

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

Chapter 25. Release of Identifying Information for Adoptions Filed After December 31, 1993; Requests for Information Concerning Pre-Adoptive Siblings

### **IC 31-19-25-1**

#### **Application of chapter**

Sec. 1. This chapter applies to adoptions that are filed after December 31, 1993.

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

### **IC 31-19-25-2**

#### **Requirements for release of identifying information**

Sec. 2. (a) The following may request the release of identifying information:

- (1) An adoptee who is an adult.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) The spouse or relative of a deceased adoptee.
- (5) The spouse or relative of a deceased birth parent.

(b) Except as provided in sections 3, 15, and 17 of this chapter and subject to sections 2.5 and 21 of this chapter, upon a request for the release of identifying information under subsection (a):

- (1) the state registrar;
- (2) the department;
- (3) a county office of family and children;
- (4) a licensed child placing agency;
- (5) a professional health care provider;
- (6) the attorney who arranged the adoption; and
- (7) a court;

shall release identifying information in the person's possession to the individual requesting the release of identifying information only if the adoptee has submitted a written consent under IC 31-19-21 to the state registrar or the person from whom the release of identifying information is requested for release of identifying information to the individual requesting the release of identifying information.

*As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.165; P.L.145-2006, SEC.260; P.L.191-2011, SEC.41.*

### **IC 31-19-25-2.5**

#### **Release prohibited; request information; affidavit**

Sec. 2.5. (a) Except as provided in subsection (b), if an individual requests the release of identifying information under section 2 of this chapter regarding an adoptee who is less than twenty-one (21) years of age, the state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter unless the adoptee's adoptive parent has submitted a written consent for the release of identifying information.

(b) The state registrar, the department, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:

- (1) The adoptee is less than twenty-one (21) years of age.
- (2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.

(c) A licensed child placing agency, a professional health care provider, an attorney, and a court:

- (1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and
- (2) shall, at the time of the request, provide:
  - (A) the name of the adoptee at the time parental rights were terminated; and
  - (B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.

(d) Not later than five (5) days after the state department of health receives a request and affidavit under subsection (c), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided under IC 31-25-2-22.

*As added by P.L.191-2011, SEC.42.*

### **IC 31-19-25-3**

#### **Nonrelease form; filing; duration; withdrawal; effect of consent**

Sec. 3. (a) A birth parent may restrict access to identifying information concerning the birth parent by filing a written nonrelease form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this chapter.

(b) A person who arranges for the signing of a consent to adoption shall provide the birth parent with a nonrelease form and the explanation described in IC 31-19-9-6.

(c) Except as provided in sections 15 and 17 of this chapter, the following persons may not release any identifying information concerning a birth parent to an individual requesting the release of identifying information under section 2 of this chapter if a nonrelease form is in effect at the time of the request for identifying information:

- (1) The state registrar.
- (2) The department.
- (3) A county office of family and children.
- (4) A licensed child placing agency.
- (5) A professional health care provider.

(6) The attorney who arranged the adoption.

(7) A court.

(d) Except as provided in subsection (f), the nonrelease form filed under this section:

(1) remains in effect during the period indicated by the individual submitting the form;

(2) is renewable; and

(3) may be withdrawn at any time by the individual who submitted the form.

(e) The nonrelease form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(f) A nonrelease form is no longer in effect if the birth parent who filed the nonrelease form is deceased unless the nonrelease form specifically states that the nonrelease form remains in effect after the birth parent's death.

*As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.261; P.L.58-2009, SEC.30; P.L.191-2011, SEC.43.*

#### **IC 31-19-25-3.5**

##### **Sending copy of nonrelease form to state registrar**

Sec. 3.5. The following persons shall send a copy of a written nonrelease form received by the person from a birth parent to the state registrar:

(1) The department.

(2) A county office of family and children.

(3) A licensed child placing agency.

(4) A professional health care provider.

(5) An attorney.

(6) A court.

*As added by P.L.191-2011, SEC.44.*

#### **IC 31-19-25-4**

##### **Nonrelease form; contents**

Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

(1) contain a space in which the birth parent may check "yes" or "no" concerning whether the individual submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and

(2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

*As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.45.*

**IC 31-19-25-5****Notice before lapse of nonrelease form**

Sec. 5. Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:

- (1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and
- (2) must indicate:
  - (A) the date upon which the form is to lapse; and
  - (B) that the nonrelease form is renewable.

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

**IC 31-19-25-6****Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

**IC 31-19-25-7****Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

**IC 31-19-25-8****Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

**IC 31-19-25-9****Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

**IC 31-19-25-10****Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

**IC 31-19-25-11****Storage and indexing of requests and nonrelease forms**

Sec. 11. The state registrar shall provide for the storage and indexing of requests and nonrelease forms under this chapter.

