

113TH CONGRESS
1ST SESSION

H. R. 3549

To promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2013

Mrs. HARTZLER (for herself and Ms. KUSTER) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Adoption
3 Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Responsible father registries, also known as
8 possible father registries or putative father reg-
9 istries, exist in as many as 34 States.

10 (2) The Supreme Court of the United States in
11 *Lehr v. Robertson* (463 U.S. 248) (1983), found re-
12 sponsible father registries to be constitutional.

13 (3) Responsible father registries help to speed
14 up the stable placement of children by providing a
15 mechanism to determine whether there are any pos-
16 sible fathers who may have an interest in partici-
17 pating in the placement decisions of the child so that
18 the possible father can timely assert his rights or so
19 that the father’s rights can be waived, surrendered,
20 or terminated and the child made available for adop-
21 tion or placement.

22 (4) Responsible father registries protect the pri-
23 vacy and safety of unwed mothers by removing the
24 burden from the mother to provide information
25 about any possible fathers, disclosure of which would
26 be an invasion of her privacy and may cause harm

1 to the mother, particularly in the case of rape or do-
2 mestic violence.

3 (5) Responsible father registries serve to pro-
4 tect the rights of men who wish to be involved in the
5 placement decisions of a child they believe they may
6 have fathered by creating a mechanism for such men
7 to undertake responsibility and to protect their
8 rights without having to rely upon others to protect
9 their rights, and to indicate their desire to be noti-
10 fied in a timely manner of certain legal proceedings
11 related to the child, including proceedings related to
12 termination of rights, adoption, and the placement
13 of the child into State custody.

14 (6) Responsible father registries protect the pri-
15 vacy of possible fathers by providing a mechanism
16 for men to submit identifying information to a data-
17 base with restricted access.

18 (7) Responsible father registries protect the in-
19 terests of adoptive parents and increase the security
20 of adoptions by reducing the risk that possible fa-
21 thers cannot be located in a timely manner. One of
22 the biggest risks to the finalization of an adoption
23 is the inability of the parties to an adoption pro-
24 ceeding to timely locate the possible fathers. When
25 possible fathers are not provided with timely notice

1 of an adoption proceeding related to a child they
2 may have fathered and discover such proceeding
3 later, the adoption proceeding often is delayed or
4 disrupted. In addition to causing emotional stress
5 and significant costs associated with this problem,
6 such cases, particularly when they attract media at-
7 tention, create a chilling effect on adoption in that
8 prospective adoptive parents may decide not to pur-
9 sue the option of adoption for fear that they will be
10 involved in such a case.

11 (8) Interstate travel of mothers and the filing
12 of legal actions relating to a child in a State other
13 than the State in which a possible father may have
14 registered may circumvent and eliminate the protec-
15 tions such unwed mothers and possible fathers are
16 provided by the individual State Responsible Father
17 Registries, because there are no agreements or
18 mechanisms between the States to identify or to pro-
19 vide notice to possible fathers who have registered in
20 another State.

21 (9) The inability of States to coordinate and
22 cross-check their responsible father registries may
23 jeopardize or delay the placement of the child in a
24 permanent home and undermines the benefits to
25 unwed mothers, protections intended for registered

1 possible fathers, and security for adoptive parents
2 that State registries are intended to afford.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to provide for a national database that
5 would accept possible father registrations from par-
6 ticipating State Responsible Father Registries and
7 directly from possible fathers, and would transmit
8 the results of specific searches of such registrations
9 to authorized parties involved in any State’s pro-
10 ceedings, whether the State participates in the na-
11 tional registry or not, for adoption, the placement of
12 a child in State custody, or the termination of a fa-
13 ther’s rights;

14 (2) to enable children to find a permanent home
15 more quickly by providing identifying information on
16 possible fathers thereby enabling the fathers’ rights
17 to be addressed in a more timely manner;

18 (3) to remove the burden from the mother of
19 having to identify potential fathers, to protect her
20 privacy and safety, especially in cases of rape or do-
21 mestic violence;

22 (4) to empower men to take responsibility for
23 the protection of their rights by enabling them to
24 register in a participating State or directly with the
25 national registry, increasing the likelihood of men re-

ceiving notice of a proceeding in another State and reducing the opportunity for the mother to deprive a possible father of the ability to assert his rights by withholding accurate information concerning the possible father, by moving, or by traveling to another State; and

(5) to reduce the risk to prospective adoptive parents of delayed or disrupted placements resulting from challenges to adoptions due to a possible father's untimely receipt of notice of such proceedings.

