

## **IC 31-19-5**

### **Chapter 5. Putative Father Registry**

#### **IC 31-19-5-1**

##### **Application of chapter**

Sec. 1. (a) This chapter applies to a putative father whenever:

- (1) an adoption under IC 31-19-2 has been or may be filed regarding a child who may have been conceived by the putative father; and
- (2) on or before the date the child's mother executes a consent to the child's adoption, the child's mother has not disclosed the name or address, or both, of the putative father to the attorney or agency that is arranging the child's adoption.

(b) This chapter does not apply if, on or before the date the child's mother executes a consent to the child's adoption, the child's mother discloses the name and address of the putative father to the attorney or agency that is arranging the child's adoption.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.11; P.L.21-2010, SEC.4.*

#### **IC 31-19-5-2**

##### **Establishment of registry; rules**

Sec. 2. The putative father registry is established within the state department of health. The state department shall adopt rules under IC 4-22-2 to administer the registry.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-3**

##### **Purpose of registry**

Sec. 3. The registry's purpose is to determine the name and address of a father:

- (1) whose name and address have not been disclosed by the mother of the child, on or before the date the mother executes a consent to the child's adoption, to:

- (A) an attorney; or
- (B) an agency;

that is arranging the adoption of the child; and

- (2) who may have conceived a child for whom a petition for adoption has been or may be filed;

so that notice of the adoption may be provided to the putative father.

*As added by P.L.1-1997, SEC.11. Amended by P.L.1-2010, SEC.121.*

#### **IC 31-19-5-4**

##### **Notice rights of registered persons**

Sec. 4. A putative father of a child who registers in accordance with this chapter (or IC 31-3-1.5 before its repeal) is entitled to notice of the child's adoption under Rule 4.1 of the Indiana Rules of Trial Procedure.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-5**

##### **Necessity of registration as requisite to notice rights**

Sec. 5. If, on or before the date the mother of a child executes a consent to the child's adoption, the mother does not disclose to an attorney or agency that:

- (1) is arranging; or
- (2) may arrange;

an adoption of the child the name or address, or both, of the putative father of the child, the putative father must register under this chapter to entitle the putative father to notice of the child's adoption.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-6**

##### **Rights of presumptive fathers**

Sec. 6. (a) This chapter does not relieve a man who is presumed to be a father under 31-14-7-2 from the obligation of registering in accordance with this chapter to be entitled to notice of an adoption of a child for whom the man may be the presumed father.

(b) The filing of a paternity action by a putative father does not relieve the putative father from the:

- (1) obligation of registering; or
- (2) consequences of failing to register;

in accordance with this chapter unless paternity has been established before the filing of the petition for adoption of the child.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.12.*

#### **IC 31-19-5-7**

##### **Information maintained in registry; father's agent for notice**

Sec. 7. (a) The state department of health shall maintain the following information in the registry:

- (1) The putative father's:
  - (A) name;
  - (B) address at which the putative father may be served with notice of an adoption under Rule 4.1 of the Indiana Rules of Trial Procedure;
  - (C) Social Security number; and
  - (D) date of birth.
- (2) The mother's:
  - (A) name, including all other names known to the putative father that the mother uses, if known;
  - (B) address, if known;
  - (C) Social Security number, if known; and
  - (D) date of birth, if known.
- (3) The child's:
  - (A) name, if known; and
  - (B) place of birth, if known.

(4) The date that the state department of health receives a putative father's registration.

(5) The:

(A) name of an attorney or agency that requests the state department to search the registry under section 15 of this chapter to determine whether a putative father is registered in relation to a mother whose child is or may be the subject of an adoption; and

(B) date that the attorney or agency submits a request as provided under this subdivision.

(6) Any notice of a filing of a petition to establish paternity as described in IC 31-14-9-0.5.

(7) Any other information that the state department determines is necessary to access the information in the registry.

(b) If a putative father does not have an address where the putative father is able to be served with notice of an adoption, the putative father may designate another person as an agent for the purpose of being served with notice of adoption. The putative father must provide the department with the agent's name and the address at which the agent may be served. Service of notice upon the agent under Rule 4.1 of the Indiana Rules of Trial Procedure constitutes service of notice upon the putative father. If notice of an adoption may not be served on the agent under Rule 4.1 of the Indiana Rules of Trial Procedure as provided by this subsection, further notice of the adoption to the agent or to the putative father is not necessary.  
*As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.16; P.L.58-2009, SEC.13.*

#### **IC 31-19-5-8**

##### **Registry data access points**

Sec. 8. The state department of health shall store the registry's data to make the data accessible under the following:

- (1) The putative father's name.
- (2) The mother's name.
- (3) The child's name, if known.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-9**

##### **Information supplied**

Sec. 9. (a) A putative father who registers under this chapter shall provide to the state department of health the following:

- (1) The putative father's:
  - (A) name;
  - (B) address at which the putative father may be served with notice of an adoption under Rule 4.1 of the Indiana Rules of Trial Procedure;
  - (C) Social Security number; and
  - (D) date of birth.

