



General Assembly

February Session, 2010

**Raised Bill No. 293**

LCO No. 1476

\* SB00293KIDJUD031010 \*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH ACCESS TO PARENTAL HEALTH INFORMATION AND 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 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2011*):

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

11 (b) (1) [If] Except as provided in subsection (c) of this section, if  
12 parental rights were terminated on or before September 30, 1995, (A)  
13 any information tending to identify the biological parents, including a  
14 person claiming to be the father who was not a party to the  
15 proceedings for the termination of parental rights, shall not be

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

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

43 (c) Regardless of the date parental rights were terminated, any adult  
44 adopted person whose adoption was finalized on or after October 1,  
45 2011, and for whom a new certificate of birth was established on or  
46 after said date pursuant to section 7-53, as amended by this act, or if  
47 such person is deceased, an authorized applicant, as defined in  
48 subparagraph (D) of subdivision (3) of section 45a-743, may apply for  
49 and receive a copy of (1) the person's sealed original birth certificate or

50 record pursuant to section 7-51, as amended by this act, and (2) any  
51 contact preference form attached to the sealed original birth certificate  
52 or record pursuant to section 7-51, as amended by this act. Nothing in  
53 this subsection shall be construed to limit such person's or authorized  
54 applicant's access to information pursuant to this part.

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

58 [(d)] (e) When the authorized applicant requesting identifying  
59 information has contact with a biological sibling who is a minor,  
60 identifying information shall not be disclosed unless consent is  
61 obtained from the adoptive parents or guardian or guardian ad litem  
62 of the sibling.

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

75 [(f)] (g) Any adult person for whom there is only removal of custody  
76 or removal of guardianship as specified in subsection (b) of section  
77 45a-750 may apply in person or in writing to the child-placing agency,  
78 the department, the court of probate or the superior court which has  
79 the information. Such information shall be made available within sixty  
80 days of receipt of such request unless the child-placing agency,  
81 department or court notifies the person requesting the information that

82 it cannot be made available within sixty days and states the reason for  
 83 the delay. If the person making such request is a resident of this state  
 84 and it appears that counseling is advisable with release of the  
 85 information, the child-placing agency or department may request that  
 86 the person appear for an interview. If the person making such request  
 87 is not a resident of this state, and if it appears that counseling is  
 88 advisable with release of the information, the child-placing agency,  
 89 department or court may refer the person to an out-of-state agency or  
 90 appropriate governmental agency or department, approved by the  
 91 department or accredited by the Child Welfare League of America, the  
 92 National Conference of Catholic Charities, the Family Services  
 93 Association of America or the Council on Accreditation of Services of  
 94 Families and Children. If an out-of-state referral is made, the  
 95 information shall be released to the out-of-state child-placing agency  
 96 or department for release to the applicant, provided such information  
 97 shall not be released unless the out-of-state child-placing agency or  
 98 department is satisfied as to the identity of the person.

99 Sec. 2. Section 7-51 of the general statutes is repealed and the  
 100 following is substituted in lieu thereof (*Effective October 1, 2011*):

101 (a) (1) The department and registrars of vital [records] statistics shall  
 102 restrict access to and issuance of a certified copy of birth and fetal  
 103 death records and certificates less than one hundred years old, to  
 104 eligible parties described in subdivision (2) of this subsection and the  
 105 following eligible parties: [(1)] (A) The person whose birth is recorded,  
 106 if over eighteen years of age; [(2)] (B) such person's children,  
 107 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the  
 108 chief executive officer of the municipality where the birth or fetal death  
 109 occurred, or the chief executive officer's authorized agent; [(4)] (D) the  
 110 local director of health for the town or city where the birth or fetal  
 111 death occurred or where the mother was a resident at the time of the  
 112 birth or fetal death, or the director's authorized agent; [(5)] (E)  
 113 attorneys-at-law and title examiners representing such person or such  
 114 person's parent, guardian, child or surviving spouse; [(6)] (F) members  
 115 of genealogical societies incorporated or authorized by the Secretary of

116 the State to do business or conduct affairs in this state; [(7)] (G) agents  
117 of a state or federal agency as approved by the department; and [(8)]  
118 (H) researchers approved by the department pursuant to section 19a-  
119 25.

120 (2) The department shall provide access to and issuance of a copy of  
121 a sealed original birth record or certificate marked with the same  
122 notation required for such records under subsection (c) of section 7-53,  
123 as amended by this act, to any person twenty-one years of age or older  
124 whose adoption was finalized on or after October 1, 2011, and for  
125 whom a new certificate of birth was established on or after October 1,  
126 2011, pursuant to section 7-53, as amended by this act, because of the  
127 adoption, or if the person is deceased, an authorized applicant, as  
128 defined in subparagraph (D) of subdivision (3) of section 45a-743,  
129 provided the department is satisfied as to the identity of the person or  
130 authorized applicant requesting the record or certificate.

