



General Assembly

**Amendment**

February Session, 2014

LCO No. 3842

**\*HB0514403842HD0\***

Offered by:

REP. FLEXER, 44<sup>th</sup> Dist.

REP. ALBIS, 99<sup>th</sup> Dist.

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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 Section 45a-751b of the general statutes is repealed and  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 (c) of this section, if  
6 parental rights were terminated on or after October 1, 1995, any information  
7 tending to identify the adult adopted or adoptable person, a biological  
8 parent, including a person claiming to be the father who was not a  
9 party to the proceedings for the termination of parental rights, or adult  
10 biological sibling shall not be disclosed unless written consent is  
11 obtained from the person whose identity is being requested.

12 (b) (1) [If] Except as provided in subsection (c) 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 (c) 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. Regardless of the date parental rights

47 were terminated, any adult adopted person twenty-one years of age or  
48 older for whom a new certificate of birth was established pursuant to  
49 section 7-53, as amended by this act, may apply for and receive (1)  
50 from the Department of Public Health or a registrar of vital statistics, a  
51 copy of the person's sealed original birth certificate or record pursuant  
52 to section 7-51, as amended by this act, provided the birth parent  
53 agrees to the release of such birth certificate as provided in subsection  
54 (h) of this section, and (2) from the Department of Children and  
55 Families, any contact preference form or health history form filed with  
56 the Department of Children and Families.

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

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

74 (f) Any adult person for whom there is only removal of custody or  
75 removal of guardianship as specified in subsection (b) of section 45a-  
76 750, as amended by this act, may apply in person or in writing to the  
77 child-placing agency, the department, the court of probate or the  
78 superior court which has the information. Such information shall be  
79 made available within sixty days of receipt of such request unless the

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

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

108 (2) The contact preference form shall provide the birth parent with  
109 (A) a place to indicate whether the health history form has been  
110 completed and returned, (B) a place to indicate whether the birth  
111 parent agrees to the release of a sealed original birth certificate to the  
112 person whose birth is recorded, and (C) the following options from  
113 which the birth parent shall select one:

114 (i) I would like to be contacted.

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

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

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

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

130 Sec. 2. Section 7-51 of the 2014 supplement to the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective July*  
132 *1, 2015*):

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

145 local director of health for the town or city where the birth or fetal  
146 death occurred or where the mother was a resident at the time of the  
147 birth or fetal death, or the director's authorized agent; (6) attorneys-at-  
148 law representing such person or such person's parent, guardian, child  
149 or surviving spouse; (7) a conservator of the person appointed for such  
150 person; (8) members of genealogical societies incorporated or  
151 authorized by the Secretary of the State to do business or conduct  
152 affairs in this state; (9) agents of a state or federal agency as approved  
153 by the department; and (10) researchers approved by the department  
154 pursuant to section 19a-25. Except as provided in section 19a-42a and  
155 subsection (e) of this section, access to confidential files on paternity,  
156 adoption, gender change or gestational agreements, or information  
157 contained within [such files] the files of the Department of Public  
158 Health and registrars of vital statistics, shall not be released to any  
159 party, including the eligible parties listed in this subsection, except  
160 upon an order of a court of competent jurisdiction.

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

178 (c) (1) The registrar of the town in which the birth or fetal death

179 occurred or of the town in which the mother resided at the time of the  
180 birth or fetal death, or the department, may issue a certified copy of the  
181 certificate of birth or fetal death of any person born in this state  
182 [which] that is kept in paper form in the custody of the registrar.  
183 Except as provided in subdivision (2) of this subsection, such  
184 certificate shall be issued upon the written request of an eligible party  
185 listed in subsection (a) of this section. Any registrar of vital statistics in  
186 this state with access, as authorized by the department, to the  
187 electronic vital records system of the department may issue a certified  
188 copy of the electronically filed certificate of birth or fetal death of any  
189 person born in this state upon the written request of an eligible party  
190 listed in subsection (a) of this section.

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

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

213 section.

