



February 16, 2016

**ENGROSSED
SENATE BILL No. 91**

DIGEST OF SB 91 (Updated February 15, 2016 11:40 am - DI 84)

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

Synopsis: Release of identifying adoption information. Repeals, effective July 1, 2018, 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 July 1, 2018, 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 July 1, 2018, 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: July 1, 2018.

**Steele, Delph, Head,
Randolph Lonnie M,
Young R Michael, Taylor, Glick,
Holdman, Tomes, Buck**

(HOUSE SPONSORS — STEUERWALD, GUTWEIN, MCNAMARA,
BAUER)

January 5, 2016, read first time and referred to Committee on Judiciary.
January 14, 2016, amended, reported favorably — Do Pass.
January 19, 2016, read second time, ordered engrossed. Engrossed.
January 21, 2016, read third time, passed. Yeas 43, nays 5.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Judiciary.
February 15, 2016, reported — Do Pass.

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February 16, 2016

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.

ENGROSSED 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 JULY
3 1, 2018]: **Sec. 23.8. "Contact preference form" means the form**
4 **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 JULY 1, 2018]: Sec. 89. (a) "Person", for purposes of IC 31-19-19,
8 ~~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

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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 JULY 1, 2018]: 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 JULY 1, 2018]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18
16 ~~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 JULY 1, 2018]: Sec. 6. The individual who or agency that arranges for
3 the signing of a consent to adoption shall provide each birth parent
4 whose consent to adoption is obtained under this chapter with the
5 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 JULY 1, 2018]: Sec. 7. Upon request, the
20 state registrar shall provide an individual or agency with a **nonrelease**
21 **contact preference** form required by section 6(2) of this chapter.

22 SECTION 7. IC 31-19-20-4, AS AMENDED BY P.L.191-2011,
23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2018]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~
25 **IC 31-19-23** through IC 31-19-25.5 do not restrict a provider (as
26 defined in IC 16-18-2-295) from releasing medical records to an
27 attorney or agency arranging an adoption if the provider receives the
28 appropriate authorization under IC 16-39-1.

29 SECTION 8. IC 31-19-21-1 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) ~~A person who has~~
31 ~~transmitted identifying or nonidentifying information under~~
32 ~~IC 31-19-18-2~~ **An:**

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

34 **(2) adoptive parent of an adoptee who is less than twenty-one**

35 **(21) years of age;**

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

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

40 SECTION 9. IC 31-19-21-3, AS AMENDED BY P.L.191-2011,
41 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]: Sec. 3. A holder of information that receives a consent



1 made under this chapter (or IC 31-3-4-27 before its repeal) may release
2 identifying and nonidentifying information only in conformity with:

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

5 SECTION 10. IC 31-19-21-5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The state registrar
7 may contact a ~~person~~ **an adoptee or adoptive parent** who submits a
8 written consent under this chapter that is:

- 9 (1) incompletely; or
10 (2) inaccurately;

11 executed to inform the ~~person~~ **adoptee or adoptive parent** regarding
12 the error in the execution of the consent form.

13 SECTION 11. IC 31-19-21-6, AS AMENDED BY P.L.191-2011,
14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2018]: Sec. 6. The following persons shall provide for the
16 storage and indexing of consents made under this chapter to carry out
17 ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5:

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

25 SECTION 12. IC 31-19-22 IS REPEALED [EFFECTIVE JULY 1,
26 2018]. (Release of Identifying Information).

27 SECTION 13. IC 31-19-25-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **Before July 1, 2018,**
29 **this chapter applies to all adoptions that are filed after December 31,**
30 **1993. ~~Beginning July 1, 2018, this chapter applies to all adoptions,~~**
31 **regardless of the date the adoption was filed.**

32 SECTION 14. IC 31-19-25-3, AS AMENDED BY P.L.128-2012,
33 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2018]: Sec. 3. (a) A birth parent may restrict access to
35 identifying information concerning the birth parent by filing a ~~written~~
36 ~~nonrelease~~ **contact preference** form with the state registrar that
37 evidences the birth parent's lack of consent to the release of identifying
38 information under this chapter.

39 (b) A person who arranges for the signing of a consent to adoption
40 shall provide the birth parent with a ~~nonrelease~~ **contact preference**
41 form and the explanation described in IC 31-19-9-6.

