

1 **COMPACT FOR INTERSTATE SHARING OF PUTATIVE**
2 **FATHER REGISTRY INFORMATION**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Escamilla**

6 House Sponsor: _____

8 **LONG TITLE**

9 **Committee Note:**

10 The Health and Human Services Interim Committee recommended this bill.

11 **General Description:**

12 This bill enacts the Compact for Interstate Sharing of Putative Father Registry
13 Information.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ describes the purpose of the Compact for Interstate Sharing of Putative Father
18 Registry Information;
- 19 ▶ describes the process for entering, withdrawing from, and amending the compact;
- 20 ▶ describes the responsibilities and privileges of states participating in the compact;
- 21 ▶ addresses the privacy, retention, and use of putative father registry information
22 shared under the compact;
- 23 ▶ includes a severability clause; and
- 24 ▶ requires the state registrar, appointed by the Department of Health, to study the
25 procedures necessary to implement the Compact for Interstate Sharing of Putative
26 Father Registry Information.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **26-2-3**, as last amended by Laws of Utah 2013, Chapter 474

34 ENACTS:

35 **78B-6-121.5**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **26-2-3** is amended to read:

39 **26-2-3. Department duties and authority.**

40 (1) As used in this section:

41 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry
42 Information created in Section **78B-6-121.5**, effective on May 10, 2016.

43 (b) "Putative father":

44 (i) has the same meaning as defined in Section **78B-6-121.5**; and

45 (ii) includes an unmarried biological father.

46 (c) "State registrar" means the state registrar of vital records appointed under
47 Subsection (2)(e).

48 (d) "Unmarried biological father" has the same meaning as defined in Section
49 **78B-6-103**.

50 ~~(1)~~ (2) The department shall:

51 (a) provide offices properly equipped for the preservation of vital records made or
52 received under this chapter;

53 (b) establish a statewide vital records system for the registration, collection,
54 preservation, amendment, and certification of vital records and other similar documents
55 required by this chapter and activities related to them, including the tabulation, analysis, and
56 publication of vital statistics;

57 (c) prescribe forms for certificates, certification, reports, and other documents and
58 records necessary to establish and maintain a statewide system of vital records;

59 (d) prepare an annual compilation, analysis, and publication of statistics derived from
60 vital records; and

61 (e) appoint a state registrar to direct the statewide system of vital records.

62 ~~[(2)]~~ (3) The department may:

63 (a) divide the state from time to time into registration districts; and

64 (b) appoint local registrars for registration districts who under the direction and
65 supervision of the state registrar shall perform all duties required of them by this chapter and
66 department rules.

67 ~~[(3)]~~ (4) The state registrar appointed under Subsection ~~[(1)(c)]~~ (2)(e) shall ~~[, during the~~
68 ~~2013 interim, report to the Health and Human Services Interim Committee on the feasibility of~~
69 ~~partnering with the public legal notice website described in Subsection 45-1-101(2)(b) to create~~
70 ~~a national putative father registry.];~~

71 (a) with the input of Utah stakeholders and the Uniform Law Commission, study the
72 following items for the state's implementation of the compact:

73 (i) the feasibility of using systems developed by the National Association for Public
74 Health Statistics and Information Systems, including the State and Territorial Exchange of
75 Vital Events (STEVE) system, and the Electronic Verification of Vital Events (EVVE) system,
76 to exchange putative father registry information with states that are parties to the compact;

77 (ii) procedures necessary to share putative father information, located in the
78 confidential registry maintained by the state registrar, upon request from the state registrar of
79 another state that is a party to the compact;

80 (iii) procedures necessary for the state registrar to access putative father information
81 located in a state that is a party to the compact, and share that information with persons who
82 request a certificate from the state registrar;

83 (iv) procedures necessary to ensure that the name of the mother of the child who is the
84 subject of a putative father's notice of commencement, filed pursuant to Section 78B-6-121, is
85 kept confidential when a state that is a party to the compact accesses this state's confidential
86 registry through the state registrar; and

87 (v) procedures necessary to ensure that a putative father's registration with a state that
88 is a party to the compact is given the same effect as a putative father's notice of commencement
89 filed pursuant to Section 78B-6-121; and

90 (b) report to the Health and Human Services Interim Committee before November 1,
91 2015, on the study items described in Subsection (4)(a).

92 Section 2. Section **78B-6-121.5** is enacted to read:

93 **78B-6-121.5. Compact for Interstate Sharing of Putative Father Registry**
94 **Information -- Severability clause.**

95 COMPACT FOR INTERSTATE SHARING
96 OF PUTATIVE FATHER REGISTRY INFORMATION

97 ARTICLE I

98 PURPOSE

99 This compact enables the sharing of putative father registry information collected by a
100 state that is a party to the compact with all other states that are parties to the compact.

101 ARTICLE II

102 DEFINITIONS

103 (1) "Putative father" means a man who may be the biological father of a child because
104 the man had a sexual relationship with a woman to whom he is not married.

105 (2) "Putative father registry" mean a registry of putative fathers maintained and used by
106 a state as part of its legal process for protecting a putative father's rights.

107 (3) "State" includes a state, district, or territory of the United States.

108 ARTICLE III

109 ENTRY, WITHDRAWAL, AND AMENDMENTS

110 (1) A state is a party to this compact upon enactment of this compact by the state into
111 state law.

112 (2) Upon providing at least 60 days' notice of withdrawal from this compact to each
113 party to the compact and repealing the compact from state law, a state is no longer party to this
114 compact.

115 (3) This compact is amended upon enactment of the amendment into state law by each
116 party to the compact.

117 ARTICLE IV

118 INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

119 (1) A party to this compact shall communicate information in its putative father
120 registry about a specific putative father to any other party to this compact in a timely manner

121 upon request by the other party.

122 (2) A party to this compact is not required to have a putative father registry in order to
123 request putative father registry information from another party to the compact.

124 (3) Putative father registry information requested by a party to this compact from
125 another party to this compact is subject to the laws of the requesting party governing the
126 privacy, retention, and authorized uses of putative father information or, if the requesting party
127 does not have a putative father registry, the laws of the party supplying the information
128 governing the privacy, retention, and authorized uses of putative father information.

129 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or
130 receipt of putative father registry information by a party to this compact from another party to
131 this compact does not affect the application of the requesting party's laws, including laws
132 regarding adoption or the protection of a putative father's rights, except as explicitly provided
133 by the requesting party's laws.

134 (5) Failure by a party to this compact to provide accurate putative father registry
135 information in a timely manner to another party to this compact upon request does not affect
136 application of the requesting party's laws, including laws governing adoption and the protection
137 of a putative father's rights, except as explicitly provided by the requesting party's laws.

138 (6) Each party to this compact shall work with every other party to this compact to
139 facilitate the timely communication of putative father registry information between compact
140 parties upon request.

141 ARTICLE V

142 SEVERABILITY

143 The provisions of this compact are severable. If any provision of this compact or the
144 application of any provision of this compact to any person or circumstance is held invalid by a
145 final decision of a court of competent jurisdiction for a state that is a member of this compact,
146 the remainder of this compact shall be given effect within that state without the invalid
147 provision or application. If a provision of this compact is severed in one or more states as a
148 result of one or more court decisions, the provision shall remain in force in all other states that
149 are parties to this compact.

150 **Section 3. Effective date.**

151 This bill takes effect on May 10, 2016, except that the provisions in Subsection

152 [26-2-3\(4\)](#) in this bill take effect immediately.

Legislative Review Note
as of **6-4-14 11:18 AM**

Office of Legislative Research and General Counsel