86R12873 EAS-D

By:  Calanni H.B. No. 2725

A BILL TO BE ENTITLED

AN ACT

relating to birth records of adopted persons; authorizing a fee.

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 noncertified copy of the original birth certificate provides, in person or by mail, appropriate proof of the person's identity.

(h)  For a noncertified copy of the person's original birth certificate provided under Subsection (g), the state registrar shall collect a fee in an amount equal to the fee charged for issuance of a noncertified copy of a birth certificate and issue the copy within the time prescribed for issuance of other noncertified copies of birth certificates.

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

Sec. 192.0085.  CONTACT PREFERENCE FORM AND SUPPLEMENTAL MEDICAL HISTORY FORM. (a) The state registrar shall develop a contact preference form for a birth parent to provide the birth parent's preference regarding contact by the adopted person who is the biological offspring of the birth parent. A birth parent may complete a contact preference form for each child born to the parent who is placed for adoption. The birth parent may select one of the following options:

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

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

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

(b)  The state registrar shall:

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

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

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

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

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

(f)  A birth parent who completes a contact preference form and selects the option to be directly contacted by the adopted person or the option to be contacted by the adopted person through an intermediary may not change that selection after the form is on file with the state registrar. A birth parent may modify the intermediary contact information as necessary.

(g)  A birth parent who completes a contact preference form and selects the option not to be contacted by the adopted person may subsequently file a supplemental contact preference form with the state registrar electing direct contact by the adopted person or contact by the adopted person through an intermediary.

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

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

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

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

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

(A)  Chapter 192, Health and Safety Code, governs the birth parent contact preference form and the right to obtain a noncertified copy of the adopted person's original birth certificate on or after the person's 18th birthday; and

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

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

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

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

SECTION 4.  (a) The state registrar shall develop the contact preference form and the supplemental medical history form as required by Section 192.0085, Health and Safety Code, as added by this Act, not later than January 1, 2020.

(b)  Notwithstanding Section 192.008(g), Health and Safety Code, as added by this Act, the state registrar is not required to comply with that provision until July 1, 2020.

(c)  The birth parent of a person who was adopted before January 1, 2020, may file a contact preference form and a supplemental medical history form with the state registrar not later than July 1, 2020, and after that date at the discretion of the state registrar. Notwithstanding Section 192.0085(f), Health and Safety Code, as added by this Act, a birth parent may file a supplemental contact preference form modifying the birth parent's contact preference at any time before July 1, 2020. The latest contact preference form on file with the state registrar and filed before that date controls.

SECTION 5.  Section 162.0061, Family Code, as added by this Act, applies only to a suit for adoption in which an order terminating parental rights under Chapter 161, Family Code, is rendered on or after January 1, 2020. A suit for adoption in which an order terminating parental rights under Chapter 161, Family Code, is rendered before January 1, 2020, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2019.