

SENATE BILL No. 91

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-19; IC 34-30-2-133.7.

Synopsis: Release of identifying adoption information. Repeals, effective January 1, 2017, provisions applicable to adoptions finalized before January 1, 1994, that prohibit the release of identifying adoption information unless a consent to release the information is on file. Provides that, beginning January 1, 2017, identifying adoption information may be released unless a nonrelease form is on file, regardless of when the adoption was filed. (Under current law, this provision applies only to adoptions filed after December 31, 1993.) Replaces a nonrelease form with a contact preference form. Provides that a nonrelease form submitted before January 1, 2017, remains in effect unless the form lapses. (The introduced version of this bill was prepared by the interim study committee on courts and the judiciary.)

Effective: January 1, 2017.

Steele

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 91

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 31-9-2-23.8 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2017]: **Sec. 23.8. "Contact preference form" means**
- 4 **the form prescribed by the state registrar under IC 31-19-25-4.6.**
- 5 SECTION 2. IC 31-9-2-89, AS AMENDED BY P.L.206-2015,
- 6 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JANUARY 1, 2017]: Sec. 89. (a) "Person", for purposes of
- 8 IC 31-19-19, ~~IC 31-19-22~~, IC 31-19-25, and the juvenile law, means:
- 9 (1) a human being;
- 10 (2) a corporation;
- 11 (3) a limited liability company;
- 12 (4) a partnership;
- 13 (5) an unincorporated association; or
- 14 (6) a governmental entity.
- 15 (b) "Person", for purposes of section 44.5 of this chapter, means an
- 16 adult or a minor.
- 17 (c) "Person", for purposes of IC 31-27, means an individual who is



1 at least twenty-one (21) years of age, a corporation, a partnership, a
2 voluntary association, or other entity.

3 (d) "Person", for purposes of the Uniform Child Custody
4 Jurisdiction Act under IC 31-21, has the meaning set forth in
5 IC 31-21-2-13.

6 (e) "Person", for purposes of the Uniform Interstate Family Support
7 Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

8 SECTION 3. IC 31-9-2-97.4, AS ADDED BY P.L.191-2011,
9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2017]: Sec. 97.4. "Professional health care provider", for
11 purposes of ~~IC 31-19-22~~ and IC 31-19-25, has the meaning set forth in
12 IC 34-6-2-117.

13 SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.104-2015,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2017]: Sec. 107. (a) "Relative", for purposes of
16 IC 31-19-18 ~~IC 31-19-22~~, and IC 31-19-25, means:

- 17 (1) an adoptive or whole blood related parent;
- 18 (2) a sibling; or
- 19 (3) a child.

20 (b) "Relative", for purposes of IC 31-34-3, means:

- 21 (1) a maternal or paternal grandparent;
- 22 (2) an adult aunt or uncle;
- 23 (3) a parent of a child's sibling if the parent has legal custody of
24 the sibling; or
- 25 (4) any other adult relative suggested by either parent of a child.

26 (c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4,
27 IC 31-34-19, and IC 31-37, means any of the following in relation to a
28 child:

- 29 (1) A parent.
- 30 (2) A grandparent.
- 31 (3) A brother.
- 32 (4) A sister.
- 33 (5) A stepparent.
- 34 (6) A stepgrandparent.
- 35 (7) A stepbrother.
- 36 (8) A stepsister.
- 37 (9) A first cousin.
- 38 (10) An uncle.
- 39 (11) An aunt.
- 40 (12) Any other individual with whom a child has an established
41 and significant relationship.

42 SECTION 5. IC 31-19-9-6, AS AMENDED BY P.L.191-2011,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2017]: Sec. 6. The individual who or agency that
3 arranges for the signing of a consent to adoption shall provide each
4 birth parent whose consent to adoption is obtained under this chapter
5 with the following:

6 (1) An explanation concerning the following:

7 (A) The availability of adoption history information under
8 IC 31-19-17 through IC 31-19-25.5.

9 (B) The birth parent's option to file a **nonrelease contact**
10 **preference** form with the state registrar if the birth parent
11 seeks to restrict the release of identifying information.

12 (C) That identifying information may be released unless the
13 birth parent files the **nonrelease contact preference** form with
14 the state registrar **indicating the birth parent's lack of**
15 **consent to the release of identifying information.**

16 (2) A **nonrelease contact preference** form prescribed by the state
17 registrar under ~~IC 31-19-25-4~~. **IC 31-19-25-4.6.**

18 SECTION 6. IC 31-19-9-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. Upon request,
20 the state registrar shall provide an individual or agency with a
21 **nonrelease contact preference** form required by section 6(2) of this
22 chapter.