SEC. 3. REGISTRIES TO FACILITATE ADOPTIONS.

Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) is amended by adding at the end the following:

**“Subpart 4—National and State Responsible Father
Registries to Facilitate Adoptions**

“SEC. 445. DEFINITIONS.

“In this subpart:

“(1) BUSINESS DAY.—The term ‘business day’ means a day on which Federal or State offices, as applicable, are open for regular business.

“(2) ELIGIBLE PARTY.—The term ‘eligible party’ means—

“(A) public and licensed private adoption or child placement agencies gathering informa-

1 tion for a planned or pending adoption or the
2 termination of rights of one or more possible fa-
3 thers;

4 “(B) licensed attorneys representing a
5 party in a planned or pending adoption or in
6 the termination of rights of one or more pos-
7 sible fathers;

8 “(C) State agencies or entities responsible
9 for the placement of children; and

10 “(D) State courts.

11 “(3) NATIONAL RESPONSIBLE FATHER REG-
12 ISTRY.—The term ‘National Responsible Father
13 Registry’ means the registry established and main-
14 tained under section 445A.

15 “(4) NOTICE.—The term ‘notice’ means notice
16 to all possible fathers of a proceeding sufficient to
17 satisfy the notice requirements of the law of the
18 State in which the proceeding is pending.

19 “(5) PENDING ADOPTION.—The term ‘pending
20 adoption’ means any adoption in which an adoption
21 petition has been filed and is still pending with a
22 court pursuant to State law.

23 “(6) PLANNED ADOPTION.—The term ‘planned
24 adoption’ means any plan for the adoption of a child
25 or children in which the birth mother has contacted

1 an attorney or a public or licensed private adoption
2 agency about placing her child for adoption, or in
3 which a public or licensed private adoption agency is
4 working to place a child for adoption.

5 “(7) PROCEEDING.—The term ‘proceeding’
6 means a proceeding relating to a child that a pos-
7 sible father has or may have fathered regarding a
8 planned or pending adoption of the child, the entry
9 of the child into State custody, or the termination of
10 a possible father’s rights to the child.

11 “(8) POSSIBLE FATHER.—The term ‘possible
12 father’ or ‘putative father’ means a man who has
13 had sexual relations with a woman to whom he is
14 not married and is therefore presumed to know that
15 such woman may be pregnant as a result of such re-
16 lations.

17 “(9) SEARCH.—The term ‘search’ means a re-
18 quest for information regarding the existence of all
19 possible fathers related to a child that is the subject
20 of a proceeding.

21 “(10) STATE RESPONSIBLE FATHER REG-
22 ISTRY.—The term ‘State Responsible Father Reg-
23 istry’ means, with respect to a State, the registry es-
24 tablished or modified and maintained under section
25 445C for that State.

1 “(11) PARTICIPATING STATE.—The term ‘par-
2 ticipating State’ means a State that has entered into
3 an agreement with the Secretary under section
4 445B.

5 **“SEC. 445A. NATIONAL RESPONSIBLE FATHER REGISTRY.**

6 “(a) ESTABLISHMENT AND MAINTENANCE.—

7 “(1) IN GENERAL.—Not later than the date
8 that is 180 days after the date of enactment of this
9 subpart, the Secretary shall establish and maintain
10 an automated National Responsible Father Registry
11 that contains the information described in section
12 445C(c) and that provides a mechanism for men to
13 register such information directly with the National
14 Responsible Father Registry.

