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IMPLEMENTING A NATIONAL PUTATIVE FATHER REGISTRY BY UTILIZING EXISTING FEDERAL/STATE COLLABORATIVE DATABASES

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I. INTRODUCTION

Two parents have *successfully* adopted and nurtured a child for several years. Suddenly the biological, unwed father appears and claims he did not consent to the adoption.¹ The unwed father may have a right to the child.²

* J.D. Candidate, 2004. I would like to thank all the members of the John Marshall Law Review. A huge thanks to my family and friends who always encourage me to never give up.

1. In *re* Otakur-Kirchner, 649 N.E.2d 324 (Ill. 1995). Unwed biological father was told his child, "Baby Richard" was dead. *Id.* at 328. "Baby Richard" was not dead and had been placed for adoption. *Id.* at 326. When the father discovered this news he tried to have the adoption reversed due to lack of his consent. *Id.* at 327. The court returned the child to the father after about four years with an adoptive family. *Id.* at 340. The court held the father had been denied consent due to "lies, deceit and subterfuge." *Id.* at 328. The court also held the father "was statutorily entitled to receive notice of the adoption and statutorily required to consent in order for the adoption to be valid . . ." *Id.* Finally the court stated, "It would be a grave injustice . . . to all mothers, fathers and children, to allow deceit, subterfuge . . . together with the passage of time . . . to inure to the Does' benefit at the expense of the right of [the biological father and son] to develop and maintain a family relationship." *Id.* at 339-340.

An unwed mother gave birth to a baby girl, "Baby Jessica," in Iowa and relinquished custody. *In re* Clausen, 502 N.W.2d 649, 652 (Mich. 1993). The unwed mother did not provide the correct father's name. *Id.* The unwed mother and the improperly named father signed release of custody. *Id.* A petition for adoption was filed and the adopted parents returned to Michigan with the child. *Id.* The adoption never occurred because the mother revoked her release and revealed the real birth father's name. *Id.* The birth father filed a petition to intervene in the adoption. *Id.* The adoptive parents were ordered to return the child to the father. *Id.* at 652-53. The legal battle over "Baby Jessica" continued until the child was two and a half years old. *Id.* at 671. The court ordered the return of the child to the natural parents due to lack of the unwed father's consent and the mother's rescission of the release. *Id.* at 668. The U.S. Supreme Court denied a writ of certiorari in the Baby Richard case, thus upholding the return of the child to the unwed biological father. *Doe v. Kirchner*, 515 U.S. 1152 (1995). The U.S. Supreme Court denied the stay of enforcement to return Baby Jessica to the natural parents. *Darrow v. Deboer*, 509 U.S. 1301 (1993). *See also* Mahrugh S. Hussaini, Note, *Incorporating Thwarted Putative Fathers into the Adoption Scheme: Illinois Proposes a Solution After the "Baby Richard" Case*, 1996 U. ILL. L. REV. 189, 208 (describing the Illinois Baby Richard case which led to the creation of the Illinois Putative Father Registry).

In the United States an adoption proceeding³ requires the consent of both parents regardless of their marital status.⁴ Thus, if a court were to agree that the unwed father did not consent, the adoption may be vacated and custody awarded to the biological father.⁵ Over twenty-eight states have adopted Putative Father Registries⁶ [hereinafter Registry or Registries] to avoid this devastating outcome.⁷

The Registry is a database⁸ that contains information about a putative father,⁹ the mother, and the child if known.¹⁰ The Registry's purpose is to ensure that putative fathers can establish their intent to be an active participant in their children's lives.¹¹ This is accomplished by registration in the Registry.¹² The Registry also assists in the adoption process by providing putative fathers with notice of a pending adoption.¹³ Upon receiving notice of an adoption, a putative father can provide his consent or

2. *Kirchner*, 649 N.E.2d at 340; *Clausen*, 502 N.W.2d at 668.

3. See 2 AM. JUR. 2D *Adoption* § 118 (1994) (describing the adoption proceeding in two stages); Startingadoptions.com, *Review of Qualification Requirements for Adoptive Parents*, at <http://www.startingadoption.com/pg5b.asp> (last visited Jan. 27, 2003) (outlining the qualification test that potential adoptive parents must meet).

4. See 2 AM. JUR. 2D *Adoption* § 125 (1994) (stating a putative father is a required party in an adoption proceeding).

5. *Kirchner*, 649 N.E.2d at 340; *Clausen*, 502 N.W.2d at 668.

6. See generally Mary Beck, *Toward a National Putative Father Registry Database*, 25 HARV. J.L. & PUB. POL'Y 1031, 1032 (2002) (describing the need for a national putative father registry).

7. See *Tinya W. v. Quinella W.*, 765 N.E.2d 1214, 1217 (Ill. App. Ct. 2002) (defining the purpose of putative father registries). Registries were "created by the legislature in order to bring finality to adoption proceedings and to preclude a putative father from later challenging the legality of an adoption because he had no knowledge of the proceeding." *Id.*

8. WEBSTER'S NEW WORLD COLLEGE DICTIONARY 368 (4th ed. 2001). A database is defined as a "large collection of data in a computer organized so that it can be expanded, updated and retrieved rapidly for various uses." *Id.*

9. See BLACK'S LAW DICTIONARY 623 (7th ed. 1999) (defining a putative father as "[t]he alleged biological father of a child born out of wedlock"); Illinois Department of Children and Family Services, *Protect Your Rights as a Father: What is a "Putative Father,"* at <http://www.state.il.us/dcfs/putative.htm> (last visited Jan. 27, 2003) (defining a putative father as "a man who may be a child's father, but who was not married to the child's mother before the child was born and has not established the fact that he is the father in a court proceeding").

10. ARK. CODE ANN. § 20-18-702 (2000). This section contains the information used for parents and children in the Arkansas Putative Father Registry. *Id.* Also, in Montana, there is a section that contains information used for parents and children in the Montana Putative Father Registry. MONT. CODE ANN. § 42-2-205 (2001).

11. *A.S.B. v. Dep't of Children & Family Servs.*, 688 N.E.2d 1215, 1224 (Ill. App. Ct. 1997). The putative father registry ensures "putative fathers can protect their interests in their biological children." *Id.* at 1225.

12. See *Protect Your Rights as a Father*, *supra* note 9 (stating that the Department of Children and Family Services shall establish a Putative Father Registry to determine the identity and location of a putative father of a minor child).

13. See 750 ILL. COMP. STAT. § 50/12a (2000) (outlining the putative father rights after registration).

denial to the adoption.¹⁴ States maintain independent Registries, but no linkage exists between them.¹⁵

Registries have had little effect on interstate adoptions.¹⁶ For example, unwed parents reside in Illinois.¹⁷ However, the mother relocates to another state, such as Indiana, and begins adoption proceedings.¹⁸ The father's registration with the Illinois Registry¹⁹ will not entitle him to notice of the adoption in Indiana.²⁰ This problem is due to the lack of information sharing between the Registries.²¹ This Comment proposes a Federal Registry to solve the interstate adoption problem.