23 SECTION 7. IC 31-19-20-4, AS AMENDED BY P.L.191-2011,
24 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2017]: Sec. 4. IC 31-19-19, this chapter, and
26 ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-25.5 do not restrict a
27 provider (as defined in IC 16-18-2-295) from releasing medical records
28 to an attorney or agency arranging an adoption if the provider receives
29 the appropriate authorization under IC 16-39-1.

30 SECTION 8. IC 31-19-21-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) ~~A person~~
32 ~~who has transmitted identifying or nonidentifying information under~~
33 ~~IC 31-19-18-2~~ **An:**

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

35 **(2) adoptive parent of an adoptee who is less than twenty-one**
36 **(21) years of age;**

37 may consent to the release of identifying information concerning the
38 **person adoptee** in a signed writing.

39 (b) The consent described in subsection (a) must identify the
40 persons to whom the information may be released.

41 SECTION 9. IC 31-19-21-3, AS AMENDED BY P.L.191-2011,
42 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2017]: Sec. 3. A holder of information that receives a
 2 consent made under this chapter (or IC 31-3-4-27 before its repeal)
 3 may release identifying and nonidentifying information only in
 4 conformity with:

- 5 (1) the last version of the consent filed with the holder; and
- 6 (2) ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5.

7 SECTION 10. IC 31-19-21-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. The state
 9 registrar may contact a **person an adoptee or adoptive parent** who
 10 submits a written consent under this chapter that is:

- 11 (1) incompletely; or
- 12 (2) inaccurately;

13 executed to inform the **person adoptee or adoptive parent** regarding
 14 the error in the execution of the consent form.

15 SECTION 11. IC 31-19-21-6, AS AMENDED BY P.L.191-2011,
 16 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2017]: Sec. 6. The following persons shall provide for
 18 the storage and indexing of consents made under this chapter to carry
 19 out ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5:

- 20 (1) The state registrar.
- 21 (2) The department.
- 22 (3) County offices of family and children.
- 23 (4) Licensed child placing agencies.
- 24 (5) Professional health care providers (as defined in
 25 IC 34-6-2-117).
- 26 (6) Courts.

27 SECTION 12. IC 31-19-22 IS REPEALED [EFFECTIVE
 28 JANUARY 1, 2017]. (Release of Identifying Information).

29 SECTION 13. IC 31-19-25-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. **Before**
 31 **January 1, 2017**, this chapter applies to **all** adoptions that are filed
 32 after December 31, 1993. **Beginning January 1, 2017, this chapter**
 33 **applies to all adoptions, regardless of the date the adoption was**
 34 **filed.**

35 SECTION 14. IC 31-19-25-3, AS AMENDED BY P.L.128-2012,
 36 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2017]: Sec. 3. (a) A birth parent may restrict access to
 38 identifying information concerning the birth parent by filing a **written**
 39 **nonrelease contact preference** form with the state registrar that
 40 evidences the birth parent's lack of consent to the release of identifying
 41 information under this chapter.

42 (b) A person who arranges for the signing of a consent to adoption



1 shall provide the birth parent with a **nonrelease contact preference**
 2 form and the explanation described in IC 31-19-9-6.

3 (c) Except as provided in sections 15 and 17 of this chapter, the
 4 following persons may not release any identifying information
 5 concerning a birth parent to an individual requesting the release of
 6 identifying information under section 2 of this chapter if a **nonrelease**
 7 **contact preference form that evidences the birth parent's lack of**
 8 **consent to the release of identifying information** is in effect at the
 9 time of the request for identifying information:

- 10 (1) The state registrar.
- 11 (2) The department.
- 12 (3) A local office.
- 13 (4) A licensed child placing agency.
- 14 (5) A professional health care provider.
- 15 (6) The attorney who arranged the adoption.
- 16 (7) A court.

17 (d) Except as provided in subsection (f), the **nonrelease contact**
 18 **preference form** filed under this section

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

24 **until the birth parent who filed the contact preference form files a**
 25 **new contact preference form.**

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

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

34 SECTION 15. IC 31-19-25-3.5, AS AMENDED BY P.L.128-2012,
 35 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2017]: Sec. 3.5. The following persons shall send a copy
 37 of a **written nonrelease contact preference** form received by the
 38 person from a birth parent to the state registrar:

- 39 (1) The department.
- 40 (2) A local office.
- 41 (3) A licensed child placing agency.
- 42 (4) A professional health care provider.



