

## STATEMENT OF PURPOSE

### RS21680

When an adoption is done correctly, all parties experience a sense of peace, including the birth mother, birth father, adoptee and adoptive parents. On the other hand, a failed adoption can cause serious problems for the adoption agency, the attorney, the biological parents, the adoptee and the adoptive parents. While rare, more and more problems in adoptions can be attributed to a lack of attention to birth fathers' rights. For example, three adoptions were overturned in Utah last year, and adoptees were returned to their birth fathers because agencies or attorneys followed laws that favored the birth mother over the birth father.

This legislation is intended to clarify the statutes in Idaho governing paternity, the putative father registry, termination of parental rights and adoption. These changes are being proposed for the purpose of strengthening the adoption laws in Idaho thereby reducing the chances that an adoption will be overturned in Idaho as occurred in Utah last year. In particular, this legislation will do four things:

1. Further the best interests of the adoptee by reducing the risks of a custody tug-of-war and disruption/dissolution while, at the same time, increasing the odds of stability and permanency;
2. Clarify that putative fathers must strictly comply with statutory provisions in order to protect their inchoate interest;
3. Establish a date/time certain for putative fathers to take action to protect their inchoate interest with respect to a child born out-of-wedlock; and
4. Direct the Department of Health and Welfare to produce and distribute a pamphlet or publication, in English and Spanish, informing the public about the inchoate interest of putative fathers.

### FISCAL NOTE

There is no fiscal impact in adopting this legislation.

#### Contact:

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