IC 31-19

ARTICLE 19. FAMILY LAW: ADOPTION

IC 31-19-1

Chapter 1. Jurisdiction Over Adoption Proceedings

IC 31-19-1-1

Adoptions subject to Interstate Compact on the Placement of Children

Sec. 1. Except as provided in IC 31-28-4, the adoption of a child who is born in one (1) state by a person in another state is subject to the Interstate Compact on the Placement of Children under IC 31-28-4.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.244.

IC 31-19-1-2

Exclusive jurisdiction of probate court

Sec. 2. (a) This section applies to each Indiana county that has a separate probate court.

(b) The probate court has exclusive jurisdiction in all adoption matters.

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

IC 31-19-2

Chapter 2. Filing of Petition for Adoption

IC 31-19-2-1

Adoption of adult; petition; venue; consent; investigation

Sec. 1. (a) An individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

(1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and

(2) with the consent of the individual acknowledged in open court.

(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:

(1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or

(2) any other inquiry that the court considers advisable;

before granting the petition for adoption.

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

IC 31-19-2-2

Adoption of minor child; petition; venue; substituting petitioner

Sec. 2. (a) A resident of Indiana who seeks to adopt a child less than eighteen (18) years of age may, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

(1) the petitioner for adoption resides;

(2) a licensed child placing agency or governmental agency having custody of the child is located; or

(3) the child resides.

(b) The county in which the petition for adoption may be filed is a matter of venue and not jurisdiction.

(c) Subject to IC 31-19-9-3, if an individual who files a petition for adoption of a child:

(1) decides not to adopt the child; or

(2) is unable to adopt the child;

the petition for adoption may be amended or a second petition may be filed in the same action to substitute another individual who intends to adopt the child as the petitioner for adoption. The amended petition or second petition under this subsection relates back to the date of the original petition.

As added by P.L.1-1997, SEC.11. Amended by P.L.146-2007, SEC.2.

IC 31-19-2-3

Adoption of hard to place child by nonresident; petition; venue

Sec. 3. (a) An individual who is not a resident of Indiana and who seeks to adopt a hard to place child may file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which the:

(1) licensed child placing agency or governmental agency

having custody of the child is located; or
(2) child resides.
(b) The county in which a petition for adoption may be filed is a matter of venue and not jurisdiction.
As added by P.L.1-1997, SEC.11.

IC 31-19-2-4
Consent to adoption by petitioner's spouse
Sec. 4. (a) Except as provided in subsection (b), a petition for adoption by a married person may not be granted unless the husband and wife join in the action.
(b) If the petitioner for adoption is married to the:
(1) biological; or
(2) adoptive;
father or mother of the child, joinder by the father or mother is not necessary if an acknowledged consent to adoption of the biological or adoptive parent is filed with the petition for adoption.
As added by P.L.1-1997, SEC.11.

IC 31-19-2-5
Filing of petition; number of copies; verification
Sec. 5. (a) Except as provided in subsection (b), a petition for adoption must be filed in triplicate.
(b) If a petition for adoption is sponsored by a licensed child placing agency, the petition for adoption must be filed in quadruplicate.
(c) The original copy of a petition for adoption must be verified by the oath or affirmation of each petitioner for adoption.
As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.13; P.L.1-2010, SEC.120.

IC 31-19-2-6
Contents of petition
Sec. 6. A petition for adoption must specify the following:
(1) The:
(A) name if known;
(B) sex, race, and age if known, or if unknown, the approximate age; and
(C) place of birth;
of the child sought to be adopted.
(2) The new name to be given the child if a change of name is desired.
(3) Whether or not the child possesses real or personal property and, if so, the value and full description of the property.
(4) The:
(A) name, age, and place of residence of a petitioner for adoption; and
(B) if married, place and date of their marriage.
(5) The name and place of residence, if known to the petitioner for adoption, of:

(A) the parent or parents of the child;
(B) if the child is an orphan:
(i) the guardian; or
(ii) the nearest kin of the child if the child does not have a guardian;
(C) the court or agency of which the child is a ward if the child is a ward; or
(D) the agency sponsoring the adoption if there is a sponsor.
(6) The time, if any, during which the child lived in the home of the petitioner for adoption.
(7) Whether the petitioner for adoption has been convicted of:
(A) a felony; or
(B) a misdemeanor relating to the health and safety of children;
and, if so, the date and description of the conviction.
(8) Additional information consistent with the purpose and provisions of this article that is considered relevant to the proceedings.
As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.6; P.L.131-2009, SEC.13.

IC 31-19-2-7
Medical report
Sec. 7. (a) A medical report of the health status and medical history of the child sought to be adopted and the child's birth parents must:
(1) accompany a petition for adoption; or
(2) be filed not later than sixty (60) days after the filing of a petition for adoption.
(b) The medical report must:
(1) include neonatal, psychological, physiological, and medical care history; and
(2) be on forms prescribed by the state registrar.
(c) A copy of the medical report shall be sent to the following persons:
(1) The state registrar.
(2) The prospective adoptive parents.
(d) This section does not authorize the release of medical information that would result in the identification of an individual.
As added by P.L.1-1997, SEC.11.

IC 31-19-2-7.3
Waiver of criminal history check requirements prohibited
Sec. 7.3. A court may not waive any criminal history check requirements set forth in this chapter.
As added by P.L.138-2007, SEC.36.

IC 31-19-2-7.5
Submission of information, forms, or consents for criminal history check

Sec. 7.5. (a) This section does not apply to a petitioner for adoption who provides the licensed child placing agency or the local office with the results of a criminal history check conducted:

(1) in accordance with IC 31-9-2-22.5; and

(2) not more than one (1) year before the date on which the petition is filed.

(b) Every petitioner for adoption shall submit the necessary information, forms, or consents for:

(1) a licensed child placing agency; or

(2) the local office;

that conducts the inspection and investigation required for adoption of a child under IC 31-19-8-5 to conduct a criminal history check (as defined in IC 31-9-2-22.5) of the petitioner as part of its investigation.

(c) The petitioner for adoption shall pay the fees and other costs of the criminal history check required under this section.

As added by P.L.200-1999, SEC.7. Amended by P.L.234-2005, SEC.92; P.L.128-2012, SEC.45.

IC 31-19-2-7.6

Notification of criminal charge while adoption pending

Sec. 7.6. If a petitioner for adoption is charged with:

(1) a felony; or

(2) a misdemeanor relating to the health and safety of children;

during the pendency of the adoption, the petitioner shall notify the court of the criminal charge in writing.

As added by P.L.200-1999, SEC.8.

IC 31-19-2-8

Adoption history fee; putative father registry fee

Sec. 8. Unless the petitioner for adoption seeks under section 1 of this chapter to adopt a person who is at least eighteen (18) years of age, the petitioner for adoption must attach to the petition for adoption:

(1) an adoption history fee of twenty dollars ($20) payable to the state department of health; and

(2) a putative father registry fee of fifty dollars ($50) payable to the state department of health for:

(A) administering the putative father registry established by IC 31-19-5; and

(B) paying for blood or genetic testing in a paternity action in which an adoption is pending in accordance with IC 31-14-21-9.1.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.9.

IC 31-19-2-9

Deposit of fees in adoption history fund

Sec. 9. Fees collected under section 8 of this chapter shall be deposited in the adoption history fund established by IC 31-19-18-6.

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

IC 31-19-2-10
Notice of filing of petition; examination, correction, and amendment of form of petition

Sec. 10. (a) Not more than five (5) days after a petition for adoption has been filed, the clerk of the court shall notify the court of the filing.

(b) Upon receiving notice under subsection (a) that a petition for adoption has been filed, the court shall promptly:

(1) examine the petition for adoption; and

(2) determine whether the petition for adoption is in proper form.

(c) If the court does not find the petition for adoption to be in proper form, the court shall return the petition for adoption immediately to the petitioner for adoption or the petitioner's attorney.

(d) If a petition for adoption is returned under subsection (c), the petitioner for adoption shall promptly correct and amend the petition for adoption to conform to the law.

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

IC 31-19-2-11
Clerk's examination of form of petition

Sec. 11. If the judge of the court dies, is disabled, or is absent, the clerk of the court shall examine the petition for adoption and the petition for adoption shall be acted upon accordingly.

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

IC 31-19-2-12
Copies of petition forwarded to licensed child placing agency

Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to a licensed child placing agency as described in IC 31-9-2-17.5, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.245; P.L.146-2006, SEC.17; P.L.131-2009, SEC.14; P.L.162-2011, SEC.13; P.L.128-2012, SEC.46.

IC 31-19-2-13
Temporary custody of adopted children

Sec. 13. (a) Except for a child who is under the care and supervision of the department, a petitioner for adoption may file a separate, ex parte, verified petition requesting temporary custody of a child sought to be adopted at the time of or any time after the filing of a petition for adoption. The petition for temporary custody must be signed by each petitioner for adoption.

(b) A court may grant a petition for temporary custody filed under subsection (a) if the court finds that:

(1) the petition for adoption is in proper form; and

(2) placing the child with the petitioner or petitioners for adoption pending the hearing on the petition for adoption is in

the best interests of the child.

(c) If temporary custody is granted under this section, the petitioner or petitioners for adoption are legally and financially responsible for the child until otherwise ordered by the court.

(d) To the extent that a temporary custody order issued under this section conflicts with a custody order issued by any other court except a court having appellate jurisdiction over the child, a temporary order under this section controls.

(e) A:

(1) party to the adoption; or

(2) person who had:

(A) custody of; or

(B) parenting time or visitation with;

the child before a temporary custody order was issued under this section;

may file a petition to suspend, modify, or revoke the temporary custody order granted under this section.

(f) Upon receipt of a petition described in subsection (e), the court shall set the matter for hearing.

(g) The court may suspend, modify, or revoke the temporary custody order if the court determines suspension, modification, or revocation of the temporary custody order is in the best interests of the child.

As added by P.L.61-2003, SEC.2. Amended by P.L.145-2006, SEC.246; P.L.81-2014, SEC.1.

IC 31-19-2-14

Consolidated paternity and adoption proceedings

Sec. 14. (a) If a petition for adoption and a paternity action are pending at the same time for a child sought to be adopted, the court in which the petition for adoption has been filed has exclusive jurisdiction over the child, and the paternity proceeding must be consolidated with the adoption proceeding.

(b) If the petition for adoption is dismissed, the court hearing the consolidated adoption and paternity proceeding shall determine who has custody of the child under IC 31-19-11-5.

(c) Following a dismissal of the adoption petition under subsection (b), the court may:

(1) retain jurisdiction over the paternity proceeding; or

(2) return the paternity proceeding to the court in which it was originally filed.

If the paternity proceeding is returned to the court in which it was originally filed, the court assumes jurisdiction over the child, subject to any provisions of the consolidated court's order under IC 31-19-11-5.

As added by P.L.61-2003, SEC.3. Amended by P.L.81-2014, SEC.2.

IC 31-19-2.5

Chapter 2.5. General Notice Requirements

IC 31-19-2.5-1

Application

Sec. 1. This chapter applies to notice given to a:

(1) putative father under IC 31-19-4; and

(2) person under IC 31-19-4.5.

As added by P.L.61-2003, SEC.4.

IC 31-19-2.5-2

Notice of adoption

Sec. 2. (a) Except as provided in subsection (b), IC 31-19-4 applies to notice given to a putative father and IC 31-19-4.5 applies to notice given to other persons.

(b) If a petition for adoption alleges the consent of a putative father or a parent to the adoption has not been obtained and is unnecessary under:

(1) IC 31-19-9-8(a)(1);

(2) IC 31-19-9-8(a)(2);

(3) IC 31-19-9-8(a)(4)(B);

(4) IC 31-19-9-8(a)(4)(C);

(5) IC 31-19-9-8(a)(9); or

(6) IC 31-19-9-8(a)(11);

notice must be given under IC 31-19-4.5.

As added by P.L.61-2003, SEC.4.

IC 31-19-2.5-3

Required notice

Sec. 3. (a) Except as provided in section 4 of this chapter, notice must be given to a:

(1) person whose consent to adoption is required under IC 31-19-9-1; and

(2) putative father who is entitled to notice under IC 31-19-4.

(b) If the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of the adoption proceedings shall be given to the:

(1) licensed child placing agency; or

(2) local office;

of which the child is a ward.

As added by P.L.61-2003, SEC.4. Amended by P.L.97-2004, SEC.108; P.L.1-2007, SEC.195; P.L.128-2012, SEC.47.

IC 31-19-2.5-4

Notice not required

Sec. 4. Notice of the pendency of the adoption proceedings does not have to be given to:

(1) a person whose consent to adoption has been filed with the petition for adoption;

(2) a person whose consent to adoption is not required by:

(A) IC 31-19-9-8(a)(4)(A);
(B) IC 31-19-9-8(a)(4)(D);
(C) IC 31-19-9-8(a)(5);
(D) IC 31-19-9-8(a)(6);
(E) IC 31-19-9-8(a)(7);
(F) IC 31-19-9-8(a)(8);
(G) IC 31-19-9-9;
(H) IC 31-19-9-10;
(I) IC 31-19-9-12;
(J) IC 31-19-9-15; or
(K) IC 31-19-9-18;

(3) the hospital of an infant's birth or a hospital to which an infant is transferred for medical reasons after birth if the infant is being adopted at or shortly after birth;

(4) a person whose parental rights have been terminated before the entry of a final decree of adoption; or

(5) a person who has waived notice under:
(A) IC 31-19-4-8; or
(B) IC 31-19-4.5-4.

As added by P.L.61-2003, SEC.4. Amended by P.L.58-2009, SEC.9.

IC 31-19-2.5-5
Validity of notice

Sec. 5. A notice served in accordance with IC 31-19-4 or IC 31-19-4.5 is valid regardless of whether the notice is served within or outside Indiana.

As added by P.L.146-2007, SEC.3.

IC 31-19-3

Chapter 3. Notice of Adoption Before Birth of Child

IC 31-19-3-1

Prebirth notice to putative father

Sec. 1. Before the birth of a child:

(1) a licensed child placing agency;

(2) an attorney representing prospective adoptive parents of the child; or

(3) an attorney representing the mother of the child;

may serve the putative father of the child or cause the putative father to be served with actual notice that the mother of the child is considering an adoptive placement for the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.10.

IC 31-19-3-2

Notice not compelling adoptive placement

Sec. 2. Providing the putative father with actual notice under section 1 of this chapter does not obligate the mother of the child to proceed with an adoptive placement of the child.

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

IC 31-19-3-3

Affidavit of service of actual notice

Sec. 3. (a) Upon the filing of a petition for adoption:

(1) the licensed child placing agency sponsoring the adoption; or

(2) the attorney representing the prospective adoptive parents;

shall submit to the court an affidavit setting forth the circumstances surrounding the service of actual notice, including the time, if known, date, and manner in which the actual notice was provided.

