



House of Representatives

General Assembly

File No. 438

February Session, 2014

Substitute House Bill No. 5144

House of Representatives, April 8, 2014

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES AND PARENTAL HEALTH INFORMATION FOR ADOPTED PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-51 of the 2014 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (a) (1) The department and registrars of vital statistics shall restrict
5 access to and issuance of a certified copy of birth and fetal death
6 records and certificates less than one hundred years old, to the
7 following eligible parties: [(1)] (A) The person whose birth is recorded,
8 if such person is [(A)] (i) over eighteen years of age, [or (B)] (ii) a
9 certified homeless youth, as defined in section 7-36, [; (2) the person
10 whose birth is recorded, if such person is] or (iii) a minor emancipated
11 pursuant to sections 46b-150 to 46b-150e, inclusive; [(3)] (B) such
12 person's [children] child, [grandchildren] grandchild, spouse, parent,
13 guardian or grandparent; [(4)] (C) the chief executive officer of the
14 municipality where the birth or fetal death occurred, or the chief

15 executive officer's authorized agent; [(5)] (D) the local director of
16 health for the town or city where the birth or fetal death occurred or
17 where the mother was a resident at the time of the birth or fetal death,
18 or the director's authorized agent; [(6)] (E) attorneys-at-law
19 representing such person or such person's parent, guardian, child or
20 surviving spouse; [(7)] (F) a conservator of the person appointed for
21 such person; [(8) members] (G) a member of a genealogical [societies]
22 society incorporated or authorized by the Secretary of the State to do
23 business or conduct affairs in this state; [(9) agents] (H) an agent of a
24 state or federal agency as approved by the department; and [(10)
25 researchers] (I) a researcher approved by the department pursuant to
26 section 19a-25.

27 (2) Except as provided in section 7-53, as amended by this act, and
28 section 19a-42a, access to confidential files on paternity, adoption,
29 gender change or gestational agreements, or information contained
30 within such files, shall not be released to any party, including the
31 eligible parties listed in subdivision (1) of this subsection, except upon
32 an order of a court of competent jurisdiction.

33 (b) No person other than the eligible parties listed in subsection (a)
34 of this section shall be entitled to examine or receive a copy of any
35 birth or fetal death record or certificate, access the information
36 contained therein, or disclose any matter contained therein, except
37 upon written order of a court of competent jurisdiction. Nothing in this
38 section shall be construed to permit disclosure to any person,
39 including the eligible parties listed in subsection (a) of this section, of
40 information contained in the "information for health and statistical use
41 only" section or the "administrative purposes only" section of a birth
42 certificate, unless specifically authorized by the department for
43 statistical or research purposes. The Social Security number of the
44 parent or parents listed on any birth certificate shall not be released to
45 any party, except to those persons or entities authorized by state or
46 federal law. Such confidential information, other than the excluded
47 information set forth in this subsection, shall not be subject to
48 subpoena or court order and shall not be admissible before any court

49 or other tribunal.

50 (c) (1) The registrar of the town in which the birth or fetal death
51 occurred or of the town in which the mother resided at the time of the
52 birth or fetal death, or the department, may issue a certified copy of the
53 certificate of birth or fetal death of any person born in this state
54 [which] that is kept in paper form in the custody of the registrar.
55 Except as provided in subdivision (2) of this subsection, such
56 certificate shall be issued upon the written request of an eligible party
57 listed in subsection (a) of this section. Any registrar of vital statistics in
58 this state with access, as authorized by the department, to the
59 electronic vital records system of the department may issue a certified
60 copy of the electronically filed certificate of birth or fetal death of any
61 person born in this state upon the written request of an eligible party
62 listed in subsection (a) of this section.

63 (2) In the case of a certified homeless youth, such certified homeless
64 youth and the person who is certifying the certified homeless youth as
65 homeless, as described in section 7-36, shall appear in person when the
66 certified homeless youth is presenting the written request described in
67 subdivision (1) of this subsection at (A) the office of the registrar of the
68 town in which the certified homeless youth was born, (B) the office of
69 the registrar of the town in which the mother of the certified homeless
70 youth resided at the time of the birth, (C) if the birth certificate of the
71 certified homeless youth has been electronically filed, any registrar of
72 vital statistics in the state with access, as authorized by the department,
73 to the electronic vital records system, or (D) the state vital records
74 office of the department. The certified homeless youth shall present to
75 the registrar or the department information sufficient to identify
76 himself or herself as may be required by regulations adopted by the
77 commissioner pursuant to section 7-41. The person who is certifying
78 the certified homeless youth as homeless shall present to the registrar
79 or the department information sufficient to identify himself or herself
80 as meeting the certification requirements of section 7-36.