15 “(2) DATA ENTRY AND DELETION REQUIRE-
16 MENTS.—

17 “(A) DATA ENTRY.—Information trans-
18 mitted by a State or a possible father under
19 section 445C(d)(2) shall be entered into the
20 National Responsible Father Registry not later
21 than the date that is 2 business days after the
22 date on which such information is received.

23 “(B) RESPONSIBLE FATHER REGISTRA-
24 TION.—The Secretary shall establish procedures
25 under which a possible father may submit the

1 information described in section 445C(c) di-
2 rectly to the Secretary for the purpose of in-
3 cluding such information in the National Re-
4 sponsible Father Registry. Such procedures
5 shall—

6 “(i) require the possible father to
7 verify by submission of a sworn statement
8 or such other means as the Secretary de-
9 termines appropriate that the information
10 submitted is his own personal information
11 and that it is true and correct to the best
12 of his knowledge;

13 “(ii) provide that no fee shall be
14 charged to the possible father for reg-
15 istering in the National Responsible Father
16 Registry; and

17 “(iii) allow possible fathers to submit
18 registrations by mail or electronic means.

19 “(C) APPLICATION OF FEDERAL PEN-
20 ALTIES FOR SUBMISSION OF FALSE INFORMA-
21 TION.—Any person who knowingly submits
22 false information to the National Responsible
23 Father Registry directly or indirectly through
24 transmission of information submitted to a
25 State Responsible Father Registry shall be sub-

1 ject to penalties in accordance with the provi-
2 sions of section 1001 of title 18, United States
3 Code.

4 “(D) DELETION OF DATA.—Information
5 entered into the National Responsible Father
6 Registry shall remain in the registry for not
7 less than 20 years from the date of entry.

8 “(3) ACCESS TO INFORMATION IN THE NA-
9 TIONAL RESPONSIBLE FATHER REGISTRY.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), access to the information contained
12 in the National Responsible Father Registry is
13 limited to an eligible party.

14 “(B) LIMITED ACCESS FOR REG-
15 ISTRANTS.—Each possible father who registers
16 in the National Responsible Father Registry
17 may file a search request with the Secretary for
18 the limited purpose of confirming that the in-
19 formation he provided is contained in the Na-
20 tional Registry.

21 “(4) SEARCH REQUESTS.—

22 “(A) BY AN ELIGIBLE PARTY.—The Sec-
23 retary shall accept a request from an eligible
24 party to search the National Responsible Fa-

1 ther Registry only if the request has been
2 verified for authenticity.

3 “(B) BY A REGISTRANT.—The Secretary
4 shall accept a request from a possible father
5 who has registered in the National Responsible
6 Father Registry to search the National Respon-
7 sible Father Registry only if the request has
8 been verified for authenticity.

9 “(C) FEE.—The Secretary is authorized to
10 charge a reasonable fee for a search conducted
11 under this section.

12 “(5) LIMITATION ON DISCLOSURE OF INFORMA-
13 TION.—No information contained in the National
14 Responsible Father Registry shall be disclosed to
15 any person if the disclosure of the information would
16 contravene a national security interest of the United
17 States or if the disclosure would compromise the
18 confidentiality of census data.

19 “(6) METHODS FOR REQUESTING A SEARCH OF
20 THE NATIONAL DATABASE.—An eligible party may
21 request a search under this section either electroni-
22 cally or through the mail.

23 “(7) CERTIFICATE OF SEARCH.—

24 “(A) ISSUANCE.—Within 2 business days
25 of receipt of a search request, the Secretary

1 shall issue by mail or electronic means a certifi-
2 cate of search to the person who requested the
3 search.

4 “(B) CONTENTS OF ELIGIBLE PARTY
5 SEARCH.—The certificate of search on behalf of
6 an eligible party shall contain—

7 “(i) the names and most recent con-
8 tact information for all possible fathers
9 who are registered in the National Respon-
10 sible Father Registry or registered in any
11 participating State Responsible Father
12 Registry;

13 “(ii) the latest date through which
14 data in the National Responsible Father
15 Registry has been updated; and

16 “(iii) the list of the State Responsible
17 Father Registries whose data is included in
18 the search database and the date through
19 which the data from each participating
20 State was last updated.

