



General Assembly

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Amendment

LCO No. 7364

HB0738807364SD0

Offered by:
SEN. FINCH, 22nd Dist.

To: House Bill No. 7388

File No. 607

Cal. No. 598

"AN ACT PROHIBITING THE USE OF UNSUBSTANTIATED ALLEGATIONS OF EDUCATIONAL NEGLECT AS A FACTOR IN ADOPTIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 45a-751b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

12 (b) [If] Except as provided in subsection (c) of this section, if
13 parental rights were terminated on or before September 30, 1995, (1)

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

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

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

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

45 [(e)] (f) Any information tending to identify any adult relative other

46 than a biological parent shall not be disclosed unless written consent is
47 obtained from such adult relative. The consent of any biological
48 parents common to the person making the request and the person to
49 be identified shall be required unless (1) the parental rights of such
50 parents have been terminated and not reinstated, guardianship has
51 been removed and not reinstated or custody has been removed and
52 not reinstated with respect to such adult relative, or (2) the adoption
53 was finalized on or after June 12, 1984. No consent shall be required if
54 the person to be identified is deceased. If the person to be identified is
55 deceased, the information that may be released shall be limited as
56 provided in subsection (e) of section 45a-753.

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

80 child-placing agency or department is satisfied as to the identity of the
81 person.

82 Sec. 502. Section 7-51 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2008*):

84 (a) (1) The department and registrars of vital [records] statistics shall
85 restrict access to and issuance of a certified copy of birth and fetal
86 death records and certificates less than one hundred years old, to
87 eligible parties described in subdivision (2) of this subsection and the
88 following eligible parties: [(1)] (A) The person whose birth is recorded,
89 if over eighteen years of age; [(2)] (B) such person's children,
90 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the
91 chief executive officer of the municipality where the birth or fetal death
92 occurred, or the chief executive officer's authorized agent; [(4)] (D) the
93 local director of health for the town or city where the birth or fetal
94 death occurred or where the mother was a resident at the time of the
95 birth or fetal death, or the director's authorized agent; [(5)] (E)
96 attorneys-at-law and title examiners representing such person or such
97 person's parent, guardian, child or surviving spouse; [(6)] (F) members
98 of genealogical societies incorporated or authorized by the Secretary of
99 the State to do business or conduct affairs in this state; [(7)] (G) agents
100 of a state or federal agency as approved by the department; and [(8)]
101 (H) researchers approved by the department pursuant to section 19a-
102 25.

103 (2) The department shall provide access to and issuance of a copy of
104 a sealed original birth record or certificate marked with the same
105 notation required for such records under subsection (c) of section 7-53,
106 as amended by this act, to any person twenty-one years of age or older
107 whose adoption was finalized on or after October 1, 2008, and for
108 whom a new certificate of birth was established on or after October 1,
109 2008, pursuant to section 7-53, as amended by this act, because of the
110 adoption, or if the person is deceased, an authorized applicant as
111 defined in subparagraph (D) of subdivision (3) of section 45a-743,
112 provided the department is satisfied as to the identity of the person or

113 authorized applicant requesting the record or certificate.

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

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

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

146 person born in this state upon the written request of an eligible party
147 listed in subsection (a) of this section.

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

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

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

169 (A) I would like to be contacted.

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

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

172 (3) When the department receives a completed contact preference
173 form from a birth parent, the department shall attach the form to the
174 adopted person's sealed original certificate or record. The form shall be
175 confidential and copies shall only be provided to (A) the person whose

176 birth was recorded or an authorized applicant, and (B) the state
177 registry pursuant to section 45a-755.

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

181 Sec. 503. Section 7-53 of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

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

208 [same] birth record or that the issuance of a copy of such birth
209 certificate to the adopting parents or the adopted person, if over
210 eighteen years of age, or to the person applying [therefor] for the birth
211 certificate will not be detrimental to the public interest or to the
212 welfare of the adopted person or to the welfare of the [genetic] birth
213 parent or parents or adoptive parent or parents.

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

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

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

237 (f) Whenever a certified copy of an adoption decree from a court of
238 a foreign country, having jurisdiction of the adopted person, is filed
239 with the department under the provisions of this section, such decree,

240 when written in a language other than English, shall be accompanied
241 by an English translation, which shall be subscribed and sworn to as a
242 true translation by an American consulate officer stationed in such
243 foreign country.

244 Sec. 504. Section 45a-744 of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

268 Sec. 505. Subsection (c) of section 19a-42 of the general statutes is
269 repealed and the following is substituted in lieu thereof (*Effective*
270 *October 1, 2008*):

271 (c) An amended certificate shall supersede the original certificate

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

281 Sec. 506. Subsection (b) of section 45a-750 of the general statutes is
282 repealed and the following is substituted in lieu thereof (*Effective*
283 *October 1, 2008*):

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