

HB465 INTRODUCED



1 HB465
2 UZNWDGD-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 18-Apr-24



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SYNOPSIS:

Under existing law, the putative father registry is confidential and not open to public inspection.

This bill would provide that information, including the name, date of birth, and current address of a putative father and biological mother, and, if known, the name and place of birth of a child, appearing on the putative father registry is a public record for purposes of a public records request.

This bill would also delete duplicative language and would make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to the putative father registry; to amend Section 26-10C-1, Code of Alabama 1975; to provide that certain information appearing on the putative father registry is a public record; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 26-10C-1, Code of Alabama 1975, is
30 amended to read as follows:

31 "§26-10C-1

32 (a) The Department of Human Resources shall establish a
33 putative father registry which shall record the names, Social
34 Security ~~number, date~~ numbers, dates of birth, and addresses
35 of the following:

36 (1) Any ~~person~~ individual adjudicated by a court of
37 this state to be the father of a child born out of wedlock.

38 (2) Any ~~person~~ individual who has filed a notice of
39 intent to claim paternity of the child with the registry
40 before or after the birth of a child born out of wedlock, ~~a~~
41 ~~notice of intent to claim paternity of the child,~~ which
42 includes the information required in subsection (c) ~~below~~.

43 (3) Any ~~person~~ individual adjudicated by a court of
44 another state or territory of the United States to be the
45 father of a child born out of wedlock, where a certified copy
46 of the court order has been filed with the registry by the
47 ~~person~~ individual or any other ~~person~~ individual.

48 (4) Any ~~person~~ individual who has filed with the
49 registry an instrument acknowledging paternity pursuant to
50 ~~Sections 26-11-1 to 26-11-3, inclusive~~ Chapter 11.

51 (b) The clerk of the court ~~which~~ that determines a man
52 to be the father of a child born out of wedlock shall
53 immediately notify the Department of Human Resources of the
54 determination of paternity and include ~~therein~~ in the notice
55 the information required under subsection (c) ~~below~~.

56 (c) (1) ~~A person~~ An individual filing a notice of intent



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57 to claim paternity of a child or an acknowledgment of
58 paternity shall include all of the following:

59 ~~(1)~~ a. The father's name, Social Security number, date
60 of birth, and current address.

61 ~~(2)~~ b. The mother's name, including all other names
62 known to the putative father that have been used by the
63 mother, Social Security number, date of birth, and address, if
64 known.

65 ~~(3)~~ c. The father's current income and financial
66 information by attaching a child support obligation income
67 statement/affidavit form to be prescribed by ~~regulations~~ rules
68 of the department.

69 ~~(4)~~ d. The child's name and place of birth, if known.

70 ~~(5)~~ e. The possible date or dates of sexual intercourse.

71 (2) The ~~person~~ individual filing shall notify the
72 registry of any change of address pursuant to the procedures
73 prescribed by ~~regulation~~ rule of the department. The
74 registration must be on a form prescribed by the department
75 and signed by the putative father and notarized.

76 (3) The putative father may file his notice of intent
77 to claim paternity prior to the birth of the child.

78 (d) ~~A person~~ An individual who has filed a notice of
79 intent to claim paternity may at any time revoke a notice of
80 intent to claim paternity previously filed and, upon receipt
81 of the notification by the registry, the revoked notice of
82 intent to claim paternity shall be deemed a nullity nunc pro
83 tunc.

84 (e) An unrevoked notice of intent to claim paternity of



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85 a child may be introduced in evidence by any party, other than
86 the ~~person party~~ who filed the notice, in any proceeding in
87 which the fact may be relevant.

88 (f) The Department of Human Resources shall, upon
89 request, provide the names and addresses of ~~persons~~
90 individuals listed with the registry to any court. ~~The~~ Except
91 as provided in subsection (h), information included on the
92 registry shall not be divulged to any other person except upon
93 order of a court for good cause shown. The Department of Human
94 Resources ~~shall further,~~ after receiving notice pursuant to
95 Section ~~26-10A-17~~ 26-10E-17 of the pendency of any adoption
96 proceeding wherein the proposed adoptee is a child born within
97 300 days of the date or dates of sexual intercourse listed in
98 the registry and to the same biological mother listed in the
99 registry, shall immediately send a copy of the notice of
100 intent to claim paternity to the court handling the adoption.
101 When the court handling the adoption receives the notice of
102 the intent to claim paternity, that court shall forthwith give
103 notice of the pendency of the adoption proceeding to the
104 putative father listed in ~~such~~ the notice of intent to claim
105 paternity and at the listed address ~~therein listed,~~ and
106 additionally notify the biological mother that the putative
107 father has registered in conformity with the putative father
108 registry.

109 (g) The Department of Human Resources shall create a
110 form titled "Notice of Intent to Claim Paternity" to be used
111 when ~~a person~~ an individual files notice of intent to claim
112 paternity, ~~and which.~~ The form shall include the information



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113 required under subsection (c), the name of the mother who has
114 given birth or may give birth to a child born out of wedlock,
115 and the possible date or dates of sexual intercourse.

116 (h) The registry, ~~except as provided by subsection (f),~~
117 shall be kept confidential and not open for public
118 inspection, except:

119 (1) As provided in subsection (f); and

120 (2) Following a public records request under Article 3
121 of Chapter 12 of Title 36, Code of Alabama 1975, provided that
122 only the information listed in paragraphs (c)(1)a., b., and
123 d., excluding Social Security numbers, may be considered
124 public records for purposes of such a request.

125 (i) (1) Any ~~person~~ individual who claims to be the
126 natural father of a child and fails to file his notice of
127 intent to claim paternity pursuant to subsection (a), prior to
128 or within 30 days of the birth of a child born out of wedlock,
129 shall be deemed to have given an irrevocable implied consent
130 in any adoption proceeding.

131 (2) This subsection shall be the exclusive procedure
132 available for any ~~person~~ individual who claims to be the
133 natural father of a child born out of wedlock on or after
134 January 1, 1997, to entitle that ~~person~~ individual to notice
135 of and the opportunity to contest any adoption proceeding
136 filed and pending on or after January 1, 1997.

137 (j) (1) ~~A person~~ An individual who knowingly or
138 intentionally registers false information under this section
139 commits a Class A misdemeanor.

140 (2) ~~A person~~ An individual who knowingly or



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141 intentionally releases confidential information in violation
142 of this section commits a Class A misdemeanor. However, it is
143 a defense under this subsection if the Department of Human
144 Resources releases confidential information while acting:

145 a. In good faith.

146 b. With reasonable diligence."

147 Section 2. This act shall become effective on October
148 1, 2024.