

IC 31-19-19

Chapter 19. Confidentiality Requirements for Adoption History and Other Adoption Records

IC 31-19-19-0.5

Storing and maintaining adoption records or other adoption information

Sec. 0.5. (a) This section does not apply to a confidential intermediary appointed under IC 31-19-24.

(b) Except as provided in subsection (c) or (d), a person that is required to store, maintain, or release adoption records or other adoption information under IC 31-19-12-5, IC 31-19-17, IC 31-19-18, this chapter, or IC 31-19-20 through IC 31-19-25.5 shall store and maintain the adoption records or other adoption information for at least ninety-nine (99) years after the date the adoption was filed. Unless otherwise provided by law, the adoption records or other adoption information may be stored and maintained in an electronic or other format, including microfiche, microfilm, or a digital format.

(c) A person who transfers adoption records or other adoption information to the state registrar or a transferee agency in accordance with IC 31-19-12-5 is not required to comply with the storage or maintenance requirements of subsection (b).

(d) A person, including a court, who obtains custody of or jurisdiction over adoption records or other adoption information following the dissolution, sale, transfer, closure, relocation, or death of a person shall transfer the records or other information to the state registrar or a transferee agency in accordance with IC 31-19-12-5, unless the person wishes to store and maintain the records in accordance with subsection (b).

As added by P.L.42-2009, SEC.2. Amended by P.L.191-2011, SEC.19.

IC 31-19-19-1

Court files and records

Sec. 1. (a) The following items are confidential:

- (1) A petition for adoption.
- (2) Reports of the investigation made under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal).
- (3) All other papers filed in connection with a petition for adoption.
- (4) The record of evidence of the hearing.
- (5) The decree made and entered by the court, including decrees in foreign adoptions filed under IC 31-19-28 (or IC 31-3-1-10 before its repeal).

(b) The files and records of the court pertaining to the adoption proceedings:

- (1) shall be kept in the custody of the clerk of the court; and
- (2) are not open to inspection, except as provided in IC 31-19-13-2(2).

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

IC 31-19-19-2

Agency files and records

Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

- (1) the county office of family and children;
- (2) the department; or
- (3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, this chapter, or IC 31-19-20 through IC 31-19-25.5.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

- (1) are open to the inspection of the court hearing the petition for adoption; and
- (2) on order of the court, may be:
 - (A) introduced into evidence; and
 - (B) made a part of the record;in the adoption proceeding.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.25; P.L.100-2005, SEC.6; P.L.145-2006, SEC.254; P.L.191-2011, SEC.20.

IC 31-19-19-3

Adoption history information

Sec. 3. Notwithstanding any other law, the information located in the adoption history may not be disclosed under:

- (1) IC 5-14-3; or
- (2) any freedom of information:
 - (A) legislation;
 - (B) rules; or
 - (C) practice.

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

IC 31-19-19-4

Confidentiality of adoption papers, records, and information; disclosure procedures

Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

- (1) the permanent record of the court; or
- (2) a file in:
 - (A) the division of vital records;
 - (B) the department or county office of family and children;
 - (C) a licensed child placing agency; or
 - (D) a professional health care provider (as defined in IC 34-6-2-117);

are confidential and may be disclosed only in accordance with IC 31-19-17, this chapter, or IC 31-19-20 through IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.159; P.L.100-2005, SEC.7; P.L.145-2006, SEC.255; P.L.191-2011,

SEC.21.

IC 31-19-19-5

Disclosure of confidential information; offense; discharge from public office

Sec. 5. (a) An employer or any person administering adoption records who recklessly, knowingly, or intentionally:

(1) discloses any confidential information relating to any adoption except as provided in IC 31-19-17, this chapter, or IC 31-19-20 through IC 31-19-25.5; or

(2) allows an employee to disclose any confidential information relating to any adoption except as provided in this chapter;

commits a Class A misdemeanor.

(b) If a public employee commits a violation described in subsection (a), the violation is cause for discharge.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.22.