



General Assembly

February Session, 2000

Raised Bill No. 5764

LCO No. 2007

Referred to Committee on Human Services

Introduced by:

(HS)

An Act Promoting The Rights Of Adopted Individuals.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Notwithstanding the provisions of chapter 803
2 of the general statutes, if the parental rights of biological parents of an
3 individual have been terminated in this state before October 1, 1977, or
4 on or after the effective date of this act, such individual, on attaining
5 eighteen years of age or any time thereafter, (1) may examine the
6 individual's original birth certificate or birth record and receive a copy
7 of such certificate or record pursuant to section 7-51 of the general
8 statutes, and (2) may access information in possession of a child-
9 placing agency or the Department of Children and Families that
10 identifies the individual's biological parents. Any information
11 provided in this section shall not be released unless the registrar of
12 vital statistics, the Department of Public Health, any child-placing
13 agency or the Department of Children and Families, as the case may
14 be, is satisfied as to the identity of the person requesting the
15 information.

16 (b) An individual requesting information under this section who is
17 of the opinion that an item of information is being withheld may

18 petition the Probate Court for an order for release of the information.

19 Sec. 2. (NEW) (a) Notwithstanding the provisions of chapter 803 of
20 the general statutes, if the parental rights of the biological parents of an
21 individual were terminated in this state on or after October 1, 1977,
22 and before the effective date of this act, that individual may, on
23 attaining eighteen years of age or any time thereafter, petition the
24 Probate Court (1) for permission to examine the individual's original
25 birth certificate or birth record and to receive a copy of that certificate
26 or record, and (2) for an order for a child-placing agency or the
27 Department of Children and Families to release information in its
28 possession that identifies the individual's biological parents. The
29 Probate Court shall not accept any such petition unless the court is
30 satisfied as to the identity of the petitioning individual.

31 (b) The petition may be filed in the probate court in the probate
32 district (1) where the child-placing agency or the Department of
33 Children and Families has an office, or (2) where the individual
34 resides, or (3) if the individual was adopted, where the adoption was
35 finalized.

36 (c) The court shall give notice of the petition to each biological
37 parent who was party to the order terminating parental rights. The
38 notice shall be sent, no later than ten days after the filing of the
39 petition, by registered mail, return receipt requested, to such biological
40 parent at the most recent address of record, including any address
41 registered pursuant to section 45a-755 of the general statutes, as
42 amended by this act.

43 (d) The notice shall state that (1) a petition has been filed in the
44 Probate Court requesting information that will identify the biological
45 parent of the petitioner, and (2) such information will be released to
46 the petitioner unless the biological parent, within twenty days of the
47 filing of the petition, files an objection with the Probate Court to the
48 release of such information.

49 (e) If service by mail on such parent cannot be made, the Probate
50 Court shall promptly cause notice to the parent to be published in a
51 newspaper having a substantial general circulation in the probate
52 district in which the petition was filed. The notice shall identify the
53 individual sought to be given notice and state that a matter is pending
54 in the Probate Court concerning the release of information that may be
55 of interest to the individual and that the individual has ten days to file
56 with the Probate Court a statement of the individual's interest in the
57 matter together with a current address. If the biological parent files a
58 statement of interest in the matter, the Probate Court shall give notice
59 to such parent by such reasonable means as it may determine of the
60 petition requesting release of information concerning the parent's
61 identity and of the parent's right, within twenty days, to file an
62 objection with the Probate Court to the release of such information.

63 (f) The court shall immediately grant the petition (1) if twenty days
64 after giving notice of the petition requesting release of identifying
65 information, no objection to the release of the information has been
66 filed, or (2) if ten days after publication of the newspaper notice, the
67 parents have not filed a statement of interest.

68 (g) If a biological parent objects in a timely manner to release of the
69 information, the court shall set the matter for a hearing no later than
70 seven days after the objection is filed. The court shall allow parties to
71 present evidence of their interests in the release or nondisclosure of the
72 identity of the biological parent, but shall conduct the hearing in a
73 manner that protects the identity of the objecting biological parent.
74 After the hearing, the court shall grant the petition for release of
75 identifying information unless, after weighing the respective interests,
76 the court finds, for good cause, that the identity of the biological parent
77 should not be released. The court shall render a decision within twenty
78 days after the last hearing on the merits as to whether the requested
79 information should be released. If a decision is not rendered within
80 twenty days, the petition shall be deemed to be granted.

81 (h) Court fees and expenses shall be waived.

