

1-1 By: Creighton, et al. S.B. No. 329
 1-2 (In the Senate - Filed December 15, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to birth records of adopted persons.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 192.008, Health and Safety Code, is
 1-22 amended by amending Subsection (d) and adding Subsections (g) and
 1-23 (h) to read as follows:

1-24 (d) Except as provided by Subsections (e), ~~and~~ (f), and
 1-25 (g), only the court that granted the adoption may order access to an
 1-26 original birth certificate and the filed documents on which a
 1-27 supplementary certificate is based.

1-28 (g) The state registrar shall on written request provide to
 1-29 a person who was adopted, or if the adopted person is deceased, an
 1-30 adult descendant, adult sibling, surviving spouse, or adoptive
 1-31 parent of the adopted person, a noncertified copy of the person's
 1-32 original birth certificate if:

1-33 (1) the adopted person was born in this state;

1-34 (2) the request is made on or after the adopted
 1-35 person's 18th birthday;

1-36 (3) a supplementary birth certificate was issued for
 1-37 the adopted person; and

1-38 (4) the person requesting the certificate furnishes,
 1-39 in person or by mail, appropriate proof of the person's identity.

1-40 (h) For a noncertified birth certificate provided under
 1-41 Subsection (g), the state registrar shall collect a fee in an amount
 1-42 equal to the fee charged for issuance of any other noncertified
 1-43 birth certificate and issue the certificate within the time
 1-44 prescribed for issuance of other noncertified birth certificates.

1-45 SECTION 2. Subchapter A, Chapter 192, Health and Safety
 1-46 Code, is amended by adding Section 192.0085 to read as follows:

1-47 Sec. 192.0085. CONTACT PREFERENCE FORM AND SUPPLEMENTAL
 1-48 MEDICAL HISTORY FORM. (a) The state registrar shall develop a

1-49 contact preference form for a birth parent to provide the birth
 1-50 parent's preference regarding contact by an adopted person who is
 1-51 the biological offspring of the birth parent. Each birth parent
 1-52 shall complete a contact preference form for each child born to the
 1-53 parent and select on the form one of the following options:

1-54 (1) the birth parent wishes to be directly contacted
 1-55 by the adopted person;

1-56 (2) the birth parent wishes to be contacted by the
 1-57 adopted person only through an intermediary selected and identified
 1-58 by the birth parent; or

1-59 (3) the birth parent does not wish to be contacted by
 1-60 the adopted person.

1-61 (b) The state registrar shall:

2-1 (1) include on the contact preference form a space for
 2-2 a birth parent who wishes to be contacted through an intermediary to
 2-3 identify a person to serve as the intermediary and provide that
 2-4 person's contact information; and

2-5 (2) ensure the intermediary information required
 2-6 under Subdivision (1) is completed on the form if that option is
 2-7 selected by the birth parent.

2-8 (c) The state registrar shall develop a supplemental
 2-9 medical history form for a birth parent to provide medical
 2-10 information in addition to the information included in the adopted
 2-11 person's genetic history report provided under Section 162.005,
 2-12 Family Code.

2-13 (d) The department shall make the contact preference form
 2-14 and the supplemental medical history form available on the
 2-15 department's Internet website and make copies of the forms
 2-16 available in the state registrar's office.

2-17 (e) Instead of providing a contact preference form to a
 2-18 person or other entity listed in Section 162.0061(a)(1)(B), Family
 2-19 Code, a birth parent may directly file a contact preference form or
 2-20 a supplemental medical history form with the state registrar.

2-21 (f) A birth parent who initially selects the option to be
 2-22 directly contacted by the adopted person or contacted by the
 2-23 adopted person through an intermediary by filing the contact
 2-24 preference form with the state registrar may not change that
 2-25 preference after the preference is on file with the state
 2-26 registrar. A birth parent may modify the intermediary contact
 2-27 information as necessary.

2-28 (g) A birth parent who initially selects the option not to
 2-29 be contacted by the adopted person may subsequently authorize
 2-30 direct contact by the adopted person or contact by the adopted
 2-31 person through an intermediary by filing a supplemental contact
 2-32 preference form with the state registrar authorizing the contact.

2-33 (h) The state registrar shall provide a copy of the birth
 2-34 parent's contact preference form and any available supplemental
 2-35 medical history form to an adopted person or other person
 2-36 authorized to receive a noncertified copy of the adopted person's
 2-37 original birth certificate under Section 192.008.

2-38 SECTION 3. Subchapter A, Chapter 162, Family Code, is
 2-39 amended by adding Section 162.0061 to read as follows:

2-40 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING.

2-41 (a) The Department of Family and Protective Services or the
 2-42 licensed child-placing agency, person, or other entity placing a
 2-43 child for adoption shall:

2-44 (1) inform the child's birth parents that:

2-45 (A) Chapter 192, Health and Safety Code, governs
 2-46 the birth parent contact preference form and the rights of an
 2-47 adopted child to obtain a noncertified copy of the adopted person's
 2-48 original birth certificate; and

2-49 (B) the birth parents are required to provide a
 2-50 completed contact preference form to the Department of Family and
 2-51 Protective Services, the licensed child-placing agency, person, or
 2-52 other entity placing a child for adoption, or the state registrar;

2-53 (2) provide the child's birth parents with a contact
 2-54 preference form; and

2-55 (3) forward each original completed contact
 2-56 preference form to the state registrar.

2-57 (b) The notice to a child's birth parents required by this
 2-58 section shall be provided at the time the birth parent's parental
 2-59 rights to a child are terminated.

2-60 (c) Except as provided by Subsection (d), a petition for
 2-61 adoption may not be granted until a copy of each birth parent's
 2-62 contact preference form has been filed.

2-63 (d) A court having jurisdiction of a suit affecting the
 2-64 parent-child relationship may by order waive the contact preference
 2-65 form filing requirement of this section if the child's birth
 2-66 parents cannot be located or are deceased or the court determines
 2-67 that it is in the best interest of the child to waive the
 2-68 requirement.

2-69 SECTION 4. (a) The state registrar shall develop the

3-1 contact preference form and the supplemental medical history form
3-2 as required by Section 192.0085, Health and Safety Code, as added by
3-3 this Act, not later than January 1, 2018.

3-4 (b) Notwithstanding Section 192.008(g), Health and Safety
3-5 Code, as added by this Act, the state registrar is not required to
3-6 comply with that provision until July 1, 2018.

3-7 (c) The birth parent of a person who was adopted before
3-8 January 1, 2018, may file a contact preference form and a
3-9 supplemental medical history form with the state registrar not
3-10 later than July 1, 2018, and after that date at the discretion of
3-11 the state registrar. Notwithstanding Section 192.0085(f), Health
3-12 and Safety Code, as added by this Act, a birth parent may file a
3-13 supplemental contact preference form modifying the birth parent's
3-14 contact preference at any time before July 1, 2018. The latest
3-15 contact preference form on file with the state registrar and filed
3-16 before that date controls.

3-17 SECTION 5. Section 162.0061, Family Code, as added by this
3-18 Act, applies only to a suit for adoption in which an order
3-19 terminating parental rights under Chapter 161, Family Code, is
3-20 rendered on or after January 1, 2018. A suit for adoption in which
3-21 an order terminating parental rights under Chapter 161, Family
3-22 Code, is rendered before January 1, 2018, is governed by the law in
3-23 effect immediately before the effective date of this Act, and the
3-24 former law is continued in effect for that purpose.

3-25 SECTION 6. This Act takes effect September 1, 2017.

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