

1-1 By: Lucio, Harris S.B. No. 221  
1-2 (In the Senate - Filed January 12, 2007; January 30, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 24, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 24, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 221 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to birth records of adopted children.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 192.008, Health and Safety Code, is  
1-13 amended by adding Subsections (g) through (j) to read as follows:

1-14 (g) Subject to Subsections (i) and (j), the state registrar  
1-15 shall on request provide to a person who was adopted on or after  
1-16 January 1, 2008, or, if the adopted person is deceased, an adult  
1-17 descendant, adult sibling, or surviving spouse of the adopted  
1-18 person a noncertified copy of the person's original birth  
1-19 certificate if:

1-20 (1) the request is made on or after the 18th  
1-21 anniversary of the adopted person's birth;

1-22 (2) a supplementary birth certificate was issued for  
1-23 the adopted person; and

1-24 (3) the person requesting the certificate furnishes  
1-25 appropriate proof of the person's identity.

1-26 (h) Subject to Subsections (i) and (j), the state registrar  
1-27 may, if resources allow, on request provide to a person who was  
1-28 adopted before January 1, 2008, or, if the adopted person is  
1-29 deceased, an adult descendant, adult sibling, or surviving spouse  
1-30 of the adopted person a noncertified copy of the person's original  
1-31 birth certificate only if an adopted person's birth parent has  
1-32 filed a contact preference form with the state registrar  
1-33 authorizing the release of a noncertified copy of the person's  
1-34 original birth certificate.

1-35 (i) If a birth parent files with the state registrar a  
1-36 contact preference form indicating the birth parent's preference  
1-37 that a noncertified copy of the adopted person's original birth  
1-38 certificate not be released, the state registrar may not release,  
1-39 without a court order, a noncertified copy of the adopted person's  
1-40 original birth certificate regardless of the other birth parent's  
1-41 preference.

1-42 (j) If a birth parent files with the state registrar a  
1-43 contact preference form indicating the birth parent's preference  
1-44 that a noncertified copy of the adopted person's original birth  
1-45 certificate not be released until after the death of the birth  
1-46 parent, the state registrar may not release, without a court order,  
1-47 a noncertified copy of the adopted person's original birth  
1-48 certificate before that birth parent dies regardless of the other  
1-49 birth parent's preference.

1-50 SECTION 2. Subchapter A, Chapter 192, Health and Safety  
1-51 Code, is amended by adding Sections 192.0085 and 192.0086 to read as  
1-52 follows:

1-53 Sec. 192.0085. CONTACT PREFERENCE FORM AND UPDATED MEDICAL  
1-54 HISTORY FORM. (a) The state registrar shall develop a contact  
1-55 preference form on which a birth parent shall state the birth  
1-56 parent's preference regarding contact by an adopted person who is  
1-57 the birth child of the birth parent. The contact preference form  
1-58 shall provide the birth parent with the following options:

1-59 (1) authorize direct contact by the adopted person and  
1-60 the release of a noncertified copy of the adopted person's original  
1-61 birth certificate;

1-62 (2) authorize contact by the adopted person only  
1-63 through an intermediary selected by the birth parent but not

