

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7860

BILL NUMBER: SB 422

NOTE PREPARED: May 4, 2005

BILL AMENDED: Apr 4, 2005

SUBJECT: Adoption Procedural Requirements.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR: Rep. Frizzell

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes requirements for prebirth waivers of paternity and waivers of notice of adoption, and specifies that a waiver is irrevocable. The bill prohibits a mother from executing a prebirth consent to adoption, and requires a father's prebirth consent to adoption to: (1) be in writing; (2) be notarized; and (3) contain an advisement that the waiver is irrevocable. It specifies that the burden of proof in certain adoption proceedings is by clear and convincing evidence. It also provides that a child support arrearage owed to a child is not extinguished when the child is adopted. The bill permits the transfer of adoption records to the State Registrar. It makes a name change requested in an out-of-state adoption petition effective in Indiana.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Creation of Forms and Transfer/Storage of Information:* The bill requires the State Registrar to create a form for facilitating the transfer of, and to store, all adoption records to the State Registrar for inclusion in the adoption history program from child placing agencies, governmental entities, or licensed attorneys, who have arranged or facilitated an adoption in Indiana. This could result in additional administrative duties for the Registrar, however, any increase would be minimal.

The bill allows a child placing agency, governmental entity, or licensed attorney, who arranges or facilitates an adoption, to transfer an adoption record to the State Registrar for inclusion in the adoption history program. The number of entities which would transfer records is unknown. The Family and Social Services Administration (FSSA) reports that it maintains adoption records indefinitely. Thus, any information transferred to the Registrar would likely be transferred from child placing agencies or licensed attorneys.

The State Registrar reports that it currently maintains adoption records in both hard copy and a database.

Adoption Notices: The bill allows a notice of adoption after the birth of a child not be delivered to a putative father if the putative father could not be located through notice prior to the child's birth and the father has not registered at that address with the putative father registry. This requirement of the bill could result in fewer notices being served. FSSA reports that methods of notice are in writing, however, this varies by county. The cost to send a one-ounce certified mail letter with a return receipt requested is \$4.42.

Court Time: The bill disallows a father, who has consented to adoption, from contesting or challenging the child's adoption. This could result in a reduction of court time if fathers that previously would have contested a child's adoption are no longer able to do so. This could also result in a loss of state and local revenue (see *Explanation of State Revenues*).

Explanation of State Revenues: *Court Fee Revenue:* The bill disallows a father, who has consented to adoption from contesting or challenging the child's adoption. This could result in a revenue reduction for both state and local governments.

State: A decrease in revenue to the state General Fund may occur if fewer court fees are collected. A civil filing fee of \$100 is normally assessed when a civil case is filed, 70% of which is deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Local: A reduction in local revenue could occur if fewer court fees are collected. The county general fund receives 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee is deposited in the county general fund and 25% is deposited in the city or town general fund.

Child Support: The bill requires a child support obligation to continue until the entry of the adoption decree. The bill also states that a person who owed past due child support before the entry of an adoption decree, is still obligated to pay the arrearage. FSSA reports that this is current practice, thus, no increase in revenues is expected as a result.

Explanation of Local Expenditures:

Explanation of Local Revenues: See *Explanation of State Revenues*.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts, local law enforcement agencies.

Information Sources: Angela Hoover, FSSA, 233-0890; Katheryn Brigham, Department of Health; Jane Bisbee, FSSA; Division of State Court Administration, Indiana Trial Courts, Cases Filed (Data); Daphne Risch, FSSA.

Fiscal Analyst: Sarah Brooks, 317-232-9559.