



House of Representatives

File No. 738

General Assembly

February Session, 2014

(Reprint of File No. 438)

Substitute House Bill No. 5144
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2014

**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2 is repealed and the following is substituted in lieu thereof (*Effective July*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 7-36₂; (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 and section 10
114 of this act, an original certificate of birth may only be issued if the

115 person named in the certificate of birth is deceased and the person
116 seeking to obtain such certificate of birth is an authorized applicant, as
117 defined in section 45a-743. Any authorized applicant seeking to
118 [examine or] obtain a copy of the original [record or] certificate of birth
119 shall first obtain a written court order [signed by the judge of the
120 probate court for the district in which the adopted person was adopted
121 or born in accordance with section 45a-753, or a written order of the
122 Probate Court in accordance with the provisions of section 45a-752,
123 stating that the court is of the opinion that the examination of the birth
124 record of the adopted person by the adopting parents or the adopted
125 person, if over eighteen years of age, or by the person wishing to
126 examine the same or that the issuance of a copy of such birth certificate
127 to the adopting parents or the adopted person, if over eighteen years of
128 age, or to the person applying therefor will not be detrimental to the
129 public interest or to the welfare of the adopted person or to the welfare
130 of the genetic or adoptive parent or parents] issued in accordance with
131 section 10 of this act. Upon receipt of such court order, [the registrar of
132 vital statistics of any town in which the birth of such person was
133 recorded, or] the department [,] may issue [the certified] an uncertified
134 copy of the original certificate of birth on file, marked with a notation
135 by the issuer that such original certificate of birth has been superseded
136 by a 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 whose adoption was finalized on or after October
151 1, 1983, or (2) such adopted person's adult child or grandchild. Such
152 certificate shall be marked with a notation by the issuer that such
153 original certificate of birth has been superseded by a replacement
154 certificate of birth as on file. Additionally, a notice stating that
155 information related to the birth parents' preferences regarding contact
156 by such adopted person or such adopted person's adult child or
157 grandchild and a medical health history form completed by the birth
158 parent may be on file with the Department of Children and Families
159 shall be printed on such certificate or attached thereto.

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

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

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

182 subdivision (10) of subsection (a) of section 45a-746 of the general
183 statutes.

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

186 (1) I would like to be contacted.

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

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

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

197 Sec. 4. (NEW) (*Effective from passage*) (a) Not later than January 1,
198 2016, and annually thereafter until January 1, 2021, the Commissioner
199 of Public Health shall submit a report, in accordance with the
200 provisions of section 11-4a of the general statutes, concerning the
201 number of original birth certificates issued annually to adopted
202 persons eighteen years of age or older whose adoption was finalized
203 on or after October 1, 1983, or the adult children or grandchildren of
204 adopted persons in accordance with section 7-53 of the general
205 statutes, as amended by this act, to the joint standing committee of the
206 General Assembly having cognizance of matters relating to public
207 health.

208 (b) Not later than January 1, 2016, and annually thereafter until
209 January 1, 2021, the Commissioner of Children and Families shall
210 submit a report, in accordance with the provisions of section 11-4a of
211 the general statutes, concerning the number of contact preference

212 forms and medical health history forms annually filed with the
213 department in accordance with section 3 of this act to the joint
214 standing committee of the General Assembly having cognizance of
215 matters relating to public health. The report shall include the number
216 of birth parents that selected each option described in section 3 of this
217 act.

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

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

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

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

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

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

237 It is the policy of the state of Connecticut to make available to
238 adopted and adoptable persons who are adults (1) information
239 concerning their background and status; to give the same information
240 to their adoptive parent or parents; and, in any case where such [adult]
241 adopted or adoptable persons are deceased, to give the same

