

By: Creighton, et al.

S.B. No. 329

A BILL TO BE ENTITLED

AN ACT

relating to birth records of adopted persons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.008, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (g) and (h) to read as follows:

(d) Except as provided by Subsections (e), ~~and~~ (f), and (g), only the court that granted the adoption may order access to an original birth certificate and the filed documents on which a supplementary certificate is based.

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

(1) the adopted person was born in this state;

(2) the request is made on or after the adopted person's 18th birthday;

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

(4) the person requesting the certificate furnishes, in person or by mail, appropriate proof of the person's identity.

(h) For a noncertified birth certificate provided under Subsection (g), the state registrar shall collect a fee in an amount

1 equal to the fee charged for issuance of any other noncertified
2 birth certificate and issue the certificate within the time
3 prescribed for issuance of other noncertified birth certificates.

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

6 Sec. 192.0085. CONTACT PREFERENCE FORM AND SUPPLEMENTAL
7 MEDICAL HISTORY FORM. (a) The state registrar shall develop a
8 contact preference form for a birth parent to provide the birth
9 parent's preference regarding contact by an adopted person who is
10 the biological offspring of the birth parent. Each birth parent
11 shall complete a contact preference form for each child born to the
12 parent and select on the form one of the following options:

13 (1) the birth parent wishes to be directly contacted
14 by the adopted person;

15 (2) the birth parent wishes to be contacted by the
16 adopted person only through an intermediary selected and identified
17 by the birth parent; or

18 (3) the birth parent does not wish to be contacted by
19 the adopted person.

20 (b) The state registrar shall:

21 (1) include on the contact preference form a space for
22 a birth parent who wishes to be contacted through an intermediary to
23 identify a person to serve as the intermediary and provide that
24 person's contact information; and

25 (2) ensure the intermediary information required
26 under Subdivision (1) is completed on the form if that option is
27 selected by the birth parent.

1 (c) The state registrar shall develop a supplemental
2 medical history form for a birth parent to provide medical
3 information in addition to the information included in the adopted
4 person's genetic history report provided under Section 162.005,
5 Family Code.

6 (d) The department shall make the contact preference form
7 and the supplemental medical history form available on the
8 department's Internet website and make copies of the forms
9 available in the state registrar's office.

10 (e) Instead of providing a contact preference form to a
11 person or other entity listed in Section 162.0061(a)(1)(B), Family
12 Code, a birth parent may directly file a contact preference form or
13 a supplemental medical history form with the state registrar.

14 (f) A birth parent who initially selects the option to be
15 directly contacted by the adopted person or contacted by the
16 adopted person through an intermediary by filing the contact
17 preference form with the state registrar may not change that
18 preference after the preference is on file with the state
19 registrar. A birth parent may modify the intermediary contact
20 information as necessary.

21 (g) A birth parent who initially selects the option not to
22 be contacted by the adopted person may subsequently authorize
23 direct contact by the adopted person or contact by the adopted
24 person through an intermediary by filing a supplemental contact
25 preference form with the state registrar authorizing the contact.

26 (h) The state registrar shall provide a copy of the birth
27 parent's contact preference form and any available supplemental

1 medical history form to an adopted person or other person
2 authorized to receive a noncertified copy of the adopted person's
3 original birth certificate under Section 192.008.

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

6 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING.

7 (a) The Department of Family and Protective Services or the
8 licensed child-placing agency, person, or other entity placing a
9 child for adoption shall:

10 (1) inform the child's birth parents that:

11 (A) Chapter 192, Health and Safety Code, governs
12 the birth parent contact preference form and the rights of an
13 adopted child to obtain a noncertified copy of the adopted person's
14 original birth certificate; and

15 (B) the birth parents are required to provide a
16 completed contact preference form to the Department of Family and
17 Protective Services, the licensed child-placing agency, person, or
18 other entity placing a child for adoption, or the state registrar;

19 (2) provide the child's birth parents with a contact
20 preference form; and

21 (3) forward each original completed contact
22 preference form to the state registrar.

23 (b) The notice to a child's birth parents required by this
24 section shall be provided at the time the birth parent's parental
25 rights to a child are terminated.

26 (c) Except as provided by Subsection (d), a petition for
27 adoption may not be granted until a copy of each birth parent's

1 contact preference form has been filed.

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

8 SECTION 4. (a) The state registrar shall develop the
9 contact preference form and the supplemental medical history form
10 as required by Section 192.0085, Health and Safety Code, as added by
11 this Act, not later than January 1, 2018.

12 (b) Notwithstanding Section 192.008(g), Health and Safety
13 Code, as added by this Act, the state registrar is not required to
14 comply with that provision until July 1, 2018.

15 (c) The birth parent of a person who was adopted before
16 January 1, 2018, may file a contact preference form and a
17 supplemental medical history form with the state registrar not
18 later than July 1, 2018, and after that date at the discretion of
19 the state registrar. Notwithstanding Section 192.0085(f), Health
20 and Safety Code, as added by this Act, a birth parent may file a
21 supplemental contact preference form modifying the birth parent's
22 contact preference at any time before July 1, 2018. The latest
23 contact preference form on file with the state registrar and filed
24 before that date controls.

25 SECTION 5. Section 162.0061, Family Code, as added by this
26 Act, applies only to a suit for adoption in which an order
27 terminating parental rights under Chapter 161, Family Code, is

1 rendered on or after January 1, 2018. A suit for adoption in which
2 an order terminating parental rights under Chapter [161](#), Family
3 Code, is rendered before January 1, 2018, is governed by the law in
4 effect immediately before the effective date of this Act, and the
5 former law is continued in effect for that purpose.

6 SECTION 6. This Act takes effect September 1, 2017.