

## **Department of Planning and Budget 2009 Fiscal Impact Statement**

**1. Bill Number:** HB 2159

House of Origin      X   Introduced               Substitute               Engrossed  
Second House              In Committee           Substitute               Enrolled

**2. Patron:**        Toscano, David J.

**3. Committee:** Health, Welfare and Institutions

**4. Title:**        Adoption of a child; amends statutes governing

**5. Summary:** Amends statutes governing adoption of a child to provide that where any provision of the statutes governing adoption apply to only one adoptive parent, the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies; that payment of child support shall not constitute contact for the purpose of determining whether a parent has abandoned a child; that a court may grant a petition for adoption in the absence of consent by a parent upon filing of a death certificate for that parent; that parental consent to an entrustment agreement shall be revocable prior to entry of a final order of adoption upon proof of fraud or duress, or upon the consent of the birth parents and adoptive parents or child-placing agency; that, for purposes of consenting to an adoption, an affidavit signed by the birth mother stating that the identity of the birth father is unknown and not reasonably ascertainable shall be sufficient to establish that the identity of the father is not known; making the requirement that a licensed child-placing agency or local board consider recommendations of the birth parent, a physician or attorney optional rather than mandatory; provides that where the identity of the birth father is reasonably ascertainable but the whereabouts of the birth father are not reasonably ascertainable, verification of compliance with the requirements of the Putative Father Registry shall be provided to the court; that where a child has been placed under the physical custody and care of the prospective adoptive parents and the birth parent or parents fail to appear at the hearing to execute consent, the court may grant the petition without the consent of the parents; that a birth father who learns that he is the birth father of a child, and this fact has been concealed from him by fraud on the part of the birth mother, the birth father shall be able to register with the Putative Father Registry for a period of 10 days or until the entry of an order of reference, and interlocutory order or a final order of adoption is entered; and that where a putative father's identity and whereabouts are reasonably ascertainable, notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be mailed to the putative birth father by certified mail either before or after the birth of the child, but not after the court has entered an order of reference, interlocutory order, or final order of adoption.

**6. No Fiscal Impact**

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** None

**9. Specific Agency or Political Subdivisions Affected:**

Department of Social Services

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/20/2009

**Document:** G:\2009 Fiscal Year\EFIS\HB2159.Doc

cc: Secretary of Health and Human Resources