



Substitute Senate Bill No. 4

Public Act No. 06-71

AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES.

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

Section 1. Section 45a-751b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) [If] Except as provided in subsection (c) of this section, if parental rights were terminated on or after October 1, 1995, any information tending to identify the adult adopted or adoptable person, a biological parent, including a person claiming to be the father who was not a party to the proceedings for termination of parental rights, or adult biological sibling shall not be disclosed unless written consent is obtained from the person whose identity is being requested.

(b) [If] Except as provided in subsection (c) of this section, if parental rights were terminated on or before September 30, 1995, (1) any information tending to identify the biological parents, including a person claiming to be the father who was not a party to the proceedings for the termination of parental rights, shall not be disclosed unless written consent is obtained from each biological parent who was a party to such proceedings, and (2) identifying

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information shall not be disclosed to a biological parent, including a person claiming to be the father who was not a party to the proceedings for termination of parental rights, without the written consent of each biological parent who was a party to such proceedings and the consent of the adult adopted or adoptable person whose identity is being requested.

(c) Regardless of the date parental rights were terminated, any adult adopted person whose adoption was finalized on or after October 1, 2006, and for whom a new certificate of birth was established on or after October 1, 2006, pursuant to section 7-53, as amended by this act, or if such person is deceased, an authorized applicant as defined in subparagraph (D) of subdivision (3) of section 45a-743, may apply for and receive a copy of (1) the person's sealed original birth certificate or record pursuant to section 7-51, as amended by this act, and (2) any contact preference form attached to the sealed original birth certificate or record pursuant to section 7-51, as amended by this act. Nothing in this subsection shall be construed to limit such person's or authorized applicant's access to information pursuant to this part.

[(c)] (d) If the whereabouts of any person whose identity is being sought are unknown, the court shall appoint a guardian ad litem pursuant to subsection (c) of section 45a-753.

[(d)] (e) When the authorized applicant requesting identifying information has contact with a biological sibling who is a minor, identifying information shall not be disclosed unless consent is obtained from the adoptive parents or guardian or guardian ad litem of the sibling.

[(e)] (f) Any information tending to identify any adult relative other than a biological parent shall not be disclosed unless written consent is obtained from such adult relative. The consent of any biological parents common to the person making the request and the person to

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be identified shall be required unless (1) the parental rights of such parents have been terminated and not reinstated, guardianship has been removed and not reinstated or custody has been removed and not reinstated with respect to such adult relative, or (2) the adoption was finalized on or after June 12, 1984. No consent shall be required if the person to be identified is deceased. If the person to be identified is deceased, the information that may be released shall be limited as provided in subsection (e) of section 45a-753.

[(f)] (g) Any adult person for whom there is only removal of custody or removal of guardianship as specified in subsection (b) of section 45a-750, as amended by this act, may apply in person or in writing to the child-placing agency, the department, the court of probate or the superior court [which] that has the information. Such information shall be made available within sixty days of receipt of such request unless the child-placing agency, department or court notifies the person requesting the information that it cannot be made available within sixty days and states the reason for the delay. If the person making such request is a resident of this state and it appears that counseling is advisable with release of the information, the child-placing agency or department may request that the person appear for an interview. If the person making such request is not a resident of this state, and if it appears that counseling is advisable with release of the information, the child-placing agency, department or court may refer the person to an out-of-state agency or appropriate governmental agency or department, approved by the department or accredited by the Child Welfare League of America, the National Conference of Catholic Charities, the Family Services Association of America or the Council on Accreditation of Services of Families and Children. If an out-of-state referral is made, the information shall be released to the out-of-state child-placing agency or department for release to the applicant, provided such information shall not be released unless the out-of-state child-placing agency or department is satisfied as to the identity of the

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person.

Sec. 2. Section 7-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) (1) The department and registrars of vital [records] statistics shall restrict access to and issuance of a certified copy of birth and fetal death records and certificates less than one hundred years old, to eligible parties described in subdivision (2) of this subsection and the following eligible parties: [(1)] (A) The person whose birth is recorded, if over eighteen years of age; [(2)] (B) such person's children, grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the chief executive officer of the municipality where the birth or fetal death occurred, or the chief executive officer's authorized agent; [(4)] (D) the local director of health for the town or city where the birth or fetal death occurred or where the mother was a resident at the time of the birth or fetal death, or the director's authorized agent; [(5)] (E) attorneys-at-law and title examiners representing such person or such person's parent, guardian, child or surviving spouse; [(6)] (F) members of genealogical societies incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state; [(7)] (G) agents of a state or federal agency as approved by the department; and [(8)] (H) researchers approved by the department pursuant to section 19a-25.