242 information to their adult descendants, including adopted
243 descendants; [except a copy of their original birth certificate as
244 provided by section 7-51;] (2) to provide for consensual release of
245 additional information which may identify the biological parents or
246 relatives of such adult adopted or adoptable persons when release of
247 such information is in the best interests of such persons; (3) except as
248 provided in subdivisions [(4) and (5)] (1) and (4) to (6), inclusive, of
249 this section, to protect the right to privacy of all parties to termination
250 of parental rights, statutory parent and adoption proceedings; (4) to
251 make available to any biological parent of an adult adopted or adult
252 adoptable person, including a person claiming to be the father who
253 was not a party to the proceedings for termination of parental rights,
254 information which would tend to identify such adult adopted or
255 [adult] adoptable person; [and] (5) to make available to any adult
256 biological sibling of an adult adopted or adult adoptable person
257 information which would tend to identify such adult adopted or adult
258 adoptable person; and (6) to make available to any adult adopted
259 person eighteen years of age or older or such adopted person's adult
260 child or grandchild a copy of an original birth certificate, as provided
261 in section 7-53, as amended by this act, or section 10 of this act.

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

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

271 (b) (1) [If] Except as provided in subsection (c) of this section, if
272 parental rights were terminated on or before September 30, 1995, (A)
273 any information tending to identify the biological parents, including a
274 person claiming to be the father who was not a party to the

275 proceedings for the termination of parental rights, shall not be
276 disclosed unless written consent is obtained from each biological
277 parent who was party to such proceedings, except as provided in
278 subdivision (2) of this subsection, and (B) identifying information shall
279 not be disclosed to a biological parent, including a person claiming to
280 be the father who was not a party to the proceedings for the
281 termination of parental rights, without the written consent of each
282 biological parent who was a party to such proceedings and the consent
283 of the adult adopted or adoptable person whose identity is being
284 requested.

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

303 (c) Regardless of the date parental rights were terminated, on or
304 after July 1, 2015, the Department of Public Health shall, upon request,
305 issue an uncertified copy of an original birth certificate to an adopted
306 person eighteen years of age or older who is the subject of the birth
307 certificate and whose adoption was finalized on or after October 1,
308 1983, or such adopted person's adult child or grandchild, in accordance

309 with the provisions of section 7-53, as amended by this act.

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

313 [(d)] (e) When the authorized applicant requesting identifying
314 information has contact with a biological sibling who is a minor,
315 identifying information shall not be disclosed unless consent is
316 obtained from the adoptive parents or guardian or guardian ad litem
317 of the sibling.

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

330 [(f)] (g) Any adult person for whom there is only removal of custody
331 or removal of guardianship as specified in subsection (b) of section
332 45a-750, as amended by this act, may apply in person or in writing to
333 the child-placing agency, the department, the court of probate or the
334 superior court [which] that has the information. Such information shall
335 be made available within sixty days of receipt of such request unless
336 the child-placing agency, department or court notifies the person
337 requesting the information that it cannot be made available within
338 sixty days and states the reason for the delay. If the person making
339 such request is a resident of this state and it appears that counseling is
340 advisable with release of the information, the child-placing agency or

341 department may request that the person appear for an interview. If the
342 person making such request is not a resident of this state, and if it
343 appears that counseling is advisable with release of the information,
344 the child-placing agency, department or court may refer the person to
345 an out-of-state agency or appropriate governmental agency or
346 department, approved by the department or accredited by the Child
347 Welfare League of America, the National Conference of Catholic
348 Charities, the Family Services Association of America or the Council
349 on Accreditation of Services of Families and Children. If an out-of-state
350 referral is made, the information shall be released to the out-of-state
351 child-placing agency or department for release to the applicant,
352 provided such information shall not be released unless the out-of-state
353 child-placing agency or department is satisfied as to the identity of the
354 person.

355 Sec. 8. Subsection (c) of section 19a-42 of the general statutes is
356 repealed and the following is substituted in lieu thereof (*Effective July*
357 *1, 2015*):

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

368 Sec. 9. Subsection (b) of section 45a-750 of the general statutes is
369 repealed and the following is substituted in lieu thereof (*Effective July*
370 *1, 2015*):

371 (b) Any person for whom there is only a removal of custody or
372 removal of guardianship, and such removal took place in this state

373 shall be given information [which] that may identify the biological
374 parent or parents or any relative of such person, upon request, in
375 person or in writing, in accordance with subsection [(f)] (g) of section
376 45a-751b, as amended by this act, provided such information with
377 respect to any relative shall not be released unless the consents
378 required in subsection [(e)] (f) of section 45a-751b, as amended by this
379 act, are obtained.