Part I of this Comment will review the history, statistics and benefits of adoption. In addition, Part I will discuss unwed fathers rights cases, the registration process and the purpose of Registries. Finally, Part I will discuss the existing federal and state collaborative computer systems, such as the Parent Locator Service, Directories of New Hire, and Child Support Case Registries. Part II analyzes the linkage between state Registries and the current processes of the Child Support Case Registry. As a solution, Part III proposes the creation of a Federal Putative Father Registry.

I. BACKGROUND OF ADOPTIONS, UNWED FATHER'S LITIGATION AND PUTATIVE FATHER REGISTRY

Part A will review the history, statistics and benefits of adoptions. Part B will discuss the case history on the rights of unwed fathers, the purpose of Registries and the registration process. Finally, Part C will discuss the existing federal and state collaborative systems, including Parent Locator Service, Directories of New Hire, and Child Support Case Registries.

A. Adoption Background

Adoption is "the statutory process of terminating a child's legal rights and duties toward the natural parents and substituting similar rights and

14. *Id.*

15. *Heibreder v. Carton*, 645 N.W.2d 355, 376 (Minn. 2002).

16. *Id.* A press release described a court reward of \$7.8 million given to an unwed father whose child was adopted without his consent. Jennifer Bundy, *Adopted Boy's Dad Awarded \$7.8 Million*, THE ASSOCIATED PRESS, July 23, 1998, at 1.

17. *Heibreder*, 645 N.W.2d at 376 (pertaining to a similar fact pattern).

18. *Id.*

19. 750 ILL. COMP. STAT. § 50/12.1 (2000). A putative father may register before the birth of the child and no later than thirty days after the child's birth. *Id.* If a putative father fails to register he is barred from later asserting his interest. *Id.* The registry contains pertinent information on the father, such as name, address and the child's mother's information, if known. *Id.* See also *Kirchner*, 649 N.E.2d at 324 (explaining the Illinois case that led to the creation of the Illinois Registry after an unwed biological father was able to obtain custody after the child had spent three years with an adoptive family); Theodore Postel, *Putative Father Seeks to Vacate Adoption Order*, CHI. DAILY LAW BULLETIN, Apr. 6, 1998, at 4 (describing the creation of the Illinois putative father registry on July 3, 1994).

20. See discussion *supra* note 19 and accompanying text (outlining the Illinois Putative Father Registry).

21. *Id.*

duties toward adoptive parents.”²² Unlike most American laws, the law of adoption did not originate from English Common law.²³ In 1851, Massachusetts became the first state to enact an adoption statute.²⁴ Early statutes indicate that the purpose of adoption was to promote the child’s welfare.²⁵ Current statutes continue to have the child’s welfare as their main purpose.²⁶

Today, adoptions ensure that a child is placed in a stable environment.²⁷ Adoptions are invaluable when biological parents unable or unwilling to provide a stable environment.²⁸ The Uniform Adoption Act of 1994 describes the benefits of adoptions:²⁹

Adoption offers significant legal, economic, social and psychological benefits not only for children who might otherwise be homeless, but also for parents who are unable to care for their children, for adults who want to nurture and support children, and for state governments ultimately responsible for the well-being of children.³⁰

Currently, there are one and a half million adopted children in the United States.³¹ Adoptions require the consent of both parents.³² Prior to 1972, an unwed father’s involvement or consent was not required in legal

22. BLACK’S LAW DICTIONARY 50 (7th ed. 1999). See also UNIF. ADOPTION ACT, 9 U.L.A. 12 (1999) (stating the purpose of the Uniform Adoption Act is to promote the welfare of children and facilitate placement of minors into stable and loving homes); UNIF. ADOPTION ACT § 1, 9 U.L.A. 20 (1999) (defining the key terms involved in an adoption such as: adoptee, “individual who is adopted or is to be adopted”; entity, “authorized by the law . . . to place individuals for adoption”; and Parent, “mother and father or person whose consent necessary for adoption of a minor”).

23. Lisa A. Fuller, Note, *Intestate Succession Rights of Adopted Children: Should the Stepparent Exception be Extended?*, 177 CORNELL L. REV. 1188, 1191-92 (1992).

24. *Id.* at 1192.

25. *Id.*

26. *Id.*

27. *Hunter v. Doe*, 751 N.E.2d 747, 750 (Ind. Ct. App. 2001). States have a legitimate interest in facilitating adoption of young children. *In re Brooks*, 737 N.E.2d 1062, 1069 (Ohio Ct. App. 2000) (Kennedy, J., dissenting). The purpose of the adoption laws is to provide children with a stable home in an “expeditious manner”. *Id.* The state’s interest in adoptions is permanency and stability for children. *Heidbreder*, 645 N.W.2d at 364.

28. See discussion *supra* note 27 and accompanying text (discussing the benefits of adoptions).

29. ADOPTION ACT § 1, 9 U.L.A. 20 (1999).

30. *Id.*

31. See Evan B. Donaldson Adoption Institute, *Overview of Adoption in the United States*, at <http://www.adoptioninstitute.org/FactOverview.html> (last visited Jan. 27, 2003) (noting that “[t]here are 1.5 million adopted children in the United States, over 2% of all U.S. children”); National Adoption Information Clearinghouse, *Adoption Numbers and Trends*, available at http://www.calib.com/naic/pubs/s_number.cfm (last visited Jan. 27, 2003) (stating “[i]n 1992, there were 127,441 children adopted in the United States”); UNIF. ADOPTION ACT § Prefatory Note, 9 U.L.A. 12 (indicating that “[o]f the 130,000 or more adoptions that are granted each year, over half are adoptions of minor children by stepparents or relatives”); AdoptionStatistics.com, *Statistics on Filing Trends in Adoption* http://www.adoptionstatistics.com/filing_trends_in_adoption_1993-1997.asp (last visited Jan. 27, 2002) (providing adoption statistics by state).

32. 2 AM. JUR. 2D *Adoption* § 125.

proceedings involving his children.³³

B. Unwed Fathers and Putative Father Registries Background

1. History

In 1972, the United States Supreme Court first defined the rights of unwed fathers.³⁴ Prior to this ruling, the presumption in Illinois was that all unwed fathers were unfit parents.³⁵ In *Stanley v. Illinois*, an unwed father lost custody of his three children after the death of their mother.³⁶ Under Illinois law, the children became wards of the state without a hearing on the unwed father's fitness.³⁷ The father challenged the Illinois law.³⁸ The father claimed the law violated the Equal Protection Clause of the Fourteenth Amendment.³⁹ The Court held that the Illinois Statute violated Due Process and Equal Protection⁴⁰ because it conclusively presumed every unwed father was unfit to have custody.⁴¹

Additional Supreme Court cases subsequent to *Stanley v. Illinois* clarify the unwed father's rights.⁴² In addition to custody, adoption is another area

33. See *Stanley v. Illinois*, 405 U.S. 645, 655 (1972) (stating “[w]e are not aware of any sociological data justifying the assumption that an illegitimate child reared by his natural father is less likely to receive a proper upbringing than one reared by his natural father who was at one time married to his mother, or that the stigma of illegitimacy is so pervasive it requires adoption by strangers . . .”).

34. *Id.*

35. *Id.* at 646.

36. *Id.*

37. *Id.*; *In re A.P.C.*, 776 So.2d 567, 572 (La. Ct. App. 2000).

