

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

2022 Regular Session

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

1 AMENDMENT NO. 1

2 On page 1, delete lines 1 and 2 in their entirety and at the beginning of line 3, delete "79(E),"
3 and insert the following:

4 "To amend and reenact Civil Code Article 236, Children's Code Articles
5 1186(A), 1188(C), 1270(B), (C), (D), and (E), 1272(C) and (D), and 1273, and R.S.
6 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D), to enact Children's Code
7 Articles 1272(E) and 1272.1 and R.S. 40:80, and to repeal Children's Code Article
8 1270(F),"

9 AMENDMENT NO. 2

10 On page 1, at the end of line 6, insert the following:

11 "birth parents to prohibit the release of certain identifying information; to provide for
12 the promulgation of rules; to provide for a public awareness campaign; to provide
13 for filial honor and respect; to provide for the privacy of birth mothers; to provide
14 for the"

15 AMENDMENT NO. 3

16 On page 1, delete lines 9 through 10 in their entirety and insert the following:

17 "Section 1. Civil Code Article 236 is hereby amended and reenacted to read
18 as follows:

19 Art. 236. Filial honor and respect; protection for birth mothers who are victims of
20 rape or molestation
21 A. A child regardless of age owes honor and respect to his father and mother.
22 B. A birth mother who is a victim of rape or molestation deserves honor and
23 respect. When a child is conceived as a result of rape or molestation, the birth mother
24 shall have the right to privacy and to be secure in her person, papers, and effects
25 related to the records of adoption by which she placed the child with his adoptive
26 parent or parents.

27 Section 2. Children's Code Articles 1186(A), 1188(C), 1270(B), (C), (D), and
28 (E), 1272(C) and (D), and 1273 are hereby amended and reenacted and Children's
29 Code Articles 1272(E) and 1272.1 are hereby enacted to read as follows:"

30 AMENDMENT NO. 4

31 On page 1, line 17, after "pursuant to" delete "R.S. 40:73, 77, or 79." and insert "R.S. 40:80."

32 AMENDMENT NO. 5

1 On page 2, line 4, after "provisions of" and before "shall" delete "R.S. 40:73, 77, or 79" and
2 insert "R.S. 40:80"

3 AMENDMENT NO. 6

4 On page 2, between lines 7 and 8 insert the following:

5 " * * *
6 Art. 1270. Legislative findings; purpose; release of information
7 * * *

8 B. (1) There is hereby created within the office of children and family
9 services of the Department of Children and Family Services a voluntary registry for
10 the matching of adopted persons, or an adoptive parent of a minor or deceased
11 adopted person, or a descendant of a deceased adopted person, or his parent if a
12 minor, and biological parents or siblings, or both, or a parent, sibling, or descendant,
13 or his parent if a minor, of a deceased biological parent. The purpose of this registry
14 shall be to facilitate voluntary contact between the adopted person, or an adoptive
15 parent of a minor or deceased adopted person, or the descendant of a deceased
16 adopted person, or his parent if a minor, and a biological parent or biological sibling,
17 or both, or a parent, sibling, or descendant, or his parent if a minor, of a deceased
18 biological parent.

19 ~~E. (2)~~ The use of the registry shall be limited to the adopted person who is
20 at least eighteen years of age, the biological mother, the biological father, parents or
21 siblings or a descendant, or his parent if a minor, of a deceased biological parent, an
22 adoptive parent of a minor or deceased adopted person or a descendant of a deceased
23 adopted person, or his parent if a minor, and any biological sibling who is at least
24 eighteen years of age.

25 ~~D. (3)~~ No registration by an adopted person shall be permitted until all
26 biological siblings who were adopted by the same adoptive parent or parents have
27 reached the age of eighteen years.

28 C.(1) An adopted person who is at least twenty-four years of age may through
29 the registry request the release of a noncertified copy of his original birth certificate.

30 (2) A biological mother or father listed on the birth certificate, hereinafter
31 referred to in this Chapter as the "birth parents", may through the registry consent to
32 or prohibit the release of their own personal identifying information contained on the
33 adopted person's original birth certificate.

