



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 57

PRINTERS NO. 169

PRIME SPONSOR: Petri

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	\$0	\$0

SUMMARY: House Bill 57, Printer's Number 169, amends Part III (Adoption) of Title 23 (Domestic Relations) to expedite the procedures for the relinquishment or termination of parental rights in the course of the legal process to adopt a child. This legislation is effective in 60 days.

ANALYSIS: This legislation adds definitions to Part III of Title 23 for "denial of paternity", "household", "putative father" and "diligent search". HB 57 requires the court to set a hearing date no more than 20 days after the birth parent(s) file with the court a petition voluntarily relinquishing their parental rights unless the petitioner requests a later date, in which case the hearing shall be scheduled no later than 30 days after filing the petition. The legislation provides procedures by which a putative father is notified of a scheduled adoption hearing and is informed that his parental rights can be terminated if he does not appear at the hearing or file a written objection to the termination of his parental rights prior to the hearing.

HB 57 adds a new section "Notice if identity or whereabouts of parent or putative father unknown," requiring that a petitioner must establish that a diligent search has been conducted to identify or locating a parent or putative father, and if unsuccessful, notice of the proceeding may be given to the parent or putative father by publication one time in both a newspaper of general circulation and in the county legal journal at least 10 days before the date of the hearing. Proof of publication of the notice must be provided to the court. The court may waive the requirement for a diligent search and the publication of notice if the putative father knows or has reason to know of the child's birth, and has failed to make reasonable efforts to maintain substantial and continuing contact with the child and provide substantial financial support for the child. Notice to a putative father shall be considered given if the court waives the requirement for a diligent search and the publication of notice and makes a specific determination that additional efforts to locate or identify the putative father and provide notice do not serve the best interests of the child.

The legislation creates a new provision stipulating that if a putative father executes a consent to adoption prior to the birth of the child, the child shall be named "Baby (Mother's Last Name)" for the purpose of the consent. This provision also stipulates that further notice to the putative

father is not necessary if consent is executed prior to the birth of the child. Further notice to the birth mother or her husband is not required if the consent is valid.

HB 57 allows a birth mother, father, or putative father who has consented to an adoption to execute a waiver of notice requirements related to all legal proceedings concerning the child. This provision retains the existing requirement that the birth mother, father or putative father shall be provided with the advisement of their continuing right to file personal and medical history information.

Finally, this legislation eliminates the requirement for a consent to adoption to contain a statement noting that the consent has been voluntarily executed without the disclosure of the names of the adopting parents.

FISCAL IMPACT: According to the Department of Human Services, there would be no adverse fiscal impact from the passage of this legislation.

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House Appropriations Committee (R)

DATE: March 13, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.