[p]arent has not abused the child . . .

[p]arent has consistently offered to provide necessary food, clothing, appropriate, shelter or treatment for the child.

[P]arent suffers from no medical or emotional illness . . . makes him unable or unwilling to provide an adequate permanent home . . .

Parent's past or present conduct . . . would not pose risk of substantial harm to the child.

Id.

38. *Stanley*, 404 U.S. at 646.

39. *Id.*

40. *Id.* at 658.

41. *Id.* at 646.

42. *Quilloin v. Walcott*, 434 U.S. 246, 249-50 (1978). In *Quilloin*, the unwed father did not file a paternity action until the child was eleven and the stepfather filed adoption petition. *Id.* The Court held he was not deprived of his Due Process or Equal Protection rights by the application of the best interest of child standard. *Id.* at 254. The Court also stated that “Due Process Clause would be offended if a State were to attempt to force the breakup of a natural family, over the objections . . . without some showing of unfitness.” *Id.* at 255.

An unwed father's children were adopted by their stepfather without his consent. *Caban v. Mohammed*, 441 U.S. 380, 382 (1979). The unwed father claimed a New York law violated the Equal Protection Clause of the Fourteenth Amendment by allowing an unwed mother authority to veto an adoption. *Id.* at 384-85. The law only allowed the father a veto option by showing it was not in the child's best interest. *Id.* at 388. The Court held that the statute was unconstitutional because it created a distinction between the

where unwed fathers' rights could be violated.⁴³ State Registries were created to ensure an unwed father could not indefinitely challenge adoptions due to lack of notice.⁴⁴

2. Registration Process

The first step for a putative father to assert his rights is to register with the state's Registry.⁴⁵ Knowledge that a sexual relationship existed triggers the mechanism for registration.⁴⁶ Putative fathers must contact the agency that maintains the Registry to fulfill registration requirements.⁴⁷

States require pertinent information about the putative father, mother and the child, if born.⁴⁸ It is the putative father's responsibility to register and ensure the accuracy of the data.⁴⁹ The cost to register is nominal.⁵⁰ The information must be submitted within the timeframe established by the Registry.⁵¹

Registration deadlines vary by state and there may be additional requirements beyond registration.⁵² The Registration timeline is measured by the child's life, not the date of the father's awareness of the child.⁵³ Some Registries have established deadline exceptions when the failure to register

rights of unwed parents to veto an adoption and upheld no state interest. *Id.* at 394.

43. *Kirchner*, 649 N.E.2d at 327.

44. *Hunter*, 751 N.E.2d at 752. The putative father's failure to register was viewed by the court as implied consent to the adoption of his child. *Id.* This terminates his ability to indefinitely contest an adoption. *Id.*

45. *Protect Your Rights as a Father*, *supra* note 9. Registration is accomplished by completing registration forms. *Id.*

46. See MONT. CODE ANN. § 42-2-204 (2000) (stating that individuals who have a sexual relationship bear the presumption that a pregnancy may occur).

47. *Protect Your Rights as a Father*, *supra* note 9.

48. See discussion *supra* note 10 and accompanying text (noting the data state registries require from putative fathers).

49. See MONT. CODE ANN. § 42-1-108 (2000) (stating it is the unwed father's responsibility to protect his paternity rights); *Jones v. Maple*, 734 N.E.2d 281, 285 (Ind. Ct. App. 2000) (stating "responsibility for promptly asserting parental rights on the putative father").

50. See *Protect Your Rights as a Father*, *supra* note 9 (indicating there is no charge for registration); Beck, *supra* note 6, at 1079 (describing existing state putative father registry deadlines and consequences for not registering).

51. OHIO REV. CODE ANN. § 3107.062 (Anderson 2000). A putative father is required to register no later than thirty days after the child's birth at no charge. *Id.*; MINN. STAT. § 259.52 (1998). A putative father is required to register no later than thirty days after the child's birth and also file petition for paternity. 750 ILL. COMP. STAT. § 50/12.1(b). See also Rebecca Aizpuru, Note, *Protecting the Unwed Father's Opportunity to Parent: A Survey of Paternity Registry Statutes*, 18 REV. LITIG. 703, 716 (1999) (defining the registration timelines for putative fathers).

52. See discussion *supra* note 51 and accompanying text (describing registration deadlines for putative fathers).

53. See *Robert O. v. Russell K.*, 604 N.E.2d 99, 103 (N.Y. 1992) (stating even though an unwed father "acted promptly once he became aware of the child," the father still misconstrued whose timetable is relevant. Promptness is measured in terms of the baby's life not by the onset of the father's awareness").

was not the putative father's fault.⁵⁴ Lack of knowledge of the pregnancy, birth, or a mother's fraudulent act typically does not justify late registration or lack of registration.⁵⁵ Once an unwed mother begins adoption proceedings, the Registry is searched for a putative father.⁵⁶

Prior to approval of an adoption, a state's Registry will be searched for a putative father.⁵⁷ If a putative father exists, the father will receive notice of the pending adoption.⁵⁸ If a putative father is not found, an affidavit is sent to the interested party stating that no match was located.⁵⁹

3. Registry Case Law and Process

State Registries were established to protect the unwed fathers' rights and those of other parties interested in the adoption.⁶⁰ Registries ensure that a putative father has authority to become an active participant in the child's life beyond a biological link.⁶¹ Courts have upheld Registries as

54. See MINN. STAT § 259.52 (stating reasons failure to register in the Registry is excused). Lack of registration is excused if the father can prove "it was not possible for him to register within the period of time . . . , failure to register was through no fault of his own; and he registered within ten days after it became possible for him to file." *Id.*

55. *Id.* Failure to register in a putative father registry is not excused when the unwed father asserts lack of knowledge of the pregnancy or birth. *Jones*, 734 N.E.2d at 283. In *Jones*, an unwed mother consented to the adoption of her child. *Id.* The mother stated she did not know the father's identity. *Id.* The Indiana Registry was searched and no match was located. *Id.* The unwed father filed a complaint to establish paternity and registered. *Id.* He also registered with the state's putative father registry when the child was about six months old. *Id.* The Indiana Registry required registration in 30 days. *Id.* at 285. The court held the registration was untimely. *Jones*, 734 N.E.2d at 287. Further, the court noted the father did not contact the mother regarding the possibility of pregnancy. *Id.* at 287.

Another case dealt with a stepfather that adopted the child. *In re Reeves*, 831 S.W.2d 607, 607 (Ark. 1992). The mother claimed she did not know the father's identity, which was false. *Id.* The birth father filed a petition to reverse the adoption due to his lack of consent. *Id.* The birth father never registered with the Arkansas Putative Father Registry. *Id.* The court held that despite the mother's fraud the adoption was valid due to his lack of registration with the registry. *Id.* at 610.

Further, in another case an unwed mother lied about the birth father's identity and placed the child up for adoption. *In re K.J.R.*, 687 N.E.2d 113, 116 (Ill. App. Ct. 1997). The mother later informed the real birth father of the child's existence. *Id.* at 116. The father filed paternity actions. *Id.* at 115. However, the father never registered with Illinois' putative father registry. *Id.* at 117. The father stated his lack of registration was due to the mother's fraud. *Id.* The court held the "mother's misrepresentation . . . would not sufficiently justify reliance on the part of the father so as to excuse his obligation to register." *Id.* at 118.

