

Robinson - 1

99LSO - 0407

HOUSE BILL

2282

HOUSE BILL 2282

Title: HB0282 Putative fathers registry-amendments.

AN ACT relating to the putative father registry; amending provisions to register as a putative father as specified; amending a putative father's ability to consent or withhold consent to an adoption as specified; and providing for an effective date.

Ann Robinson

Introduced by:

HOUSE ACTION ON HOUSE BILL

- 1127 Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. 21
- Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
- Returned from Committee No. ___
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- Re-referred to Committee No. ___
- Returned from Committee No. ___
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. ___
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to Senate (No Amendments)
- Sent to LSO for Engrossing
- ENGROSSED
- Sent to Senate

SENATE ACTION ON HOUSE BILL

- Received. Read First Time.
Referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Re-referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to House
- Sent for Enrolling
HEA No. _____
- Signed by Speaker
- Signed by President
- Approved by Governor
- Chapter No. _____

HOUSE BILL NO. HB0282

Putative fathers registry-amendments.

Sponsored by: Representative(s) Robinson, Samuelson and
Tipton and Senator(s) Massie and Schiffer

A BILL

for

1 AN ACT relating to the putative father registry; amending
2 provisions to register as a putative father as specified;
3 amending a putative father's ability to consent or withhold
4 consent to an adoption as specified; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 1-22-101(a) by creating a new
10 paragraph (v) and by renumbering paragraph (v) as (vi),
11 1-22-105(a), 1-22-108(c) and (d), 1-22-109(a)(iii), (iv),
12 (viii) and (d), 1-22-110(a), 1-22-117(a)(intro) and by
13 creating new paragraphs (v) through (vii), (e) and by
14 creating a new subsection (f) and 3-2-202(a)(iii)(A) are
15 amended to read:

16

17 **1-22-101. Definitions.**

1

2 (a) As used in this act:

3

4 (v) "Registered putative father" means a putative
5 father who has registered pursuant to W.S. 1-22-117;

6

7 ~~(v)~~ (vi) "This act" means W.S. 1-22-101 through
8 1-22-114.

9

10 1-22-105. Hearings to be closed; attendance of
11 parties.

12

13 (a) Unless the court orders a hearing in open court,
14 all hearings in adoption proceedings shall be confidential
15 and held in closed court or court chambers. No person shall
16 be admitted except court officials, parties to the
17 proceeding, counsel, nonconsenting parents, the
18 nonconsenting registered putative father of the child and
19 witnesses.

20

21 1-22-108. Hearing on petition and objections; findings
22 by court; effect of default.

23

24 (c) If the registered putative father files and serves
25 his objections to the petition to adopt as provided in

1 subsection (b) of this section, and appears at the hearing
2 to acknowledge his paternity of the child, the court shall
3 hear the evidence in support of the petition to adopt and in
4 support of the objection to the petition and shall then
5 determine whether:

6

7 (i) The registered putative father's claim to
8 paternity of the child is established;

9

10 (ii) The putative father, having knowledge of the
11 birth or pending birth of the child and after receiving
12 notice, has evidenced an interest in and responsibility for
13 the child ~~within thirty (30) days after receiving notice of~~
14 ~~the pending birth or birth of the child~~ and has registered
15 under W.S. 1-22-117 prior to relinquishment of the child by
16 the birth mother;

17

18 (iii) The registered putative father's objections
19 to the petition to adopt are valid; and

20

21 (iv) The best interests and welfare of the child
22 will be served by granting the registered putative father's
23 claim to paternity or by allowing the petition to adopt.

24

1 (d) The putative father has no right to assert
2 paternity in adoption, dependency or termination of parental
3 rights proceedings unless he is known and identified by the
4 mother or agency, or unless he has lived with or married the
5 mother after the birth of the child and prior to the filing
6 of the petition to adopt, and unless prior to the
7 ~~interlocutory hearing of the adoption proceedings~~ signing of
8 a written relinquishment by a person other than a putative
9 father pursuant to W.S. 1-22-109, he has ~~acknowledged the~~
10 ~~child as his own by affirmatively asserting paternity as~~
11 ~~provided in this section or~~ registered as a putative father
12 under W.S. 1-22-117.