(b) If notice is served upon the putative father under section 1(3) of this chapter:

(1) the licensed child placing agency sponsoring the adoption; or

(2) the attorney representing the prospective adoptive parents;

shall submit to the court an affidavit prepared by the attorney representing the mother of the child. An affidavit filed under this subsection must contain the same information as an affidavit filed under subsection (a).

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.14; P.L.200-1999, SEC.11.

IC 31-19-3-4

Form of notice

Sec. 4. Notice of the potential adoption under this chapter must be provided to the putative father of the child in substantially the following form:

"_____ (putative father's name), who has been named

as the father of the unborn child of _____ (birth mother's name), or who claims to be the father of the unborn child, is notified that _____ (birth mother's name) has expressed an intention to secure an adoptive placement for the child.

If _____ (putative father's name) seeks to contest the adoption of the unborn child, the putative father must file a paternity action to establish his paternity in relation to the unborn child not later than thirty (30) days after the receipt of this notice.

If _____ (putative father's name) does not file a paternity action not more than thirty (30) days after receiving this notice, or having filed a paternity action, is unable to establish paternity in relation to the child under IC 31-14 or the laws applicable to a court of another state when the court obtains jurisdiction over the paternity action, the putative father's consent to the adoption or the voluntary termination of the putative father's parent-child relationship under IC 31-35-1, or both, shall be irrevocably implied and the putative father loses the right to contest the adoption, the validity of his implied consent to the adoption, the termination of the parent-child relationship, and the validity of his implied consent to the termination of the parent-child relationship. In addition, the putative father loses the right to establish paternity of the child under IC 31-14 or in a court of another state when the court would otherwise be competent to obtain jurisdiction over the paternity action, except as provided in IC 31-19-9-17(b).

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption.".

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.12.

IC 31-19-3-5

Putative father's notice of paternity action

Sec. 5. A putative father who files a paternity action as described by IC 31-19-9-15(2) after receiving notice of a potential adoption from an attorney or a licensed child placing agency under section 1 of this chapter shall notify the attorney or agency that the paternity action has been filed. The notice must include the following information:

(1) The name of the court.

(2) The cause number.

(3) The date of filing.

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

IC 31-19-3-6

Adoptive parents' intervention in paternity action

Sec. 6. If a putative father fails to provide notice to an attorney or a licensed child placing agency under section 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon a motion of the prospective adoptive parents the court having jurisdiction over the paternity action shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure.

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

IC 31-19-3-7

Vacation of paternity determination; intervention by adoptive parents

Sec. 7. If the court has already established the paternity of a father who fails to provide notice under section 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon motion of the prospective adoptive parents the court shall:

(1) set aside the paternity determination in order to reinstate the paternity action; and

(2) allow the prospective adoptive parents to intervene as described under section 6 of this chapter.

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

IC 31-19-3-8

Applicability of Rules of Trial Procedure

Sec. 8. The Indiana Rules of Trial Procedure do not apply to the giving of notice under this chapter.

As added by P.L.200-1999, SEC.13.

IC 31-19-3-9

Validity of notice; putative father residing outside Indiana

Sec. 9. (a) A notice served in accordance with this chapter on a putative father who is a resident of Indiana is valid regardless of whether the notice is served within or outside Indiana.

(b) A notice served in accordance with this chapter outside Indiana on a putative father who is not a resident of Indiana is valid if the child was conceived:

(1) in Indiana; or

(2) outside Indiana, if the laws of the state in which the:

(A) father:

(i) is served notice; or

(ii) resides; or

(B) child was conceived;

allow a paternity or similar action to be filed before the birth of a child.

As added by P.L.146-2007, SEC.4.

IC 31-19-4

Chapter 4. Notice of Adoption After Birth of Child

IC 31-19-4-1

Notice to registered putative father

Sec. 1. Except as provided by IC 31-19-2.5-4, if:

(1) on or before the date the mother of a child executes a consent to the child's adoption, the mother has provided an attorney or agency arranging the adoption with the name and address of the putative father; and

(2) the putative father of the child has:

(A) failed or refused to consent to the adoption of the child; or

(B) not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal);

the putative father shall be given notice of the adoption proceedings under Rule 4.1 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.14; P.L.61-2003, SEC.5.

IC 31-19-4-2

Notice to putative father registered with putative father registry; name or address not provided by mother

Sec. 2. Except as provided by IC 31-19-2.5-4, if:

(1) on or before the date the mother of a child executes a consent to the child's adoption, the mother has not provided an attorney or agency arranging the adoption with the name or address, or both, of the putative father of the child; and

(2) the putative father of the child has:

(A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and

(B) registered with the putative father registry under IC 31-19-5 (or IC 31-6-5 before its repeal) within the period under IC 31-19-5-12;

the putative father shall be given notice of the adoption proceedings under Rule 4.1 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.15; P.L.61-2003, SEC.6.

IC 31-19-4-3

Notice to putative father not registered with putative father registry; name or address undisclosed by mother; child conceived outside Indiana

Sec. 3. (a) If:

(1) the mother of a child:

(A) informs an attorney or agency arranging the child's adoption, on or before the date the child's mother executes a consent to the child's adoption, that the child was conceived outside Indiana; and

(B) does not disclose to the attorney or agency the name or address, or both, of the putative father of the child; and

(2) the putative father of the child has:

(A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and

(B) not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the attorney or agency shall serve notice of the adoption proceedings on the putative father by publication in the same manner as a summons is served by publication under Rule 4.13(C) of the Indiana Rules of Trial Procedure.

(b) The only circumstance under which notice to the putative father must be given by publication under Rule 4.13(C) of the Indiana Rules of Trial Procedure is when the child was conceived outside of Indiana as described in subsection (a).

As added by P.L.1-1997, SEC.11. Amended by P.L.146-2007, SEC.5; P.L.58-2009, SEC.10.

IC 31-19-4-4

Notice to unnamed father; form

Sec. 4. Notice of the adoption proceeding required under section 3 of this chapter shall be given to an unnamed putative father in substantially the following form:

"NOTICE TO UNNAMED FATHER

The unnamed putative father of the child born to _____ (mother's name) on _____ (date), or the person who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of court).

If the unnamed putative father seeks to contest the adoption of the child, the unnamed putative father must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court within thirty (30) days after the date of service of this notice. This notice may be served by publication.

If the unnamed putative father does not file a motion to contest the adoption within thirty (30) days after service of this notice, the above named court shall hear and determine the petition for adoption. The unnamed putative father's consent is irrevocably implied and the unnamed putative father loses the right to contest the adoption or the validity of the unnamed putative father's implied consent to the adoption. The unnamed putative father loses the right to establish paternity of the child under IC 31-14.

Nothing _____ (mother's name) or any one else says to the unnamed putative father of the child relieves the unnamed putative father of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

This notice complies with IC 31-19-4-4 but does not exhaustively

set forth the unnamed putative father's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes.".

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.16; P.L.61-2003, SEC.7; P.L.21-2010, SEC.2.

IC 31-19-4-5

Notice to named father; form

Sec. 5. Notice of the adoption proceeding shall be given to:

(1) the putative father who is entitled to notice under section 1 or 2 of this chapter; or

(2) a named putative father under section 3 of this chapter;

in substantially the following form:

"NOTICE TO NAMED FATHER

_____ (putative father's name), who has been named the father of the child born to _____ (mother's name) on _____ (date), or who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of the court).

If _____ (putative father's name) seeks to contest the adoption of the child, he must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than thirty (30) days after the date of service of this notice.

If _____ (putative father's name) does not file a motion to contest the adoption within thirty (30) days after service of this notice, the above named court will hear and determine the petition for adoption. His consent will be irrevocably implied and he will lose his right to contest either the adoption or the validity of his implied consent to the adoption. He will lose his right to establish his paternity of the child under IC 31-14.

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father. For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption.

This notice complies with IC 31-19-4-5 but does not exhaustively set forth a putative father's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes.".

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.17; P.L.61-2003, SEC.8; P.L.21-2010, SEC.3.

IC 31-19-4-6

Putative father not entitled to notice of adoption

Sec. 6. Except as provided in section 3 of this chapter, if:

(1) on or before the date the mother of a child executes a consent to the child's adoption, the mother does not disclose to the attorney or agency arranging the adoption the identity or address, or both, of the putative father; and

(2) the putative father has not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the putative father is not entitled to notice of the adoption.

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

IC 31-19-4-7

Actual notice not required

Sec. 7. If a putative father is entitled to notice under section 1, 2, or 3 of this chapter, upon:

(1) providing service of process in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure for notice under section 1 or 2 of this chapter; or

(2) publication in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure for notice under section 3 of this chapter;

no further efforts to give notice to the putative father are necessary, regardless of whether the putative father actually receives the notice.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.15; P.L.146-2007, SEC.6.

IC 31-19-4-8

Waiver of notice

Sec. 8. (a) The notice required by this chapter may be waived in writing before or after the birth of a child.

(b) A waiver of notice under subsection (a) must:

(1) be in writing and signed in the presence of a notary public; and

(2) acknowledge that:

(A) the waiver is irrevocable; and

(B) the person signing the waiver will not receive notice of the adoption proceedings.

A person who waives notice of an adoption may not subsequently challenge or contest an adoption of the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.61-2003, SEC.9; P.L.130-2005, SEC.1.

IC 31-19-4-9

Exceptions to notice required by chapter

Sec. 9. The notice required by this chapter is not necessary:

(1) if actual notice has been given to a putative father under IC 31-19-3; or

(2) if:

(A) a person has attempted to give notice to a putative father at a particular address under IC 31-19-3; and

(B) the putative father could not be located at that address; unless the putative father registers that address with the putative father registry under IC 31-19-5.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.2.

IC 31-19-4-10
Repealed

(Repealed by P.L.61-2003, SEC.22.)

IC 31-19-4-11
Repealed

(Repealed by P.L.61-2003, SEC.22.)

IC 31-19-4-12
Repealed

(Repealed by P.L.61-2003, SEC.22.)

IC 31-19-4-13
Applicability of Rules of Trial Procedure

Sec. 13. Only the rules of the Indiana Rules of Trial Procedure specified in this chapter apply to the giving of notice under this chapter.

As added by P.L.200-1999, SEC.18.

IC 31-19-4.5

Chapter 4.5. Other Persons Entitled to Notice of Adoption

IC 31-19-4.5-1

Application

Sec. 1. This chapter:

(1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4; and

(2) applies to a father who has abandoned, failed to support, or failed to communicate with a child.

As added by P.L.61-2003, SEC.10. Amended by P.L.146-2007, SEC.7.

IC 31-19-4.5-2

Notice when consent not required

Sec. 2. Except as provided in IC 31-19-2.5-4, if a petition for adoption alleges that consent to adoption is not required under IC 31-19-9-8, notice of the adoption must be given to the person from whom consent is allegedly not required under IC 31-19-9-8. Notice shall be given:

(1) in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure if the person's name and address are known; or

(2) in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure if the name or address of the person is not known;

to a petitioner for adoption.

As added by P.L.61-2003, SEC.10. Amended by P.L.146-2007, SEC.8.

IC 31-19-4.5-3

Form of adoption notice

Sec. 3. Notice of the adoption proceeding shall be given to a person entitled to notice under section 2 of this chapter in substantially the following form:

"NOTICE OF ADOPTION

_____ (person's name) is notified that a petition for adoption of a child, named _____ (child's name, if named), born to _____ (mother's name) on _____ (date) was filed in the office of the clerk of _____ court, _____ (address of the court). The petition for adoption alleges that the consent to adoption of _____ (person's name) is not required because _____ (provide a brief description of the reason(s) the consent is not required).

If _____ (person's name) seeks to contest the adoption of the child, _____ (person's name) must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court not later than thirty (30) days after the date of service of this notice.

If _____ (person's name) does not file a motion to contest the adoption within thirty (30) days after service of this notice the

above named court will hear and determine the petition for adoption. The consent to adoption of _____ (person's name) will be irrevocably implied and _____ (person's name) will lose the right to contest either the adoption or the validity of _____'s (person's name) implied consent to the adoption.

No oral statement made to _____ (person's name) relieves _____ (person's name) of _____'s (person's name) obligations under this notice.

This notice complies with IC 31-19-4.5-3 but does not exhaustively set forth a person's legal obligations under the Indiana adoption statutes. A person being served with this notice should consult the Indiana adoption statutes.".

As added by P.L.61-2003, SEC.10.

IC 31-19-4.5-4

Waiver of notice

Sec. 4. (a) The notice required by this chapter may be waived in writing before or after the birth of a child.

(b) A waiver of notice under subsection (a) must:

(1) be in writing and signed in the presence of a notary public; and

(2) acknowledge that:

(A) the waiver is irrevocable; and

(B) the person signing the waiver will not receive notice of the adoption proceedings.

A person who waives notice of an adoption may not challenge or contest an adoption of the child.

As added by P.L.61-2003, SEC.10. Amended by P.L.130-2005, SEC.3.

IC 31-19-4.5-5

Content of notice

Sec. 5. The description in the notice under section 3 of this chapter of the reasons consent to adoption is not required need only include enough information to put a reasonable person on notice that a petition for adoption that alleges the person's consent to adoption is unnecessary is pending. The description does not require an exhaustive description of the reasons the person's consent to adoption is not required.

As added by P.L.61-2003, SEC.10.

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.

IC 31-19-6

Chapter 6. Search of Paternity Records and Putative Father Registry

IC 31-19-6-1

Request for search of records pending adoption proceedings

Sec. 1. 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 state department's records of:

(1) paternity determinations to determine whether a man's paternity of a child has been established in relation to a child who is or may be the subject of an adoption; and

(2) notices of filings of petitions to establish paternity.

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.19.

IC 31-19-6-2

Response to search request

Sec. 2. Not later than five (5) days after receiving a request under section 1 of this chapter, the state department of health shall:

(1) submit an affidavit to the attorney or agency verifying whether a record of a paternity determination has been filed under IC 31-14-9-2 concerning the child; and

(2) search the putative father registry established by IC 31-19-5 and notify the attorney or agency, in compliance with IC 31-19-5-16 as to whether a putative father has:

(A) registered concerning the child; or

(B) filed a petition to establish paternity in relation to the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.20.

IC 31-19-6-3

Release of copy of paternity determination and notice of filing of petition to establish paternity

Sec. 3. (a) If a record of a paternity determination has been filed concerning a child who is the subject of a request under section 1 of this chapter, the state department of health shall release a copy of the record of the paternity determination to the requesting attorney or agency.

(b) If a notice of a filing of a petition to establish paternity has been filed concerning a child who is the subject of a request under section 1 of this chapter, the state department of health shall release a copy of the notice of the filing of the petition to the requesting attorney or agency.

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

IC 31-19-7

Chapter 7. Prior Approval of Placement of Child in Proposed Adoptive Home

IC 31-19-7-1

Prior written approval of placements; criminal history checks

Sec. 1. (a) A child may not be placed in a proposed adoptive home without the prior written approval of a licensed child placing agency or the local office approved for that purpose by the department.