56. *J.D.C. v. John Doe*, 751 N.E.2d 747, 748 (Ind. App. Ct. 2001). An unwed mother consented to adoption of her child. *Id.* The putative father registry was searched prior to approval of the adoption. *Id.*

57. *Id.*

58. 750 ILL. COMP. STAT. § 50/12a (2003).

59. *Jones*, 734 N.E.2d at 283. The putative father registry was searched and no match found. *Id.* An affidavit was created. *Id.*

60. *A.S.B.*, 608 N.E.2d at 1225.

61. *Lehr v. Robertson*, 463 U.S. 248, 265 (1983). The Court stated that "[p]arental rights do not spring full-blown from the biological connection between parent and child."

constitutional.⁶²

One of the first cases that upheld the constitutionality of Registries was *Lehr v. Robertson*.⁶³ In *Lehr*, the father objected to the adoption of his child by the stepfather, alleging lack of notice, which violated the Due Process and Equal Protection Clause of the Fourteenth Amendment.⁶⁴ New York had an existing Registry that would have provided the father notice of the adoption, but the father failed to register.⁶⁵ The Court upheld the adoption and stated the Registry “adequately protected appellant’s inchoate interest in establishing a relationship with the child . . . no merit . . . that his constitutional rights were offended.”⁶⁶ Lack of registration is considered consent to the adoption.⁶⁷ States currently maintain independent Registries.⁶⁸ However, the federal government has implemented nationwide databases in other areas of family law.⁶⁹

C. Existing Federal/State Collaborative Systems

The federal and state governments have collaborated on several databases that are utilized in family law.⁷⁰ The federal and state collaborative systems assist in solving interstate problems in areas of family law, such as: child support, parental rights, custody, visitation, and parental kidnapping.⁷¹ The following computer system databases are currently available: Federal Parent Locator Service; National Directory of New Hire; and Federal Registry of Child Support Orders.⁷²

1. Federal Parent Locator Service

The existing Federal Parent Locator Service (FPLS) is a computerized national database.⁷³ Interaction exists between the FPLS and a state’s own

Id. at 260.

62. *Id.* at 265.

63. *Id.* at 265. The Court held that the unwed father could not reverse an adoption due to his failure to register with New York’s putative father registry. *Id.*

64. *Id.* at 250.

65. *Id.* at 250-51.

66. *Lehr*, 463 U.S. at 265.

67. *Id.*

68. *Heibreder*, 645 N.W.2d at 376.

69. United States Department of Health and Human Services, *HHS Role in Child Support Enforcement*, at <http://www.os.dhhs.gov/news/press/2002pres/cse.html> (last visited Jan. 27, 2003).

70. *Id.*

71. 42 U.S.C. § 663 (2000). The statute is titled: “Use of Federal Parent Locator Service in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child.” *Id.*

72. See U.S. Department of Health and Human Services, Office of Child Support Enforcement, *About the Federal Parent Locator Service (FPLS)*, available at <http://www.acf.hhs.gov/programs/cse/newhire/about/fpls.htm> (last visited Jan. 27, 2003) (discussing the computer system the federal government uses to aid in child support enforcement).

73. See 42 U.S.C. § 653 (2000) (outlining the purpose and guidelines for the Federal Parent Locator Service (FPLS)). The “FPLS is a computerized national location network” run by the Office of Child Support Enforcement. *About the Federal Parent Locator*

parent locator service.⁷⁴

Pursuant to federal law, each state must establish a State Parent Locator Service (SPLS).⁷⁵ Information requests to the FPLS are executed via the SPLS.⁷⁶ The data sent from SPLS to the FPLS is compared with the National Directory of New Hire Data (NDNH) and the Federal Case Registry (FCR) to assist in locating non-paying parents.⁷⁷ Further, the FPLS can perform searches of external data sources.⁷⁸ New hire data and child support orders are stored in the FPLS.⁷⁹

2. Federal/State New Hire Database

The State Directory of New Hires (SDNH) is a registry of all newly hired employees in the state.⁸⁰ Employers are required by law to report every new employee to the Registry within twenty days of hire.⁸¹ The SDNH data is transmitted to the National Directory of New Hires and is entered within two business days.⁸²

The NDNH was established in October 1997.⁸³ The NDNH has experienced great success evidenced by the fact that it has located more than three million non-paying parents.⁸⁴ The data in the NDNH is compared against the FCR.⁸⁵ When matches are discovered, the child support agencies are notified so that wage deduction information can be sent to the employer.⁸⁶

3. Federal/State Child Support Case Registry

State agencies that administer federal public health and welfare programs are required by law to create a single statewide automated

Service (FPLS), supra note 72.

74. *Id.*

75. 42 U.S.C. § 654a (2000).

76. *About the Federal Parent Locator Service (FPLS), supra note 72.*

77. Maryland Human Services Agency, *Maryland Child Support Enforcement Federal Parent Locator Service*, available at <http://www.dhr.state.md.us/csea/state/parents.htm> (last visited Jan. 27, 2003) [hereinafter Maryland].

78. *Id.*

79. *Id.*

80. 42 U.S.C. § 653a (2000).

81. *See id.* (describing the state new hire database). *See also* 42 U.S.C. § 663 (establishing use of FPLS for enforcement or establishing child custody or parental kidnapping cases.).

82. 42 U.S.C. § 653a(g) (2000).

83. Maryland, *supra* note 77.

84. Welfare Information Network: Resources for Welfare Decisions, *Innovations in Child Support Enforcement*, available at <http://www.welfareinfo.org/sachsmarch.htm> (last visited Jan. 14, 2003). In 1998, 1.2 million delinquent parents were located due to the National Directory of New Hire. *Id.* In 1999, an additional 2.8 million delinquent parents were located. *Id.*

85. North Carolina Department of Health and Human Services, *Child Support Enforcement Program Basics: Federal Case Registry*, available at <http://info.dhhs.state.nc.us/olm/manuals/dss/cse/man/CSEhtm-60.htm> (last visited Jan. 27, 2003) [hereinafter North Carolina].

86. *Id.*

computer system.⁸⁷ A component of the automated system is the State Case Registry (SCR).⁸⁸ The SCR contains information on all child support orders established or modified on or after October 1, 1998, and support orders administered by the agency within the state.⁸⁹ The SCR data is transmitted to the FCR.⁹⁰

The FCR was created October 1, 1998.⁹¹ The FCR empowers states to locate parents that reside in different states to establish, modify, or enforce child support obligations.⁹² The information transmitted from the states is compared against data found in the FCR.⁹³ If matches are located, notification is given to all states affected.⁹⁴ The data in the FCR is also compared against the NDNH⁹⁵ to see if the person is employed.⁹⁶ The success of the FCR/SCR can be utilized in solving the problem of interstate adoptions.

