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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative Ivey to Engrossed House Bill No. 450 by Representative Charles Owen

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 20 in their entirety and delete pages 2, 3, and 4 in their
3 entirety and insert the following:

4 "To amend and reenact Children's Code Articles 1186(A) and 1270(B) and
5 R.S. 40:73(B) and (D), 77(B) and (D), 79(A)(1) and (4) and (D) and to enact R.S.
6 40:80, relative to an adopted person's original birth certificate: to provide for the
7 disclosure of confidential records; to provide for the motion for disclosure; to
8 provide for access to an adopted person's original birth certificate; to provide for the
9 authority of the registrar of vital records; to provide for the duties of the Department
10 of Children and Family Services; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Articles 1186(A) and 1270(B) are hereby
13 amended and reenacted to read as follows:

14 Art. 1186. Confidential adoption records; disclosure

15 A. (1) For adoptions completed prior to January 1, 2023, all ~~AH~~ adoption
16 records shall be retained in confidential files, and it shall be unlawful for anyone
17 except the biological or adopting parent to disclose any identifying information
18 concerning any individual adoption case, except upon order of the court, after giving
19 proper notice as required in Article 1190 or as otherwise authorized by this Code, or
20 for purposes directly connected with an adoption agency's responsibilities in relation
21 to adoption work as permitted by its rules and regulations.

22 (2)(i) For adoptions completed on or after January 1, 2023, the adopted
23 person's original birth certificate shall be retained in confidential files until the
24 adopted person attains the age of twenty-four, at which point the original birth
25 certificate shall no longer be retained in the confidential files, except as provided in
26 Subsubparagraph (ii) of this Subparagraph.

27 (ii)(a) The biological mother or father listed on the birth certificate,
28 hereinafter referred to in this Chapter as the "birth parents", may petition the court
29 prior to the final decree of adoption to have the adopted person's original birth
30 certificate retained in the confidential files. The court may grant the petition only
31 upon an attestation by the birth mother that the child was conceived through rape or
32 incest or upon proof of other compelling and extraordinary circumstances and order
33 that the original birth certificate be retained in the confidential files. The Department
34 of Children and Family Services shall create a form that shall be made available to
35 the birth mother in order to provide the necessary attestation to the court.

36 (b) The original birth certificate ordered to be retained in the confidential
37 files pursuant to this provision is subject to disclosure pursuant to Article 1188.

38 * * *

39 Art. 1270. Legislative findings; purpose; release of information

40 * * *

41 B.(1) There is hereby created within the office of children and family
42 services of the Department of Children and Family Services a voluntary registry for

1 the matching of adopted persons, or an adoptive parent of a minor or deceased
2 adopted person, or a descendant of a deceased adopted person, or his parent if a
3 minor, and biological parents or siblings, or both, or a parent, sibling, or descendant,
4 or his parent if a minor, of a deceased biological parent. The purpose of this registry
5 shall be to facilitate voluntary contact between the adopted person, or an adoptive
6 parent of a minor or deceased adopted person, or the descendant of a deceased
7 adopted person, or his parent if a minor, and a biological parent or biological sibling,
8 or both, or a parent, sibling, or descendant, or his parent if a minor, of a deceased
9 biological parent.

10 (2)(a) The registry shall provide a contact preference form for a biological
11 parent to indicate whether or not they prefer to be contacted by the adopted person
12 and allow the birth parent to provide any additional information. The biological
13 parent may change his contact preference at any time.

14 (b) The biological parent's contact preference shall be released to the registrar
15 of vital records and included in the sealed package with the adopted person's original
16 birth certificate to be released to the adopted person with the original birth certificate
17 pursuant to R.S. 40:80.

18 * * *

19 Section 2. R.S. 40:73(B) and (D), 77(B) and (D), 79(A)(1) and (4) and (D)
20 are hereby amended and reenacted and R.S. 40:80 is hereby enacted to read as
21 follows:

22 §73. Certified copy of the new record; sealing and confidentiality of the original
23 birth record; issuance of original birth certificate

24 * * *

25 B. This sealed package shall be opened only upon the demand of the adopted
26 person, or if deceased, by his or her descendants, or upon the demand of the adoptive
27 parent, or the state registrar, or the recognized public or private social agency which
28 was a party to the adoption, and then only as provided in R.S. 40:80 or by order of
29 a Louisiana court of competent jurisdiction at the domicile of the vital records
30 registry, which order shall issue only after a showing of compelling reasons.
31 Information shall be revealed only to the extent necessary to satisfy such compelling
32 necessity.