214 (e) The Department of Public Health shall, upon request, issue to an  
215 adult adopted person twenty-one years of age or older (A) who was  
216 born in this state, (B) whose birth parent indicated agreement to the  
217 release of the sealed original birth certificate as provided in subsection  
218 (g) of section 45a-751b, as amended by this act, and (C) for whom a  
219 new certificate of birth was established on or after July 1, 2015, an  
220 uncertified copy of the unaltered, sealed original certificate of birth for  
221 such person marked with the same notation required for such records  
222 under subsection (c) of section 7-53, as amended by this act. Upon  
223 issuing an uncertified copy of such certificate of birth, the Department  
224 of Public Health shall notify such adopted person that a contact  
225 preference form and health history information form completed by  
226 such person's birth parent or parents may be available from the  
227 Department of Children and Families.

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

230 (a) Upon receipt of the record of adoption referred to in subsection  
231 (e) of section 45a-745 or of other evidence satisfactory to the  
232 department that a person born in this state has been adopted, the  
233 department shall prepare a new birth certificate of such adopted  
234 person, except that no new certificate of birth shall be prepared if the  
235 court decreeing the adoption, the adoptive parents or the adopted  
236 person, if over fourteen years of age, so requests. Such new birth  
237 certificate shall include all the information required to be set forth in a  
238 certificate of birth of this state as of the date of birth, except that the  
239 [adopting] adoptive parents shall be named as the parents instead of  
240 the [genetic] birth parents and, when a certified copy of the birth of  
241 such person is requested by an authorized person, a copy of the new  
242 certificate of birth as prepared by the department shall be provided,  
243 except as provided in section 7-51, as amended by this act.

244 (b) Any person seeking to examine or obtain a copy of the original



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

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

268 (d) Immediately after a new certificate of birth has been prepared,  
269 an exact copy of such certificate, together with a written notice of the  
270 evidence of adoption, shall be transmitted by the department to the  
271 registrar of vital statistics of each town in this state in which the birth  
272 of the adopted person is recorded. The new birth certificate, the  
273 original certificate of birth on file and the evidence of adoption shall be  
274 filed and indexed, under such regulations as the commissioner adopts,  
275 in accordance with chapter 54, to carry out the provisions of this  
276 section and to prevent access to the records of birth and adoption and  
277 the information [therein] contained in the records without due cause,  
278 except as provided in this section and section 7-51, as amended by this

279 act.

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

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

292 Sec. 4. Section 45a-744 of the general statutes is repealed and the  
293 following is substituted in lieu thereof (*Effective July 1, 2015*):

294 It is the policy of the state of Connecticut to make available to  
295 adopted and adoptable persons who are adults (1) information  
296 concerning their background and status; to give the same information  
297 to their adoptive parent or parents; and, in any case where such adult  
298 persons are deceased, to give the same information to their adult  
299 descendants, including adopted descendants except a copy of their  
300 original birth certificate as provided by section 7-51, as amended by  
301 this act; (2) to provide for consensual release of additional information  
302 which may identify the biological parents or relatives of such adult  
303 adopted or adoptable persons when release of such information is in  
304 the best interests of such persons; (3) except as provided in section 7-  
305 51, as amended by this act, with respect to original birth records and  
306 certificates, and subdivisions (4) and (5) of this section, to protect the  
307 right to privacy of all parties to termination of parental rights,  
308 statutory parent and adoption proceedings; (4) to make available to  
309 any biological parent of an adult adopted or adult adoptable person,  
310 including a person claiming to be the father who was not a party to the

311 proceedings for termination of parental rights, information which  
312 would tend to identify such adult adopted or adult adoptable person;  
313 and (5) to make available to any adult biological sibling of an adult  
314 adopted or adult adoptable person information which would tend to  
315 identify such adult adopted or adult adoptable person.

316 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is  
317 repealed and the following is substituted in lieu thereof (*Effective July*  
318 *1, 2015*):

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

329 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is  
330 repealed and the following is substituted in lieu thereof (*Effective July*  
331 *1, 2015*):

332 (b) Any person for whom there is only a removal of custody or  
333 removal of guardianship, and such removal took place in this state  
334 shall be given information [which] that may identify the biological  
335 parent or parents or any relative of such person, upon request, in  
336 person or in writing, in accordance with subsection (f) of section 45a-  
337 751b, as amended by this act, provided such information with respect  
338 to any relative shall not be released unless the consents required in  
339 subsection (e) of section 45a-751b, as amended by this act, are  
340 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	<i>July 1, 2015</i>	45a-750(b)