II. ANALYSIS OF REGISTRIES AND THE FEDERAL/STATE CHILD SUPPORT CASE REGISTRY

This section will analyze Registries and the FCR. The following situation illustrates the interstate adoption problem. Two unwed parents reside in Illinois and give birth to a child. The putative father, concerned that the mother will consent to their child's adoption without his knowledge or consent, registers with the Illinois' Registry⁹⁷ to ensure he receives notice of adoption proceedings.⁹⁸ The mother begins adoption proceedings. An "interested party"⁹⁹ requests a search¹⁰⁰ of the Illinois Registry for a putative father.¹⁰¹ A match is located and the father receives notice of the adoption proceeding.¹⁰² In this scenario, the Registry accomplishes its goal of providing adoption notification, but only because the parents reside in the

87. 42 U.S.C. § 654a(a) (2000).

88. *Id.* § 654a(e).

89. *Id.* § 654a(e)(1)(B).

90. *Id.* § 654a(f)(1).

91. North Carolina, *supra* note 85.

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. 750 ILL. COMP. STAT. § 50/12.1 (2003).

98. *Id.* § 50/12a (2003).

99. *Protect Your Rights as a Father*, *supra* note 9. "Interested party" is defined as the "child's mother, the people who want to adopt the child, a child welfare agency, or an attorney representing one of these parties." *Id.*

100. PARENTAGE ACT § 422, 9B U.L.A. 327 (2001). The agency maintaining the Registry is required to furnish a certificate of a registry search. *Id.* The certificate states that a search was made and whether a match was found. *Id.*

101. *Protect Your Rights as a Father*, *supra* note 9. In Illinois, registration occurs by a father filling out a written registration form, signing it, and returning the registration at no cost. *Id.*

102. 750 ILL. COMP. STAT. § 50/7 (2000). The statute contains the form letter used to provide adoption notice to the putative father. *Id.*

same state.

The results are less successful when the parents residence is diverse.¹⁰³ For example, a father resides in Illinois.¹⁰⁴ He believes his paternal rights are protected against an adoption by his registration in the Illinois Registry. However, the mother relocates from Illinois to Indiana and consents to adoption in Indiana.¹⁰⁵ A search¹⁰⁶ of Indiana's Registry¹⁰⁷ fails to return a match. An affidavit¹⁰⁸ is sent to the interested party¹⁰⁹ notifying them that no match exists in the Registry.¹¹⁰ Thus, the adoption can proceed without notice to the father,¹¹¹ because registration in Illinois has no applicability to Indiana.¹¹²

Each state maintains its own independently administered database.¹¹³ This unfortunate reality allows unwed mothers to relocate to another state and, most likely, succeed in an adoption action.¹¹⁴ Courts have acknowledged the interstate adoption problem.¹¹⁵ Courts, however, have held the putative father's lack of knowledge of the mother's location is an insufficient excuse for not registering.¹¹⁶ Courts have also recommended procedures to solve the interstate adoption problem, but they are unduly burdensome to the putative father.¹¹⁷

In *Heidbreder v. Carton*, an unwed couple's child was conceived in Iowa.¹¹⁸ The parents briefly resided together in Iowa.¹¹⁹ The putative father, Heidbreder, knew of the pregnancy.¹²⁰ The mother, Carton, promised not to

103. *Burns v. Crenshaws*, 733 P.2d 922, 922-23 (Or. Ct. App. 1987). The father instituted a paternity action in Washington; however, the mother relocated to Oregon. *Id.* Subsequently, the child was adopted in Oregon. *Id.* at 923. The court held, due to lack of registration in the state's registry, no adoption notice was required. *Id.* at 925.

104. *See id.* (noting an analogous hypothetical).

105. *See* discussion *supra* note 103 and accompanying text (highlighting case law regarding unwed mothers who relocate to a different state from the father and begin adoption proceedings for their child).

106. IND. CODE ANN. § 31-19-6-2 (Michie 2002). Results of a search must be provided no later than ten (10) days after a request is made. *Id.*

107. *See* IND. CODE ANN. § 31-19-5-7 (Michie 1997) (indicating the State Department of Health maintains the putative father registry); IND. CODE ANN. § 31-14-20-1 (Michie 1997) (describing the guidelines that putative fathers have to follow to register); IND. CODE ANN. § 31-19-3-4 (Michie 1997) (discussing the form and notice requirements for a putative father); IND. CODE ANN. § 31-19-5-3 (Michie 1997) (defining the purpose of the Indiana Putative Father Registry).

108. IND. CODE ANN. § 31-19-6-2.

109. *Id.* § 31-19-5-7. This statute defines the interested party or the agency arranging the child's adoption. *Id.*

110. IND. CODE ANN. § 31-19-6-2.

111. *Id.* § 31-19-5-16.

112. 750 ILL. COMP. STAT. § 50/12.1 (2000).

113. *Heidbreder*, 645 N.W.2d at 376.

114. *Id.*

115. *Id.*

116. *Jones*, 734 N.E.2d at 283.

117. *Heidbreder*, 645 N.W.2d at 360.

118. *Id.*

119. *Id.* at 361.

120. *Id.*

relocate or place the child up for adoption.¹²¹ Heibreder was also aware that the mother had family in Illinois and Minnesota.¹²² Carton eventually moved to Minnesota and instituted an adoption proceeding.¹²³ When Heibreder became aware of the proceeding, he registered with the Minnesota Registry.¹²⁴ At the time he registered, the child was thirty-one days old.¹²⁵ To the putative father's dismay, the Minnesota Registry required registration within thirty days of the child's birth.¹²⁶ The court held the adoption was valid because Heibreder had knowledge of the mother's contacts in other states and could have avoided the adoption notice problem by timely registration in Illinois, Minnesota and Iowa.¹²⁷ Registration in multiple states was required because, in Minnesota, "registration with another state's registry does not entitle a putative father to notice."¹²⁸ As long as the biological parents reside in the same state, and the putative father has registered or taken other affirmative steps to establish paternity, few problems arise regarding adoption notification.¹²⁹ Child support orders provide a striking contrast to the independence of registry data.¹³⁰

The federal government recognized the unfairness to children when deprived of financial assistance from both parents.¹³¹ Congress implemented the Uniform Child Support Laws and computer systems to solve the interstate child support enforcement problem.¹³² In the past, a parent with child support obligations could leave the state and evade making payments.¹³³

For example, unwed parents reside in Illinois.¹³⁴ The mother decides

121. *Id.*

122. *Id.*

123. *Id.*

124. *Heibreder*, 645 N.W.2d at 362.

125. *Id.*

126. *Id.*

127. *Id.* at 362-63.

128. *Id.* at 376.

129. *Id.*

130. *See* discussion *supra* notes 118-128 and accompanying text (describing the registries as an independently maintained database).

131. *See* Janelle T. Calhoun, *Interstate Child Support Enforcement System: Juggernaut of Bureaucracy*, 46 MERCER L. REV. 921, 929-30 (1995) (stating that Congress passed the Child Support Recovery Act to deal with the problem of interstate child support). *See also* U.S. Department of Health and Human Services: Office of Child Support Enforcement, available at <http://www.acf.dhhs.gov/programs/cse/ctc/ctc2.htm> (describing the child support enforcement program operated by the United States Department of Health and Human Services). The Court stated that "[t]he child born out of wedlock . . . has an interest in knowing his father and in having two parents to provide and care for him." *Rivera v. Minnich*, 483 U.S. 574, 577 (1987). The Court further stated the "child is entitled to financial assistance from each parent." *Id.* It is a criminal offense for failure to pay child support obligations. 18 U.S.C. § 228(a) (2000).

