

2022 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, WILFORD CARTER, CORMIER, COX, CREWS, DAVIS, EDMONSTON, FREEMAN, FREIBERG, FRIEMAN, GAINES, GREEN, HARRIS, HUGHES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, MCCORMICK, DUSTIN MILLER, SCHAMERHORN, SCHLEGEL, SEABAUGH, AND STAGNI

VITAL RECORDS/BIRTH CERT: Provides for access to an adopted person's original birth certificate

1 AN ACT

2 To amend and reenact Children's Code Articles 1186(A), 1188(C), and 1270(B) and R.S.
3 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D) and to enact R.S. 40:73(E),
4 77(E), and 79(E), relative to an adopted person's original birth certificate; to provide
5 for the disclosure of confidential records; to provide for the motion for disclosure;
6 to provide for access to an adopted person's original birth certificate; to provide for
7 the authority of the registrar of vital records; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1186(A), 1188(C), and 1270(B) are hereby
10 amended and reenacted to read as follows:

11 Art. 1186. Confidential adoption records; disclosure

12 A. All adoption records shall be retained in confidential files, and it shall be
13 unlawful for anyone except the biological or adopting parent to disclose any
14 identifying information concerning any individual adoption case, except as follows:

15 (1) ~~upon~~ Upon order of the court, after giving proper notice as required in
16 Article 1190 or as otherwise authorized by this Code, ~~or~~

17 (2) Disclosure pursuant to R.S. 40:73, 77, or 79.

1 (3) ~~for~~ For purposes directly connected with an adoption agency's
2 responsibilities in relation to adoption work as permitted by its rules and regulations.

3 * * *

4 Art. 1188. Motion for disclosure

5 * * *

6 C. This action, ~~and~~ the limited medical exception provision of Article 1127,
7 and the provisions of R.S. 40:73, 77, and 79 shall be the exclusive means for gaining
8 access to records of adoptions whether maintained by this court, some other court,
9 an adoption agency, any state agency, or private individual, notwithstanding
10 provisions of law to the contrary.

11 * * *

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

13 * * *

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

25 (2)(a) A birth parent may at any time request from the office of children and
26 family services a contact preference form that shall accompany the adopted person's
27 original birth certificate.

1 **(b) The contact preference form shall provide the following information to**
2 **be completed at the option of the birth parent who shall indicate his intentions as**
3 **follows:**

4 **(1) I would like to be contacted.**

5 **(2) I would prefer to be contacted only through an intermediary.**

6 **(3) I prefer not to be contacted at this time. If I decide later that I would like**
7 **to be contacted, I will submit an updated contact preference form to the office of**
8 **children and family services.**

9 **(c) The contact preference form is a confidential communication from the**
10 **birth parent to the person named on the sealed birth certificate and shall be placed**
11 **in a sealed envelope upon receipt from the birth parent. The sealed envelope shall be**
12 **released to the registrar of vital records and placed in the sealed file containing the**
13 **original birth certificate. The contact preference form shall be released to an adopted**
14 **person when he requests his original birth certificate pursuant to R.S. 40:80.**

15 * * *

16 Section 2. R.S. 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D) are hereby
17 amended and reenacted and R.S. 40:73(E), 77(E), and 79(E) are hereby enacted to read as
18 follows:

19 §73. Certified copy of the new record; sealing and confidentiality of the original
20 **birth record; issuance of original birth certificate**

21 * * *

22 B. This sealed package shall be opened only upon the demand of the adopted
23 person, or if deceased, by his or her descendants, or upon the demand of the adoptive
24 parent, or the state registrar, or the recognized public or private social agency which
25 was a party to the adoption, and then only as provided in Subsection E of this Section
26 or by order of a Louisiana court of competent jurisdiction at the domicile of the vital

1 records registry, which order shall issue only after a showing of compelling reasons.
2 Information shall be revealed only to the extent necessary to satisfy such compelling
3 necessity.

4 * * *

5 D. ~~At~~ Except as provided in Subsection E of this Section, all motions for
6 records under this Section shall be in accordance with and subject to the provisions
7 of Children's Code Articles 1188 through 1192 and, if an adoption agency is
8 involved, the agency shall be served with a copy of the motion as provided in Article
9 1313 of the Louisiana Code of Civil Procedure.

10 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
11 person who is twenty-four years of age or older may request an uncertified copy of
12 his birth certificate from the state registrar. Upon such a request, the registrar shall
13 open the sealed package and issue an uncertified copy of the original birth certificate
14 to the adopted person.

15 (2) The uncertified copy of the original birth certificate shall be issued to the
16 adopted person in accordance with the regulations duly promulgated in accordance
17 with the Administrative Procedure Act for a certified copy of a vital record in the
18 custody of the vital records registry.

