

HOUSE BILL No. 1255

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-19.

Synopsis: Access to identifying information. Requires the state registrar to search death certificates in the state registrar's possession and the federal limited access death master file if an eligible individual submits a request for the release of identifying information of a birth parent or adoptee. (Current law requires the state registrar to search death certificates in the state registrar's possession.) Provides, with exceptions under current law, that a consent of an adoptee or birth parent is not required if the individual requesting the identifying information submits records from the death master file indicating that the adoptee or birth parent is deceased. Allows the state registrar to charge a reasonable fee to search the limited access death master file.

Effective: July 1, 2016.

Summers, Clere

January 11, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1255

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-31.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 31.5. "Death master file", for purposes of**
4 **IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, has the meaning set**
5 **forth in 15 CFR 1110.2.**

6 SECTION 2. IC 31-9-2-76.2 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2016]: **Sec. 76.2. "Limited access death master file", for purposes**
9 **of IC 31-19-20, IC 31-19-22, IC 31-19-25, and IC 31-19-25.5, has**
10 **the same meaning as "limited access DMF" as defined in 15 CFR**
11 **1110.2.**

12 SECTION 3. IC 31-19-20-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The state
14 department of health may charge a reasonable fee for the state
15 registrar's search for:

16 (1) further medical history information under section 2(a) of this
17 chapter; or



- 1 **(2) death certificates and information in the limited access**
 2 **death master file.**
 3 (b) Fees collected under this section shall be deposited in the
 4 adoption history fund established by IC 31-19-18-6 and must be used
 5 for the automation of adoption history information and death
 6 certificates and for improved service delivery.
 7 SECTION 4. IC 31-19-22-3, AS AMENDED BY P.L.191-2011,
 8 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]: Sec. 3. (a) The consent of a birth parent is not required
 10 for release of identifying information under this chapter if the
 11 individual requesting the release of the identifying information under
 12 section 2 of this chapter submits:
 13 (1) a death certificate;
 14 (2) an obituary; ~~or~~
 15 **(3) records from the death master file; or**
 16 ~~(3)~~ **(4)** any other form of evidence approved by the state
 17 department of health;
 18 indicating that a birth parent is deceased to the person releasing the
 19 identifying information for each birth parent who is named on the
 20 adoptee's original birth certificate.
 21 (b) The consent of an adoptee is not required for the release of
 22 identifying information under this chapter if the individual requesting
 23 the release of identifying information under section 2 of this chapter
 24 submits:
 25 (1) the death certificate of the adoptee;
 26 (2) an obituary for the adoptee; ~~or~~
 27 **(3) records from the death master file; or**
 28 ~~(3)~~ **(4)** any other form of evidence approved by the state
 29 department of health;
 30 indicating that the adoptee is deceased to the person releasing the
 31 identifying information.
 32 SECTION 5. IC 31-19-22-4, AS AMENDED BY P.L.191-2011,
 33 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2016]: Sec. 4. If an individual submits a request for the
 35 release of identifying information under section 2 of this chapter, the
 36 state registrar shall search the death certificates in the state registrar's
 37 possession **and the limited access death master file** regarding the
 38 related adoptee or a birth parent:
 39 (1) who has not submitted a consent for the release of information
 40 under IC 31-19-21; and
 41 (2) whose consent is necessary before identifying information
 42 may be released to the individual.



1 SECTION 6. IC 31-19-22-6, AS AMENDED BY P.L.191-2011,
 2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2016]: Sec. 6. If, upon searching the death certificates **and the**
 4 **limited access death master file** under section 4 of this chapter, the
 5 state registrar finds that the adoptee or birth parent who has not yet
 6 submitted a written consent is deceased, the state registrar shall inform
 7 the individual who submitted the request of the death and:

8 (1) may not release identifying information if additional consent
 9 is required by this chapter; and

10 (2) may release identifying information if additional consent is
 11 not required by this chapter.

12 SECTION 7. IC 31-19-25-15, AS ADDED BY P.L.191-2011,
 13 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2016]: Sec. 15. Except as provided in section 21 of this
 15 chapter, the consent of an adoptee is not required for the release of
 16 identifying information under this chapter if the individual requesting
 17 the release of identifying information under section 2 of this chapter
 18 submits:

19 (1) a death certificate;

20 (2) an obituary; ~~or~~

21 **(3) records from the death master file; or**

22 ~~(3)~~ **(4)** any other form of evidence approved by the state
 23 department of health;

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

26 SECTION 8. IC 31-19-25-16, AS ADDED BY P.L.191-2011,
 27 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2016]: Sec. 16. If an individual submits a request for the
 29 release of identifying information under section 2 of this chapter, the
 30 state registrar shall search the death certificates in the state registrar's
 31 possession **and the limited access death master file** regarding:

32 (1) a related adoptee:

33 (A) who has not submitted a consent for the release of
 34 information under IC 31-19-21; and

35 (B) whose consent is necessary before identifying information
 36 may be released to the individual who has submitted the
 37 request; or

38 (2) a birth parent who has filed a written nonrelease form under
 39 section 3 of this chapter.

