



January 29, 2021

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## SENATE BILL No. 268

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DIGEST OF SB 268 (Updated January 27, 2021 3:28 pm - DI 140)

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

**Synopsis:** Expiration of contact preference forms. Allows the contact preference form of a birth parent to expire on the birth parent's death. Eliminates the use of contact preference forms for adoptions finalized after June 30, 2021. Makes conforming changes.

**Effective:** July 1, 2021.

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**Young M, Freeman, Ford Jon,  
Taylor G**

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January 11, 2021, read first time and referred to Committee on Judiciary.  
January 28, 2021, reported favorably — Do Pass.

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SB 268—LS 7130/DI 136





January 29, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 268

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 31-19-9-5.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]: **Sec. 5.5. Contact preference forms subject to this article**  
4 **apply only to adoptions finalized before July 1, 2021.**  
5 SECTION 2. IC 31-19-9-6, AS AMENDED BY P.L.3-2016,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2021]: Sec. 6. The individual who or agency that arranges for  
8 the signing of a consent to adoption shall provide each birth parent  
9 whose consent to adoption is obtained under this chapter with the  
10 following:  
11 (1) An explanation concerning the following:  
12 (A) The availability of adoption history information under  
13 IC 31-19-17 through IC 31-19-25.5.  
14 (B) **In the case of an adoption that is finalized before July**  
15 **1, 2021,** the birth parent's option to file a contact preference  
16 form with the state registrar if the birth parent seeks to restrict  
17 the release of identifying information **until the birth parent's**

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1 **death.**

2 (C) That identifying information may be released unless the  
3 birth parent files the contact preference form **(in the case of**  
4 **an adoption finalized before July 1, 2021)** with the state  
5 registrar indicating the birth parent's lack of consent to the  
6 release of identifying information.

7 (2) A contact preference form **(in the case of an adoption**  
8 **finalized before July 1, 2021)** prescribed by the state registrar  
9 under IC 31-19-25-4.6.

10 SECTION 3. IC 31-19-9-7, AS AMENDED BY P.L.3-2016,  
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2021]: Sec. 7. Upon request, the state registrar shall provide  
13 an individual or agency with a contact preference form **(in the case of**  
14 **an adoption finalized before July 1, 2021)** required by section 6(2)  
15 of this chapter.

16 SECTION 4. IC 31-19-25-3, AS AMENDED BY P.L.3-2016,  
17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2021]: Sec. 3. (a) **In the case of an adoption finalized before**  
19 **July 1, 2021**, a birth parent may restrict access to identifying  
20 information concerning the birth parent by filing a contact preference  
21 form with the state registrar that evidences the birth parent's lack of  
22 consent to the release of identifying information under this chapter.

23 (b) A person who arranges for the signing of a consent to adoption  
24 shall provide the birth parent with a contact preference form **(in the**  
25 **case of an adoption finalized before July 1, 2021)** and the  
26 explanation described in IC 31-19-9-6.

27 (c) **In the case of an adoption finalized before July 1, 2021**,  
28 except as provided in sections 15 and 17 of this chapter, the following  
29 persons may not release any identifying information concerning a birth  
30 parent to an individual requesting the release of identifying information  
31 under section 2 of this chapter if a contact preference form that  
32 evidences the birth parent's lack of consent to the release of identifying  
33 information is in effect at the time of the request for identifying  
34 information:

- 35 (1) The state registrar.  
36 (2) The department.  
37 (3) A local office.  
38 (4) A licensed child placing agency.  
39 (5) A professional health care provider.  
40 (6) The attorney who arranged the adoption.  
41 (7) A court.

42 (d) **In the case of an adoption finalized before July 1, 2021**,



1 except as provided in subsection (f), the contact preference form filed  
 2 under this section remains in effect until the birth parent who filed the  
 3 contact preference form files a new contact preference form.

4 (e) **In the case of an adoption finalized before July 1, 2021**, the  
 5 contact preference form is no longer in effect if the birth parent  
 6 consents in writing to the release of identifying information and has not  
 7 withdrawn that consent.

8 (f) **In the case of an adoption finalized before July 1, 2021**, a  
 9 contact preference form is no longer in effect if the birth parent who  
 10 filed the contact preference form is deceased. ~~unless the contact~~  
 11 ~~preference form specifically states that the contact preference form~~  
 12 ~~remains in effect after the birth parent's death.~~

13 SECTION 5. IC 31-19-25-3.5, AS AMENDED BY P.L.3-2016,  
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2021]: Sec. 3.5. **In the case of an adoption finalized before**  
 16 **July 1, 2021**, the following persons shall send a copy of a contact  
 17 preference form received by the person from a birth parent to the state  
 18 registrar:

- 19 (1) The department.
- 20 (2) A local office.
- 21 (3) A licensed child placing agency.
- 22 (4) A professional health care provider.
- 23 (5) An attorney.
- 24 (6) A court.