19 * * *

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

21 * * *

22 B. Except as provided in R.S. 40:74, this sealed package shall be opened
23 only upon the demand of the adopted person, or if deceased, by his or her
24 descendants, or upon the demand of the adoptive parent, or the state registrar, or the
25 recognized public or private social agency which was a party to the adoption, and
26 then only as provided in Subsection E of this Section or by order of a Louisiana court

1 of competent jurisdiction at the domicile of the vital records registry which court
2 order shall issue only after a showing of compelling reasons, and opened only to the
3 extent necessary to satisfy such compelling necessity.

4 * * *

5 D. ~~AH~~ Except as provided in Subsection E of this Section, all motions for
6 records under this Section shall be in accordance with and subject to; the provisions
7 of ~~R.S. 9:437~~ Children's Code Articles 1188 through 1192 and, if an adoption agency
8 is involved, the agency shall be served with a copy of the motion as provided in
9 Article 1313 of the Louisiana Code of Civil Procedure.

10 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
11 person who is twenty-four years of age or older may request an uncertified copy of
12 his birth certificate from the state registrar. Upon such a request, the registrar shall
13 open the sealed package and issue an uncertified copy of the original birth certificate
14 to the adopted person.

15 (2) The uncertified copy of the original birth certificate shall be issued to the
16 adopted person in accordance with the regulations duly promulgated in accordance
17 with the Administrative Procedure Act for a certified copy of a vital record in the
18 custody of the vital records registry.

19 * * *

20 §79. Record of adoption decree

21 A.

22 * * *

23 (4) The state registrar shall seal and file the original certificate of birth with
24 the certificate of the decree. This sealed package may be opened only on the order
25 of a competent court or as provided in Subsection E of this Section.

26 * * *

27 D. ~~AH~~ Except as provided in Subsection E of this Section, all motions for
28 records under this Section shall be in accordance with, and be subject to, the
29 provisions of Children's Code Articles 1188 through 1192, and, if an adoption

1 agency is involved, the agency shall be served with a copy of a motion as provided
2 in Article 1313 of the Code of Civil Procedure.

3 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
4 person who is twenty-four years of age or older may request an uncertified copy of
5 his birth certificate from the state registrar. Upon such a request, the registrar shall
6 open the sealed package and issue an uncertified copy of the original birth certificate
7 to the adopted person.

8 (2) The uncertified copy of the original birth certificate shall be issued to the
9 adopted person in accordance with the regulations duly promulgated in accordance
10 with the Administrative Procedure Act for a certified copy of a vital record in the
11 custody of the vital records registry.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 450 Reengrossed

2022 Regular Session

Charles Owen

Abstract: Authorizes adopted persons to request an uncertified copy of their original birth certificate from the registrar of vital records.

Present law (Ch.C. Art. 1186) provides adoption records shall be retained in confidential court files and that it shall be unlawful for anyone except the biological or adopting parent to disclose identifying information concerning an adoption case except upon order of the court or for purposes directly connected with an adoption agency's responsibilities in relation to adoption work.

Present law (Ch.C. Art. 1188) authorizes an adopted person or his legal representative on his behalf to file a motion for disclosure of information pertaining to his adoption.

Present law (Ch.C. Art. 1127) authorizes an adopted person or his legal representative on his behalf, or a surrendering biological parent to, upon written request, obtain nonidentifying medical or genetic information from the agency, firm, or lawyer involved in an adoption.

Present law provides that the motion for disclosure and the limited medical exception provided by present law are the exclusive means for gaining access to records of adoptions.

Present law provides procedures for the confidentiality of adoption records for adoptions completed prior to July 27, 1938 (R.S. 40:73), adoptions of a person born in La. completed in a court in any other state or territory of the U.S. (R.S. 40:77), and all other adoptions (R.S. 40:79).

Present law requires that when a final decree of adoption is entered, the clerk of court shall forward his certificate of the decree to the state registrar of vital records who shall make a new certificate of live birth of the adopted person and shall seal and file the original

certificate of birth with the certificate of the decree. This sealed package may be opened only by court order.

Proposed law provides that in addition to receiving an original birth certificate through the present law motion for disclosure and the limited medical exception, an adopted person who is 24 years of age or older may request an uncertified copy of his birth certificate from the state registrar. Provides that the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person in accordance with regulations promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record.

Proposed law provides that a birth parent may at any time request from the office of children and family services a contact preference form that shall accompany the adopted person's original birth certificate.

Proposed law provides that the contact preference form shall allow for the birth parent to indicate whether and how he would like to be contacted.

Proposed law provides the contact preference form is a confidential communication from the birth parent to the person named on the sealed birth certificate and shall be placed in a sealed envelope upon receipt from the birth parent. The sealed envelope shall be released to the registrar of vital records and placed in the sealed file containing the original birth certificate. The contact preference form shall be released to an adopted person when he requests his original birth certificate.

(Amends Ch.C. Arts. 1186(A), 1188(C), and 1720(B) and R.S. 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D); Adds R.S. 40:73(E), 77(E), and 79(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provisions regarding the contact preference form executed by the birth parent.