81 (d) The department and each registrar of vital statistics shall issue

82 only certified copies of birth certificates or fetal death certificates, [for
83 births or fetal deaths occurring less than one hundred years prior to
84 the date of the request] except as provided in sections 7-51a and 7-53,
85 as amended by this act.

86 Sec. 2. Section 7-53 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective July 1, 2015*):

88 (a) Upon receipt of the record of adoption referred to in subsection
89 (e) of section 45a-745 or of other evidence satisfactory to the
90 department that a person born in this state has been adopted, the
91 department shall prepare a new birth certificate of such adopted
92 person, except that no new certificate of birth shall be prepared if the
93 court decreeing the adoption, the adoptive parents or the adopted
94 person, if over fourteen years of age, so requests. Such new birth
95 certificate shall include all the information required to be set forth in a
96 certificate of birth of this state as of the date of birth, except that the
97 adopting parents shall be named as the parents instead of the [genetic]
98 birth parents and, when a certified copy of the birth of such person is
99 requested by an [authorized person] eligible party as described in
100 subdivision (1) of subsection (a) of section 7-51, as amended by this act,
101 a copy of the new certificate of birth as prepared by the department
102 shall be provided. [Any person] Immediately after a new certificate of
103 birth has been prepared, an exact copy of such certificate, together
104 with a written notice of the evidence of adoption, shall be transmitted
105 by the department to the registrar of vital statistics of each
106 municipality in which the birth of the adopted person is recorded. The
107 new birth certificate, the original certificate of birth on file and the
108 evidence of adoption shall be filed and indexed, under such
109 regulations as the commissioner adopts, in accordance with chapter 54,
110 to carry out the provisions of this section and to prevent access to the
111 records of birth and adoption and the information contained in the
112 records, except as provided in this section.

113 (b) Except as provided in subsection (c) of this section, an original
114 certificate of birth may only be issued if the person named in the

115 certificate of birth is deceased and the person seeking to obtain such
116 certificate of birth is an authorized applicant, as defined in section 45a-
117 743. Any authorized applicant seeking to [examine or] obtain a copy of
118 the original [record or] certificate of birth shall first obtain a written
119 court order [signed by the judge of the probate court for the district in
120 which the adopted person was adopted or born in accordance with
121 section 45a-753, or a written order of the Probate Court in accordance
122 with the provisions of section 45a-752, stating that the court is of the
123 opinion that the examination of the birth record of the adopted person
124 by the adopting parents or the adopted person, if over eighteen years
125 of age, or by the person wishing to examine the same or that the
126 issuance of a copy of such birth certificate to the adopting parents or
127 the adopted person, if over eighteen years of age, or to the person
128 applying therefor will not be detrimental to the public interest or to the
129 welfare of the adopted person or to the welfare of the genetic or
130 adoptive parent or parents] issued in accordance with section 10 of this
131 act. Upon receipt of such court order, [the registrar of vital statistics of
132 any town in which the birth of such person was recorded, or] the
133 department [,] may issue [the certified] an uncertified copy of the
134 original certificate of birth on file, marked with a notation by the issuer
135 that such original certificate of birth has been superseded by a
136 replacement certificate of birth as on file. [, or may permit the
137 examination of such record. Immediately after a new certificate of birth
138 has been prepared, an exact copy of such certificate, together with a
139 written notice of the evidence of adoption, shall be transmitted by the
140 department to the registrar of vital statistics of each town in this state
141 in which the birth of the adopted person is recorded. The new birth
142 certificate, the original certificate of birth on file and the evidence of
143 adoption shall be filed and indexed, under such regulations as the
144 commissioner adopts, in accordance with chapter 54, to carry out the
145 provisions of this section and to prevent access to the records of birth
146 and adoption and the information therein contained without due
147 cause, except as provided in this section.]

148 (c) Upon request, the department shall issue an uncertified copy of
149 an original certificate of birth to (1) an adopted person who is eighteen

150 years of age or older, or (2) such adopted person's adult child or
151 grandchild. Such certificate shall be marked with a notation by the
152 issuer that such original certificate of birth has been superseded by a
153 replacement certificate of birth as on file. Additionally, a notice stating
154 that information related to the birth parents' preferences regarding
155 contact by such adopted person or such adopted person's adult child
156 or grandchild and a medical health history form completed by the
157 birth parent may be on file with the Department of Children and
158 Families shall be printed on such certificate or attached thereto.

