

109TH CONGRESS
2^D SESSION

S. 3803

To establish national and State putative father registries, to make grants to States to promote responsible fatherhood, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish national and State putative father registries, to make grants to States to promote responsible fatherhood, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Rights of
5 Unknowing Dads and Fostering Access To Help Encour-
6 age Responsibility (Proud Father) Act of 2006”.

1 **SEC. 2. ESTABLISHMENT OF NATIONAL AND STATE PUTA-**
 2 **TIVE FATHER REGISTRIES TO FACILITATE**
 3 **ADOPTIONS.**

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

7 **“Subpart 3—National and State Putative Father**
 8 **Registries to Facilitate Adoptions**

9 **“SEC. 440. DEFINITIONS.**

10 “In this subpart:

11 “(1) BUSINESS DAY.—The term ‘business day’
 12 means a day on which Federal and State offices are
 13 open for regular business.

14 “(2) HOME ADDRESS.—The term ‘home ad-
 15 dress’ means the most recent place of residence of
 16 an individual.

17 “(3) NATIONAL PUTATIVE FATHER REG-
 18 ISTRY.—The term ‘National Putative Father Reg-
 19 istry’ means the registry established and maintained
 20 under section 441.

21 “(4) NOTICE.—The term ‘notice’ means notice
 22 sufficient to satisfy any requirements under State
 23 law applicable with respect to notice to a putative fa-
 24 ther of paternity, of a proceeding to terminate his
 25 rights to a child, or of a proceeding that is related
 26 to a planned or pending adoption in that State of a

1 child he has, or may have fathered, or the entry of
2 such a child into State custody.

3 “(5) OVERNIGHT MAIL.—The term ‘overnight
4 mail’ includes any courier or carrier that guarantees
5 delivery by the next business morning.

6 “(6) PENDING ADOPTION.—The term ‘pending
7 adoption’ means any adoption in which an adoption
8 petition has been filed with a court pursuant to
9 State law.

10 “(7) PLANNED ADOPTION.—The term ‘planned
11 adoption’ means any adoption in which the birth
12 mother has formally contacted an attorney or a
13 State licensed adoption agency about placing her
14 child for adoption.

15 “(8) PUTATIVE FATHER.—The term ‘putative
16 father’ means a man who has had sexual relations
17 with a woman to whom he is not married and is
18 therefore presumed to know that such woman may
19 be pregnant as a result of such relations.

20 “(9) SEARCH.—The term ‘search’ means a re-
21 quest for information regarding a man who had sex-
22 ual relations with a woman to whom he is not mar-
23 ried and is therefore presumed to know that such
24 woman may be pregnant.

1 “(10) STATE PUTATIVE FATHER REGISTRY.—
2 The term ‘State Putative Father Registry’ means,
3 with respect to a State, the registry established or
4 modified and maintained under section 444 for that
5 State.

6 **“SEC. 441. NATIONAL PUTATIVE FATHER REGISTRY.**

7 “(a) ESTABLISHMENT AND MAINTENANCE.—

8 “(1) IN GENERAL.—Not later than the date
9 that is 180 days after the date of enactment of this
10 Act, the Secretary shall establish and maintain an
11 automated National Putative Father Registry that
12 contains the information described in section 444(b).

13 “(2) DATA ENTRY AND DELETION REQUIRE-
14 MENTS.—

15 “(A) DATA ENTRY.—Information trans-
16 mitted by a State under section 444(d)(2) shall
17 be entered into the National Putative Father
18 Registry not later than the date that is 2 busi-
19 ness days after the date on which such informa-
20 tion is received.

21 “(B) DELETION OF DATA.—Information
22 entered into the National Putative Father Reg-
23 istry shall remain in the registry for not less
24 than 20 years from the date of entry.

1 “(3) ACCESS TO INFORMATION IN THE NA-
2 TIONAL PUTATIVE FATHER REGISTRY.—Access to
3 the information contained in the National Putative
4 Father Registry is limited to the organizational unit
5 that is responsible for administering the State Puta-
6 tive Father Registry under section 443(3) and any
7 State agencies or entities that are involved in the
8 placement of children.

9 “(4) SEARCH REQUESTS.—

10 “(A) IN GENERAL.—The Secretary shall
11 only accept a request from an eligible party de-
12 scribed in subparagraph (B) to search the Na-
13 tional Putative Father Registry if such request
14 has been verified for authenticity.

15 “(B) ELIGIBLE PARTIES DESCRIBED.—The
16 eligible parties described in this subparagraph
17 are as follows:

18 “(i) Public and licensed private adop-
19 tion or child placement agencies accessing
20 information for an adoption or termination
21 of parental rights.

