



General Assembly

February Session, 2014

Raised Bill No. 5144

LCO No. 1000



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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 Section 45a-751b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2014*):

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

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

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

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

42 (c) Regardless of the date parental rights were terminated, on or
43 after October 1, 2014, any adult adopted person twenty-one years of
44 age or older or, if such person is deceased, an authorized applicant
45 may apply for and receive a copy of (1) such person's sealed original
46 birth certificate or record pursuant to section 7-51, as amended by this
47 act, and (2) any contact preference form attached to the sealed original

48 birth certificate or record pursuant to section 7-51, as amended by this
49 act. Nothing in this subsection shall be construed to limit such person's
50 or such person's authorized applicant's access to information.

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

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

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

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

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

96 Sec. 2. Section 7-51 of the 2014 supplement to the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2014*):

99 (a) (1) The department and registrars of vital statistics shall restrict
100 access to and issuance of a certified copy of birth and fetal death
101 records and certificates less than one hundred years old, to the
102 following eligible parties: [(1)] (A) The person whose birth is recorded,
103 if such person is [(A)] (i) over eighteen years of age, or [(B)] (ii) a
104 certified homeless youth, as defined in section 7-36₂; (2) the person
105 whose birth is recorded, if such person is] or (iii) a minor emancipated
106 pursuant to sections 46b-150 to 46b-150e, inclusive; [(3)] (B) such
107 person's [children] child, [grandchildren] grandchild, spouse, parent,
108 guardian or grandparent; [(4)] (C) the chief executive officer of the
109 municipality where the birth or fetal death occurred, or the chief
110 executive officer's authorized agent; [(5)] (D) the local director of
111 health for the town or city where the birth or fetal death occurred or

112 where the mother was a resident at the time of the birth or fetal death,
113 or the director's authorized agent; [(6)] (E) attorneys-at-law
114 representing such person or such person's parent, guardian, child or
115 surviving spouse; [(7)] (F) a conservator of the person appointed for
116 such person; [(8) members] (G) a member of a genealogical [societies]
117 society incorporated or authorized by the Secretary of the State to do
118 business or conduct affairs in this state; [(9) agents] (H) an agent of a
119 state or federal agency as approved by the department; [and (10)
120 researchers] (I) a researcher approved by the department pursuant to
121 section 19a-25; and (J) an adult person described in subdivision (2) of
122 this subsection.

123 (2) The department shall provide access to and shall, upon request,
124 issue a certified copy of an adult adopted person's sealed certificate of
125 birth marked with the same notation required for such certificates
126 under subsection (c) of section 7-53, as amended by this act, to any
127 adult adopted person twenty-one years of age or older or, if such
128 person is deceased, an authorized applicant, as defined in section 45a-
129 743, provided the department is satisfied as to the identity of the
130 person or authorized applicant requesting the record or certificate.

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

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

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

154 (c) (1) The registrar of the town in which the birth or fetal death
155 occurred or of the town in which the mother resided at the time of the
156 birth or fetal death, or the department, may issue a certified copy of the
157 certificate of birth or fetal death of any person born in this state
158 [which] that is kept in paper form in the custody of the registrar.
159 Except as provided in subdivision (2) of this subsection, such
160 certificate shall be issued upon the written request of an eligible party
161 listed in subsection (a) of this section. Any registrar of vital statistics in
162 this state with access, as authorized by the department, to the
163 electronic vital records system of the department may issue a certified
164 copy of the electronically filed certificate of birth or fetal death of any
165 person born in this state upon the written request of an eligible party
166 listed in subsection (a) of this section.

