

Act 496 of the 1989 Regular Session.

Act 496

SB434

By: Senator Harriman

"AN ACT TO ESTABLISH A PUTATIVE FATHER REGISTRY IN THE ARKANSAS DEPARTMENT OF HEALTH; TO AMEND TITLE 9, CHAPTER 9, SUBCHAPTER 2 OF THE ARKANSAS CODE OF 1987 TO PROVIDE FOR ITS USE IN MATTERS OF ADOPTION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Definitions. As used in this act, unless the context otherwise requires:

- (1) "Child" means a person under the age of eighteen (18) for whom paternity has not been established;
- (2) "Court" means a court in this state or another state or territory of the United States of competent subject matter jurisdiction;
- (3) "Department" means the Arkansas Department of Health;
- (4) "Father" means the biological male parent of a child;
- (5) "Putative father" means any man not legally presumed or adjudicated to be the biological father of a child but who claims or is alleged to be the father of the child;
- (6) "Registrant" means a person who has registered pursuant to this act and who is claiming to be the father of a child;
- (7) "Registry" means the putative father registry as established in this act;
- (8) "Regulations" means regulations promulgated by the department for the purpose of implementing this act.

SECTION 2. (a) There is hereby established in the department a putative father registry.

(b) The putative father registry shall record the following information:
(1) Name, address and social security number of any person who claims to be the father of a child for whom paternity is not presumed or has not been established by a court;

(2) Name, last known address, and social security number (if known) of the mother of the child;

(3) Name of child, if born, and location and date of birth, if known.

(c) The registry may accept the information prior to the birth of the child.

(d) The registry shall forward a copy of the information to the mother as notification that the person has registered with the putative father registry.

(e) The registry shall maintain cross-reference indices by name of mother and name of child, if known.

SECTION 3. (a) Information supplied to the registry may be revoked by a written statement signed and acknowledged by the registrant before a notary public.

(b) The statement must include a declaration that to the best of his knowledge and belief he is not the father of the named child or that a court has adjudicated paternity and someone other than the registrant has been

determined to be the father of the child.

(c) Revocation shall only be effective after the birth of the child.

SECTION 4. (a) The department shall make available to attorneys the telephone number of the registry for purposes of inquiry as to a putative father's name and address contained in the registry.

(b) Information contained in the registry shall be admissible in any court proceeding in any court in this state.

(c) Upon receipt of a written request by the registrant, the mother, or the child or pursuant to any request of the Department of Human Services, Child Support Enforcement Unit, a prosecuting attorney or an attorney acting on behalf of his client in litigation involving the determination of paternity or support for the child or an adoption of the child, the department shall furnish a certified copy of the registry information for a named putative father, natural mother or child.

(d) Upon request, the department shall furnish through electronic data exchange or otherwise, a copy of the registry to the Child Support Enforcement Unit for use in establishing paternity and support obligations.

(e) Otherwise, registry information shall be considered confidential and may not be disclosed. Registry information shall not be subject to Ark. Code 25-19-101 et seq.

SECTION 5. Any person who knowingly registers as a putative father pursuant to this act when the registrant knows that he is not the biological father of the child shall, upon conviction, be guilty of a Class C misdemeanor.

SECTION 6. Ark. Code 9-9-210 is hereby amended to read as follows:

" 9-9-210. Petition for adoption. (a) A petition for adoption signed and verified by the petitioner, shall be filed with the clerk of the court, and state:

(1) The date and place of birth of the individual to be adopted, if known;

(2) The name to be used for the individual to be adopted;

(3) The date petitioner acquired custody of the minor and of placement of the minor and the name of the person placing the minor; and a statement as to how petitioner acquired custody of the minor;

(4) The full name, age, place and duration of residence of the petitioner;

(5) The marital status of the petitioner, including the date and place of marriage, if married;

(6) That the petitioner has facilities and resources, including those available under a subsidy agreement, suitable to provide for the nurture and care of the minor to be adopted and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted;

(7) A description and estimate of value of any property of the individual to be adopted; and

(8) The name of any person whose consent to the adoption is required but who has not consented, and facts or circumstances which excuse the lack of his consent normally required, to the adoption; and

(9) In cases involving a child born to a mother unmarried at the time of the child's birth, a statement that an inquiry has been made to the putative father registry and either that no information has been filed in regards to the child born to this mother or that information is contained in the registry.

(b) A certified copy of the birth certificate or verification of birth

record of the individual to be adopted, if available, and the required consents and relinquishments shall be filed with the clerk."

SECTION 7. Title 9, Chapter 9, Subchapter 2 is hereby amended by adding a new section to read as follows:

"9-9-224. In all cases involving a child born to a mother unmarried at the time of the child's birth, the following procedure shall apply:

(a) When information concerning the child is contained in the putative father registry at the time of the filing of the petition, a copy of the petition shall be served on the registrant unless waived by the registrant in writing signed before a notary public. Service of notice under this section shall be given in accordance with the Arkansas Rules of Civil Procedure except that notice by publication shall not be required.

(b) Upon receipt of notice, the registrant, if he wishes to appear and be heard, shall file a responsive pleading within the time limits set in the Arkansas Rules of Civil Procedure.

(c) Prior to the entry of a final decree of adoption or before an interlocutory decree of adoption shall become final, a certified statement shall be obtained from the putative father registry of information contained in the registry in regards to the child which is the subject of the adoption or the fact that no information was contained in the registry at the time the petition was filed."

SECTION 8. Arkansas Code 9-9-207(b) is hereby amended to read as follows:

"(b) Except as provided in 9-9-212 and 9-9-224, notice of a hearing on a petition for adoption need not be given to a person whose consent is not required or to a person whose consent or relinquishment has been filed with the petition."

SECTION 9. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 13, 1989
