



## SUMMARY OF HB 5144

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### QUESTION

This report provides a summary of raised HB 5144 (2014), An Act Concerning Access to Birth Certificates and Parental Health Information for Adopted Persons.

### SUMMARY

This bill requires the Department of Public Health (DPH) to give adopted adults age 21 or older certified copies of their sealed original birth certificates on request. This requirement applies starting October 1, 2014, and applies regardless of the date parental rights were terminated. Current law (1) bars access to such original birth certificates without a probate court order and (2) otherwise permits access to identifying information about a birth parent only with the parent's consent.

The bill also creates a voluntary procedure for biological parents to complete a DPH form indicating whether they want to be contacted by their adopted children. DPH must attach such completed forms to the sealed birth certificates and make them available to adult adoptees (age 21 or older) on request. The department also must attach to the certificate any completed health history form from a biological parent.

The bill requires DPH to maintain certain statistics regarding these matters and make the statistics public. The bill also makes minor, technical, and conforming changes.

It takes effect October 1, 2014.

### §§ 1 & 2 – COPIES OF ORIGINAL BIRTH CERTIFICATES

Under current law, a probate court order is required to release an adopted person's original birth certificate. The court can only grant such access if it determines that doing so would not be detrimental to the public interest or to the welfare of the adopted person, adoptive parents, or biological parents. Also, current law prohibits the Department of Children and Families (DCF) or a child-placing agency from

releasing information identifying a biological parent without the parent's written consent. If parental rights were terminated before October 1, 1995, DCF or the child-placing agency must first attempt to locate the other biological parent to obtain written consent to permit disclosure, and certain requirements apply if the other parent cannot be located or does not consent.

The bill creates an exception by allowing adopted adults age 21 or older to access their original birth certificate. It specifies that requests for original birth certificates may come from either the adult adopted person or, if the person is deceased, any of his or her adult descendants. If DPH is satisfied as to the requestor's identity, it must provide access to and a copy of the sealed original birth certificate.

DPH must mark the copy with a notation that the birth certificate has been superseded by a replacement. This is the same notation required when a certified copy of a sealed original is issued pursuant to a probate court order.

## **§ 2 – CONTACT PREFERENCE FORM AND HEALTH HISTORY FORM**

Under the bill, DPH must give a contact preference form to any birth parent who requests it. Along with this form, DPH must also provide the parent with a form to fill out his or her health history information (see BACKGROUND).

On the contact preference form, the parent must indicate whether he or she:

1. would like to be contacted,
2. would like to be contacted only through an intermediary, or
3. does not want to be contacted.

The form must also provide a space for the parent to indicate whether he or she has completed a health history form.

After DPH receives completed contact preference forms or health history forms, DPH employees authorized to issue birth certificates must attach them to the adopted person's sealed original certificate. The bill specifies that only such employees are authorized to process the contact preference forms or updated health history forms. (Existing law specifies that the health history form is a DCF form.) Under the bill, DPH may provide copies only to (1) adult adoptees, (2) their descendants or certain other family members, and (3) the state adoption registry.

## **§ 2 – STATISTICS**

The bill requires DPH to maintain statistics on the number of:

1. original birth certificates released after the bill takes effect,
2. contact preference forms filed with the department, and
3. people choosing each of the three contact options on the form (contact, contact only through intermediary, or no contact).

The department must make these statistics available to the general public at least quarterly. DPH's commissioner can choose to make them available more often.

## **BACKGROUND**

### ***Sealed Birth Certificates***

In most cases, DPH seals the original birth certificate when a probate court notifies it that a child born in Connecticut has been adopted. It prepares a new certificate substituting the adoptive parents' names for those appearing on the original certificate.

### ***Health History Forms***

By law, DCF and child-placing agencies must make reasonable efforts to compile non-identifying information about the biological parents of a child who is placed or available for adoption. This information is disclosable to adopting parents and adult adoptees, among others, and may include a health history of the child's parents and blood relatives (CGS § [45a-746](#)).

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