34 ~~E. D.~~ The office of children and family services shall not release any registry
35 information in violation of this Chapter.

36 ~~F. E.~~ The office of children and family services shall confirm for an adopted
37 person the fact of his adoption and identify the court in which the adoption was
38 finalized and the agency, firm, or lawyer facilitating the adoption when that
39 information is known. To receive this information, the adopted person shall be
40 eighteen years of age or older, provide proof of identity, and submit a written
41 request.

42 * * *
43 Art. 1272. Matching; verification by original documents; mandatory counseling
44 * * *

45 C. (1) If an adopted person requests a noncertified copy of his original birth
46 certificate, the office of children and family services shall determine whether a birth
47 parent has filed a consent with the voluntary registry authorizing the release of his
48 personal identifying information contained on the adopted person's original birth
49 certificate. Upon determination of whether a consent exists, the office of children
50 and family services shall do the following:

51 (a) If a birth parent has consented to the release of their own personal
52 identifying information on an adopted person's original birth certificate, the office
53 of children and family services shall coordinate with the vital records registry to
54 facilitate the release of the noncertified copy of the original birth certificate to the
55 adopted person pursuant to R.S. 40:80. If only one birth parent has filed with the
56 voluntary registry and consented to the release of his personal identifying

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 information on the adopted person's original birth certificate, the name and
 2 identifying information of the birth parent who has not consented shall be redacted
 3 before a noncertified copy of the original birth certificate is issued to the adopted
 4 person.

5 (b) If no birth parent has filed with the registry or both birth parents have
 6 prohibited the release of the noncertified copy of the original birth certificate to the
 7 adopted person, the office of children and family services shall notify the adopted
 8 person of such and issue to the adopted person a noncertified copy of the original
 9 birth certificate with the names and identifying information of the birth parents
 10 redacted.

11 (2) All documents filed with the voluntary registry pursuant to the provisions
 12 of this Paragraph shall be maintained in the files of the registry.

13 (3) The Department of Children and Family Services shall promulgate the
 14 rules necessary for the implementation of this Article on or before September 1,
 15 2023, in accordance with the Administrative Procedure Act.

16 D. If doubt exists that any registrants are biologically related, the office of
 17 community services shall advise them to file a motion with the court having
 18 jurisdiction and request permission to open the sealed adoption record for
 19 verification. Such verification shall be a compelling reason, within the meaning of
 20 Article 1189, to open the adoption records for the limited purpose of verification.

21 ~~D.~~ E. Each registrant shall participate in not less than one hour of counseling
 22 with a licensed clinical social worker, a social worker acting in the employ of a
 23 licensed adoption agency, a licensed professional counselor, a licensed psychologist,
 24 medical psychologist, a licensed psychiatrist, or a licensed marriage and family
 25 therapist before they will be put in contact with one another.

26 Art. 1272.1. Public awareness campaign

27 A. The office of children and family services shall develop and implement
 28 a one-year-long, nationwide campaign to be conducted from September 1, 2022
 29 through August 31, 2023, for the express purpose of informing the public of all of
 30 the following:

31 (1) That an adopted person twenty-four years of age or older may obtain a
 32 noncertified copy of his original birth certificate.

33 (2) That a birth parent of an adopted person who registers with the voluntary
 34 registry may consent to or prohibit the release of his personal identifying information
 35 contained on the adopted person's original birth certificate.

36 B. The nationwide campaign required in Paragraph A of this Article shall
 37 include but not be limited to the following:

38 (1) Public service announcements and press releases to be distributed to local
 39 and national radio stations and newspapers, if the national advertising is at no cost
 40 to the state.

41 (2) Announcements posted on the website of the Department of Children and
 42 Family Services.

43 (3) Notices to be distributed throughout the state to physician's offices,
 44 religious institutions, social welfare organizations, retirement homes, and other
 45 entities capable of reaching individuals who may be impacted by R.S. 40:80 and
 46 Children's Code Articles 1270, et seq.

47 (4) Information regarding the campaign, or a website address where a person
 48 can obtain information about the campaign, to be printed on the outside of every
 49 motor vehicle registration renewal application and every driver's license renewal
 50 application issued by the office of motor vehicles, Department of Public Safety and
 51 Corrections.

