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TO: RICK  
FROM: KRISTIE

**Purpose:**

The intention of this legislation is to establish a procedure for putative (alleged) fathers to obtain the right to notification of adoption proceedings. The legislation is aimed at avoiding the problem of an unwed mother who wants to give her child up for adoption but must wait months or more while authorities try to track down the putative father who may or may not be interested in the future of the child. It is based on the principle that the putative father has the responsibility to protect his rights in adoption proceedings.

The bill would make provisions for putative fathers to obtain rights to notification of adoption proceedings by acknowledgement in a State registry. This registry would be used by an adoption agency to determine if a putative father, who has not already established paternity, has expressed his desire for notification of adoption proceedings.

By establishing a registry, the problem would be alleviated in two ways: 1) If the father does sign the registry, the process of locating him will be expedited because the registry will include vital information such as address, phone#, SS#, D.O.B., emergency contact, and the mother's name with who he believes he has father a child; 2) If the father does not register his interest in being notified of the adoption proceeding, the other parties involved may continue with the necessary proceedings.

**The Difference Between the SB276 and CS SB276 ( ).**

**What did the original SB276 do?**

The original bill related to the rights of a putative father who established paternity. If the putative father established paternity by the time of the mother's relinquishment of the child, he would have the right to give or withhold consent to the adoption. While this worked to solve part of the current problem experienced in adoption proceedings, it was found after introduction of the bill, that the purpose of the legislation could be met without involving the process of actually establishing paternity. Establishment of paternity, done through Vital Statistics, involves a whole range of obligations/privileges, and it seemed better not to enter into that area, especially since the intention of the legislation is to allow

putative fathers to register interest in being notified before or after the child is born.

**What does CS SB276 do?**

The CS focuses just on the registry concept, without involving the procedures or action that may be used to establishing paternity. By registering with the Bureau of Vital Statistics, the putative father can obtain the right to notice of an adoption proceeding. Upon notification of the adoption proceeding, if the father then initiates appropriate action to legitimate the child, it is then that he establishes the right to give or withhold consent in the proceeding. The father has 15 days after receiving notification in which to initiate legitimation proceedings. If the father doesn't begin action to legitimate the child within 15 days, the father relinquishes parental rights, including the right to give or withhold consent to the adoption. The adoption proceeding can then continue.

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

BY

Offered:  
Referred:

Sponsor(s): SENATOR HALFORD

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.

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

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

8 (d) A record maintained under this section is confidential and may be disclosed only to  
9 the putative father, the person identified as the mother, an agency, or the department.

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

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

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



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May 10, 1991

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Senator Rick Halford  
State Capitol  
Juneau, AK

Dear Senator Halford:

The National Committee For Adoption (NCF) strongly endorses the concept of putative fathers' registries, for the following reasons.

1. These registries make it simple for biological fathers who desire to be notified about a proposed adoption to indicate that desire.
2. These registries are simple and inexpensive, in terms of costs to the taxpayers, to operate, requiring only the mailing of a postcard to the registry to enable a biological father to signify his intention to be involved.
3. These registries make it easy to verify, at the time of an adoption hearing before a court, whether there is a need to have extended discussions with one or more putative fathers: if no one has filed, the adoption may proceed on the basis of the voluntary relinquishment of the biological mother.
4. These registries help the parties directly involved, including the biological mother and the biological father, make their plans for the child. If there is a registration by the putative father, an indication of interest, then steps can be taken to assure that there is financial and other involvement by the father. If there is no registration, the biological mother can proceed with her plans and can voluntarily terminate her parental rights at the time that is optimal for her. This may be particularly helpful in an area where the biological mother has traveled a long distance to give birth in a hospital and wishes to sign papers and return home without days or weeks of delays to find out what the father's wishes are.

President  
Vice President

Senator Rick Halford

May 10, 1991.

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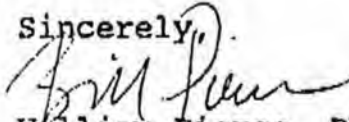
5. These registries allow children to join their new adoptive families more quickly, and without either the children or their new parents to have to fear that the adoption will be set aside because of a last-minute legal challenge from a biological father.

6. These registries, if modeled after the registry which has met the Constitutional test, enable society to meet the various needs of all those affected by an adoption in a legally sound fashion which ensures that due process is followed.

7. These registries have already met the ultimate practical test of working for several years in states that are very diverse -- including largely rural states similar to Alaska such as Utah and states such as Oregon and New York.

These are the major reasons that our organization endorses this approach and applauds your efforts to enact a similar system for Alaska.

Sincerely,



William Pierce, Ph.D.  
President

WP/ms

# alaska healthy mothers, healthy babies coalition

P.O. Box 211806  
Anchorage, AK 99521

March 31, 1991

Senator Rick Halford  
P.O. Box V  
Juneau, AK 99811

Dear Senator Halford:

I am writing to you on behalf of Healthy Mothers, Healthy Babies which is a coalition of social service agencies interested in promoting public education, networking and advocacy relating to maternal and infant health issues.

We understand that you are presently working on amendments to the adoption laws in the State of Alaska.

Specifically it is our understanding that you are trying to amend Alaska's adoption laws such as to put into law the following idea: a man, who has fathered a child out of wedlock, is granted the right to notice of an adoption proceeding if one or more of the following have occurred:

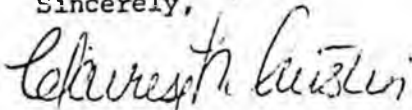
- (1) he has affirmatively demonstrated his interest through legitimation by registering with the Bureau of Vital Statistics.
- (2) he has resided with the child, or
- (3) he has made efforts to support the child.

If he fails to do the above he forgoes any parental rights he might have as well as his right to notice.

We want you to know that we are strongly supportive of this concept and are interested in the eventual language that will be used in the law and would appreciate a copy of the bill prior to its being presented to the legislature so that we can give consideration to lending our official support to the amended law's language.

We appreciate your interest and leadership in pursuing this course of action and look forward to hearing from you.

Sincerely,



Clairese M. Austin, President

P.S. I am enclosing one of our brochures that tells you more about our coalition and identifies the various agencies that participate in the coalition.

*alaska*  
*healthy mothers, healthy babies*  
*coalition members*

State of Alaska Birth Experiences Study  
Claire Austin  
AK DHS Division of Public Health/MCH/ Women and  
Municipality of Anchorage  
Family Planning - Scott A.  
DC Social Services - Terry Johnson  
Alaska Lung Association - Kris Green  
Anchorage Neighborhood Health Center  
Patty Donnelly - Jeanne  
Catholic Social Services - Ann Marie  
Salvation Army Booth Memorial Home  
Healthy Baby Case Worker - Norma  
Prenatal Care - Ruth  
Alaska Women's Resource Center - Danna  
The Family Way Birth Center - Suzanne

Agency for Health and  
Research Laboratories