159 (d) Any person, except such birth or adoptive parents, [or] such
160 adopted person or such adopted person's adult child or grandchild,
161 who discloses any information contained in such records, except as
162 provided in this section shall be fined not more than five hundred
163 dollars or imprisoned not more than six months, or both.

164 (e) Whenever a certified copy of an adoption decree from a court of
165 a foreign country, having jurisdiction of the adopted person, is filed
166 with the department under the provisions of this section, such decree,
167 when written in a language other than English, shall be accompanied
168 by an English translation, which shall be subscribed and sworn to as a
169 true translation by an American consulate officer stationed in such
170 foreign country.

171 Sec. 3. (NEW) (*Effective July 1, 2015*) (a) Upon the request of a birth
172 parent, the Department of Children and Families shall make available
173 to him or her a contact preference form on which the birth parent may
174 state a preference regarding contact by the person whose birth is
175 recorded on a certificate of birth that may be made available in
176 accordance with section 7-53 of the general statutes, as amended by
177 this act, to an adopted person when such person is eighteen years of
178 age or older or to such adopted person's adult child or grandchild.
179 Upon such request, the department shall also provide the birth parent
180 with a form on which to record his or her health history pursuant to
181 subdivision (10) of subsection (a) of section 45a-746 of the general
182 statutes.

183 (b) The contact preference form shall provide the birth parent with
184 the following options from which the birth parent shall select one:

185 (1) I would like to be contacted.

186 (2) I would like to be contacted, but only through an intermediary,
187 as designated by the birth parent.

188 (3) I do not want to be contacted.

189 (c) When the department receives a completed contact preference
190 form or completed health history form from a birth parent, the
191 department shall maintain such form in a confidential file and shall
192 provide copies only to the adopted person who is eighteen years of age
193 or older or such adopted person's adult child or grandchild, upon
194 request. A completed contact preference form shall not be considered a
195 public record for the purposes of section 1-210 of the general statutes.

196 Sec. 4. (NEW) (*Effective from passage*) (a) Not later than January 1,
197 2016, and annually thereafter until January 1, 2021, the Commissioner
198 of Public Health shall submit a report, in accordance with the
199 provisions of section 11-4a of the general statutes, concerning the
200 number of original birth certificates issued annually to adopted
201 persons or the adult children or grandchildren of adopted persons in
202 accordance with section 7-53 of the general statutes, as amended by
203 this act, to the joint standing committee of the General Assembly
204 having cognizance of matters relating to public health.

205 (b) Not later than January 1, 2016, and annually thereafter until
206 January 1, 2021, the Commissioner of Children and Families shall
207 submit a report, in accordance with the provisions of section 11-4a of
208 the general statutes, concerning the number of contact preference
209 forms and medical health history forms annually filed with the
210 department in accordance with section 3 of this act to the joint
211 standing committee of the General Assembly having cognizance of
212 matters relating to public health. The report shall include the number
213 of birth parents that selected each option described in section 3 of this

214 act.

215 Sec. 5. Section 7-74 of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective July 1, 2015*):

217 (a) The fee for a certification of birth registration, short form, shall
218 be fifteen dollars. The fee for a certified copy of a certificate of birth,
219 long form, shall be twenty dollars, except that the fee for such
220 certifications and copies when issued by the department shall be thirty
221 dollars.

222 (b) The fee for a certified copy of a certificate of marriage or death
223 shall be twenty dollars. Such fees shall not be required of the
224 department.

225 (c) The fee for one certified copy of a certificate of death for any
226 deceased person who was a veteran, as defined in subsection (a) of
227 section 27-103, shall be waived when such copy is requested by a
228 spouse, child or parent of such deceased veteran.

229 (d) The fee for an uncertified copy of an original certificate of birth
230 issued pursuant to section 7-53, as amended by this act, shall be sixty-
231 five dollars.

232 Sec. 6. Section 45a-744 of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective July 1, 2015*):

234 It is the policy of the state of Connecticut to make available to
235 adopted and adoptable persons who are adults (1) information
236 concerning their background and status; to give the same information
237 to their adoptive parent or parents; and, in any case where such [adult]
238 adopted or adoptable persons are deceased, to give the same
239 information to their adult descendants, including adopted
240 descendants; [except a copy of their original birth certificate as
241 provided by section 7-51;] (2) to provide for consensual release of
242 additional information which may identify the biological parents or
243 relatives of such adult adopted or adoptable persons when release of
244 such information is in the best interests of such persons; (3) except as

245 provided in subdivisions [(4) and (5)] (1) and (4) to (6), inclusive, of
246 this section, to protect the right to privacy of all parties to termination
247 of parental rights, statutory parent and adoption proceedings; (4) to
248 make available to any biological parent of an adult adopted or adult
249 adoptable person, including a person claiming to be the father who
250 was not a party to the proceedings for termination of parental rights,
251 information which would tend to identify such adult adopted or
252 [adult] adoptable person; [and] (5) to make available to any adult
253 biological sibling of an adult adopted or adult adoptable person
254 information which would tend to identify such adult adopted or adult
255 adoptable person; and (6) to make available to any adult adopted
256 person eighteen years of age or older or such adopted person's adult
257 child or grandchild a copy of an original birth certificate, as provided
258 in section 7-53, as amended by this act.

