

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

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 Art. 1186. Confidential adoption records; disclosure

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

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

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

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

21 * * *

1 Art. 1188. Motion for disclosure

2 * * *

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

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

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

13 A. Upon completion of the new record provided for in R.S. 40:72, the state
14 registrar shall issue to the adopted person or to the adoptive parents a certified copy
15 of the new record and shall place the original birth certificate, the contact preference
16 form submitted pursuant to Subsection F of this Section, and the copy of the
17 judgment or the copy of the act of adoption in a sealed package and shall file the
18 package in the archives of the vital records registry.

19 B. This sealed package shall be opened only upon the demand of the adopted
20 person, or if deceased, by his or her descendants, or upon the demand of the adoptive
21 parent, or the state registrar, or the recognized public or private social agency which
22 was a party to the adoption, and then only as provided in Subsections E and F of this
23 Section or by order of a Louisiana court of competent jurisdiction at the domicile of
24 the vital records registry, which order shall issue only after a showing of compelling
25 reasons. Information shall be revealed only to the extent necessary to satisfy such
26 compelling necessity.

27 * * *

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

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

12 F.(1) A birth parent may at any time request from the state registrar a contact
13 preference form that shall accompany the adopted person's original birth certificate.

14 (2) The contact preference form shall provide the following information to
15 be completed at the option of the birth parent who shall indicate his intentions as
16 follows:

17 (a) I would like to be contacted.

18 (b) I would prefer to be contacted only through an intermediary.

19 (c) I prefer not to be contacted at this time. If I decide later that I would like
20 to be contacted, I will submit an updated contact preference form to the state
21 registrar.

22 (3) The contact preference form is a confidential communication from the
23 birth parent to the person named on the sealed birth certificate and shall be placed
24 in the sealed packet containing the original birth certificate. The contact preference
25 form shall be released to an adopted person when he requests his original birth
26 certificate pursuant to Subsection E of this Section.

27 * * *

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

29 A. Upon completion of the new record as provided for in R.S. 40:76 with
30 respect to an adopted person who was born in Louisiana and adopted in another state,

1 the state registrar shall issue to the adoptive parents a certified copy of the new
 2 record and shall place the original birth certificate, the contact preference form
 3 submitted pursuant to Subsection F of this Section, and the copy of the decree and
 4 related documents in a sealed package and shall file the package in its archives.

5 B. Except as provided in R.S. 40:74, this sealed package shall be opened
 6 only upon the demand of the adopted person, or if deceased, by his or her
 7 descendants, or upon the demand of the adoptive parent, or the state registrar, or the
 8 recognized public or private social agency which was a party to the adoption, and
 9 then only as provided in Subsections E and F of this Section or by order of a
 10 Louisiana court of competent jurisdiction at the domicile of the vital records registry
 11 which court order shall issue only after a showing of compelling reasons, and opened
 12 only to the extent necessary to satisfy such compelling necessity.

13 * * *

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

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

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

28 F.(1) A birth parent may at any time request from the state registrar a contact
 29 preference form that shall accompany the adopted person's original birth certificate.

1 (2) 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 (a) I would like to be contacted.

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

6 (c) 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 state
 8 registrar.

9 (3) 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 the sealed packet containing the original birth certificate. The contact preference
 12 form shall be released to an adopted person when he requests his original birth
 13 certificate pursuant to Subsection E of this Section.

14 * * *

15 §79. Record of adoption decree

16 A.

17 * * *

18 (4) The state registrar shall seal and file the original certificate of birth with
 19 the certificate of the decree and the contact preference form submitted pursuant to
 20 Subsection F of this Section. This sealed package may be opened only on the order
 21 of a competent court or as provided in Subsection E of this Section.

22 * * *

23 D. ~~All~~ Except as provided in Subsections E and F of this Section, all motions
 24 for records under this Section shall be in accordance with, and be subject to, the
 25 provisions of Children's Code Articles 1188 through 1192, and, if an adoption
 26 agency is involved, the agency shall be served with a copy of a motion as provided
 27 in Article 1313 of the Code of Civil Procedure.

28 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
 29 person who is twenty-four years of age or older may request an uncertified copy of
 30 his birth certificate from the state registrar. Upon such a request, the registrar shall

1 open the sealed package and issue an uncertified copy of the original birth certificate
2 to the adopted person.

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

7 F.(1) A birth parent may at any time request from the state registrar a contact
8 preference form that shall accompany the adopted person's original birth certificate.

9 (2) The contact preference form shall provide the following information to
10 be completed at the option of the birth parent who shall indicate his intentions as
11 follows:

12 (a) I would like to be contacted.

13 (b) I would prefer to be contacted only through an intermediary.

14 (c) I prefer not to be contacted at this time. If I decide later that I would like
15 to be contacted, I will submit an updated contact preference form to the state
16 registrar.

17 (3) The contact preference form is a confidential communication from the
18 birth parent to the person named on the sealed birth certificate and shall be placed
19 in the sealed packet containing the original birth certificate. The contact preference
20 form shall be released to an adopted person when he requests his original birth
21 certificate pursuant to Subsection E of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____