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FISCAL IMPACT STATEMENT

LS 7256

BILL NUMBER: HB 1201

NOTE PREPARED: Apr 11, 2011

BILL AMENDED: Feb 8, 2011

SUBJECT: Release of Adoption Information.

FIRST AUTHOR: Rep. Karickhoff

FIRST SPONSOR: Sen. Steele

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Makes various changes to the adoption laws regarding the release of identifying and nonidentifying information.
- (2) Establishes requirements regarding requests for information concerning pre-adoptive siblings and conforms those requirements with laws concerning the release of identifying information.
- (3) Requires the Department of Child Services (DCS), a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court to send a copy of a written consent, any signed writing that withdraws or modifies a consent to the release of identifying information, and a written nonrelease form to the State Registrar.
- (4) Requires the DCS to provide, at least one time each month, to the Indiana State Department of Health (ISDH) a list of names of all children who are less than 21 years of age and whose birth parent had the birth parent's parental right terminated while a child in need of services proceeding concerning the child was pending.
- (5) Prohibits the State Registrar, the DCS, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court from releasing identifying information if the request involves an adoptee who is less than 21 years of age and whose name is on the list provided to the ISDH from the DCS.
- (6) Repeals a provision that allows an individual who submits a request for the release of identifying information to request the State Registrar to search the death certificates for an adoptee or birth parent.
- (7) Repeals provisions that are being replaced concerning: (a) requests for information concerning adoptees and pre-adoptive siblings; and (b) allowing an attorney, a licensed child placing agency, or a county office of family and children to charge reasonable fees for certain services and actual expenses.

(8) Repeals a redundant provision that: (a) allows the State Registrar to adopt rules; and (b) requires the State Registrar to prescribe certain forms.

Effective Date: July 1, 2011.

Explanation of State Expenditures: This bill will allow parents of adoptive children, the spouse of a deceased adoptee, and the spouse of a deceased birth parent to request identifying information for adoptions filed before January 1, 1994.

This bill will increase the workload of the Department of Child Services (DCS), county offices of family and children as managed by the Division of Family Resources (DFR), and the Indiana State Department of Health (ISDH) to provide additional individuals that comply with the requirements of the bill with identifying adoption information. The increase in workload is expected to be implemented within currently existing staff and resource levels.

(Revised) The bill will also minimally increase the workload of the DCS to provide an electronic list of all children whose parents have had their parental rights terminated and are under 21 years of age.

Explanation of State Revenues: The bill allows the DCS, the DFR, and the ISDH to charge a reasonable fee for actual expenses incurred with providing identifying adoption information to requesting individuals. However, only ISDH will be able to charge reasonable fees for the release of identifying information for pre-adoptive siblings. The amount that will be assessed for providing identifying adoption information will depend on administrative decisions. However, the revenue collected from fees is expected to cover the costs of workload increases.

Explanation of Local Expenditures: This bill will increase the workload of local courts to provide additional individuals that comply with the requirements of the bill with identifying adoption information.

Explanation of Local Revenues: The bill allows the courts to charge a reasonable fee for actual expenses incurred with providing identifying adoption information to requesting individuals. The amount that will be assessed for providing identifying adoption information will depend on administrative decisions. However, the revenue collected from fees is expected to cover the costs of workload increases.

State Agencies Affected: DCS, DFR, ISDH.

Local Agencies Affected: Local courts.

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