

1-1 By: Deshotel, et al. (Senate Sponsor - Creighton) H.B. No. 984
1-2 (In the Senate - Received from the House April 16, 2015;
1-3 May 4, 2015, read first time and referred to Committee on State
1-4 Affairs; May 18, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes		X	
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 984 By: Creighton

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to birth records of adopted persons; authorizing a fee.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 192.008, Health and Safety Code, is
1-24 amended by amending Subsection (d) and adding Subsections (g) and
1-25 (h) to read as follows:
1-26 (d) Except as provided by Subsections (e), ~~and~~ (f), and
1-27 (g), only the court that granted the adoption may order access to an
1-28 original birth certificate and the filed documents on which a
1-29 supplementary certificate is based.
1-30 (g) The state registrar shall on written request provide to
1-31 a person who was adopted or, if the adopted person is deceased, an
1-32 adult descendant, adult sibling, surviving spouse, or adoptive
1-33 parent of the adopted person, a noncertified copy of the person's
1-34 original birth certificate if:
1-35 (1) the adopted person was born in this state;
1-36 (2) the request is made on or after the adopted
1-37 person's 18th birthday;
1-38 (3) a supplementary birth certificate was issued for
1-39 the adopted person; and
1-40 (4) the person requesting the certificate furnishes,
1-41 in person or by mail, appropriate proof of the person's identity.
1-42 (h) For a noncertified birth certificate provided under
1-43 Subsection (g), the state registrar shall collect a fee in an amount
1-44 equal to the fee charged for issuance of any other noncertified
1-45 birth certificate and issue the certificate within the time
1-46 prescribed for issuance of other noncertified birth certificates.
1-47 SECTION 2. Subchapter A, Chapter 192, Health and Safety
1-48 Code, is amended by adding Section 192.0085 to read as follows:
1-49 Sec. 192.0085. CONTACT PREFERENCE FORM AND SUPPLEMENTAL
1-50 MEDICAL HISTORY FORM. (a) The state registrar shall develop a
1-51 contact preference form on which a birth parent shall state the
1-52 birth parent's preference regarding contact by an adopted person
1-53 who is the biological offspring of the birth parent. The contact
1-54 preference form shall provide the birth parent with the following
1-55 options:
1-56 (1) authorize direct contact by the adopted person;
1-57 (2) authorize contact by the adopted person only
1-58 through an intermediary selected and identified by the birth
1-59 parent; or
1-60 (3) not authorize contact by the adopted person.

2-1 (b) The state registrar shall ensure that a birth parent who
2-2 authorizes contact through an intermediary identifies on the
2-3 contact preference form a person to serve as an intermediary and
2-4 includes on the form that person's contact information.

2-5 (c) The state registrar shall develop a supplemental
2-6 medical history form that allows a birth parent to provide
2-7 supplemental medical information in addition to the information
2-8 included in the adopted person's genetic history report provided
2-9 under Section 162.005, Family Code.

2-10 (d) The department shall make the contact preference form
2-11 and the supplemental medical history form available on the
2-12 department's Internet website and make copies of the forms
2-13 available in the state registrar's office.

2-14 (e) A birth parent may file a contact preference form and a
2-15 supplemental medical history form with the state registrar. The
2-16 birth parent may return the contact preference form and
2-17 supplemental medical history form together to the state registrar.

2-18 (f) A birth parent who authorizes direct contact by the
2-19 adopted person or contact by the adopted person through an
2-20 intermediary by filing the contact preference form with the state
2-21 registrar may not change that preference after the preference is on
2-22 file with the state registrar. A birth parent may provide updated
2-23 intermediary contact information as necessary.

2-24 (g) A birth parent who does not authorize contact by the
2-25 adopted person may choose to authorize direct contact by the
2-26 adopted person or contact by the adopted person through an
2-27 intermediary by filing a supplemental contact preference form with
2-28 the state registrar authorizing the contact.

2-29 (h) The state registrar shall provide copies of the birth
2-30 parent's contact preference form and supplemental medical history
2-31 form, if available, to an adopted person or other person authorized
2-32 to receive a noncertified copy of the adopted person's original
2-33 birth certificate under Section 192.008.

2-34 SECTION 3. Subchapter A, Chapter 162, Family Code, is
2-35 amended by adding Section 162.0061 to read as follows:

2-36 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING.

2-37 (a) The Department of Family and Protective Services or the
2-38 licensed child-placing agency, person, or other entity placing a
2-39 child for adoption shall:

2-40 (1) inform the birth parents of the child:

2-41 (A) of the provisions of Chapter 192, Health and
2-42 Safety Code, relating to the birth parent contact preference form
2-43 and the rights of an adopted child to obtain a noncertified copy of
2-44 the adopted person's original birth certificate; and

2-45 (B) that the birth parents are required to
2-46 provide a completed contact preference form to the Department of
2-47 Family and Protective Services or the licensed child-placing
2-48 agency, person, or other entity placing a child for adoption;

2-49 (2) provide the birth parents of the child with a
2-50 contact preference form; and

2-51 (3) forward each original completed contact
2-52 preference form to the state registrar.

2-53 (b) The notice to a child's birth parents required by this
2-54 section shall be provided at the time that the birth parent's
2-55 parental rights to a child are terminated.

2-56 (c) Except as provided by Subsection (d), a petition for
2-57 adoption may not be granted until a copy of each birth parent's
2-58 contact preference form has been filed.

2-59 (d) A court having jurisdiction of a suit affecting the
2-60 parent-child relationship may by order waive the contact preference
2-61 form filing requirement of this section if the child's birth
2-62 parents cannot be located or are deceased or the court determines
2-63 that it is in the best interest of the child to waive the
2-64 requirement.

2-65 SECTION 4. (a) The state registrar shall develop the
2-66 contact preference form and the supplemental medical history form
2-67 as required by Section 192.0085, Health and Safety Code, as added by
2-68 this Act, not later than January 1, 2016.

2-69 (b) Notwithstanding Section 192.008(g), Health and Safety

3-1 Code, as added by this Act, the state registrar is not required to
3-2 comply with that provision until July 1, 2016.

3-3 (c) The birth parent of a person who was adopted before
3-4 January 1, 2016, may file a contact preference form and a
3-5 supplemental medical history form with the state registrar not
3-6 later than July 1, 2016, and after that date at the discretion of
3-7 the state registrar. Notwithstanding Section 192.0085(f), Health
3-8 and Safety Code, as added by this Act, a birth parent may file a
3-9 supplemental contact preference form changing the birth parent's
3-10 contact preference at any time before July 1, 2016. The latest
3-11 contact preference form on file with the state registrar and filed
3-12 before that date controls.

3-13 SECTION 5. Section 162.0061, Family Code, as added by this
3-14 Act, applies only to a suit for adoption in which an order
3-15 terminating parental rights under Chapter 161, Family Code, is
3-16 rendered on or after January 1, 2016. A suit for adoption in which
3-17 an order terminating parental rights under Chapter 161, Family
3-18 Code, is rendered before January 1, 2016, is governed by the law in
3-19 effect immediately before the effective date of this Act, and the
3-20 former law is continued in effect for that purpose.

3-21 SECTION 6. This Act takes effect September 1, 2015.

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