2-1 authorize the release of a noncertified copy of the adopted  
2-2 person's original birth certificate;  
2-3 (3) not authorize contact by the adopted person but  
2-4 authorize the release of a noncertified copy of the adopted  
2-5 person's original birth certificate; or  
2-6 (4) not authorize contact by the adopted person and  
2-7 request that a noncertified copy of the adopted person's original  
2-8 birth certificate not be released until after the death of the birth  
2-9 parent.  
2-10 (b) The state registrar shall develop an updated medical  
2-11 history form.  
2-12 (c) The state registrar shall make the contact preference  
2-13 form and the updated medical history form available in English and  
2-14 Spanish.  
2-15 (d) The department shall make the contact preference form  
2-16 and the updated medical history form available on the department's  
2-17 Internet website.  
2-18 (e) A birth parent may file an updated contact preference  
2-19 form and an updated medical history form with the state registrar.  
2-20 The birth parent may return the updated contact preference form and  
2-21 updated medical history form together to the state registrar.  
2-22 (f) The state registrar shall deliver the birth parent's  
2-23 contact preference form and updated medical history form to an  
2-24 adopted person who receives a noncertified copy of the adopted  
2-25 person's original birth certificate under Section 192.008.  
2-26 (g) The state registrar shall keep statistics on:  
2-27 (1) the number of:  
2-28 (A) updated medical histories filed with the  
2-29 state registrar; and  
2-30 (B) contact preference forms and updated medical  
2-31 history forms delivered by the state registrar under Subsection  
2-32 (f); and  
2-33 (2) which adoption agency or attorney mediated each  
2-34 adoption for which a contact preference form is filed.  
2-35 (h) The state registrar may charge an adopted person a  
2-36 reasonable fee for services provided under this section.  
2-37 Sec. 192.0086. CONTACT USING INTERMEDIARY. (a) If a birth  
2-38 parent's contact preference form authorizes contact using an  
2-39 intermediary, the state registrar shall make the contact  
2-40 information for the intermediary selected by the birth parent  
2-41 available to the adopted person on request.  
2-42 (b) If the birth parent has not provided the intermediary's  
2-43 contact information at the time the adopted person requests the  
2-44 information, the state registrar shall notify the birth parent by  
2-45 certified mail, return receipt requested, that the birth parent  
2-46 must provide the intermediary's contact information not later than  
2-47 the 90th day after the date the birth parent receives the notice.  
2-48 (c) If the birth parent fails to provide the intermediary's  
2-49 contact information within the time required by Subsection (b), the  
2-50 state registrar shall release a noncertified copy of the adopted  
2-51 person's original birth certificate.  
2-52 (d) If the state registrar is unable to notify the birth  
2-53 parent by certified mail, return receipt requested, because the  
2-54 birth parent fails to keep the birth parent's personal contact  
2-55 information current with the state registrar, the state registrar  
2-56 shall release a noncertified copy of the adopted person's original  
2-57 birth certificate on the 91st day after the date the notice was sent  
2-58 by certified mail.  
2-59 SECTION 3. Subchapter A, Chapter 162, Family Code, is  
2-60 amended by adding Section 162.0061 to read as follows:  
2-61 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND  
2-62 FILING. (a) This section does not apply to an adoption by the  
2-63 child's:  
2-64 (1) grandparent;  
2-65 (2) aunt or uncle by birth, marriage, or prior  
2-66 adoption;  
2-67 (3) stepparent; or  
2-68 (4) adult sibling.  
2-69 (b) The Department of Family and Protective Services or the

3-1 licensed child-placing agency, person, or other entity placing a  
3-2 child for adoption shall:

3-3 (1) inform the birth parents of the child:

3-4 (A) of the provisions of Chapter 192, Health and  
3-5 Safety Code, relating to the birth parent contact preference form  
3-6 and the rights of an adopted child to obtain a noncertified copy of  
3-7 the adopted person's original birth certificate; and

3-8 (B) that the birth parents are required to  
3-9 provide a completed contact preference form to the Department of  
3-10 Family and Protective Services or the licensed child-placing  
3-11 agency, person, or other entity placing a child for adoption;

3-12 (2) provide the birth parents of the child with a  
3-13 contact preference form; and

3-14 (3) forward the original completed contact preference  
3-15 form to the state registrar.

3-16 (c) A petition for adoption may not be granted until a copy  
3-17 of the birth parent's contact preference form has been filed.

3-18 (d) A court having jurisdiction of a suit affecting the  
3-19 parent-child relationship may by order waive the contact preference  
3-20 form filing requirement of this section if the child's biological  
3-21 parents cannot be located or are deceased or the court determines it  
3-22 is in the best interest of the child to waive the requirement.

3-23 SECTION 4. (a) The state registrar shall keep statistics on  
3-24 the number of contact preference forms that:

3-25 (1) authorize direct contact by the adopted person and  
3-26 the release of a noncertified copy of the adopted person's original  
3-27 birth certificate;

3-28 (2) authorize contact by the adopted person only  
3-29 through an intermediary selected by the birth parent but do not  
3-30 authorize the release of a noncertified copy of the adopted  
3-31 person's original birth certificate;

3-32 (3) do not authorize contact by the adopted person but  
3-33 authorize the release of a noncertified copy of the adopted  
3-34 person's original birth certificate; or

3-35 (4) do not authorize contact by the adopted person and  
3-36 request that a noncertified copy of the adopted person's original  
3-37 birth certificate not be released until after the death of the birth  
3-38 parent.

3-39 (b) The state registrar shall report its findings under this  
3-40 section to the legislature not later than January 1, 2009.

3-41 SECTION 5. (a) The state registrar may not issue a  
3-42 noncertified copy of an original birth certificate under Subsection  
3-43 (h), Section 192.008, Health and Safety Code, as added by this Act,  
3-44 before January 1, 2009.

3-45 (b) The state registrar shall develop the contact  
3-46 preference form and the updated medical history form as required by  
3-47 Section 192.0085, Health and Safety Code, as added by this Act, not  
3-48 later than January 1, 2008.

3-49 SECTION 6. The change in law made by Section 162.0061,  
3-50 Family Code, as added by this Act, applies only to a suit for  
3-51 adoption filed on or after January 1, 2008. A suit for adoption  
3-52 filed before January 1, 2008, is governed by the law in effect at  
3-53 the time the suit for adoption was filed, and the former law is  
3-54 continued in effect for that purpose.

3-55 SECTION 7. This Act takes effect September 1, 2007.

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