



# House of Representatives

General Assembly

**File No. 584**

February Session, 2018

Substitute House Bill No. 5408

*House of Representatives, April 19, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS BY ADULT ADOPTED PERSONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) and (c) of section 7-53 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2018*):

4 (b) Except as provided in subsection (c) of this section, [and section  
5 45a-751c,] an original certificate of birth may only be issued if the  
6 person named in the certificate of birth is deceased and the person  
7 seeking to obtain such certificate of birth is an authorized applicant, as  
8 defined in section 45a-743. Any authorized applicant seeking to obtain  
9 a copy of the original certificate of birth shall first obtain a written  
10 court order issued in accordance with section 45a-751c, as amended by  
11 this act. Upon receipt of such court order, the department may issue an  
12 uncertified copy of the original certificate of birth on file, marked with  
13 a notation by the issuer that such original certificate of birth has been  
14 superseded by a replacement certificate of birth as on file.

15 (c) Upon request, the department shall issue an uncertified copy of  
16 an original certificate of birth to (1) an adopted person who is eighteen  
17 years of age or older, [whose adoption was finalized on or after  
18 October 1, 1983,] or (2) such adopted person's adult child or  
19 grandchild. Such certificate shall be marked with a notation by the  
20 issuer that such original certificate of birth has been superseded by a  
21 replacement certificate of birth as on file. Additionally, a notice stating  
22 that information related to the birth parents' preferences regarding  
23 contact by such adopted person or such adopted person's adult child  
24 or grandchild and a medical health history form completed by the  
25 birth parent may be on file with the Department of Children and  
26 Families shall be printed on such certificate or attached thereto.

27 Sec. 2. Section 7-53a of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective July 1, 2018*):

29 (a) Not later than January 1, [2016] 2019, and annually thereafter  
30 until January 1, [2021] 2024, the Commissioner of Public Health shall  
31 submit a report, in accordance with the provisions of section 11-4a,  
32 concerning the number of original birth certificates issued annually to  
33 adopted persons eighteen years of age or older [whose adoption was  
34 finalized on or after October 1, 1983,] or the adult children or  
35 grandchildren of adopted persons in accordance with section 7-53, as  
36 amended by this act, to the joint standing committee of the General  
37 Assembly having cognizance of matters relating to public health.

38 (b) Not later than January 1, [2016] 2019, and annually thereafter  
39 until January 1, [2021] 2024, the Commissioner of Children and  
40 Families shall submit a report, in accordance with the provisions of  
41 section 11-4a, concerning the number of contact preference forms and  
42 medical health history forms annually filed with the department in  
43 accordance with section 17a-60a to the joint standing committee of the  
44 General Assembly having cognizance of matters relating to public  
45 health. The report shall include the number of birth parents that  
46 selected each option described in section 17a-60a.

47 Sec. 3. Subsection (c) of section 45a-751b of the general statutes is

48 repealed and the following is substituted in lieu thereof (*Effective July*  
49 *1, 2018*):

50 (c) Regardless of the date parental rights were terminated, [on or  
51 after July 1, 2015,] the Department of Public Health shall, upon request,  
52 issue an uncertified copy of an original birth certificate to an adopted  
53 person eighteen years of age or older who is the subject of the birth  
54 certificate [and whose adoption was finalized on or after October 1,  
55 1983,] or such adopted person's adult child or grandchild, in  
56 accordance with the provisions of section 7-53, as amended by this act.

57 Sec. 4. Section 45a-751c of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective July 1, 2018*):

59 [(a) On the petition of an adopted person who is eighteen years of  
60 age or older and whose adoption was finalized prior to October 1,  
61 1983, or such adopted person's adult child or grandchild, the Probate  
62 Court or the Superior Court that finalized an adoption or appointed a  
63 guardian ad litem in accordance with section 45a-753 shall issue an  
64 order directing the Department of Public Health to issue an uncertified  
65 copy of an original birth certificate to such adopted person or such  
66 adopted person's child or grandchild in accordance with subsection (b)  
67 of section 7-53, provided each birth parent named on the original birth  
68 certificate: (1) Consents to the release of identifying information in  
69 accordance with sections 45a-751 to 45a-751b, inclusive; (2) is deceased;  
70 or (3) a legal representative or guardian ad litem consents to the  
71 release of identifying information on behalf of the birth parent in  
72 accordance with section 45a-753. Nothing in this section shall limit the  
73 right of an adopted person eighteen years of age or older whose  
74 adoption was finalized on or after October 1, 1983, or such adopted  
75 person's adult child or grandchild to obtain an uncertified copy of an  
76 original birth certificate pursuant to section 7-53.]