25 SECTION 6. IC 31-19-25-4.4, AS ADDED BY P.L.3-2016,  
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 4.4. (a) **In the case of an adoption finalized**  
 28 **before July 1, 2021, and** notwithstanding any other law, a nonrelease  
 29 form that:

30 (1) indicates the birth parent's lack of consent to the release of  
 31 identifying information; and  
 32 (2) was submitted by a birth parent before July 1, 2018;  
 33 remains in effect for the time indicated by the birth parent on the  
 34 nonrelease form.

35 (b) **In the case of an adoption finalized before July 1, 2021**,  
 36 unless a birth parent has indicated on the nonrelease form that the birth  
 37 parent does not desire the state registrar to send notice to the birth  
 38 parent at the time that the birth parent's nonrelease form lapses, the  
 39 state registrar shall mail a notice to a birth parent who submitted a  
 40 nonrelease form as described in subsection (a) at least ninety (90) days  
 41 before the birth parent's nonrelease form lapses indicating that:

- 42 (1) the nonrelease form will lapse; and



1 (2) if the birth parent prefers not to be contacted by a person  
 2 requesting identifying information, the birth parent must file a  
 3 contact preference form **(in the case of an adoption finalized**  
 4 **before July 1, 2021)** indicating that the birth parent does not  
 5 want to be contacted.

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

9 (d) A nonrelease form is no longer in effect if the birth parent who  
 10 filed the nonrelease form is deceased. ~~unless the nonrelease form~~  
 11 ~~specifically states that the nonrelease form remains in effect after the~~  
 12 ~~birth parent's death.~~

13 SECTION 7. IC 31-19-25-4.6, AS ADDED BY P.L.3-2016,  
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2021]: Sec. 4.6. (a) **In the case of an adoption finalized**  
 16 **before July 1, 2021**, the state registrar shall prescribe a contact  
 17 preference form for birth parents. The form must include the following:

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

21 (A) That the birth parent welcomes the person to contact the  
 22 birth parent directly and authorizes the release of identifying  
 23 information.

24 (B) That the birth parent prefers that the birth parent be  
 25 contacted through an intermediary and does not authorize the  
 26 release of identifying information directly to the person.

27 (C) That the birth parent prefers that the person not contact the  
 28 birth parent directly or through an intermediary and does not  
 29 authorize the release of identifying information.

30 (D) That the birth parent:

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

33 (ii) welcomes the state registrar to contact the birth parent to  
 34 request that the birth parent update the birth parent's medical  
 35 information.

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

40 (3) Provisions necessary for the state registrar to be able to  
 41 identify the adoption file of the adoptee to whom the form  
 42 pertains.



1 (4) A notice that the birth parent may change the birth parent's  
 2 indicated preference regarding contact by filing a new contact  
 3 preference form (**in the case of an adoption finalized before**  
 4 **July 1, 2021**) with the state registrar.

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

8 (b) **In the case of an adoption finalized before July 1, 2021**, the  
 9 state registrar may accept a completed contact preference form from a  
 10 birth parent only if the birth parent provides to the state registrar one  
 11 (1) item of identification of the birth parent.

12 (c) **In the case of an adoption finalized before July 1, 2021**,  
 13 except as provided in subsection (f), a contact preference form  
 14 submitted by a birth parent to the state registrar does not lapse.

15 (d) **In the case of an adoption finalized before July 1, 2021**, if a  
 16 birth parent has previously completed and submitted a contact  
 17 preference form, the state registrar shall replace the birth parent's  
 18 previous contact preference form with the birth parent's new contact  
 19 preference form.

20 (e) **In the case of an adoption finalized before July 1, 2021**, a  
 21 birth parent may file a completed contact preference form with the state  
 22 registrar to change the birth parent's indicated preference regarding  
 23 contact as many times as the birth parent wishes.

24 (f) **In the case of an adoption finalized before July 1, 2021**, a  
 25 contact preference form is no longer in effect if the birth parent who  
 26 filed the contact preference form is deceased. ~~unless the contact~~  
 27 ~~preference form specifically states that the contact preference form~~  
 28 ~~remains in effect after the birth parent's death.~~

29 SECTION 8. IC 31-19-25-12, AS AMENDED BY P.L.3-2016,  
 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 12. **In the case of an adoption finalized before**  
 32 **July 1, 2021**, the state registrar may contact an individual who submits  
 33 a request form or contact preference form that is incorrectly or  
 34 incompletely executed to inform the individual regarding the error in  
 35 the execution of the form.

36 SECTION 9. IC 31-19-25-13, AS AMENDED BY P.L.3-2016,  
 37 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2021]: Sec. 13. (a) The following persons may charge a  
 39 reasonable fee for actual expenses incurred in complying with this  
 40 chapter:

- 41 (1) A licensed child placing agency.  
 42 (2) The court.



1 (3) The department.

2 (4) A local office.

3 (5) A professional health care provider.

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

6 (b) **In the case of an adoption finalized before July 1, 2021**, the  
7 state department of health may not charge a fee for filing a contact  
8 preference form under this chapter.