42 (c) Except as provided in sections 15 and 17 of this chapter, the



1 following persons may not release any identifying information
 2 concerning a birth parent to an individual requesting the release of
 3 identifying information under section 2 of this chapter if a **nonrelease**
 4 **contact preference form that evidences the birth parent's lack of**
 5 **consent to the release of identifying information** is in effect at the
 6 time of the request for identifying information:

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

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

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

21 **until the birth parent who filed the contact preference form files a**
 22 **new contact preference form.**

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

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

31 SECTION 15. IC 31-19-25-3.5, AS AMENDED BY P.L.128-2012,
 32 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2018]: Sec. 3.5. The following persons shall send a copy of a
 34 **written nonrelease contact preference form** received by the person
 35 from a birth parent to the state registrar:

- 36 (1) The department.
- 37 (2) A local office.
- 38 (3) A licensed child placing agency.
- 39 (4) A professional health care provider.
- 40 (5) An attorney.
- 41 (6) A court.

42 SECTION 16. IC 31-19-25-4 IS REPEALED [EFFECTIVE JULY



1 1, 2018]. Sec. 4: The state registrar shall prescribe the nonrelease form
 2 described in section 3 of this chapter. In prescribing the nonrelease
 3 form, the state registrar shall devise the form in a manner that indicates
 4 that the birth parent's lack of consent to the release of identifying
 5 information is to remain in effect for the time indicated by the birth
 6 parent. The form must:

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

13 (2) indicate that the birth parent may choose to prevent the
 14 nonrelease form from lapsing:

15 SECTION 17. IC 31-19-25-4.4 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2018]: Sec. 4.4. (a) Notwithstanding any
 18 other law, a nonrelease form that:

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

21 (2) was submitted by a birth parent before July 1, 2018;
 22 remains in effect for the time indicated by the birth parent on the
 23 nonrelease form.

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

31 (1) the nonrelease form will lapse; and

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

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

39 (d) A nonrelease form is no longer in effect if the birth parent
 40 who filed the nonrelease form is deceased unless the nonrelease
 41 form specifically states that the nonrelease form remains in effect
 42 after the birth parent's death.



1 SECTION 18. IC 31-19-25-4.6 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 4.6. (a) The state registrar shall**
4 **prescribe a contact preference form for birth parents. The form**
5 **must include the following:**

6 **(1) A component in which a birth parent is to indicate one (1)**
7 **of the following with regard to a person that requests**
8 **identifying information:**

9 **(A) That the birth parent welcomes the person to contact**
10 **the birth parent directly and authorizes the release of**
11 **identifying information.**

12 **(B) That the birth parent prefers that the birth parent be**
13 **contacted through an intermediary and does not authorize**
14 **the release of identifying information directly to the**
15 **person.**

16 **(C) That the birth parent prefers that the person not**
17 **contact the birth parent directly or through an**
18 **intermediary and does not authorize the release of**
19 **identifying information.**

20 **(D) That the birth parent:**

21 **(i) prefers that the person not contact the birth parent as**
22 **provided under clause (C); but**

23 **(ii) welcomes the state registrar to contact the birth**
24 **parent to request that the birth parent update the birth**
25 **parent's medical information.**

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

30 **(3) Provisions necessary for the state registrar to be able to**
31 **identify the adoption file of the adoptee to whom the form**
32 **pertains.**

33 **(4) A notice that the birth parent may change the birth**
34 **parent's indicated preference regarding contact by filing a**
35 **new contact preference form with the state registrar.**

36 **(5) A notice that an adoptee who does not know which court**
37 **entered the adoption decree regarding the adoptee may seek**
38 **assistance from the state registrar.**

39 **(b) The state registrar may accept a completed contact**
40 **preference form from a birth parent only if the birth parent**
41 **provides to the state registrar one (1) item of identification of the**
42 **birth parent.**



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

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

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

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

16 SECTION 19. IC 31-19-25-4.8 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2018]: **Sec. 4.8. (a) If a birth parent indicates**
19 **that the birth parent prefers to be contacted through an**
20 **intermediary as described in section 4.6(a)(1)(B) of this chapter,**
21 **the state registrar shall:**

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

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

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

29 (1) birth parent; or

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

31 the state registrar shall request that the birth parent update the
32 birth parent's medical information with the state registrar.

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

39 (d) All communications by the state registrar under this section
40 are confidential.

41 (e) The state registrar discharging in good faith the
42 responsibilities under this section is immune from all civil and



1 **criminal liability that otherwise might result.**

2 SECTION 20. IC 31-19-25-5 IS REPEALED [EFFECTIVE JULY
3 1, 2018]. Sec. 5: Except as provided under section 4 of this chapter, the
4 state registrar shall mail a notice to a birth parent who submits a
5 nonrelease form under section 3 of this chapter within ninety (90) days
6 before the birth parent's nonrelease form lapses. The notice:

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

9 (2) must indicate:

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

11 (B) that the nonrelease form is renewable.

12 SECTION 21. IC 31-19-25-11 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. The state registrar
14 shall provide for the storage and indexing of requests and **nonrelease**
15 **contact preference** forms under this chapter.