(b) Except as provided in subsection (d), before giving prior written approval for placement in a proposed adoptive home of a child, a licensed child placing agency or the department of child services shall conduct a criminal history check (as defined in IC 31-9-2-22.5) concerning the proposed adoptive parent and any other person who is currently residing in the proposed adoptive home.

(c) The prospective adoptive parent shall pay the fees and other costs of the criminal history check required under this section.

(d) A licensed child placing agency or the department of child services is not required to conduct a criminal history check (as defined in IC 31-9-2-22.5) if a prospective adoptive parent provides the licensed child placing agency or the local office with the results of a criminal history check conducted:

(1) in accordance with IC 31-9-2-22.5; and

(2) not more than one (1) year before the date on which the licensed child placing agency or the local office provides written approval for the placement.

As added by P.L.1-1997, SEC.11. Amended by P.L.234-2005, SEC.93; P.L.145-2006, SEC.247; P.L.138-2007, SEC.37; P.L.128-2012, SEC.48.

IC 31-19-7-2

Consent of the department

Sec. 2. Whenever the written approval for placement of a child in a proposed adoptive home is obtained from a licensed child placing agency, the consent of the department is not required unless the child is a ward of the department.

As added by P.L.1-1997, SEC.11. Amended by P.L.128-2012, SEC.49.

IC 31-19-7-3

Approval filed with adoption petition

Sec. 3. Approval under this chapter for placement in a proposed adoptive home must be filed with the petition for adoption.

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

IC 31-19-8

Chapter 8. Supervision of Child by Licensed Child Placing Agency

IC 31-19-8-1

Period of supervision as prerequisite to adoption

Sec. 1. An adoption may be granted in Indiana only after:

(1) the court has heard the evidence; and

(2) except as provided in section 2(c) of this chapter, a period of supervision, as described in section 2 of this chapter, by:

(A) a licensed child placing agency for a child who has not been adjudicated to be a child in need of services; or

(B) the department, if the child is the subject of an open child in need of services action.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.248; P.L.138-2007, SEC.38; P.L.131-2009, SEC.15; P.L.128-2012, SEC.50.

IC 31-19-8-2

Supervision period; waiver of supervision period

Sec. 2. (a) Except as provided in subsection (c), the period of supervision required by section 1 of this chapter may be before or after the filing of a petition for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.39.

IC 31-19-8-3

List of licensed child placing agencies and local offices of the department

Sec. 3. (a) The department shall annually compile a list of:

(1) licensed child placing agencies; and

(2) the local offices;

that conduct the inspection and supervision required for adoption of a child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and local offices must include a description of the following:

(1) Fees charged by each agency and the department.

(2) Geographic area served by each agency and local office.

(3) Approximate waiting period for the inspection or supervision by each licensed child placing agency and local office.

(4) Other relevant information regarding the inspection and supervision provided by a licensed child placing agency or a local office under IC 31-19-7-1 and section 1 of this chapter.

(c) The department shall do the following:

(1) Maintain in its office or on its Internet web site copies of the list compiled under this section for distribution to individuals who request a copy.

(2) Provide each local office with sufficient copies of the list prepared under this section for distribution to individuals who request a copy.

(3) Provide a copy of the list to each public library organized under IC 36-12.

(d) The department and each:

(1) local office; and

(2) public library organized under IC 36-12;

shall make the list compiled under this section available for public inspection.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-2005, SEC.201; P.L.145-2006, SEC.249; P.L.131-2009, SEC.16; P.L.128-2012, SEC.51.

IC 31-19-8-4

List of approved supervising agencies

Sec. 4. To facilitate adoption proceedings, the department shall:

(1) publish;

(2) post on its web site; or

(3) furnish to each public library organized under IC 36-12;

a list of approved supervising agencies.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.250; P.L.131-2009, SEC.17.

IC 31-19-8-5

Agency report and recommendation; filing requirements; waiver of report

Sec. 5. (a) Except as provided in subsection (c), not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency:

(1) each licensed child placing agency, for a child who is not adjudicated to be a child in need of services; or

(2) if the child is the subject of an open child in need of services action, each local office;

shall submit to the court a written report of the investigation and recommendation as to the advisability of the adoption.

(b) The report and recommendation:

(1) shall be filed with the adoption proceedings; and

(2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision.

(d) If the court waives the reports required under subsection (a), the court shall require the licensed child placing agency for a child who is not adjudicated to be a child in need of services or, if the child

is the subject of an open child in need of services action, each local office to:

(1) ensure a criminal history check is conducted under IC 31-19-2-7.5; and

(2) report to the court the results of the criminal history check.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.40; P.L.131-2009, SEC.18; P.L.128-2012, SEC.52.

IC 31-19-8-6

Contents of report

Sec. 6. (a) The report required by section 5 of this chapter must, to the extent possible, include the following:

(1) The former environment and antecedents of the child.

(2) The fitness of the child for adoption.

(3) The suitability of the proposed home for the child.

(b) The report may not contain any of the following:

(1) Information concerning the financial condition of the prospective adoptive parents.

(2) A recommendation that a request for a subsidy be denied in whole or in part due to the financial condition of the prospective adoptive parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.19; P.L.138-2007, SEC.41; P.L.131-2009, SEC.19; P.L.162-2011, SEC.14.

IC 31-19-8-7

Summary consideration of agency's report; continuance

Sec. 7. The court shall summarily consider the report submitted under section 5 of this chapter. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.42; P.L.131-2009, SEC.20.

IC 31-19-8-8

Agency report and recommendation; nonbinding on court

Sec. 8. The report and recommendation of the licensed child placing agency or local office are not binding on the court but are advisory only.

As added by P.L.1-1997, SEC.11. Amended by P.L.138-2007, SEC.43; P.L.131-2009, SEC.21; P.L.128-2012, SEC.53.

IC 31-19-8-9

Prompt hearing and determination of adoption

Sec. 9. As soon as possible after the provisions of IC 31-19-7-1 and this chapter have been satisfied, the court shall proceed to hear and determine the petition for adoption.

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

IC 31-19-9
Chapter 9. Consent to Adoption

IC 31-19-9-0.2
Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 31-3-1-6 (before its repeal, now codified in IC 31-19-2, IC 31-19-4, this chapter, and IC 31-19-10) by P.L.293-1987 apply to a petition for adoption, except for a petition on which an adoption decree has been entered before May 4, 1987.

As added by P.L.220-2011, SEC.504.

IC 31-19-9-1
Consents required

Sec. 1. (a) Except as otherwise provided in this chapter, a petition to adopt a child who is less than eighteen (18) years of age may be granted only if written consent to adoption has been executed by the following:

(1) Each living parent of a child born in wedlock, including a man who is presumed to be the child's biological father under IC 31-14-7-1(1) if the man is the biological or adoptive parent of the child.

(2) The mother of a child born out of wedlock and the father of a child whose paternity has been established by:

(A) a court proceeding other than the adoption proceeding, except as provided in IC 31-14-20-2; or

(B) a paternity affidavit executed under IC 16-37-2-2.1;

unless the putative father gives implied consent to the adoption under section 15 of this chapter.

(3) Each person, agency, or local office having lawful custody of the child whose adoption is being sought.

(4) The court having jurisdiction of the custody of the child if the legal guardian or custodian of the person of the child is not empowered to consent to the adoption.

(5) The child to be adopted if the child is more than fourteen (14) years of age.

(6) The spouse of the child to be adopted if the child is married.

(b) A parent who is less than eighteen (18) years of age may consent to an adoption without the concurrence of:

(1) the individual's parent or parents; or

(2) the guardian of the individual's person;

unless the court, in the court's discretion, determines that it is in the best interest of the child to be adopted to require the concurrence.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.17; P.L.58-2009, SEC.22; P.L.128-2012, SEC.54.

IC 31-19-9-2
Execution of consent; timing; restrictions

Sec. 2. (a) The consent to adoption may be executed at any time after the birth of the child, either in the presence of:

(1) the court;
(2) a notary public or other person authorized to take acknowledgments; or
(3) an authorized agent of:
(A) the department; or
(B) a licensed child placing agency.

(b) The child's mother may not execute a consent to adoption before the birth of the child.

(c) The child's father may execute a consent to adoption before the birth of the child if the consent to adoption:
(1) is in writing;
(2) is signed by the child's father in the presence of a notary public; and
(3) contains an acknowledgment that:
(A) the consent to adoption is irrevocable; and
(B) the child's father will not receive notice of the adoption proceedings.

(d) A child's father who consents to the adoption of the child under subsection (c) may not challenge or contest the child's adoption.

(e) Except as provided in subsection (f) or (g), a person who executes a written consent to the adoption of a child may not execute a second or subsequent written consent to have another person adopt the child unless one (1) or more of the following apply:
(1) Each original petitioner provides a written statement that the petitioner is not adopting the child.
(2) The person consenting to the adoption has been permitted to withdraw the first consent to adoption under IC 31-19-10.
(3) The court dismisses the petition for adoption filed by the original petitioner or petitioners for adoption based upon a showing, by clear and convincing evidence, that it is not in the best interests of the child that the petition for adoption be granted.
(4) The court denies the petition to adopt the child filed by the original petitioner or petitioners for adoption.

(f) The department may execute more than one (1) written consent to the adoption of a child if the department determines that the execution of more than one (1) written consent is in the best interests of the child.

(g) The parents of a child who is a ward of the department may execute a second or subsequent consent if:
(1) the court with jurisdiction over the child in need of services determines that adoption by the person to whom consents were originally signed is not in the child's best interest; or
(2) if the child's placement with the person who has petitioned or intends to petition to adopt the child is disrupted.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.4; P.L.145-2006, SEC.251; P.L.21-2010, SEC.5; P.L.162-2011, SEC.15; P.L.128-2012, SEC.55.

IC 31-19-9-3

Validity of consent not identifying petitioner for adoption; consent to substituting petitioners

Sec. 3. (a) A consent to adoption that does not name or otherwise identify a petitioner for adoption is valid if the consent to adoption contains a statement, by the person consenting to adoption, that the person consenting to adoption voluntarily executed the consent to adoption without disclosure of the name or other identification of the petitioner for adoption.

(b) A petitioner may be substituted under IC 31-19-2-2 if:

(1) the consent to adoption executed by a child's mother contains a statement, by the mother consenting to adoption, that the mother voluntarily agrees that a petitioner for the adoption may be substituted without additional consent from the mother; or

(2) the mother executes a written consent to the substitution of a petitioner for the adoption.

The mother's consent under this subsection is not conditional regardless of whether the mother consents or does not consent to the substitution of petitioners under this subsection.

As added by P.L.1-1997, SEC.11. Amended by P.L.146-2007, SEC.10.

IC 31-19-9-4

Forms

Sec. 4. The department may furnish to the clerks of courts prescribed forms for use by parents or other persons when giving consent to adoption.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.252.

IC 31-19-9-5

Filing of copies

Sec. 5. Copies of a signed consent to adoption shall be filed with the investigating agency and the clerk of the court in which the petition for adoption is pending.

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

IC 31-19-9-6

Information and forms provided to birth parents

Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the following:

(1) An explanation concerning the following:

(A) The availability of adoption history information under IC 31-19-17 through IC 31-19-25.5.

(B) The birth parent's option to file a nonrelease form with the state registrar if the birth parent seeks to restrict the release of identifying information.

(C) That identifying information may be released unless the birth parent files the nonrelease form with the state registrar.

(2) A nonrelease form prescribed by the state registrar under IC 31-19-25-4.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.12.

IC 31-19-9-7

Nonrelease forms

Sec. 7. Upon request, the state registrar shall provide an individual or agency with a nonrelease form required by section 6(2) of this chapter.

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

IC 31-19-9-8

Consent to adoption not required; written denial of paternity precludes challenge to adoption

Sec. 8. (a) Consent to adoption, which may be required under section 1 of this chapter, is not required from any of the following:

(1) A parent or parents if the child is adjudged to have been abandoned or deserted for at least six (6) months immediately preceding the date of the filing of the petition for adoption.

(2) A parent of a child in the custody of another person if for a period of at least one (1) year the parent:

(A) fails without justifiable cause to communicate significantly with the child when able to do so; or

(B) knowingly fails to provide for the care and support of the child when able to do so as required by law or judicial decree.

(3) The biological father of a child born out of wedlock whose paternity has not been established:

(A) by a court proceeding other than the adoption proceeding; or

(B) by executing a paternity affidavit under IC 16-37-2-2.1.

(4) The biological father of a child born out of wedlock who was conceived as a result of:

(A) a rape for which the father was convicted under IC 35-42-4-1;

(B) child molesting (IC 35-42-4-3);

(C) sexual misconduct with a minor (IC 35-42-4-9); or

(D) incest (IC 35-46-1-3).

(5) The putative father of a child born out of wedlock if the putative father's consent to adoption is irrevocably implied under section 15 of this chapter.

(6) The biological father of a child born out of wedlock if the:

(A) father's paternity is established after the filing of a petition for adoption in a court proceeding or by executing a paternity affidavit under IC 16-37-2-2.1; and

(B) father is required to but does not register with the putative father registry established by IC 31-19-5 within the period required by IC 31-19-5-12.

(7) A parent who has relinquished the parent's right to consent

to adoption as provided in this chapter.

(8) A parent after the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal).

(9) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent to adoption.

(10) A legal guardian or lawful custodian of the person to be adopted who has failed to consent to the adoption for reasons found by the court not to be in the best interests of the child.

(11) A parent if:

(A) a petitioner for adoption proves by clear and convincing evidence that the parent is unfit to be a parent; and

(B) the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent.

(12) A child's biological father who denies paternity of the child before or after the birth of the child if the denial of paternity:

(A) is in writing;

(B) is signed by the child's father in the presence of a notary public; and

(C) contains an acknowledgment that:

(i) the denial of paternity is irrevocable; and

(ii) the child's father will not receive notice of adoption proceedings.

A child's father who denies paternity of the child under this subdivision may not challenge or contest the child's adoption.

(b) If a parent has made only token efforts to support or to communicate with the child the court may declare the child abandoned by the parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.18; P.L.61-2003, SEC.11; P.L.130-2005, SEC.5.

IC 31-19-9-9

Parent's crime against child's other parent; effect on consent requirement

Sec. 9. A court shall determine that consent to adoption is not required from a parent if the:

(1) parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) an attempt under IC 35-41-5-1 to commit a crime described in clauses (A) through (C); or

(E) a crime in another state that is substantially similar to a crime described in clauses (A) through (D);

(2) victim of the crime is the child's other parent; and

(3) court determines, after notice to the convicted parent and a hearing, that dispensing with the parent's consent to adoption is in the child's best interests.