40 SECTION 9. IC 31-19-25-17, AS ADDED BY P.L.191-2011,
 41 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2016]: Sec. 17. (a) If, upon searching the death certificates



1 **and the limited access death master file** under section 16 of this
 2 chapter, the state registrar finds that an adoptee or a birth parent is
 3 deceased, the state registrar shall:

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

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

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

15 SECTION 10. IC 31-19-25.5-4, AS ADDED BY P.L.191-2011,
 16 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2016]: Sec. 4. (a) This section applies to adoptions that are
 18 filed before January 1, 1994.

19 (b) Except as provided under subsections (d) and (e), the state
 20 registrar shall release the name and address of a pre-adoptive sibling
 21 to an adoptee who submits a written request under section 2 of this
 22 chapter if the following requirements are satisfied:

- 23 (1) The pre-adoptive sibling of the adoptee has submitted a
 24 written request under section 2 of this chapter.
 25 (2) Each birth parent who is listed on the adoptee's original birth
 26 certificate has submitted a written consent for release of
 27 identifying information under IC 31-19-21.

28 (c) Except as provided under subsections (d) and (e), the state
 29 registrar shall release the name and address of an adoptee to a
 30 pre-adoptive sibling of the adoptee who submits a written request under
 31 section 2 of this chapter if the following requirements are satisfied:

- 32 (1) The adoptee has submitted a written request under section 2
 33 of this chapter.
 34 (2) Each birth parent who is listed on the adoptee's original birth
 35 certificate has submitted a written consent for release of
 36 identifying information under IC 31-19-21.

37 (d) The consent of a birth parent is not required for the release of
 38 information under this section if a person who submits a request under
 39 section 2 of this chapter provides:

- 40 (1) a death certificate;
 41 (2) an obituary; **or**
 42 (3) **records from the death master file; or**



- 1 ~~(3)~~ **(4)** any other form of evidence approved by the state
2 department of health;
3 indicating that a birth parent is deceased to the state registrar for each
4 birth parent who is named on the adoptee's original birth certificate.
5 (e) The state registrar shall search the death certificates in the state
6 registrar's possession **and the limited access death master file**
7 regarding a birth parent if an adoptee and a pre-adoptive sibling of the
8 adoptee have submitted written requests to be in contact. If the state
9 registrar determines that a birth parent is deceased, the consent of the
10 birth parent who is deceased is not required for the release of the
11 information under this section.
12 (f) If the state registrar is prohibited under this section from
13 releasing the name and address of a pre-adoptive sibling or an adoptee,
14 the state registrar shall provide information on requesting the release
15 of adoption information under IC 31-19-24 to the adoptee or
16 pre-adoptive sibling requesting the release of the information.
17 SECTION 11. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012,
18 SECTION 205, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section applies to
20 adoptions that are filed after December 31, 1993.
21 (b) Except as provided under subsections (d) and (f), the state
22 registrar shall release the name and address of a pre-adoptive sibling
23 to an adoptee who submits a written request under section 2 of this
24 chapter if:
25 (1) the pre-adoptive sibling of the adoptee has submitted a written
26 request under section 2 of this chapter; and
27 (2) a birth parent has not filed a written nonrelease form with the
28 state registrar under IC 31-19-25.
29 (c) Except as provided under subsections (d) and (f), the state
30 registrar shall release the name and address of an adoptee to a
31 pre-adoptive sibling of the adoptee who submits a written request under
32 section 2 of this chapter if:
33 (1) the adoptee has submitted a written request under section 2 of
34 this chapter; and
35 (2) a birth parent has not filed a written nonrelease form with the
36 state registrar under IC 31-19-25.
37 (d) Except as provided under subsection (g), the state registrar shall
38 release information under this section if:
39 (1) both the adoptee and pre-adoptive sibling of the adoptee have
40 submitted requests under section 2 of this chapter; and
41 (2) the adoptee or pre-adoptive sibling who requested information
42 under section 2 of this chapter submits:



- 1 (A) a death certificate;
 2 (B) an obituary; ~~or~~
 3 **(C) records from the death master file; or**
 4 ~~(D)~~ **(D)** any other form of evidence approved by the state
 5 department of health;
 6 indicating that a birth parent is deceased to the state registrar for
 7 each birth parent who is named on the adoptee's original birth
 8 certificate.
- 9 (e) The state registrar shall search the death certificates in the state
 10 registrar's possession **and the limited access death master file**
 11 regarding a birth parent if:
 12 (1) an adoptee and a pre-adoptive sibling of the adoptee have
 13 submitted written requests to be in contact; and
 14 (2) a birth parent has filed a nonrelease form under IC 31-19-25.
- 15 (f) Except as provided under subsection (g), if, upon searching the
 16 death certificates **and the limited access death master file** under
 17 subsection (e), the state registrar finds that a birth parent is deceased,
 18 the state registrar shall:
 19 (1) inform the adoptee and pre-adoptive sibling of the death; and
 20 (2) release the information if additional consent is not required by
 21 this chapter.
- 22 (g) The state registrar may not release information under this section
 23 to an adoptee or pre-adoptive sibling if:
 24 (1) additional consent is required under this chapter; or
 25 (2) a nonrelease form submitted by a birth parent specifically
 26 states that the nonrelease form shall remain in effect after the
 27 birth parent's death.
- 28 (h) If the state registrar is prohibited from releasing the name and
 29 address of the pre-adoptive sibling under this section, the state registrar
 30 shall provide information on requesting the release of adoption
 31 information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