52 C. The secretary of the Department of Children and Family Services and the
 53 secretary of the Department of Public Safety and Corrections shall develop the
 54 campaign information statement provided by Subparagraph (B)(4) of this Article.

55 D. The Department of Children and Family Services, after consultation with
 56 the secretary of the Department of Public Safety and Corrections, shall promulgate
 57 the rules necessary for the implementation of this Article on or before August 1,
 58 2022, in accordance with the Administrative Procedure Act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Art. 1273. Confidentiality

A. Documents filed with the office of children and family services, pursuant to this Chapter, shall be confidential and shall not be available for inspection, except under the procedures set forth in this Chapter.

B. No person shall have a cause of action against the office of children and family services or an employee for an injury or damage caused by the disclosure of any information that is filed in the records of the voluntary registry and is disclosed in accordance with the procedures of this Chapter, unless the injury or damage was caused by willful or wanton misconduct or gross negligence."

AMENDMENT NO. 7

On page 2, at the beginning of line 8, change "Section 2." to "Section 3."

AMENDMENT NO. 8

On page 2, line 9, after "reenacted and" delete the remainder of the line and insert the following:

"R.S. 40:80 is hereby enacted to read as"

AMENDMENT NO. 9

On page 2, line 17, after "provided in" delete the remainder of the line and insert "R.S. 40:80"

AMENDMENT NO. 10

On page 2, line 23, after "provided in" and before the comma ";" delete "Subsection E of this Section" and insert "R.S. 40:80"

AMENDMENT NO. 11

On page 2, delete lines 28 and 29 in their entirety and on page 3, delete lines 1 through 7 in their entirety

AMENDMENT NO. 12

On page 3, line 9, after "parents" delete the remainder of the line

AMENDMENT NO. 13

On page 3, line 15, after "provided in" and before "or" delete "Subsection E of this Section" and insert "R.S. 40:80"

AMENDMENT NO. 14

On page 3, line 20, after "provided in" and before the comma ";" delete "Subsection E of this Section" and insert "R.S. 40:80"

AMENDMENT NO. 15

On page 3, delete lines 25 through 29 in their entirety and on page 4, delete lines 1 through 4 in their entirety

AMENDMENT NO. 16

1 On page 4, line 11, after "provided in" delete the remainder of the line and insert "R.S.
2 40:80."

3 AMENDMENT NO. 17

4 On page 4, line 13, after "provided in" and before the comma " ," delete "Subsection E of this
5 Section" and insert "R.S. 40:80"

6 AMENDMENT NO. 18

7 On page 4, delete lines 18 through 26 in their entirety and insert the following:

8 * * *
9 §80. Request for a noncertified copy of an original birth certificate

10 A. Beginning on September 1, 2023, if an adopted person twenty-four years
11 of age or older requests a noncertified copy of his original birth certificate, and the
12 mother or father listed on the original birth certificate has predeceased the adopted
13 person or a mother or father listed on the original birth certificate has consented to
14 the release of the noncertified copy of the adopted person's original birth certificate
15 pursuant to Children's Code Article 1270, the state registrar, in coordination with the
16 office of children and family services, shall issue to the adopted person a
17 noncertified copy of his original certificate of live birth as provided in Children's
18 Code Article 1272. A noncertified copy of an original certificate of live birth shall
19 be subject to the same fees as a certified photocopy or certified record of an original
20 birth record as provided in R.S. 40:40(2).

21 B. Each noncertified copy of certificate of birth shall display the words
22 "Noncertified - Not to be used for identification purposes".

23 C. The state registrar shall promulgate the rules necessary for the
24 implementation of the issuance of noncertified copies of certificates of live birth
25 pursuant to this Section on or before September 1, 2023, in accordance with the
26 Administrative Procedure Act.

27
28 Section 4. Children's Code Article 1270(F) is hereby repealed.

29 Section 5. This Act shall become effective upon signature by the governor
30 or, if not signed by the governor, upon expiration of the time for bills to become law
31 without signature by the governor, as provided by Article III, Section 18 of the
32 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
33 the legislature, this Act shall become effective on the day following such approval."