380 Sec. 10. (NEW) (*Effective July 1, 2015*) (a) On the petition of an
381 adopted person who is eighteen years of age or older and whose
382 adoption was finalized prior to October 1, 1983, or such adopted
383 person's adult child or grandchild, the Probate Court or the Superior
384 Court that finalized an adoption or appointed a guardian ad litem in
385 accordance with section 45a-753 of the general statutes, as amended by
386 this act, shall issue an order directing the Department of Public Health
387 to issue an uncertified copy of an original birth certificate to such
388 adopted person or such adopted person's child or grandchild in
389 accordance with subsection (b) of section 7-53 of the general statutes,
390 as amended by this act, provided each birth parent named on the
391 original birth certificate: (1) Consents to the release of identifying
392 information in accordance with sections 45a-751 to 45a-751b, inclusive,
393 of the general statutes, as amended by this act; (2) is deceased; or (3) a
394 legal representative or guardian ad litem consents to the release of
395 identifying information on behalf of the birth parent in accordance
396 with section 45a-753 of the general statutes, as amended by this act.
397 Nothing in this section shall limit the right of an adopted person
398 eighteen years of age or older whose adoption was finalized on or after
399 October 1, 1983, or such adopted person's adult child or grandchild to
400 obtain an uncertified copy of an original birth certificate pursuant to
401 section 7-53 of the general statutes, as amended by this act.

402 (b) On the petition of an authorized applicant, as defined in section
403 45a-743 of the general statutes, the Probate Court or the Superior Court
404 that finalized an adoption or appointed a guardian ad litem in
405 accordance with section 45a-753 of the general statutes, as amended by
406 this act, shall issue an order directing the Department of Public Health

407 to issue an uncertified copy of an original birth certificate to the
408 authorized applicant in accordance with subsection (b) of section 7-53
409 of the general statutes, as amended by this act, provided the person
410 named in the certificate of birth is deceased and each birth parent
411 named on the original birth certificate: (1) Consents to the release of
412 identifying information, in accordance with sections 45a-751 to 45a-
413 751b, inclusive, of the general statutes, as amended by this act; (2) is
414 deceased; or (3) a legal representative or guardian ad litem consents to
415 the release of identifying information on behalf of the birth parent, in
416 accordance with section 45a-753 of the general statutes, as amended by
417 this act.

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

420 (a) If a request is received pursuant to section 45a-751, the child-
421 placing agency or department [which] that has agreed to attempt to
422 locate the person or persons whose identity is being requested or the
423 child-placing agency or department [which] that furnished a report
424 ordered by the court following a petition [made under subsection (f) of
425 this section] shall not be required to expend more than ten [hours]
426 hours' time within sixty days of receipt of the request unless the child-
427 placing agency or department notifies the authorized applicant of a
428 delay and states the reason for the delay. The child-placing agency or
429 department may charge the applicant reasonable compensation and be
430 reimbursed for expenses in locating any person whose identity is being
431 requested. The obtaining of such consent shall be accomplished in a
432 manner [which] that will protect the confidentiality of the
433 communication and shall be done without disclosing the identity of
434 the applicant. For the purposes of this section any records at the [Court
435 of] Probate Court or the Superior Court shall be available to an
436 authorized representative of the child-placing agency or department to
437 which the request has been made.

438 (b) If the child-placing agency or department is out-of-state and
439 unwilling to expend time for such purpose, the [court of probate

440 which] Probate Court or Superior Court that finalized the adoption or
441 terminated parental rights [or the superior court which terminated
442 parental rights] shall upon petition appoint a licensed or approved
443 child-placing agency or the department to complete the requirements
444 of this section.

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

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

456 (e) Such guardian ad litem or legal representative shall give such
457 consent unless after investigation he or she concludes that it would not
458 be in the best interest of the adult person to be identified for such
459 consent to be given. [If] Except as provided in section 10 of this act, if
460 release of the information requires the consent of such guardian ad
461 litem or legal representative, or if the person whose identity is sought
462 is deceased, only the following information may be released: (1) All
463 names by which the person whose identity is being sought has been
464 known, and all known addresses; (2) the date and place of such
465 person's birth; (3) all places where such person was employed; (4) such
466 person's Social Security number; (5) the names of educational
467 institutions such person attended; and (6) any other information that
468 may assist in the search of a person who cannot be located.