22 “(ii) Licensed attorneys representing
23 a party in a planned or pending adoption
24 or the termination of rights of a putative
25 father.

1 “(iii) The State agency responsible for
2 administering the State plan under part D
3 of title IV.

4 “(iv) State agencies or entities respon-
5 sible for the placement of children.

6 “(v) State courts.

7 “(C) FEE.—The Secretary is authorized to
8 charge a reasonable fee for a search conducted
9 under this subsection.

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

17 “(6) METHODS FOR REQUESTING A SEARCH OF
18 THE NATIONAL DATABASE.—A person who is eligible
19 to request a search under this section may do so ei-
20 ther electronically or through certified mail.

21 “(7) CERTIFICATE OF SEARCH.—

22 “(A) ISSUANCE.—Within 2 business days
23 of a search request filed under paragraph (4),
24 the Secretary shall issue by certified mail a cer-

1 tificate of search to the person who requested
2 the search.

3 “(B) CONTENTS.—The certificate of
4 search shall contain—

5 “(i) the names and most recent con-
6 tact information for possible putative fa-
7 thers; and

8 “(ii) the State Putative Father Reg-
9 istries included in the search.

10 “(C) EFFECT OF CERTIFICATE.—A certifi-
11 cate issued under this paragraph shall serve as
12 rebuttable evidence of efforts to locate a puta-
13 tive father and provide him with notice of pa-
14 ternity, of a proceeding to terminate his paren-
15 tal rights, or of a proceeding related to a pend-
16 ing or planned adoption of a child he has, or
17 may have fathered, or the entry of such a child
18 into State custody.

19 “(8) NOTICE TO REGISTERED PUTATIVE FA-
20 THERS.—Each putative father identified by a certifi-
21 cate of search issued in response to a request under
22 paragraph (4)(A) shall be provided notice in such
23 form and manner as is specified by State law of any
24 of the following:

1 “(A) A proceeding related to a pending or
2 planned adoption of a child he has, or may
3 have, fathered.

4 “(B) A proceeding to terminate parental
5 rights to a child.

6 “(C) A proceeding related to the entry of
7 a child he has, or may have, fathered into State
8 custody.

9 “(D) Establishment of paternity.

10 “(9) CERTIFICATE OF REGISTRATION.—

11 “(A) ISSUANCE.—Within 2 business days
12 of receipt of information transmitted by a State
13 under section 444(c)(2), the Secretary shall
14 issue by certified mail a certificate of registra-
15 tion to the individual registered.

16 “(B) EFFECT OF CERTIFICATION.—A cer-
17 tificate issued under this section shall serve as
18 rebuttable evidence of a putative father’s receipt
19 of notice of paternity, of a proceeding to termi-
20 nate parental rights, or of a proceeding related
21 to a planned or pending adoption of a child he
22 has, or may have fathered, or the entry of such
23 a child into State custody.

24 “(b) NATIONAL MEDIA EDUCATIONAL CAMPAIGN.—

25 The Secretary shall establish a nationwide responsible fa-

1 ceedings involving a planned or pending adop-
2 tion or the termination of a father’s rights to
3 a biological child;

4 “(B) to improve the laws and regulations
5 involving the prebirth abandonment of a child
6 by the biological father and abandonment of a
7 child by the biological father subsequent to
8 birth;

9 “(C) to assist mothers in making respon-
10 sible plans for their children’s future; and

11 “(D) to protect the privacy and safety of
12 birth mothers and fathers; and

13 “(2) reimbursing States for any costs incurred
14 in meeting the requirements of this subpart.

15 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
16 may not make a grant to a State under this section unless
17 the State demonstrates to the Secretary that the State
18 has—

19 “(1) a State plan in effect that has been ap-
20 proved by the Secretary under section 443;

21 “(2) established, or agreed to establish, a State
22 Putative Father Registry under section 444; and

23 “(3) implemented or has agreed to implement—

1 “(A) a law on prebirth abandonment and
2 abandonment subsequent to birth under section
3 445(a);

4 “(B) a State media educational campaign
5 under section 445(b); and

6 “(C) adoption consent laws under section
7 445(c).

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary for fiscal year 2006 and each fiscal year thereafter
11 for purposes of awarding grants to States under this sec-
12 tion.

