



January 16, 2015

SENATE BILL No. 352

DIGEST OF SB 352 (Updated January 14, 2015 12:04 pm - DI 106)

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

Synopsis: Identifying information for adoptions. Repeals, effective July 1, 2016, 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, 2016, identifying adoption information may be released unless a nonrelease is on file, regardless of when the adoption was filed. (Under current law, this provision applies only to adoptions filed after December 31, 1993.)

Effective: July 1, 2015; July 1, 2016.

Steele, Delph

January 8, 2015, read first time and referred to Committee on Judiciary.
January 15, 2015, reported favorably — Do Pass.

SB 352—LS 6209/DI 110



January 16, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 352

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 31-9-2-89, AS AMENDED BY P.L.191-2011,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 89. (a) "Person", for purposes of IC 31-19-19,
4 ~~IC 31-19-22~~, IC 31-19-25, and the juvenile law, means:
5 (1) a human being;
6 (2) a corporation;
7 (3) a limited liability company;
8 (4) a partnership;
9 (5) an unincorporated association; or
10 (6) a governmental entity.
11 (b) "Person", for purposes of section 44.5 of this chapter, means an
12 adult or a minor.
13 (c) "Person", for purposes of IC 31-27, means an individual who is
14 at least twenty-one (21) years of age, a corporation, a partnership, a
15 voluntary association, or other entity.
16 (d) "Person", for purposes of the Uniform Child Custody

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1 Jurisdiction Act under IC 31-21, has the meaning set forth in
2 IC 31-21-2-13.

3 SECTION 2. IC 31-9-2-97.4, AS ADDED BY P.L.191-2011,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2016]: Sec. 97.4. "Professional health care provider", for
6 purposes of ~~IC 31-19-22~~ and IC 31-19-25, has the meaning set forth in
7 IC 34-6-2-117.

8 SECTION 3. IC 31-9-2-107, AS AMENDED BY P.L.123-2014,
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2016]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18
11 ~~IC 31-19-22~~, and IC 31-19-25, means:

- 12 (1) an adoptive or whole blood related parent;
13 (2) a sibling; or
14 (3) a child.
15 (b) "Relative", for purposes of IC 31-34-3, means:
16 (1) a maternal or paternal grandparent;
17 (2) an adult aunt or uncle; or
18 (3) any other adult relative suggested by either parent of a child.
19 (c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4,
20 IC 31-34-19, and IC 31-37, means any of the following in relation to a
21 child:

- 22 (1) A parent.
23 (2) A grandparent.
24 (3) A brother.
25 (4) A sister.
26 (5) A stepparent.
27 (6) A stepgrandparent.
28 (7) A stepbrother.
29 (8) A stepsister.
30 (9) A first cousin.
31 (10) An uncle.
32 (11) An aunt.
33 (12) Any other individual with whom a child has an established
34 and significant relationship.

35 SECTION 4. IC 31-19-20-4, AS AMENDED BY P.L.191-2011,
36 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~
38 **IC 31-19-23** through IC 31-19-25.5 do not restrict a provider (as
39 defined in IC 16-18-2-295) from releasing medical records to an
40 attorney or agency arranging an adoption if the provider receives the
41 appropriate authorization under IC 16-39-1.

42 SECTION 5. IC 31-19-21-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) ~~A person who has~~
 2 ~~transmitted identifying or nonidentifying information under~~
 3 ~~IC 31-19-18-2 An:~~

- 4 (1) **adoptee who is at least twenty-one (21) years of age; or**
 5 (2) **adoptive parent of an adoptee who is less than twenty-one**
 6 **(21) years of age;**

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

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

11 SECTION 6. IC 31-19-21-3, AS AMENDED BY P.L.191-2011,
 12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2016]: Sec. 3. A holder of information that receives a consent
 14 made under this chapter (or IC 31-3-4-27 before its repeal) may release
 15 identifying and nonidentifying information only in conformity with:

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

18 SECTION 7. IC 31-19-21-4 IS REPEALED [EFFECTIVE JULY 1,
 19 2016]. ~~Sec. 4. A consenting person may restrict the consent to the~~
 20 ~~release of the information only after the consenting person's death. The~~
 21 ~~holder of the information may release the information in conformity~~
 22 ~~with the consent only if proof of the consenting person's death is~~
 23 ~~submitted to the holder.~~