469 [(f) (1) If (A) the person whose identity is being sought cannot be
470 located or is incompetent or (B) the child-placing agency or
471 department has not located the person within sixty days, the

472 authorized applicant may petition for access to the information to the
473 court of probate or the superior court which terminated the parental
474 rights or to the court of probate which approved the adoption.

475 (2) Within fifteen days of receipt of the petition, the court shall order
476 the child-placing agency or department which has access to such
477 information to present a report. The report by the child-placing agency
478 or department shall be completed within sixty days after receipt of the
479 order from the court.

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

483 (4) The report shall determine through an interview with the adult
484 adopted or adult adoptable person and through such other means as
485 may be necessary whether (A) release of the information would be
486 seriously disruptive to or endanger the physical or emotional health of
487 the authorized applicant, and (B) release of the information would be
488 seriously disruptive to or endanger the physical or emotional health of
489 the person whose identity is being requested.

490 (5) Upon receipt of the report, or upon expiration of sixty days,
491 whichever is sooner, the court shall set a time and place for hearing not
492 later than fifteen days after receipt of the report or expiration of such
493 sixty days, whichever is sooner. The court shall immediately give
494 notice of the hearing to the authorized applicant and to the child-
495 placing agency or the department.

496 (6) At the hearing, the authorized applicant may give such evidence
497 to support the petition as the authorized applicant deems appropriate.

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

501 (8) The requested information shall be provided to the authorized

502 applicant unless the court determines that: (A) Consent has not been
 503 granted by a guardian ad litem appointed by the court to represent the
 504 person whose identity has been requested; (B) release of the
 505 information would be seriously disruptive to or endanger the physical
 506 or emotional health of the authorized applicant; or (C) release of the
 507 information would be seriously disruptive to or endanger the physical
 508 or emotional health of the person whose identity is being requested.

509 (9) If the court denies the petition and determines that it would be in
 510 the best interests of the person whose identity is being requested to be
 511 notified that the authorized applicant has petitioned the court for
 512 identifying information, the court shall request the child-placing
 513 agency or department to so notify the person whose identity is being
 514 requested. The notification shall be accomplished in a manner which
 515 will protect the confidentiality of the communication and shall be done
 516 without disclosing the identity of the authorized applicant. If the
 517 person whose identity is being requested is so notified, the authorized
 518 applicant who petitioned the court shall be informed that this
 519 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	<i>July 1, 2015</i>	45a-750(b)
Sec. 10	<i>July 1, 2015</i>	New section
Sec. 11	<i>July 1, 2015</i>	45a-753

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 \$
State Comptroller - Fringe Benefits ¹	GF - Cost	None	less than 17,314
Children & Families, Dept.	GF - Cost	None	less than 32,000
Public Health, Dept.	GF - Cost	None	less than 51,729
Resources of the General Fund	GF - Revenue Gain	None	less than 159,000

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Revenue Loss	None	less than 600

Explanation

The bill is anticipated to result in a net state revenue gain of less than \$57,957 in FY 16, less than \$55,052 in FY 17 and less than \$16,750 annually thereafter. It is also anticipated to result in a municipal revenue loss of less than \$600 in FY 16 and annually thereafter. The various state impacts are summarized in a bulleted list below. Detail on these impacts and the municipal impact is provided subsequent to this summation.

- A cost to the Department of Public Health (DPH) of less than \$51,729 in FY 16, less than \$53,854 in FY 17 and less than \$22,000 annually thereafter,

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

- An associated cost to the Office of the State Comptroller – Fringe Benefits of less than \$17,314 in FY 16 and less than \$18,093 in FY 17,
- A cost to the Department of Children and Families (DCF) of less than \$32,000 in FY 16 and FY 17 and
- A revenue gain to the General Fund of less than \$159,000 in FY 16 and FY 17 and less than \$38,750 annually thereafter.