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

137 (b) No person other than the eligible parties listed in subsection (a)  
138 of this section shall be entitled to examine or receive a copy of any  
139 birth or fetal death record or certificate, access the information  
140 contained therein, or disclose any matter contained therein, except  
141 upon written order of a court of competent jurisdiction. Nothing in this  
142 section shall be construed to permit disclosure to any person,  
143 including the eligible parties listed in subsection (a) of this section, of  
144 information contained in the "information for health and statistical use  
145 only" section or the "administrative purposes only" section of a birth  
146 certificate, unless specifically authorized by the department for  
147 statistical or research purposes. The Social Security number of the  
148 parent or parents listed on any birth certificate shall not be released to

149 any party, except to those persons or entities authorized by state or  
150 federal law. Such confidential information, other than the excluded  
151 information set forth in this subsection, shall not be subject to  
152 subpoena or court order and shall not be admissible before any court  
153 or other tribunal.

154 (c) The registrar of the town in which the birth or fetal death  
155 occurred or of the town in which the mother resided at the time of the  
156 birth or fetal death, or the department, may issue a certified copy of the  
157 certificate of birth or fetal death of any person born in this state  
158 [which] that is kept in paper form in the custody of the registrar. Such  
159 certificate shall be issued upon the written request of an eligible party  
160 listed in subsection (a) of this section. Any registrar of vital statistics in  
161 this state with access, as authorized by the department, to the  
162 electronic vital records system of the department may issue a certified  
163 copy of the electronically filed certificate of birth or fetal death of any  
164 person born in this state upon the written request of an eligible party  
165 listed in subsection (a) of this section.

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

171 (e) (1) With respect to an original birth record or certificate that was  
172 superseded by a new birth certificate pursuant to section 7-53, as  
173 amended by this act, and that may be made available pursuant to  
174 subdivision (2) of subsection (a) of this section, upon request from the  
175 person whose birth was recorded or a birth parent named in the birth  
176 certificate, the department shall make available to each birth parent, or  
177 the birth parent making the request, as the case may be, a contact  
178 preference form prescribed in this subsection on which the birth parent  
179 may state a preference regarding contact by the person whose birth  
180 was recorded or an authorized applicant. Upon such request, the  
181 department shall also provide the birth parent with a form on which to

182 record the birth parent's health history pursuant to subdivision (10) of  
183 subsection (a) of section 45a-746, which the birth parent may complete  
184 and return.

185 (2) The contact preference form shall provide the birth parent with  
186 (A) a place to indicate whether the health history form has been  
187 completed and returned, and (B) the following options from which the  
188 birth parent shall select one:

189 (i) I would like to be contacted.

190 (ii) I would like to be contacted but only through an intermediary.

191 (iii) I do not want to be contacted.

192 (3) When the department receives a completed contact preference  
193 form or a completed health history form from a birth parent, the  
194 department shall attach the form to the adopted person's sealed  
195 original certificate or record. The form shall be confidential and copies  
196 shall only be provided to (A) the person whose birth was recorded or  
197 an authorized applicant, and (B) the state registry pursuant to section  
198 45a-755.

199 (4) Only a person authorized by the department to issue a birth  
200 record or certificate under this section may process a contact  
201 preference form and an updated health history form.

202 Sec. 3. Section 7-53 of the general statutes is repealed and the  
203 following is substituted in lieu thereof (*Effective October 1, 2011*):

204 (a) Upon receipt of the record of adoption referred to in subsection  
205 (e) of section 45a-745 or of other evidence satisfactory to the  
206 department that a person born in this state has been adopted, the  
207 department shall prepare a new birth certificate of such adopted  
208 person, except that no new certificate of birth shall be prepared if the  
209 court decreeing the adoption, the adoptive parents or the adopted  
210 person, if over fourteen years of age, so requests. Such new birth  
211 certificate shall include all the information required to be set forth in a

212 certificate of birth of this state as of the date of birth, except that the  
213 adopting parents shall be named as the parents instead of the [genetic]  
214 birth parents and, when a certified copy of the birth of such person is  
215 requested by an authorized person, a copy of the new certificate of  
216 birth as prepared by the department shall be provided, except as  
217 provided in section 7-51, as amended by this act.