(2) The department shall provide access to and issuance of a copy of a sealed original birth record or certificate marked with the same notation required for such records under subsection (c) of section 7-53, as amended by this act, to any person twenty-one years of age or older whose adoption was finalized on or after October 1, 2006, and for whom a new certificate of birth was established on or after October 1, 2006, pursuant to section 7-53, as amended by this act, because of the adoption, or if the person is deceased, an authorized applicant as defined in subparagraph (D) of subdivision (3) of section 45a-743,

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provided the department is satisfied as to the identity of the person or authorized applicant requesting the record or certificate.

(3) Except as provided in section 19a-42a and subdivision (2) of this subsection, access to confidential files on paternity, adoption, gender change or gestational agreements, or information contained within such files, shall not be released to any party, including the eligible parties listed in subdivision (1) of this subsection, except upon an order of a court of competent jurisdiction.

(b) No person other than the eligible parties listed in subsection (a) of this section shall be entitled to examine or receive a copy of any birth or fetal death certificate, record or information, or disclose any matter contained therein, except upon written order of a court of competent jurisdiction. Nothing in this section shall be construed to permit disclosure of information contained in the "information for medical and health use only" or the "information for statistical purposes only" section of a birth certificate, other than the Social Security numbers, race and ethnicity information of the parent or parents recorded in the "administrative purposes" section of an electronically filed birth or fetal death certificate or displayed on a manually filed birth or fetal death certificate, unless specifically authorized by the department for statistical or research purposes. Such confidential information, other than the excluded information set forth in this subsection, shall not be subject to subpoena or court order and shall not be admissible before any court or other tribunal.

(c) The registrar of the town in which the birth or fetal death occurred or of the town in which the mother resided at the time of the birth or fetal death, or the department, may issue a certified copy of the certificate of birth or fetal death of any person born in this state [which] that is kept in paper form in the custody of the registrar. Such certificate shall be issued upon the written request of an eligible party listed in subsection (a) of this section. Any registrar of vital statistics in

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this state with access, as authorized by the department, to the electronic vital records system of the department may issue a certified copy of the electronically filed certificate of birth or fetal death of any person born in this state upon the written request of an eligible party listed in subsection (a) of this section.

(d) The department and each registrar of vital statistics shall issue only certified copies of birth certificates or fetal death certificates for births or fetal deaths occurring less than one hundred years prior to the date of the request, except as provided in subdivision (2) of subsection (a) of this section.

(e) (1) With respect to an original birth record or certificate that was superseded by a new birth certificate pursuant to section 7-53, as amended by this act, and that may be made available pursuant to subdivision (2) of subsection (a) of this section, upon request, the department shall make available to each birth parent, or the birth parent making the request, as the case may be, a contact preference form prescribed in this subsection on which the birth parent may state a preference regarding contact by the person whose birth was recorded or an authorized applicant. Upon request, the department shall also provide information on how to obtain from the Department of Children and Families the most recent health history form established in subdivision (10) of subsection (a) of section 45a-746, and any verified, corrected or updated information received pursuant to subsection (d) of section 45a-746.

(2) The contact preference form shall provide the birth parent with the following options from which the birth parent shall select one:

(A) I would like to be contacted.

(B) I would like to be contacted but only through an intermediary.

(C) I do not want to be contacted.

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(3) When the department receives a completed contact preference form from a birth parent, the department shall attach the form to the adopted person's sealed original certificate or record. The form shall be confidential and copies shall only be provided to (A) the person whose birth was recorded or an authorized applicant, and (B) the state registry pursuant to section 45a-755.

(4) Only a person authorized by the department to issue a birth record or certificate under this section may process a contact preference form.

Sec. 3. Section 7-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Upon receipt of the record of adoption referred to in subsection (e) of section 45a-745 or of other evidence satisfactory to the department that a person born in this state has been adopted, the department shall prepare a new birth certificate of such adopted person, except that no new certificate of birth shall be prepared if the court decreeing the adoption, the adoptive parents or the adopted person, if over fourteen years of age, so requests. Such new birth certificate shall include all the information required to be set forth in a certificate of birth of this state as of the date of birth, except that the adopting parents shall be named as the parents instead of the [genetic] birth parents and, when a certified copy of the birth of such person is requested by an authorized person, a copy of the new certificate of birth as prepared by the department shall be provided, except as provided in section 7-51, as amended by this act.