21 “(C) CONTENTS OF REGISTRANT
22 SEARCH.—The certificate of search on behalf of
23 a possible father who has registered in the Na-
24 tional Responsible Father Registry shall only
25 contain the information provided to the Sec-

1 retary by the registrant himself or provided by
2 the registrant to a participating State registry
3 and transmitted by that State registry to the
4 Secretary.

5 “(D) EFFECT OF CERTIFICATE.—A certifi-
6 cate of search issued under subparagraph (B)
7 shall serve as evidence of efforts by the eligible
8 party who requested the search to locate a pos-
9 sible father in order to provide those possible
10 fathers identified in the certificate with notice
11 of a proceeding.

12 “(b) NATIONAL EDUCATIONAL CAMPAIGN.—The
13 Secretary shall establish a nationwide responsible father-
14 hood and responsible father registry educational campaign
15 that is designed to inform possible fathers, unwed moth-
16 ers, possible adoptive parents, and eligible parties of the
17 existence of the National Responsible Father Registry, the
18 advantages of possible fathers registering either in the Na-
19 tional Responsible Father Registry or a State Responsible
20 Father Registry, or both, the rights and responsibilities
21 of possible fathers, unwed mothers, possible adoptive par-
22 ents, and eligible parties with regard to a proceeding, and
23 the role of the National Responsible Father Registry and
24 a State Responsible Father Registry in a proceeding.

1 **“SEC. 445B. AGREEMENTS WITH STATES TO PROMOTE RE-**
2 **SPONSIBLE FATHERHOOD.**

3 “(a) IN GENERAL.—The Secretary shall use all rea-
4 sonable efforts to encourage States to enter into an agree-
5 ment with the Secretary to become a participating State
6 under this subpart. Such agreements shall—

7 “(1) require that the State comply with the re-
8 quirements for State Responsible Father Registries
9 under section 445C;

10 “(2) require that the State provide for a proc-
11 ess under which a registered possible father will re-
12 ceive notice of a proceeding at the most recent ad-
13 dress he provided to the registry, within State deter-
14 mined guidelines and time limits;

15 “(3) require the State to provide annual reviews
16 and reports to the Secretary on the State Respon-
17 sible Father Registry, including such information as
18 may be necessary to measure compliance with the
19 requirements under this subpart;

20 “(4) require the State to, in accordance with
21 standards prescribed by the Secretary, cooperate
22 with other States and the Federal Government to
23 assist individuals and governments in their efforts to
24 locate and provide notice to possible fathers;

25 “(5) encourage the State to establish or des-
26 ignate a single organizational unit within the State

1 that meets such staffing and organizational require-
2 ments as the Secretary may prescribe to administer
3 the State Responsible Father Registry;

4 “(6) encourage the State to enter into coopera-
5 tive agreements between the State and appropriate
6 entities, such as those specified in section
7 445C(e)(2), to assist the organizational unit estab-
8 lished or designated to administer the State Respon-
9 sible Father Registry;

10 “(7) encourage the State to amend its long-arm
11 jurisdictional statute to ensure that personal juris-
12 diction is established in a proceeding for a father
13 registered in the National Responsible Father Reg-
14 istry;

15 “(8) encourage States to develop, establish, and
16 operate programs that are designed—

17 “(A) to improve the protection of the
18 rights of possible fathers in a proceeding;

19 “(B) to assist mothers in making respon-
20 sible plans for their children’s future; and

21 “(C) to protect the privacy and safety of
22 possible fathers and of birth mothers, including
23 those who have been the victims of violence, by,
24 among other things, enabling birth mothers to
25 proceed with an adoption or placement plan

1 without being required to disclose her sexual
2 partners; and

3 “(9) encourage States to enact laws and regula-
4 tions to address the pre-birth abandonment of a
5 child by the biological father and abandonment of a
6 child by the biological father subsequent to birth.

