



General Assembly

**Amendment**

January Session, 2007

LCO No. 9570

**\*HB0738809570HDO\***

Offered by:

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To: House Bill No. 7388

File No. 607

Cal. No. 487

(As Amended by Senate Amendment Schedule "A")

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

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- 1       Strike subsection (c) of section 501 of senate amendment schedule  
2       "A" and insert the following in lieu thereof:
- 3       "(c) Regardless of the date parental rights were terminated, any  
4       adult adopted person aged twenty-one years or older whose adoption  
5       was finalized on or after October 1, 2008, and for whom a new  
6       certificate of birth was established on or after October 1, 2008, pursuant  
7       to section 7-53, as amended by this act, or if such person is deceased,  
8       an authorized applicant, as defined in subparagraph (D) of subdivision  
9       (3) of section 45a-743, may apply for and receive access to and issuance  
10       of the person's sealed original birth certificate or record pursuant to  
11       section 7-51, as amended by this act, except that no such access and

12 issuance may be provided unless the biological mother of such person  
13 consents prior to such access and issuance. "

14 Strike section 502 of senate amendment schedule "A" and insert the  
15 following in lieu thereof:

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 Section 7-51 of the general statutes is repealed and the  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

18 (a) (1) The department and registrars of vital [records] statistics shall  
19 restrict access to and issuance of a certified copy of birth and fetal  
20 death records and certificates less than one hundred years old, to  
21 eligible parties described in subdivision (2) of this subsection and the  
22 following eligible parties: [(1)] (A) The person whose birth is recorded,  
23 if over eighteen years of age; [(2)] (B) such person's children,  
24 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the  
25 chief executive officer of the municipality where the birth or fetal death  
26 occurred, or the chief executive officer's authorized agent; [(4)] (D) the  
27 local director of health for the town or city where the birth or fetal  
28 death occurred or where the mother was a resident at the time of the  
29 birth or fetal death, or the director's authorized agent; [(5)] (E)  
30 attorneys-at-law and title examiners representing such person or such  
31 person's parent, guardian, child or surviving spouse; [(6)] (F) members  
32 of genealogical societies incorporated or authorized by the Secretary of  
33 the State to do business or conduct affairs in this state; [(7)] (G) agents  
34 of a state or federal agency as approved by the department; and [(8)]  
35 (H) researchers approved by the department pursuant to section 19a-  
36 25.

37 (2) The department shall provide access to and issuance of a copy of  
38 a sealed original birth record or certificate marked with the same  
39 notation required for such records under subsection (c) of section 7-53,  
40 as amended by this act, to any person twenty-one years of age or older  
41 whose adoption was finalized on or after October 1, 2008, and for  
42 whom a new certificate of birth was established on or after October 1,  
43 2008, pursuant to section 7-53, as amended by this act, because of the

44 adoption, or if the person is deceased, an authorized applicant as  
45 defined in subparagraph (D) of subdivision (3) of section 45a-743,  
46 provided (A) the consent required by subsection (c) of section 45a-  
47 751b, as amended by this act, is obtained, in accordance with section  
48 501 of this act, and (B) the department is satisfied as to the identity of  
49 the person or authorized applicant requesting the record or certificate.

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

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

72 (c) The registrar of the town in which the birth or fetal death  
73 occurred or of the town in which the mother resided at the time of the  
74 birth or fetal death, or the department, may issue a certified copy of the  
75 certificate of birth or fetal death of any person born in this state  
76 [which] that is kept in paper form in the custody of the registrar. Such

77 certificate shall be issued upon the written request of an eligible party  
78 listed in subsection (a) of this section. Any registrar of vital statistics in  
79 this state with access, as authorized by the department, to the  
80 electronic vital records system of the department may issue a certified  
81 copy of the electronically filed certificate of birth or fetal death of any  
82 person born in this state upon the written request of an eligible party  
83 listed in subsection (a) of this section.

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

89 After the last section, add the following and renumber sections and  
90 internal references accordingly:

91 "Sec. 501. (NEW) (*Effective October 1, 2008*) (a) Notwithstanding any  
92 provision of part IV of chapter 803 of the general statutes, any adult  
93 adopted person twenty-one years or older whose adoption was  
94 finalized on or after October 1, 2008, and for whom a new certificate of  
95 birth was established on or after October 1, 2008, pursuant to section 7-  
96 53 of the general statutes, as amended by this act, or if such person is  
97 deceased, an authorized applicant as defined in subparagraph (D) of  
98 subdivision (3) of section 45a-743 of the general statutes, may, by  
99 applying in person or in writing to the child-placing agency or  
100 department, as defined in section 45a-743 of the general statutes, file a  
101 request to obtain the consent of such person's biological mother that is  
102 required pursuant to subsection (c) of section 45a-751b of the general  
103 statutes, as amended by this act, to obtain access and issuance of a  
104 copy of the person's sealed original birth certificate or record pursuant  
105 to section 7-51 of the general statutes, as amended by this act.

106 (b) Upon such request, the child-placing agency or department shall  
107 attempt to obtain the consent of the biological mother. The child-  
108 placing agency or department may attempt to locate such biological

109 mother in a manner similar to that provided under section 45a-753 of  
110 the general statutes. Following such attempt, the child-placing agency  
111 or department shall inform the adult adopted person who filed the  
112 request, in writing, of whether or not consent was obtained and  
113 provide a report to the Department of Public Health with the results of  
114 such attempt, including whether the biological mother was located and  
115 whether or not consent was granted. The Department of Public Health  
116 shall maintain a list of requests made pursuant to this section and the  
117 outcomes of such requests. For purposes of this section any records at  
118 the Court of Probate or the Superior Court shall be available to an  
119 authorized representative of the child-placing agency or department to  
120 which the request has been made.

