



General Assembly

Amendment

February Session, 2014

LCO No. 3600

HB0514403600HRO

Offered by:
REP. CARPINO, 32nd Dist.

To: Subst. House Bill No. 5144 File No. 438 Cal. No. 252

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 45a-751b of the general statutes is repealed and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

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

12 (b) (1) [If] Except as provided in subsection (g) of this section, if
13 parental rights were terminated on or before September 30, 1995, (A)
14 any information tending to identify the biological parents, including a

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

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

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

47 (d) When the authorized applicant requesting identifying

48 information has contact with a biological sibling who is a minor,
49 identifying information shall not be disclosed unless consent is
50 obtained from the adoptive parents or guardian or guardian ad litem
51 of the sibling.

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

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

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

89 (g) Regardless of the date parental rights were terminated, any adult
90 adopted person twenty-one years of age or older, whose adoption was
91 finalized on or after July 1, 2015, and for whom a new certificate of
92 birth was established pursuant to section 7-53, as amended by this act,
93 on or after July 1, 2015, may apply for and receive (1) from the
94 Department of Public Health or a registrar of vital statistics, a copy of
95 the person's sealed original birth certificate or record pursuant to
96 section 7-51, as amended by this act, and (2) from the Department of
97 Children and Families, any contact preference form or health history
98 form filed with the Department of Children and Families. Nothing in
99 this subsection shall be construed to limit such person's access to
100 information.

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

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

113 (i) I would like to be contacted.

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

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

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

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

127 Sec. 2. Section 7-51 of the 2014 supplement to the general statutes is
128 repealed and the following is substituted in lieu thereof (*Effective July*
129 *1, 2015*):

130 (a) [The department] Except as provided in subsection (e) of this
131 section the Department of Public Health and registrars of vital
132 statistics shall restrict access to and issuance of a certified copy of birth
133 and fetal death records and certificates less than one hundred years
134 old, to the following eligible parties: (1) The person whose birth is
135 recorded, if such person is (A) over eighteen years of age, or (B) a
136 certified homeless youth, as defined in section 7-36; (2) the person
137 whose birth is recorded, if such person is a minor emancipated
138 pursuant to sections 46b-150 to 46b-150e, inclusive; (3) such person's
139 children, grandchildren, spouse, parent, guardian or grandparent; (4)
140 the chief executive officer of the municipality where the birth or fetal
141 death occurred, or the chief executive officer's authorized agent; (5) the
142 local director of health for the town or city where the birth or fetal
143 death occurred or where the mother was a resident at the time of the
144 birth or fetal death, or the director's authorized agent; (6) attorneys-at-
145 law representing such person or such person's parent, guardian, child

146 or surviving spouse; (7) a conservator of the person appointed for such
147 person; (8) members of genealogical societies incorporated or
148 authorized by the Secretary of the State to do business or conduct
149 affairs in this state; (9) agents of a state or federal agency as approved
150 by the department; and (10) researchers approved by the department
151 pursuant to section 19a-25. Except as provided in section 19a-42a and
152 subsection (e) of this section, access to confidential files on paternity,
153 adoption, gender change or gestational agreements, or information
154 contained within [such files] the files of the Department of Public
155 Health and registrars of vital statistics, shall not be released to any
156 party, including the eligible parties listed in this subsection, except
157 upon an order of a court of competent jurisdiction.

158 (b) No person other than the eligible parties listed in subsection (a)
159 of this section shall be entitled to examine or receive a copy of any
160 birth or fetal death record or certificate, access the information
161 contained therein, or disclose any matter contained therein, except
162 upon written order of a court of competent jurisdiction. Nothing in this
163 section shall be construed to permit disclosure to any person,
164 including the eligible parties listed in subsection (a) of this section, of
165 information contained in the "information for health and statistical use
166 only" section or the "administrative purposes only" section of a birth
167 certificate, unless specifically authorized by the department for
168 statistical or research purposes. The Social Security number of the
169 parent or parents listed on any birth certificate shall not be released to
170 any party, except to those persons or entities authorized by state or
171 federal law. Such confidential information, other than the excluded
172 information set forth in this subsection, shall not be subject to
173 subpoena or court order and shall not be admissible before any court
174 or other tribunal.

175 (c) (1) The registrar of the town in which the birth or fetal death
176 occurred or of the town in which the mother resided at the time of the
177 birth or fetal death, or the department, may issue a certified copy of the
178 certificate of birth or fetal death of any person born in this state
179 [which] that is kept in paper form in the custody of the registrar.

180 Except as provided in subdivision (2) of this subsection, such
181 certificate shall be issued upon the written request of an eligible party
182 listed in subsection (a) of this section. Any registrar of vital statistics in
183 this state with access, as authorized by the department, to the
184 electronic vital records system of the department may issue a certified
185 copy of the electronically filed certificate of birth or fetal death of any
186 person born in this state upon the written request of an eligible party
187 listed in subsection (a) of this section.

