

1                   **COMPACT FOR INTERSTATE SHARING OF PUTATIVE**  
2                   **FATHER REGISTRY INFORMATION**

3                                   2015 GENERAL SESSION

4                                   STATE OF UTAH

---

---

5  
6                   **LONG TITLE**

7                   **General Description:**

8                   This bill enacts the Compact for Interstate Sharing of Putative Father Registry  
9                   Information.

10                  **Highlighted Provisions:**

11                  This bill:

- 12                  ▶ defines terms;
- 13                  ▶ describes the purpose of the Compact for Interstate Sharing of Putative Father  
14 Registry Information;
- 15                  ▶ describes the process for entering, withdrawing from, and amending the compact;
- 16                  ▶ describes the responsibilities and privileges of states participating in the compact;
- 17                  ▶ addresses the privacy, retention, and use of putative father registry information  
18 shared under the compact;
- 19                  ▶ includes a severability clause; and
- 20                  ▶ requires the state registrar, appointed by the Department of Health, to study the  
21 procedures necessary to implement the Compact for Interstate Sharing of Putative  
22 Father Registry Information.

23                  **Money Appropriated in this Bill:**

24                  None

25                  **Other Special Clauses:**

26                  This bill provides an effective date.

27                  **Utah Code Sections Affected:**

28                  AMENDS:

29                  **26-2-3**, as last amended by Laws of Utah 2013, Chapter 474

30                  ENACTS:

31                  **78B-6-121.5**, Utah Code Annotated 1953

32

---

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26-2-3** is amended to read:

35 **26-2-3. Department duties and authority.**

36 (1) As used in this section:

37 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry  
38 Information created in Section 78B-6-121.5, effective on May 12, 2016.

39 (b) "Putative father":

40 (i) is as defined in Section 78B-6-121.5; and

41 (ii) includes an unmarried biological father.

42 (c) "State registrar" means the state registrar of vital records appointed under

43 Subsection (2)(e).

44 (d) "Unmarried biological father" is as defined in Section 78B-6-103.

45 ~~[(1)]~~ (2) The department shall:

46 (a) provide offices properly equipped for the preservation of vital records made or  
47 received under this chapter;

48 (b) establish a statewide vital records system for the registration, collection,  
49 preservation, amendment, and certification of vital records and other similar documents  
50 required by this chapter and activities related to them, including the tabulation, analysis, and  
51 publication of vital statistics;

52 (c) prescribe forms for certificates, certification, reports, and other documents and  
53 records necessary to establish and maintain a statewide system of vital records;

54 (d) prepare an annual compilation, analysis, and publication of statistics derived from  
55 vital records; and

56 (e) appoint a state registrar to direct the statewide system of vital records.

57 ~~[(2)]~~ (3) The department may:

58 (a) divide the state from time to time into registration districts; and

59 (b) appoint local registrars for registration districts who under the direction and  
60 supervision of the state registrar shall perform all duties required of them by this chapter and  
61 department rules.

62 ~~[(3)]~~ (4) The state registrar appointed under Subsection ~~[(1)(e)]~~ (2)(e) shall ~~[, during the~~

63 ~~2013 interim, report to the Health and Human Services Interim Committee on the feasibility of~~  
64 ~~partnering with the public legal notice website described in Subsection 45-1-101(2)(b) to create~~  
65 ~~a national putative father registry.];~~

66 (a) with the input of Utah stakeholders and the Uniform Law Commission, study the  
67 following items for the state's implementation of the compact:

68 (i) the feasibility of using systems developed by the National Association for Public  
69 Health Statistics and Information Systems, including the State and Territorial Exchange of  
70 Vital Events (STEVE) system, and the Electronic Verification of Vital Events (EVVE) system,  
71 to exchange putative father registry information with states that are parties to the compact;

72 (ii) procedures necessary to share putative father information, located in the  
73 confidential registry maintained by the state registrar, upon request from the state registrar of  
74 another state that is a party to the compact;

75 (iii) procedures necessary for the state registrar to access putative father information  
76 located in a state that is a party to the compact, and share that information with persons who  
77 request a certificate from the state registrar;