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

IC 31-19-9-10

Parent's crime against child or child's sibling; effect on consent requirement

Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

(1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) rape (IC 35-42-4-1);

(E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(F) child molesting (IC 35-42-4-3) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;

(G) incest (IC 35-46-1-3) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent (IC 35-46-1-4) as a:

(i) Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery (IC 35-42-2-1) of a child as a:

(i) Class C felony, for a crime committed before July 1, 2014; or

(ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery (IC 35-42-2-1) as a:

(i) Class A or Class B felony, for a crime committed before July 1, 2014; or

(ii) Level 2 or Level 3 felony, for a crime committed after June 30, 2014; or

(K) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J);

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

As added by P.L.1-1997, SEC.11. Amended by P.L.222-2001, SEC.1; P.L.158-2013, SEC.310; P.L.214-2013, SEC.23; P.L.168-2014, SEC.38.

IC 31-19-9-12
When consent of putative father irrevocably implied

Sec. 12. A putative father's consent to adoption is irrevocably implied without further court action if the putative father:

(1) fails to file a motion to contest the adoption in accordance with IC 31-19-10 within thirty (30) days after service of notice under IC 31-19-4 in the court in which the adoption is pending;

(2) having filed a motion to contest the adoption in accordance with IC 31-19-10, fails to appear at the hearing set to contest the adoption;

(3) having filed a paternity action under IC 31-14, fails to establish paternity in the action; or

(4) is required to but fails to register with the putative father registry established by IC 31-19-5 within the period under IC 31-19-5-12.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.19; P.L.200-1999, SEC.20; P.L.21-2010, SEC.6.

IC 31-19-9-13
Challenge of adoption or validity of implied consent by putative father; when precluded

Sec. 13. A putative father whose consent to adoption is implied under this chapter or IC 31-19-5-18 is not entitled to challenge:

(1) the adoption; or

(2) the validity of the putative father's implied consent to the adoption.

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

IC 31-19-9-14
Establishment of paternity by putative father; when precluded

Sec. 14. A putative father whose consent to adoption of a child is implied under this chapter or IC 31-19-5-18 is not entitled to establish paternity under IC 31-14.

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

IC 31-19-9-15
When consent of putative father irrevocably implied; additional circumstances

Sec. 15. (a) The putative father's consent to adoption of the child is irrevocably implied without further court action if the father:

(1) fails to file a paternity action:

(A) under IC 31-14; or

(B) in a court located in another state that is competent to obtain jurisdiction over the paternity action;

not more than thirty (30) days after receiving actual notice under IC 31-19-3 of the mother's intent to proceed with an adoptive placement of the child, regardless of whether the child is born before or after the expiration of the thirty (30) day period; or

(2) files a paternity action:

(A) under IC 31-14; or

(B) in a court located in another state that is competent to obtain jurisdiction over the paternity action;

during the thirty (30) day period prescribed by subdivision (1) and fails to establish paternity in the paternity proceeding under IC 31-14 or the laws applicable to a court of another state when the court obtains jurisdiction over the paternity action.

(b) This section does not prohibit a putative father who meets the requirements of section 17(b) of this chapter from establishing paternity of the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.21.

IC 31-19-9-16

Challenge of adoption or validity of irrevocably implied consent by putative father; when precluded

Sec. 16. A putative father whose consent to adoption is irrevocably implied under section 15 of this chapter is not entitled to contest:

(1) the adoption; or

(2) the validity of the putative father's implied consent to the adoption.

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

IC 31-19-9-17

Establishment of paternity by putative father; restrictions

Sec. 17. (a) A putative father whose consent to an adoption is implied under section 15 of this chapter is not entitled to establish paternity of the child:

(1) in a court proceeding under IC 31-14; or

(2) by executing a paternity affidavit under IC 16-37-2-2.1.

(b) Notwithstanding subsection (a), a putative father who is barred from establishing paternity of the child under subsection (a) may establish paternity of the child in a court proceeding under IC 31-14 if:

(1) the putative father submits, together with the petition to establish paternity, an affidavit prepared by the:

(A) licensed child placing agency; or

(B) attorney;

that served notice or caused notice to be served upon the putative father under IC 31-19-3-1 stating that neither a petition for adoption nor a placement of the child in a proposed adoptive home is pending; and

(2) the court finds on the record, based on all the information available to the court, including an affidavit described under subdivision (1), that neither a:

(A) petition for adoption; nor

(B) placement of the child in a prospective adoptive home;

is pending.

The requirements of this subsection are jurisdictional and must be strictly adhered to by the putative father and the court.

(c) An individual who is otherwise barred from establishing paternity under this article may establish paternity in relation to a child if an adoption for the child is not pending or contemplated. A petition for adoption that is not filed or a petition for adoption that is dismissed is not a basis for enabling an individual to establish paternity under this section unless the requirements of subsection (b) are satisfied.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.22; P.L.61-2003, SEC.12.

IC 31-19-9-18

When implied consent to adoption irrevocable

Sec. 18. (a) The consent of a person who is served with notice under IC 31-19-4.5 to adoption is irrevocably implied without further court action if the person:

(1) fails to file a motion to contest the adoption as required under IC 31-19-10 not later than thirty (30) days after service of notice under IC 31-19-4.5; or

(2) files a motion to contest the adoption as required under IC 31-19-10 but fails to:

(A) appear at the hearing to contest the adoption; and

(B) prosecute the motion to contest without unreasonable delay.

(b) A court shall dismiss a motion to contest an adoption filed under subsection (a)(2) with prejudice and the person's consent to the adoption shall be irrevocably implied if the court finds that the person who filed the motion to contest is failing to prosecute the motion without unreasonable delay.

As added by P.L.61-2003, SEC.13.

IC 31-19-9-19

Implied consent to adoption bar to adoption challenge

Sec. 19. A person whose consent to adoption is irrevocably implied under section 18 of this chapter may not contest the adoption or the validity of the person's implied consent to the adoption.

As added by P.L.61-2003, SEC.14.

IC 31-19-10

Chapter 10. Withdrawal of Consent to Adoption; Contest of Adoption

IC 31-19-10-0.5

Standard of proof

Sec. 0.5. The party bearing the burden of proof in a proceeding under this chapter must prove the party's case by clear and convincing evidence.

As added by P.L.130-2005, SEC.6.

IC 31-19-10-1

Persons permitted to contest adoption; time for filing motion to contest

Sec. 1. (a) Except as provided in subsection (c), only a person entitled to notice of adoption under IC 31-19-4 or IC 31-19-4.5 may contest an adoption.

(b) A person contesting an adoption must file a motion to contest the adoption with the court not later than thirty (30) days after service of notice of the pending adoption.

(c) A person seeking to withdraw consent to an adoption must file a motion to withdraw consent to the adoption with the court.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.20; P.L.61-2003, SEC.15.

IC 31-19-10-1.2

Contested adoption; burden of proof

Sec. 1.2. (a) If a petition for adoption alleges that a parent's consent to adoption is unnecessary under:

(1) IC 31-19-9-8(a)(1); or

(2) IC 31-19-9-8(a)(2);

and the parent files a motion to contest the adoption under section 1 of this chapter, a petitioner for adoption has the burden of proving that the parent's consent to the adoption is unnecessary under IC 31-19-9-8.

(b) If a petition for adoption alleges that a parent's consent to adoption is unnecessary under:

(1) IC 31-19-9-8(a)(4)(B); or

(2) IC 31-19-9-8(a)(4)(C);

and the parent files a motion to contest the adoption under section 1 of this chapter, the parent has the burden of proving that the child was not conceived under circumstances that would cause the parent's consent to be unnecessary under IC 31-19-9-8(a)(4). The absence of a criminal prosecution and conviction is insufficient to satisfy the burden of proof.

(c) If a petition for adoption alleges that a parent's consent to adoption is unnecessary under IC 31-19-9-8(a)(9) and the parent files a motion to contest the adoption under section 1 of this chapter, a petitioner for adoption has the burden of proving that the parent's consent to the adoption is unnecessary under IC 31-19-9-8(a)(9).

(d) If a petition for adoption alleges that a legal guardian or lawful custodian's consent to adoption is unnecessary under IC 31-19-9-8(a)(10) and the legal guardian or lawful custodian files a motion to contest the adoption under section 1 of this chapter, the legal guardian or lawful custodian has the burden of proving that the withholding of the consent to adoption is in the best interests of the person sought to be adopted.

(e) If a petition for adoption alleges that a parent's consent to adoption is unnecessary under IC 31-19-9-8(a)(11) and the parent files a motion to contest the adoption under section 1 of this chapter, a petitioner for adoption has the burden of proving that the requirements of IC 31-19-9-8(a)(11) are satisfied and that the best interests of the child are served if the court dispenses with the parent's consent to adoption.

(f) If a petition for adoption alleges that a parent's consent to adoption is unnecessary under:

(1) IC 31-19-9-9; or

(2) IC 31-19-9-10;

and the parent files a motion to contest the adoption under section 1 of this chapter, a petitioner has the burden of proving that the requirements of IC 31-19-9-9 or IC 31-19-9-10, respectively, are satisfied and that the best interests of the child are served if the court dispenses with the parent's consent to adoption.

(g) If a court finds that the person who filed the motion to contest the adoption is failing to prosecute the motion without undue delay, the court shall dismiss the motion to contest with prejudice, and the person's consent to the adoption shall be irrevocably implied.

As added by P.L.61-2003, SEC.16.

IC 31-19-10-1.4

Basis for resolving contested adoption

Sec. 1.4. A court, in making a determination under section 1.2(e) of this chapter, shall consider all relevant evidence, but may not base its determination solely on a finding that a:

(1) petitioner for adoption would be a better parent for a child than the parent who filed the motion to contest the adoption; or

(2) parent has a biological link to the child sought to be adopted.

As added by P.L.61-2003, SEC.17.

IC 31-19-10-2

Notice of intent to withdraw consent or to contest adoption

Sec. 2. A person seeking to withdraw consent to an adoption under section 3 of this chapter or contesting an adoption must give notice of intent to withdraw consent to or contest the adoption to the following persons:

(1) All parties to the adoption.

(2) A person whose consent to adoption is required by IC 31-19-9.

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

IC 31-19-10-3
Withdrawal of consent to adoption

Sec. 3. (a) A consent to adoption may be withdrawn not later than thirty (30) days after consent to adoption is signed if:

(1) the court finds, after notice and opportunity to be heard afforded to the petitioner for adoption, that the person seeking the withdrawal is acting in the best interest of the person sought to be adopted; and

(2) the court orders the withdrawal.

(b) A consent to adoption may not be withdrawn after:

(1) thirty (30) days after the consent to adoption is signed;

(2) the person who signs the consent to adoption appears, in person or by telephonic communications or video conferencing, before a court in which the petition for adoption has been or will be filed and acknowledges that the person:

(A) understood the consequences of the signing of the consent to adoption;

(B) freely and voluntarily signed the consent to adoption; and

(C) believes that adoption is in the best interests of the person to be adopted; or

(3) the person who signs the consent to adoption appears, in person or by telephonic communications or video conferencing, before a court of competent jurisdiction if the parent is outside of Indiana and acknowledges that the person:

(A) understood the consequences of the signing of the consent to adoption;

(B) freely and voluntarily signed the consent to adoption; and

(C) believes that adoption is in the best interests of the person to be adopted;

whichever occurs first.

(c) If a hearing under this section is conducted by telephonic communication or video conferencing, the court shall ensure that the hearing is recorded.

As added by P.L.1-1997, SEC.11. Amended by P.L.61-2003, SEC.18; P.L.146-2007, SEC.11.

IC 31-19-10-4
Limitation on withdrawing consent

Sec. 4. A consent to adoption may be withdrawn only as provided in this chapter and may not be withdrawn after the entry of the adoption decree.

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.23.

IC 31-19-10-4.5
Contest of adoption by putative father

Sec. 4.5. The putative father of a child who is served with notice under IC 31-19-4 and wishes to contest the adoption must do so in accordance with this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.21; P.L.61-2003, SEC.19.

IC 31-19-10-5
Hearing to contest adoption

Sec. 5. Whenever a motion to contest an adoption is filed, the court shall, before entering a decree under IC 31-19-11, set the matter for a hearing to contest the adoption.
As added by P.L.1-1997, SEC.11.

IC 31-19-10-6
Determination of contest of adoption

Sec. 6. After hearing evidence at the hearing, the court shall:
(1) dismiss the petition for adoption if the court:
(A) finds that the person who filed the motion to contest the adoption has established that it is in the best interests of the child that the motion to contest the adoption be granted;
(B) finds that a required consent to adoption has not been obtained in writing or has not been implied under IC 31-19-9; or
(C) permits a necessary consent to adoption to be withdrawn; or
(2) deny the motion to contest the adoption.
As added by P.L.1-1997, SEC.11.

IC 31-19-10-7
Service of notice of adoption contest; protection of privacy of adoption petitioner

Sec. 7. (a) The court may:
(1) send all notices of the filing of a motion to contest an adoption;
(2) conduct bifurcated hearings under this chapter; and
(3) issue an order protecting the anonymity of a petitioner for adoption.
(b) An order issued under subsection (a)(3) may include an order directed to an attorney who represents a party:
(1) contesting an adoption; or
(2) seeking to withdraw a consent to adoption.
An order under subdivision (1) or (2) may order the attorney not to disclose information that identifies or may tend to identify a petitioner for adoption.
As added by P.L.1-1997, SEC.11. Amended by P.L.61-2003, SEC.20.

IC 31-19-10-8
Denial of putative father's adoption contest as bar to establishing paternity

Sec. 8. A putative father is barred from establishing paternity under IC 31-14 if his motion to contest the adoption has been denied under this chapter.
As added by P.L.1-1997, SEC.11.

IC 31-19-11

Chapter 11. Disposition of Petition for Adoption; Adoption Decree

IC 31-19-11-1

Decree; affidavit; criminal convictions and juvenile adjudications

Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or local office that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the state department of health's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A juvenile adjudication for an act listed in subdivisions (1) through (21) that would be a felony if committed by an adult, a conviction of a misdemeanor related to the health and safety of a child, or a conviction of a felony not listed in subdivisions (1) through (21) by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery as a felony (IC 35-42-2-1).
(7) Domestic battery (IC 35-42-2-1.3).
(8) Aggravated battery (IC 35-42-2-1.5).
(9) Kidnapping (IC 35-42-3-2).
(10) Criminal confinement (IC 35-42-3-3).
(11) A felony sex offense under IC 35-42-4.
(12) Carjacking (IC 35-42-5-2) (repealed).
(13) Arson (IC 35-43-1-1).
(14) Incest (IC 35-46-1-3).
(15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
(16) Child selling (IC 35-46-1-4(d)).
(17) A felony involving a weapon under IC 35-47 or IC 35-47.5.
(18) A felony relating to controlled substances under IC 35-48-4.
(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
(20) A felony under IC 9-30-5.
(21) A felony under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (20).

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (10), (12), (13), (17), (18), or (20) or its equivalent under subdivision (21), if the date of the conviction did not occur within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex or violent offender (as defined in IC 11-8-8-5) or a sexually violent predator (as defined in IC 35-38-1-7.5).

