



General Assembly

Substitute Bill No. 4

February Session, 2006

* SB00004KIDJUD030906 *

AN ACT PROVIDING 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:

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 Section 45a-751b of the general statutes is repealed and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) Regardless of the date parental rights were terminated, any adult
24 adopted person whose adoption was finalized on or after October 1,
25 2006, and for whom a new certificate of birth was established on or
26 after October 1, 2006, pursuant to section 7-53, as amended by this act,
27 or if such person is deceased, such person's child or grandchild, may
28 apply for and receive a copy of (1) the person's sealed original birth
29 certificate or record pursuant to section 7-51, as amended by this act,
30 and (2) any contact preference form attached to the sealed original
31 birth certificate or record pursuant to section 7-51, as amended by this
32 act. Nothing in this subsection shall be construed to limit an adult
33 adopted person's access to information pursuant to this part.

34 [(c)] (d) If the whereabouts of any person whose identity is being
35 sought pursuant to section 45a-750 or 45a-751 are unknown, the court
36 shall appoint a guardian ad litem pursuant to subsection (c) of section
37 45a-753.

38 [(d)] (e) When the authorized applicant requesting identifying
39 information pursuant to section 45a-750 or 45a-751 has contact with a
40 biological sibling who is a minor, identifying information shall not be
41 disclosed unless consent is obtained from the adoptive parents or
42 guardian or guardian ad litem of the sibling.

43 [(e)] (f) Any information tending to identify any adult relative other
44 than a biological parent shall not be disclosed unless written consent is
45 obtained from such adult relative. The consent of any biological
46 parents common to the person making the request and the person to
47 be identified shall be required unless (1) the parental rights of such
48 parents have been terminated and not reinstated, guardianship has
49 been removed and not reinstated or custody has been removed and
50 not reinstated with respect to such adult relative, or (2) the adoption
51 was finalized on or after June 12, 1984. No consent shall be required if

52 the person to be identified is deceased. If the person to be identified is
53 deceased, the information that may be released shall be limited as
54 provided in subsection (e) of section 45a-753.

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

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

82 (a) (1) The department and registrars of vital ~~[records]~~ statistics shall
83 restrict access to and issuance of a certified copy of birth and fetal
84 death records and certificates less than one hundred years old, to

85 eligible parties described in subdivision (2) of this subsection and the
86 following eligible parties: [(1)] (A) The person whose birth is recorded,
87 if over eighteen years of age; [(2)] (B) such person's children,
88 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the
89 chief executive officer of the municipality where the birth or fetal death
90 occurred, or the chief executive officer's authorized agent; [(4)] (D) the
91 local director of health for the town or city where the birth or fetal
92 death occurred or where the mother was a resident at the time of the
93 birth or fetal death, or the director's authorized agent; [(5)] (E)
94 attorneys-at-law and title examiners representing such person or such
95 person's parent, guardian, child or surviving spouse; [(6)] (F) members
96 of genealogical societies incorporated or authorized by the Secretary of
97 the State to do business or conduct affairs in this state; [(7)] (G) agents
98 of a state or federal agency as approved by the department; and [(8)]
99 (H) researchers approved by the department pursuant to section 19a-
100 25.

101 (2) The department shall provide access to and issuance of a copy of
102 a sealed original birth record or certificate marked with the same
103 notation required for such records under subsection (c) of section 7-53,
104 as amended by this act, to any person eighteen years of age or older
105 whose adoption was finalized on or after October 1, 2006, and for
106 whom a new certificate of birth was established on or after October 1,
107 2006, pursuant to section 7-53, as amended by this act, because of the
108 adoption, or a child or grandchild of such person if such person is
109 deceased, provided the department is satisfied as to the identity of the
110 person requesting the record or certificate.

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

117 (b) No person other than the eligible parties listed in subsection (a)

118 of this section shall be entitled to examine or receive a copy of any
119 birth or fetal death certificate, record or information, or disclose any
120 matter contained therein, except upon written order of a court of
121 competent jurisdiction. Nothing in this section shall be construed to
122 permit disclosure of information contained in the "information for
123 medical and health use only" or the "information for statistical
124 purposes only" section of a birth certificate, other than the Social
125 Security numbers, race and ethnicity information of the parent or
126 parents recorded in the "administrative purposes" section of an
127 electronically filed birth or fetal death certificate or displayed on a
128 manually filed birth or fetal death certificate, unless specifically
129 authorized by the department for statistical or research purposes. Such
130 confidential information, other than the excluded information set forth
131 in this subsection, shall not be subject to subpoena or court order and
132 shall not be admissible before any court or other tribunal.