7 “(b) GRANTS TO PROMOTE RESPONSIBLE FATHER-
8 HOOD.—An agreement with a State that meets the re-
9 quirements of subsection (a) may include a grant to the
10 State as provided for under section 445D.

11 **“SEC. 445C. STATE RESPONSIBLE FATHER REGISTRIES.**

12 “(a) ESTABLISHMENT AND MAINTENANCE.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 each State that is a participating State under this
15 subpart shall provide assurances to the Secretary
16 that the State has, or will establish, and will main-
17 tain an automated responsible father registry that
18 meets the requirements of this section.

19 “(2) EXISTING STATE RESPONSIBLE FATHER
20 REGISTRIES.—A State that has a responsible father
21 registry in existence on the date of enactment of this
22 subpart and desires to enter into an agreement with
23 the Secretary under section 445B shall provide as-
24 surances to the Secretary that the State will, not
25 later than 180 days from the last day of the first

1 regular session of the State legislature that begins
2 after the date of enactment of this subpart, modify
3 the registry to the extent necessary for the registry
4 to meet the requirements of this section with respect
5 to responsible fathers who register with the State on
6 or after that day. For purposes of the previous sen-
7 tence, in the case of a State that has a 2-year legis-
8 lative session, each year of the session is considered
9 to be a separate, regular session of the State legisla-
10 ture.

11 “(b) REGISTRATION WITH THE STATE RESPONSIBLE
12 FATHER REGISTRY.—

13 “(1) SUBMISSION OF INFORMATION.—The
14 State shall establish procedures under which the
15 possible father of a child may submit the informa-
16 tion described in subsection (c) to the State for the
17 purpose of including the information in the State
18 Responsible Father Registry. Such procedures shall
19 provide that, in order for the possible father to be
20 entitled to notice of any proceeding, the possible fa-
21 ther must submit information for inclusion in the
22 State Responsible Father Registry within State-de-
23 termined time limits.

24 “(2) VERIFICATION.—The procedures estab-
25 lished under paragraph (1) shall require the possible

1 father to verify by submission of a sworn statement
2 or such other means as the State, in consultation
3 with the Secretary, determines appropriate that the
4 information submitted is his own personal informa-
5 tion and that it is true and correct to the best of
6 his knowledge.

7 “(c) CONTENTS.—With respect to a child, the State
8 Responsible Father Registry shall contain information suf-
9 ficient to identify the possible father, which may include
10 (but is not limited to)—

11 “(1) the name of the possible father (including
12 any other names by which he may be known);

13 “(2) the date of birth of the possible father;

14 “(3) the Social Security number of the possible
15 father, if any;

16 “(4) the State of issue and driver’s license
17 number of the possible father, if any;

18 “(5) the address provided by the possible father
19 at which he requests notice;

20 “(6) all known telephone numbers for the pos-
21 sible father;

22 “(7) the name and address of the employer of
23 the possible father, if any;

24 “(8) the name of the mother (including any
25 other names by which she may be known);

1 “(9) the most recent address of the mother, if
2 known;

3 “(10) the date of birth of the mother, if known;

4 “(11) the Social Security number of the moth-
5 er, if known;

6 “(12) the State of issue and driver’s license
7 number of the mother, if known;

8 “(13) the city and State where possible concep-
9 tion took place;

10 “(14) the date or estimated date (or range of
11 dates) of possible conception;

12 “(15) the birth date of the child or the approxi-
13 mate delivery date, if known; and

14 “(16) the name and gender of the child, if
15 known.

16 “(d) COLLECTION OF STATE INFORMATION AND
17 TRANSMISSION TO THE NATIONAL RESPONSIBLE FATHER
18 REGISTRY.—

19 “(1) COLLECTION.—The State shall collect the
20 information described in subsection (c) submitted by
21 the possible father and enter such information into
22 the State Responsible Father Registry.

23 “(2) TRANSMISSION.—Not later than the date
24 that is 3 business days after the date on which any
25 information described in subsection (c) is entered

1 into the State Responsible Father Registry, the
2 State shall furnish such information to the Sec-
3 retary, in an electronic format designated by the
4 Secretary, for purposes of including the information
5 in the National Responsible Father Registry.