259 Sec. 7. Section 45a-751b of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective July 1, 2015*):

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

268 (b) (1) [If] Except as provided in subsection (c) of this section, if
269 parental rights were terminated on or before September 30, 1995, (A)
270 any information tending to identify the biological parents, including a
271 person claiming to be the father who was not a party to the
272 proceedings for the termination of parental rights, shall not be
273 disclosed unless written consent is obtained from each biological
274 parent who was party to such proceedings, except as provided in
275 subdivision (2) of this subsection, and (B) identifying information shall
276 not be disclosed to a biological parent, including a person claiming to
277 be the father who was not a party to the proceedings for the

278 termination of parental rights, without the written consent of each
279 biological parent who was a party to such proceedings and the consent
280 of the adult adopted or adoptable person whose identity is being
281 requested.

282 (2) [On] Except as provided in subsection (c) of this section, on and
283 after October 1, 2009, information tending to identify a biological
284 parent who is subject to this subsection may be disclosed to an
285 authorized applicant if the biological parent whose information is to be
286 disclosed provides written consent, provided the child-placing agency
287 or department attempts to determine the whereabouts of the other
288 biological parent and obtain written consent from such other biological
289 parent to permit disclosure of such information in the manner
290 permitted under subdivision (1) of this subsection. If such other
291 biological parent cannot be located or does not provide such written
292 consent, information tending to identify the biological parent who has
293 provided written consent may be disclosed to an authorized applicant,
294 provided: (A) Information tending to identify the other biological
295 parent shall not be disclosed without the written consent of the other
296 biological parent, and (B) the biological parent whose information is to
297 be disclosed signs an affidavit that such parent shall not disclose any
298 information tending to identify the other biological parent without the
299 written consent of the other biological parent.

300 (c) Regardless of the date parental rights were terminated, on or
301 after July 1, 2015, the Department of Public Health shall, upon request,
302 issue an uncertified copy of an original birth certificate to an adopted
303 person eighteen years of age or older who is the subject of the birth
304 certificate or such adopted person's adult child or grandchild, in
305 accordance with the provisions of section 7-53, as amended by this act.

306 [(c)] (d) If the whereabouts of any person whose identity is being
307 sought are unknown, the court shall appoint a guardian ad litem
308 pursuant to subsection (c) of section 45a-753, as amended by this act.

309 [(d)] (e) When the authorized applicant requesting identifying
310 information has contact with a biological sibling who is a minor,

311 identifying information shall not be disclosed unless consent is
312 obtained from the adoptive parents or guardian or guardian ad litem
313 of the sibling.

314 [(e)] (f) Any information tending to identify any adult relative other
315 than a biological parent shall not be disclosed unless written consent is
316 obtained from such adult relative. The consent of any biological
317 parents common to the person making the request and the person to
318 be identified shall be required unless (1) the parental rights of such
319 parents have been terminated and not reinstated, guardianship has
320 been removed and not reinstated or custody has been removed and
321 not reinstated with respect to such adult relative or (2) the adoption
322 was finalized on or after June 12, 1984. No consent shall be required if
323 the person to be identified is deceased. If the person to be identified is
324 deceased, the information that may be released shall be limited as
325 provided in subsection (e) of section 45a-753, as amended by this act.

326 [(f)] (g) Any adult person for whom there is only removal of custody
327 or removal of guardianship as specified in subsection (b) of section
328 45a-750, as amended by this act, may apply in person or in writing to
329 the child-placing agency, the department, the court of probate or the
330 superior court [which] that has the information. Such information shall
331 be made available within sixty days of receipt of such request unless
332 the child-placing agency, department or court notifies the person
333 requesting the information that it cannot be made available within
334 sixty days and states the reason for the delay. If the person making
335 such request is a resident of this state and it appears that counseling is
336 advisable with release of the information, the child-placing agency or
337 department may request that the person appear for an interview. If the
338 person making such request is not a resident of this state, and if it
339 appears that counseling is advisable with release of the information,
340 the child-placing agency, department or court may refer the person to
341 an out-of-state agency or appropriate governmental agency or
342 department, approved by the department or accredited by the Child
343 Welfare League of America, the National Conference of Catholic
344 Charities, the Family Services Association of America or the Council

345 on Accreditation of Services of Families and Children. If an out-of-state
346 referral is made, the information shall be released to the out-of-state
347 child-placing agency or department for release to the applicant,
348 provided such information shall not be released unless the out-of-state
349 child-placing agency or department is satisfied as to the identity of the
350 person.

