



Putative Fathers Registry

Feasibility Report

A. Putative Father Registry Process in Utah

1. Who can register
2. How do they Register
3. Contents of Petition

B. National Clearinghouse

1. Technological Hurdles
2. Legal Hurdles

C. Utah Alternative

1. E-filing Process for Putative Fathers regardless of their physical location

Who is a Putative Father?



A. A putative father is a man who has had a physical relationship with a woman during which a pregnancy resulted

B. A putative father does not need to be a resident of Utah to petition a Utah court to recognize his rights

If the child is born in Utah, the courts consider that child subject to Utah jurisdiction and putative father must petition for his rights in a court here

C. Putative father can request a DNA test to confirm or deny his paternity once the child is born

Putative Father Registry Process--Utah



Father must file a petition with a Utah district court

1. Petition must include an affidavit by father stating:
 - a) He is fully able and willing to have full custody of the child
 - b) His plans to care for the child
 - c) He agrees to pay for child support and expenses incurred in connection with the pregnancy and birth

Putative Father Registry Process--Utah



Father must file a Notice of Commencement of Paternity with the Office of Vital Records that includes a verified copy of the petition

Father can file Petition and Notice prior to child's birth but the completed Notice MUST be filed in Vital Records prior to the mother relinquishing her rights and consenting to adoption.

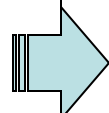
1. If a birth mother is placing a child for adoption, there is a 24 hour waiting period between the time of the baby's birth and mother's signing relinquishment and consent
2. Known in Vital Records shorthand as the "rule of nine months plus 1 day"
3. If father fails to meet that requirement, his petition is not considered valid

Putative Father Registry Process--Utah

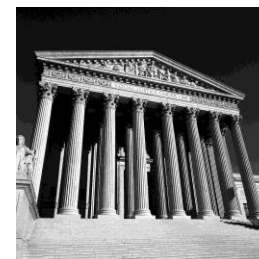
Father



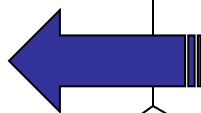
Files Petition with a Utah District Court (paper or e-filing)



District Court



Verifies Petition and returns to Father (paper copy)



Completes a Notice of Commencement and Files with Verified Petition at OVRs (paper)

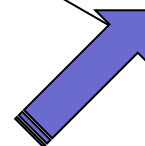


OVRs



Schedules Hearing

Makes Determination of Paternity



Accepts Notice and Verified Petition

Adds Father to Registry (paper)

