



General Assembly

February Session, 2006

Raised Bill No. 4

LCO No. 545

00545_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

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

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

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 Section 45a-751b of the general statutes is repealed and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

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

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

16 parent who was a party to such proceedings, and (2) identifying
17 information shall not be disclosed to a biological parent, including a
18 person claiming to be the father who was not a party to the
19 proceedings for termination of parental rights, without the written
20 consent of each biological parent who was a party to such proceedings
21 and the consent of the adult adopted or adoptable person whose
22 identity is being requested.

23 (c) On and after October 1, 2006, regardless of the date parental
24 rights were terminated, any adult adopted person born in this state
25 may apply for and receive a copy of (1) the person's sealed original
26 birth certificate or record pursuant to section 7-51, as amended by this
27 act, and (2) any contact preference form or completed health history
28 form attached to the sealed original birth certificate or record pursuant
29 to section 7-51, as amended by this act. Nothing in this subsection shall
30 be construed to limit an adult adopted person's access to information
31 pursuant to this part.

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

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

40 [(e)] (f) Any information tending to identify any adult relative other
41 than a biological parent shall not be disclosed unless written consent is
42 obtained from such adult relative. The consent of any biological
43 parents common to the person making the request and the person to
44 be identified shall be required unless (1) the parental rights of such
45 parents have been terminated and not reinstated, guardianship has
46 been removed and not reinstated or custody has been removed and
47 not reinstated with respect to such adult relative, or (2) the adoption

48 was finalized on or after June 12, 1984. No consent shall be required if
49 the person to be identified is deceased. If the person to be identified is
50 deceased, the information that may be released shall be limited as
51 provided in subsection (e) of section 45a-753.

52 ~~[(f)]~~ (g) Any adult person for whom there is only removal of custody
53 or removal of guardianship as specified in subsection (b) of section
54 45a-750, as amended by this act, may apply in person or in writing to
55 the child-placing agency, the department, the court of probate or the
56 superior court which has the information. Such information shall be
57 made available within sixty days of receipt of such request unless the
58 child-placing agency, department or court notifies the person
59 requesting the information that it cannot be made available within
60 sixty days and states the reason for the delay. If the person making
61 such request is a resident of this state and it appears that counseling is
62 advisable with release of the information, the child-placing agency or
63 department may request that the person appear for an interview. If the
64 person making such request is not a resident of this state, and if it
65 appears that counseling is advisable with release of the information,
66 the child-placing agency, department or court may refer the person to
67 an out-of-state agency or appropriate governmental agency or
68 department, approved by the department or accredited by the Child
69 Welfare League of America, the National Conference of Catholic
70 Charities, the Family Services Association of America or the Council
71 on Accreditation of Services of Families and Children. If an out-of-state
72 referral is made, the information shall be released to the out-of-state
73 child-placing agency or department for release to the applicant,
74 provided such information shall not be released unless the out-of-state
75 child-placing agency or department is satisfied as to the identity of the
76 person.

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

79 (a) (1) The department and registrars of vital ~~[records]~~ statistics shall

80 restrict access to and issuance of a certified copy of birth and fetal
81 death records and certificates less than one hundred years old, to
82 eligible parties described in subdivision (2) of this subsection and the
83 following eligible parties: [(1)] (A) The person whose birth is recorded,
84 if over eighteen years of age; [(2)] (B) such person's children,
85 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the
86 chief executive officer of the municipality where the birth or fetal death
87 occurred, or the chief executive officer's authorized agent; [(4)] (D) the
88 local director of health for the town or city where the birth or fetal
89 death occurred or where the mother was a resident at the time of the
90 birth or fetal death, or the director's authorized agent; [(5)] (E)
91 attorneys-at-law and title examiners representing such person or such
92 person's parent, guardian, child or surviving spouse; [(6)] (F) members
93 of genealogical societies incorporated or authorized by the Secretary of
94 the State to do business or conduct affairs in this state; [(7)] (G) agents
95 of a state or federal agency as approved by the department; and [(8)]
96 (H) researchers approved by the department pursuant to section 19a-
97 25.

98 (2) The department and registrars of vital statistics shall provide
99 access to and issuance of a certified or uncertified copy of sealed
100 original birth records and certificates less than one hundred years old
101 to any person eighteen years of age or older who was born in this state
102 for whom a new certificate of birth was established pursuant to section
103 7-53, as amended by this act, because of an adoption, provided (A) the
104 department or registrar is satisfied as to the identity of the person
105 requesting the record or certificate, and (B) procedures, fees and
106 waiting periods for such records or certificates are identical to those for
107 records or certificates issued to other persons.

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

113 order of a court of competent jurisdiction.

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

130 (c) The registrar of the town in which the birth or fetal death
131 occurred or of the town in which the mother resided at the time of the
132 birth or fetal death, or the department, may issue a certified copy of the
133 certificate of birth or fetal death of any person born in this state which
134 is kept in paper form in the custody of the registrar. Such certificate
135 shall be issued upon the written request of an eligible party listed in
136 subsection (a) of this section. Any registrar of vital statistics in this
137 state with access, as authorized by the department, to the electronic
138 vital records system of the department may issue a certified copy of
139 the electronically filed certificate of birth or fetal death of any person
140 born in this state upon the written request of an eligible party listed in
141 subsection (a) of this section.

142 (d) The department and each registrar of vital statistics shall issue
143 only certified copies of birth certificates or fetal death certificates for
144 births or fetal deaths occurring less than one hundred years prior to

145 the date of the request.