218 (b) Any person seeking to examine or obtain a copy of the original  
219 record or certificate of birth, except an adopted person or an  
220 authorized applicant who is eligible to obtain an original record or  
221 certificate of birth pursuant to section 7-51, as amended by this act,  
222 shall first obtain a written order signed by the judge of the probate  
223 court for the district in which the adopted person was adopted or born  
224 in accordance with section 45a-753, or a written order of the Probate  
225 Court in accordance with the provisions of section 45a-752, stating that  
226 the court is of the opinion that the examination of the birth record of  
227 the adopted person by the adopting parents or the adopted person, if  
228 over eighteen years of age, or by the person wishing to examine the  
229 [same] birth record or that the issuance of a copy of such birth  
230 certificate to the adopting parents or the adopted person, if over  
231 eighteen years of age, or to the person applying [therefor] for the birth  
232 certificate will not be detrimental to the public interest or to the  
233 welfare of the adopted person or to the welfare of the [genetic] birth  
234 parent or parents or adoptive parent or parents.

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

241 (d) Immediately after a new certificate of birth has been prepared,  
242 an exact copy of such certificate, together with a written notice of the  
243 evidence of adoption, shall be transmitted by the department to the  
244 registrar of vital statistics of each town in this state in which the birth

245 of the adopted person is recorded. The new birth certificate, the  
246 original certificate of birth on file and the evidence of adoption shall be  
247 filed and indexed, under such regulations as the commissioner adopts,  
248 in accordance with chapter 54, to carry out the provisions of this  
249 section and to prevent access to the records of birth and adoption and  
250 the information [therein] contained in the records without due cause,  
251 except as provided in this section and section 7-51, as amended by this  
252 act.

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

258 (f) Whenever a certified copy of an adoption decree from a court of  
259 a foreign country, having jurisdiction of the adopted person, is filed  
260 with the department under the provisions of this section, such decree,  
261 when written in a language other than English, shall be accompanied  
262 by an English translation, which shall be subscribed and sworn to as a  
263 true translation by an American consulate officer stationed in such  
264 foreign country.

265 Sec. 4. Section 45a-744 of the general statutes is repealed and the  
266 following is substituted in lieu thereof (*Effective October 1, 2010*):

267 It is the policy of the state of Connecticut to make available to  
268 adopted and adoptable persons who are adults (1) information  
269 concerning their background and status; to give the same information  
270 to their adoptive parent or parents; and, in any case where such adult  
271 persons are deceased, to give the same information to their adult  
272 descendants, including adopted descendants except a copy of their  
273 original birth certificate as provided by section 7-51, as amended by  
274 this act; (2) to provide for consensual release of additional information  
275 which may identify the biological parents or relatives of such adult  
276 adopted or adoptable persons when release of such information is in

277 the best interests of such persons; (3) except as provided in section 7-  
278 51, as amended by this act, with respect to original birth records and  
279 certificates, and subdivisions (4) and (5) of this section, to protect the  
280 right to privacy of all parties to termination of parental rights,  
281 statutory parent and adoption proceedings; (4) to make available to  
282 any biological parent of an adult adopted or adult adoptable person,  
283 including a person claiming to be the father who was not a party to the  
284 proceedings for termination of parental rights, information which  
285 would tend to identify such adult adopted or adult adoptable person;  
286 and (5) to make available to any adult biological sibling of an adult  
287 adopted or adult adoptable person information which would tend to  
288 identify such adult adopted or adult adoptable person.

289       Sec. 5. Subsection (c) of section 19a-42 of the 2010 supplement to the  
290 general statutes is repealed and the following is substituted in lieu  
291 thereof (*Effective October 1, 2011*):

292       (c) An amended certificate shall supersede the original certificate  
293 that has been changed and shall be marked "Amended", except for  
294 amendments due to parentage or gender change. The original  
295 certificate in the case of parentage or gender change shall be physically  
296 or electronically sealed and kept in a confidential file by the  
297 department and the registrar of any town in which the birth was  
298 recorded, and may be unsealed for viewing or issuance only as  
299 provided in section 7-51, as amended by this act, with respect to files  
300 on adoption, or upon a written order of a court of competent  
301 jurisdiction. The amended certificate shall become the public record.

302       Sec. 6. Subsection (b) of section 45a-750 of the general statutes is  
303 repealed and the following is substituted in lieu thereof (*Effective*  
304 *October 1, 2011*):

305       (b) Any person for whom there is only a removal of custody or  
306 removal of guardianship, and such removal took place in this state  
307 shall be given information [which] that may identify the biological  
308 parent or parents or any relative of such person, upon request, in

309 person or in writing, in accordance with subsection [(f)] (g) of section  
310 45a-751b, as amended by this act, provided such information with  
311 respect to any relative shall not be released unless the consents  
312 required in subsection [(e)] (f) of section 45a-751b, as amended by this  
313 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	45a-751b
Sec. 2	<i>October 1, 2011</i>	7-51
Sec. 3	<i>October 1, 2011</i>	7-53
Sec. 4	<i>October 1, 2010</i>	45a-744
Sec. 5	<i>October 1, 2011</i>	19a-42(c)
Sec. 6	<i>October 1, 2011</i>	45a-750(b)

**KID**

*Joint Favorable C/R*

JUD