(b) Any person seeking to examine or obtain a copy of the original record or certificate of birth, except an adopted person or an authorized applicant who is eligible to obtain an original record or certificate of birth pursuant to section 7-51, as amended by this act, shall first obtain a written order signed by the judge of the probate

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court for the district in which the adopted person was adopted or born in accordance with section 45a-753, or a written order of the Probate Court in accordance with the provisions of section 45a-752, stating that the court is of the opinion that the examination of the birth record of the adopted person by the adopting parents or the adopted person, if over eighteen years of age, or by the person wishing to examine the [same] birth record or that the issuance of a copy of such birth certificate to the adopting parents or the adopted person, if over eighteen years of age, or to the person applying [therefor] for the birth certificate will not be detrimental to the public interest or to the welfare of the adopted person or to the welfare of the [genetic] birth parent or parents or adoptive parent or parents.

(c) Upon receipt of such court order, the registrar of vital statistics of any town in which the birth of such person was recorded, or the department, may issue the certified copy of the original certificate of birth on file, marked with a notation by the issuer that such original certificate of birth has been superseded by a replacement certificate of birth as on file, or may permit the examination of such record.

(d) Immediately after a new certificate of birth has been prepared, an exact copy of such certificate, together with a written notice of the evidence of adoption, shall be transmitted by the department to the registrar of vital statistics of each town in this state in which the birth of the adopted person is recorded. The new birth certificate, the original certificate of birth on file and the evidence of adoption shall be filed and indexed, under such regulations as the commissioner adopts, in accordance with chapter 54, to carry out the provisions of this section and to prevent access to the records of birth and adoption and the information [therein] contained in the records without due cause, except as provided in this section and section 7-51, as amended by this act.

(e) Any person, except such parents or adopted person, who

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discloses any information contained in such records, except as provided in this section or section 7-51, as amended by this act, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(f) Whenever a certified copy of an adoption decree from a court of a foreign country, having jurisdiction of the adopted person, is filed with the department under the provisions of this section, such decree, when written in a language other than English, shall be accompanied by an English translation, which shall be subscribed and sworn to as a true translation by an American consulate officer stationed in such foreign country.

Sec. 4. Section 45a-744 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

It is the policy of the state of Connecticut to make available to adopted and adoptable persons who are adults (1) information concerning their background and status; to give the same information to their adoptive parent or parents; and, in any case where such adult persons are deceased, to give the same information to their adult descendants, including adopted descendants; [except a copy of their original birth certificate as provided by section 7-51;] (2) to provide for consensual release of additional information which may identify the biological parents or relatives of such adult adopted or adoptable persons when release of such information is in the best interests of such persons; (3) except as provided in section 7-51, as amended by this act, with respect to original birth records and certificates, and subdivisions (4) and (5) of this section, to protect the right to privacy of all parties to termination of parental rights, statutory parent and adoption proceedings; (4) to make available to any biological parent of an adult adopted or adult adoptable person, including a person claiming to be the father who was not a party to the proceedings for termination of parental rights, information which would tend to

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identify such adult adopted or adult adoptable person; and (5) to make available to any adult biological sibling of an adult adopted or adult adoptable person information which would tend to identify such adult adopted or adult adoptable person.

Sec. 5. Subsection (c) of section 19a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(c) An amended certificate shall supersede the original certificate that has been changed and shall be marked "Amended", except for amendments due to parentage or gender change. The original certificate in the case of parentage or gender change shall be physically or electronically sealed and kept in a confidential file by the department and the registrar of any town in which the birth was recorded, and may be unsealed for viewing or issuance only as provided in section 7-51, as amended by this act, with respect to files on adoption, or upon a written order of a court of competent jurisdiction. The amended certificate shall become the public record.

Sec. 6. Subsection (b) of section 45a-750 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) Any person for whom there is only a removal of custody or removal of guardianship, and such removal took place in this state shall be given information [which] that may identify the biological parent or parents or any relative of such person, upon request, in person or in writing, in accordance with subsection [(f)] (g) of section 45a-751b, as amended by this act, provided such information with respect to any relative shall not be released unless the consents required in subsection [(e)] (f) of section 45a-751b, as amended by this act, are obtained.

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Vetoed May 31, 2006