As added by P.L.1-1997, SEC.11. Amended by P.L.257-1997(ss), SEC.38; P.L.200-1999, SEC.23; P.L.1-2002, SEC.126; P.L.123-2002, SEC.29; P.L.129-2005, SEC.3; P.L.140-2006, SEC.17 and P.L.173-2006, SEC.17; P.L.145-2006, SEC.253; P.L.1-2007, SEC.196; P.L.138-2007, SEC.44; P.L.216-2007, SEC.34; P.L.3-2008, SEC.238; P.L.21-2010, SEC.7; P.L.162-2011, SEC.16; P.L.128-2012, SEC.56; P.L.158-2013, SEC.311.

IC 31-19-11-2
Custody provision in decree

Sec. 2. If the child is a ward of:
(1) a guardian;
(2) an agency; or
(3) the department;

the court shall provide for the custody of the child in the adoption decree.

As added by P.L.1-1997, SEC.11. Amended by P.L.146-2008, SEC.560.

IC 31-19-11-3
Request for financial assistance; determination of eligibility for financial assistance

Sec. 3. (a) If the petition for adoption contained a request for financial assistance, the court shall refer the petitioner to the department to complete and submit to the department the Indiana Adoption Program application for a determination of eligibility for:

(1) adoption assistance under 42 U.S.C. 673, including applicable federal and state regulations; or

(2) an adoption subsidy under IC 31-19-26.5.

(b) The department shall determine the eligibility of the adoptive child for financial assistance and the amount of assistance, if any, that will be provided.

(c) The court may not order payment of:

(1) adoption assistance under 42 U.S.C. 673; or

(2) any adoption subsidy under IC 31-19-26.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.146-2008, SEC.561; P.L.131-2009, SEC.22.

IC 31-19-11-4
Names

Sec. 4. If a new name is requested in a petition for adoption, upon the entry of an adoption decree the child shall take the name requested.

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

IC 31-19-11-5
Dismissal of petition; gradual change of custody

Sec. 5. (a) If the court dismisses a petition for adoption, the court shall determine the person who should have custody of the child.

(b) If the court determines that it is necessary to change the child's custody to another person, regardless of the person's right to immediate custody, the court may order a plan for a gradual change of custody to ease the child's transition unless the gradual change of custody would:

(1) endanger the child's physical health; or

(2) significantly impair the child's emotional development.

(c) The court may do the following:

(1) Implement a change of custody under this section by gradually increasing the child's visitation with each person who is entitled to custody.

(2) Order counseling for the child and the persons involved in the change of custody so that a plan for the gradual change of custody may be developed and implemented.

(3) Consult with the counselor who assists the persons in developing the plan to determine an order for the gradual change of custody that meets the child's best interests.

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

IC 31-19-11-6
Court prohibitions on granting petitions for adoption

Sec. 6. The court may not grant a petition for adoption of a child if:

(1) the parent-child relationship between the child and a parent has been terminated; and

(2) one (1) or more of the following apply with respect to the termination described in subdivision (1):

(A) The time for filing an appeal (including a request for transfer or certiorari) has not elapsed.

(B) An appeal is pending.

(C) An appellate court is considering a request for transfer or certiorari.

As added by P.L.1-1997, SEC.11. Amended by P.L.81-2014, SEC.3.

IC 31-19-12

Chapter 12. Record of Adoption

IC 31-19-12-1

Records

Sec. 1. For each adoption and for each annulment or revocation of adoption decreed by an Indiana court, the clerk of the court shall prepare a record on a form prescribed and furnished by the state department of health. The record must include the following:

(1) All facts necessary to:

(A) locate and identify the certificate of birth of the individual adopted; and

(B) establish a new certificate of birth for the individual adopted.

(2) Official notice from the court of the fact of adoption, including identification of the court action and proceedings.

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

IC 31-19-12-2

Information for new birth records

Sec. 2. (a) The official decree of each:

(1) adoption; or

(2) annulment or revocation of adoption;

that is provided to the clerk of the circuit court for the official order book record must set forth all pertinent information that is necessary to make possible the establishment of the birth records prescribed by section 1 of this chapter.

(b) The completion of the record is a prerequisite to the issuance of a certificate of final adoption by the court.

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

IC 31-19-12-3

Forwarding of records and reports to state department of health

Sec. 3. Not later than the tenth day of each calendar month, the clerk of the court shall forward to the state department of health records of decrees of:

(1) adoption; or

(2) annulment, revocation, or amendment of adoption;

entered in the preceding month, together with related reports required by the state department of health.

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

IC 31-19-12-4

Adoption records for individuals born outside Indiana

Sec. 4. (a) When the state department of health receives from a court a record of:

(1) adoption; or

(2) annulment, revocation, or amendment of adoption;

for an individual born outside of Indiana, the state department of health shall forward the record to the appropriate registration

authority.

(b) If the registration authority fails to supply a certificate of birth in the adoptive status after the expiration of ninety (90) days after the receipt of the record of adoption, the state department of health shall create a delayed registration record of birth in the adoptive status when requested.

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

IC 31-19-12-5

Transfer of adoption records to state registrar

Sec. 5. (a) As used in this section, "record" includes the following:

(1) A court document.

(2) A medical record.

(3) A social or medical history.

(4) A photograph.

(5) Correspondence being held for the benefit of:

(A) a birth parent;

(B) a person who was adopted;

(C) an adoptive parent; or

(D) a sibling of the person who was adopted.

(b) A child placing agency, governmental entity, or licensed attorney who arranges or facilitates an adoption may, after entry of the adoption decree, transfer an adoption record to the state registrar for inclusion in the adoption history program administered by the state registrar, or, after giving notice to the state registrar, to a transferee agency that assumes responsibility for the preservation of records maintained as part of the adoption history program.

(c) An attorney who complies with this section does not violate attorney-client privilege.

(d) A record maintained or transferred under this section is confidential.

As added by P.L.130-2005, SEC.7.

IC 31-19-13

Chapter 13. Establishment of New Birth Certificate Following Adoption

IC 31-19-13-1

New certificate of birth

Sec. 1. (a) Except as provided in subsection (b), the state department of health shall establish a new certificate of birth for an individual born in Indiana upon a receipt of an official report that the individual has been adopted.

(b) The state department of health shall not establish a new certificate of birth following an adoption if:

(1) the court decreeing the adoption;

(2) the adoptive parents; or

(3) the adopted individual;

so requests.

(c) A new certificate of birth established under this section must show the actual place and date of birth.

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

IC 31-19-13-2

Replacement of original registration of birth; filing; confidentiality

Sec. 2. When a new certificate of birth is established following adoption, the new certificate of birth replaces the original registration of birth. The original registration of birth shall be filed with the evidence of adoption and withheld from inspection except:

(1) for a child adopted by a stepparent; or

(2) as provided in IC 31-19-17 through IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.13.

IC 31-19-13-3

Annulment or revocation of adoption; restoration of original certificate of birth

Sec. 3. Upon receipt of a notice of annulment or revocation of adoption, the original certificate of birth shall be restored.

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

IC 31-19-13-4

Seal or surrender of replaced certificate of birth

Sec. 4. When the state department of health establishes a new certificate of birth following an adoption, each local health department in Indiana having custody of the replaced certificate of birth shall:

(1) seal the replaced certificate from inspection; or

(2) surrender the replaced certificate to the state department of health;

as the state department of health directs.

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

IC 31-19-14

Chapter 14. Limitations on Direct or Collateral Attacks or Appeals of Adoption Decrees

IC 31-19-14-1

Expedited appeal proceedings

Sec. 1. An appeal of an adoption decree shall be decided on an expedited basis.

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

IC 31-19-14-2

Time for challenge to adoption decree

Sec. 2. Except as provided in section 3 of this chapter, if a person whose parental rights are terminated by the entry of an adoption decree challenges the adoption decree not more than the later of:

(1) six (6) months after the entry of an adoption decree; or

(2) one (1) year after the adoptive parents obtain custody of the child;

the court shall sustain the adoption decree unless the person challenging the adoption decree establishes, by clear and convincing evidence, that modifying or setting aside the adoption decree is in the child's best interests.

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

IC 31-19-14-3

Time for withdrawal of consent to adoption, contest or challenge to adoption, or establishment of paternity

Sec. 3. (a) A person who consents to an adoption may not withdraw the consent to adoption after the entry of the adoption decree under IC 31-19-10-4.

(b) A person who is served with notice of an adoption under IC 31-19-4 may not:

(1) contest the adoption; or

(2) establish paternity;

more than thirty (30) days after the date of service of notice of the adoption.

(c) A person who receives actual notice of an adoption under IC 31-19-3 may not:

(1) contest the adoption; or

(2) establish paternity;

more than thirty (30) days after the date of receiving actual notice of the adoption.

(d) A person who is prohibited from taking action by subsection (a), (b), or (c) may not challenge an adoption decree.

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

IC 31-19-14-4

Expiration of time to challenge; appeal for lack of notice or defective proceedings barred

Sec. 4. After the expiration of the period described in section 2 of

this chapter, a person whose parental rights are terminated by the entry of an adoption decree may not challenge the adoption decree even if:

(1) notice of the adoption was not given to the child's putative father; or

(2) the adoption proceedings were in any other manner defective.

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

IC 31-19-15
Chapter 15. Effect of Adoption on Parents

IC 31-19-15-1
Effect upon duties, obligations, and rights of biological parents; parent-child relationship terminated

Sec. 1. (a) Except as provided in section 2 of this chapter or IC 31-19-16, if the biological parents of an adopted person are alive, the biological parents are:

(1) relieved of all legal duties and obligations to the adopted child; and

(2) divested of all rights with respect to the child;

and the parent-child relationship is terminated after the adoption unless the parent-child relationship was terminated by an earlier court action, operation of law, or otherwise.

(b) The obligation to support the adopted person continues until the entry of the adoption decree. The entry of the adoption decree does not extinguish the obligation to pay past due child support owed for the adopted person before the entry of the adoption decree.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.8; P.L.58-2009, SEC.24.

IC 31-19-15-2
Stepparent adoptions

Sec. 2. (a) If the adoptive parent of a child is married to a biological parent of the child, the parent-child relationship of the biological parent is not affected by the adoption.

(b) If the adoptive parent of a child is married to a previous adoptive parent, the parent-child relationship of the previous adoptive parent is not affected by the adoption.

(c) After the adoption, the adoptive father or mother, or both:

(1) occupy the same position toward the child that the adoptive father or the adoptive mother, or both, would occupy if the adoptive father or adoptive mother, or both, were the biological father or mother; and

(2) are jointly and severally liable for the maintenance and education of the person.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.9.

IC 31-19-16

Chapter 16. Postadoption Visitation Privileges

IC 31-19-16-1

Postadoption contact privileges granted to birth parent

Sec. 1. At the time an adoption decree is entered, the court entering the adoption decree may grant postadoption contact privileges under section 2 of this chapter to a birth parent who has:

(1) consented to the adoption; or

(2) voluntarily terminated the parent-child relationship.

As added by P.L.1-1997, SEC.11. As amended by P.L.196-1997, SEC.4.

IC 31-19-16-2

Procedure

Sec. 2. A court may grant postadoption contact privileges if:

(1) the court determines that the best interests of the child would be served by granting postadoption contact privileges;

(2) the child is at least two (2) years of age and the court finds that there is a significant emotional attachment between the child and the birth parent;

(3) each adoptive parent consents to the granting of postadoption contact privileges;

(4) the adoptive parents and the birth parents:

(A) execute a postadoption contact agreement; and

(B) file the agreement with the court;

(5) the licensed child placing agency sponsoring the adoption and the child's court appointed special advocate or guardian ad litem appointed under IC 31-32-3 recommends to the court the postadoption contact agreement, or if there is no licensed child placing agency sponsoring the adoption, the local office or other agency that prepared an adoption report under IC 31-19-8-5 is informed of the contents of the postadoption contact agreement and comments on the agreement in the agency's report to the court;

(6) consent to postadoption contact is obtained from the child if the child is at least twelve (12) years of age; and

(7) the postadoption contact agreement is approved by the court.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.5; P.L.128-2012, SEC.57.

IC 31-19-16-3

Postadoption contact agreement

Sec. 3. A postadoption contact agreement filed under section 2(4) of this chapter must contain the following provisions:

(1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the postadoption contact agreement.

(2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce

the postadoption privileges set forth in the agreement.
As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.6.

IC 31-19-16-4
Modification or enforcement of agreement

Sec. 4. A birth parent or an adoptive parent may file a petition with the court entering the adoption decree for the following purposes:

(1) To modify the postadoption contact agreement.
(2) To compel a birth parent or an adoptive parent to comply with the postadoption contact agreement.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.7.

IC 31-19-16-5
Monetary damages

Sec. 5. The court may not award monetary damages as a result of the filing of a petition under section 4 of this chapter.
As added by P.L.1-1997, SEC.11.

IC 31-19-16-6
Voiding or modifying agreement

Sec. 6. (a) The court may void or modify a postadoption contact agreement approved under this chapter at any time before or after the adoption if the court determines after a hearing that the best interest of the child requires the voiding or modifying of the agreement.

(b) Before the court:

(1) voids or modifies an agreement; or
(2) hears a motion to compel compliance with an agreement approved under this chapter;

the court may appoint a guardian ad litem or court appointed special advocate under IC 31-32-3 to represent and protect the best interests of the child.
As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.8.

IC 31-19-16-7
Guardian ad litem or court appointed special advocate

Sec. 7. The provisions of IC 31-32-3 concerning the:

(1) representation;
(2) duties;
(3) liabilities; and
(4) appointment;

of a guardian ad litem or court appointed special advocate apply to proceedings under this chapter.
As added by P.L.1-1997, SEC.11.

IC 31-19-16-8
Revocation of adoption decree barred as sanction for noncompliance with agreement

Sec. 8. A court may not revoke an adoption decree because a birth parent or an adoptive parent fails to comply with a postadoption

contact agreement approved by a court under this chapter.
As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.9.

IC 31-19-16-9
Privileges without court approval

Sec. 9. Postadoption contact privileges are permissible without court approval in an adoption of a child who is less than two (2) years of age upon the agreement of the adoptive parents and a birth parent. However, postadoption contact privileges under this section may not include visitation. A postadoption contact agreement under this section:

(1) is not enforceable; and

(2) does not affect the finality of the adoption.

As added by P.L.196-1997, SEC.10. Amended by P.L.2-1998, SEC.76.

IC 31-19-16.5

Chapter 16.5. Postadoption Sibling Contact

IC 31-19-16.5-1

Order for postadoption sibling contact

Sec. 1. At the time an adoption decree is entered, the court entering the decree may order the adoptive parents to provide specific postadoption contact for an adopted child who is at least two (2) years of age with a pre-adoptive sibling if:

(1) the court determines that the postadoption contact would serve the best interests of the adopted child; and

(2) each adoptive parent consents to the court's order for postadoption contact privileges.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-2

Determination by court; considerations

Sec. 2. In making its determination under section 1 of this chapter, the court shall consider any relevant evidence, including the following:

(1) A recommendation made by a licensed child placing agency sponsoring the adoption.