According to a history of Oregon’s Measure 58, the Vital Records office issued about 4,400 pre-adoption birth certificates in the 22 months after the law was passed of approximately 200 a month. Under the assumption that DPH will experience a similar, but smaller number of requests for uncertified copies of adoptees’ original birth certificates² in both FY 16 and FY 17 (less than 2,400), with a fee of \$65 each, General Fund revenue of \$156,000 is anticipated. Adding this amount to the revenue associated with the issuance of uncertified copies by court order³ and the total anticipated General Fund revenue in each of FY 16 and FY 17 is \$159,000. General Fund revenue of \$38,750 is anticipated from FY 18 onward, reflecting 550 non-court ordered uncertified copies issued annually and 60 court ordered copies.

Assuming approximately one hour of DPH work per uncertified birth certificate copy issued, a durational Office Assistant will be needed within DPH to process and issue these copies in FY 16 and FY 17. Salary costs for an Office Assistant are approximately \$47,229 in FY

²This Measure required the state registrar to issue a certified copy of an original birth certificate to any Oregon-born adopted person 21 years old or older. The amendment restricts requests for such copies to adults, 18 years old or older, whose adoption was finalized prior to 10/1/83.

³The amendment replaces the allowance of the issuance of certified copies of original birth certificates by court order with “uncertified” copies. Currently, 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, the amendment allows only DPH to issue uncertified 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 DPH and an associated revenue loss to municipalities of less than \$600. Of the state revenue estimated, \$1,000 is attributable to the increase in the fee from \$30 to \$65 (associated with the change from certified to uncertified birth certificate copies) and \$2,000 reflects new revenue from subsuming the municipal issuance of such certificates.

16 and \$49,354 in FY 17. Associated other expenses, including forms, supplies, postage and travel as needed to an off-site storage facility, are estimated at less than \$4,500 in both fiscal years. Associated State Comptroller – Fringe Benefits costs for the Office Assistant are \$17,314 in FY 16 and \$18,093 in FY 17. The cost of less than \$22,000 in FY 18 onward reflects a consultant at \$40 per hour to process and issue copies and assumes less than 550 such copies annually.

The cost to DCF of less than \$32,000 in FY 16 and FY 17 anticipates a similar rush in these fiscal years for contact/health history forms of less than 2,400 in each fiscal year and assumes approximately 20 minutes of time per form by a consultant at \$40 an hour. From FY 18 onward it is anticipated that DCF can accommodate the collection and filing of these forms without incurring any additional costs.

The bill also makes changes to court petitions for birth certificates that do not result in a fiscal impact to the Judicial Department or Probate Court.

House “A” struck the language of the underlying bill, its associated fiscal impact and replaced it with language resulting in the fiscal impact described above.

The Out Years

The fiscal impact identified would continue into the future subject to inflation and the number of uncertified copies of original birth certificates issued by DPH, including those that would have otherwise been issued by a municipality.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does 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.

Sources: <http://public.health.oregon.gov/birthdeathcertificates/getvitalrecords/pages/58update.aspx>

OLR Bill Analysis**sHB 5144 (as amended by House "A")******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 whose adoptions were finalized on or after October 1, 1983, 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 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, people adopted before October 1, 1983, their adult children or grandchildren, or certain relatives of a deceased adoptee can also obtain the original certificate, through a court order. If the birth parents are alive, the court can only issue such an order with their consent, or in certain circumstances, the consent of a legal representative or guardian ad litem (GAL).

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.

*House Amendment "A" (1) adds the condition that access to the original certificate without a court order applies only to adoptions finalized on or after October 1, 1983 and (2) makes 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 Certain 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 whose adoptions were finalized on or after October 1, 1983, 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 (§ 5).

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

Under current law, an adoptee or certain other individuals can request a court order for access to the adoptee's original birth certificate. The bill allows such requests from adoptees whose adoptions were finalized before October 1, 1983, or their adult children or grandchildren. It otherwise allows court orders for the release of an adoptee's original birth certificate only if the adoptee is deceased. For a deceased adoptee, only the person's adult descendants, biological parents, or adult biological siblings can request a court order to obtain the certificate.

The bill 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 GAL, as is required if the birth parent cannot be located or appears incompetent.

The bill removes the current limitation that the court can grant such an order only 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 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 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 by 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 whose adoptions were finalized on or after October 1, 1983, 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)

Judiciary Committee

Joint Favorable

Yea 19 Nay 11 (04/17/2014)