

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-133—sHB 5144
Public Health Committee
Judiciary Committee

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

SUMMARY: This act requires the Department of Public Health (DPH) to give adopted individuals age 18 or older whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren, uncertified copies of the adoptee's original birth certificate on request. This requirement applies starting July 1, 2015, and regardless of the date parental rights were terminated. Prior law barred access to such original birth certificates without a probate court order.

Under the act, people adopted before October 1, 1983, their adult children or grandchildren, or certain relatives of a deceased adoptee can also obtain the original certificate, through a court order. If the birth parents are alive, the court can only issue such an order with their consent, or in certain circumstances, the consent of a legal representative or guardian ad litem (GAL). The act repeals certain procedures related to an adoptee's or other authorized applicant's court petition to access a missing or incompetent biological relative's identifying information.

The act also creates a voluntary procedure for biological parents to complete a Department of Children and Families (DCF) form indicating whether the parent wants to be contacted by his or her adopted adult child or the adoptee's adult children or grandchildren. When issuing an original birth certificate, DPH must provide a notice stating that these completed contact forms, as well as the biological parents' completed health history forms, may be on file with DCF.

The act requires the DPH and DCF commissioners to each report annually to the Public Health Committee, from 2016 through 2021, on specified matters relating to the act's requirements.

It makes conforming changes to the statute on state policy regarding adopted individuals' access to information about their background and related matters (§ 6). It also (1) eliminates the court's option of allowing someone to examine the certificate (as distinct from obtaining a copy of it) and (2) makes other minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2015, except for the annual reporting provisions, which are effective upon passage.

COPIES OF ADOPTEES' ORIGINAL BIRTH CERTIFICATES

§§ 2, 5, & 7 — Requests by Certain Adult Adoptees or Their Adult Children or Grandchildren

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Under prior law, (1) a probate court order was required in order to examine or obtain an adopted person's original birth certificate and (2) DCF or a child-placing agency could not release information identifying a biological parent without the parent's written consent. If parental rights were terminated before October 1, 1995, certain requirements applied if the other parent could not be located or did not consent.

Starting July 1, 2015, the act creates an exception by allowing adopted individuals age 18 or older whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren, to obtain the original birth certificate. DPH must issue an uncertified copy of the original on getting such a request. DPH must note on the copy that the original certificate has been superseded by a replacement. This is the same notation required when a copy of an adopted person's original birth certificate is issued pursuant to a court order (see below).

DPH must provide a notice with the certificate stating that information regarding the birth parents' contact preferences and medical health history forms may be on file with DCF (see below). The notice must be printed on the certificate or attached to it.

The act establishes a \$65 fee for uncertified copies of an adoptee's original birth certificate. Under existing law, the fee for a birth certificate issued by a town registrar is \$15 for a short-form or \$20 for a long-form certificate. The fee for DPH-issued birth certificates is \$30 (§ 5).

§§ 2, 10, & 11 — Court Orders to Release Original Certificate

Under prior law, an adoptee or certain other individuals could request a court order for access to the adoptee's original birth certificate. The act allows such requests from adoptees whose adoptions were finalized before October 1, 1983, or their adult children or grandchildren. It otherwise allows court orders for the release of an adoptee's original birth certificate only if the adoptee is deceased. For a deceased adoptee, only the person's adult descendants, biological parents, or adult biological siblings can request a court order to obtain the certificate.

The act allows these petitions to be filed in the Superior Court, not just probate court as under prior law. The applicant can file the petition in the court where the adoption was finalized. He or she can also file it in the court that appointed a GAL, as is required if the birth parent cannot be located or appears incompetent.

The act removes the prior limitation that the court could grant such an order only if it determined that allowing access to the original certificate would not be detrimental to the public interest or to the welfare of the adopted person, adoptive parents, or biological parents. The act instead requires the court to order DPH to issue the original certificate only if each birth parent named on the certificate (1) consents to the release of his or her identifying information or (2) is deceased.

Under the act, if the court has appointed a GAL as specified above, his or her consent is required to release the certificate. If a birth parent has been declared incompetent, the legal representative's consent is required to release it.

The act specifies that if the court issues such an order, only DPH may issue

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the certificate, which must be an uncertified copy. Under prior law, either DPH or the appropriate town registrar could issue certified copies following these court orders.

§ 11 — Repeal of Certain Procedures

The act repeals provisions setting other procedures for adoptees' or other authorized applicants' court petitions seeking access to identifying information concerning a biological relative when (1) the relative could not be located or was incompetent or (2) DCF or the child-placing agency had not found him or her within 60 days of the request. Among other things, these provisions:

1. required the court to order DCF or the child-placing agency to report whether release of the information would be seriously disruptive to, or endanger the physical or emotional health of, the applicant or person whose identity was being sought and
2. required the court, after a hearing, to order the information released unless the (a) GAL for the person whose identity was being sought did not consent or (b) release would be seriously disruptive or dangerous as specified above.

§ 3 — CONTACT PREFERENCE AND HEALTH HISTORY FORMS

Under the act, DCF must make a contact preference form available to any birth parent who requests it, to indicate the parent's preference regarding contact by (1) his or her birth child who was later adopted, if the child is at least age 18, or (2) such child's adult child or grandchild. When receiving a request for a contact preference form, DCF must also provide the parent with a form on which to record 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, but only through an intermediary he or she designates; or
3. does not want to be contacted.

The act requires DCF to maintain birth parents' completed contact preference forms and health history forms in a confidential file. The department can give copies of the completed forms only to the adult adopted person or his or her adult child or grandchild, upon request. The act exempts completed contact preference forms from disclosure under the Freedom of Information Act. Existing law already exempts completed health history forms from such disclosure (CGS § 1-210(b)(14)).

§ 4 — REPORTING REQUIREMENT

The act requires the DPH and DCF commissioners to each report annually to the Public Health Committee for six years, with the first reports due January 1, 2016, and the final reports due January 1, 2021.

The DPH report must include the annual number of original birth certificates the department issued to adopted adults whose adoptions were finalized on or

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after October 1, 1983, or their adult children or grandchildren.

The DCF report must include the annual number of contact preference forms and health history forms filed with the department. It also must indicate the number of birth parents choosing each of the three options on the contact preference form (i.e., contact, contact only through intermediary, or no contact).

BACKGROUND

Adoptee Birth Certificates

In most cases, DPH seals the original birth certificate when a 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 (CGS § 7-53).

Health History Forms

By law, DCF and child-placing agencies must make reasonable efforts to compile nonidentifying information about the biological parents of a child who is placed or available for adoption. This information may include a health history of the child's parents and blood relatives, on a standardized form (CGS § 45a-746).

OLR Tracking: JO:KD:PF:ro