



January 11, 2012

# HOUSE BILL No. 1019

DIGEST OF HB 1019 (Updated January 11, 2012 12:13 pm - DI 107)

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

**Synopsis:** Adoption history information. Allows a relative of an adoptee or a pre-adoptive sibling to obtain medical history information and to file a petition with an appropriate court to request the release of medical information, nonidentifying information, or identifying information. Requires that a petition requesting release of medical, nonidentifying, or identifying information must include the reasons why the release of information may be beneficial to the interested person. (Current law requires that the petition must include reasons why the release of information may be beneficial to the adoptee or birth parent.) Requires the court to appoint a confidential intermediary if certain requirements are met and the petitioner has shown an emergency medical need or good cause relating to the welfare of an adoptee, a birth parent, an adoptive parent, a relative of a birth parent, a relative of an adoptive parent, a relative of an adoptee, a pre-adoptive sibling, the department of child services or a county office of family and children, an adoption agency, or a court. (Current law requires the court to appoint a confidential intermediary if certain requirements are met and the petitioner has shown an emergency medical need or good cause relating to the welfare of an adoptee or birth parent.)

**Effective:** July 1, 2012.

**Karickhoff**

January 9, 2012, read first time and referred to Committee on Family, Children and Human Affairs.  
January 11, 2012, amended, reported — Do Pass.

HB 1019—LS 6107/DI 110+



C  
O  
P  
Y

January 11, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1019

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 31-9-2-64, AS AMENDED BY P.L.145-2006,  
2 SECTION 198, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: Sec. 64. "Interested person", for  
4 purposes of IC 31-19-20 and IC 31-19-24, means any of the following:  
5 (1) An adoptee.  
6 (2) A birth parent.  
7 (3) An adoptive parent.  
8 (4) A relative of a birth parent.  
9 (5) A relative of an adoptive parent.  
10 (6) **A relative of an adoptee.**  
11 (7) **A pre-adoptive sibling (as defined in section 93 of this**  
12 **chapter).**  
13 ~~(8)~~ (8) The department or a county office of family and children.  
14 ~~(7)~~ (9) An adoption agency.  
15 ~~(8)~~ (10) A court.  
16 SECTION 2. IC 31-19-24-1, AS AMENDED BY P.L.191-2011,  
17 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1019—LS 6107/DI 110+



1 JULY 1, 2012]: Sec. 1. (a) Any interested person may file a petition  
 2 with any court with probate jurisdiction in Indiana requesting the  
 3 release of:

- 4 (1) medical information;  
 5 (2) nonidentifying information; or  
 6 (3) identifying information;

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

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

- 11 (1) The full name and current address of the petitioner.  
 12 (2) The adopted person's:  
 13 (A) full name;  
 14 (B) sex;  
 15 (C) date of birth;  
 16 (D) place of birth, if known; and  
 17 (E) current address, if known.  
 18 (3) The county of the adoption proceeding, if known.  
 19 (4) The name and address of the agency that placed the adopted  
 20 person, if known.  
 21 (5) The full name and current address of the petitioners for  
 22 adoption, if any.  
 23 (6) The date of the adoption proceeding, if known.  
 24 (7) The full name and current address of the birth parents, if  
 25 known.  
 26 (8) The nature of the:  
 27 (A) medical;  
 28 (B) identifying; or  
 29 (C) nonidentifying;  
 30 information being sought.  
 31 (9) An affirmation:  
 32 (A) by an attending physician, if medical information is  
 33 sought, that indicates:  
 34 (i) the nature of the illness;  
 35 (ii) that the illness is believed to be hereditary or congenital;  
 36 or  
 37 (iii) why the information to be sought or shared is necessary  
 38 for diagnosis or treatment of any person;  
 39 (B) by the petitioner, if medical, identifying, or nonidentifying  
 40 information is sought, that sets forth the reasons why the  
 41 release of the information may be beneficial to the welfare of  
 42 the adoptee, or birth parent; any interested person; and

C  
 O  
 P  
 Y



- 1 (C) that the medical, identifying, or nonidentifying information  
 2 sought:
- 3 (i) is not available through the state registrar; or  
 4 (ii) is not allowed to be released by the state registrar.
- 5 (10) A statement by the petitioner that the petitioner agrees to the  
 6 payment of:
- 7 (A) a reasonable fee for the services of a confidential  
 8 intermediary if a confidential intermediary is appointed under  
 9 section 2 of this chapter; and  
 10 (B) reasonable fees and any actual expenses of an attorney, a  
 11 child placing agency, or a professional health care provider (as  
 12 defined in IC 34-6-2-117) that is requested to search its  
 13 records and release information under sections 2 through 11 of  
 14 this chapter.
- 15 (11) A description of the medical, identifying, or nonidentifying  
 16 information being sought.
- 17 SECTION 3. IC 31-19-24-2, AS AMENDED BY P.L.191-2011,  
 18 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2012]: Sec. 2. Upon the filing of a petition under section 1 of  
 20 this chapter, the court shall:
- 21 (1) establish that the state registrar:
- 22 (A) has been served with notice of the petitioner's request for  
 23 disclosure of information; and  
 24 (B) has been afforded the opportunity to respond to the  
 25 petitioner's request for disclosure of information; and
- 26 (2) appoint a confidential intermediary after consultation with the  
 27 state registrar or the state registrar's designee if the:
- 28 (A) requirements of subdivision (1) are complied with; and  
 29 (B) petitioner has shown:
- 30 (i) an emergency medical need; **or**  
 31 (ii) good cause relating to the welfare of ~~the adoptee or the~~  
 32 **birth parent; any interested person.**  
 33 ~~(iii) an interest in having contact with a pre-adoptive sibling;~~  
 34 ~~or~~  
 35 ~~(iv) if the petitioner is a pre-adoptive sibling, an interest in~~  
 36 ~~having contact with an adoptee.~~
- 37 A confidential intermediary appointed under subdivision (2) may be  
 38 any person who the court reasonably believes is competent to carry out  
 39 the responsibilities described in section 3 of this chapter and meets the  
 40 qualifications under section 14 of this chapter.

C  
o  
p  
y

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1019, 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, line 42, strike "the adoptee,".

Page 2, line 42, delete "pre-adoptive sibling,".

Page 2, line 42, strike "or birth parent;" and insert "**any interested person;**".

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 3. IC 31-19-24-2, AS AMENDED BY P.L.191-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. Upon the filing of a petition under section 1 of this chapter, the court shall:

- (1) establish that the state registrar:
  - (A) has been served with notice of the petitioner's request for disclosure of information; and
  - (B) has been afforded the opportunity to respond to the petitioner's request for disclosure of information; and
- (2) appoint a confidential intermediary after consultation with the state registrar or the state registrar's designee if the:
  - (A) requirements of subdivision (1) are complied with; and
  - (B) petitioner has shown:
    - (i) an emergency medical need; **or**
    - (ii) good cause relating to the welfare of ~~the adoptee or the birth parent;~~ **any interested person.**
    - ~~(iii) an interest in having contact with a pre-adoptive sibling;~~
    - or**
    - ~~(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."

and when so amended that said bill do pass.

(Reference is to HB 1019 as introduced.)

NOE, Chair

Committee Vote: yeas 11, nays 0.

HB 1019—LS 6107/DI 110+



C  
O  
P  
Y