

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 422 be amended to read as follows:

- 1 Page 2, line 38, delete "and".
- 2 Page 2, line 40, delete "the consent to adoption is irrevocable; and"
- 3 and insert "**the child's father may seek to withdraw consent not later**
- 4 **than the earlier of the following dates:**
- 5 (i) **forty-five (45) days after the expected date of delivery**
- 6 **of the child, as determined by a physician; or**
- 7 (ii) **thirty (30) days after the date the child is born, if the**
- 8 **petitioner for adoption has provided the notice required**
- 9 **under IC 31-19-10-3.5(a); and".**
- 10 Page 3, delete lines 1 through 3, begin a new line block indented and
- 11 insert:
- 12 **"(4) includes a form to withdraw consent.**
- 13 SECTION 5. IC 31-19-9-4 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The division of
- 15 family and children:
- 16 (1) may furnish to the clerks of courts prescribed forms for use by
- 17 parents or other persons when giving consent to adoption; **and**
- 18 (2) **may furnish prescribed forms for use by parents or other**
- 19 **persons to withdraw consent for adoption.**
- 20 SECTION 6. IC 31-19-9-6 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The individual who
- 22 or agency that arranges for the signing of a consent to adoption shall
- 23 provide each birth parent whose consent to adoption is obtained under
- 24 this chapter with the following:
- 25 (1) An explanation concerning the:

- 1 (A) availability of adoption history information under
 2 IC 31-19-17 through IC 31-19-25; ~~and~~
 3 (B) birth parent's option to file a nonrelease form with the state
 4 registrar if the birth parent seeks to restrict the release of
 5 identifying information;
 6 **(C) birth parent's right and time limits to withdraw**
 7 **consent to adoption under IC 31-19-10; and**
 8 **(D) form to withdraw consent.**
 9 (2) A nonrelease form prescribed by the state registrar under
 10 IC 31-19-25-4."

11 Page 4, between lines 30 and 31, begin a new paragraph and insert:
 12 "SECTION 9. IC 31-19-10-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
 14 provided in subsection (c), only a person entitled to notice of adoption
 15 under IC 31-19-4 or IC 31-19-4.5 may contest an adoption.

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

19 (c) A person seeking to withdraw consent to an adoption must file:
 20 **(1) a motion to withdraw consent to the adoption with the court;**
 21 **or**
 22 **(2) a form to withdraw a consent to an adoption under**
 23 **IC 31-19-9-2(c).**

24 SECTION 10. IC 31-19-10-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person seeking to
 26 withdraw consent to an adoption under section 3 **or 3.5** of this chapter
 27 or contesting an adoption must give notice of intent to withdraw
 28 consent to or contest the adoption to the following persons:

- 29 (1) All parties to the adoption.
 30 (2) A person whose consent to adoption is required by IC 31-19-9.

31 SECTION 11. IC 31-19-10-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **Except as**
 33 **provided under section 3.5 of this chapter**, a consent to adoption may
 34 be withdrawn not later than thirty (30) days after consent to adoption
 35 is signed if:

- 36 (1) the court finds, after notice and opportunity to be heard
 37 afforded to the petitioner for adoption, that the person seeking the
 38 withdrawal is acting in the best interest of the person sought to be
 39 adopted; and
 40 (2) the court orders the withdrawal.

41 (b) **Except as provided under section 3.5 of this chapter**, a
 42 consent to adoption may not be withdrawn after:

- 43 (1) thirty (30) days after the consent to adoption is signed;
 44 (2) the person who signs the consent to adoption appears before
 45 a court in which the petition for adoption has been or will be filed;
 46 or
 47 (3) the person who signs the consent to adoption appears before

1 a court of competent jurisdiction if the parent is outside of Indiana
 2 and acknowledges that the person:
 3 (A) understood the consequences of the signing of the consent
 4 to adoption;
 5 (B) freely and voluntarily signed the consent to adoption; and
 6 (C) believes that adoption is in the best interests of the person
 7 to be adopted;
 8 whichever occurs first.

9 SECTION 12. IC 31-19-10-3.5 IS ADDED AS A NEW SECTION
 10 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a)**
 11 **A consent to adoption under IC 31-19-9-2(c) may be withdrawn not**
 12 **later than the earlier of the following dates:**

- 13 **(1) Forty-five (45) days after the expected date of delivery of**
 14 **the child, as determined by a physician.**
- 15 **(2) Thirty (30) days after the date the child is born, if the**
 16 **petitioner for adoption sends notice by certified or registered**
 17 **mail not later than seven (7) days after the date the child is**
 18 **born that includes:**
 - 19 **(A) the date the child was born;**
 - 20 **(B) notice that the child's father has thirty (30) days from**
 21 **the date of birth to file a form to withdraw consent to the**
 22 **adoption with the court; and**
 - 23 **(C) a form to withdraw consent.**
- 24 **(b) If a child's father files with the court a form to withdraw**
 25 **consent to adoption under IC 31-19-9-2(c), the consent to adoption**
 26 **is withdrawn.**
- 27 **(c) A consent to adoption under IC 31-19-9-2(c) may not be**
 28 **withdrawn after the time limits set forth in subsection (a)."**

29 Renumber all SECTIONS consecutively.
 (Reference is to ESB 422 as printed April 5, 2005.)

Representative Orentlicher