351 Sec. 8. Subsection (c) of section 19a-42 of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective July*
353 *1, 2015*):

354 (c) An amended certificate shall supersede the original certificate
355 that has been changed and shall be marked "Amended", except for
356 amendments due to parentage or gender change. The original
357 certificate in the case of parentage or gender change shall be physically
358 or electronically sealed and kept in a confidential file by the
359 department and the registrar of any town in which the birth was
360 recorded, and may be unsealed for [viewing or] issuance only as
361 provided in section 7-53, as amended by this act, or upon a written
362 order of a court of competent jurisdiction. The amended certificate
363 shall become the [public] official record.

364 Sec. 9. Subsection (b) of section 45a-750 of the general statutes is
365 repealed and the following is substituted in lieu thereof (*Effective July*
366 *1, 2015*):

367 (b) Any person for whom there is only a removal of custody or
368 removal of guardianship, and such removal took place in this state
369 shall be given information [which] that may identify the biological
370 parent or parents or any relative of such person, upon request, in
371 person or in writing, in accordance with subsection [(f)] (g) of section
372 45a-751b, as amended by this act, provided such information with
373 respect to any relative shall not be released unless the consents
374 required in subsection [(e)] (f) of section 45a-751b, as amended by this
375 act, are obtained.

376 Sec. 10. (NEW) (*Effective July 1, 2015*) On the petition of an

377 authorized applicant, as defined in section 45a-743 of the general
378 statutes, the Probate Court or the Superior Court that finalized an
379 adoption or appointed a guardian ad litem in accordance with section
380 45a-753 of the general statutes, as amended by this act, shall issue an
381 order directing the Department of Public Health to issue an uncertified
382 copy of an original birth certificate to the authorized applicant in
383 accordance with subsection (b) of section 7-53 of the general statutes,
384 as amended by this act, provided the person named in the certificate of
385 birth is deceased and each birth parent named on the original birth
386 certificate: (1) Consents to the release of identifying information in
387 accordance with sections 45a-751 to 45a-751b, inclusive, of the general
388 statutes, as amended by this act; (2) is deceased; or (3) a legal
389 representative or guardian ad litem consents to the release of
390 identifying information on behalf of the birth parent in accordance
391 with section 45a-753 of the general statutes, as amended by this act.
392 Nothing in this section shall limit the right of an adopted person
393 eighteen years of age or older or such adopted person's adult child or
394 grandchild to obtain an uncertified copy of an original birth certificate
395 pursuant to section 7-53 of the general statutes, as amended by this act.

396 Sec. 11. Section 45a-753 of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective July 1, 2015*):

398 (a) If a request is received pursuant to section 45a-751, the child-
399 placing agency or department [which] that has agreed to attempt to
400 locate the person or persons whose identity is being requested or the
401 child-placing agency or department [which] that furnished a report
402 ordered by the court following a petition [made under subsection (f) of
403 this section] shall not be required to expend more than ten [hours]
404 hours' time within sixty days of receipt of the request unless the child-
405 placing agency or department notifies the authorized applicant of a
406 delay and states the reason for the delay. The child-placing agency or
407 department may charge the applicant reasonable compensation and be
408 reimbursed for expenses in locating any person whose identity is being
409 requested. The obtaining of such consent shall be accomplished in a
410 manner [which] that will protect the confidentiality of the

411 communication and shall be done without disclosing the identity of
412 the applicant. For the purposes of this section any records at the Court
413 of Probate or the Superior Court shall be available to an authorized
414 representative of the child-placing agency or department to which the
415 request has been made.

416 (b) If the child-placing agency or department is out-of-state and
417 unwilling to expend time for such purpose, the [court of probate
418 which] Probate Court or Superior Court that finalized the adoption or
419 terminated parental rights [or the superior court which terminated
420 parental rights] shall upon petition appoint a licensed or approved
421 child-placing agency or the department to complete the requirements
422 of this section.