9 SECTION 10. IC 31-19-25-16, AS AMENDED BY P.L.3-2016,  
10 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2021]: Sec. 16. **In the case of an adoption finalized before**  
12 **July 1, 2021**, if an individual submits a request for the release of  
13 identifying information under section 2 of this chapter, the state  
14 registrar shall search the death certificates in the state registrar's  
15 possession regarding:

16 (1) a related adoptee:

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

19 (B) whose consent is necessary before identifying information  
20 may be released to the individual who has submitted the  
21 request; or

22 (2) a birth parent who has filed a written nonrelease form (before  
23 July 1, 2018) or a contact preference form (after June 30, 2018,  
24 **and before July 1, 2021**).

25 SECTION 11. IC 31-19-25-17, AS AMENDED BY P.L.3-2016,  
26 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2021]: Sec. 17. (a) **In the case of an adoption finalized**  
28 **before July 1, 2021**, if, upon searching the death certificates under  
29 section 16 of this chapter, the state registrar finds that an adoptee or a  
30 birth parent is deceased, the state registrar shall:

31 (1) inform the individual requesting the release of the identifying  
32 information under section 2 of this chapter of the death (**in the**  
33 **case of an adoption finalized before July 1, 2021**); and

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

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

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

40 (2) a birth parent if a contact preference form submitted by the  
41 birth parent that evidences the birth parent's lack of consent to the  
42 release of identifying information specifically states that the





- 1 contact preference form **(in the case of an adoption finalized**  
 2 **before July 1, 2021)** remains in effect. ~~after the birth parent's~~  
 3 ~~death.~~
- 4 SECTION 12. IC 31-19-25.5-5, AS AMENDED BY P.L.190-2017,  
 5 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2021]: Sec. 5. (a) Except as provided under subsections (c)  
 7 and (e), the state registrar shall release the name and address of a  
 8 pre-adoptive sibling to an adoptee who submits a written request under  
 9 section 2 of this chapter if:
- 10 (1) the pre-adoptive sibling of the adoptee has submitted a written  
 11 request under section 2 of this chapter; and  
 12 (2) a birth parent has not filed a:
- 13 (A) written nonrelease form (before July 1, 2018); or  
 14 (B) contact preference form (after June 30, 2018, **and before**  
 15 **July 1, 2021)** with the state registrar under IC 31-19-25 that  
 16 evidences the birth parent's lack of consent to the release of  
 17 identifying information.
- 18 (b) Except as provided under subsections (c) and (e), the state  
 19 registrar shall release the name and address of an adoptee to a  
 20 pre-adoptive sibling of the adoptee who submits a written request under  
 21 section 2 of this chapter if:
- 22 (1) the adoptee has submitted a written request under section 2 of  
 23 this chapter; and  
 24 (2) a birth parent has not filed a:
- 25 (A) written nonrelease form (before July 1, 2018); or  
 26 (B) contact preference form (after June 30, 2018, **and before**  
 27 **July 1, 2021)** with the state registrar under IC 31-19-25 that  
 28 evidences the birth parent's lack of consent to the release of  
 29 identifying information.
- 30 (c) Except as provided under subsection (f), the state registrar shall  
 31 release information under this section if:
- 32 (1) both the adoptee and pre-adoptive sibling of the adoptee have  
 33 submitted requests under section 2 of this chapter; and  
 34 (2) the adoptee or pre-adoptive sibling who requested information  
 35 under section 2 of this chapter submits:
- 36 (A) a death certificate;  
 37 (B) an obituary; or  
 38 (C) any other form of evidence approved by the state  
 39 department of health;  
 40 indicating that a birth parent is deceased to the state registrar for  
 41 each birth parent who is named on the adoptee's original birth  
 42 certificate.



1 (d) The state registrar shall search the death certificates and the  
 2 STEVE system in the state registrar's possession regarding a birth  
 3 parent if:

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

6 (2) a birth parent has filed a contact preference form under  
 7 IC 31-19-25 **(in the case of an adoption finalized before July 1,**  
 8 **2021)** that evidences the birth parent's lack of consent to the  
 9 release of identifying information.

10 (e) Except as provided under subsection (f), if, upon searching the  
 11 death certificates and the STEVE system under subsection (d), the state  
 12 registrar finds that a birth parent is deceased, the state registrar shall:

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

14 (2) release the information. ~~if additional consent is not required~~  
 15 ~~by this chapter.~~

16 (f) The state registrar may not release information under this section  
 17 to an adoptee or pre-adoptive sibling if

18 ~~(1) additional consent is required under this chapter. or~~

19 ~~(2) a:~~

20 ~~(A) nonrelease form (before July 1, 2018); or~~

21 ~~(B) contact preference form (after June 30, 2018) that~~  
 22 ~~evidences the birth parent's lack of consent to the release of~~  
 23 ~~identifying information;~~

24 ~~submitted by a birth parent specifically states that the nonrelease~~  
 25 ~~form or contact preference form shall remain in effect after the~~  
 26 ~~birth parent's death.~~

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



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 268, 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 to SB 268 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 2

