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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

1 certificate provided under Subsection (g), the state registrar  
2 shall collect a fee in an amount equal to the fee charged for  
3 issuance of a noncertified copy of a birth certificate and issue the  
4 copy within the time prescribed for issuance of other noncertified  
5 copies of birth certificates.

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

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

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

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

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

23 (b) The state registrar shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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