16 SECTION 22. IC 31-19-25-12, AS AMENDED BY P.L.191-2011,
17 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2018]: Sec. 12. The state registrar may contact an individual
19 who submits a request form or **nonrelease contact preference** form
20 that is incorrectly or incompletely executed to inform the individual
21 regarding the error in the execution of the form.

22 SECTION 23. IC 31-19-25-13, AS AMENDED BY P.L.128-2012,
23 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2018]: Sec. 13. (a) The following persons may charge a
25 reasonable fee for actual expenses incurred in complying with this
26 chapter:

27 (1) A licensed child placing agency.

28 (2) The court.

29 (3) The department.

30 (4) A local office.

31 (5) A professional health care provider.

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

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

36 SECTION 24. IC 31-19-25-16, AS ADDED BY P.L.191-2011,
37 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2018]: Sec. 16. If an individual submits a request for the
39 release of identifying information under section 2 of this chapter, the
40 state registrar shall search the death certificates in the state registrar's
41 possession regarding:

42 (1) a related adoptee:

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1 (A) who has not submitted a consent for the release of
 2 information under IC 31-19-21; and
 3 (B) whose consent is necessary before identifying information
 4 may be released to the individual who has submitted the
 5 request; or
 6 (2) a birth parent who has filed a written nonrelease form ~~under~~
 7 ~~section 3 of this chapter. (before July 1, 2018) or a contact~~
 8 ~~preference form (after June 30, 2018).~~
 9 SECTION 25. IC 31-19-25-17, AS ADDED BY P.L.191-2011,
 10 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2018]: Sec. 17. (a) If, upon searching the death certificates
 12 under section 16 of this chapter, the state registrar finds that an adoptee
 13 or a birth parent is deceased, the state registrar shall:
 14 (1) inform the individual requesting the release of the identifying
 15 information under section 2 of this chapter of the death; and
 16 (2) release the identifying information if additional consent is not
 17 required by this chapter.
 18 (b) The state registrar may not release identifying information under
 19 subsection (a) concerning:
 20 (1) a birth parent or adoptee if additional consent is required by
 21 this chapter; or
 22 (2) a birth parent if a ~~nonrelease contact preference~~ form
 23 submitted by the birth parent **that evidences the birth parent's**
 24 **lack of consent to the release of identifying information**
 25 specifically states that the ~~nonrelease contact preference~~ form
 26 remains in effect after the birth parent's death.
 27 SECTION 26. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE JULY
 28 1, 2018]. Sec. 4: (a) ~~This section applies to adoptions that are filed~~
 29 ~~before January 1, 1994.~~
 30 (b) Except as provided under subsections (d) and (e), the state
 31 registrar shall release the name and address of a pre-adoptive sibling
 32 to an adoptee who submits a written request under section 2 of this
 33 chapter if the following requirements are satisfied:
 34 (1) ~~The pre-adoptive sibling of the adoptee has submitted a~~
 35 ~~written request under section 2 of this chapter.~~
 36 (2) ~~Each birth parent who is listed on the adoptee's original birth~~
 37 ~~certificate has submitted a written consent for release of~~
 38 ~~identifying information under IC 31-19-21.~~
 39 (c) Except as provided under subsections (d) and (e), the state
 40 registrar shall release the name and address of an adoptee to a
 41 pre-adoptive sibling of the adoptee who submits a written request under
 42 section 2 of this chapter if the following requirements are satisfied:



- 1 (1) The adoptee has submitted a written request under section 2
 2 of this chapter.
- 3 (2) Each birth parent who is listed on the adoptee's original birth
 4 certificate has submitted a written consent for release of
 5 identifying information under IC 31-19-21.
- 6 (d) The consent of a birth parent is not required for the release of
 7 information under this section if a person who submits a request under
 8 section 2 of this chapter provides:
- 9 (1) a death certificate;
- 10 (2) an obituary; or
- 11 (3) any other form of evidence approved by the state department
 12 of health;
- 13 indicating that a birth parent is deceased to the state registrar for each
 14 birth parent who is named on the adoptee's original birth certificate.
- 15 (e) The state registrar shall search the death certificates in the state
 16 registrar's possession regarding a birth parent if an adoptee and a
 17 pre-adoptive sibling of the adoptee have submitted written requests to
 18 be in contact. If the state registrar determines that a birth parent is
 19 deceased, the consent of the birth parent who is deceased is not
 20 required for the release of the information under this section.
- 21 (f) If the state registrar is prohibited under this section from
 22 releasing the name and address of a pre-adoptive sibling or an adoptee,
 23 the state registrar shall provide information on requesting the release
 24 of adoption information under IC 31-19-24 to the adoptee or
 25 pre-adoptive sibling requesting the release of the information.
- 26 SECTION 27. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012,
 27 SECTION 205, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies to
 29 adoptions that are filed after December 31, 1993.
- 30 (b) (a) Except as provided under subsections (d) and (f); (c) and (e),
 31 the state registrar shall release the name and address of a pre-adoptive
 32 sibling to an adoptee who submits a written request under section 2 of
 33 this chapter if:
- 34 (1) the pre-adoptive sibling of the adoptee has submitted a written
 35 request under section 2 of this chapter; and
- 36 (2) a birth parent has not filed a:
- 37 (A) written nonrelease form (before July 1, 2018); or
- 38 (B) contact preference form (after June 30, 2018) with the
 39 state registrar under IC 31-19-25 that evidences the birth
 40 parent's lack of consent to the release of identifying
 41 information.
- 42 (c) (b) Except as provided under subsections (d) and (f); (c) and (e),