6 “(3) REQUIREMENT.—The procedures estab-
7 lished under subsection (b)(1) shall include a means
8 by which a possible father is informed that the reg-
9 istry may be used to establish an obligation to sup-
10 port a child or children. Except as provided in sub-
11 section (g), registration shall not constitute an ad-
12 mission of guilt to any crime under Federal or State
13 law.

14 “(e) ESTABLISHMENT OF REGISTRATION CEN-
15 TERS.—

16 “(1) IN GENERAL.—The State shall establish
17 centers in various locations throughout the State so
18 that registration forms for the State Responsible
19 Father Registry are easily accessible to possible fa-
20 thers.

21 “(2) SITES.—The sites of the centers described
22 in paragraph (1) may include (but are not limited
23 to) the following:

24 “(A) State and local hospitals.

1 “(B) Courthouses in which family courts
2 are located.

3 “(C) State departments of motor vehicles.

4 “(D) State welfare agencies.

5 “(E) State health department offices.

6 “(F) State vital records offices.

7 “(G) State probate courts.

8 “(H) State-operated or -sponsored websites
9 for each center established in accordance with
10 this subsection.

11 “(f) METHOD OF SUBMITTING REGISTRATION.—The
12 State shall permit a possible father to submit information
13 to the State Responsible Father Registry electronically, in
14 person, or by mail. The State shall not charge a fee for
15 registering in the State Responsible Father Registry.

16 “(g) PENALTIES FOR SUBMISSION OF FALSE INFOR-
17 MATION.—A State shall have in effect a law that provides
18 that any person who knowingly submits false information
19 to a State Responsible Father Registry shall be guilty of
20 the highest class of misdemeanor under State law.

21 “(h) ACCURACY OF DATA.—A possible father is solely
22 responsible for the accuracy of the information contained
23 in his registration and he shall be responsible for updating
24 the information, if needed to keep it accurate. The infor-
25 mation contained in the registration is presumed accurate.

1 Notice regarding a proceeding shall be deemed received
 2 by the possible father if sent or delivered to him at the
 3 most recent address he provided in subsection (c)(5).

4 “(i) **PRIVACY SAFEGUARDS.**—The State shall estab-
 5 lish procedures to ensure that the information maintained
 6 in the State Responsible Father Registry is subject to the
 7 same privacy safeguards as the privacy safeguards re-
 8 quired under section 454(26).

9 **“SEC. 445D. GRANTS TO STATES TO PROMOTE RESPON-**
 10 **SIBLE FATHERHOOD.**

11 “(a) **GRANTS TO STATES.**—The Secretary may make
 12 a grant to a State that enters into an agreement with the
 13 Secretary pursuant to section 445B to become a partici-
 14 pating State for purposes of—

15 “(1) modifying an existing State Responsible
 16 Father Registry to the extent necessary for the reg-
 17 istry to meet the requirements of section 445C; or

18 “(2) establishing a State Responsible Father
 19 Registry that meets the requirements of section
 20 445C.

21 “(b) **CONDITION.**—As a condition for receiving a
 22 grant under this section, a State shall agree to—

23 “(1) maintain an automated State Responsible
 24 Father Registry in accordance with the requirements
 25 of section 445C; and

1 “(2) support the nationwide responsible father-
2 hood and responsible father registry educational
3 campaign established under section 445A(b).

4 “(c) AMOUNT.—A grant made under this section
5 shall be in such an amount as the Secretary determines
6 appropriate.

7 “(d) USE OF FUNDS.—Funds received under a grant
8 made under this section may be used to reimburse a par-
9 ticipating State in whole or in part for costs incurred to
10 modify an existing State Responsible Father Registry or
11 to establish a State Responsible Father Registry, and to
12 reimburse the State in whole or in part for costs incurred
13 to satisfy the conditions specified in subsection (b).

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as are nec-
16 essary for fiscal year 2014 and each fiscal year thereafter
17 for purposes of making grants to States under this sec-
18 tion.”.

○