132. Robert T. Corcoran, *The Uniform Interstate Family Support Act a Final Resolution to a National Crisis*, N.J. L.J., July 19, 1999, at S-8.

133. *Id.*

134. *Bonney v. Bonney*, 695 A.2d 508, 509 (R.I. 1997) (discussing a case upon which the hypothetical situation is based). In *Bonney*, the father relocated from Rhode Island to Florida to avoid paying child support, and held multiple jobs while in Florida. *Id.* The

against adoption and requests financial assistance from the father.¹³⁵ After receiving only sporadic child support payments from the father, the mother procured court-ordered child support.¹³⁶ Rather than pay the child support, the father relocated to another state.¹³⁷ The mother was unaware where the father lived and was placed in an analogous situation as occurs with adoptions for fathers when the mother relocates.¹³⁸ The mother had to locate the father and file a child support order in his new resident state.¹³⁹ When the father discovered the new order, however, he relocated again.¹⁴⁰ To solve this problem the federal government implemented uniform child support laws, which have been enacted in the United States and all its territories.¹⁴¹

The Uniform Interstate Family Support Act's (UIFSA) goal is to provide uniform rules, procedures, and forms for cases of interstate child support.¹⁴² Pursuant to the UIFSA, states are required to pursue child support obligations vigorously for resident and nonresident children.¹⁴³ The goal of UIFSA was simplifying the interstate child support process.¹⁴⁴ It established one governing child support order,¹⁴⁵ standardized child support forms, continuing and exclusive jurisdiction¹⁴⁶ over child support orders, and the ability of states to assert jurisdiction over a parent via a long arm statute.¹⁴⁷ Under the Full Faith and Credit Clause of the Child Support

father then moved from Florida to Michigan, still skirting child support obligations. *Id.* The court held that the father moved to avoid paying child support. *Id.* at 510. One court stated "[i]n 1994, Congress determined that a lack of uniformity in the laws regarding child support orders encouraged noncustodial parents to relocate to other states to avoid the jurisdiction of the courts of the home state." *See also* Day v. Child Support Enforcement Div., 900 P.2d 296, 300 (Mont. 1995). In Day, the father moved constantly to avoid paying child support. *In re* S.L.T. 180 So.2d 374, 376 (Fla. Dist. Ct. App. 1965). The father lived in Nevada, Arizona and Florida. *Id.*

135. *S.L.T.*, 180 So.2d at 376.

136. *Id.*

137. *S.L.T.*, 180 So.2d at 376.

138. *Heibreder*, 645 N.W.2d at 376.

139. *S.L.T.*, 180 So.2d at 376.

140. *Id.*

141. National Conference of State Legislatures, *Adoption of 1996 Uniform Interstate Family Support Act (UIFSA)*, available at <http://www.ncsl.org/programs/cyfl/uifsa.htm> (last visited Nov. 5, 2002) (providing states have adopted the UIFSA according to the National Conference of State Legislatures).

142. Corcoran, *supra* note 132, at S-8.

143. *Id.*

144. *Id.*

145. The UIFSA established "'continuing, exclusive jurisdiction' and one 'controlling order' thus avoiding multiple co-existing orders in different states." *Teare v. Bromley*, 753 A.2d 764, 766 (N.J. Super. Ct. Ch. Div. 2000).

146. *See* discussion *supra* notes 142-143 and accompanying text (examining the Uniform Interstate Family Support Act).

147. U.S. Department of Health and Human Services: Office of Child Support Enforcement, *UIFSA Procedural Guidelines Handbook*, available at <http://www.acf.hhs.gov/programs/cse/fct/uifsa.htm>. The UIFSA allows states to obtain personal jurisdiction over nonresidents under eight circumstances: (1) personal service within the state, (2) consented to the jurisdiction within the state, (3) resided in the state

Orders Act of 1994,¹⁴⁸ interstate wage withholding is the parental tool for enforcement of child support orders.¹⁴⁹

There are no uniform rules, procedures or forms for Registries. Currently, each state has laws that govern its Registry.¹⁵⁰ If uniform laws and full faith laws existed for Registries, the outcome would be different in cases where an unwed father registered in one state and the mother relocated to another.¹⁵¹ States would be forced to acknowledge the paternity actions and registration in the other state. The federal government's approach to child support collection differs dramatically from its approach to putative father's registration. The federal government has developed a centralized database of state child support orders.¹⁵²

The FCR is a centralized database of all state child support orders maintained in the SCR.¹⁵³ Unlike the Registry; non-custodial parents can no longer rely on the independence of state support agencies to elude child support payments.¹⁵⁴ The collaboration between the federal and state systems ensures that delinquent parents cannot simply cross state-lines to avoid parental obligations.¹⁵⁵ The centralized database assists parents in locating child support orders.¹⁵⁶ To locate parents with child support orders, a state will utilize the SPLS using the parent's Social Security number.¹⁵⁷ The SPLS also checks the records of external state agencies for information on the parent, such as a driver's license number and unemployment insurance records.¹⁵⁸ If no match is found in the state system, the federal system is utilized.¹⁵⁹ If a match is not found in the state, a search can be instituted in the FPLS, which will include searches of external sources.¹⁶⁰ The FCR also searches the NDNH, which is a centralized database of states' new hires information.¹⁶¹ The databases help locate nonpaying parents who have jobs in other states to enforce child support orders.¹⁶² Registries

with the child, (4) resided in the state and provided benefits or support for the child, (5) the child resides in the state due to individual's action, (6) engaged in sexual intercourse in the state and conception may have occurred in the state, (7) putative father registry registration, and (8) any other legal basis. *Id.*

148. 28 U.S.C. § 1738B (2000).

149. *Id.*

150. Beck, *supra* note 6, at 1079.

151. Heibreder, 645 N.W.2d at 376.

152. 42 U.S.C. § 654a (2003).

153. *Id.* § 654a(f)(1).

154. *Id.*

155. *Id.*

156. *Id.*

157. San Diego County Department of Child Support Services, available at <http://www.sandiegochildsupport.com/cms/index.php?category=13> (last visited Aug. 18, 2003).

158. *Id.*

159. *Id.*

160. Maryland Human Services Agency, *Maryland Child Support Enforcement: External Locate Services*, available at <http://www.dhr.state.md.us/csea/state/externls.htm> (last visited Aug. 18, 2003).

161. 42 U.S.C. § 653a (2003).