(2) The mother's name, including all other names known to the putative father that the mother uses.

(3) Any other information described under section 7 of this chapter that is known to the putative father.

(b) A clerk of the court shall provide to the state department of health the notice required to be prepared under IC 31-14-9-0.5.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.14.*

#### **IC 31-19-5-10**

##### **Registration form**

Sec. 10. A putative father shall register under this chapter on a registration form prescribed by the state department of health. The registration form must be signed by the putative father and notarized.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-11**

##### **Verification; amendment of information**

Sec. 11. A putative father who registers under this chapter is responsible for:

(1) verifying with the state department of health the accuracy of the registration; and

(2) submitting to the state department of health an amended registration each time the information supplied by the putative father changes;

during the period specified by section 12 of this chapter.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-12**

##### **Time of registration**

Sec. 12. (a) To be entitled to notice of an adoption under IC 31-19-3 or IC 31-19-4, a putative father must register with the state department of health under section 5 of this chapter not later than:

(1) thirty (30) days after the child's birth; or

(2) the earlier of the date of the filing of a petition for the:

(A) child's adoption; or

(B) termination of the parent-child relationship between the child and the child's mother;

whichever occurs later.

(b) A putative father may register under subsection (a) before the child's birth.

*As added by P.L.1-1997, SEC.11. Amended by P.L.146-2007, SEC.9.*

#### **IC 31-19-5-13**

##### **Availability of registration forms**

Sec. 13. The state department of health shall:

(1) prescribe a registration form for the information that a putative father submits under section 9 of this chapter; and

- (2) make the registration forms available through:
  - (A) the state department;
  - (B) each clerk of a circuit court; and
  - (C) each local health department.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-14**

##### **Public notice of purpose and operation of registry**

Sec. 14. (a) Each:

- (1) clerk of a circuit court;
- (2) branch office of the bureau of motor vehicles;
- (3) hospital; and
- (4) local health department;

shall post in a conspicuous place a notice that informs the public about the purpose and operation of the registry.

(b) The notice under subsection (a) must include information regarding the following:

- (1) Where to obtain a registration form.
- (2) Where to register.
- (3) The circumstances under which a putative father is required to register.
- (4) When under section 12 of this chapter a putative father is required to register to entitle the putative father to notice of an adoption.
- (5) The consequences of not submitting a timely registration.

(c) Failure to post a proper notice under this section does not relieve a putative father of the obligation to register with the state department of health in accordance with this chapter to entitle the putative father to notice of the adoption of a child who may have been conceived by the putative father.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-15**

##### **Requests for search of registry by persons arranging adoption**

Sec. 15. (a) An attorney or agency that arranges an adoption or may arrange an adoption may at any time request that the state department of health search the registry to determine whether a putative father:

- (1) is registered in relation to a mother whose child is or may be the subject of an adoption; or
- (2) has filed a petition to establish paternity.

(b) Whenever a petition for adoption is filed, the attorney or agency that arranges the adoption shall:

- (1) request that the state department of health search the registry under this section at least one (1) day after the expiration of the period specified by section 12 of this chapter; and
- (2) file an affidavit prepared by the state department of health under section 16 of this chapter in response to a request under

subdivision (1) with the court presiding over the adoption under this article.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.15; P.L.1-2010, SEC.122.*

#### **IC 31-19-5-16**

##### **Affidavit of registry search; copy of notice of filing of petition to establish paternity**

Sec. 16. (a) Not later than five (5) days after receiving a request under section 15 of this chapter, the state department of health shall submit an affidavit to the attorney or agency verifying whether a putative father:

- (1) is registered within the period specified by section 12 of this chapter in relation to a mother whose child is the subject of the adoption that the attorney or agency is arranging; or
- (2) has filed a petition to establish paternity.

(b) Whenever the state department of health finds that one (1) or more putative fathers are registered, the state department shall:

- (1) submit a copy of each registration form with the state department's affidavit; and
- (2) include in the affidavit the date that the attorney or agency submits the request for a search that relates to the affidavit.