167 (2) In the case of a certified homeless youth, such certified homeless
168 youth and the person who is certifying the certified homeless youth as
169 homeless, as described in section 7-36, shall appear in person when the
170 certified homeless youth is presenting the written request described in
171 subdivision (1) of this subsection at (A) the office of the registrar of the
172 town in which the certified homeless youth was born, (B) the office of
173 the registrar of the town in which the mother of the certified homeless
174 youth resided at the time of the birth, (C) if the birth certificate of the
175 certified homeless youth has been electronically filed, any registrar of
176 vital statistics in the state with access, as authorized by the department,

177 to the electronic vital records system, or (D) the state vital records
178 office of the department. The certified homeless youth shall present to
179 the registrar or the department information sufficient to identify
180 himself or herself as may be required by regulations adopted by the
181 commissioner pursuant to section 7-41. The person who is certifying
182 the certified homeless youth as homeless shall present to the registrar
183 or the department information sufficient to identify himself or herself
184 as meeting the certification requirements of section 7-36.

185 (d) [The] For births and fetal deaths occurring less than one
186 hundred years prior to the date of the request, the department and
187 each registrar of vital statistics shall issue only certified copies of birth
188 certificates or fetal death certificates. [for births or fetal deaths
189 occurring less than one hundred years prior to the date of the request.]

190 (e) (1) The department shall make available to each birth parent or
191 the birth parent making a request, as the case may be, a contact
192 preference form on which the birth parent may state a preference
193 regarding contact by the person whose birth was recorded or an
194 authorized applicant, as defined in section 45a-743. Upon such request,
195 the department shall also provide the birth parent with a form on
196 which to record his or her health history pursuant to subdivision (10)
197 of subsection (a) of section 45a-746.

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

202 (i) I would like to be contacted.

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

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

205 (3) When the department receives a completed contact preference

206 form or completed health history form from a birth parent, the
207 department shall attach the form to the adopted person's sealed
208 original certificate or record. The form shall be confidential and copies
209 shall only be provided to (A) the person whose birth was recorded or
210 an authorized applicant, as defined in section 45a-743, and (B) the state
211 registry pursuant to section 45a-755.

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

215 (5) The department shall maintain the following statistics, which
216 shall be made available to the general public on a quarterly basis or
217 more frequently at the discretion of the commissioner: (A) The number
218 of original birth certificates released since the effective date of this
219 section; (B) the number of contact preference forms filed; and (C) the
220 number of birth parents who indicated on the contact preference form
221 each option listed in subparagraph (B) of subdivision (2) of this
222 subsection.

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

225 (a) Upon receipt of the record of adoption referred to in subsection
226 (e) of section 45a-745 or of other evidence satisfactory to the
227 department that a person born in this state has been adopted, the
228 department shall prepare a new birth certificate of such adopted
229 person, except that no new certificate of birth shall be prepared if the
230 court decreeing the adoption, the adoptive parents or the adopted
231 person, if over fourteen years of age, so requests. Such new birth
232 certificate shall include all the information required to be set forth in a
233 certificate of birth of this state as of the date of birth, except that the
234 adopting parents shall be named as the parents instead of the [genetic]
235 birth parents and, when a certified copy of the birth of such person is
236 requested by an authorized person, a copy of the new certificate of

237 birth as prepared by the department shall be provided, except as
238 provided in section 7-51, as amended by this act.

239 (b) Any person seeking to examine or obtain a copy of the original
240 record or certificate of birth, except an adopted person or an
241 authorized applicant who is eligible to obtain an original record or
242 certificate of birth pursuant to section 7-51, as amended by this act,
243 shall first obtain a written order signed by the judge of the probate
244 court for the district in which the adopted person was adopted or born
245 in accordance with section 45a-753, or a written order of the Probate
246 Court in accordance with the provisions of section 45a-752. [, stating]
247 Such order shall state that the court is of the opinion that the
248 examination of the birth record of the adopted person by the adopting
249 parents or the adopted person, if over eighteen years of age, or by the
250 person wishing to examine the [same] original record or certificate of
251 birth, or that the issuance of a copy of such birth certificate to the
252 adopting parents or the adopted person, if over eighteen years of age,
253 or to the person applying [therefor] for the birth certificate, will not be
254 detrimental to the public interest or to the welfare of the adopted
255 person, [or to the welfare of the genetic or] the birth parent or parents,
256 or the adoptive parent or parents.