(2) A recommendation made by the adopted child's court appointed special advocate or guardian ad litem.

(3) A recommendation made by the local office or other agency that prepared a report of its investigation and its recommendation as to the advisability of the adoption under IC 31-19-8-5.

(4) Wishes expressed by the adopted child or adoptive parents.

As added by P.L.196-1997, SEC.11. Amended by P.L.128-2012, SEC.58.

IC 31-19-16.5-3

Effect of noncompliance with order

Sec. 3. If postadoption contact is ordered under this chapter, the adoption is irrevocable even if the adoptive parents do not abide by the postadoption contact order.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-4

Persons entitled to file petition to vacate or modify order

Sec. 4. The following persons may file a petition requesting that the court vacate or modify a postadoption contact order with a pre-adoptive sibling or to compel an adoptive parent to comply with the postadoption contact order:

(1) A pre-adoptive sibling by:

(A) next friend; or

(B) guardian ad litem or court appointed special advocate.

(2) The adopted child by:

(A) next friend; or

(B) guardian ad litem or court appointed special advocate as described in section 5 of this chapter.

(3) An adoptive parent.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-5

Vacation or modification of order; time; appointment of guardian ad litem or advocate

Sec. 5. The court may vacate or modify a postadoption contact order entered under this chapter at any time after the adoption if the court determines, after a hearing, that it is in the best interests of the adopted child. Before hearing the petition to:

(1) vacate or modify; or

(2) compel compliance with;

the postadoption contact order, the court may appoint a guardian ad litem or court appointed special advocate to represent and protect the best interests of the adopted child. However, the court may only appoint a guardian ad litem or court appointed special advocate for the adopted child under this chapter if the interests of an adoptive parent differ from the child's interests to the extent that the court determines that the appointment is necessary to protect the best interests of the child.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-6

Guardian ad litem or court appointed special advocate

Sec. 6. The provisions regarding the representation, duties, and appointment of a guardian ad litem or court appointed special advocate by a juvenile court described under IC 31-32-3 apply to postadoption contact proceedings under this chapter.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-7

Violation of order; prohibited penalties

Sec. 7. The court may not:

(1) award monetary damages; or

(2) revoke an adoption decree;

if the court finds that a postadoption contact order entered under this chapter has been violated.

As added by P.L.196-1997, SEC.11.

IC 31-19-17

Chapter 17. Preparation of Adoption History for Adoptive Parents

IC 31-19-17-1

Application of chapter

Sec. 1. Except as provided in section 5 of this chapter, this chapter applies only to an adoption that is granted after June 30, 1993.

As added by P.L.1-1997, SEC.11. Amended by P.L.100-2005, SEC.1.

IC 31-19-17-2

Report of medical, psychological, and educational records of birth parents

Sec. 2. A person, a licensed child placing agency, or a local office placing a child for adoption shall prepare or cause to be prepared a report summarizing the available medical, psychological, and educational records of the person or agency concerning the birth parents. The person, agency, or local office shall exclude from this report information that would identify the birth parents unless the prospective adoptive parents know the identity of the birth parents. The person, agency, or local office shall give the report to:

(1) the prospective adoptive parents:

(A) at the time the home study or evaluation concerning the suitability of the proposed home for the child is commenced;

(B) as soon as practical after the prospective adoptive parents are matched with the birth mother; or

(C) with the consent of the prospective adoptive parents, not more than thirty (30) days after the child is placed with the prospective adoptive parents; and

(2) upon request and without information that would identify the birth parents unless an adoptee already knows the identity of the birth parents, an adoptee who:

(A) is at least twenty-one (21) years of age; and

(B) provides proof of identification.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.22; P.L.100-2005, SEC.2; P.L.129-2005, SEC.4; P.L.58-2009, SEC.25; P.L.162-2011, SEC.17; P.L.128-2012, SEC.59.

IC 31-19-17-3

Exclusion of information identifying birth parent; release of records concerning child to adoptive parents and adoptee

Sec. 3. The person, licensed child placing agency, or local office shall:

(1) exclude information that would identify the birth parents unless the prospective adoptive parent or the adoptive parent under subdivision (2)(A) or an adoptee under subdivision (2)(B) who requests the information knows the identity of the birth parents; and

(2) release all available social, medical, psychological, and educational records concerning the child to:

(A) the prospective adoptive parent or the adoptive parent; and

(B) upon request, an adoptee who:

(i) is at least twenty-one (21) years of age; and

(ii) provides proof of identification.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.23; P.L.100-2005, SEC.3; P.L.1-2006, SEC.497; P.L.58-2009, SEC.26; P.L.131-2009, SEC.23; P.L.1-2010, SEC.124; P.L.162-2011, SEC.18; P.L.128-2012, SEC.60.

IC 31-19-17-4

Summary of social, medical, psychological, and educational records of child

Sec. 4. The person, licensed child placing agency, or local office shall provide:

(1) the prospective adoptive parent or the adoptive parent; and

(2) upon request, an adoptee who:

(A) is at least twenty-one (21) years of age; and

(B) provides proof of identification;

with a summary of other existing social, medical, psychological, and educational records concerning the child of which the person, agency, or local office has knowledge but does not have possession. If requested by a prospective adoptive parent, an adoptive parent, or an adoptee, the person, agency, or local office shall attempt to provide the prospective adoptive parent, the adoptive parent, or the adoptee with a copy of any social, medical, psychological, or educational record that is not in the possession of the person, agency, or local office, after identifying information has been excluded.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.24; P.L.100-2005, SEC.4; P.L.1-2006, SEC.498; P.L.131-2009, SEC.24; P.L.162-2011, SEC.19; P.L.128-2012, SEC.61.

IC 31-19-17-5

Information of social, medical, psychological, and educational records concerning child for adoption granted before July 1, 1993; excluding information identifying birth parent

Sec. 5. (a) This section applies to an adoption that is granted before July 1, 1993.

(b) Upon the request of an adoptee who:

(1) is at least twenty-one (21) years of age; and

(2) provides proof of identification;

a person, a licensed child placing agency, or a local office shall provide to the adoptee available information of social, medical, psychological, and educational records and reports concerning the adoptee. The person, licensed child placing agency, or local office shall exclude from the records information that would identify the birth parents unless an adoptee already knows the identity of the birth parents.

As added by P.L.100-2005, SEC.5. Amended by P.L.1-2006, SEC.499; P.L.58-2009, SEC.27; P.L.131-2009, SEC.25; P.L.1-2010,

SEC.125; P.L.128-2012, SEC.62.

IC 31-19-18

Chapter 18. Establishment of Adoption History Program Administered by State Registrar; Adoption History Fund

IC 31-19-18-1

Administration of adoption history program

Sec. 1. The state registrar shall administer the adoption history program provided for in this chapter, IC 31-19-19 through IC 31-19-23, IC 31-19-25, and IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.14.

IC 31-19-18-2

Transmission of identifying and nonidentifying information; storage; affirmation

Sec. 2. (a) The following persons may transmit identifying information and nonidentifying information to the state registrar for inclusion with the adoption history:

(1) An adoptee who is an adult.

(2) A birth parent.

(3) An adoptive parent.

(4) A pre-adoptive sibling who is at least twenty-one (21) years of age.

(5) The spouse or relative of a deceased adoptee.

(6) The spouse or relative of a deceased birth parent.

(b) The state registrar shall store all information received under this section in a manner that is readily recoverable.

(c) Any transmission of information received under this section must include an affirmation by the person that:

(1) the information is true or that the person believes the information to be true; and

(2) the person is a person described in subsection (a).

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.28; P.L.191-2011, SEC.15.

IC 31-19-18-3

Voluntary transmission of medical information; storage; affirmation

Sec. 3. (a) Any person may voluntarily transmit medical information to the state registrar for inclusion with the medical history.

(b) The state registrar shall store all information received under this section in a manner that makes the information readily recoverable.

(c) Any transmission of voluntary information must include an affirmation by the person that:

(1) the information is true; or

(2) the person believes the information is true.

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

IC 31-19-18-4
Publication of availability of adoption history information; public service announcements

Sec. 4. (a) The state registrar shall publicize the availability of the adoption history information, including the availability of the information under this chapter and IC 31-19-19 through IC 31-19-25.5.

(b) The state registrar's publicity efforts must include periodic public service announcements regarding the availability of adoption history information.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.16.

IC 31-19-18-5
Rules; forms

Sec. 5. The state registrar:

(1) may adopt rules under IC 4-22-2; and

(2) shall prescribe forms necessary;

to implement this chapter, IC 31-19-12-5, and IC 31-19-19 through IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.10; P.L.191-2011, SEC.17.

IC 31-19-18-6
Adoption history fund

Sec. 6. (a) The adoption history fund is established for the purpose of carrying out this chapter and IC 31-19-19 through IC 31-19-25.5. The state registrar shall administer the fund.

(b) The expenses of administering the fund shall be paid from:

(1) money in the fund; or

(2) if revenues are insufficient, a supplemental appropriation.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.18.

IC 31-19-18-7
Transmittal of false adoption history information

Sec. 7. A person who knowingly transmits false information to an adoption history commits a Class A misdemeanor.

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

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 local office;
(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; P.L.128-2012, SEC.63.

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 local office;
    (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; P.L.128-2012, SEC.64.

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.

IC 31-19-20

Chapter 20. Release of Medical History Information

IC 31-19-20-1

Release of medical history; supplementation

Sec. 1. The state registrar:

(1) shall release a copy of the medical history to any interested person;

(2) may release a copy of the medical history to any person who satisfies the registrar that the person has a legitimate need; and

(3) shall supplement the medical history with medical information received from any person.

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

IC 31-19-20-2

Request for additional medical history information

Sec. 2. (a) Whenever the state registrar receives an inquiry for medical history information from an adoptee or adoptive parent and the state registrar reasonably believes that the medical history information available under section 1 of this chapter is incomplete, the state registrar shall request further medical history information concerning the adoptee from:

(1) the hospital where the adoptee was born; and

(2) the:

(A) licensed child placing agency;

(B) local office; and

(C) attorney;

that arranged the adoptee's adoptive placement.

(b) A hospital, a licensed child placing agency, a local office, or an attorney that receives a request for medical information under subsection (a) shall release medical history information concerning the adoptee to the state registrar.

(c) The state registrar shall release any additional medical history information received under subsection (b) to the adoptee or adoptive parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.26; P.L.128-2012, SEC.65.

IC 31-19-20-3

Fees; disposition

Sec. 3. (a) The state department of health may charge a reasonable fee for the state registrar's search for further medical history information under section 2(a) of this chapter or death certificates.

(b) Fees collected under this section shall be deposited in the adoption history fund established by IC 31-19-18-6 and must be used for the automation of adoption history information and death certificates and for improved service delivery.

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

IC 31-19-20-4

Release of medical records by provider

Sec. 4. IC 31-19-19, this chapter, and IC 31-19-21 through IC 31-19-25.5 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.23.

IC 31-19-21

Chapter 21. Consent to Release of Identifying Information

IC 31-19-21-1

Consent; contents

Sec. 1. (a) A person who has transmitted identifying or nonidentifying information under IC 31-19-18-2 may consent to the release of identifying information concerning the person in a signed writing.

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

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

IC 31-19-21-2

Modification or withdrawal of consent

Sec. 2. A consent made under this chapter (or IC 31-3-4-27 before its repeal) may be:

(1) withdrawn; or

(2) modified;

in a signed writing.

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

IC 31-19-21-3

Manner of release of identifying and nonidentifying information

Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

(1) the last version of the consent filed with the holder; and

(2) IC 31-19-22 and IC 31-19-24 through IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.24.

IC 31-19-21-4

Release after consenting person's death

Sec. 4. A consenting person may restrict the consent to the release of the information only after the consenting person's death. The holder of the information may release the information in conformity with the consent only if proof of the consenting person's death is submitted to the holder.

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

IC 31-19-21-5

Errors in execution of consent form

Sec. 5. The state registrar may contact a person who submits a written consent under this chapter that is:

(1) incompletely; or

(2) inaccurately;

executed to inform the person regarding the error in the execution of the consent form.

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

IC 31-19-21-6
Storage and indexing of consents

Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out IC 31-19-22 and IC 31-19-24 through IC 31-19-25.5:

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

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.160; P.L.145-2006, SEC.256; P.L.191-2011, SEC.25.

IC 31-19-21-7
Sending copy of consent and withdrawal or modification of consent to state registrar

Sec. 7. The following persons shall send a copy of a consent for the release of identifying information and any signed writing that withdraws or modifies a consent for the release of identifying information received by the person to the state registrar:

(1) The department.
(2) A local office.
(3) A licensed child placing agency.
(4) A professional health care provider (as defined in IC 34-6-2-117).
(5) An attorney.
(6) A court.

As added by P.L.191-2011, SEC.26. Amended by P.L.128-2012, SEC.66.

IC 31-19-22

Chapter 22. Release of Identifying Information

IC 31-19-22-1

Application

Sec. 1. This chapter applies to adoptions that are filed before January 1, 1994.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.27.

IC 31-19-22-2

Requirements for release of identifying information; release prohibited; request information; affidavit

Sec. 2. (a) Except as provided in section 3 of this chapter and subject to subsection (b) and section 12 of this chapter, the state registrar, the department, a local office, a licensed child placing agency, a professional health care provider, an attorney, and a court shall release identifying information in the person's possession only if:

(1) the information is requested by:

(A) an adoptee who is an adult;

(B) a birth parent;

(C) an adoptive parent;

(D) the spouse or relative of a deceased adoptee; or

(E) the spouse or relative of a deceased birth parent; and

(2) the following individuals have submitted a written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to the state registrar or the person from whom the identifying information is requested that allows the release of identifying information to the individual requesting the information:

(A) The adult adoptee.

(B) A birth parent.

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

(c) The state registrar, the department, a local office, 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.

(d) 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.

(e) Not later than five (5) days after the state department of health receives a request and an affidavit under subsection (d), 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 to the state department of health under IC 31-25-2-22.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.161; P.L.145-2006, SEC.257; P.L.191-2011, SEC.28; P.L.128-2012, SEC.67.

IC 31-19-22-3

Consent not required

Sec. 3. (a) The consent of a birth parent is not required for release of identifying information under this chapter if the individual requesting the release of the 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 a birth parent is deceased to the person releasing the identifying information for each birth parent who is named on the adoptee's original birth certificate.

(b) 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) the death certificate of the adoptee;

(2) an obituary for the adoptee; 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.1-1997, SEC.11. Amended by P.L.191-2011, SEC.29.

IC 31-19-22-4

Search of death certificates

Sec. 4. 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 the related adoptee or a birth parent:

(1) who has not submitted a consent for the release of information under IC 31-19-21; and

(2) whose consent is necessary before identifying information may be released to the individual.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.30.

