



General Assembly

February Session, 2014

Amendment

LCO No. 4160

HB0514404160HRO

Offered by:
REP. MOLGANO, 144th 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 Section 45a-751b of the general statutes is repealed and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 (c) of this section, if parental
6 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 whose adoption was finalized on or after July 1, 2015, and for
49 whom a new certificate of birth was established pursuant to section 7-
50 53, as amended by this act, on or after July 1, 2015, may apply for and
51 receive (1) from the Department of Public Health or a registrar of vital
52 statistics, a copy of the person's sealed original birth certificate or
53 record pursuant to section 7-51, as amended by this act, provided the
54 birth parent agrees to the release of such birth certificate as provided in
55 subsection (g) of this section, and (2) from the Department of Children
56 and Families, any contact preference form or health history form filed
57 with the Department of Children and Families. Nothing in this
58 subsection shall be construed to limit such person's access to
59 information.

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

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

77 (f) Any adult person for whom there is only removal of custody or
78 removal of guardianship as specified in subsection (b) of section 45a-
79 750, as amended by this act, may apply in person or in writing to the
80 child-placing agency, the department, the court of probate or the

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

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

111 (2) The contact preference form shall provide the birth parent with
112 (A) a place to indicate whether the health history form has been
113 completed and returned, (B) a place to indicate whether the birth

114 parent agrees to the release of a sealed original birth certificate to the
115 person whose birth is recorded, and (C) the following options from
116 which the birth parent shall select one:

117 (i) I would like to be contacted.

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

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

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

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

133 Sec. 2. Section 7-51 of the 2014 supplement to the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective July*
135 *1, 2015*):

136 (a) [The department] Except as provided in subsection (e) of this
137 section the Department of Public Health and registrars of vital
138 statistics shall restrict access to and issuance of a certified copy of birth
139 and fetal death records and certificates less than one hundred years
140 old, to the following eligible parties: (1) The person whose birth is
141 recorded, if such person is (A) over eighteen years of age, or (B) a
142 certified homeless youth, as defined in section 7-36; (2) the person
143 whose birth is recorded, if such person is a minor emancipated

144 pursuant to sections 46b-150 to 46b-150e, inclusive; (3) such person's
145 children, grandchildren, spouse, parent, guardian or grandparent; (4)
146 the chief executive officer of the municipality where the birth or fetal
147 death occurred, or the chief executive officer's authorized agent; (5) the
148 local director of health for the town or city where the birth or fetal
149 death occurred or where the mother was a resident at the time of the
150 birth or fetal death, or the director's authorized agent; (6) attorneys-at-
151 law representing such person or such person's parent, guardian, child
152 or surviving spouse; (7) a conservator of the person appointed for such
153 person; (8) members of genealogical societies incorporated or
154 authorized by the Secretary of the State to do business or conduct
155 affairs in this state; (9) agents of a state or federal agency as approved
156 by the department; and (10) researchers approved by the department
157 pursuant to section 19a-25. Except as provided in section 19a-42a and
158 subsection (e) of this section, access to confidential files on paternity,
159 adoption, gender change or gestational agreements, or information
160 contained within [such files] the files of the Department of Public
161 Health and registrars of vital statistics, shall not be released to any
162 party, including the eligible parties listed in this subsection, except
163 upon an order of a court of competent jurisdiction.

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

178 information set forth in this subsection, shall not be subject to
179 subpoena or court order and shall not be admissible before any court
180 or other tribunal.

181 (c) (1) The registrar of the town in which the birth or fetal death
182 occurred or of the town in which the mother resided at the time of the
183 birth or fetal death, or the department, may issue a certified copy of the
184 certificate of birth or fetal death of any person born in this state
185 [which] that is kept in paper form in the custody of the registrar.
186 Except as provided in subdivision (2) of this subsection, such
187 certificate shall be issued upon the written request of an eligible party
188 listed in subsection (a) of this section. Any registrar of vital statistics in
189 this state with access, as authorized by the department, to the
190 electronic vital records system of the department may issue a certified
191 copy of the electronically filed certificate of birth or fetal death of any
192 person born in this state upon the written request of an eligible party
193 listed in subsection (a) of this section.

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

211 as meeting the certification requirements of section 7-36.

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

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

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

234 (a) Upon receipt of the record of adoption referred to in subsection
235 (e) of section 45a-745 or of other evidence satisfactory to the
236 department that a person born in this state has been adopted, the
237 department shall prepare a new birth certificate of such adopted
238 person, except that no new certificate of birth shall be prepared if the
239 court decreeing the adoption, the adoptive parents or the adopted
240 person, if over fourteen years of age, so requests. Such new birth
241 certificate shall include all the information required to be set forth in a
242 certificate of birth of this state as of the date of birth, except that the

243 [adopting] adoptive parents shall be named as the parents instead of
244 the [genetic] birth parents and, when a certified copy of the birth of
245 such person is requested by an authorized person, a copy of the new
246 certificate of birth as prepared by the department shall be provided,
247 except as provided in section 7-51, as amended by this act.

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

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

272 (d) Immediately after a new certificate of birth has been prepared,
273 an exact copy of such certificate, together with a written notice of the
274 evidence of adoption, shall be transmitted by the department to the
275 registrar of vital statistics of each town in this state in which the birth

276 of the adopted person is recorded. The new birth certificate, the
277 original certificate of birth on file and the evidence of adoption shall be
278 filed and indexed, under such regulations as the commissioner adopts,
279 in accordance with chapter 54, to carry out the provisions of this
280 section and to prevent access to the records of birth and adoption and
281 the information [therein] contained in the records without due cause,
282 except as provided in this section and section 7-51, as amended by this
283 act.

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

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

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

298 It is the policy of the state of Connecticut to make available to
299 adopted and adoptable persons who are adults (1) information
300 concerning their background and status; to give the same information
301 to their adoptive parent or parents; and, in any case where such adult
302 persons are deceased, to give the same information to their adult
303 descendants, including adopted descendants except a copy of their
304 original birth certificate as provided by section 7-51, as amended by
305 this act; (2) to provide for consensual release of additional information
306 which may identify the biological parents or relatives of such adult
307 adopted or adoptable persons when release of such information is in

308 the best interests of such persons; (3) except as provided in section 7-
309 51, as amended by this act, with respect to original birth records and
310 certificates, and subdivisions (4) and (5) of this section, to protect the
311 right to privacy of all parties to termination of parental rights,
312 statutory parent and adoption proceedings; (4) to make available to
313 any biological parent of an adult adopted or adult adoptable person,
314 including a person claiming to be the father who was not a party to the
315 proceedings for termination of parental rights, information which
316 would tend to identify such adult adopted or adult adoptable person;
317 and (5) to make available to any adult biological sibling of an adult
318 adopted or adult adoptable person information which would tend to
319 identify such adult adopted or adult adoptable person.

320 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is
321 repealed and the following is substituted in lieu thereof (*Effective July*
322 *1, 2015*):

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

333 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
334 repealed and the following is substituted in lieu thereof (*Effective July*
335 *1, 2015*):

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

340 person or in writing, in accordance with subsection (f) of section 45a-
 341 751b, as amended by this act, provided such information with respect
 342 to any relative shall not be released unless the consents required in
 343 subsection (e) of section 45a-751b, as amended by this act, are
 344 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)