Affirms to Parties in Adoption Proceedings of Father on Registry

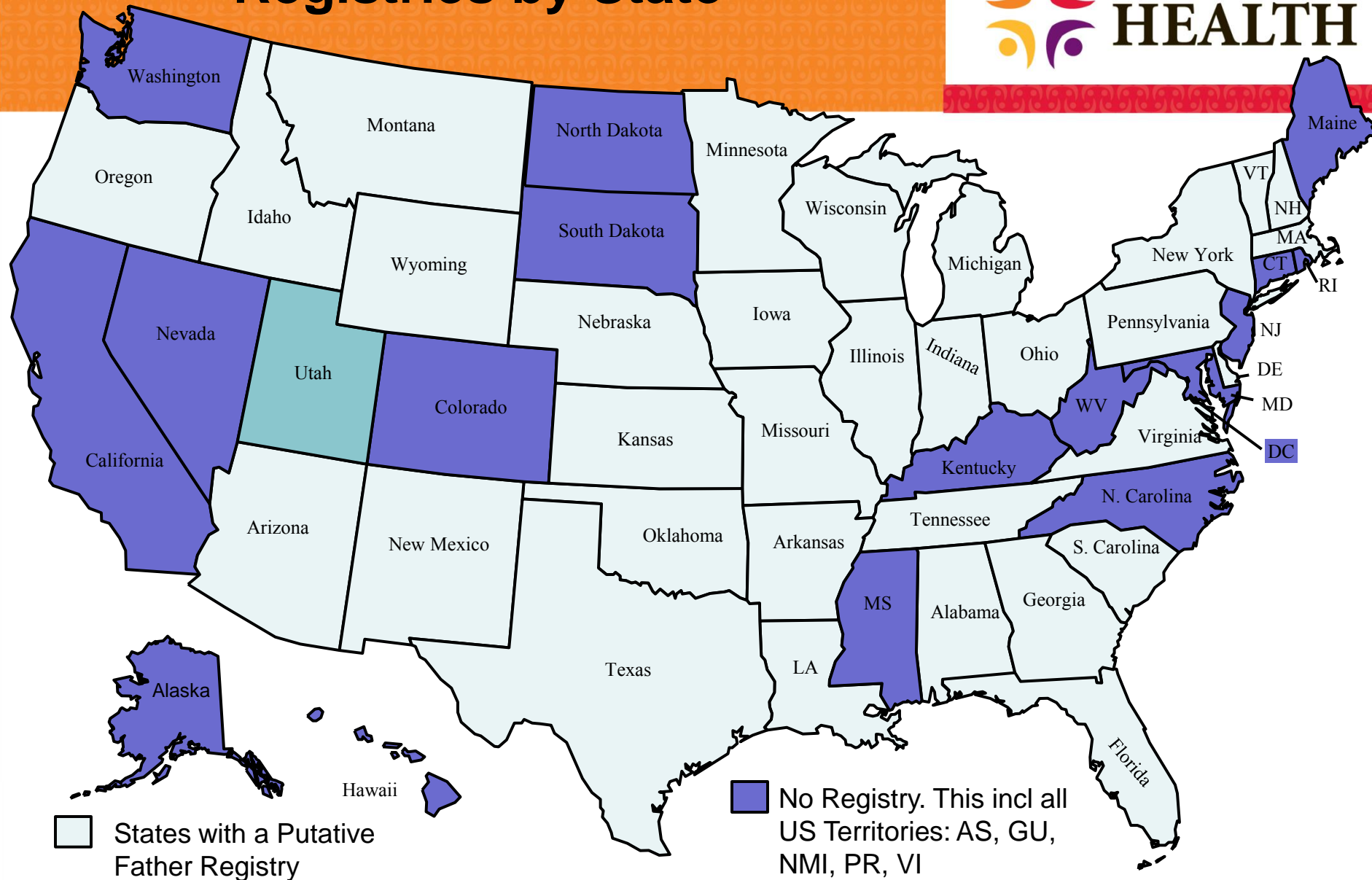
National Registry



Registries by State



UTAH DEPARTMENT OF
HEALTH



Federal Legislation Needed



In order for a national registry to function, federal legislation would need to address

- 1) Requiring states that do not have a registry to participate**
- 2) Standardize the requirements for the contents of the petition and timelines**
- 3) Affirming that the courts in the state in which the child is born have jurisdiction over paternity and adoption matters**
- 3) Developing a clearinghouse where petitions, adoption proceedings and birth certificates were held and matched**
- 4) Address privacy concerns of all parties involved**

Alternative Solution



Electronic Putative Father Registry Process--Utah

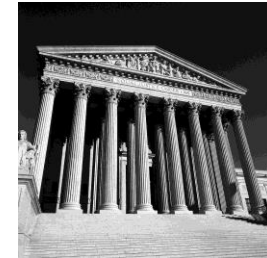
Father



Files Petition with a Utah District Court (**e-filing**)

Completes a Notice of Commencement (**e-filing**)

District Court



Verifies Petition **electronically** to OVRs and Father

Schedules Hearing

Makes Determination of Paternity

OVRs



Electronically Accepts Notice and Verified Petition and adds Father to Registry

Registry available for search

Benefits and Concerns

Benefits

1. Allows Dad to file from anywhere
2. Reduces human error in processing paperwork
3. Allows attorneys to search registry any time from anywhere

Concerns

1. Date and Time of Filing
 - a) Date Verified Petition sent to OVRs
 - b) Date Notice Filed with OVRs by Dad
2. Cost/Funding
3. Security of data transmittal between courts and OVRs



Questions?

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