IC 31-19-22-5
Repealed

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

IC 31-19-22-6
Deceased nonconsenting adoptee or birth parent; release of identifying information

Sec. 6. If, upon searching the death certificates under section 4 of this chapter, the state registrar finds that the adoptee or birth parent who has not yet submitted a written consent is deceased, the state registrar shall inform the individual who submitted the request of the death and:

(1) may not release identifying information if additional consent is required by this chapter; and

(2) may release identifying information if additional consent is not required by this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.31.

IC 31-19-22-7
Request contact

Sec. 7. An individual listed in section 2(a)(1) of this chapter may contact the:

(1) attorney;

(2) licensed child placing agency; or

(3) local office;

who arranged the adoption to request that the attorney, agency, or local office contact the adoptee, birth parent, or adoptive parent whose consent is necessary before identifying information may be released under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.32; P.L.128-2012, SEC.68.

IC 31-19-22-7.5
Contact and disclosure prohibited

Sec. 7.5. An attorney, a licensed child placing agency, and a local office may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 7 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.33. Amended by P.L.128-2012, SEC.69.

IC 31-19-22-8
Contact; disclosure of identifying information; written consent

Sec. 8. (a) Except as provided in section 7.5 of this chapter and subject to section 12 of this chapter, an attorney, a licensed child placing agency, or a local office who contacts an adoptee, a birth parent, or an adoptive parent upon a request under section 7 of this chapter may not disclose identifying information unless the:

(1) adoptee who:
(A) is at least twenty-one (21) years of age gives written consent; or
(B) is less than twenty-one (21) years of age has the written consent of the adoptee's adoptive parents; and
(2) birth parent gives written consent;

to the release of identifying information by the attorney, licensed child placing agency, or local office.

(b) If:
(1) the:
(A) adoptee who is at least twenty-one (21) years of age; or
(B) adoptive parent of an adoptee who is less than twenty-one (21) years of age; and
(2) the birth parent;

consent to the release of identifying information but do not provide the consent in writing, the attorney, licensed child placing agency, or local office may inform the individual requesting the identifying information regarding the fact that an adoptee, birth parent, or adoptive parent has consented to the release of identifying information. The attorney, licensed child placing agency, or local office may inquire as to whether the adoptee, birth parent, 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 31-19-21, this chapter, IC 31-19-23 through IC 31-19-24, and IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.29; P.L.191-2011, SEC.34; P.L.128-2012, SEC.70.

IC 31-19-22-9
Repealed

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

IC 31-19-22-10
Access to information by adoptee

Sec. 10. This chapter does not prohibit an adoptee who is at least twenty-one (21) years of age from having access to identifying information as provided by IC 31-19-25 and IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.35.

IC 31-19-22-11
Fee for services; fee for actual expenses

Sec. 11. (a) An attorney, a licensed child placing agency, or a local office may charge a reasonable fee for services performed or actual expenses incurred under section 8 of this chapter.

(b) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter and IC 31-19-23:

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

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.36; P.L.128-2012, SEC.71.

IC 31-19-22-12
Client consent required for release of identifying information by attorney; court order

Sec. 12. (a) An attorney may release identifying information under this chapter only if the client represented by the attorney in the adoption has submitted a written consent to the release of identifying information to the individual requesting the release of 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.37.

IC 31-19-23

Chapter 23. Release of Nonidentifying Information

IC 31-19-23-1

Entities required to release nonidentifying information

Sec. 1. The following persons shall release nonidentifying information concerning an adoption in the entity's possession to any person described in IC 31-19-18-2(a) upon request:

(1) The state registrar.
(2) The department.
(3) A local office.
(4) A licensed child placing agency.
(5) A professional health care provider (as defined in IC 34-6-2-117).
(6) The attorney who arranged the adoption.
(7) A court.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.162; P.L.145-2006, SEC.258; P.L.128-2012, SEC.72.

IC 31-19-23-2

Access to nonidentifying adoption information regarding child in need of services

Sec. 2. (a) This section applies to an adopted child if:

(1) the local office; or
(2) the prosecuting attorney;

has filed a petition alleging that the child is a child in need of services under IC 31-34-1.

(b) The:

(1) local office;
(2) child's guardian ad litem or court appointed special advocate; and
(3) juvenile court;

may have access to nonidentifying adoption information regarding the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.128-2012, SEC.73.

IC 31-19-24

Chapter 24. Court Proceeding to Request Release of Adoption History Information Not Available From State Registrar

IC 31-19-24-1

Petitions; contents

Sec. 1. (a) Any interested person may file a petition with any court with probate jurisdiction in Indiana requesting the release of:

(1) medical information;

(2) nonidentifying information; or

(3) identifying information;

that is not available through the state registrar or not allowed to be released by the state registrar.

(b) The contents of a petition must include to the best knowledge of the petitioner the following:

(1) The full name and current address of the petitioner.

(2) The adopted person's:

(A) full name;

(B) sex;

(C) date of birth;

(D) place of birth, if known; and

(E) current address, if known.

(3) The county of the adoption proceeding, if known.

(4) The name and address of the agency that placed the adopted person, if known.

(5) The full name and current address of the petitioners for adoption, if any.

(6) The date of the adoption proceeding, if known.

(7) The full name and current address of the birth parents, if known.

(8) The nature of the:

(A) medical;

(B) identifying; or

(C) nonidentifying;

information being sought.

(9) An affirmation:

(A) by an attending physician, if medical information is sought, that indicates:

(i) the nature of the illness;

(ii) that the illness is believed to be hereditary or congenital; or

(iii) why the information to be sought or shared is necessary for diagnosis or treatment of any person;

(B) by the petitioner, if medical, identifying, or nonidentifying information is sought, that sets forth the reasons why the release of the information may be beneficial to the welfare of the adoptee, a birth parent, a relative of an adoptee, or a relative of a birth parent; and

(C) that the medical, identifying, or nonidentifying information sought:

(i) is not available through the state registrar; or
(ii) is not allowed to be released by the state registrar.
(10) A statement by the petitioner that the petitioner agrees to the payment of:
(A) a reasonable fee for the services of a confidential intermediary if a confidential intermediary is appointed under section 2 of this chapter; and
(B) reasonable fees and any actual expenses of an attorney, a child placing agency, or a professional health care provider (as defined in IC 34-6-2-117) that is requested to search its records and release information under sections 2 through 11 of this chapter.
(11) A description of the medical, identifying, or nonidentifying information being sought.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.12; P.L.1-1998, SEC.163; P.L.191-2011, SEC.38; P.L.97-2013, SEC.2.

IC 31-19-24-2
Notice to state registrar; opportunity to respond; appointment of confidential intermediary; requirements

Sec. 2. Upon the filing of a petition under section 1 of this chapter, the court shall:
(1) establish that the state registrar:
(A) has been served with notice of the petitioner's request for disclosure of information; and
(B) has been afforded the opportunity to respond to the petitioner's request for disclosure of information; and
(2) appoint a confidential intermediary after consultation with the state registrar or the state registrar's designee if the:
(A) requirements of subdivision (1) are complied with; and
(B) petitioner has shown:
(i) an emergency medical need;
(ii) good cause relating to the welfare of the adoptee, a birth parent, a relative of an adoptee, or a relative of a birth parent;
(iii) an interest in having contact with a pre-adoptive sibling; or
(iv) if the petitioner is a pre-adoptive sibling, an interest in having contact with an adoptee.

A confidential intermediary appointed under subdivision (2) may be any person who the court reasonably believes is competent to carry out the responsibilities described in section 3 of this chapter and meets the qualifications under section 14 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.13; P.L.191-2011, SEC.39; P.L.97-2013, SEC.3.

IC 31-19-24-3
Requirements of court; order to confidential intermediary

Sec. 3. Whenever the court appoints a confidential intermediary

under section 2(2) of this chapter, the court shall do the following:

(1) Consider:

(A) the highly emotional and personal issues relating to adoption;

(B) the privacy rights of both birth parents, adoptees, and pre-adoptive siblings;

(C) the reasons the medical, identifying, or nonidentifying information is being sought under section 1 of this chapter; and

(D) any irreparable harm to a birth parent, an adoptee, or a pre-adoptive sibling that may arise if appropriate consideration is not given to the issues described in clauses (A) through (C).

(2) Provide the confidential intermediary with an order authorizing the confidential intermediary to search certain records that may include:

(A) the division of public health statistics;

(B) the department or local office;

(C) any licensed child placing agency; or

(D) any professional health care provider (as defined in IC 34-6-2-117).

An order under this subdivision must specify the information to be sought by the confidential intermediary.

(3) Specify the direct contact, if any, that a confidential intermediary may have with any person from whom the medical, identifying, or nonidentifying information is being sought, such as providing that the confidential intermediary may only inform the person of the existence of the adoption history program administered by the state registrar under IC 31-19-18 through IC 31-19-23, this chapter, IC 31-19-25, and IC 31-19-25.5.

(4) Specify the limitations, if any, that the court considers necessary to prevent the confidential intermediary's search under this chapter from resulting in harm to a birth parent, an adoptee, or a pre-adoptive sibling.

(5) Require the confidential intermediary to affirm under oath that the confidential intermediary agrees to act in good faith and perform its responsibilities in accordance with sections 2 through 9 of this chapter.

(6) Instruct the confidential intermediary to act as quickly as possible.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.14; P.L.1-1998, SEC.164; P.L.145-2006, SEC.259; P.L.191-2011, SEC.40; P.L.128-2012, SEC.74.

IC 31-19-24-4

Search for information and persons

Sec. 4. The confidential intermediary shall:

(1) make complete and reasonable efforts to locate the medical, identifying, or nonidentifying information;

(2) attempt to locate any person necessary to obtain the medical, identifying, or nonidentifying information;
(3) inform the person contacted of the medical or other need set forth by the petitioner; and
(4) obtain the needed medical, identifying, or nonidentifying information.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.15.

IC 31-19-24-5
Fee for cost of search

Sec. 5. The confidential intermediary may charge a reasonable fee for the cost of making a search under section 4 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.16.

IC 31-19-24-6
Confidentiality of communications; manner of communicating

Sec. 6. All communications under this chapter are confidential, and any communication shall be made by a personal contact by the confidential intermediary.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.17.

IC 31-19-24-7
Confidentiality of information filed with court

Sec. 7. Information released to the confidential intermediary under this chapter shall be filed with the court in a manner designed to:
(1) protect the identity and current location of the person releasing the information; and
(2) preserve the confidentiality of the medical, identifying, or nonidentifying information that the confidential intermediary obtains.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.18.

IC 31-19-24-8
Court ordered release of information

Sec. 8. (a) If a person does not agree to release medical, identifying, or nonidentifying information through the confidential intermediary, the court may order the release of the requested medical, identifying, or nonidentifying information after considering any information regarding the person's refusal to release the requested information to the confidential intermediary.

(b) If the court orders the release of the information under this section, the court, upon receipt of the court ordered information, shall follow the procedures described under section 10 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.19.

IC 31-19-24-9
Reports and supporting documents of guardian or court appointed special advocate; confidentiality; release of information

Sec. 9. (a) Whenever a confidential intermediary obtains information under this chapter, the confidential intermediary shall submit to the court:

(1) a written report; and

(2) any supporting documents;

describing the information obtained by the confidential intermediary.

(b) The information that the confidential intermediary submits to the court under this section:

(1) is confidential; and

(2) may be released to the petitioner only upon a court order under section 10 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.20.

IC 31-19-24-10
Review and release of court ordered information

Sec. 10. The court shall review the medical, identifying, or nonidentifying information submitted under section 9 of this chapter. The court may order the release of the information to the petitioner under this section to the extent that the court determines is just based upon the emergency medical need or good cause shown under section 2(2)(B) of this chapter.

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

IC 31-19-24-11
Imminent threat of death or serious bodily injury; proceedings without written pleadings

Sec. 11. If an imminent threat of death or serious bodily injury exists, the court may conduct the proceedings authorized by this chapter without written pleadings.

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

IC 31-19-24-12
Immunity of confidential intermediary

Sec. 12. (a) A confidential intermediary discharging in good faith the confidential intermediary's responsibilities under this chapter is immune from all civil and criminal liability that otherwise might result.

(b) The provisions regarding the representations, duties, and appointment of a guardian ad litem or court appointed special advocate described under IC 31-32-3 apply to a confidential intermediary appointed under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.21.

IC 31-19-24-13
Closed proceedings

Sec. 13. All hearings held in proceedings under this chapter shall be held in closed court without admittance of any person other than:

(1) essential officers of the court;

(2) the parties;

(3) witnesses;

(4) counsel;

(5) persons who have not previously consented to the adoption but are required to consent to the adoption; and

(6) representatives of the agencies present to perform their official duties.

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

IC 31-19-24-14

Appointment of confidential intermediary; requirements

Sec. 14. A court may only appoint a person to serve as a confidential intermediary under this chapter if the person:

(1) agrees to abide by the order of the court under section 3 of this chapter without advocating either the opening or maintaining the confidentiality of adoption records;

(2) does not have a personal relationship with either the petitioner or the person from whom the medical, identifying, or nonidentifying information is being sought; and

(3) agrees to comply with the limitations set by the court in searching for the information specified by the court under section 3(4) of this chapter.

As added by P.L.196-1997, SEC.22.

IC 31-19-24-15

Breach of confidentiality

Sec. 15. A person who knowingly or intentionally releases information in violation of sections 2 through 11 of this chapter commits a Class A misdemeanor.

As added by P.L.196-1997, SEC.23.

IC 31-19-24-16

Penalty

Sec. 16. Failure of the confidential intermediary appointed under this chapter to comply with a court order under sections 2 through 11 of this chapter is punishable as contempt of court.

As added by P.L.196-1997, SEC.24. Amended by P.L.2-1998, SEC.77.

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 local office;
(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; P.L.128-2012, SEC.75.

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 local office, 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 local office, 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. Amended by P.L.128-2012, SEC.76.

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 local office.

(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; P.L.128-2012, SEC.77.

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 local office.

(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. Amended by P.L.128-2012, SEC.78.

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 local office.
(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; P.L.128-2012, SEC.79.

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 to contact adoptee

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

(1) a local office;

(2) a licensed child placing agency; or

(3) the attorney who arranged the adoption;

to request that the local office, 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. Amended by P.L.128-2012, SEC.80.

IC 31-19-25-18.5
Contact and disclosure prohibited

Sec. 18.5. An attorney, a licensed child placing agency, and a local office 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. Amended by P.L.128-2012, SEC.81.

IC 31-19-25-19
Contact; disclosure of identifying information; 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 local office, 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 local office, 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 local office, 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 local office, 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, and IC 31-19-25.5.

As added by P.L.191-2011, SEC.52. Amended by P.L.6-2012, SEC.204; P.L.128-2012, SEC.82.

IC 31-19-25-20

Fee for services; fee for actual expenses

Sec. 20. (a) A local office, 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 local office.

(5) A professional health care provider.

(6) An attorney.

(7) The state department of health.

As added by P.L.191-2011, SEC.53. Amended by P.L.128-2012, SEC.83.

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.

IC 31-19-25.5

Chapter 25.5. Requests for Information Concerning Adoptees and 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 (f), 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 (f), 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. Amended by P.L.6-2012, SEC.205.