78 (iv) procedures necessary to ensure that the name of the mother of the child who is the  
79 subject of a putative father's notice of commencement, filed pursuant to Section 78B-6-121, is  
80 kept confidential when a state that is a party to the compact accesses this state's confidential  
81 registry through the state registrar; and

82 (v) procedures necessary to ensure that a putative father's registration with a state that  
83 is a party to the compact is given the same effect as a putative father's notice of commencement  
84 filed pursuant to Section 78B-6-121; and

85 (b) report to the Health and Human Services Interim Committee before November 1,  
86 2015, on the study items described in Subsection (4)(a).

87 Section 2. Section **78B-6-121.5** is enacted to read:

88 **78B-6-121.5. Compact for Interstate Sharing of Putative Father Registry**

89 **Information -- Severability clause.**

90 COMPACT FOR INTERSTATE SHARING  
91 OF PUTATIVE FATHER REGISTRY INFORMATION

92 ARTICLE I

93 PURPOSE

94 This compact enables the sharing of putative father registry information collected by a  
95 state that is a party to the compact with all other states that are parties to the compact.

## 96 ARTICLE II

### 97 DEFINITIONS

98 (1) "Putative father" means a man who may be the biological father of a child because  
99 the man had a sexual relationship with a woman to whom he is not married.

100 (2) "Putative father registry" mean a registry of putative fathers maintained and used by  
101 a state as part of its legal process for protecting a putative father's rights.

102 (3) "State" includes a state, district, or territory of the United States.

## 103 ARTICLE III

### 104 ENTRY, WITHDRAWAL, AND AMENDMENTS

105 (1) A state is a party to this compact upon enactment of this compact by the state into  
106 state law.

107 (2) Upon providing at least 60 days' notice of withdrawal from this compact to each  
108 party to the compact and repealing the compact from state law, a state is no longer party to this  
109 compact.

110 (3) This compact is amended upon enactment of the amendment into state law by each  
111 party to the compact.

## 112 ARTICLE IV

### 113 INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

114 (1) A party to this compact shall communicate information in its putative father  
115 registry about a specific putative father to any other party to this compact in a timely manner  
116 upon request by the other party.

117 (2) A party to this compact is not required to have a putative father registry in order to  
118 request putative father registry information from another party to the compact.

119 (3) Putative father registry information requested by a party to this compact from  
120 another party to this compact is subject to the laws of the requesting party governing the  
121 privacy, retention, and authorized uses of putative father information or, if the requesting party  
122 does not have a putative father registry, the laws of the party supplying the information  
123 governing the privacy, retention, and authorized uses of putative father information.

124 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or

125 receipt of putative father registry information by a party to this compact from another party to  
126 this compact does not affect the application of the requesting party's laws, including laws  
127 regarding adoption or the protection of a putative father's rights, except as explicitly provided  
128 by the requesting party's laws.

129 (5) Failure by a party to this compact to provide accurate putative father registry  
130 information in a timely manner to another party to this compact upon request does not affect  
131 application of the requesting party's laws, including laws governing adoption and the protection  
132 of a putative father's rights, except as explicitly provided by the requesting party's laws.

133 (6) Each party to this compact shall work with every other party to this compact to  
134 facilitate the timely communication of putative father registry information between compact  
135 parties upon request.

#### 136 ARTICLE V

#### 137 SEVERABILITY

138 The provisions of this compact are severable. If any provision of this compact or the  
139 application of any provision of this compact to any person or circumstance is held invalid by a  
140 final decision of a court of competent jurisdiction for a state that is a member of this compact,  
141 the remainder of this compact shall be given effect within that state without the invalid  
142 provision or application. If a provision of this compact is severed in one or more states as a  
143 result of one or more court decisions, the provision shall remain in force in all other states that  
144 are parties to this compact.

145 **Section 3. Effective date.**

146 This bill takes effect on May 12, 2016, except that the provisions in Subsection  
147 26-2-3(4) in this bill take effect immediately.