423 (c) If the relative whose identity is requested cannot be located or
424 appears to be incompetent but has not been legally so declared, the
425 [Court of] Probate Court or the Superior Court shall appoint a
426 guardian ad litem under the provisions of section 45a-132, at the
427 expense of the person making the request. The guardian ad litem shall
428 decide whether to give consent on behalf of the relative whose identity
429 is being requested.

430 (d) If the relative whose identity has been requested has been
431 declared legally incapable or incompetent by a court of competent
432 jurisdiction, then the legal representative of such person may consent
433 to the release of such information.

434 (e) Such guardian ad litem or legal representative shall give such
435 consent unless after investigation he or she concludes that it would not
436 be in the best interest of the adult person to be identified for such
437 consent to be given. [If] Except as provided in section 10 of this act, if
438 release of the information requires the consent of such guardian ad
439 litem or legal representative, or if the person whose identity is sought
440 is deceased, only the following information may be released: (1) All
441 names by which the person whose identity is being sought has been
442 known, and all known addresses; (2) the date and place of such
443 person's birth; (3) all places where such person was employed; (4) such

444 person's Social Security number; (5) the names of educational
445 institutions such person attended; and (6) any other information that
446 may assist in the search of a person who cannot be located.

447 [(f) (1) If (A) the person whose identity is being sought cannot be
448 located or is incompetent or (B) the child-placing agency or
449 department has not located the person within sixty days, the
450 authorized applicant may petition for access to the information to the
451 court of probate or the superior court which terminated the parental
452 rights or to the court of probate which approved the adoption.

453 (2) Within fifteen days of receipt of the petition, the court shall order
454 the child-placing agency or department which has access to such
455 information to present a report. The report by the child-placing agency
456 or department shall be completed within sixty days after receipt of the
457 order from the court.

458 (3) If the child-placing agency or department is out-of-state and
459 unwilling to provide the report, the court shall refer the matter to a
460 child-placing agency in this state or to the department for a report.

461 (4) The report shall determine through an interview with the adult
462 adopted or adult adoptable person and through such other means as
463 may be necessary whether (A) release of the information would be
464 seriously disruptive to or endanger the physical or emotional health of
465 the authorized applicant, and (B) release of the information would be
466 seriously disruptive to or endanger the physical or emotional health of
467 the person whose identity is being requested.

468 (5) Upon receipt of the report, or upon expiration of sixty days,
469 whichever is sooner, the court shall set a time and place for hearing not
470 later than fifteen days after receipt of the report or expiration of such
471 sixty days, whichever is sooner. The court shall immediately give
472 notice of the hearing to the authorized applicant and to the child-
473 placing agency or the department.

474 (6) At the hearing, the authorized applicant may give such evidence

475 to support the petition as the authorized applicant deems appropriate.

476 (7) Within fifteen days after the conclusion of the hearing, the court
477 shall issue a decree as to whether the information requested shall be
478 given to the authorized applicant.

479 (8) The requested information shall be provided to the authorized
480 applicant unless the court determines that: (A) Consent has not been
481 granted by a guardian ad litem appointed by the court to represent the
482 person whose identity has been requested; (B) release of the
483 information would be seriously disruptive to or endanger the physical
484 or emotional health of the authorized applicant; or (C) release of the
485 information would be seriously disruptive to or endanger the physical
486 or emotional health of the person whose identity is being requested.

487 (9) If the court denies the petition and determines that it would be in
488 the best interests of the person whose identity is being requested to be
489 notified that the authorized applicant has petitioned the court for
490 identifying information, the court shall request the child-placing
491 agency or department to so notify the person whose identity is being
492 requested. The notification shall be accomplished in a manner which
493 will protect the confidentiality of the communication and shall be done
494 without disclosing the identity of the authorized applicant. If the
495 person whose identity is being requested is so notified, the authorized
496 applicant who petitioned the court shall be informed that this
497 notification was given.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	7-51
Sec. 2	<i>July 1, 2015</i>	7-53
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2015</i>	7-74
Sec. 6	<i>July 1, 2015</i>	45a-744
Sec. 7	<i>July 1, 2015</i>	45a-751b
Sec. 8	<i>July 1, 2015</i>	19a-42(c)

Sec. 9	July 1, 2015	45a-750(b)
Sec. 10	July 1, 2015	New section
Sec. 11	July 1, 2015	45a-753

Statement of Legislative Commissioners:

In section 1(a)(1)(A)(i), "or [(B)]" was changed to "[or (B)]" because the "or" was superfluous; in section 6(1), the phrase "such adult persons" was changed to "such [adult] adopted or adoptable persons", for consistency and clarity; and in section 11, "made under subsection (f) of this section" was bracketed for internal consistency.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Public Health, Dept.	GF - Cost	approx. 32,000	approx. 32,000
Public Health, Dept.	GF - Revenue Gain	approx. 55,000	approx. 55,000