162. *Id.*

perform searches only within its state's data.¹⁶³

Registries do not have the same advantages as child support collection procedures. Registries maintain data separately¹⁶⁴ and they place the burden on the father to register in multiple states where the mother may live.¹⁶⁵ Due to lack of uniformity of Registries, registration by the father will require him to investigate each state's requirement.¹⁶⁶ The independent maintenance creates a problem for a putative father if, despite multiple registrations, the mother relocates to a state the father had not registered in.¹⁶⁷ There are no external searches available that a putative father could use within a Registry in order to locate a mother who leaves the state.¹⁶⁸

The FCR and Registries, however, maintain similar data.¹⁶⁹ Both systems store parental information that includes name, address, Social Security number, birth date, and alias.¹⁷⁰ The data stored regarding the child is name, gender, city and state of birth, as well as date of birth.¹⁷¹ Court case information is also available for both the FCR and Registry.¹⁷² There are a few key fields that are not available in both systems.¹⁷³

One additional field required by the Registry, is the date the data was entered in the Registry.¹⁷⁴ Also, FCR has a field that indicates past domestic violence to protect families.¹⁷⁵ Registries do not have this safeguard and an

163. MONT. CODE ANN. § 42-2-217 (2000). The statute describes the individuals who can request a search of Montana's registry. *Id.*; ARIZ. REV. STAT. 8-106.01 (1999). The Missouri statute contains a description of Missouri's putative father registry and how searches are conducted. MO. REV. STAT. § 192.016 (1996). There may be a cost charged in New Mexico for putative father registry searches. N.M. STAT. ANN. § 32A-5-20 (Michie 1999).

164. *Heibreder*, 645 N.W.2d at 376.

165. *Id.*

166. *Id.* at 362-63.

167. *Id.*

168. *Id.*

169. U.S. Department of Health and Human Services: Office of Child Support Enforcement, *Federal Case Registry (FCR) Interface document*, available at <http://www.acf.dhhs.gov/programs/cse/newhire/docs/fopspec02-02.pdf> (last visited Jan. 27, 2003). Some of the fields of the Federal Case Registry are: record identifier, action type code, member identification, state code, version control number, date stamp, batch number, case identification number, case type, order indicator, participant type, first name, and last name. *Id.* Optional fields in the Federal Case Registry are: family violence indicator, gender, father's and mother's name, date of birth, Social Security number, city, and state of birth. *Id.* Putative Father Registry generally requires the following data: name, address, Social Security number, date of birth or anticipated date of birth, alias, and optional paternity case information. IND. CODE ANN. § 31-19-5-7 (Michie 2002).

170. *See* discussion *supra* note 169 and accompanying text (discussing the fields used in the Federal Case Registry).

171. *Id.*

172. *Id.*

173. IND. CODE ANN. § 31-19-5-7 (Michie 2002).

174. *Id.*

175. 42 U.S.C. 653(b). The Federal Parent Locator Service contains a field called family violence indicator. *Id.* The state sets the domestic violence field when it has reasonable evidence of domestic violence or child abuse involving a party information request involves. *Id.* When the family violence indicator is encountered, data can only be

individual who has fathered a child from a domestic violence relationship or sexual assault may be able to obtain this information.¹⁷⁶ The FCR has instituted safeguards to ensure the data entered is valid, which is not present in Registries.¹⁷⁷

The FCR performs validation checks with data from the Social Security Administration before it is added to the FCR.¹⁷⁸ This allows for validation of data prior to its entry in the FCR.¹⁷⁹ The responsibility of the data validity in the Registry is placed upon the putative father.¹⁸⁰ The FCR, therefore, successfully thwarts parents from merely relocating to avoid child support and serves as a model for interstate adoption procedures.¹⁸¹

III. IMPLEMENTATION OF A FEDERAL REGISTRY BY UTILIZING THE EXISTING FCR AND FPLS

In order to ensure that a putative father receives notice of an adoption, regardless of the mother's location, a Federal Registry should be created to allow a putative father an efficient system to locate his child's mother. The Federal Registry will be a compilation of the individual state Registries. Others have agreed that there is a need for a Federal Registry, but proposed its implementation by creating an entirely new database.¹⁸² However, rather than creating a new federal database, the existing Federal Child Support Case Registry should be used.

The best approach to implement the Federal Registry is to utilize the existing FCR, which is a component of the Federal Parent Locate Service.¹⁸³ The success of the FPLS and FCR should be used in the implementation of a

released to the court. *Id.*

176. Maryland, *supra* note 77.

177. North Carolina, *supra* note 85. "Social Security numbers sent from state case registries are verified prior to data being posted to the FCR." *Id.* "Verification simply indicates that the name and Social Security number . . . matches the record at the Social Security Administration." *Id.*

178. *Id.*

179. *Id.*

180. *Jones*, 734 N.E.2d at 285.

181. U.S. Department of Health and Human Services: Office of Child Support Enforcement, *Executive Action on Child Support*, available at <http://www.acf.dhhs.gov/programs/cse/new/csr9607.htm#9607a> (last visited Jan. 27, 2003). "Approximately 30 percent of the current child support caseload involves interstate cases." *Id.*

182. Beck, *supra* note 6, at 1076. It has been proposed to implement a National Putative Father Database by creating a new database by congressional legislation. *Id.* The proposal specifies that the following data should be maintained: name, date of birth, Social Security number, driver's license number, address, telephone number, place and address of employment, location of possible conception, month and/or year, birth date of child or expected deliver date, name, gender and birth date of child if known, and any court action information. *Id.*

183. 42 U.S.C. § 653(h)(1) (2000). The Federal Case Registry is a component of the Federal Parent Locator Service. *Id.* The Illinois state case registry furnishes information to the Federal Case Registry. 750 ILL. COMP. STAT. 5/505 (2000). Data in the Federal Case Registry is matched against new hire data. *Kansas v. U.S.*, 214 F.3d 1196, 1198 (10th Cir. 2000).

Federal Registry.¹⁸⁴ The FCR already stores many of the same fields utilized in the Registry, such as the parents' and child's names, Social Security number, date of birth, city and state of birth, gender, and parent's alias names.¹⁸⁵ However, modification of the FCR may be necessary to accommodate the Registry data.

Registries allow optional paternity case information.¹⁸⁶ However, the child support case information is a required field in the FCR.¹⁸⁷ The FCR must be modified to be able to accept optional case information for Registries.¹⁸⁸ The Registry also allows for a child's anticipated date of birth.¹⁸⁹ The FCR makes no distinction between actual or anticipated date of birth.¹⁹⁰ The FCR must be revised to indicate whether the date of birth entered is actual or anticipated.¹⁹¹ The FCR should be revised to accept the Registry data. It must create a method to distinguish the Registry data from the new hire and child support data present in the FPLS.¹⁹² Further, the FCR must allow for putative father data to be entered or searched for non IV-D cases. Changes will also be required in the Registry to allow for implementation of the Federal Registry.¹⁹³

The Federal Registry will allow Registries to benefit from the use of the family violence indicator.¹⁹⁴ The Registries can utilize the family violence field to protect the mother's identity.¹⁹⁵ The Registry can identify individuals who have been victims of abuse. This will ensure the mothers' safety.

