

BILL ANALYSIS

H.B. 984
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Vital Statistics Unit Voluntary Central Adoption Registry is a registry system maintained by the state through which an adult adoptee, birth parent, or sibling may locate other family members without a court order. Interested parties note that, although the registry uses sealed or confidential records to authenticate a match between two biologically related people who have voluntarily joined the registry, these sealed or confidential records may not be released to the adult adoptee, requiring a person to navigate a confusing and complicated court process if the person wishes to obtain a noncertified copy of the person's birth certificate. H.B. 984 seeks to establish a simpler mechanism by which an adult adoptee may access his or her original birth certificate without compromising the privacy of a biological parent.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 984 amends the Health and Safety Code to require the state registrar on written request, but not until July 1, 2016, to 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 the adopted person was born in Texas, the request is made on or after the adopted person's 18th birthday, a supplementary birth certificate was issued for the adopted person, and the person requesting the certificate furnishes, in person or by mail, appropriate proof of the person's identity. The bill requires the state registrar to collect a fee for a noncertified birth certificate provided under the bill's provisions in an amount equal to the fee charged for issuance of any other noncertified birth certificate and to issue the certificate within the time prescribed for issuance of other noncertified birth certificates.

H.B. 984 requires the state registrar to develop a contact preference form on which a birth parent is required to state the birth parent's preference regarding contact by an adopted person who is the biological offspring of the birth parent. The bill requires the form to provide the birth parent with the option to authorize direct contact by the adopted person, to authorize contact by the adopted person only through an intermediary selected and identified by the birth parent, or to not authorize contact by the adopted person. The bill requires the state registrar to ensure that a birth parent who authorizes contact through an intermediary identifies on the contact preference form a person to serve as an intermediary and includes on the form that person's contact information.

The bill requires the state registrar to develop a supplemental medical history form that allows a birth parent to provide supplemental medical information in addition to the information included in the adopted person's genetic history report provided under the Family Code. The bill requires the Department of State Health Services (DSHS) to make the contact preference form and the supplemental medical history form available on the DSHS website and to make copies of the forms available in the state registrar's office. The bill authorizes a birth parent to file a contact preference form and a supplemental medical history form with the state registrar and to return the forms together to the state registrar. The bill requires the state registrar to develop the contact preference form and the supplemental medical history form not later than January 1, 2016.

H.B. 984 prohibits a birth parent who authorizes direct contact by the adopted person or contact by the adopted person through an intermediary by filing the contact preference form with the state registrar from changing that preference after that preference is on file with the state registrar. The bill authorizes the birth parent to provide updated intermediary contact information as necessary. The bill authorizes a birth parent who does not authorize contact by the adopted person to choose to authorize direct contact by the adopted person or contact by the adopted person through an intermediary by filing a supplemental contact preference form with the state registrar authorizing the contact. The bill requires the state registrar to provide copies of the birth parent's contact preference form and supplemental medical history form, if available, to an adopted person or other person authorized to receive a noncertified copy of the adopted person's original birth certificate.

H.B. 984 amends the Family Code to require the Department of Family and Protective Services (DFPS) or a licensed child-placing agency, person, or other entity placing a child for adoption to inform the birth parents of the child of requirements relating to the birth parent contact preference form and the rights of an adopted child to obtain a noncertified copy of the adopted person's original birth certificate, to inform the birth parents that the birth parents are required to provide a completed contact preference form to DFPS or the licensed child-placing entity placing a child for adoption, to provide the birth parents of the child with a contact preference form, and to forward each original completed contact preference form to the state registrar. The bill requires the notice to a child's birth parents to be provided at the time that the birth parent's parental rights to a child are terminated. The bill prohibits a petition for adoption from being granted until a copy of each birth parent's contact preference form has been filed. The bill authorizes a court having jurisdiction of a suit affecting the parent-child relationship by order to waive the contact preference form filing requirement if the child's birth parents cannot be located or are deceased or the court determines that it is in the best interest of the child to waive the requirement. These provisions relating to notice and form filing requirements apply only to a suit for adoption filed on or after January 1, 2016.

H.B. 984 authorizes the birth parent of a person who was adopted before January 1, 2016, to file a contact preference form and a supplemental medical history form with the state registrar not later than July 1, 2016, and after that date at the discretion of the state registrar. The bill authorizes a birth parent to file a supplemental contact preference form changing the birth parent's contact preference at any time before July 1, 2016, and establishes that the latest contact preference form on file with the state registrar and filed before that date controls.

EFFECTIVE DATE

September 1, 2015.