257 (c) Upon receipt of such court order, the registrar of vital statistics of
258 any town in which the birth of such person was recorded, or the
259 department, may issue the certified copy of the original certificate of
260 birth on file, marked with a notation by the issuer that such original
261 certificate of birth has been superseded by a replacement certificate of
262 birth as on file, or may permit the examination of such record.

263 (d) Immediately after a new certificate of birth has been prepared,
264 an exact copy of such certificate, together with a written notice of the
265 evidence of adoption, shall be transmitted by the department to the
266 registrar of vital statistics of each town in this state in which the birth
267 of the adopted person is recorded. The new birth certificate, the
268 original certificate of birth on file and the evidence of adoption shall be

269 filed and indexed, under such regulations as the commissioner adopts,
270 in accordance with chapter 54, to carry out the provisions of this
271 section and to prevent access to the records of birth and adoption and
272 the information [therein] contained in the records without due cause,
273 except as provided in this section and section 7-51, as amended by this
274 act.

275 (e) Any person, except such birth or adoptive parents or adopted
276 person, who discloses any information contained in such records,
277 except as provided in this section or section 7-51, as amended by this
278 act, shall be fined not more than five hundred dollars or imprisoned
279 not more than six months, or both.

280 (f) Whenever a certified copy of an adoption decree from a court of
281 a foreign country, having jurisdiction of the adopted person, is filed
282 with the department under the provisions of this section, such decree,
283 when written in a language other than English, shall be accompanied
284 by an English translation, which shall be subscribed and sworn to as a
285 true translation by an American consulate officer stationed in such
286 foreign country.

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

289 It is the policy of the state of Connecticut to make available to
290 adopted and adoptable persons who are adults (1) information
291 concerning their background and status; to give the same information
292 to their adoptive parent or parents; and, in any case where such adult
293 persons are deceased, to give the same information to their adult
294 descendants, including adopted descendants; [except a copy of their
295 original birth certificate as provided by section 7-51;] (2) to provide for
296 consensual release of additional information which may identify the
297 biological parents or relatives of such adult adopted or adoptable
298 persons when release of such information is in the best interests of
299 such persons; (3) except as provided in section 7-51, as amended by

300 this act, with respect to original birth records and certificates, and
301 subdivisions (4) and (5) of this section, to protect the right to privacy of
302 all parties to termination of parental rights, statutory parent and
303 adoption proceedings; (4) to make available to any biological parent of
304 an adult adopted or adult adoptable person, including a person
305 claiming to be the father who was not a party to the proceedings for
306 termination of parental rights, information which would tend to
307 identify such adult adopted or adult adoptable person; and (5) to make
308 available to any adult biological sibling of an adult adopted or adult
309 adoptable person information which would tend to identify such adult
310 adopted or adult adoptable person.

311 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is
312 repealed and the following is substituted in lieu thereof (*Effective*
313 *October 1, 2014*):

314 (c) An amended certificate shall supersede the original certificate
315 that has been changed and shall be marked "Amended", except for
316 amendments due to parentage or gender change. The original
317 certificate in the case of parentage or gender change shall be physically
318 or electronically sealed and kept in a confidential file by the
319 department and the registrar of any town in which the birth was
320 recorded, and may be unsealed for viewing or issuance only as
321 provided in section 7-51, as amended by this act, or upon a written
322 order of a court of competent jurisdiction. The amended certificate
323 shall become the public record.

324 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
325 repealed and the following is substituted in lieu thereof (*Effective*
326 *October 1, 2014*):

327 (b) Any person for whom there is only a removal of custody or
328 removal of guardianship, and such removal took place in this state
329 shall be given information [which] that may identify the biological
330 parent or parents or any relative of such person, upon request, in

331 person or in writing, in accordance with subsection [(f)] (g) of section
332 45a-751b, as amended by this act, provided such information with
333 respect to any relative shall not be released unless the consents
334 required in subsection [(e)] (f) of section 45a-751b, as amended by this
335 act, are obtained.

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

Statement of Purpose:

To provide adult adopted persons, twenty-one years of age or older, access to their biological parents' health information and information in the person's original birth certificate or record.

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