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Revenue Loss	450 - 600	450 - 600

Explanation

The bill results in a net state revenue gain of approximately \$23,000 annually and a minimal revenue loss to various municipalities. The state fiscal impact is associated with an annual cost to the Department of Public Health (DPH) and an annual General Fund revenue gain from the issuance of uncertified copies of adoptees' original birth certificates. Only DPH may issue such copies under the bill. The anticipated revenue loss to municipalities of \$450 to \$600 is associated with the elimination of obtaining certified copies of adoptees' original birth certificates by court order in a municipality. Under the bill, only uncertified copies of original birth certificates can be obtained by court order from DPH with a fee of \$65 assessed per copy. Under existing law, DPH could issue certified copies by court order with a fee of \$30 assessed per copy.

The cost to DPH to issue uncertified copies of birth certificates in

Connecticut¹ is based on the assumption that approximately the same number of such birth certificates (800) will be issued annually, on average, as have been issued by Oregon² since 2000 (11,000). It is estimated these uncertified birth certificates will take an hour per certificate to issue. At an estimated \$40 per hour contract cost, this results in a cost to DPH of approximately \$32,000 annually. DPH revenue from associated fees is approximately \$52,000 annually.

The bill eliminates the issuance of certified copies of original birth certificates by court order. Certified copies of original birth certificates have a DPH fee of \$30 per copy and a municipal fee of \$15 (short form) or \$20 (long form). Instead, it allows only DPH to issue uncertificated copies of original birth certificates at a fee of \$65. Assuming that, currently, 30 such court orders are presented to DPH and 30 more are presented to various municipalities annually, this change is anticipated to result in a state revenue gain of approximately \$3,000 through DPH³ and an associated revenue loss to municipalities of \$450 to \$600.

In addition the bill makes changes to court petitions for birth certificates and does not result in a fiscal impact to the Judicial Department or Probate Court.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of eligible requests or court orders for uncertified copies of original birth certificates.

¹2012 population estimate by the U.S. Census Bureau is 3,591,765.

²2012 population estimate by the U.S. Census Bureau is 3,899,801.

³\$1,000 of this amount is attributable to the increase in fee from \$30 to \$65 under the change from certified to uncertificated birth certificate copies and \$2,000 reflects new revenue from subsuming municipal issuance of such certificates at \$65 each.

OLR Bill Analysis**sHB 5144*****AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES AND PARENTAL HEALTH INFORMATION FOR ADOPTED PERSONS.*****SUMMARY:**

This bill requires the Department of Public Health (DPH) to give adopted individuals at least age 18, or their adult children or grandchildren, uncertified copies of the adoptee's original birth certificate on request. This requirement applies starting July 1, 2015, and applies regardless of the date parental rights were terminated. Current law (1) bars access to such original birth certificates without a probate court order and (2) otherwise permits access to identifying information about a birth parent only with the parent's consent.

Under the bill, access to an adoptee's original birth certificate is otherwise restricted, except certain relatives can obtain the original certificate if the adoptee is deceased, following a court order.

The bill also creates a voluntary procedure for biological parents to complete a Department of Children and Families (DCF) form indicating whether they want to be contacted by their adopted adult children or the adoptees' adult children or grandchildren. When issuing an original birth certificate, DPH must provide a notice stating that these completed forms, as well as the biological parents' completed health history forms provided for by existing law, may be on file with DCF.

The bill requires the DPH and DCF commissioners to each report annually to the Public Health Committee, for six years, on specified matters relating to the bill's requirements.

It makes conforming changes to the statute on the state's policy

regarding adopted individuals' access to information about their background and related matters (§ 6). It also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2015, except for the annual reporting provisions, which are effective upon passage.

COPIES OF ADOPTEES' ORIGINAL BIRTH CERTIFICATES

§§ 2, 5, & 7 — *Requests by Adult Adoptees or their Adult Children or Grandchildren*

Under current law, (1) a probate court order is required to release an adopted person's original birth certificate and (2) DCF or a child-placing agency may not release information identifying a biological parent without the parent's written consent. If parental rights were terminated before October 1, 1995, DCF or the child-placing agency must first attempt to locate the other biological parent to obtain written consent to permit disclosure, and certain requirements apply if the other parent cannot be located or does not consent.

Starting July 1, 2015, the bill creates an exception by allowing adopted individuals who are adults, or their adult children or grandchildren, to obtain the original birth certificate. If any of these people makes such a request, DPH must issue an uncertified copy of the original. DPH must mark the copy with a notation that the certificate has been superseded by a replacement. This is the same notation required when a copy of a sealed original is issued pursuant to a court order (see below).

