

CS FOR SENATE BILL NO. 276 (JUDICIARY)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/15/91  
 Referred: Rules

Sponsor(s): SENATORS HALFORD, Collins

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the rights of putative fathers in adoption proceedings."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 25.23.005 is amended to read:

4           Sec. 25.23.005. CONSTRUCTION OF CHAPTER; RIGHTS OF PERSONS AFFECTED  
 5 BY ADOPTION. This chapter shall be liberally construed to the end that the best interests of  
 6 adopted children are promoted. Due regard shall be given to the rights of all persons affected  
 7 by a child's adoption. However, a putative father has the primary responsibility to protect  
 8 the putative father's rights through legitimation of the child under AS 25.20.050 or  
 9 requesting notice of an adoption proceeding under AS 25.23.045.

10 \* Sec. 2. AS 25.23 is amended by adding new sections to read:

11           Sec. 25.23.045. NOTICE TO PUTATIVE FATHER; REGISTRY. (a) A putative father  
 12 who has not legitimated the child is entitled to notice of an adoption proceeding involving the  
 13 child only if the putative father has provided the Bureau of Vital Statistics with the information  
 14 that the bureau may require by regulation. The responsibility for checking the registry and

1 notifying the putative father rests with the agency or individual facilitating the adoption.

2 (b) A registration by the putative father under (a) of this section does not constitute an  
3 acknowledgement of paternity or otherwise legitimate the child.

4 (c) The Bureau of Vital Statistics shall adopt regulations to implement this section. The  
5 regulations must include a requirement that the putative father provides sufficient information to  
6 identify the mother of the child and to allow the mother to locate the putative father at that time  
7 to provide the notice required under (a) of this section. The regulations may establish a  
8 reasonable fee to cover the costs of maintaining the records required under this section.

9 (d) A record maintained under this section is confidential and may be disclosed only to  
10 the putative father, the person identified as the mother, an agency, or the Department of Health  
11 and Social Services or the child support enforcement division.

12 **Sec. 25.23.047. RIGHTS OF PUTATIVE FATHER; STAY OF PROCEEDINGS.** (a)  
13 Within 30 days after receiving notice of the adoption proceeding under AS 25.23.045, a putative  
14 father shall commence appropriate action to legitimate the child. If the putative father does not  
15 take action within the 30 day period, the putative father relinquishes parental rights, including  
16 the right to give or withhold consent to the adoption. The putative father may file a  
17 relinquishment of parental rights prior to the expiration of the 30 day period.

18 (b) If a putative father commences a judicial proceeding to establish paternity after  
19 receiving notice under AS 25.23.045, the court may not enter a final order or decree in the  
20 adoption proceeding until the paternity proceeding has been finally decided.

21 (c) A putative father who does not register with the Bureau of Vital Statistics under  
22 AS 25.23.045 does not have standing to appear in an adoption proceeding, including an action  
23 to set aside a final order or decree in an adoption proceeding.

24 (d) The court, upon a showing of good cause prior to the decree of adoption, may allow  
25 the putative further additional time to file an action to legitimate the child.

26 \* **Sec. 3.** Notwithstanding any provision of this Act, the provisions of the Indian Child Welfare Act,  
27 where applicable, shall control.