



General Assembly

January Session, 2011

Raised Bill No. 890

LCO No. 2483

02483_____KID

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 Section 45a-751b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2012*):

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

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

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

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

42 (c) Regardless of the date parental rights were terminated, any adult
43 adopted person, twenty-one years of age or older, whose adoption was
44 finalized on or after October 1, 2012, and for whom a new certificate of
45 birth was established on or after said date pursuant to section 7-53, as
46 amended by this act, or if such person is deceased, an authorized
47 applicant, as defined in subparagraph (D) of subdivision (3) of section

48 45a-743, may apply for and receive a copy of (1) the person's sealed
49 original birth certificate or record pursuant to section 7-51, as amended
50 by this act, and (2) any contact preference form attached to the sealed
51 original birth certificate or record pursuant to section 7-51, as amended
52 by this act. Nothing in this subsection shall be construed to limit such
53 person's or authorized applicant's access to information pursuant to
54 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, as amended by this act, may apply in person or in writing to
78 the child-placing agency, the department, the court of probate or the
79 superior court which has the information. Such information shall be

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

100 Sec. 2. Section 7-51 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2012*):

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

113 birth or fetal death, or the director's authorized agent; [(5)] (E)
114 attorneys-at-law and title examiners representing such person or such
115 person's parent, guardian, child or surviving spouse; [(6)] (F) members
116 of genealogical societies incorporated or authorized by the Secretary of
117 the State to do business or conduct affairs in this state; [(7)] (G) agents
118 of a state or federal agency as approved by the department; and [(8)]
119 (H) researchers approved by the department pursuant to section 19a-
120 25.

121 (2) The department shall provide access to and shall, upon request,
122 issue a copy of a sealed original birth record or certificate marked with
123 the same notation required for such records under subsection (c) of
124 section 7-53, as amended by this act, to any person twenty-one years of
125 age or older whose adoption was finalized on or after October 1, 2012,
126 and for whom a new certificate of birth was established on or after
127 October 1, 2012, pursuant to section 7-53, as amended by this act,
128 because of the adoption, or if the person is deceased, an authorized
129 applicant, as defined in subparagraph (D) of subdivision (3) of section
130 45a-743, provided the department is satisfied as to the identity of the
131 person or authorized applicant requesting the record or certificate.

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

138 (b) No person other than the eligible parties listed in subsection (a)
139 of this section shall be entitled to examine or receive a copy of any
140 birth or fetal death record or certificate, access the information
141 contained therein, or disclose any matter contained therein, except
142 upon written order of a court of competent jurisdiction. Nothing in this
143 section shall be construed to permit disclosure to any person,
144 including the eligible parties listed in subsection (a) of this section, of

145 information contained in the "information for health and statistical use
146 only" section or the "administrative purposes only" section of a birth
147 certificate, unless specifically authorized by the department for
148 statistical or research purposes. The Social Security number of the
149 parent or parents listed on any birth certificate shall not be released to
150 any party, except to those persons or entities authorized by state or
151 federal law. Such confidential information, other than the excluded
152 information set forth in this subsection, shall not be subject to
153 subpoena or court order and shall not be admissible before any court
154 or other tribunal.

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

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

172 (e) (1) With respect to an original birth record or certificate that was
173 superseded by a new birth certificate pursuant to section 7-53, as
174 amended by this act, and that may be made available pursuant to
175 subdivision (2) of subsection (a) of this section, upon request from the
176 person whose birth was recorded or a birth parent named in the birth

177 certificate, the department shall make available to each birth parent, or
178 the birth parent making the request, as the case may be, a contact
179 preference form prescribed in this subsection on which the birth parent
180 may state a preference regarding contact by the person whose birth
181 was recorded or an authorized applicant. Upon such request, the
182 department shall also provide the birth parent with a form on which to
183 record the birth parent's health history pursuant to subdivision (10) of
184 subsection (a) of section 45a-746, which the birth parent may complete
185 and return.

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

190 (i) I would like to be contacted.

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

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

193 (3) When the department receives a completed contact preference
194 form or a completed health history form from a birth parent, the
195 department shall attach the form to the adopted person's sealed
196 original certificate or record. The form shall be confidential and copies
197 shall only be provided to (A) the person whose birth was recorded or
198 an authorized applicant, and (B) the state registry pursuant to section
199 45a-755.