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

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

150 (e) (1) With respect to an original birth record or certificate that was

151 superseded by a new birth certificate pursuant to section 7-53, as
152 amended by this act, and that may be made available pursuant to
153 subsection (a) of this section to the person whose birth was recorded,
154 upon request, the department shall make available to each birth
155 parent, or the birth parent making the request, as the case may be, a
156 contact preference form prescribed in this section on which the birth
157 parent may state a preference regarding contact by the person whose
158 birth was recorded. Upon request, the department shall also provide
159 information on how to obtain the most recent health history form
160 prescribed by the Department of Children and Families pursuant to
161 section 45a-746.

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

164 (A) I would like to be contacted.

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

166 (C) I do not want to be contacted.

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

172 (4) Only a person authorized by the department to process an
173 application made under this section may process a contact preference
174 form.

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

177 (a) Upon receipt of the record of adoption referred to in subsection
178 (e) of section 45a-745 or of other evidence satisfactory to the
179 department that a person born in this state has been adopted, the
180 department shall prepare a new birth certificate of such adopted

181 person, except that no new certificate of birth shall be prepared if the
182 court decreeing the adoption, the adoptive parents or the adopted
183 person, if over fourteen years of age, so requests. Such new birth
184 certificate shall include all the information required to be set forth in a
185 certificate of birth of this state as of the date of birth, except that the
186 adopting parents shall be named as the parents instead of the genetic
187 parents and, when a certified copy of the birth of such person is
188 requested by an authorized person, a copy of the new certificate of
189 birth as prepared by the department shall be provided, except as
190 provided in section 7-51, as amended by this act.

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

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

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

226 (e) Any person, except such parents or adopted person, who
227 discloses any information contained in such records, except as
228 provided in this section or section 7-51, as amended by this act, shall be
229 fined not more than five hundred dollars or imprisoned not more than
230 six months, or both.

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

238 Sec. 4. Subsection (c) of section 19a-42 of the general statutes is
239 repealed and the following is substituted in lieu thereof (*Effective*
240 *October 1, 2006*):

241 (c) An amended certificate shall supersede the original certificate
242 that has been changed and shall be marked "Amended", except for
243 amendments due to parentage or gender change. The original
244 certificate in the case of parentage or gender change shall be physically
245 or electronically sealed and kept in a confidential file by the

246 department and the registrar of any town in which the birth was
 247 recorded, and may be unsealed for viewing or issuance only as
 248 provided in section 7-51, as amended by this act, with respect to files
 249 on adoption, or upon a written order of a court of competent
 250 jurisdiction. The amended certificate shall become the public record.

251 Sec. 5. Subsection (b) of section 45a-750 of the general statutes is
 252 repealed and the following is substituted in lieu thereof (*Effective*
 253 *October 1, 2006*):

254 (b) Any person for whom there is only a removal of custody or
 255 removal of guardianship, and such removal took place in this state
 256 shall be given information [which] that may identify the biological
 257 parent or parents or any relative of such person, upon request, in
 258 person or in writing, in accordance with subsection [(f)] (g) of section
 259 45a-751b, as amended by this act, provided such information with
 260 respect to any relative shall not be released unless the consents
 261 required in subsection [(e)] (f) of section 45a-751b, as amended by this
 262 act, are obtained.

263 Sec. 6. Section 45a-744 of the general statutes is repealed. (*Effective*
 264 *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>	19a-42(c)
Sec. 5	<i>October 1, 2006</i>	45a-750(b)
Sec. 6	<i>October 1, 2006</i>	Repealer section

Statement of Legislative Commissioners:

Subsections (a) and (e) of section 3 were rewritten to insert references to section 7-51 of the general statutes for accuracy and consistency, section 6 of the bill was deleted because it was unnecessary, and other provisions were rewritten for accuracy and consistency.

KID

Joint Favorable Subst. C/R

JUD