82 Sec. 3. Section 7-53 of the general statutes is repealed and the
83 following is substituted in lieu thereof:

84 Upon receipt of the record of adoption referred to in subsection (e)
85 of section 45a-745 or of other evidence satisfactory to the Department
86 of Public Health that a person born in this state has been adopted, said
87 department shall prepare a new birth certificate of such adopted
88 person. Such new birth certificate shall include all the information
89 required to be set forth in a certificate of birth of this state as of the date
90 of birth, except that the adopting parents shall be named as the parents
91 instead of the genetic parents and, when a certified copy of the birth of
92 such person is requested by an authorized person, a copy of the new
93 certificate of birth as prepared by the department shall be provided,
94 except that the registrar of vital statistics of any town in which the
95 birth of such person was recorded or the Department of Public Health
96 [may] shall, except for individuals subject to section 2 of this act, issue
97 a certified copy of the original certificate of birth on file, marked with a
98 notation by the issuer that such original certificate of birth has been
99 superseded by a new certificate of birth as on file, [or may] and shall,
100 permit the examination of such record upon a written order, in
101 accordance with the provisions of section 2 of this act or section 45a-
102 751, signed by the judge of the probate court for the district in which
103 the adopted person was adopted or born or upon written order of the
104 Probate Court in accordance with the provisions of section 45a-752,
105 stating that the court is of the opinion that the examination of the birth
106 record of the adopted person by the adopting parents or the adopted
107 person, if over eighteen years of age, or by the person wishing to
108 examine the same or that the issuance of a copy of such birth certificate
109 to the adopting parents, adopted person, if over eighteen years of age
110 or to the person applying therefor will not be detrimental to the public
111 interest or to the welfare of the adopted person or to the welfare of the
112 genetic or adoptive parent or parents. Immediately after a new
113 certificate of birth has been prepared, an exact copy of such certificate,

114 together with a written notice of the evidence of adoption, shall be
115 transmitted by the department to the registrar of vital statistics of each
116 town in this state in which the birth of the adopted person is recorded.
117 The new birth certificate, the original certificate of birth on file and the
118 evidence of adoption shall be filed and indexed, under such
119 regulations as the Department of Public Health makes to carry out the
120 provisions of this section and to prevent access to the records of birth
121 and adoption and the information therein contained without due
122 cause, except as herein provided. Any person, except such parents or
123 adopted person, who discloses any information contained in such
124 records, except as herein provided, shall be fined not more than five
125 hundred dollars or imprisoned not more than six months or both.
126 Whenever a certified copy of an adoption decree from a court of a
127 foreign country, having jurisdiction of the adopted person, is filed with
128 the Department of Public Health under the provisions of this section,
129 such decree, when written in a language other than English, shall be
130 accompanied by an English translation, which shall be subscribed and
131 sworn to as a true translation by an American consulate officer
132 stationed in such foreign country.

133 Sec. 4. Section 45a-755 of the general statutes is repealed and the
134 following is substituted in lieu thereof:

135 (a) Notwithstanding the provisions of sections 45a-746 to 45a-754,
136 inclusive, the department and each child-placing agency which was
137 party to, or participated in, either applications for approval of
138 adoption agreements or termination of parental rights shall maintain
139 registries. Such registries shall contain registrations of voluntary
140 consents, refusals of consent and revocations of consent to the release
141 of information which would identify the registrant. In the case where
142 no child-placing agency was party to or involved in either proceeding,
143 the Department of Children and Families shall establish and maintain
144 such registry. At any time following the termination of parental rights,
145 the registration may be filed by: (1) A biological parent who was a
146 party to the proceeding for the termination of parental rights; (2) an

147 adult adopted person, an adult adoptable person, an adult adopted
148 biological sibling of an adoptable or adopted person, or an adult
149 nonadopted biological sibling of an adoptable or adopted person; (3)
150 lineal ascendants and descendants of a deceased biological parent; (4)
151 an adoptive parent for the purpose of obtaining medical information
152 which affects an adopted person; or (5) a person claiming to be the
153 father who was not a party to the proceeding for the termination of
154 parental rights. No registrations shall be accepted unless the child-
155 placing agency or department is satisfied as to the identity of the
156 registrants.

157 (b) Notwithstanding the provisions of sections 45a-746 to 45a-754,
158 inclusive, the department and each child-placing agency which was a
159 party to, or participated in, either applications for approval of
160 adoption agreements or termination of parental rights shall maintain
161 registries for medical information. The department and each such
162 child-placing agency shall receive medical information concerning an
163 adopted person provided by a biological parent or blood relative of
164 such adopted person. Upon receipt of such information, the
165 department or child-placing agency shall notify such adopted person
166 or, if such person is a minor, the adoptive parent of such adopted
167 person of the availability of such information, provided the
168 department or child-placing agency has the address or telephone
169 number of such adopted person or adoptive parent. No information
170 that would tend to identify the biological parent or blood relative
171 providing the medical information shall be disclosed without the
172 consents required by subsection (a) of this section.

173 (c) Any biological parent may register such parent's name and
174 address in a registry maintained pursuant to subsection (a) of this
175 section for the purpose of receiving notice of a petition to release the
176 identity of such biological parent pursuant to section 2 of this act.

177 Sec. 5. Section 45a-744 of the general statutes is repealed.

HS **Committee Vote:** Yea 11 Nay 7 JF C//R JUD