146 (e) (1) With respect to an original birth record or certificate that was
147 superseded by a new birth certificate pursuant to section 7-53, as
148 amended by this act, upon request from the person whose birth was
149 recorded or a birth parent named in the birth certificate, the
150 department or registrar shall make available to each birth parent, or
151 the birth parent making the request, as the case may be, a contact
152 preference form prescribed in this section on which the birth parent
153 may state a preference regarding contact by the person whose birth
154 was recorded. Upon such request, the department or registrar shall
155 also provide the birth parent with a health history form, in such form
156 as prescribed by the Department of Children and Families pursuant to
157 section 45a-746, which the birth parent may complete and return.

158 (2) The contact preference form shall provide the birth parent with
159 (A) a place to indicate whether the health history has been completed
160 and returned, and (B) the following options from which the birth
161 parent shall select one:

162 (i) I would like to be contacted.

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

164 (iii) I would prefer not to be contacted at this time.

165 (3) When the registrar receives a completed contact preference form
166 or a completed health history form from a birth parent, the registrar
167 shall attach the form to the adopted person's sealed original certificate
168 or record. The forms shall be confidential and copies shall only be
169 provided to the person whose birth was recorded and the state registry
170 pursuant to section 45a-755.

171 (4) Only a person authorized by the registrar to process an
172 application made under this section may process a contact preference
173 form and an updated health history form.

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

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

189 (b) Any person seeking to examine or obtain a copy of the original
190 record or certificate of birth, except an adopted person who is eligible
191 to obtain an original record or certificate of birth pursuant to section 7-
192 51, as amended by this act, shall first obtain a written order signed by
193 the judge of the probate court for the district in which the adopted
194 person was adopted or born in accordance with section 45a-753, or a
195 written order of the Probate Court in accordance with the provisions of
196 section 45a-752, stating that the court is of the opinion that the
197 examination of the birth record of the adopted person by the adopting
198 parents or the adopted person, if [over] under eighteen years of age, or
199 by the person wishing to examine the same or that the issuance of a
200 copy of such birth certificate to the adopting parents or the adopted
201 person, if [over] under eighteen years of age, or to the person applying
202 therefor will not be detrimental to the public interest or to the welfare
203 of the adopted person or to the welfare of the genetic or adoptive
204 parent or parents.

205 (c) Upon receipt of such court order, the registrar of vital statistics of

206 any town in which the birth of such person was recorded, or the
207 department, may issue the certified copy of the original certificate of
208 birth on file, marked with a notation by the issuer that such original
209 certificate of birth has been superseded by a replacement certificate of
210 birth as on file, or may permit the examination of such record.

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

222 (e) Any person, except such parents or adopted person, who
223 discloses any information contained in such records, except as
224 provided in this section, shall be fined not more than five hundred
225 dollars or imprisoned not more than six months, or both.

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

233 Sec. 4. Section 7-48a of the 2006 supplement to the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective*
235 *October 1, 2006*):

236 On and after January 1, 2002, each birth certificate shall be filed with

237 the name of the birth mother recorded. Not later than forty-five days
238 after receipt of an order from a court of competent jurisdiction, the
239 Department of Public Health shall create a replacement certificate in
240 accordance with the court's order. Such replacement certificate shall
241 include all information required to be included in a certificate of birth
242 of this state as of the date of the birth. When a certified copy of such
243 certificate of birth is requested by an eligible party, as provided in
244 section 7-51, as amended by this act, a copy of the replacement
245 certificate shall be provided, except for a copy of an original certificate
246 issued in accordance with section 7-51, as amended by this act. The
247 department shall seal the original certificate of birth in accordance with
248 the provisions of subsection (c) of section 19a-42, as amended by this
249 act. Immediately after a replacement certificate has been prepared, the
250 department shall transmit an exact copy of such certificate to the
251 registrar of vital statistics of the town of birth and to any other
252 registrar as the department deems appropriate. The town shall proceed
253 in accordance with the provisions of section 19a-42, as amended by
254 this act.

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

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

268 Sec. 6. Section 45a-750 of the general statutes is repealed and the

269 following is substituted in lieu thereof (*Effective October 1, 2006*):

270 (a) A certificate of birth registration or a certified copy of the
271 certificate of birth shall be issued in accordance with subsection (c) of
272 section 7-51, as amended by this act, or section 7-52 to any adoptable
273 person by the Department of Public Health whether or not such person
274 knows the names of his or her birth parents, provided [such] the
275 department is satisfied as to the identity of the person for whom the
276 certificate is being requested. Any child-placing agency, the
277 department or any court having information which is needed to locate
278 such certificate shall furnish it to the Department of Public Health.

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

287 (c) The provisions of chapter 55 shall not apply to the provisions of
288 this section or section 45a-751. Any information provided in this
289 section shall not be released unless the child-placing agency,
290 department or court is satisfied as to the identity of the person
291 requesting the information.

292 Sec. 7. Section 45a-744 of the general statutes is repealed. (*Effective*
293 *October 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	45a-751b
Sec. 2	<i>October 1, 2006</i>	7-51
Sec. 3	<i>October 1, 2006</i>	7-53
Sec. 4	<i>October 1, 2006</i>	7-48a

Sec. 5	<i>October 1, 2006</i>	19a-42(c)
Sec. 6	<i>October 1, 2006</i>	45a-750
Sec. 7	<i>October 1, 2006</i>	Repealer section

Statement of Purpose:

To permit adults who were adopted in this state to obtain a copy of their unaltered original birth certificate.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]