

By: Lucio

S.B. No. 221

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 adding Subsections (g) and (h) to read as follows:

(g) Subject to Subsection (h), the state registrar shall on request provide to a person who was adopted or, if the adopted person is deceased, an adult descendant, adult sibling, or surviving spouse of the adopted person a noncertified copy of the person's original birth certificate if:

(1) the request is made on or after the 18th anniversary of the adopted person's birth;

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

(3) the person requesting the certificate furnishes appropriate proof of the person's identity.

(h) If a birth parent files with the state registrar a contact preference form indicating the birth parent's preference that a noncertified copy of the adopted person's original birth certificate not be released until after the death of the birth parent, the state registrar may not release, without a court order, a noncertified copy of the adopted person's original birth certificate before that birth parent dies regardless of the other birth parent's preference.

1 SECTION 2. Subchapter A, Chapter 192, Health and Safety
2 Code, is amended by adding Sections 192.0085 and 192.0086 to read as
3 follows:

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

7 (b) The state registrar shall develop a contact preference
8 form on which a birth parent may state the birth parent's preference
9 regarding contact by an adopted person who is the birth child of the
10 birth parent. The contact preference form shall provide the birth
11 parent with the following options:

12 (1) authorize direct contact by the adopted person and
13 the release of a noncertified copy of the adopted person's original
14 birth certificate;

15 (2) authorize contact by the adopted person only
16 through an intermediary selected by the birth parent but not
17 authorize the release of a noncertified copy of the adopted
18 person's original birth certificate;

19 (3) not authorize contact by the adopted person but
20 authorize the release of a noncertified copy of the adopted
21 person's original birth certificate; or

22 (4) not authorize contact by the adopted person and
23 request that a noncertified copy of the adopted person's original
24 birth certificate not be released until after the death of the birth
25 parent.

26 (c) Not later than the 15th day after the date the state
27 registrar receives a request from a birth parent named on an

1 original birth certificate for a contact preference form, the state
2 registrar shall provide the birth parent with a contact preference
3 form and an updated medical history form.

4 (d) The state registrar shall make the contact preference
5 form and the updated medical history form available in English and
6 Spanish.

7 (e) The department shall make the contact preference form
8 and the updated medical history form available on the department's
9 Internet website.

10 (f) The birth parent may return the completed contact
11 preference form and updated medical history form together to the
12 state registrar.

13 (g) The state registrar shall deliver the birth parent's
14 updated medical history form and the contact preference form to an
15 adopted person who receives a noncertified copy of the adopted
16 person's original birth certificate under Section 192.008.

17 (h) The state registrar shall keep statistics on:

18 (1) the number of:

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

21 (B) updated medical histories and contact
22 preference forms delivered by the state registrar under Subsection
23 (g); and

24 (2) which adoption agency or attorney mediated each
25 adoption for which a contact preference form is filed.

26 (i) The state registrar may charge an adopted person a
27 reasonable fee for services provided under this section.

1 Sec. 192.0086. CONTACT USING INTERMEDIARY. (a) If a birth
2 parent's contact preference form authorizes contact using an
3 intermediary, the state registrar shall make the contact
4 information for the intermediary selected by the birth parent
5 available to the adopted person on request.

6 (b) If the birth parent has not provided the intermediary's
7 contact information at the time the adopted person requests the
8 information, the state registrar shall notify the birth parent by
9 certified mail, return receipt requested, that the birth parent
10 must provide the intermediary's contact information not later than
11 the 90th day after the date the birth parent receives the notice.

12 (c) If the birth parent fails to provide the intermediary's
13 contact information within the time required by Subsection (b), the
14 state registrar shall release a noncertified copy of the adopted
15 person's original birth certificate.

16 (d) If the state registrar is unable to notify the birth
17 parent by certified mail, return receipt requested, because the
18 birth parent fails to keep the birth parent's personal contact
19 information current with the state registrar, the state registrar
20 shall release a noncertified copy of the adopted person's original
21 birth certificate on the 91st day after the date the notice was sent
22 by certified mail.

23 SECTION 3. Subchapter A, Chapter 162, Family Code, is
24 amended by adding Section 162.0061 to read as follows:

25 Sec. 162.0061. NOTICE RELATING TO CONTACT PREFERENCE FORM.
26 The Department of Family and Protective Services, licensed
27 child-placing agency, person, or entity placing a child for

1 adoption shall inform the birth parents of the child of the
2 provisions of Chapter 192, Health and Safety Code, relating to the
3 birth parent contact preference form and the rights of an adopted
4 child to obtain a noncertified copy of the adopted person's
5 original birth certificate.

6 SECTION 4. (a) The state registrar may not issue a
7 noncertified copy of an original birth certificate under Section
8 192.008(g), Health and Safety Code, as added by this Act, before
9 January 1, 2008.

10 (b) The state registrar may not deliver an updated medical
11 history or a contact preference form as provided by Section
12 192.0085(g), Health and Safety Code, as added by this Act, before
13 January 1, 2007.

14 SECTION 5. The change in law made by this Act regarding
15 access to birth certificate information applies without regard to
16 the date an adoption order is rendered.

17 SECTION 6. This Act takes effect September 1, 2007.