13

14 **1-22-109. Consent to adoption.**

15

16 (a) A written relinquishment of custody of the child
17 to be adopted and written consent to adoption shall be filed
18 with the petition to adopt and shall be signed by:

19

20 (iii) The mother and registered putative father
21 of the child; ~~if the name of the putative father is known;~~
22 or

23

24 (iv) The mother alone if she does not know the
25 name of the putative father, in which case she shall sign

1 and file an affidavit so stating and the court shall
2 determine whether the putative father has registered under
3 W.S. 1-22-117 and if so, shall require notice to be given to
4 the registered putative father; or

5

6 (viii) The legally appointed guardian of any
7 parent or registered putative father who has been adjudged
8 mentally incompetent.

9

10 (d) Consent to adoption and the relinquishment of a
11 child for adoption are irrevocable unless obtained by fraud
12 or duress, except that if the court should deny the adoption
13 on account of a claim or objection of the registered
14 putative father of the child, the court may also allow the
15 mother of the child to withdraw her consent and
16 relinquishment. The consent or relinquishment by a parent
17 who is a minor is valid and may not be revoked solely
18 because of minority.

19

20 **1-22-110. When adoption permitted without consent.**

21

22 (a) In addition to the exceptions contained in W.S.
23 1-22-108, the adoption of a child may be ordered without the
24 written consent of a parent or the putative father if the
25 court finds that the nonconsenting parent or putative father

1 is unknown and that the putative father has not registered
2 under W.S. 1-22-117 and the affidavit required by W.S.
3 1-22-109(a)(iv) has been filed with the petition to adopt or
4 if the court finds that the registered putative father or
5 the nonconsenting parent or parents have:

6

7 **1-22-117. Putative father registry.**

8

9 (a) The department of family services shall establish
10 a putative father registry which shall record ~~the names and~~
11 ~~addresses of:~~ a notice of intent to claim paternity of the
12 child which shall include the following information:

13

14 (v) The name and address of the person filing the
15 notice;

16

17 (vi) A sworn affidavit setting forth the person's
18 plan of care for the child and agreeing to a court order of
19 child support and payment of expenses, in accordance with
20 his means, incurred in connection with the mother's
21 pregnancy and the child's birth;

22

23 (vii) A notice of the commencement of paternity
24 proceedings under W.S. 14-2-101, et seq.

25

1 (e) The department of family services shall, upon
2 request, provide the ~~names and addresses~~ name, address and
3 any other information filed pursuant to subsection (a) of
4 this section of persons listed with the registry to any
5 court or authorized agency, and such information shall not
6 be divulged to any other person, except upon order of a
7 court for good cause shown.

8
9 (f) A putative father who does not fully and strictly
10 comply with each of the conditions provided in this section,
11 is deemed to have waived and surrendered any right in
12 relation to the child, including the right to notice of any
13 judicial proceeding in connection with the adoption of the
14 child, and his consent to the adoption is not required.

15
16 **3-2-202. Powers of the guardian subject to approval of**
17 **the court.**

18
19 (a) Upon order of the court, after notice and hearing
20 and appointment of a guardian ad litem, the guardian may:

21
22 (iii) Relinquish the ward's minor child for
23 adoption, provided:

24

1 (A) Notice of any hearing was given to the
2 ward and the legal or registered putative father; and

3

4 **Section 2.** W.S. 1-22-117(a)(i) through (iv) is
5 repealed.

6

7 **Section 3.** This act is effective July 1, 1999.

8

9

(END)

FISCAL NOTE

The fiscal or personnel impact is not determinable due to insufficient time to complete the fiscal note process.

HB 282