

BILL ANALYSIS

H.B. 2725
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the restricted access to an adopted individual's birth certificate in Texas. It has been noted that adopted individuals must petition the court in which their adoption took place in order to receive their original birth certificate, instead of receiving the original birth certificate on request. H.B. 2725 seeks to provide this access to adult adoptees and certain family members of a deceased adopted person who request the original birth certificate from the state registrar of vital statistics under certain circumstances.

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. 2725 amends the Health and Safety Code to require the state registrar of vital statistics on written request to provide to an adopted person or a certain family member of a deceased adopted person a noncertified copy of the adopted 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 copy provides appropriate proof of the person's identity, in person or by mail. The state registrar is not required to comply with this requirement until July 1, 2020. The bill requires the state registrar to collect a fee for this service in an amount equal to the fee charged for issuance of a noncertified copy of a birth certificate and to issue the copy within the time prescribed for issuance of other noncertified copies of birth certificates.

H.B. 2725 requires the state registrar to develop not later than January 1, 2020, a contact preference form for a birth parent to provide preference regarding contact by the adopted person who is the parent's biological offspring and 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. The bill sets out the parent's options in providing contact preference and authorizes the parent to complete a contact preference form for each child born to the parent who is placed for adoption. The bill establishes requirements for the state registrar regarding information on the contact preference form and requires the Department of State Health Services to post on its website and make copies of both forms available in the state registrar's office.

H.B. 2725 authorizes a birth parent to directly file either form with the state registrar and sets out provisions relating to the circumstances under which such a parent may or may not modify a

contact preference form. The bill requires the state registrar to 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. The bill authorizes the birth parent of a person who was adopted before January 1, 2020, to file the forms with the state registrar not later than July 1, 2020, and after that date at the state registrar's discretion and to file a supplemental form modifying the birth parent's contact preference at any time before July 1, 2020. The bill establishes that the latest contact preference form on file with the state registrar and filed before that date controls.

H.B. 2725 amends the Family Code to require the Department of Family and Protective Services or the licensed child-placing agency, person, or other entity placing a child for adoption to:

- inform the child's birth parents that Health and Safety Code provisions relating to birth records govern 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 that the birth parents may provide a completed form to those entities or to the state registrar;
- provide the child's birth parents with a contact preference form; and
- forward each original completed contact preference form to the state registrar.

The bill requires the notice to the birth parents to be provided at the time the parent's parental rights to a child are terminated. These provisions apply only to a suit for adoption in which an order terminating parental rights is rendered on or after January 1, 2020.

EFFECTIVE DATE

September 1, 2019.