



April 5, 2013

**ENGROSSED  
HOUSE BILL No. 1029**

DIGEST OF HB 1029 (Updated April 3, 2013 10:01 am - DI 106)

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

**Synopsis:** Adoption history information. Adds a relative of an adoptee and a pre-adoptive sibling to the list of interested persons who may obtain medical history information and 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 an adoptee, birth parent, relative of an adoptee, or relative of a birth parent. (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, birth parent, relative of an adoptee, or relative of a birth parent. (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, 2013.

**Negele, Karickhoff, Klinker**

(SENATE SPONSORS — GLICK, RANDOLPH)

January 7, 2013, read first time and referred to Committee on Judiciary.  
January 29, 2013, amended, reported — Do Pass.  
January 31, 2013, read second time, ordered engrossed. Engrossed.  
February 4, 2013, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Judiciary.  
April 4, 2013, reported favorably — Do Pass.

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EH 1029—LS 6373/DI 110+



April 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1029

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, 2013]: 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

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1 JULY 1, 2013]: 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 a birth parent, a relative of an adoptee, or a~~

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1           **relative of a birth parent;** and  
2           (C) that the medical, identifying, or nonidentifying information  
3           sought:  
4           (i) is not available through the state registrar; or  
5           (ii) is not allowed to be released by the state registrar.  
6           (10) A statement by the petitioner that the petitioner agrees to the  
7           payment of:  
8           (A) a reasonable fee for the services of a confidential  
9           intermediary if a confidential intermediary is appointed under  
10           section 2 of this chapter; and  
11           (B) reasonable fees and any actual expenses of an attorney, a  
12           child placing agency, or a professional health care provider (as  
13           defined in IC 34-6-2-117) that is requested to search its  
14           records and release information under sections 2 through 11 of  
15           this chapter.  
16           (11) A description of the medical, identifying, or nonidentifying  
17           information being sought.  
18           SECTION 3. IC 31-19-24-2, AS AMENDED BY P.L.191-2011,  
19           SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20           JULY 1, 2013]: Sec. 2. Upon the filing of a petition under section 1 of  
21           this chapter, the court shall:  
22           (1) establish that the state registrar:  
23           (A) has been served with notice of the petitioner's request for  
24           disclosure of information; and  
25           (B) has been afforded the opportunity to respond to the  
26           petitioner's request for disclosure of information; and  
27           (2) appoint a confidential intermediary after consultation with the  
28           state registrar or the state registrar's designee if the:  
29           (A) requirements of subdivision (1) are complied with; and  
30           (B) petitioner has shown:  
31           (i) an emergency medical need;  
32           (ii) good cause relating to the welfare of the adoptee, ~~or the~~  
33           **a birth parent, a relative of an adoptee, or a relative of a**  
34           **birth parent;**  
35           (iii) an interest in having contact with a pre-adoptive sibling;  
36           or  
37           (iv) if the petitioner is a pre-adoptive sibling, an interest in  
38           having contact with an adoptee.  
39           A confidential intermediary appointed under subdivision (2) may be  
40           any person who the court reasonably believes is competent to carry out  
41           the responsibilities described in section 3 of this chapter and meets the  
42           qualifications under section 14 of this chapter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1029, 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, reset in roman "the adoptee,".

Page 2, line 42, after "or" insert "a".

Page 2, line 42, delete "birth parent;" and insert "birth parent".

Page 2, line 42, delete "any interested person;" and insert ", **a relative of an adoptee, or a relative of a birth parent;**".

Page 3, line 30, delete "or".

Page 3, line 31, reset in roman "the adoptee".

Page 3, line 31, after "adoptee" insert ",".

Page 3, line 31, after "or the" insert "a".

Page 3, line 32, delete "birth parent;" and insert "birth parent,".

Page 3, line 32, delete "any interested person." and insert "**a relative of an adoptee, or a relative of a birth parent;**".

Page 3, reset in roman lines 33 through 36.

and when so amended that said bill do pass.

(Reference is to HB 1029 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 10, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1029, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1029 as printed January 29, 2013.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

EH 1029—LS 6373/DI 110+



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