(c) Whenever the state department of health finds that one (1) or more putative fathers have filed a petition to establish paternity, the state department of health shall:

- (1) submit a copy of each notice prepared by the clerk of the court under IC 31-14-9-0.5 with the state department of health's affidavit; and
- (2) include in the affidavit the date the attorney or agency submitted the request for the search that relates to the affidavit.

(d) A court may not grant an adoption unless the state department's affidavit under this section is filed with the court as provided under IC 31-19-11-1(a)(4).

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.16; P.L.1-2010, SEC.123.*

#### **IC 31-19-5-17**

##### **Departmental responsibilities upon request for registry search**

Sec. 17. Whenever the state department of health receives a request under section 15 of this chapter, the state department shall:

- (1) search the state department's records of paternity determinations and notices of filings of petitions to establish paternity filed under IC 31-14-9-2; and
- (2) notify the attorney or agency, in compliance with IC 31-19-6, as to whether a record of a paternity determination or a notice of a filing of a petition to establish paternity has been filed concerning a child who is or may be the subject of an adoption that the attorney or agency is arranging.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.17.*

**IC 31-19-5-18**

**Waiver of notice rights of unregistered putative fathers; irrevocably implied consent to adoption**

Sec. 18. A putative father who fails to register within the period specified by section 12 of this chapter waives notice of an adoption proceeding. The putative father's waiver under this section constitutes an irrevocably implied consent to the child's adoption.

*As added by P.L.1-1997, SEC.11.*

**IC 31-19-5-19**

**Revocation of registration**

Sec. 19. A putative father may revoke a registration at any time by submitting a signed, notarized statement revoking the registration.

*As added by P.L.1-1997, SEC.11.*

**IC 31-19-5-20**

**Methods of submitting registration**

Sec. 20. A putative father must submit a registration under this chapter:

- (1) in person; or
- (2) by:
  - (A) facsimile transmission;
  - (B) mail;
  - (C) private courier; or
  - (D) express delivery service.

*As added by P.L.1-1997, SEC.11.*

**IC 31-19-5-21**

**Request for certified copy of registration or for information; request for copy of notice of filing of petition to establish paternity; persons qualified to apply**

Sec. 21. (a) Subject to subsection (b), upon written request by:

- (1) a putative father;
- (2) a mother;
- (3) a child;
- (4) any party or attorney of record in a pending adoption;
- (5) an attorney who represents:
  - (A) prospective adoptive parents;
  - (B) petitioners in an adoption;
  - (C) a mother;
  - (D) a putative father; or
  - (E) a licensed child placing agency;
- (6) a licensed child placing agency that represents:
  - (A) prospective adoptive parents;
  - (B) petitioners in an adoption;
  - (C) a mother; or

(D) a putative father; or  
(7) a court that presides over a pending adoption;  
the state department of health shall furnish a certified copy of a putative father's registration form and a copy of any notice of a filing of a petition to establish paternity prepared under IC 31-14-9-0.5.

(b) The state department may release the certified copy of the registration form to a person under subsection (a)(1) through (a)(3) only if the information contained in the registration form names the requesting person.

(c) A person listed under subsection (a), who requests information about a registration from the state department, must do the following:

- (1) Submit the request in writing.
- (2) Under the penalties of perjury, state that the requesting person is entitled to receive the information under this chapter.
- (3) Submit the request in a manner described by section 20(1) or 20(2) of this chapter.

*As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.18.*

#### **IC 31-19-5-22**

##### **Timeliness of responses to requests; fees**

Sec. 22. (a) Except as provided in section 16 of this chapter, the state department of health shall immediately respond to requests regarding registrations under this chapter:

- (1) in writing; and
- (2) in a manner described by section 20 of this chapter.

(b) The state department may charge a fee for responding to a request under this section, unless the state department mails the department's response.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-23**

##### **Confidentiality of registry information**

Sec. 23. Except as otherwise provided in this chapter, information contained within the registry is confidential.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-24**

##### **Registering false information**

Sec. 24. A person who knowingly or intentionally registers false information under this chapter commits a Class A misdemeanor.

*As added by P.L.1-1997, SEC.11.*

#### **IC 31-19-5-25**

##### **Release or request for confidential information**

Sec. 25. (a) A person who knowingly or intentionally releases or requests confidential information in violation of this chapter commits a Class A misdemeanor.

(b) It is a defense under this section if the state registrar releases



confidential information while acting:

(1) in good faith; and

(2) with reasonable diligence.

*As added by P.L.1-1997, SEC.11.*