

## **BILL ANALYSIS**

H.B. 525  
By: Goolsby  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the State of Texas requires the issuance in every adoption a supplementary birth certificate that does not contain the name or location of the birth parents. This is without regard to the desires of the adoptive parents, birth parents, child or court.

Under current law the original birth certificate cannot be accessed without an order of the court that granted the adoption, however, the court is not always known. Additionally, adoptees have to pay money to register with the Central Adoption Registry. That is how they find out the court in which their adoption was finalized. The Central Adoption Registry will not give out any information until they have verified the identity of the adoptee requesting information regarding his/her court of jurisdiction.

The majority of applications to open adoption records relate to adoptions that were granted before the enactment of the Texas Family Code in 1973. Prior to the enactment of the Family Code, adoptees had access to their court records without the necessity of a court order. The enactment of the Family Code retroactively denied adoptees easy access to their records.

Although adoptions in the past 30 years or so have required a health and genetic history report from the person placing the child, there has been no procedure in place to update that report or to encourage its updating by birth parents. At the same time, with the increasing use of the Internet, birth parents and adoptive persons are finding each other more easily and more often. This is done without knowing if the person being sought wants to be contacted.

H.B.525 would provide a procedure for adopted persons over the age of 18, or if the adopted person is deceased, their adult descendant, adult sibling, or surviving spouse of the adopted person, to obtain a noncertified copy of the original birth certificate unless that release is halted by a "Contact Preference Form" filed by a birth parent. Additionally, H.B.525 creates a "Contact Preference Form" to allow those birth parents who do not wish to be contacted by the adopted person, an opportunity to express that preference which does not currently exist, to either stop the release of the noncertified copy of the original birth certificate until after their death, or release a copy of the noncertified copy of the original birth certificate but request no contact be made by the adoptee. Finally, H.B.525 would increase the ease of securing accurate medical information from the birth family for the adopted person.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Section 192.008, of the Health and Safety Code by providing that the state registrar shall provide to an adult adopted person, or if the adopted person is deceased, an adult descendant, adult sibling, or surviving spouse of the adopted person a noncertified copy of the adopted person's original birth certificate if the adopted person at the time of death was at least 18 years of age, a supplementary birth certificate was issued for the adopted person; the person requesting the certificate furnishes proof of their relationship to the adopted person.

The state registrar will not make the original birth certificate available (unless so ordered by the court that granted the adoption) to the adopted person, or if the adopted person is deceased, an adult descendant, adult sibling, and/or a surviving spouse, if the birth parent has filed with the state registrar, a contact preference form stating that the birth parent would prefer not to be contacted and an updated medical history. The noncertified copy of the original birth certificate

will not be released until the death of the birth parent requesting such dies and then it can be released.

Amends Subchapter A, Chapter 192 of the Health and Safety Code by adding Section 192.0085 and Section 192.0086 which provides that a birth parent may file an updated medical history and contact preference form with the state registrar. Additionally, the state registrar will develop a contact preference form for birth parents to state their preference regarding the contact of their birth child and the options included shall be; direct contact by the adopted person and release of a noncertified copy of the adopted person's original birth certificate, contact by the adopted person only through an intermediary selected by the birth parent but not authorize the release of a noncertified copy of the adopted person's original birth certificate, no contact by the adopted person, but release of a noncertified copy of the adopted person's original birth certificate, no contact by the adopted person and no release of a noncertified copy of the adopted person's original birth certificate until after the death of the birth parent.

The state registrar's office must provide a birth parent with a contact preference form and updated medical history form within 15 days of a request by a birth parent for such forms and the state registrar shall make the contact preference form and updated medical history form will be made available in English and Spanish.

The contact preference form and updated medical history form will be available on the state registrar's department Internet website. Furthermore, birth parents may return the completed contact preference form and updated medical form together to the state registrar. The state registrar is required to deliver the completed contact preference form and updated medical history to the adopted person (if one has been filed) when the adopted person makes any inquiry with the Department of State Health Services, Texas Vital Statistics.

The state registrar shall keep statistics on the number of updated medical histories and contact preference forms filed and delivered including the name of the agency or attorney which mediated the adoption for which a contact preference form is filed. Additionally, this agency may charge a nominal fee to cover the costs.

If a contact preference form indicates that the birth parent prefers contact using an intermediary, the state registrar shall make the contact information for such intermediary available to the adopted person. Furthermore, if the birth parent prefers contact by an intermediary and has not provided the intermediary's contact information, the state registrar shall notify the birth parent by certified mail, return receipt requested, that the birth parent must provide the intermediary's contact information no later than 90 days after receipt of the notice. Additionally, if the birth parent fails to provide contact information for the intermediary within the time required by (b) above, the state registrar shall release a noncertified copy of the adopted person's original birth certificate. Finally, if the state registrar is unable to notify the birth parent by (b) above because the birth parent has failed to keep their personal contact information current with the state registrar, the state registrar shall release a noncertified copy of the adopted person's original birth certificate on the 91<sup>st</sup> day after the notice was sent by certified mail.

Amends Subchapter A, Chapter 162 of the Family Code, by adding Section 162.0061 to require the Department of Family and Protective Services, a licensed child-placing agency, person, or entity placing a child for adoption, to inform birth parents of a child of the provisions of Chapter 192, Health and Safety Code, relating to the birth parent contact preference form and the rights of an adopted person to obtain a noncertified copy of the adopted person's original birth certificate.

The state registrar may not issue a noncertified original birth certificate before January 1, 2008. Moreover, the state registrar may not deliver an updated medical history or a contact preference form before January 1, 2007. The change in law made by this Act regarding access to birth certificate information applies without regard to the date an adoption order is rendered.

#### **EFFECTIVE DATE**

September 1, 2007.

H.B. 525 80(R)