188 (2) In the case of a certified homeless youth, such certified homeless
189 youth and the person who is certifying the certified homeless youth as
190 homeless, as described in section 7-36, shall appear in person when the
191 certified homeless youth is presenting the written request described in
192 subdivision (1) of this subsection at (A) the office of the registrar of the
193 town in which the certified homeless youth was born, (B) the office of
194 the registrar of the town in which the mother of the certified homeless
195 youth resided at the time of the birth, (C) if the birth certificate of the
196 certified homeless youth has been electronically filed, any registrar of
197 vital statistics in the state with access, as authorized by the department,
198 to the electronic vital records system, or (D) the state vital records
199 office of the department. The certified homeless youth shall present to
200 the registrar or the department information sufficient to identify
201 himself or herself as may be required by regulations adopted by the
202 commissioner pursuant to section 7-41. The person who is certifying
203 the certified homeless youth as homeless shall present to the registrar
204 or the department information sufficient to identify himself or herself
205 as meeting the certification requirements of section 7-36.

206 (d) The department and each registrar of vital statistics shall issue
207 only certified copies of birth certificates or fetal death certificates for
208 births or fetal deaths occurring less than one hundred years prior to
209 the date of the request, except as provided in subsection (e) of this
210 section.

211 (e) The Department of Public Health shall, upon request, issue to an
212 adult adopted person twenty-one years of age or older (A) who was

213 born in this state, (B) whose adoption was finalized on or after July 1,
214 2015, and (C) for whom a new certificate of birth was established on or
215 after July 1, 2015, an uncertified copy of the unaltered, sealed original
216 certificate of birth for such person marked with the same notation
217 required for such records under subsection (c) of section 7-53, as
218 amended by this act. Upon issuing an uncertified copy of such
219 certificate of birth, the Department of Public Health shall notify such
220 adopted person that a contact preference form and health history
221 information form completed by such person's birth parent or parents
222 may be available from the Department of Children and Families.

223 Sec. 3. Section 7-53 of the general statutes is repealed and the
224 following is substituted in lieu thereof (*Effective July 1, 2015*):

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] adoptive parents shall be named as the parents instead of
235 the [genetic] birth parents and, when a certified copy of the birth of
236 such person is requested by an authorized person, a copy of the new
237 certificate of birth as prepared by the department shall be provided,
238 except as 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 who is eligible
241 to obtain an original record or certificate of birth pursuant to section 7-
242 51, as amended by this act, shall first obtain a written order signed by
243 the judge of the probate court for the district in which the adopted
244 person was adopted or born in accordance with section 45a-753, or a
245 written order of the Probate Court in accordance with the provisions of

246 section 45a-752. [, stating] Such order shall state that the court is of the
247 opinion that the examination of the birth record of the adopted person
248 by the [adopting] adoptive parents or the adopted person, if over
249 eighteen years of age, or by the person wishing to examine the [same]
250 birth record or that the issuance of a copy of such birth certificate to the
251 [adopting] adoptive parents or the adopted person, if over eighteen
252 years of age, or to the person applying [therefor] for the certificate of
253 birth, will not be detrimental to the public interest or to the welfare of
254 the adopted person, [or to the welfare of the genetic or] the birth
255 parent or parents or the adoptive parent or parents.

256 (c) Upon receipt of such court order, the registrar of vital statistics of
257 any town in which the birth of such person was recorded, or the
258 department, may issue the [certified] uncertified copy of the original
259 certificate of birth on file, marked with a notation by the issuer that
260 such original certificate of birth has been superseded by a replacement
261 certificate of birth as on file, or may permit the examination of such
262 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 adoptive parents or adopted person,
276 who discloses any information contained in such records, except as
277 provided in this section and section 7-51, as amended by this act, shall
278 be fined not more than five hundred dollars or imprisoned not more

279 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 July 1, 2015*):

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, as amended by
296 this act; (2) to provide for consensual release of additional information
297 which may identify the biological parents or relatives of such adult
298 adopted or adoptable persons when release of such information is in
299 the best interests of such persons; (3) except as provided in section 7-
300 51, as amended by this act, with respect to original birth records and
301 certificates, and subdivisions (4) and (5) of this section, to protect the
302 right to privacy of all parties to termination of parental rights,
303 statutory parent and adoption proceedings; (4) to make available to
304 any biological parent of an adult adopted or adult adoptable person,
305 including a person claiming to be the father who was not a party to the
306 proceedings for termination of parental rights, information which
307 would tend to identify such adult adopted or adult adoptable person;
308 and (5) to make available to any adult biological sibling of an adult
309 adopted or adult adoptable person information which would tend to
310 identify such adult 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 July*
 313 *1, 2015*):

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 July*
 326 *1, 2015*):

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

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

Sec. 6	July 1, 2015	45a-750(b)
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