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

**IC 31-19-25-12****Errors in execution of forms**

Sec. 12. The state registrar may contact an individual who submits a request form or nonrelease form that is incorrectly or incompletely executed to inform the individual regarding the error in the execution of the form.

*As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.46.*

**IC 31-19-25-13****Fee for expenses**

Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The department.
- (4) A county office of family and children.
- (5) A professional health care provider.
- (6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a nonrelease form under this chapter.

*As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.263.*

#### **IC 31-19-25-14**

##### **Repealed**

*(Repealed by P.L.191-2011, SEC.57.)*

#### **IC 31-19-25-15**

##### **Consent not required**

Sec. 15. Except as provided in section 21 of this chapter, the consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:

- (1) a death certificate;
- (2) an obituary; or
- (3) any other form of evidence approved by the state department of health;

indicating that the adoptee is deceased, to the person releasing the identifying information.

*As added by P.L.191-2011, SEC.47.*

#### **IC 31-19-25-16**

##### **Search of death certificates**

Sec. 16. If an individual submits a request for the release of identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession regarding:

- (1) a related adoptee:
  - (A) who has not submitted a consent for the release of information under IC 31-19-21; and
  - (B) whose consent is necessary before identifying information may be released to the individual who has submitted the request; or
- (2) a birth parent who has filed a written nonrelease form under section 3 of this chapter.

*As added by P.L.191-2011, SEC.48.*

#### **IC 31-19-25-17**

##### **Deceased adoptee or birth parent; release of identifying**

**information**

Sec. 17. (a) If, upon searching the death certificates under section 16 of this chapter, the state registrar finds that an adoptee or a birth parent is deceased, the state registrar shall:

- (1) inform the individual requesting the release of the identifying information under section 2 of this chapter of the death; and
- (2) release the identifying information if additional consent is not required by this chapter.

(b) The state registrar may not release identifying information under subsection (a) concerning:

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

*As added by P.L.191-2011, SEC.49.*

**IC 31-19-25-18**

**Request contact**

Sec. 18. An individual who submits a request for the release of identifying information under section 2 of this chapter may contact:

- (1) a county office of family and children;
- (2) a licensed child placing agency; or
- (3) the attorney who arranged the adoption;

to request that the county office of family and children, the licensed child placing agency, or the attorney contact an adoptee whose consent is necessary before identifying information may be released under this chapter.

*As added by P.L.191-2011, SEC.50.*

**IC 31-19-25-18.5**

**Contact and disclosure prohibited**

Sec. 18.5. An attorney, a licensed child placing agency, and a county office of family and children may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 18 of this chapter if the request involves an adoptee to whom both of the following apply:

- (1) The adoptee is less than twenty-one (21) years of age.
- (2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.

*As added by P.L.191-2011, SEC.51.*

**IC 31-19-25-19**

**Contact; disclosure of identifying information by attorney, licensed child placing agency, or county office of family and children; written consent**

Sec. 19. (a) Except as provided in section 18.5 of this chapter and subject to section 21 of this chapter, upon a request described under section 18 of this chapter, a county office of family and children, a

licensed child placing agency, or an attorney that contacts an adoptee may not disclose identifying information unless the adoptee:

- (1) if the adoptee is at least twenty-one (21) years of age, gives written consent; or
- (2) if the adoptee is less than twenty-one (21) years of age, has the written consent of the adoptee's adoptive parents;

to the release of identifying information by the county office of family and children, the licensed child placing agency, or the attorney.

(b) If:

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

consents to the release of identifying information but does not provide the consent in writing, the county office of family and children, the licensed child placing agency, or the attorney may inform the birth parent regarding the fact that the adoptee or the adoptive parent has consented to the release of identifying information. The county office of family and children, the licensed child placing agency, or the attorney may inquire as to whether the adoptee or adoptive parent, whose consent is still needed before identifying information may be released, is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-24, this chapter, or IC 31-19-25.5.

*As added by P.L.191-2011, SEC.52.*

#### **IC 31-19-25-20**

##### **Fee for services; fee for actual expenses**

Sec. 20. (a) A county office of family and children, a licensed child placing agency, or an attorney may charge a reasonable fee for services performed or actual expenses incurred under section 19 of this chapter.

(b) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The department.
- (4) A county office of family and children.
- (5) A professional health care provider.
- (6) An attorney.
- (7) The state department of health.

*As added by P.L.191-2011, SEC.53.*

#### **IC 31-19-25-21**

##### **Client consent required for release of identifying information by attorney; court order**

Sec. 21. (a) An attorney may release identifying information under this chapter only if the client that the attorney represented in the adoption has submitted a written consent to the release of the identifying information to the individual requesting the identifying

information.

(b) If a client described under subsection (a) is deceased or otherwise unavailable, the identifying information in the attorney's possession may be released only under a court order issued in a proceeding under IC 31-19-24.

*As added by P.L.191-2011, SEC.54.*