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## DIGEST

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Schexnayder

HB No. 1028

**Abstract:** Provides an adoptee, age 25 and older, access to a noncertified copy of his original birth certificate upon consent of a birth parent, authorizes a birth parent to file a contact preference form with the voluntary registry, requires a birth parent to file an updated statement of family history in certain circumstances, and provides for a nationwide, public awareness campaign.

Present law (Ch.C. Art. 1124) requires a surrendering parent in an adoption to execute a Statement of Family History, to be included in the sealed adoption record.

Proposed law retains present law and requires the surrendering parent to provide an updated statement of family history every five years after initial execution.

Present law (Ch.C. Art. 1271) provides procedures for registration with the voluntary adoption registry.

Proposed law retains present law and requires the office of children and family services to develop and furnish a contact preference form and updated statement of family history form. Permits a birth parent or sibling of an adoptee to do any of the following:

- (1) File a contact preference form indicating whether or not he desires to be contacted if a match is made.
- (2) Consent to or prohibit the release of a noncertified copy of the adoptee's original birth certificate.
- (3) Consent to or prohibit the release of his identifying information contained on any document filed with the registry.

Proposed law requires a birth parent who files with the voluntary registry to submit an updated statement of family history upon registration and every five years thereafter.

Proposed law permits an adoptee to do any of the following:

- (1) Request a noncertified copy of his original birth certificate.
- (2) Request an updated statement of family history.

- (3) File a contact preference form indicating whether or not he desires to be contacted if a match is made.
- (4) Consent to or prohibit the release of his identifying information contained on any document filed with the registry.

Proposed law requires the office of children and family services to do the following:

- (1) Issue an updated statement of family history to an adoptee who requests if a birth parent has filed one with the registry.
- (2) Coordinate with the vital records registry to issue a noncertified copy of an adoptee's original birth certificate if the request is made and the birth parent has consented and redact the information of a birth parent who has not consented.
- (3) Redact any identifying information of the birth parent from any document filed with the registry that is released to the adoptee if the birth parent has prohibited the release of the identifying information.

Present law (Ch.C. Art. 1272) provides procedures for matching registrants, including notice and mandatory counseling.

Proposed law retains present law and requires the office of children and family services to provide a copy of a contact preference form and updated statement of family history, if available, to the adoptee when an adoptee and birth parent have been matched.

Proposed law (Ch.C. Art. 1272.1) requires the office of children and family services to conduct a one-year-long, nationwide campaign to inform the public that an adoptee who is 25 years old or older may obtain a noncertified copy of his original birth certificate, that the birth parent of an adoptee may file a contact preference form with the registry, that a birth parent may consent to or prohibit the release of the adoptee's original birth certificate or any identifying information, and that a birth parent is required to submit an updated statement of family history.

Proposed law further requires the nationwide campaign to include the following:

- (1) Public service announcements and press releases to radio stations and newspapers.
- (2) Announcements posted on DCFS's website.
- (3) Notices distributed throughout the state to physician's offices, social welfare organizations, and other like entities.
- (4) Information about the campaign to be printed on the outside of every motor vehicle registration renewal and every driver's license renewal application issued by the office of motor vehicles.

Present law (R.S. 40:41) restricts disclosure of certain records in the custody of the state registrar, including confidential birth information that may disclose whether a child was born of or outside of marriage.

Proposed law retains present law but creates an exception for original birth certificates provided pursuant to R.S. 40:80.

Present law (R.S. 40:73) provides procedures for providing adoptive parents with a new record and requires the original birth certificate to be sealed with other documents related to the adoption. Further restricts opening the sealed package only upon order of a competent court after a showing of compelling reasons.

Proposed law retains present law except it deletes the requirement that an order of the court is the only method by which a sealed package can be opened.

Present law (R.S. 40:77) provides procedures for providing adoptive parents with a new record and requires the original birth certificate to be sealed with other documents related to the adoption. Further restricts opening the sealed package only upon order of a competent court after a showing of compelling reasons.

Proposed law retains present law except it deletes the requirement that an order of the court is the only method by which a sealed package can be opened.

Present law (R.S. 40:79) provides for records of adoption decrees and requires the original birth certificate to be sealed by the state registrar with the certificate of the adoption decree. Further restricts opening the sealed package only upon order of a competent court.

Proposed law retains present law but expands restriction to allow a sealed package to be opened in accordance with proposed law.

Proposed law (R.S. 40:80) requires the state registrar to issue a noncertified copy of an original birth certificate to an adoptee who is 25 years old or older in accordance with proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Arts. 1271, 1272(A), (B), and (C), 1273, and 1276 and R.S. 40:41(B)(1), 73(B), 77(B) and (D), and 79(A)(4); Adds Ch.C. Arts. 1124(D), 1272(E), and 1272.1 and R.S. 40:80)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Required the office of children and family services to conduct a one-year-long, nationwide public awareness campaign to inform the public of proposed law.

2. Changed the effective date of release of the noncertified copy of the original birth certificate from Jan. 1, 2015, to Sept. 1, 2015.
3. Changed the entity authorized to release the noncertified copy of the original birth certificate from the clerk of court to the Vital Records Registry.

House Floor Amendments to the engrossed bill.

1. Required a birth parent to consent to the release of the adoptee's original birth certificate, and for the name of a birth parent who has not consented to be redacted before release to the adoptee.
2. Required a surrendering parent who executes a statement of family history to file an updated statement of family history with the voluntary registry every five years after initial execution.
3. Required a birth parent who files with the voluntary registry to file an updated statement of family history upon registration and every five years thereafter.
4. Authorized the vital records registry to release a noncertified copy of an adoptee's original birth certificate to the adoptee if a birth parent consented to the release and required the vital records registry to redact the name of a birth parent who has not consented.
5. Required the office of children and family services to release a copy of a contact preference form and updated statement of family history to an adoptee who registers with the registry and required the office of children and family services to redact any identifying information from the documents prior to issuing to the adoptee if the birth parent has prohibited the release of the identifying information.
6. Authorized DCFS and DHH to promulgate rules for the issuance of the noncertified copy of the adoptee's birth certificate.