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.

IC 31-19-26
Repealed

(Repealed by P.L.146-2008, SEC.806.)

IC 31-19-26.5
Chapter 26.5. Adoption Subsidies

IC 31-19-26.5-0.2
Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 31-3-1-4 and IC 31-3-3-2 (before their repeal) by P.L.98-1990 apply to a petition for adoption that:

(1) seeks the payment of a subsidy; and
(2) is filed after June 30, 1990.

As added by P.L.220-2011, SEC.505.

IC 31-19-26.5-1
"Adoption subsidy"

Sec. 1. As used in this chapter, "adoption subsidy" means payments by the department to an adoptive parent of a child with special needs to assist with the cost of care of the child:

(1) after a final decree of adoption of the child has been entered under IC 31-19-11; and
(2) during the time the child is residing with and supported by the adoptive parent or parents.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-2
"Child with special needs"

Sec. 2. As used in this chapter, "child with special needs" means a child who:

(1) is a hard to place child; and
(2) meets the requirements of a special needs child, as specified in 42 U.S.C. 673(c) and the rules of the department applicable to those requirements.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-3
Conditions for payment of adoption subsidies

Sec. 3. The department may make payments of adoption subsidy under this chapter for the benefit of a child with special needs if the department has:

(1) either:
    (A) entered into a written agreement with the adoptive parent or parents, before or at the time the court enters a final decree of adoption under IC 31-19-11-1, that specifies the amount, terms, and conditions of the adoption assistance payments; or
    (B) received a written final order in an administrative appeal in accordance with section 12(4) of this chapter concluding that the adoptive parents are eligible for a subsidy payable under this chapter and determining the appropriate subsidy amount;
(2) determined that sufficient funds are available in the adoption

assistance account of the state general fund, and can reasonably be anticipated to be available in that account during the term of the agreement or order, to make the payments as specified in the agreement or order; and

(3) determined that the child is not eligible for adoption assistance under 42 U.S.C. 673.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-4

Priority for funding if funds are insufficient

Sec. 4. If the department determines that sufficient funds are not or will not be available in the adoption assistance account established under this chapter to make adoption subsidy payments to adoptive parents of all children who may be eligible for a subsidy payable under this chapter, the department may, in accordance with procedures established by rules:

(1) approve new adoption subsidy agreements only for the benefit of children for whom the department has wardship responsibility at the time the adoption petition is filed; or

(2) give priority to funding new adoption subsidy agreements for children for whom the department has had wardship responsibility.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-5

Maximum amount of adoption subsidy

Sec. 5. The amount of adoption subsidy payments under this chapter may not exceed the amount that would be payable by the department for the monthly cost of care of the adopted child in a foster family home at the time:

(1) the adoption subsidy agreement is made; or

(2) the subsidy is payable under the terms of the agreement;

whichever is greater.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-6

Additional payments under certain conditions

Sec. 6. (a) In addition to the adoption subsidy payments determined under section 3 of this chapter, the department may make additional payments for medical or psychological care or treatment of the adoptive child if all the following conditions exist:

(1) The child is a child with special needs, based in whole or in part on a physical, a mental, an emotional, or a medical condition that:

(A) existed before the filing of the adoption petition; or

(B) is causally related to specific conditions that existed or events that occurred before the filing of the adoption petition;

as determined by a physician or psychologist licensed in Indiana.

(2) The child's adoptive parent has applied to the department, in the form and manner specified by the department, for assistance in payment of the cost of special services that the child needs to remedy or ameliorate the condition or conditions identified in subdivision (1).

(3) The department determines that:

(A) the services required are not and will not be covered by either:

(i) private health insurance available to the child or adoptive parent; or

(ii) the Medicaid program in Indiana or the state where the child currently resides; and

(B) payment of the cost of the required services without assistance will cause a significant financial burden and hardship to the adoptive family.

(4) Sufficient funds are available in the adoption assistance account to cover the cost of additional assistance provided under this section.

(b) A determination by the department under this section is not subject to administrative review or appeal, unless specifically authorized by rule of the department under section 12(4) of this chapter, but is subject to judicial review as provided in IC 4-21.5-5.
As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-7
Certain children eligible for Medicaid

Sec. 7. An adoptive child who is:

(1) a child with special needs based on a medical, a physical, a mental, or an emotional condition that existed before the filing of the adoption petition; and

(2) the beneficiary of an agreement for adoption subsidy under this chapter;

is eligible for Medicaid.
As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-8
Submission of reports; modification or discontinuance of adoption subsidy payments

Sec. 8. (a) As a condition for continuation of subsidy payments under the agreement, the department may require the adoptive parents to submit a verified report, annually or at a time or times specified in the agreement or by rule, stating:

(1) the location of the parents;

(2) the location and condition of the child; and

(3) any additional information required by rule of the department or the agreement.

(b) The department may confirm the accuracy and veracity of the report from any reliable sources of information concerning the adoptive family and child, including any governmental or private agency that serves the area in which the child resides.

(c) If the report or information received by the department indicates a substantial change in the conditions that existed when the adoption subsidy agreement was signed, the department may, after notice to the adoptive parent or parents, modify or discontinue the adoption subsidy payments provided in the agreement.
As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-9
Limits on term of adoption subsidy agreement

Sec. 9. (a) Except as provided in this section, the term of any adoption subsidy agreement under this chapter, including any extension of the original term, ends when any of the following events occurs:

(1) The child becomes eighteen (18) years of age.
(2) The child becomes emancipated.
(3) The adoptive parent or parents are no longer providing financial support to the child.
(4) The child dies.
(5) The child's adoption is terminated.

(b) The department may continue the adoption subsidy payments, in amounts determined by agreement among the department, the child, and the adoptive parents, during a time after the child becomes eighteen (18) years of age and before the child becomes twenty-one (21) years of age if:

(1) either:
(A) the child is enrolled in:
(i) a secondary school;
(ii) a public or private institution of higher education; or
(iii) a course of career or technical education leading to gainful employment; or
(B) the child needs continuing support and assistance for a physical, a medical, a mental, or an emotional condition that limits or prevents the child from becoming self-supporting; and
(2) the adoptive parent or parents:
(A) provide the principal source of financial support for the child's room, board, medical care, and other necessary living expenses; and
(B) are entitled to claim the child as a dependent on their federal or state income tax return or returns for the year in which the continued subsidy payments are made.
As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-10
Adoption assistance account

Sec. 10. An adoption assistance account is established within the state general fund for the purpose of funding adoption subsidy payments under this chapter and the state's share of adoption assistance payments under 42 U.S.C. 673. The account consists of:

(1) amounts specifically appropriated to the department by the

general assembly for adoption assistance;

(2) amounts allocated by the department to the adoption assistance account from the funds available to the department; and

(3) any other amounts contributed or paid to the department for adoption assistance under this chapter.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-11

Priority for payments required by court orders

Sec. 11. (a) In determining the availability of funds in the adoption assistance account for payments of adoption subsidies under this chapter, the department shall give priority to payments required by court orders for county adoption subsidies entered under IC 31-19-26 (before its repeal).

(b) The provisions of this chapter applicable to continuation, modification, or termination of adoption subsidy payments shall apply after January 1, 2009, to county adoption subsidy orders entered under IC 31-19-26 (before its repeal).

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-12

Adoption of rules

Sec. 12. The department shall adopt rules under IC 4-22-2, as needed, to carry out this chapter. The rules must include at least the following subjects:

(1) The application and determination process for subsidies or other assistance provided under this chapter.

(2) The standards for determination of a child with special needs.

(3) The process for determining the duration, extension, modification, and termination of agreements, as provided in sections 8 and 9 of this chapter.

(4) The procedure for administrative review and appeal of determinations made by the department under this chapter.

(5) The procedure for determining availability of funds for new subsidy agreements and continuation of existing agreements or orders under this chapter and IC 31-19-26 (before its repeal), including any funding limitations or priorities as provided in sections 4 and 11 of this chapter.

As added by P.L.146-2008, SEC.562.

IC 31-19-26.5-13

Applicability of chapter

Sec. 13. This chapter does not affect:

(1) the legal status of an adoptive child;

(2) the rights and responsibilities of the adoptive parents as provided by law; or

(3) the eligibility of an adoptive child or adoptive parents for adoption assistance under Title IV-E of the Social Security Act

(42 U.S.C. 673), federal and state regulations applicable to the Title IV-E adoption assistance program, or determination of the amount of any assistance provided by the department through the Title IV-E adoption assistance program.

As added by P.L.146-2008, SEC.562.

IC 31-19-27

Chapter 27. Program for Adoption of Hard to Place Children

IC 31-19-27-1

Program to place hard to place children

Sec. 1. The department shall carry out a program to place hard to place children in suitable adoptive homes in cases in which restoration to the biological family is not possible or appropriate.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.264.

IC 31-19-27-1.5

Hard to place child; eligibility for adoption subsidies

Sec. 1.5. The department shall consider a child who is two (2) years of age or older a hard to place child for determining eligibility for state adoption subsidies.

As added by P.L.42-2009, SEC.3.

IC 31-19-27-2

Delegation of program

Sec. 2. The department may:

(1) delegate a part of the program to a local office; and

(2) deliver a program service through a contract with another person.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.265; P.L.128-2012, SEC.84.

IC 31-19-27-3

Powers of the department

Sec. 3. To carry out the program, the department may:

(1) cooperate with adoption efforts with:

(A) other states; and

(B) the administrative unit in the United States Department of Health and Human Services that is established under 42 U.S.C. 5113;

(2) exchange information with the:

(A) federal adoption and foster care data gathering and analysis system; and

(B) national adoption information exchange system;

(3) conduct, directly or by grant to or contract with public or private nonprofit agencies or organizations, an education and training program on adoption, and prepare, publish, and disseminate, directly or by grant to or contract with public or private nonprofit agencies and organizations, to all:

(A) interested parties;

(B) public and private agencies and organizations, including hospitals, health care and family planning clinics, and social services agencies; and

(C) governmental bodies;

information, education, and training materials regarding the

children who are available for adoption, adoption, and adoption assistance programs;

(4) provide directly, or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups, technical assistance in planning, improving, developing, and carrying out programs and activities relating to adoption; and

(5) encourage involvement of:

(A) corporations; and

(B) small businesses;

in supporting adoption as a positive family strengthening option, including the establishment of adoption benefit programs for employees who adopt children.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.266.

IC 31-19-27-4

Money not reverting to state general fund

Sec. 4. Money appropriated to the program does not revert to the state general fund at the end of the state fiscal year.

As added by P.L.200-1999, SEC.24.

IC 31-19-28

Chapter 28. Adoption Decrees in Foreign Jurisdictions

IC 31-19-28-1

Foreign decrees; effect; name change

Sec. 1. Whenever a person is adopted outside Indiana, under the laws of the state, territory, or country where the adoption took place:

(1) the adoption decree:

(A) when filed with the clerk of the court of any county in Indiana; and

(B) when entered upon the order book of the court in open session;

has the same force and effect as if the adoption decree were made in accordance with this article;

(2) the adopted person:

(A) has the same rights; and

(B) is capable of taking by inheritance, upon the death of the adoptive parent, property located in Indiana;

as though the person had been adopted according to the laws of Indiana; and

(3) if a name other than a name in the adoption decree is requested, the adopted person shall take the name requested in a petition filed under this section.

As added by P.L.1-1997, SEC.11. Amended by P.L.130-2005, SEC.11.

IC 31-19-28-2

Full faith and credit

Sec. 2. Every decree of a court terminating parental rights issued by a court of any other jurisdiction within or outside the United States shall be recognized in Indiana so that the rights and obligations of the parties concerning matters within the jurisdiction of Indiana shall be determined as though the decree were issued by an Indiana court.

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

IC 31-19-28-3

Consent

Sec. 3. Every consent to adoption taken in a jurisdiction outside Indiana that:

(1) is valid under the law in force in the state, territory, or country where the consent to adoption was taken; or

(2) would be valid if the consent to adoption had been taken in Indiana;

is a valid consent to an adoption.

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

IC 31-19-28-4

Jurisdiction

Sec. 4. The court where an adoption proceeding is pending has

jurisdiction over a person if the person's consent to the adoption taken outside Indiana includes a provision that the person giving the consent to adoption submits to the jurisdiction of the Indiana courts. *As added by P.L.1-1997, SEC.11.*

IC 31-19-29

Chapter 29. Interstate Compacts on Adoption Assistance

IC 31-19-29-1

Legislative findings; purposes

Sec. 1. (a) The general assembly finds the following:

(1) Finding adoptive families for children, for whom state assistance is desirable pursuant to 42 U.S.C. 673, and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

(b) The purposes of this chapter are the following:

(1) Authorize the department to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the department.

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.267.

IC 31-19-29-2

Authorization of the department to enter compacts; definitions

Sec. 2. (a) The department is authorized to develop, participate in the development of, negotiate, and enter into one (1) or more interstate compacts on behalf of this state with other states to implement one (1) or more of the purposes set forth in this chapter. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

(b) For the purposes of this chapter, the term "state" shall mean a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States.

(c) For the purposes of this chapter, the term "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) For the purposes of this chapter, the term "residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.268.

IC 31-19-29-3

Mandatory provisions

Sec. 3. A compact entered into pursuant to the authority conferred

by this chapter shall have the following content:

(1) A provision making it available for joinder by all states.

(2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one (1) year between the date of the notice and the effective date of the withdrawal.

(3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.

(4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.

(5) Such other provisions as may be appropriate to implement the proper administration of the compact.

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

IC 31-19-29-4

Permissive provisions

Sec. 4. A compact entered into pursuant to the authority conferred by this chapter may contain provisions in addition to those required pursuant to section 3 of this chapter, as follows:

(1) Provisions establishing procedures and entitlements to medical, developmental, child care, or other social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof.

(2) Such other provisions as may be appropriate or incidental to the proper administration of the compact.

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

IC 31-19-29-5

Medical assistance identification; conditions; payment of benefits; nonresidents; rules; violations

Sec. 5. (a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the local office for the county in which the child resides of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with rules of the department, the adoptive parents shall be required

at least annually to show that the agreement is still in force or has been renewed.

(b) The department shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) The department shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The department shall adopt rules implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, such rules shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) A person who submits any claim for payment or reimbursement for services or benefits pursuant to this section or makes any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent commits a Level 6 felony.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.269; P.L.128-2012, SEC.85; P.L.158-2013, SEC.312.

IC 31-19-29-6

Federal aid

Sec. 6. Consistent with federal law, the department in connection with the administration of this chapter and any compact pursuant hereto shall include in any state plan made pursuant to the federal Adoption Assistance and Child Welfare Act of 1980 (P.L.96-272), Title IV-E and Title XIX of the federal Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some

or all of the cost. The department shall apply for and administer all relevant federal aid in accordance with law.

As added by P.L.1-1997, SEC.11. Amended by P.L.145-2006, SEC.270.