



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
PUBLIC HEARING TESTIMONY

SELECT COMMITTEE ON CHILDREN
FEBRUARY 26, 2009

S. B. No. 624 (COMM) AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH ACCESS TO PARENTAL HEALTH INFORMATION AND INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES

The Department of Children and Families offers the following comments regarding **S. B. No. 624 AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH ACCESS TO PARENTAL HEALTH INFORMATION AND INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES**. While the Department **supports enacting this policy change for adoptions finalized on or after October 1, 2010**, we understand the fiscal and logistical concerns expressed by the Department of Public Health. DPH also seeks an amendment to the language to reflect "authorized applicants" allowing only those individuals defined in 7-51(a) or those with a legitimate interest to obtain the original birth certificate of an adopted person.

The Department would like to share with the Committee some background on the issue of access to adoption information generally as well as the issue specifically addressed in this bill related to adult adoptees' access to their original birth certificates.

Non-Identifying and Medical Information

Under the current law, adult adoptees have limited access to the information in their adoption file, which includes their non-identifying and medical information from their records. This is a summary of birth family and medical history, which is documented in the closed adoption records, often prepared on "Genetic Parent Information" forms. Those adults whose adoptions were processed through a private adoption agency may have to pay a fee in order to obtain these histories, including their medical information. Additionally, some agencies only provide a verbal report of the non-identifying information. It is also important to note that medical histories of birth parents may not always be complete.

Search Process

Sections 45a-743 through 45a-757 of the Connecticut General Statutes provide a search process for individuals to obtain material related to an adoption. Under existing state law, the parties who may request such information include:

- adult adoptees
- biological parents
- adoptive parents
- in the case where the adult adoptee is deceased, the same information can be shared with their adult descendants.

Current Search Requests

Adoption Search and Reunion remains a very active part of the Department of Children and Families with over 300 cases processed each year. The requests for search vary, in that some parties are looking specifically for non-identifying information. With such a request, the Department would obtain the closed case record, review the record and complete forms related to genetic and demographic information as well as provide any additional relevant information to the requesting party.

Parties may also request identifying information, where the Department or a private agency, which facilitated the adoption, would attempt to locate the requested party. All parties that may be potentially involved in such a search must provide their consent.

Access to Original Birth Certificate

Although the original birth certificate for an adoptee is “sealed” under current law, there are ways to access this document. An adoptee can petition the probate court that finalized the adoption for release of the original birth certificate. A fee is involved with petitioning the court. The probate court judge would review the application and, if deemed necessary, appoint a guardian ad litem to represent the interests of the birth parent. The determination to release the birth certificate is currently at the judge’s discretion.

The adoptee only has access to the original birth certificate through order of the probate court even in situations where consent has been provided, such as in a case of a consensual reunion between the birth family and the adoptee, or in cases where our responsibility to maintain confidentiality is limited, such as when the birth parents are deceased.

Historical Access

Adoption law originated in 1944 in the State of Connecticut. From 1944 until 1975, adult adoptees (age 18 and older) and/or their adoptive parents in the State of Connecticut had access to their original birth certificates through the State Department of Health or the registrar of vital statistics at the town level. In 1975, the original birth records were sealed both from that point forward and retroactively.

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| <p style="text-align: center;">S. B. No. 929 (RAISED) AN ACT CONCERNING THE REMOVAL OF A CHILD OR YOUTH FROM A HOSPITAL OR OTHER HEALTH CARE FACILITY IN CERTAIN JUVENILE MATTERS</p> |
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The Department of Children and Families is **opposed** to **S. B. No. 929 AN ACT CONCERNING THE REMOVAL OF A CHILD OR YOUTH FROM A HOSPITAL OR OTHER HEALTH CARE FACILITY IN CERTAIN JUVENILE MATTERS**, as it is currently written.

The Department is concerned that requiring an evidentiary hearing prior to removal of a child from a hospital or other health care facility in circumstances involving a commitment or revocation of commitment, is contrary to other provisions of the juvenile commitment process and could potentially put some children at risk.

As to requiring an evidentiary hearing prior to a court issuing an order to remove a youth from a hospital, there are currently sufficient safeguards in state law to ensure that such removals only occur when the youth is in imminent danger of physical harm.

On the other hand, requiring an evidentiary hearing before a commitment is revoked is currently discretionary and should remain so. For example, if all parties - including the parent(s) and the child's attorney - are in agreement, an evidentiary hearing would be an inefficient use of resources and court time.

While we are not aware of the issue or issues that may have given rise to this proposal, we would be pleased to participate in a discussion with the proponents of this legislation.