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

203 Sec. 3. Section 7-53 of the general statutes is repealed and the
204 following is substituted in lieu thereof (*Effective October 1, 2012*):

205 (a) Upon receipt of the record of adoption referred to in subsection

206 (e) of section 45a-745 or of other evidence satisfactory to the
207 department that a person born in this state has been adopted, the
208 department shall prepare a new birth certificate of such adopted
209 person, except that no new certificate of birth shall be prepared if the
210 court decreeing the adoption, the adoptive parents or the adopted
211 person, if over fourteen years of age, so requests. Such new birth
212 certificate shall include all the information required to be set forth in a
213 certificate of birth of this state as of the date of birth, except that the
214 adopting parents shall be named as the parents instead of the [genetic]
215 birth parents and, when a certified copy of the birth of such person is
216 requested by an authorized person, a copy of the new certificate of
217 birth as prepared by the department shall be provided, except as
218 provided in section 7-51, as amended by this act.

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

237 (c) Upon receipt of such court order, the registrar of vital statistics of
238 any town in which the birth of such person was recorded, or the

239 department, may issue the certified copy of the original certificate of
240 birth on file, marked with a notation by the issuer that such original
241 certificate of birth has been superseded by a replacement certificate of
242 birth as on file, or may permit the examination of such record.

243 (d) Immediately after a new certificate of birth has been prepared,
244 an exact copy of such certificate, together with a written notice of the
245 evidence of adoption, shall be transmitted by the department to the
246 registrar of vital statistics of each town in this state in which the birth
247 of the adopted person is recorded. The new birth certificate, the
248 original certificate of birth on file and the evidence of adoption shall be
249 filed and indexed, under such regulations as the commissioner adopts,
250 in accordance with chapter 54, to carry out the provisions of this
251 section and to prevent access to the records of birth and adoption and
252 the information [therein] contained in the records without due cause,
253 except as provided in this section and section 7-51, as amended by this
254 act.

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

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

267 Sec. 4. Section 45a-744 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective October 1, 2012*):

269 It is the policy of the state of Connecticut to make available to

270 adopted and adoptable persons who are adults (1) information
271 concerning their background and status; to give the same information
272 to their adoptive parent or parents; and, in any case where such adult
273 persons are deceased, to give the same information to their adult
274 descendants, including adopted descendants except a copy of their
275 original birth certificate as provided by section 7-51, as amended by
276 this act; (2) to provide for consensual release of additional information
277 which may identify the biological parents or relatives of such adult
278 adopted or adoptable persons when release of such information is in
279 the best interests of such persons; (3) except as provided in section 7-
280 51, as amended by this act, with respect to original birth records and
281 certificates, and subdivisions (4) and (5) of this section, to protect the
282 right to privacy of all parties to termination of parental rights,
283 statutory parent and adoption proceedings; (4) to make available to
284 any biological parent of an adult adopted or adult adoptable person,
285 including a person claiming to be the father who was not a party to the
286 proceedings for termination of parental rights, information which
287 would tend to identify such adult adopted or adult adoptable person;
288 and (5) to make available to any adult biological sibling of an adult
289 adopted or adult adoptable person information which would tend to
290 identify such adult adopted or adult adoptable person.

291 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is
292 repealed and the following is substituted in lieu thereof (*Effective*
293 *October 1, 2012*):

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

303 jurisdiction. The amended certificate shall become the public record.

304 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective*
306 *October 1, 2012*):

307 (b) Any person for whom there is only a removal of custody or
308 removal of guardianship, and such removal took place in this state
309 shall be given information [which] that may identify the biological
310 parent or parents or any relative of such person, upon request, in
311 person or in writing, in accordance with subsection [(f)] (g) of section
312 45a-751b, as amended by this act, provided such information with
313 respect to any relative shall not be released unless the consents
314 required in subsection [(e)] (f) of section 45a-751b, as amended by this
315 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	45a-751b
Sec. 2	<i>October 1, 2012</i>	7-51
Sec. 3	<i>October 1, 2012</i>	7-53
Sec. 4	<i>October 1, 2012</i>	45a-744
Sec. 5	<i>October 1, 2012</i>	19a-42(c)
Sec. 6	<i>October 1, 2012</i>	45a-750(b)

Statement of Purpose:

To provide adult adopted persons, twenty-one years of age or older, whose adoptions were finalized after October 1, 2012, with access to their biological parents' health information and information in the person's original birth certificate or record.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]