

34 Sec. 9. A person may withdraw a:

35 (1) request by the person submitted under section 2 of this
36 chapter; or

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

39 by submitting a statement to withdrawal the request or consent
40 signed by the person to the state registrar.

41 Sec. 10. The state registrar may contact a person who submits
42 a request or consent that is incorrectly or incompletely executed to

C
o
p
y



1 **inform the person regarding the error in the execution of the**
2 **request or consent.**

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

5 SECTION 49. THE FOLLOWING ARE REPEALED [EFFECTIVE
6 JULY 1, 2011]: IC 31-19-22-5; IC 31-19-22-9; IC 31-19-25-6;
7 IC 31-19-25-7; IC 31-19-25-8; IC 31-19-25-9; IC 31-19-25-10;
8 IC 31-19-25-14.

C
O
P
Y

