

# Children's Law Center of Indiana



## Summary of Selected 2007 Legislative Changes to Indiana Adoption Law<sup>1</sup> Effective July 1, 2007

- The Uniform Child Custody Jurisdiction Law (UCCJL) was amended to exclude adoption proceedings from custody proceedings governed by the UCCJL. IC 31-21-1-1.
- The law regarding petitioning for adoption was amended by allowing the filing of an amended adoption or a second adoption petition in the same action when an adoptive petitioner decides not to adopt, or is unable to adopt, the child. The amended petition or second petition relates back to the date of the original petition. IC 31-19-2-2(c).
- IC 31-19-2.5-5 was added, which provides that a notice served in accordance with IC 31-19-4 [after birth notice to putative father] or IC 31-19-4.5 [notice to other persons] is valid regardless of whether notice is served within or outside Indiana.
- The pre-birth notice to putative fathers statute, IC 31-19-3, was amended by adding IC 31-19-3-9. IC 31-19-3-9(a) provides that the pre-birth notice served on an Indiana resident putative father is valid regardless of whether the notice is served within or outside Indiana. IC 31-19-3-9(b)(1) provides that the pre-birth notice served outside Indiana on a non-Indiana resident putative father is valid if the child was conceived in Indiana. IC 31-19-3-9(b)(2) provides that the pre-birth notice served outside Indiana on a non-Indiana resident putative father is valid if the child was conceived in another state if the laws of that state where the putative father is served notice, resides or where the child was conceived allows a paternity or similar action to be filed before the child's birth.
- An amendment to the Indiana putative father registry law states that, in order to be entitled to notice via the registry, the putative father must register not later than one of the following events, whichever occurs later: (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. (Amended language is underlined.) Practitioners should note that IC 31-19-4-1 requires notice to a putative father who has not registered if the mother provides his name and address on or before the date she signs an adoption consent.

<sup>1</sup> Disclaimer: Kids' Voice and Children's Law Center staff do not provide legal advice, and neither this presentation nor any other communication you have with any of them creates an attorney-client relationship with you. You should consult your own attorney before taking or failing to take any legal action based on the content of this document or any other communications with Kids' Voice or Children's Law Center staff.

- IC 31-19-7-1 was amended by eliminating the exceptions for the stepparent, grandparent, aunt, and uncle adoptions and out of state agency adoptions from the requirement of prior written approval for placement by a licensed child placing agency.
- IC 31-19-8-2(c) was added, which allows the court to waive the period of supervision if one of the petitioners is the child's stepparent or grandparent and the court waives the requirement of an agency report regarding the adoption. (See IC 31-19-8-5 below.)
- IC 31-19-8-5(c)(1) was added, which allows the court to waive the agency adoption report for stepparent and grandparent adoptions. A criminal history check is still required under IC 31-19-2-7.5 and may not be waived. IC 31-19-8-5(c)(2) allows the court to require the county OFC or a child placing agency to investigate any matter related to an adoption and report to the court.
- IC 31-19-11-1(c) was amended to provide that the court may not grant an adoption if the petitioner has been convicted of a felony charge of domestic battery.
- IC 31-19-9-3, the consent statute, was amended to allow for substitution of an adoption petitioner without an additional consent from the mother if she agrees that the petitioner may be substituted or if she executes a written consent to the substitution of a petitioner for adoption.
- IC 31-19-10-3(b), regarding situations when an adoption consent may not be withdrawn, was amended to allow the consenting person to appear before the court via telephone communication or video conferencing rather than in person to acknowledge the person's: (1) understanding of the consequences of consenting; (2) voluntariness of the consent; and (3) belief that the consent is in the adopted person's best interests. IC 31-19-10-3(c) was added to require the court to record the hearing when it is conducted by telephone or video conference.
- Two new criminal statutes pertaining to adoption were added. IC 35-46-1-21 defines unauthorized adoption advertising as a class A misdemeanor and limits paid advertising and paid listing of a telephone number only to attorneys or child placement agencies licensed in Indiana or another state. IC 35-46-1-22 defines unauthorized adoption facilitation, a class A misdemeanor, as knowingly or intentionally providing, engaging, or facilitating compensated adoption services to birth parents or prospective adoptive parents in Indiana. Adoption services do not include: (1) legal services by licensed Indiana attorneys; (2) services provided by a governmental entity or person appointed by the court to conduct an investigation; (3) general education and training; and (4) post-adoption services. The law does not apply to: (1) DCS, DFR, or a person or agency authorized to act on their behalf; (2) county office of family and children or a similar office in another state; (3) a child placing agency or attorney licensed in Indiana or another state; or (4) a prospective birth or adoptive parent acting on the parent's own behalf.