Along with the certificate, DPH must provide a notice stating that information regarding the birth parents' contact preferences and medical health history forms may be on file with DCF (see below). The notice must be printed on the certificate or attached to it.

The bill establishes a \$65 fee for uncertified copies of an adoptee's original birth certificate. Under existing law, the fee for a birth certificate issued by a town registrar is \$15 or \$20 for a short-form and long-form certificate, respectively. The fee for birth certificates issued

by DPH is \$30.

§§ 2 & 10-11 — Court Orders to Release Original Certificate

The bill allows court orders for the release of an adoptee's original birth certificate only if the adoptee is deceased. It allows only the person's adult descendants, biological parents, or adult biological siblings to obtain the certificate in this way.

It allows these petitions to be filed in the Superior Court, not just probate court as under current law. The applicant can file the petition in the court where the adoption was finalized. He or she can also file it in the court that appointed a guardian ad litem (GAL), as is required if the birth parent cannot be located or appears incompetent.

The bill removes the current limitation that the court can only grant such an order if it determines that allowing access to or releasing the original certificate would not be detrimental to the public interest or to the welfare of the adopted person, adoptive parents, or biological parents. The bill instead requires the court to order DPH to issue the original certificate if the adoptee is deceased and each birth parent named on the certificate (1) consents to the release of his or her identifying information or (2) is deceased.

Under the bill, if the court has appointed a GAL as specified above, his or her consent is required to release the certificate. If a birth parent has been declared incompetent, the legal representative's consent is required to release it.

The bill specifies that if the court issues such an order, only DPH may issue the certificate, which must be an uncertified copy. Under current law, either DPH or the appropriate town registrar may issue certified copies following a court order.

The bill eliminates the court's option of allowing someone to examine the certificate as distinct from obtaining a copy of it.

It repeals provisions allowing an adoptee or other authorized

applicant to file a court petition seeking access to identifying information on someone when (1) the person cannot be located or is incompetent or (2) DCF or the child-placing agency has not found him or her within 60 days of the request. Among other things, these provisions:

1. require the court to order DCF or the child-placing agency to report whether release of the information would be seriously disruptive to or endanger the physical or emotional health of the applicant or the person whose information is being sought; and
2. require the court, after a hearing, to order the information released unless (a) the GAL for the person whose identity is being sought did not consent or (b) release would be seriously disruptive or dangerous as specified above.

§ 3 — CONTACT PREFERENCE AND HEALTH HISTORY FORMS

Under the bill, DCF must make a contact preference form available to any birth parent who requests it, to indicate the parent's preference regarding contact by (1) his or her birth child who was later adopted, if the child is at least age 18 or (2) such a child's adult child or grandchild. When receiving a request for a contact preference form, DCF must also provide the parent with a form to fill out his or her health history information (see BACKGROUND).

On the contact preference form, the parent must indicate whether he or she:

1. would like to be contacted;
2. would like to be contacted, but only through an intermediary he or she designates; or
3. does not want to be contacted.

The bill requires DCF to maintain birth parents' completed contact preference forms and health history forms in a confidential file. The department can give copies of the completed forms only to the adult

adopted person or his or her adult child or grandchild, upon request. The bill exempts completed contact preference forms from disclosure under the Freedom of Information Act (FOIA). Existing law already exempts completed health history forms from disclosure under FOIA (CGS § 1-210(b)(14)).

§ 4 — REPORTING REQUIREMENT

The bill requires the DPH and DCF commissioners to each report annually to the Public Health Committee for six years, with the first reports due January 1, 2016, and the final reports due January 1, 2021.

The DPH commissioner's report must include the annual number of original birth certificates the department issued to adopted adults or their adult children or grandchildren.

The DCF commissioner's report must include the annual number of contact preference forms and health history forms filed with the department. It also must indicate the number of birth parents choosing each of the three options on the contact preference form (contact, contact only through intermediary, or no contact).

BACKGROUND

Sealed Birth Certificates

In most cases, DPH seals the original birth certificate when a probate court notifies it that a child born in Connecticut has been adopted. It prepares a new certificate substituting the adoptive parents' names for those appearing on the original certificate (CGS § 7-53).

Health History Forms

By law, DCF and child-placing agencies must make reasonable efforts to compile nonidentifying information about the biological parents of a child who is placed or available for adoption. This information is disclosable to adopting parents and adult adoptees, among others, and may include a health history of the child's parents and blood relatives (CGS § 45a-746).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 1 (03/25/2014)