121 Sec. 502. Section 45a-746 of the general statutes is repealed and the  
122 following is substituted in lieu thereof (*Effective October 1, 2008*):

123 (a) To the extent reasonably available, the following information  
124 concerning the biological parents of any adopted or adoptable person  
125 shall be recorded by the child-placing agency or department which has  
126 access to the information, in writing on a form provided by the  
127 department: (1) Age of biological parents in years, not dates of birth, at  
128 the birth of the adopted or adoptable person; (2) heritage of the  
129 biological parent or parents, which shall include (A) nationality, (B)  
130 ethnic background and (C) race; (3) education, which shall be number  
131 of years of school completed by the biological parent or parents; (4)  
132 general physical appearance of the biological parent or parents at the  
133 time of the birth of the adopted or adoptable person in terms of height,  
134 weight, color of hair, eyes, skin and other information of a similar  
135 nature; (5) talents, hobbies and special interests of the biological parent  
136 or parents; (6) existence of any other child or children born to either  
137 biological parent of the adopted or adoptable person; (7) reasons for  
138 placing the child for adoption or for biological parental rights being  
139 terminated; (8) religion of biological parent or parents; (9) field of  
140 occupation of biological parent or parents in general terms; (10) health  
141 history of biological parent or parents and blood relatives, on a  
142 standardized form provided by the department; (11) manner in which

143 plans for the adopted or adoptable person's future were made by  
144 biological parent or parents; (12) relationship between the biological  
145 parents; (13) any psychological, psychiatric or social evaluations,  
146 including the date of the evaluation, any diagnosis, and a summary of  
147 any findings; and (14) any other relevant nonidentifying information.  
148 In addition, such information to the extent reasonably available and  
149 applicable concerning the biological and adoptive grandparents,  
150 adoptive siblings, and siblings of the whole blood and half-blood and  
151 such siblings of the biological parents shall be recorded by the  
152 child-placing agency or department which has access to the  
153 information in writing on a form provided by the department.

154 (b) The information in subsection (a) of this section, if available,  
155 shall be given in writing to the adopting parents not later than the date  
156 of finalization of the adoption proceedings.

157 (c) The information in subsection (a) of this section and any other  
158 nonidentifying information furnished to the child-placing agency from  
159 time to time shall be made available in writing upon written request to  
160 the following persons provided the child-placing agency or  
161 department is satisfied as to the identity of such persons: (1) The  
162 adopted or adoptable person who is an adult; (2) the adoptive parents  
163 of the adopted person, provided if the adopted person is an adult, such  
164 adopted person must give notarized permission to the parents; (3) the  
165 guardian or legally authorized representative of an adopted or  
166 adoptable person; (4) if the adopted or adoptable person is deceased,  
167 any adult descendants, including legally adopted descendants, of such  
168 person, provided a certificate of death of such person is presented.  
169 Any information requested pursuant to this section shall be provided  
170 to the applicant within sixty days of receipt of the request. The child-  
171 placing agency, department or court shall notify in writing any person  
172 making such request if the information cannot be made available  
173 within sixty days and shall state the reason for the delay.

174 (d) At any time, upon written request, any biological parent shall be  
175 given in writing, for purposes of verifying, correcting and adding

176 information, any information in subdivisions (1) to (14), inclusive, of  
177 subsection (a) of this section, provided the child-placing agency,  
178 department or court is satisfied as to the identity of the parent making  
179 this request. Such information shall be provided within sixty days of  
180 receipt of such request unless the child-placing agency, department or  
181 court notifies the person requesting such information that it cannot be  
182 made available within sixty days and states the reason for the delay.  
183 Any such biological parent who believes such information to be  
184 inaccurate or incomplete may add a statement to the record setting  
185 forth what he or she believes to be an accurate or complete version of  
186 such information or updated information. Such statement shall become  
187 a permanent part of the record and shall be included with any  
188 information disclosed pursuant to this section.

189 (e) None of the information provided for in this section shall be  
190 made available if it is of such a nature that it would tend to identify a  
191 biological parent or parents of the adopted person, except as provided  
192 in sections 45a-750, as amended by this act, 45a-751, 45a-751a,  
193 45a-751b, as amended by this act, and 45a-753.

194 (f) (1) Prior to the date of finalization of the adoption proceedings,  
195 the child-placing agency or department shall give to each biological  
196 parent a contact preference form provided by the department on  
197 which the biological parent shall state a preference regarding contact  
198 by the adopted person. The contact preference form shall provide the  
199 biological parent with the following options from which the biological  
200 parent shall select one: (A) I would like to be contacted; (B) I would  
201 like to be contacted but only through an intermediary; or (C) I do not  
202 want to be contacted.

203 (2) The child-placing agency shall attach a copy of the contact  
204 preference form to the record established pursuant to subsection (a) of  
205 this section and shall send the original contact preference form to the  
206 department. Information obtained pursuant to subdivision (1) of this  
207 subsection shall also be included in the registry maintained by the  
208 department and child-placing agency pursuant to section 45a-755.

209        [(f)] (g) The provisions of chapter 55 shall not apply to the  
210        provisions of this section."