

HOUSE BILL No. 2718

By Committee on Children and Seniors

2-14

1 AN ACT concerning parentage; establishing a putative father registry.

2

3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Sections 1 through 12, and amendments thereto, shall be
5 known and may be cited as the putative father registry act.

6 Sec. 2. (a) A person who engages in sexual relations with a member
7 of the opposite sex is presumed to know that a pregnancy may result.

8 (b) In addition to any other notice to which the putative father is
9 entitled, a putative father is entitled to notice of termination of parental
10 rights proceedings for the purposes of adoption if the putative father has
11 complied with the requirements of the putative father registry.

12 (c) An individual who is not married to the mother but who is
13 presumed to be a father under the putative father registry act and registers
14 in accordance with section 3, and amendments thereto, is entitled to
15 receive notice of a termination of parental rights proceeding.

16 Sec. 3. (a) In addition to any other notice to which the putative father
17 is entitled, a putative father is entitled to notice of any proceedings to
18 terminate parental rights involving a child whom the putative father may
19 have fathered if the putative father timely files the following information
20 with the department for children and families in conjunction with the state
21 registrar of vital statistics:

22 (1) The putative father's:

23 (A) Full name;

24 (B) address at which the putative father may be served by certified
25 mail, return receipt requested, with notice of a proceeding to terminate
26 parental rights;

27 (C) social security number;

28 (D) date of birth; and

29 (E) tribal affiliation if applicable;

30 (2) the mother's:

31 (A) Name, including all other names known to the putative father that
32 the mother uses; and

33 (B) address, social security number, and date of birth, if known;

34 (3) the child's:

35 (A) Name and place of birth, if known; or

36 (B) the approximate date and location of a possible conception and

1 the approximate expected date of delivery.

2 (b) If a putative father does not have an address where the putative
3 father can receive notice of a termination of parental rights proceeding, the
4 putative father may designate another person as an agent for the purpose of
5 receiving notice. The putative father shall provide the department for
6 children and families with the agent's name and the address at which the
7 agent may be served. Service of notice by certified mail, return receipt
8 requested, constitutes service of notice upon the putative father.

9 (c) A putative father shall register under the putative father registry
10 act on a registration form prescribed by the department for children and
11 families. The registration shall be signed by the putative father and
12 notarized.

13 (d) A putative father who registers under this section is responsible
14 for providing written updates regarding any change of the putative father's
15 name or address.

16 (e) A putative father shall submit a registration form in person or by
17 facsimile transmission, mail or private courier.

18 Sec. 4. (a) In order to be entitled to receive notice of a termination of
19 parental rights proceeding under the putative father registry act, a
20 registration form completed by the putative father shall be submitted by
21 the putative father to the department for children and families not later
22 than 30 days after the child's birth.

23 (b) A putative father may file all information required by section 3,
24 and amendments thereto, at any time before or after a child's birth even
25 though the putative father has no actual knowledge that a pregnancy has
26 occurred or that a pregnancy has continued through gestation.

27 Sec. 5. When a putative father receives notice that a child in whom
28 the putative father claims a parental right is the subject of a termination of
29 parental rights proceeding, the putative father shall appear at the hearing
30 held on the petition to terminate parental rights and demonstrate, at a
31 minimum, that the putative father has made reasonable efforts to establish
32 a substantial relationship with the child who is the subject of the
33 proceeding.

34 Sec. 6. A person filing a registration form under the putative father
35 registry act is presumed to be the father of the child for purposes of
36 adoption unless the mother denies that the registrant is the father. The
37 registration or any revocation that is filed is admissible in a paternity
38 proceeding and creates a rebuttable presumption as to the paternity of the
39 child. The registration creates a rebuttable presumption as to the paternity
40 of the child for purposes of an abuse or neglect proceeding or a child
41 support enforcement action.

