



General Assembly

January Session, 2007

Raised Bill No. 1083

LCO No. 3784

03784_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

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 Section 45a-751b of the general statutes is repealed and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, 2008*):

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 2008, and for whom a new certificate of birth was established on or
26 after October 1, 2008, pursuant to section 7-53, as amended by this act,
27 or if such person is deceased, an authorized applicant as defined in
28 subparagraph (D) of subdivision (3) of section 45a-743, may apply for
29 and receive a copy of (1) the person's sealed original birth certificate or
30 record pursuant to section 7-51, as amended by this act, and (2) any
31 contact preference form attached to the sealed original birth certificate
32 or record pursuant to section 7-51, as amended by this act. Nothing in
33 this subsection shall be construed to limit such person's or authorized
34 applicant's access to information pursuant to this part.

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

38 ~~[(d)]~~ (e) When the authorized applicant requesting identifying
39 information has contact with a biological sibling who is a minor,
40 identifying information shall not be disclosed unless consent is
41 obtained from the adoptive parents or guardian or guardian ad litem
42 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, 2008*):

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 twenty-one years of age or older
105 whose adoption was finalized on or after October 1, 2008, and for
106 whom a new certificate of birth was established on or after October 1,
107 2008, pursuant to section 7-53, as amended by this act, because of the
108 adoption, or if the person is deceased, an authorized applicant as
109 defined in subparagraph (D) of subdivision (3) of section 45a-743,
110 provided the department is satisfied as to the identity of the person or
111 authorized applicant requesting the record or certificate.

112 (3) Except as provided in section 19a-42a and subdivision (2) of this

113 subsection, access to confidential files on paternity, adoption, gender
114 change or gestational agreements, or information contained within
115 such files, shall not be released to any party, including the eligible
116 parties listed in subdivision (1) of this subsection, except upon an
117 order of a court of competent jurisdiction.

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

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

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

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

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

167 (A) I would like to be contacted.

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

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

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

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

179 Sec. 3. Section 7-53 of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

195 (b) Any person seeking to examine or obtain a copy of the original
196 record or certificate of birth, except an adopted person or an
197 authorized applicant who is eligible to obtain an original record or
198 certificate of birth pursuant to section 7-51, as amended by this act,
199 shall first obtain a written order signed by the judge of the probate
200 court for the district in which the adopted person was adopted or born
201 in accordance with section 45a-753, or a written order of the Probate
202 Court in accordance with the provisions of section 45a-752, stating that
203 the court is of the opinion that the examination of the birth record of
204 the adopted person by the adopting parents or the adopted person, if
205 over eighteen years of age, or by the person wishing to examine the
206 [same] birth record or that the issuance of a copy of such birth
207 certificate to the adopting parents or the adopted person, if over

208 eighteen years of age, or to the person applying [therefor] for the birth
209 certificate will not be detrimental to the public interest or to the
210 welfare of the adopted person or to the welfare of the [genetic] birth
211 parent or parents or adoptive parent or parents.

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

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

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

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

240 true translation by an American consulate officer stationed in such
241 foreign country.

242 Sec. 4. Section 45a-744 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

266 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective*
268 *October 1, 2008*):

269 (c) An amended certificate shall supersede the original certificate
270 that has been changed and shall be marked "Amended", except for
271 amendments due to parentage or gender change. The original

272 certificate in the case of parentage or gender change shall be physically
 273 or electronically sealed and kept in a confidential file by the
 274 department and the registrar of any town in which the birth was
 275 recorded, and may be unsealed for viewing or issuance only as
 276 provided in section 7-51, as amended by this act, with respect to files
 277 on adoption, or upon a written order of a court of competent
 278 jurisdiction. The amended certificate shall become the public record.

279 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
 280 repealed and the following is substituted in lieu thereof (*Effective*
 281 *October 1, 2008*):

282 (b) Any person for whom there is only a removal of custody or
 283 removal of guardianship, and such removal took place in this state
 284 shall be given information [which] that may identify the biological
 285 parent or parents or any relative of such person, upon request, in
 286 person or in writing, in accordance with subsection [(f)] (g) of section
 287 45a-751b, as amended by this act, provided such information with
 288 respect to any relative shall not be released unless the consents
 289 required in subsection [(e)] (f) of section 45a-751b, as amended by this
 290 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	45a-751b
Sec. 2	<i>October 1, 2008</i>	7-51
Sec. 3	<i>October 1, 2008</i>	7-53
Sec. 4	<i>October 1, 2008</i>	45a-744
Sec. 5	<i>October 1, 2008</i>	19a-42(c)
Sec. 6	<i>October 1, 2008</i>	45a-750(b)

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.]