1 (5) An attorney.

2 (6) A court.

3 SECTION 16. IC 31-19-25-4 IS REPEALED [EFFECTIVE
4 JANUARY 1, 2017]. Sec. 4. The state registrar shall prescribe the
5 nonrelease form described in section 3 of this chapter. In prescribing
6 the nonrelease form, the state registrar shall devise the form in a
7 manner that indicates that the birth parent's lack of consent to the
8 release of identifying information is to remain in effect for the time
9 indicated by the birth parent. The form must:

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

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

18 SECTION 17. IC 31-19-25-4.4 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JANUARY 1, 2017]: Sec. 4.4. (a) **Notwithstanding any
21 other law, a nonrelease form that:**

22 (1) indicates the birth parent's lack of consent to the release
23 of identifying information; and

24 (2) was submitted by a birth parent before January 1, 2017;
25 remains in effect for the time indicated by the birth parent on the
26 nonrelease form.

27 (b) Unless a birth parent has indicated on the nonrelease form
28 that the birth parent does not desire the state registrar to send
29 notice to the birth parent at the time that the birth parent's
30 nonrelease form lapses, the state registrar shall mail a notice to a
31 birth parent who submitted a nonrelease form as described in
32 subsection (a) at least ninety (90) days before the birth parent's
33 nonrelease form lapses indicating that:

34 (1) the nonrelease form will lapse; and

35 (2) if the birth parent prefers not to be contacted by a person
36 requesting identifying information, the birth parent must file
37 a contact preference form indicating that the birth parent
38 does not want to be contacted.

39 (c) A nonrelease form is no longer in effect if the birth parent
40 consents in writing to the release of identifying information and
41 has not withdrawn that consent.

42 (d) A nonrelease form is no longer in effect if the birth parent



1 who filed the nonrelease form is deceased unless the nonrelease
 2 form specifically states that the nonrelease form remains in effect
 3 after the birth parent's death.

4 SECTION 18. IC 31-19-25-4.6 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2017]: Sec. 4.6. (a) The state registrar
 7 shall prescribe a contact preference form for birth parents. The
 8 form must include the following:

9 (1) A component in which a birth parent is to indicate one (1)
 10 of the following with regard to a person that requests
 11 identifying information:

12 (A) That the birth parent welcomes the person to contact
 13 the birth parent directly and authorizes the release of
 14 identifying information.

15 (B) That the birth parent prefers that the birth parent be
 16 contacted through an intermediary and does not authorize
 17 the release of identifying information directly to the
 18 person.

19 (C) That the birth parent prefers that the person not
 20 contact the birth parent directly or through an
 21 intermediary and does not authorize the release of
 22 identifying information.

23 (D) That the birth parent:

24 (i) prefers that the person not contact the birth parent as
 25 provided under clause (C); but

26 (ii) welcomes the state registrar to contact the birth
 27 parent to request that the birth parent update the birth
 28 parent's medical information.

29 (2) A component in which a birth parent who prefers to be
 30 contacted through an intermediary as provided under
 31 subdivision (1)(B) may designate a third party to act as the
 32 intermediary for the birth parent.

33 (3) Provisions necessary for the state registrar to be able to
 34 identify the adoption file of the adoptee to whom the form
 35 pertains.

36 (4) A notice that the birth parent may change the birth
 37 parent's indicated preference regarding contact by filing a
 38 new contact preference form with the state registrar.

39 (5) A notice that an adoptee who does not know which court
 40 entered the adoption decree regarding the adoptee may seek
 41 assistance from the state registrar.

42 (b) The state registrar may accept a completed contact



1 preference form from a birth parent only if the birth parent
 2 provides to the state registrar one (1) item of identification of the
 3 birth parent.

4 (c) Except as provided in subsection (f), a contact preference
 5 form submitted by a birth parent to the state registrar does not
 6 lapse.

7 (d) If a birth parent has previously completed and submitted a
 8 contact preference form, the state registrar shall replace the birth
 9 parent's previous contact preference form with the birth parent's
 10 new contact preference form.

11 (e) A birth parent may file a completed contact preference form
 12 with the state registrar to change the birth parent's indicated
 13 preference regarding contact as many times as the birth parent
 14 wishes.

15 (f) A contact preference form is no longer in effect if the birth
 16 parent who filed the contact preference form is deceased, unless the
 17 contact preference form specifically states that the contact
 18 preference form remains in effect after the birth parent's death.

