

HB39 INTRODUCED



1 HB39
2 PQC8EGR-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 11-Sep-24



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SYNOPSIS:

Under existing law, the Department of Human Resources must provide certain information from the putative father registry to any court at its request.

This bill would require the Department of Human Resources to provide certain information from the putative father registry to a licensed attorney upon his or her request, in limited circumstances relating to the adoption of a child.

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 limited circumstances in which the Department of Human Resources must provide certain information appearing on the putative father registry to a licensed attorney; and to make nonsubstantive, technical revisions to update the existing code language to current style.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§26-10C-1

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

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

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

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

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

53 (b) The clerk of the court ~~which~~ who determines a man
54 to be the father of a child born out of wedlock shall
55 immediately notify the Department of Human Resources of the
56 determination of paternity and include ~~therein~~ in the notice



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57 the information required under subsection (c) ~~below~~.

58 (c) ~~(1) A person~~ An individual filing a notice of intent
59 to claim paternity of a child or an acknowledgment of
60 paternity shall include all of the following:

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

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

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

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

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

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

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

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



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85 tunc.

86 (e) An unrevoked notice of intent to claim paternity of
87 a child may be introduced in evidence by any party, other than
88 the ~~person party~~ who filed the notice, in any proceeding in
89 which the fact may be relevant.

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



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113 (g) The Department of Human Resources shall create a
114 form titled "Notice of Intent to Claim Paternity" to be used
115 when ~~a person~~ an individual files notice of intent to claim
116 paternity, ~~and which~~. The form shall include the information
117 required under subsection (c), the name of the mother who has
118 given birth or may give birth to a child born out of wedlock,
119 and the possible date or dates of sexual intercourse.

120 (h) The registry, except as provided by subsection (f),
121 shall be kept confidential and not open for public inspection.

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

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

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

137 (2) ~~A person~~ An individual who knowingly or
138 intentionally releases confidential information in violation
139 of this section commits a Class A misdemeanor. However, it is
140 a defense under this subsection if the Department of Human



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141 Resources releases confidential information while acting:
142 a. In good faith.
143 b. With reasonable diligence."
144 Section 2. This act shall become effective on October
145 1, 2025.