



General Assembly

February Session, 2012

Raised Bill No. 296

LCO No. 1677

01677_____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 CERTIFICATE.

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 Section 45a-751b of the general statutes is repealed and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 June 1, 2013*):

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, or after
43 June 1, 2013, any adult adopted person twenty-one years of age or
44 older, or if such person is deceased, an authorized applicant, as
45 defined in subparagraph (D) of subdivision (3) of section 45a-743, may
46 apply for and receive a copy of (1) the person's sealed original birth
47 certificate or record pursuant to section 7-51, as amended by this act,

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

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

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

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

72 [(f)] (g) Any adult person for whom there is only removal of custody
73 or removal of guardianship as specified in subsection (b) of section
74 45a-750, as amended by this act, may apply in person or in writing to
75 the child-placing agency, the department, the court of probate or the
76 superior court which has the information. Such information shall be
77 made available within sixty days of receipt of such request unless the
78 child-placing agency, department or court notifies the person
79 requesting the information that it cannot be made available within

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

97 Sec. 2. Section 7-51 of the 2012 supplement to the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective June*
99 *1, 2013*):

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

113 guardian, child or surviving spouse; [(6)] (F) a conservator of the
114 person appointed for such person; [(7)] (G) members of genealogical
115 societies incorporated or authorized by the Secretary of the State to do
116 business or conduct affairs in this state; [(8)] (H) agents of a state or
117 federal agency as approved by the department; and [(9)] (I) researchers
118 approved by the department pursuant to section 19a-25.

119 (2) The department shall provide access to and shall, upon request,
120 issue a copy of a sealed birth record or certificate marked with the
121 same notation required for such records under subsection (c) of section
122 7-53, as amended by this act, to any adult person twenty-one years of
123 age or older, or if such person is deceased, an authorized applicant, as
124 defined in subparagraph (D) of subdivision (3) of section 45a-743,
125 provided the department is satisfied as to the identity of the person or
126 authorized applicant requesting the record or certificate.

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

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

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

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

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

167 (e) (1) The department shall make available to each birth parent or
168 the birth parent making the request, as the case may be, a contact
169 preference form on which the birth parent may state a preference
170 regarding contact by the person whose birth was recorded or an
171 authorized applicant, as defined in subparagraph (D) of subdivision
172 (3) of section 45a-743. Upon such request, the department shall also
173 provide the birth parent with a form on which to record his or her
174 health history pursuant to subdivision (10) of subsection (a) of section
175 45a-746.

176 (2) The contact preference form shall provide the birth parent with

177 (A) a place to indicate whether the health history form has been
178 completed and returned, and (B) the following options from which the
179 birth parent shall select one:

180 (i) I would like to be contacted.

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

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

183 (3) When the department receives a completed contact preference
184 form or completed health history form from a birth parent, the
185 department shall attach the form to the adopted person's sealed
186 original certificate or record. The form shall be confidential and copies
187 shall only be provided to (A) the person whose birth was recorded or
188 an authorized applicant, as defined in subparagraph (D) of subdivision
189 (3) of section 45a-743, and (B) the state registry pursuant to section 45a-
190 755.

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

194 (5) The department shall maintain the following statistics, which
195 shall be made available to the general public on a quarterly basis or
196 more frequently at the discretion of the commissioner: (A) The number
197 of original birth certificates released since the effective date of this
198 section; (B) the number of contact preference forms filed; and (C) the
199 number of birth parents who indicated on the contact preference form
200 broken down by the options listed in subparagraph (B) of subdivision
201 (2) of this section.

202 Sec. 3. Section 7-53 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective June 1, 2013*):

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]
226 Such order shall state that the court is of the opinion that the
227 examination of the birth record of the adopted person by the adopting
228 parents or the adopted person, if over eighteen years of age, or by the
229 person wishing to examine the [same] birth record, or that the issuance
230 of a copy of such birth certificate to the adopting parents or the
231 adopted person, if over eighteen years of age, or to the person
232 applying [therefor] for the birth certificate, will not be detrimental to
233 the public interest or to the welfare of the adopted person, [or to the
234 welfare of the genetic or] the birth parent or parents, or the adoptive
235 parent or parents.

236 (c) Upon receipt of such court order, the registrar of vital statistics of
237 any town in which the birth of such person was recorded, or the
238 department, may issue the certified copy of the original certificate of

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

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

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

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

266 Sec. 4. Section 45a-744 of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective June 1, 2013*):

268 It is the policy of the state of Connecticut to make available to
269 adopted and adoptable persons who are adults (1) information

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

290 Sec. 5. Subsection (c) of section 19a-42 of the 2012 supplement to the
291 general statutes is repealed and the following is substituted in lieu
292 thereof (*Effective June 1, 2013*):

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

303 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
 304 repealed and the following is substituted in lieu thereof (*Effective June*
 305 *1, 2013*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>June 1, 2013</i>	45a-751b
Sec. 2	<i>June 1, 2013</i>	7-51
Sec. 3	<i>June 1, 2013</i>	7-53
Sec. 4	<i>June 1, 2013</i>	45a-744
Sec. 5	<i>June 1, 2013</i>	19a-42(c)
Sec. 6	<i>June 1, 2013</i>	45a-750(b)

Statement of Purpose:

To provide adult adopted persons, twenty-one years of age or older, 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.]