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

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

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

7 (A) written nonrelease form **(before July 1, 2018); or**

8 **(B) contact preference form (after June 30, 2018) with the**
 9 **state registrar under IC 31-19-25 that evidences the birth**
 10 **parent's lack of consent to the release of identifying**
 11 **information.**

12 ~~(d)~~ (c) Except as provided under subsection ~~(g)~~; **(f)**, the state
 13 registrar shall release information under this section if:

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

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

18 (A) a death certificate;

19 (B) an obituary; or

20 (C) any other form of evidence approved by the state
 21 department of health;

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

25 ~~(e)~~ (d) The state registrar shall search the death certificates in the
 26 state registrar's possession regarding a birth parent if:

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

29 (2) a birth parent has filed a ~~nonrelease~~ **contact preference** form
 30 **under IC 31-19-25 that evidences the birth parent's lack of**
 31 **consent to the release of identifying information.**

32 ~~(f)~~ (e) Except as provided under subsection ~~(g)~~; **(f)**, if, upon
 33 searching the death certificates under subsection ~~(e)~~; **(d)**, the state
 34 registrar finds that a birth parent is deceased, the state registrar shall:

35 (1) inform the adoptee and pre-adoptive sibling of the death; and

36 (2) release the information if additional consent is not required by
 37 this chapter.

38 ~~(g)~~ (f) The state registrar may not release information under this
 39 section to an adoptee or pre-adoptive sibling if:

40 (1) additional consent is required under this chapter; or

41 (2) a:

42 (A) nonrelease form **(before July 1, 2018); or**



1 **(B) contact preference form (after June 30, 2018) that**
2 **evidences the birth parent's lack of consent to the release**
3 **of identifying information;**
4 submitted by a birth parent specifically states that the nonrelease
5 **form or contact preference** form shall remain in effect after the
6 birth parent's death.
7 ~~(h)~~ **(g)** If the state registrar is prohibited from releasing the name
8 and address of the pre-adoptive sibling under this section, the state
9 registrar shall provide information on requesting the release of
10 adoption information under IC 31-19-24 to the adoptee or pre-adoptive
11 sibling.
12 SECTION 28. IC 34-30-2-133.7 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2018]: **Sec. 133.7. IC 31-19-25-4.8**
15 **(Concerning the state registrar regarding contacting a birth parent**
16 **or intermediary).**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 91, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 28 with "[EFFECTIVE JULY 1, 2018]".

Page 4, line 31, delete "January 1, 2017," and insert "**July 1, 2018,**".

Page 4, line 32, delete "January 1, 2017," and insert "**July 1, 2018,**".

Page 6, line 24, delete "January 1, 2017;" and insert "**July 1, 2018;**".

Page 10, line 10, delete "January 1, 2017)" and insert "**July 1, 2018)**".

Page 10, line 11, delete "December 31, 2016)." and insert "**June 30, 2018)**".

Page 11, line 40, delete "January 1, 2017);" and insert "**July 1, 2018);**".

Page 11, line 41, delete "December 31, 2016)" and insert "**June 30, 2018)**".

Page 12, line 10, delete "January 1, 2017);" and insert "**July 1, 2018);**".

Page 12, line 11, delete "December 31, 2016)" and insert "**June 30, 2018)**".

Page 13, line 3, delete "January 1, 2017);" and insert "**July 1, 2018);**".

Page 13, line 4, delete "December 31, 2016)" and insert "**June 30, 2018)**".

and when so amended that said bill do pass.

(Reference is to SB 91 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 91, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 91 as printed January 15, 2016.)

STEUERWALD

Committee Vote: Yeas 11, Nays 2

ES 91—LS 6442/DI 110

