

Senator Luz Escamilla proposes the following substitute bill:

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

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ describes the purpose of the Compact for Interstate Sharing of Putative Father Registry Information;
- ▶ 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 provides a special effective date.

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 10, 2016.

41 (b) "Putative father":

42 (i) has the same meaning 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" has the same meaning as defined in Section
47 **78B-6-103**.

48 ~~(1)~~ (2) The department shall:

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

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

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

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

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

60 ~~[(2)]~~ (3) The department may:

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

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

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

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

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

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

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

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

86 (v) procedures necessary to ensure that a putative father's registration with a state that
87 is a party to the compact is given the same effect as a putative father's notice of commencement

88 filed pursuant to Section 78B-6-121; and

89 (b) report to the Health and Human Services Interim Committee before November 1,
90 2015, on the study items described in Subsection (4)(a).

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

92 **78B-6-121.5. Compact for Interstate Sharing of Putative Father Registry**
93 **Information -- Severability clause.**

94 COMPACT FOR INTERSTATE SHARING
95 OF PUTATIVE FATHER REGISTRY INFORMATION

96 ARTICLE I

97 PURPOSE

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

100 ARTICLE II

101 DEFINITIONS

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

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

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

107 ARTICLE III

108 ENTRY, WITHDRAWAL, AND AMENDMENTS

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

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

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

116 ARTICLE IV

117 INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

118 (1) A party to this compact shall communicate information in its putative father

119 registry about a specific putative father to any other party to this compact in a timely manner
120 upon request by the other party.

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

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

128 (4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or
129 receipt of putative father registry information by a party to this compact from another party to
130 this compact does not affect the application of the requesting party's laws, including laws
131 regarding adoption or the protection of a putative father's rights, except as explicitly provided
132 by the requesting party's laws.

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

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

140 ARTICLE V

141 SEVERABILITY

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

149 **Section 3. Effective date.**

150 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

151 (2) The actions affecting Section [78B-6-121.5](#) take effect on May 10, 2016.