



General Assembly

January Session, 2013

Committee Bill No. 59

LCO No. 5137



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES BY ADOPTED PERSONS.

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 Section 45a-751b of the general statutes is repealed and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 July 1, 2014*):

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

10 (b) (1) [If] Except as provided in subsection (g) 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 (g) 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) If the whereabouts of any person whose identity is being sought
43 are unknown, the court shall appoint a guardian ad litem pursuant to
44 subsection (c) of section 45a-753.

45 (d) When the authorized applicant requesting identifying
46 information has contact with a biological sibling who is a minor,
47 identifying information shall not be disclosed unless consent is

48 obtained from the adoptive parents or guardian or guardian ad litem
49 of the sibling.

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

62 (f) Any adult person for whom there is only removal of custody or
63 removal of guardianship as specified in subsection (b) of section 45a-
64 750, as amended by this act, may apply in person or in writing to the
65 child-placing agency, the department, the court of probate or the
66 superior court which has the information. Such information shall be
67 made available within sixty days of receipt of such request unless the
68 child-placing agency, department or court notifies the person
69 requesting the information that it cannot be made available within
70 sixty days and states the reason for the delay. If the person making
71 such request is a resident of this state and it appears that counseling is
72 advisable with release of the information, the child-placing agency or
73 department may request that the person appear for an interview. If the
74 person making such request is not a resident of this state, and if it
75 appears that counseling is advisable with release of the information,
76 the child-placing agency, department or court may refer the person to
77 an out-of-state agency or appropriate governmental agency or
78 department, approved by the department or accredited by the Child
79 Welfare League of America, the National Conference of Catholic
80 Charities, the Family Services Association of America or the Council

81 on Accreditation of Services of Families and Children. If an out-of-state
82 referral is made, the information shall be released to the out-of-state
83 child-placing agency or department for release to the applicant,
84 provided such information shall not be released unless the out-of-state
85 child-placing agency or department is satisfied as to the identity of the
86 person.

87 (g) Regardless of the date parental rights were terminated, any adult
88 adopted person twenty-one years of age or older, whose adoption was
89 finalized on or after July 1, 2014, and for whom a new certificate of
90 birth was established pursuant to section 7-53, as amended by this act,
91 on or after July 1, 2014, may apply for and receive (1) from the
92 Department of Public Health or a registrar of vital statistics, a copy of
93 the person's sealed original birth certificate or record pursuant to
94 section 7-51, as amended by this act, and (2) from the Department of
95 Children and Families, any contact preference form or health history
96 form filed with the Department of Children and Families. Nothing in
97 this subsection shall be construed to limit such person's access to
98 information.

99 (h) (1) The Commissioner of Children and Families shall make
100 available to each birth parent, upon the birth parent's request, a contact
101 preference form on which the birth parent may state a preference
102 regarding contact by the person whose birth is recorded pursuant to
103 section 7-51, as amended by this act. Upon such request, the
104 commissioner shall also provide the birth parent with a form on which
105 to record his or her health history pursuant to subdivision (10) of
106 subsection (a) of section 45a-746.

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

111 (i) I would like to be contacted.

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

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

114 (3) All completed contact preference forms and health history forms
115 shall be filed with the Department of Children and Families. The
116 department shall maintain all completed contact preference forms and
117 health history forms and shall create an index for such forms.

118 (4) The Department of Children and Families shall maintain the
119 following statistics concerning such forms, which shall be made
120 available to the public not less than biannually: (A) The number of
121 completed contact preference forms filed with the department; (B) the
122 number of birth parents that selected each option described in
123 subparagraph (B) of subdivision (2) of this subsection; and (C) the
124 number of completed medical history forms filed with the department.

125 Sec. 2. Section 7-51 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective July 1, 2014*):

127 (a) (1) The [department] Department of Public Health and registrars
128 of vital statistics shall restrict access to and issuance of a certified copy
129 of birth and fetal death records and certificates less than one hundred
130 years old, to eligible parties described in subdivision (2) of this
131 subsection and the following eligible parties: [(1)] (A) The person
132 whose birth is recorded, if over eighteen years of age; [(2)] (B) such
133 person's children, grandchildren, spouse, parent, guardian or
134 grandparent; [(3)] (C) the chief executive officer of the municipality
135 where the birth or fetal death occurred, or the chief executive officer's
136 authorized agent; [(4)] (D) the local director of health for the town or
137 city where the birth or fetal death occurred or where the mother was a
138 resident at the time of the birth or fetal death, or the director's
139 authorized agent; [(5)] (E) attorneys-at-law representing such person or
140 such person's parent, guardian, child or surviving spouse; [(6)] (F) a
141 conservator of the person appointed for such person; [(7)] (G) members
142 of genealogical societies incorporated or authorized by the Secretary of

143 the State to do business or conduct affairs in this state; [(8)] (H) agents
144 of a state or federal agency as approved by the department; and [(9)]
145 (I) researchers approved by the department pursuant to section 19a-25.