13 **“SEC. 443. STATE PLAN FOR PROMOTING RESPONSIBLE FA-**
14 **THERHOOD AND PERMANENCY FOR CHIL-**
15 **DREN.**

16 “Each State that desires to receive a grant under sec-
17 tion 442 shall develop and implement a State plan for pro-
18 moting responsible fatherhood and permanency for chil-
19 dren that—

20 “(1) has been approved by the Secretary;

21 “(2) shall be in effect in all political subdivi-
22 sions of the State;

23 “(3) establishes or designates a single organiza-
24 tional unit within the State that meets such staffing
25 and organizational requirements as the Secretary

1 may prescribe to administer the State plan and the
2 State Putative Father Registry required under sec-
3 tion 444;

4 “(4) provides services to children of unwed par-
5 ents toward the establishment of putative father and
6 the making of permanent custody arrangements for
7 those children;

8 “(5) provides for the establishment of coopera-
9 tive agreements between the State and appropriate
10 agencies, such as courts, hospitals, and law enforce-
11 ment agencies, to assist the organizational unit es-
12 tablished or designated under paragraph (3) to ad-
13 minister the State plan by making paternity reg-
14 istration forms for mailing by putative fathers avail-
15 able to such organizational unit;

16 “(6) provides assurances that the State will, in
17 accordance with standards prescribed by the Sec-
18 retary, cooperate with other States and the Federal
19 Government to assist individuals in their efforts to
20 locate and provide notice to putative fathers;

21 “(7) provides for a process of annual reviews
22 and reports to the Secretary on the State plan im-
23 plemented under this section, including such infor-
24 mation as may be necessary to measure compliance
25 with the requirements under this subpart;

1 “(8) provides that the State will establish and
2 maintain a State Putative Father Registry that
3 meets the requirements of section 444 or will modify
4 and maintain an existing registry to meet such re-
5 quirements;

6 “(9) provides for a process under which a reg-
7 istered putative father will receive notice at the ad-
8 dress provided to the registry, within State deter-
9 mined guidelines and time-limits, of paternity, of a
10 proceeding to terminate his parental rights, or of a
11 proceeding related to a planned or pending adoption
12 of a child he has, or may have fathered, or the entry
13 of such a child into State custody;

14 “(10) amends the State long-arm jurisdictional
15 statute to ensure that personal jurisdiction is estab-
16 lished for a father registered with the National Pu-
17 tative Father Registry established under section
18 441(a); and

19 “(11) provides that the State will establish pro-
20 cedures, if not already in place, to protect the safety
21 and privacy of mothers, including those who have
22 been the victims of violence.

23 **“SEC. 444. STATE PUTATIVE FATHER REGISTRIES.**

24 “(a) ESTABLISHMENT AND MAINTENANCE.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 each State that desires to receive a grant under sec-
3 tion 442 shall provide assurances to the Secretary
4 that the State will establish and maintain an auto-
5 mated putative father registry that meets the suc-
6 ceeding requirements of this section.

7 “(2) EXISTING STATE PUTATIVE FATHER REG-
8 ISTRIES.—A State that has a putative father reg-
9 istry in existence on the date of enactment of this
10 subpart and desires to receive a grant under section
11 442 shall provide assurances to the Secretary that
12 the State will, not later than the last day of the first
13 regular session of the State legislature that begins
14 after the date of enactment of this subpart, modify
15 the registry to the extent necessary for the registry
16 to meet the succeeding requirements of this section
17 with respect to putative fathers who register with
18 the State on or after that day. For purposes of the
19 previous sentence, in the case of a State that has a
20 2-year legislative session, each year of the session is
21 considered to be a separate, regular session of the
22 State legislature.

23 “(b) REGISTRATION WITH THE STATE PUTATIVE
24 FATHER REGISTRY.—

1 “(1) SUBMISSION OF INFORMATION.—The
2 State shall establish procedures under which the pu-
3 tative father of such child may submit the informa-
4 tion described in subsection (c) to the State for the
5 purpose of including such information in the registry
6 established or modified and maintained under sub-
7 section (a).

8 “(2) VERIFICATION.—The procedures estab-
9 lished under paragraph (1) shall include a means to
10 verify that the information submitted by a putative
11 father is his own personal information and that it is
12 true and correct to the best of his knowledge.

13 “(c) CONTENTS.—With respect to a child, the reg-
14 istry established or modified and maintained under sub-
15 section (a) shall contain the following information:

16 “(1) The name of the putative father (including
17 any other names by which he may be known).

18 “(2) The date of birth of the putative father.

19 “(3) The social security number of the putative
20 father.

21 “(4) The State of issue and driver’s license
22 number of the putative father, if known.

23 “(5) The home address of the putative father.

24 “(6) The telephone number of the putative fa-
25 ther.

1 “(7) The name and address of the employer of
2 the putative father.

3 “(8) The name of the mother (including any
4 other names by which she may be known).

5 “(9) The last known address of the mother.

6 “(10) The date of birth of the mother, if
7 known.

8 “(11) The social security number of the mother,
9 if known.

10 “(12) The race or ethnicity of the mother, if
11 known.