19 SECTION 19. IC 31-19-25-4.8 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2017]: Sec. 4.8. (a) If a birth parent
 22 indicates that the birth parent prefers to be contacted through an
 23 intermediary as described in section 4.6(a)(1)(B) of this chapter,
 24 the state registrar shall:

25 (1) attempt to make personal contact with the third party
 26 designated by the birth parent under section 4.6(a)(2) of this
 27 chapter; or

28 (2) attempt to make personal contact with the birth parent if
 29 the birth parent did not designate a third party as the birth
 30 parent's intermediary under section 4.6(a)(2) of this chapter.

31 (b) At the time that the state registrar makes contact with a:

32 (1) birth parent; or

33 (2) third party designated by the birth parent;

34 the state registrar shall request that the birth parent update the
 35 birth parent's medical information with the state registrar.

36 (c) If the birth parent indicates that the birth parent welcomes
 37 the state registrar to contact the birth parent for the purpose of
 38 updating medical information as provided in section 4.6(a)(1)(D)
 39 of this chapter, the state registrar shall attempt to make personal
 40 contact with the birth parent to request that the birth parent
 41 update the birth parent's medical information.

42 (d) All communications by the state registrar under this section



1 **are confidential.**

2 **(e) The state registrar discharging in good faith the**
 3 **responsibilities under this section is immune from all civil and**
 4 **criminal liability that otherwise might result.**

5 SECTION 20. IC 31-19-25-5 IS REPEALED [EFFECTIVE
 6 JANUARY 1, 2017]. Sec. 5: Except as provided under section 4 of this
 7 chapter, the state registrar shall mail a notice to a birth parent who
 8 submits a nonrelease form under section 3 of this chapter within ninety
 9 (90) days before the birth parent's nonrelease form lapses. The notice:

10 (1) shall be mailed to the most recent address of the birth parent
 11 that has been supplied to the state registrar; and

12 (2) must indicate:

13 (A) the date upon which the form is to lapse; and

14 (B) that the nonrelease form is renewable.

15 SECTION 21. IC 31-19-25-11 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11. The state
 17 registrar shall provide for the storage and indexing of requests and
 18 **nonrelease contact preference** forms under this chapter.

19 SECTION 22. IC 31-19-25-12, AS AMENDED BY P.L.191-2011,
 20 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2017]: Sec. 12. The state registrar may contact an
 22 individual who submits a request form or **nonrelease contact**
 23 **preference** form that is incorrectly or incompletely executed to inform
 24 the individual regarding the error in the execution of the form.

25 SECTION 23. IC 31-19-25-13, AS AMENDED BY P.L.128-2012,
 26 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2017]: Sec. 13. (a) The following persons may charge a
 28 reasonable fee for actual expenses incurred in complying with this
 29 chapter:

30 (1) A licensed child placing agency.

31 (2) The court.

32 (3) The department.

33 (4) A local office.

34 (5) A professional health care provider.

35 (6) The state department of health, except as provided in
 36 subsection (b).

37 (b) The state department of health may not charge a fee for filing a
 38 **nonrelease contact preference** form under this chapter.

39 SECTION 24. IC 31-19-25-16, AS ADDED BY P.L.191-2011,
 40 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2017]: Sec. 16. If an individual submits a request for the
 42 release of identifying information under section 2 of this chapter, the



1 state registrar shall search the death certificates in the state registrar's
2 possession regarding:

3 (1) a related adoptee:

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

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

9 (2) a birth parent who has filed a written nonrelease form ~~under~~
10 ~~section 3 of this chapter.~~ **(before January 1, 2017) or a contact**
11 **preference form (after December 31, 2016).**

12 SECTION 25. IC 31-19-25-17, AS ADDED BY P.L.191-2011,
13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2017]: Sec. 17. (a) If, upon searching the death
15 certificates under section 16 of this chapter, the state registrar finds that
16 an adoptee or a birth parent is deceased, the state registrar shall:

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

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

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

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

25 (2) a birth parent if a ~~nonrelease contact preference~~ form
26 submitted by the birth parent **that evidences the birth parent's**
27 **lack of consent to the release of identifying information**
28 **specifically states that the nonrelease contact preference** form
29 remains in effect after the birth parent's death.