The Federal Registry will allow states to benefit from the existing external searches available in the FCR.¹⁹⁶ A state's Registry will allow for only searches within the state's own data.¹⁹⁷ The FCR performs external data searches through the Social Security Administration, Defense

184. See discussion *supra* notes 72-86 and accompanying text (analyzing the federal computer systems).

185. North Carolina, *supra* note 85.

186. See discussion *supra* notes 169 and accompanying text (describing the registry data fields).

187. Federal Case Registry Interface document, *supra* note 169, at A-3.

188. *Id.*

189. *Id.*

190. *Id.*

191. *Id.*

192. *Id.*

193. *Id.*

194. North Carolina, *supra* note 85. The family violence indicator field is supplied by the State Case Registries. *Id.*

195. *Id.*

196. U.S. Department of Health and Human Services: Office of Child Support Enforcement, *Federal Case Registry Interface Guidance Document, Version 9.0*, available at http://www.acf.hhs.gov/programs/cse/newhire/library/fcr/fcr_igd_v9.zip (last visited Nov. 14, 2002). External sources that can be searched are: the Department of Defense, the Federal Bureau of Investigation, the Internal Revenue Service, the Social Security Administration, the Department of Veterans Affairs, and the National Directory of New Hires. *Id.*

197. *Id.*

Department, Veteran Administration, and FBI.¹⁹⁸ The Federal Registry will allow for a search of external data to assist in locating parents who have moved to another state. Search capability can also be expanded to perform proactive searches.

When child support case information is sent to the FCR it is automatically searched against existing FCR data and external data such as new hire information.¹⁹⁹ Currently, searches are only performed when an adoption is pending.²⁰⁰ The Federal Registry will allow for similar searches. When states send data to the Federal Registry, the external searches can be performed to see if other states have similar data. These searches can verify the parents' location. Laws similar to those utilized with child support enforcement will need to be implemented for the Federal Registry.

Some of the laws required are: uniform registry laws, a federal mandate requiring state Registries, a change in Office of Child Support Enforcement (OCSE) functions to include Registries, and an institution of search mechanisms when data is sent to locate unwed parents. A uniform act similar to the Uniform Interstate Family Support Act (UIFSA) should be created for registration to standardize registration requirements.²⁰¹ Some of the areas that would require standardizing would be registration deadlines, exceptions, fees, registration methods, criminal penalties, information required for the parents and child, individuals who can obtain access to the data, and standardize notice procedure when matches are located. The Uniform Act could also be used to ensure that personal jurisdiction could be obtained over adoption proceedings. The federal government could also assist in the Registry implementation.

Congress and other Registry authorities need to require each state to have Registries in place by a set deadline. This may require modification or additional statutes to include Registry data. The authority of the Office of Child Support Enforcement (OCSE)²⁰² will need to be revised to include the administration of Registry data. OCSE will also need to create manuals for Registries' administrators, certification programs for existing Registries, and provide assistance to states. When the FCR was implemented, states were able to utilize existing child support databases if guidelines were met.²⁰³ Likewise, the Registries should be able to utilize their existing databases with minor changes. Timelines should be created for the initial acceptance of Registry data by the FCR, implementation of state uploads, and

198. *Id.*

199. *Id.*

200. *Ex parte* S.C.W., 826 So.2d 844 (Ala. 2001). Upon receipt of a request due to a pending adoption, the putative father registry is searched. *Id.*

201. UIFSA Procedural Guidelines Handbook, *supra* note 147.

202. U.S. Department of Health and Human Services: Office of Child Support Enforcement, available at <http://www.acf.dhhs.gov/programs/cse/ftc/ftc2.htm> (last visited Nov. 14, 2002). The Office of Child Support Enforcement is a division of the United States Department of Health and Human Services. *Id.*

203. U.S. Department of Health and Human Services: Office of Child Support Enforcement, available at <http://www.acf.dhhs.gov/programs/cse/stsys/tab2.htm> (last visited Jan. 27, 2003).

implementation by states of the uniform act. Additional timelines will need to be established to determine how often states must provide information to the Federal Registry. This proposed Federal Registry will ultimately aid the father in implementing his parental rights.

A Federal Registry would ensure that a putative father's parental rights are not ignored when a mother relocates to another state without his knowledge. The proposed Federal Registry would also ensure that a child possesses the option of being raised by a natural parent.

IV. CONCLUSION

In order to prevent interstate adoptions without a putative father's consent, a Federal Registry should be implemented. The Federal Registry should contain all the State Registry's putative father data. The establishment of a Federal Registry would ensure the putative father's constitutional rights are not violated.²⁰⁴ It also would ensure that children are given the option to be reared by a natural parent.²⁰⁵ As the birth rate for unwed mothers²⁰⁶ continue to rise the need to protect putative father's rights also increases. The birth rate has led to an increase of single parent households.²⁰⁷

The need for a Federal Registry is also justified due to the problems encountered by children without fathers.²⁰⁸ Research indicates that children who grow up without their father have an increased rate of suicides and incarceration for violent offenses.²⁰⁹ Registries help to protect the rights of unwed fathers to be participants in their children's lives.²¹⁰ In contrast, the

204. *Kirchner*, 649 N.E.2d at 327.

205. *Id.* at 328.

206. See Joyce A. Martin, MP.H., et. al. *Births: Final Data for 2000*, 50 NATIONAL VITAL STATISTICS REPORTS 1 (Feb. 12, 2001), available at http://www.cdc.gov/nchs/data/nvsr/nvsr50/nvsr50_05.pdf (stating "[t]he number of births to unmarried woman, the birth rate, and the percent of births that were to unmarried women rose 1 to 3 percent, but the birth rates for unmarried teenagers declined").

207. *Legislation May Protect Fathers' Paternal Role*, CHI. DAILY LAW BULLETIN, Apr. 21, 1991, at 2. "According to the U.S. Census Bureau, 18 million children now live in single-parent homes." *Id.* See also Carmen McCollum, *Father's Rights a Growing Niche for Law Practices*, THE TIMES, June 16, 2002, at 1.

208. *Legislation May Protect Fathers' Paternal Role*, *supra* note 207, at 2. Research has shown that children benefit from relationships with both their parents. See *id.* (stating that "[s]eventy-two percent of all teenage murderers grew up without fathers" and "[t]hree of four teen suicides occur in single-parent families"). See also U.S. Department of Health and Human Services: Office of Child Support Enforcement, *HHS Fatherhood Initiative*, available at <http://www.acf.dhhs.gov/programs/cse/ct/fthr990621.htm> (last visited Jan. 27, 2003) (stating the fatherhood initiative was created in June of 1995 under President Clinton's administration). It challenged all federal agencies "to reach out to fathers to support their positive involvement in the lives of their children." *Id.* Some of the statistics quoted in the fatherhood initiative are: "Higher levels of father involvement in activities with their children, such as eating meals together, going on outings, and helping with homework, are associated with fewer behavior problems, higher levels of sociability, and a higher level of school performance among children and adolescents." *Id.*

209. *Id.*

210. *A.S.B.*, 688 N.E.2d at 1224.

current Registries allow unwed mothers to thwart a father's adoption notice right by relocating to another state.²¹¹

The Federal Registry can be implemented by utilizing the existing methods for interstate child support. The interstate child support methods collected a record \$14.4 billion from non-custodial parents in 1998, an increase of seven percent from 1997.²¹² The implementation of the Federal Registry via the existing FCR and FPLS should reduce the time and cost for implementation and allow the federal government to utilize existing knowledge rather than starting anew.

211. *Heibredner*, 645 N.W.2d at 376.

212. HHS Fatherhood Initiative, *supra* note 208.

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