

### **IC 31-19-25.5**

#### **Chapter 25.5. Requests for Information Concerning Pre-Adoptive Siblings**

### **IC 31-19-25.5-1**

#### **Application**

Sec. 1. Except as provided under sections 6 and 7 of this chapter, this chapter applies to:

- (1) adoptees; and
- (2) pre-adoptive siblings;

who are at least twenty-one (21) years of age.

*As added by P.L.191-2011, SEC.55.*

### **IC 31-19-25.5-2**

#### **Request release of information to adoptee or pre-adoptive sibling**

Sec. 2. (a) An adoptee may submit a written request to the state registrar that includes the following:

- (1) A statement that the adoptee has an interest in having contact with any pre-adoptive siblings of the adoptee.
- (2) A statement that authorizes the state registrar to release the name and present location of the adoptee to any pre-adoptive sibling of the adoptee who submits a similar request.

(b) A pre-adoptive sibling of an adoptee may submit a written request to the state registrar that includes the following:

- (1) A statement that the pre-adoptive sibling has an interest in having contact with the adoptee.
- (2) A statement that authorizes the state registrar to release the name and present location of the pre-adoptive sibling to the adoptee if the adoptee has submitted a similar request.

*As added by P.L.191-2011, SEC.55.*

### **IC 31-19-25.5-3**

#### **Determine if adoptee and pre-adoptive sibling submitted similar requests**

Sec. 3. (a) If an adoptee submits a written request to the state registrar under section 2 of this chapter, the state registrar shall determine whether the pre-adoptive sibling of the adoptee has submitted a similar request.

(b) If a pre-adoptive sibling of an adoptee submits a written request to the state registrar under section 2 of this chapter, the state registrar shall determine whether an adoptee has submitted a similar request.

*As added by P.L.191-2011, SEC.55.*

### **IC 31-19-25.5-4**

#### **Adoptions filed before January 1, 1994; requirements to release information of adoptee and pre-adoptive sibling; consent of birth parent; exception; search of death certificates; provide information of court proceeding to request release of adoption information**

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 deceased, the consent of the birth parent who is deceased is not required for the release of the information under this section.

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

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-5**

**Adoptions filed after December 31, 1993; requirements to release information of adoptee and pre-adoptive sibling; search of death certificates; nonrelease form filed by birth parent; provide information of court proceeding to request release of adoption information**

Sec. 5. (a) This section applies to adoptions that are filed after December 31, 1993.

(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:

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

(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:

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

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

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

- (A) a death certificate;
- (B) an obituary; or
- (C) 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:

- (1) an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact; and
- (2) a birth parent has filed a nonrelease form under IC 31-19-25.

(f) Except as provided under subsection (g), if, upon searching the death certificates under subsection (e), the state registrar finds that a birth parent is deceased, the state registrar shall:

- (1) inform the adoptee and pre-adoptive sibling of the death; and
- (2) release the information if additional consent is not required by this chapter.

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

- (1) additional consent is required under this chapter; or
- (2) a nonrelease form submitted by a birth parent specifically states that the nonrelease form shall remain in effect after the birth parent's death.

(h) If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of

adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-6**

**Pre-adoptive sibling or adoptee less than 21 years of age; provide information of court proceeding to request release of adoption information; release of name and address prohibited**

Sec. 6. (a) If:

(1) an adoptee submits a request under section 2 of this chapter; and

(2) the pre-adoptive sibling of the adoptee is less than twenty-one (21) years of age;

the state registrar shall notify the adoptee if the pre-adoptive sibling has been located and provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee. However, the state registrar may not release the name or address of the pre-adoptive sibling to the adoptee.

(b) If:

(1) a pre-adoptive sibling submits a request under section 2 of this chapter; and

(2) the adoptee is less than twenty-one (21) years of age;

the state registrar shall notify the pre-adoptive sibling if the adoptee has been located and provide information on requesting the release of adoption information under IC 31-19-24 to the pre-adoptive sibling. However, the state registrar may not release the name or address of the adoptee to the pre-adoptive sibling.

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-7**

**Adoptive parents request information; request or consent of adult pre-adoptive sibling required; provide information of court proceeding to request release of adoption information**

Sec. 7. (a) The adoptive parents of an adoptee who is less than twenty-one (21) years of age may submit a written request for information concerning the identity and present location of any pre-adoptive siblings of the adoptee.

(b) The state registrar shall release information concerning the name and present location of an adult pre-adoptive sibling to the adoptive parents if the pre-adoptive sibling submitted a written request under section 2 of this chapter.

(c) If a pre-adoptive sibling has not submitted a request under section 2 of this chapter, the state registrar shall do the following:

(1) Search the sealed adoption records for information concerning the pre-adoptive sibling.

(2) Release information to the adoptive parents only if the pre-adoptive sibling is at least twenty-one (21) years of age and consents to the release of the information.

(d) If a pre-adoptive sibling is less than twenty-one (21) years of age, the state registrar shall provide information on requesting the

release of adoption information under IC 31-19-24 to the adoptive parents.

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-8**

##### **Unable to identify or locate pre-adoptive sibling or deceased cannot be identified or located; providing information of court proceeding to request release of adoption information; release of information prohibited**

Sec. 8. (a) The state registrar shall notify an adoptee who has submitted a request under section 2 of this chapter if:

- (1) the state registrar is unable to identify or locate a pre-adoptive sibling; or
- (2) a pre-adoptive sibling is deceased and had not submitted a request under section 2 of this chapter.

The state registrar shall provide information to the adoptee on requesting the release of adoption information under IC 31-19-24. However, the state registrar may not release any information that may identify the pre-adoptive sibling under this section.

(b) The state registrar shall notify a pre-adoptive sibling who has submitted a request under section 2 of this chapter if:

- (1) the state registrar is unable to identify or locate an adoptee; or
- (2) an adoptee is deceased and had not submitted a request under section 2 of this chapter.

The state registrar shall provide information to the pre-adoptive sibling on requesting the release of adoption information under IC 31-19-24. However, the state registrar may not release any information that may identify the adoptee under this section.

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-9**

##### **Withdrawal of request or consent**

Sec. 9. A person may withdraw a:

- (1) request by the person submitted under section 2 of this chapter; or
- (2) consent by the person for the release of information under this chapter;

by submitting to the state registrar a statement signed by the person withdrawing the request or consent.

*As added by P.L.191-2011, SEC.55.*

#### **IC 31-19-25.5-10**

##### **Errors in execution of request or consent**

Sec. 10. The state registrar may contact a person who submits a request or consent under this chapter that is incorrectly or incompletely executed to inform the person regarding the error in the execution of the request or consent.

*As added by P.L.191-2011, SEC.55.*

**IC 31-19-25.5-11**

**Fee for actual expenses**

Sec. 11. The state department of health may charge a reasonable fee for actual expenses incurred in complying with this chapter.

*As added by P.L.191-2011, SEC.55.*