146 (2) The Department of Public Health shall, upon request, issue to an
147 adult adopted person twenty-one years of age or older (A) who was
148 born in this state, (B) whose adoption was finalized on or after July 1,
149 2014, and (C) for whom a new certificate of birth was established on or
150 after July 1, 2014, an uncertified copy of the unaltered, sealed original
151 certificate of birth for such person marked with the same notation
152 required for such records under subsection (c) of section 7-53, as
153 amended by this act. Upon issuing an uncertified copy of such
154 certificate of birth, the Department of Public Health shall notify such
155 adopted person that a contact preference form and health history
156 information form completed by such person's birth parent or parents
157 may be available from the Department of Children and Families.

158 (3) Except as provided in section 19a-42a and subdivision (2) of this
159 subsection, access to confidential files on paternity, adoption, gender
160 change or gestational agreements, or information contained within
161 [such files] the files of the Department of Public Health and registrars
162 of vital statistics, shall not be released to any party, including the
163 eligible parties listed in subdivision (1) of this subsection, except upon
164 an order of a court of competent jurisdiction.

165 (b) No person other than the eligible parties listed in subsection (a)
166 of this section shall be entitled to examine or receive a copy of any
167 birth or fetal death record or certificate, access the information
168 contained therein, or disclose any matter contained therein, except
169 upon written order of a court of competent jurisdiction. Nothing in this
170 section shall be construed to permit disclosure to any person,
171 including the eligible parties listed in subsection (a) of this section, of
172 information contained in the "information for health and statistical use
173 only" section or the "administrative purposes only" section of a birth
174 certificate, unless specifically authorized by the department for

175 statistical or research purposes. The Social Security number of the
176 parent or parents listed on any birth certificate shall not be released to
177 any party, except to those persons or entities authorized by state or
178 federal law. Such confidential information, other than the excluded
179 information set forth in this subsection, shall not be subject to
180 subpoena or court order and shall not be admissible before any court
181 or other tribunal.

182 (c) The registrar of the town in which the birth or fetal death
183 occurred or of the town in which the mother resided at the time of the
184 birth or fetal death, or the department, may issue a certified copy of the
185 certificate of birth or fetal death of any person born in this state
186 [which] that is kept in paper form in the custody of the registrar. Such
187 certificate shall be issued upon the written request of an eligible party
188 listed in subsection (a) of this section. Any registrar of vital statistics in
189 this state with access, as authorized by the department, to the
190 electronic vital records system of the department may issue a certified
191 copy of the electronically filed certificate of birth or fetal death of any
192 person born in this state upon the written request of an eligible party
193 listed in subsection (a) of this section.

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

199 Sec. 3. Section 7-53 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2014*):

201 (a) Upon receipt of the record of adoption referred to in subsection
202 (e) of section 45a-745 or of other evidence satisfactory to the
203 department that a person born in this state has been adopted, the
204 department shall prepare a new birth certificate of such adopted
205 person, except that no new certificate of birth shall be prepared if the
206 court decreeing the adoption, the adoptive parents or the adopted

207 person, if over fourteen years of age, so requests. Such new birth
208 certificate shall include all the information required to be set forth in a
209 certificate of birth of this state as of the date of birth, except that the
210 [adopting] adoptive parents shall be named as the parents instead of
211 the [genetic] birth parents and, when a certified copy of the birth of
212 such person is requested by an authorized person, a copy of the new
213 certificate of birth as prepared by the department shall be provided,
214 except as provided in section 7-51, as amended by this act.

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

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

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

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

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

263 Sec. 4. Section 45a-744 of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective July 1, 2014*):

265 It is the policy of the state of Connecticut to make available to
266 adopted and adoptable persons who are adults (1) information
267 concerning their background and status; to give the same information
268 to their adoptive parent or parents; and, in any case where such adult
269 persons are deceased, to give the same information to their adult
270 descendants, including adopted descendants except a copy of their

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

287 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective July*
289 *1, 2014*):

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

300 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
301 repealed and the following is substituted in lieu thereof (*Effective July*
302 *1, 2014*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	45a-751b
Sec. 2	<i>July 1, 2014</i>	7-51
Sec. 3	<i>July 1, 2014</i>	7-53
Sec. 4	<i>July 1, 2014</i>	45a-744
Sec. 5	<i>July 1, 2014</i>	19a-42(c)
Sec. 6	<i>July 1, 2014</i>	45a-750(b)

Statement of Purpose:

To provide adult adopted persons, twenty-one years of age or older whose adoptions were finalized on or after July 1, 2014 with access to their birth 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.]

Co-Sponsors: SEN. MEYER, 12th Dist.; REP. ALEXANDER, 58th Dist.
SEN. BYE, 5th Dist.; REP. ALBIS, 99th Dist.

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