42 Sec. 7. (a) The department for children and families shall:

43 (1) Prescribe a registration form for the information that a putative

- 1 father submits under section 3, and amendments thereto; and
- 2 (2) make the registration forms available through:
- 3 (A) The department;
- 4 (B) each clerk of a district court; and
- 5 (C) each local health department.
- 6 (b) A notice provided by the department for children and families that
- 7 informs the public about the purpose and operation of the registry shall be
- 8 posted in a conspicuous place by each:
- 9 (1) Clerk of a district court;
- 10 (2) driver's examination station of the division of motor vehicles of
- 11 the department of revenue;
- 12 (3) local health department; and
- 13 (4) county clerk.
- 14 (c) The notice under subsection (b) shall include information
- 15 regarding:
- 16 (1) Where to obtain a registration form;
- 17 (2) where to register;
- 18 (3) the circumstances under which a putative father is required to
- 19 register;
- 20 (4) the period under section 4, and amendments thereto, during which
- 21 a putative father is required to register in order to entitle the putative father
- 22 to receive notice of an adoption;
- 23 (5) the information that shall be provided for the registry and what
- 24 other actions the putative father is required to take to preserve a right to
- 25 notice;
- 26 (6) the consequences of not submitting a timely registration; and
- 27 (7) the penalties for filing a false claim with the putative father
- 28 registry.
- 29 Sec. 8. (a) The department for children and families shall maintain
- 30 the following information in the registry:
- 31 (1) The registration information provided by the putative father under
- 32 section 3, and amendments thereto;
- 33 (2) the date that the department for children and families receives a
- 34 putative father's registration;
- 35 (3) the name and affiliation of any person who requests that the
- 36 department for children and families search the registry to determine
- 37 whether a putative father is registered in relation to a mother whose child
- 38 is or may be the subject of a termination proceeding and the date the
- 39 request is submitted; and
- 40 (4) any other information that the department for children and
- 41 families determines is necessary to access the information in the registry.
- 42 (b)(1) Prior to the completion of a private adoption, the private
- 43 adoption agency shall certify to the court that the putative father registry

1 had been consulted and such agency did not find a listing for the child to
2 be adopted.

3 (2) Failure to certify or falsely certifying information to the court in
4 violation of this subsection shall be a class B nonperson misdemeanor.

5 (3) The court shall file a complaint with the disciplinary administrator
6 for a violation of this subsection by an attorney licensed in this state.

7 Sec. 9. Facilitators, attorneys and others involved in private
8 adoptions, excluding stepparents or immediate relatives of the child,
9 whether paid a professional fee for their services or not, shall be subject to
10 the same statutory and regulatory requirements that apply to adoption
11 agencies.

12 Sec. 10. (a) The department for children and families shall store the
13 registry's data in a manner so that the data is accessible through:

14 (1) The putative father's name;

15 (2) the mother's name, including the mother's maiden name, if
16 known;

17 (3) the date of birth of the putative father, the mother, and the child, if
18 known;

19 (4) the child's name, if known; and

20 (5) the social security number for the putative father, the mother, and
21 the child, if known.

22 (b) The following persons may request that the department for children
23 and families search the putative father registry to determine whether a
24 putative father is registered in relation to a child who is or may be the
25 subject of a proceeding to terminate parental rights:

26 (1) A representative of the department for children and families;

27 (2) a representative of a private adoption agency when such private
28 adoption agency is or may be arranging an adoption;

29 (3) a prospective adoptive parent or an attorney representing a
30 prospective adoptive parent who has the notarized consent of the birth
31 mother; or

32 (4) any mother who is the subject of a registration.

33 (c) Upon request of a person listed in subsection (b), the department
34 for children and families shall submit an affidavit pursuant to the
35 requirements of subsections (e) and (f).

36 (d) A request for information about a registration from the department
37 for children and families shall be in writing on a form prescribed by the
38 department for children and families.

39 (e) Not later than five days after receiving a request for a putative
40 father registry search, the department for children and families shall
41 submit an affidavit to the requestor verifying whether a putative father has
42 registered within the time period provided under section 4, and
43 amendments thereto, in relation to a mother whose child or expected child

1 is the subject of the termination proceeding.

2 (f) Whenever the department for children and families finds that one
3 or more putative fathers are registered, the department for children and
4 families shall:

5 (1) File a copy of each registration form with the department for
6 children and families' affidavit with the court; and

7 (2) include in the affidavit the date that the department for children
8 and families' representative, agency or attorney submitted the request for
9 the search.

10 (g) A court shall not issue an order terminating parental rights unless
11 the department for children and families' affidavit under subsection (f) is
12 filed with the court.

13 Sec. 11. Except as otherwise provided in the putative father registry
14 act, information contained within the registry is confidential.

15 Sec. 12. A person who purposely or knowingly registers false
16 information or requests confidential information in violation of this act
17 shall be guilty of an unclassified misdemeanor and may be civilly liable
18 for damages.

19 Sec. 13. The secretary of the department of health and environment is
20 hereby directed to review, and if needed, update rules and regulations
21 concerning child placement agencies every five years, particularly to
22 reflect current adoption practice regarding newborn and infants and to
23 establish regulatory consistency for both private, independent and agency
24 adoptions.

25 Sec. 14. This act shall take effect and be in force from and after its
26 publication in the statute book.