



# House of Representatives

General Assembly

**File No. 772**

January Session, 2009

Substitute House Bill No. 5455

*House of Representatives, April 21, 2009*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PARENTAL INFORMATION PROVIDED TO AN ADULT CHILD AFTER PARENTAL RIGHTS ARE TERMINATED.***

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 Section 45a-751b of the general statutes is repealed and  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, 2009*):

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

9 (b) (1) If parental rights were terminated on or before September 30,  
10 1995, ~~[(1)]~~ (A) any information tending to identify the biological  
11 parents, including a person claiming to be the father who was not a  
12 party to the proceedings for the termination of parental rights, shall  
13 not be disclosed unless written consent is obtained from each

14 biological parent who was party to such proceedings, except as  
15 provided in subdivision (2) of this subsection, and [(2)] (B) identifying  
16 information shall not be disclosed to a biological parent, including a  
17 person claiming to be the father who was not a party to the  
18 proceedings for the termination of parental rights, without the written  
19 consent of each biological parent who was a party to such proceedings  
20 and the consent of the adult adopted or adoptable person whose  
21 identity is being requested.

22 (2) On and after October 1, 2009, information tending to identify a  
23 biological parent who is subject to this subsection may be disclosed to  
24 an authorized applicant if the biological parent whose information is to  
25 be disclosed provides written consent, provided the department  
26 attempts to determine the whereabouts of the other biological parent  
27 and obtain written consent from such other biological parent to permit  
28 disclosure of such information in the manner permitted under  
29 subdivision (1) of this subsection. If such other biological parent cannot  
30 be located or does not provide such written consent, information  
31 tending to identify the biological parent who has provided written  
32 consent may be disclosed to an authorized applicant, provided: (A)  
33 Information tending to identify the other biological parent shall not be  
34 disclosed without the written consent of the other biological parent,  
35 and (B) the biological parent whose information is to be disclosed signs  
36 an affidavit that such parent shall not disclose any information tending  
37 to identify the other biological parent without the written consent of  
38 the other biological parent.

39 (3) If a biological parent knowingly discloses information tending to  
40 identify the other biological parent in violation of an affidavit signed  
41 by the biological parent pursuant to subdivision (2) of this subsection:  
42 (A) The Commissioner of Children and Families may assess a civil  
43 penalty against the biological parent who disclosed the information in  
44 an amount not to exceed one thousand dollars, and (B) the other  
45 biological parent may bring a civil action against the biological parent  
46 who disclosed the information to recover damages for such  
47 unauthorized disclosure.

48 (c) If the whereabouts of any person whose identity is being sought  
49 are unknown, the court shall appoint a guardian ad litem pursuant to  
50 subsection (c) of section 45a-753.

51 (d) When the authorized applicant requesting identifying  
52 information has contact with a biological sibling who is a minor,  
53 identifying information shall not be disclosed unless consent is  
54 obtained from the adoptive parents or guardian or guardian ad litem  
55 of the sibling.

56 (e) Any information tending to identify any adult relative other than  
57 a biological parent shall not be disclosed unless written consent is  
58 obtained from such adult relative. The consent of any biological  
59 parents common to the person making the request and the person to  
60 be identified shall be required unless (1) the parental rights of such  
61 parents have been terminated and not reinstated, guardianship has  
62 been removed and not reinstated or custody has been removed and  
63 not reinstated with respect to such adult relative or (2) the adoption  
64 was finalized on or after June 12, 1984. No consent shall be required if  
65 the person to be identified is deceased. If the person to be identified is  
66 deceased, the information that may be released shall be limited as  
67 provided in subsection (e) of section 45a-753.

68 (f) Any adult person for whom there is only removal of custody or  
69 removal of guardianship as specified in subsection (b) of section 45a-  
70 750 may apply in person or in writing to the child-placing agency, the  
71 department, the court of probate or the superior court which has the  
72 information. Such information shall be made available within sixty  
73 days of receipt of such request unless the child-placing agency,  
74 department or court notifies the person requesting the information that  
75 it cannot be made available within sixty days and states the reason for  
76 the delay. If the person making such request is a resident of this state  
77 and it appears that counseling is advisable with release of the  
78 information, the child-placing agency or department may request that  
79 the person appear for an interview. If the person making such request  
80 is not a resident of this state, and if it appears that counseling is

81 advisable with release of the information, the child-placing agency,  
82 department or court may refer the person to an out-of-state agency or  
83 appropriate governmental agency or department, approved by the  
84 department or accredited by the Child Welfare League of America, the  
85 National Conference of Catholic Charities, the Family Services  
86 Association of America or the Council on Accreditation of Services of  
87 Families and Children. If an out-of-state referral is made, the  
88 information shall be released to the out-of-state child-placing agency  
89 or department for release to the applicant, provided such information  
90 shall not be released unless the out-of-state child-placing agency or  
91 department is satisfied as to the identity of the person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	45a-751b

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Children & Families, Dept.	GF - Cost & Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The Department of Children and Families (DCF) will incur a workload increase and minimal cost to attempt to locate an "other birth parent" in order to obtain consent to disclose a birth parent's identifying information to persons adopted prior to 9/30/95. Actual costs would vary with the number of persons seeking assistance, which cannot be determined in advance. Expenses would be associated with items such as publishing notices and postage.

It should be noted that DCF is the sole repository for records of persons adopted in Connecticut prior to 1958. Since that time it has only maintained information on persons placed in adoption by the state. This represents a minority of the persons adopted each year, as the predominant number of persons placed in adoption since 1958 have been processed by private agencies. The preceding fiscal impact assumes that, for persons adopted since 1958, the department would only be responsible for responding to requests from parties involved in adoptions processed by the state. If, alternatively, it is interpreted to require DCF to research cases involving persons adopted with the help of private agencies (since 1958) a greater workload increase and potential cost for additional staffing and other resources would be incurred. Actual costs would vary with the number of requests for

assistance, which cannot be predicted in advance.

A potential minimal revenue gain would result to the extent that a civil penalty of up to \$1,000 is assessed against any biological parent disclosing information identifying the other biological parent in violation of a signed affidavit. As this new authority granted the commissioner is discretionary in nature and as no additional resources have been provided the agency within sHB 6365, as favorably reported by the Appropriations Committee, for this purpose it is assumed that the department will assess penalties only to the extent that its resources allow.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: File 365 of the 1999 Legislative Session; Department of Children and Families.*

**OLR Bill Analysis****sHB 5455*****AN ACT CONCERNING PARENTAL INFORMATION PROVIDED TO AN ADULT CHILD AFTER PARENTAL RIGHTS ARE TERMINATED.*****SUMMARY:**

Currently, an adopted or adoptable adult, or if he or she is deceased, any adult descendants, cannot get personally-identifying information about that person's biological parents unless both biological parents consent to the disclosure. Under the bill, beginning on October 1, 2009, the Department of Children and Families (DCF) can disclose personally identifying information about a parent based on that parent's consent. DCF must try to find the other parent to get his or her written consent. If that parent cannot be located or withholds consent, DCF may disclose personally-identifying information about the consenting parent but

1. personally identifying information about the other parent cannot be disclosed without his or her consent and
2. the consenting parent must sign an affidavit swearing that he or she will not disclose any personally-identifying information about the other parent without that parent's written consent.

Under the bill, a parent who knowingly discloses information about a biological parent who has not consented to disclosure (1) is subject to a civil penalty of up to \$1,000 assessed by the DCF commissioner and (2) can be sued by the non-consenting parent for civil damages.

The bill applies to situations where the parents' rights were terminated on or September 30, 1995.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 28 Nay 10 (04/03/2009)