

Senator Luz Robles proposes the following substitute bill:

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

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Robles

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ describes the purpose of the Compact for Interstate Sharing of Putative Father Registry Information;
- ▶ includes definitions;
- ▶ describes the process for entering, withdrawing from, and amending the compact;
- ▶ describes the responsibilities and privileges of states participating in the compact;
- ▶ addresses the privacy, retention, and use of putative father registry information shared under the compact;
- ▶ includes a severability clause; and
- ▶ requires the state registrar, appointed by the Department of Health, to study the procedures necessary to implement the Compact for Interstate Sharing of Putative Father Registry Information.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect on May 12, 2015.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-2-3**, as last amended by Laws of Utah 2013, Chapter 474

32 ENACTS:

33 **78B-6-121.5**, Utah Code Annotated 1953



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

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

37 **26-2-3. Department duties and authority.**

38 (1) As used in this section:

39 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry
40 Information created in Section **78B-6-121.5**, effective on May 12, 2015.

41 (b) "Putative father":

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

43 (ii) includes an unmarried biological father.

44 (c) "State registrar" means the state registrar of vital records appointed under
45 Subsection (2)(e).

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

47 ~~(1)~~ (2) The department shall:

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

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

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

56 (d) prepare an annual compilation, analysis, and publication of statistics derived from

57 vital records; and

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

59 ~~[(2)]~~ (3) The department may:

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

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

64 ~~[(3)]~~ (4) The state registrar appointed under Subsection ~~[(1)]~~ (2)(e) shall ~~[, during the~~
65 ~~2013 interim, report to the Health and Human Services Interim Committee on the feasibility of~~
66 ~~partnering with the public legal notice website described in Subsection ~~45-1-101~~(2)(b) to create~~
67 ~~a national putative father registry.]:~~

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

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

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

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

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

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

87 (b) report to the Health and Human Services Interim Committee before November 1,

88 2014, on the study items described in this Subsection (4).

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

90 **78B-6-121.5. Compact for Interstate Sharing of Putative Father Registry**

91 **Information -- Severability clause.**

92 COMPACT FOR INTERSTATE SHARING
93 OF PUTATIVE FATHER REGISTRY INFORMATION

94 ARTICLE I

95 PURPOSE

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

98 ARTICLE II

99 DEFINITIONS

100 (1) "Putative father" means a man who may be the biological father of a child by virtue
101 of having had a sexual relationship with a woman to whom he is not married.

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

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

105 ARTICLE III
106 ENTRY, WITHDRAWAL, AND AMENDMENTS

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

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

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

114 ARTICLE IV
115 INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

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

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

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

126 (4) Notwithstanding the preceding paragraph, the request for or receipt of putative
127 father registry information by a party to this compact from another party to this compact does
128 not affect the application of the requesting party's laws, including laws regarding adoption or
129 the protection of a putative father's rights, except as explicitly provided by the requesting
130 party's laws.

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

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

138 ARTICLE V

139 SEVERABILITY

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

146 **Section 3. Effective date.**

147 This bill takes effect on May 12, 2015.