January 29, 2013

HOUSE BILL No. 1029

DIGEST OF HB 1029 (Updated January 28, 2013 2:36 pm - DI 107)

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

January 7, 2013, read first time and referred to Committee on Judiciary.
January 29, 2013, amended, reported — Do Pass.

C o p y

January 29, 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.

C o p y

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:

SECTION 1. IC 31-9-2-64, AS AMENDED BY P.L.145-2006, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

(1) An adoptee.
(2) A birth parent.
(3) An adoptive parent.
(4) A relative of a birth parent.
(5) A relative of an adoptive parent.
(6) A relative of an adoptee.
(7) A pre-adoptive sibling (as defined in section 93 of this chapter).
~~(6)~~ **(8)** The department or a county office of family and children.
~~(7)~~ **(9)** An adoption agency.
~~(8)~~ **(10)** A court.

SECTION 2. IC 31-19-24-1, AS AMENDED BY P.L.191-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2013]: Sec. 1. (a) Any interested person may file a petition with any court with probate jurisdiction in Indiana requesting the release of:

(1) medical information;

(2) nonidentifying information; or

(3) identifying information;

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

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

(1) The full name and current address of the petitioner.

(2) The adopted person's:

(A) full name;

(B) sex;

(C) date of birth;

(D) place of birth, if known; and

(E) current address, if known.

(3) The county of the adoption proceeding, if known.

(4) The name and address of the agency that placed the adopted person, if known.

(5) The full name and current address of the petitioners for adoption, if any.

(6) The date of the adoption proceeding, if known.

(7) The full name and current address of the birth parents, if known.

(8) The nature of the:

(A) medical;

(B) identifying; or

(C) nonidentifying;

information being sought.

(9) An affirmation:

(A) by an attending physician, if medical information is sought, that indicates:

(i) the nature of the illness;

(ii) that the illness is believed to be hereditary or congenital; or

(iii) why the information to be sought or shared is necessary for diagnosis or treatment of any person;

(B) by the petitioner, if medical, identifying, or nonidentifying information is sought, that sets forth the reasons why the release of the information may be beneficial to the welfare of the adoptee, ~~or~~ **a** birth parent, **a relative of an adoptee, or a**

C o p y

relative of a birth parent; and

(C) that the medical, identifying, or nonidentifying information sought:

(i) is not available through the state registrar; or

(ii) is not allowed to be released by the state registrar.

(10) A statement by the petitioner that the petitioner agrees to the payment of:

(A) a reasonable fee for the services of a confidential intermediary if a confidential intermediary is appointed under section 2 of this chapter; and

(B) reasonable fees and any actual expenses of an attorney, a child placing agency, or a professional health care provider (as defined in IC 34-6-2-117) that is requested to search its records and release information under sections 2 through 11 of this chapter.

(11) A description of the medical, identifying, or nonidentifying information being sought.

SECTION 3. IC 31-19-24-2, AS AMENDED BY P.L.191-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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;

(ii) good cause relating to the welfare of the adoptee, ~~or the~~ **a** birth parent, **a relative of an adoptee, or a relative of a birth parent;**

(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.

C o p y

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.

C o p y