

By: Lucio

S.B. No. 364

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), (f), and (g) 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, if the adoptee is at least 12 years of age, the adoptee 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) Subject to Subsection (g), the state registrar shall  
13 provide to a person who was adopted or, if the adopted person is  
14 deceased, an adult descendant, adult sibling, or surviving spouse  
15 of the adopted person a noncertified copy of the person's original  
16 birth certificate if:

17 (1) the adopted person is, or was at the time of death,  
18 at least 21 years of age;

19 (2) a supplementary birth certificate was issued for  
20 the adopted person;

21 (3) the person requesting the certificate furnishes  
22 appropriate proof of the person's identity; and

23 (4) the adopted person is registered with a mutual  
24 consent voluntary adoption registry under Subchapter E, Chapter  
25 162, Family Code.

26 (g) The state registrar may not make the original birth  
27 certificate available without a court order if a birth parent files

1 with the state registrar:

2 (1) a copy of the signed affidavit of relinquishment  
3 of parental rights relating to the adopted child that promises  
4 anonymity;

5 (2) a contact preference form stating that the birth  
6 parent would prefer not to be contacted; and

7 (3) an updated medical history.

8 SECTION 2. Subchapter A, Chapter 192, Health and Safety  
9 Code, is amended by adding Section 192.0085 to read as follows:

10 Sec. 192.0085. UPDATED MEDICAL HISTORY AND CONTACT  
11 PREFERENCE FORM. (a) A birth parent may file an updated medical  
12 history and a contact preference form with the state registrar.

13 (b) The state registrar shall deliver the updated medical  
14 history and the contact preference form to the adopted person if the  
15 adopted person makes any inquiry with the state registrar.

16 (c) The state registrar shall deliver the updated medical  
17 history and the contact preference form to an adopted person who  
18 receives access to an original birth certificate under Section  
19 192.008.

20 (d) The state registrar shall keep statistics on:

21 (1) the number of:

22 (A) updated medical histories and contact  
23 preference forms filed with the state registrar; and

24 (B) updated medical histories and contact  
25 preference forms delivered by the state registrar under this  
26 section; and

27 (2) which adoption agency or attorney mediated each

1 adoption for which a contact preference form is filed.

2 (e) The state registrar may charge the birth parent a  
3 reasonable fee to cover the costs of complying with this section.

4 SECTION 3. (a) The state registrar may not issue an original  
5 birth certificate under Section 192.008(f), Health and Safety Code,  
6 as added by this Act, before January 1, 2006.

7 (b) The state registrar may not deliver an updated medical  
8 history or a contact preference form as provided by Section  
9 192.0085, Health and Safety Code, as added by this Act, before  
10 January 1, 2006.

11 SECTION 4. The change in law made by this Act regarding  
12 access to birth certificate information applies without regard to  
13 the date an adoption order is rendered.

14 SECTION 5. This Act takes effect September 1, 2005.