12 “(13) The State of issue and driver’s license
13 number of the mother, if known.

14 “(14) The city and State where possible concep-
15 tion took place.

16 “(15) The birth date of the child or the approx-
17 imate delivery date, if known.

18 “(16) The name and gender of child, if known.

19 “(d) COLLECTION OF STATE INFORMATION AND
20 TRANSMISSION TO THE NATIONAL PUTATIVE FATHER
21 REGISTRY.—

22 “(1) COLLECTION.—The State shall collect the
23 information described in subsection (c) submitted by
24 the putative father and enter such information into

1 the State Putative Father Registry established or
2 modified and maintained under subsection (a).

3 “(2) TRANSMISSION.—

4 “(A) IN GENERAL.—Not later than the
5 date that is 3 business days after the date on
6 which any information described in subsection
7 (c) is entered into the State Putative Father
8 Registry, the State shall furnish such informa-
9 tion to the Secretary for purposes of including
10 the information in the National Putative Father
11 Registry.

12 “(B) METHOD OF TRANSMISSION.—States
13 shall transmit the information described in sub-
14 section (b) in an electronic format designated
15 by the Secretary for purposes of this paragraph.

16 “(3) REQUIREMENT.—The procedures estab-
17 lished under paragraph (1) shall include a means by
18 which a putative father is informed of all of the legal
19 consequences of his registration, including that the
20 registry may be used to establish an obligation to
21 support a child or children.

22 “(e) ESTABLISHMENT OF REGISTRATION CEN-
23 TERS.—

24 “(1) IN GENERAL.—The State shall establish
25 centers in various locations throughout the State so

1 that registration forms for the State Putative Father
2 Registry are easily accessible to putative fathers.

3 “(2) SITES.—The sites of the centers described
4 in paragraph (1) may include the following:

5 “(A) State and local hospitals.

6 “(B) Courthouses in which family courts
7 are located.

8 “(C) State departments of motor vehicles.

9 “(D) State welfare agencies.

10 “(E) State health department offices.

11 “(F) State vital records offices.

12 “(G) State probate courts.

13 “(f) METHOD OF SUBMITTING REGISTRATION.—The
14 State shall permit a putative father to submit the informa-
15 tion required under this section electronically, in person,
16 or by certified mail.

17 “(g) FALSE FILING.—Any person who knowingly
18 submits false information to a State Putative Father Reg-
19 istry shall be guilty of a misdemeanor and upon conviction
20 thereof shall be fined not less than \$25,000 for each such
21 violation and imprisoned for not more than 2 years.

22 “(h) ACCURACY OF DATA.—

23 “(1) IN GENERAL.—Unless otherwise specified,
24 the information provided under subsection (c) is pre-
25 sumed to be the most current information available.

1 “(2) FAILURE TO UPDATE INFORMATION.—In
2 the event that a putative father fails to update his
3 profile, notice sent to the last registered address can
4 be used as rebuttable evidence of efforts to locate
5 the putative father and provide him with notice de-
6 scribed in section 441(a)(8).

7 “(i) PRIVACY SAFEGUARDS.—The State shall estab-
8 lish procedures to ensure that the information maintained
9 in the State Putative Father Registry is subject to the
10 privacy safeguards established under section 454(26).

11 **“SEC. 445. ADDITIONAL REQUIREMENTS.**

12 “(a) STATE LAWS ON PREBIRTH ABANDONMENT
13 AND ABANDONMENT SUBSEQUENT TO BIRTH.—Each
14 State that desires to receive a grant under section 442
15 shall provide assurances to the Secretary that the State
16 will put into effect a State law that defines what con-
17 stitutes prebirth abandonment and abandonment subse-
18 quent to birth.

19 “(b) STATE MEDIA EDUCATIONAL CAMPAIGN.—
20 Each State that desires to receive a grant under section
21 442 shall provide assurances to the Secretary that the
22 State will regularly and frequently publicize, through ad-
23 vertising campaigns, educational literature, and public
24 service announcements—

1 “(1) the availability of putative father establish-
2 ment services;

3 “(2) that putative fathers should register with
4 the State Putative Father Registry; and

5 “(3) the availability of the State Putative Fa-
6 ther Registry to searching birth mothers.

7 “(c) CONSENT TO ADOPTION.—Each State that de-
8 sires to receive a grant under section 442 shall provide
9 assurances to the Secretary that the adoption laws of the
10 State—

11 “(1) set finite time limits in which an adoption
12 can be attacked on grounds of procedural irregular-
13 ities, fraud, or duress;

14 “(2) establish a period of time after which the
15 revocation of an adoption would be presumed not to
16 be in the best interest of the child; and

17 “(3) allow for implied consent in the case of
18 abandonment.”.

○