

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21
93RD GENERAL ASSEMBLY

Reported from the Committee on Children and Families April 6, 2005, with recommendation that House Committee Substitute for Senate Bill No. 21 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0411L.03C

AN ACT

To repeal sections 192.016 and 453.020, RSMo, and to enact in lieu thereof two new sections relating to putative father registry.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 192.016 and 453.020, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 192.016 and 453.020, to read as follows:

192.016. 1. The department of health and senior services shall establish a putative father
2 registry which shall record the names and addresses of:

3 (1) Any person adjudicated by a court of this state to be the father of a child born out of
4 wedlock;

5 (2) Any person who has filed with the registry before or after the birth of a child out of
6 wedlock, a notice of intent to claim paternity of the child;

7 (3) Any person adjudicated by a court of another state or territory of the United States
8 to be the father of an out-of-wedlock child, where a certified copy of the court order has been
9 filed with the registry by such person or any other person.

10 2. A person filing a notice of intent to claim paternity of a child or an acknowledgment
11 of paternity shall file the acknowledgment affidavit form developed by the state registrar which
12 shall include the minimum requirements prescribed by the Secretary of the United States
13 Department of Health and Human Services pursuant to 42 U.S.C. Section 652(a)(7).

14 3. A person filing a notice of intent to claim paternity of a child shall notify the registry

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 of any change of address.

16 4. A person who has filed a notice of intent to claim paternity may at any time revoke
17 a notice of intent to claim paternity previously filed therewith and, upon receipt of such
18 notification by the registry, the revoked notice of intent to claim paternity shall be deemed a
19 nullity nunc pro tunc.

20 5. An unrevoked notice of intent to claim paternity of a child may be introduced in
21 evidence by any party, other than the person who filed such notice, in any proceeding in which
22 such fact may be relevant.

23 6. Lack of knowledge of the pregnancy does not excuse failure to timely file pursuant
24 to paragraph (b) or (c) of subdivision (2) of subsection 3 of section 453.030, RSMo.

25 7. Failure to timely file pursuant to paragraph (b) or (c) of subsection 3 of section
26 453.030, RSMo, shall waive a man's right to withhold consent to an adoption proceeding unless:

27 (1) The person was led to believe through the mother's misrepresentation or fraud that:

28 (a) The mother was not pregnant when in fact she was; or

29 (b) The pregnancy was terminated when in fact the baby was born; or

30 (c) After the birth, the child died when in fact the child is alive; and

31 (2) The person upon the discovery of the misrepresentation or fraud satisfied the
32 requirements of paragraph (b) or (c) of subsection 3 of section 453.030, RSMo, within fifteen
33 days of that discovery.

34 8. The department shall, upon request and within two business days of such request,
35 provide the names and addresses of persons listed with the registry to any court or authorized
36 agency, or entity or person named in section 453.014, RSMo, and such information shall not be
37 divulged to any other person, except upon order of a court for good cause shown.

38 9. The department of health and senior services shall:

39 (1) Prepare forms for registration of paternity and an application for search of the
40 putative father registry;

41 (2) Produce and distribute a pamphlet or publication informing the public about the
42 putative father registry, including the procedures for voluntary acknowledgment of paternity, the
43 consequences of acknowledgment and failure to acknowledge paternity pursuant to section
44 453.010, RSMo, a copy of a statement informing the public about the putative father registry,
45 including to whom and under what circumstances it applies, the time limits and responsibilities
46 for filing, protection of paternal rights and associated responsibilities, and other provisions of
47 this section, and a detachable form meeting the requirements of subsection 2 of this section
48 addressed to the putative father registry. Such pamphlet or publication shall be made available
49 for distribution at all offices of the department of health and senior services. The department
50 shall also provide such pamphlets or publications to the department of social services, hospitals,

51 libraries, medical clinics, schools, universities, and other providers of child-related services upon
52 request;

53 (3) Provide information to the public at large by way of general public service
54 announcements, or other ways to deliver information to the public about the putative father
55 registry and its services.

56 10. Pursuant to subdivision (2) of subsection 9 of this section, a statement prepared by
57 the department of health and senior services shall be contained in any pamphlet or publication
58 informing the public about the putative father registry.

59 **11. There is hereby created in the state treasury the "Putative Father Registry**
60 **Fund", which shall consist of moneys collected under section 453.020, RSMo. Upon**
61 **appropriation, moneys in the fund shall be used solely for the administration of the**
62 **putative father registry. Notwithstanding the provisions of section 33.080, RSMo, to the**
63 **contrary, moneys in the fund shall not revert to the credit of general revenue at the end of**
64 **the biennium, but shall be used upon appropriations by the general assembly for the**
65 **purpose of carrying out the provisions of this chapter.**

453.020. 1. The petition for adoption shall state:

2 (1) The name, sex and place of birth of the person sought to be adopted;

3 (2) The name of his parents, if known to the petitioner;

4 (3) If the person sought to be adopted is a minor, the fact that petitioner has the ability
5 to properly care for, maintain and educate such person; and

6 (4) If it is desired to change the name of such person, the new name.

7 2. The petition for adoption shall include payment of a fifty dollar filing fee which shall
8 be used to fund the putative father registry established pursuant to section 192.016, RSMo.

9 **3. All fees provided for in this section shall be deposited in the putative father**
10 **registry fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,**
11 **money in the fund shall not be transferred and placed to the credit of general revenue at**
12 **the end of the biennium, but shall be used upon appropriation by the general assembly for**
13 **the purpose of carrying out the provisions of this chapter.**