

By: Goolsby

H.B. No. 239

A BILL TO BE ENTITLED

AN ACT

relating to birth records of adopted children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.008, Health and Safety Code, is amended by amending Subsections (a), (d), and (e) and adding Subsections (a-1) and (f) to read as follows:

(a) The supplementary birth certificate of an adopted child must be in the names of the adoptive parents, one of whom must be a female, named as the mother, and the other of whom must be a male, named as the father. The only information that may be changed on the supplementary birth certificate is the name of the mother, father, or child. This subsection does not prohibit a single individual, male or female, from adopting a child. Copies of the child's birth certificates or birth records may not disclose that the child is adopted.

(a-1) The state registrar may not issue a supplementary birth certificate if a court, an adoptive parent, or the adoptee, if the adoptee is at least 12 years of age, requests that a supplementary birth certificate not be issued. If the supplementary birth certificate may not be issued, the state registrar shall furnish a certified copy of the report of adoption.

(d) Except as provided by Subsections [~~Subsection~~] (e) and (f), only the court that granted the adoption may order access to [~~an original birth certificate and~~] the filed documents on which a

1 supplementary certificate is based.

2 (e) A person applying for access to an original birth
3 certificate and the filed documents on which the supplementary
4 certificate is based is entitled to know the identity and location
5 of the court that granted the adoption, the docket number of the
6 adoption suit, and the date the adoption order was rendered. If
7 that information is not on file, the state registrar shall give the
8 person an affidavit stating that the information is not on file with
9 the state registrar. Any court of competent jurisdiction to which
10 the person presents the affidavit may order ~~the~~ access to the
11 documents on which the supplementary certificate is based.

12 (f) The state registrar shall provide to a person who was
13 adopted a noncertified copy of the person's original birth
14 certificate if:

15 (1) the person is at least 21 years of age;

16 (2) a supplementary birth certificate was issued for
17 the person;

18 (3) the person furnishes appropriate proof of the
19 person's identity; and

20 (4) the person is registered with a mutual consent
21 voluntary adoption registry under Subchapter E, Chapter 162, Family
22 Code.

23 SECTION 2. The change in law made by this Act regarding
24 access to birth certificate information applies without regard to
25 the date an adoption order is rendered.

26 SECTION 3. This Act takes effect September 1, 2005.