33 * * *

34 D. ~~All~~ Except as provided in R.S. 40:80, all motions for records under this
35 Section shall be in accordance with and subject to the provisions of Children's Code
36 Articles 1188 through 1192 and, if an adoption agency is involved, the agency shall
37 be served with a copy of the motion as provided in Article 1313 of the Louisiana
38 Code of Civil Procedure.

39 * * *

40 §77. Certified copy for adoptive parents; issuance of original birth certificate

41 * * *

42 B. Except as provided in R.S. 40:74, this sealed package shall be opened
43 only upon the demand of the adopted person, or if deceased, by his or her
44 descendants, or upon the demand of the adoptive parent, or the state registrar, or the
45 recognized public or private social agency which was a party to the adoption, and
46 then only as provided in R.S. 40:80 or by order of a Louisiana court of competent
47 jurisdiction at the domicile of the vital records registry which court order shall issue
48 only after a showing of compelling reasons, and opened only to the extent necessary
49 to satisfy such compelling necessity.

50 * * *

51 D. ~~All~~ Except as provided in R.S. 40:80, all motions for records under this
52 Section shall be in accordance with and subject to; the provisions of ~~R.S. 9:437~~
53 Children's Code Articles 1188 through 1192 and, if an adoption agency is involved,
54 the agency shall be served with a copy of the motion as provided in Article 1313 of
55 the Louisiana Code of Civil Procedure.

56 * * *

57 §79. Record of adoption decree

1 A.(1)(a) Whenever a final decree of adoption shall be entered, the clerk of
2 court shall forward, on a form supplied by the Department of Children and Family
3 Services, his certificate of the decree to the state registrar who shall make a new
4 certificate of live birth of the person adopted, in the new name if the name has been
5 changed in the decree.

6 (b) If the court orders that the original birth certificate be retained in the
7 confidential files pursuant to Children's Code Article 1186, the clerk of court shall
8 forward the order to the state registrar who shall place the order with the original
9 birth certificate.

10 * * *

11 (4) The state registrar shall seal and file the original certificate of birth with
12 the certificate of the decree. This sealed package may be opened only on the order
13 of a competent court or as provided in R.S. 40:80.

14 * * *

15 D. ~~All~~ Except as provided in R.S. 40:80, all motions for records under this
16 Section shall be in accordance with, and be subject to, the provisions of Children's
17 Code Articles 1188 through 1192, and, if an adoption agency is involved, the agency
18 shall be served with a copy of a motion as provided in Article 1313 of the Code of
19 Civil Procedure.

20 §80. Adopted person request for an uncertified copy of an original birth certificate

21 A. Notwithstanding any provision of the law to the contrary, for adoptions
22 completed on or after January 1, 2023, an adopted person who is twenty-four years
23 of age or older may request an unredacted uncertified copy of his birth certificate
24 from the state registrar. Upon such a request, the registrar shall open the sealed
25 package and issue an uncertified copy of the original birth certificate to the adopted
26 person, unless the sealed package contains an order issued by the court pursuant to
27 Children's Code Article 1186.

28 B.(1) For adoptions completed prior to January 1, 2023, an adopted person
29 who is twenty-four years of age or older may request an uncertified copy of his
30 original birth certificate with the names and identifying information of the birth
31 parents redacted. Upon such request, the registrar shall open the sealed package and
32 issue a redacted, uncertified copy of the original birth certificate.

33 (2) (a) A birth parent may file an affidavit with the registrar consenting to the
34 release of the adopted person's original birth certificate. The registrar shall develop
35 and make available a form affidavit for this purpose.

36 (b) If an adopted person twenty-four years of age or older requests an
37 uncertified copy of his original birth certificate and the birth parent has filed an
38 affidavit with the registrar consenting to the release of the adopted person's original
39 birth certificate, the registrar shall open the sealed package and issue an uncertified
40 copy of the original birth certificate to the adopted person.

41 C. The uncertified copy of the original birth certificate shall be issued to the
42 adopted person in accordance with the regulations duly promulgated in accordance
43 with the Administrative Procedure Act for a certified copy of a vital record in the
44 custody of the vital records registry."