77 [(b)] On the petition of an authorized applicant, as defined in section  
78 45a-743, the Probate Court or the Superior Court that finalized an  
79 adoption or appointed a guardian ad litem in accordance with section  
80 45a-753 shall issue an order directing the Department of Public Health

81 to issue an uncertified copy of an original birth certificate to the  
 82 authorized applicant in accordance with subsection (b) of section 7-53,  
 83 as amended by this act, provided the person named in the certificate of  
 84 birth is deceased and each birth parent named on the original birth  
 85 certificate: (1) Consents to the release of identifying information, in  
 86 accordance with sections 45a-751 to 45a-751b, inclusive, as amended by  
 87 this act; (2) is deceased; or (3) a legal representative or guardian ad  
 88 litem consents to the release of identifying information on behalf of the  
 89 birth parent, in accordance with section 45a-753.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	7-53(b) and (c)
Sec. 2	July 1, 2018	7-53a
Sec. 3	July 1, 2018	45a-751b(c)
Sec. 4	July 1, 2018	45a-751c

**Statement of Legislative Commissioners:**

In Section 1, the effective date was changed to July 1, 2018, for consistency with the other provisions of the bill.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Public Health, Dept.	GF - Cost	32,000	32,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	10,000	10,000
Resources of the General Fund	GF - Revenue Gain	57,000	57,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which allows adults whose adoptions were finalized before 10/1/83, their adult children/grandchildren, to request uncertified copies of the adoptee's original birth certificate from the Department of Public Health (DPH), results in a net General Fund revenue gain of approximately \$15,000 annually.

Assuming that approximately 2% of adoptions finalized prior to 10/1/83 generate requests for uncertified copies of original birth certificates annually (926 of 46,300), a half-time Processing Technician would be required at a salary cost to DPH of \$28,000, and fringe benefit costs of approximately \$10,000 to the State Comptroller. Associated on-going other expenses, including office supplies, postage and travel as needed to an off-site storage facility, are estimated at approximately \$4,000 each year.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

Under existing law, DPH may only issue these copies if directed by a court order. Approximately 40 such court orders are received by the agency annually, generating \$2,600 in General Fund revenue each year. These 40 individuals would be part of the estimated 926 requests allowable under the bill. As such, annual net General Fund revenue of \$57,000 is anticipated from the bill (a \$61,000 revenue gain and a \$2,600 revenue loss).

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of requests of DPH, without a court order, for uncertified copies of original birth certificates of adoptees' whose adoptions were finalized before 10/1/83.

*Sources: Connecticut Department of Public Health, State Office of Vital Statistics*

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**OLR Bill Analysis**

**HB 5408**

***AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS  
BY ADULT ADOPTED PERSONS.***

**SUMMARY**

This bill expands access to birth certificates for adopted persons and their adult children or grandchildren.

Current law 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 upon request. The bill requires DPH to do so regardless of the finalized adoption date.

To conform to this change, the bill eliminates a provision allowing those adopted before October 1, 1983, and their adult children or grandchildren, to obtain uncertified copies of the original certificate through a court order. Under current law, 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.

The bill extends by three years, from 2021 to 2024, the requirement that the DPH and Department of Children and Families (DCF) commissioners report annually to the Public Health Committee on the number of adult adoptee birth certificates issued by DPH and birth parent contact preference and health history forms filed with DCF, respectively (see BACKGROUND).

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2018

**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).

***Contact Preference and Health History Forms***

By law, a biological parent may voluntarily complete a DCF form indicating whether he or she wants to be contacted by his or her adopted adult child or the adoptee's adult children or grandchildren. 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 (CGS § 17a-60a).

When issuing an original birth certificate, DPH must provide a notice stating that these completed contact and health history forms may be on file with DCF.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 24 Nay 16 (04/04/2018)