



General Assembly

Amendment

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LCO No. 4361

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Offered by:

REP. FLEXER, 44th 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 Section 45a-751b of the general statutes is repealed and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, and (B) whose birth parent indicated agreement to
217 the release of the sealed original birth certificate as provided in
218 subsection (g) of section 45a-751b, as amended by this act, an
219 uncertified copy of the unaltered, sealed original certificate of birth for
220 such person marked with the same notation required for such records
221 under subsection (c) of section 7-53, as amended by this act. Upon
222 issuing an uncertified copy of such certificate of birth, the Department
223 of Public Health shall notify such adopted person that a contact
224 preference form and health history information form completed by
225 such person's birth parent or parents may be available from the
226 Department of Children and Families.

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 Section 7-53 of the general statutes is repealed and the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

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

242 except as provided in section 7-51, as amended by this act.

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

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

267 (d) Immediately after a new certificate of birth has been prepared,
268 an exact copy of such certificate, together with a written notice of the
269 evidence of adoption, shall be transmitted by the department to the
270 registrar of vital statistics of each town in this state in which the birth
271 of the adopted person is recorded. The new birth certificate, the
272 original certificate of birth on file and the evidence of adoption shall be
273 filed and indexed, under such regulations as the commissioner adopts,
274 in accordance with chapter 54, to carry out the provisions of this

275 section and to prevent access to the records of birth and adoption and
276 the information [therein] contained in the records without due cause,
277 except as provided in this section and section 7-51, as amended by this
278 act.

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

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

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

293 It is the policy of the state of Connecticut to make available to
294 adopted and adoptable persons who are adults (1) information
295 concerning their background and status; to give the same information
296 to their adoptive parent or parents; and, in any case where such adult
297 persons are deceased, to give the same information to their adult
298 descendants, including adopted descendants except a copy of their
299 original birth certificate as provided by section 7-51, as amended by
300 this act; (2) to provide for consensual release of additional information
301 which may identify the biological parents or relatives of such adult
302 adopted or adoptable persons when release of such information is in
303 the best interests of such persons; (3) except as provided in section 7-
304 51, as amended by this act, with respect to original birth records and
305 certificates, and subdivisions (4) and (5) of this section, to protect the
306 right to privacy of all parties to termination of parental rights,

307 statutory parent and adoption proceedings; (4) to make available to
308 any biological parent of an adult adopted or adult adoptable person,
309 including a person claiming to be the father who was not a party to the
310 proceedings for termination of parental rights, information which
311 would tend to identify such adult adopted or adult adoptable person;
312 and (5) to make available to any adult biological sibling of an adult
313 adopted or adult adoptable person information which would tend to
314 identify such adult adopted or adult adoptable person.

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

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

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

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

339 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)