

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 450

2022 Regular Session

Charles Owen

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

Synopsis of Senate Amendments

1. Provides that the contact preference form shall be filed by the birth parent with the registrar of vital records rather than the Department of Children and Family Services.

Digest of Bill as Finally Passed by Senate

Present law (Ch.C. Art. 1186) provides that 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 registrar of vital records 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 the sealed packet 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) and 1188(C) and R.S. 40:73(A), (B), and (D), 77(A), (B), and (D), and 79(A)(4) and (D); Adds R.S. 40:73(E) and (F), 77(E) and (F), and 79(E) and (F))