30 SECTION 26. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE
31 JANUARY 1, 2017]. Sec. 4. (a) ~~This section applies to adoptions that~~
32 ~~are filed before January 1, 1994.~~

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

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

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

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



1 registrar shall release the name and address of an adoptee to a
 2 pre-adoptive sibling of the adoptee who submits a written request under
 3 section 2 of this chapter if the following requirements are satisfied:

4 (1) The adoptee has submitted a written request under section 2
 5 of this chapter.

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

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

12 (1) a death certificate;

13 (2) an obituary; or

14 (3) any other form of evidence approved by the state department
 15 of health;

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

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

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

29 SECTION 27. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012,
 30 SECTION 205, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) This section applies to
 32 adoptions that are filed after December 31, 1993.

33 (b) (a) Except as provided under subsections (d) and (f); (c) and (e),
 34 the state registrar shall release the name and address of a pre-adoptive
 35 sibling to an adoptee who submits a written request under section 2 of
 36 this chapter if:

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

39 (2) a birth parent has not filed a:

40 (A) written nonrelease form (before January 1, 2017); or

41 (B) contact preference form (after December 31, 2016) with

42 the state registrar under IC 31-19-25 that evidences the birth



- 1 **parent's lack of consent to the release of identifying**
 2 **information.**
- 3 ~~(d)~~ **(b)** Except as provided under subsections ~~(d)~~ and ~~(f)~~; **(c) and (e)**,
 4 the state registrar shall release the name and address of an adoptee to
 5 a pre-adoptive sibling of the adoptee who submits a written request
 6 under section 2 of this chapter if:
- 7 (1) the adoptee has submitted a written request under section 2 of
 8 this chapter; and
- 9 (2) a birth parent has not filed a:
- 10 **(A) written nonrelease form (before January 1, 2017); or**
 11 **(B) contact preference form (after December 31, 2016) with**
 12 the state registrar under IC 31-19-25 **that evidences the birth**
 13 **parent's lack of consent to the release of identifying**
 14 **information.**
- 15 ~~(e)~~ **(c)** Except as provided under subsection ~~(g)~~; **(f)**, the state
 16 registrar shall release information under this section if:
- 17 (1) both the adoptee and pre-adoptive sibling of the adoptee have
 18 submitted requests under section 2 of this chapter; and
- 19 (2) the adoptee or pre-adoptive sibling who requested information
 20 under section 2 of this chapter submits:
- 21 (A) a death certificate;
- 22 (B) an obituary; or
- 23 (C) any other form of evidence approved by the state
 24 department of health;
- 25 indicating that a birth parent is deceased to the state registrar for
 26 each birth parent who is named on the adoptee's original birth
 27 certificate.
- 28 ~~(e)~~ **(d)** The state registrar shall search the death certificates in the
 29 state registrar's possession regarding a birth parent if:
- 30 (1) an adoptee and a pre-adoptive sibling of the adoptee have
 31 submitted written requests to be in contact; and
- 32 (2) a birth parent has filed a ~~nonrelease~~ **contact preference** form
 33 under IC 31-19-25 **that evidences the birth parent's lack of**
 34 **consent to the release of identifying information.**
- 35 ~~(g)~~ **(e)** Except as provided under subsection ~~(g)~~; **(f)**, if, upon
 36 searching the death certificates under subsection ~~(e)~~; **(d)**, the state
 37 registrar finds that a birth parent is deceased, the state registrar shall:
- 38 (1) inform the adoptee and pre-adoptive sibling of the death; and
- 39 (2) release the information if additional consent is not required by
 40 this chapter.
- 41 ~~(g)~~ **(f)** The state registrar may not release information under this
 42 section to an adoptee or pre-adoptive sibling if:



- 1 (1) additional consent is required under this chapter; or
 2 (2) a:
 3 (A) nonrelease form (before January 1, 2017); or
 4 (B) contact preference form (after December 31, 2016) that
 5 evidences the birth parent's lack of consent to the release
 6 of identifying information;
 7 submitted by a birth parent specifically states that the nonrelease
 8 form or contact preference form shall remain in effect after the
 9 birth parent's death.
- 10 (f) (g) If the state registrar is prohibited from releasing the name
 11 and address of the pre-adoptive sibling under this section, the state
 12 registrar shall provide information on requesting the release of
 13 adoption information under IC 31-19-24 to the adoptee or pre-adoptive
 14 sibling.
- 15 SECTION 28. IC 34-30-2-133.7 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2017]: **Sec. 133.7. IC 31-19-25-4.8**
 18 **(Concerning the state registrar regarding contacting a birth parent**
 19 **or intermediary).**