24 SECTION 8. IC 31-19-21-5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The state registrar
 26 may contact a **person an adoptee or adoptive parent** who submits a
 27 written consent under this chapter that is:

- 28 (1) incompletely; or
 29 (2) inaccurately;

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

32 SECTION 9. IC 31-19-21-6, AS AMENDED BY P.L.191-2011,
 33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2016]: Sec. 6. The following persons shall provide for the
 35 storage and indexing of consents made under this chapter to carry out
 36 ~~IC 31-19-22 and~~ IC 31-19-24 through IC 31-19-25.5:

- 37 (1) The state registrar.
 38 (2) The department.
 39 (3) County offices of family and children.
 40 (4) Licensed child placing agencies.
 41 (5) Professional health care providers (as defined in
 42 IC 34-6-2-117).



(6) Courts.

SECTION 10. IC 31-19-22 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Release of Identifying Information).

SECTION 11. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **Before July 1, 2016**, this chapter applies to **all** adoptions that are filed after December 31, 1993. **Beginning July 1, 2016, this chapter applies to all adoptions, regardless of the date the adoption was filed.**

SECTION 12. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4: (a) This section applies to adoptions that are filed before January 1, 1994.

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

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

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

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

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

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

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

(1) a death certificate;

(2) an obituary; or

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

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

(e) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact. If the state registrar determines that a birth parent is



1 deceased; the consent of the birth parent who is deceased is not
2 required for the release of the information under this section:

3 (f) If the state registrar is prohibited under this section from
4 releasing the name and address of a pre-adoptive sibling or an adoptee,
5 the state registrar shall provide information on requesting the release
6 of adoption information under IC 31-19-24 to the adoptee or
7 pre-adoptive sibling requesting the release of the information:

8 SECTION 13. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012,
9 SECTION 205, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section applies to
11 adoptions that are filed after December 31, 1993:

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

- 16 (1) the pre-adoptive sibling of the adoptee has submitted a written
17 request under section 2 of this chapter; and
- 18 (2) a birth parent has not filed a written nonrelease form with the
19 state registrar under IC 31-19-25.

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

- 24 (1) the adoptee has submitted a written request under section 2 of
25 this chapter; and
- 26 (2) a birth parent has not filed a written nonrelease form with the
27 state registrar under IC 31-19-25.

28 (d) (c) Except as provided under subsection (g); (f), the state
29 registrar shall release information under this section if:

- 30 (1) both the adoptee and pre-adoptive sibling of the adoptee have
31 submitted requests under section 2 of this chapter; and
- 32 (2) the adoptee or pre-adoptive sibling who requested information
33 under section 2 of this chapter submits:

- 34 (A) a death certificate;
- 35 (B) an obituary; or
- 36 (C) any other form of evidence approved by the state
37 department of health;

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

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



- 1 (1) an adoptee and a pre-adoptive sibling of the adoptee have
2 submitted written requests to be in contact; and
3 (2) a birth parent has filed a nonrelease form under IC 31-19-25.
4 ~~(f)~~ **(e)** Except as provided under subsection ~~(g)~~; **(f)**, if, upon
5 searching the death certificates under subsection ~~(e)~~; **(d)**, the state
6 registrar finds that a birth parent is deceased, the state registrar shall:
7 (1) inform the adoptee and pre-adoptive sibling of the death; and
8 (2) release the information if additional consent is not required by
9 this chapter.
10 ~~(g)~~ **(f)** The state registrar may not release information under this
11 section to an adoptee or pre-adoptive sibling if:
12 (1) additional consent is required under this chapter; or
13 (2) a nonrelease form submitted by a birth parent specifically
14 states that the nonrelease form shall remain in effect after the
15 birth parent's death.
16 ~~(h)~~ **(g)** If the state registrar is prohibited from releasing the name
17 and address of the pre-adoptive sibling under this section, the state
18 registrar shall provide information on requesting the release of
19 adoption information under IC 31-19-24 to the adoptee or pre-adoptive
20 sibling.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 352, 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 352 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 2

