

BILL ANALYSIS

Senate Research Center

S.B. 1445
By: Harris
Jurisprudence
3-24-97
As Filed

DIGEST

Currently, persons who have been adopted are not allowed access to their original birth certificate without a court order, which can often be a long and costly process. Supplementary birth certificates are provided to persons who have been adopted, with no indication of the name or address of the parents. Often, when adoptees reach adulthood, they need their birth history and medical records, or want to search for their birth parents. This legislation would provide access to original birth certificates to adults who were adopted as children.

PURPOSE

As proposed, S.B. 1445 establishes access to birth records by adopted children.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 192.008, Health and Safety Code, to provide that the only information that may be changed on a supplementary birth certificate is the name of the mother, father, or child. Prohibits the state registrar from issuing a supplementary birth certificate if a court, an adoptive parent, or the adoptee, if the adoptee is not less than 12 years of age, requests that a supplementary birth certificate not be issued. Requires the state registrar, if the supplementary birth certificate may not be issued, to furnish a certified copy of the report of adoption. Prohibits the rules and procedures from interfering with the registries established under Chapter 162E, Family Code, rather than Chapter 49, Human Resources Code. Provides that a person applying for access to an original birth certificate and certain filed documents is entitled to know the file number of the adoption, and the date the adoption order was rendered. Authorizes any court of competent jurisdiction to which the person presents the affidavit to order access to the documents on which the supplementary certificate is based. Requires the state registrar to provide to a person who was adopted a noncertified copy of the person's original birth certificate if the person is not less than 21 years of age; a supplementary birth certificate was issued for the person; the person furnishes appropriate proof of the person's identity; and the person is registered with a mutual consent voluntary adoption registry under Chapter 162E, Family Code. Makes conforming changes.

SECTION 2. (a) Effective date: September 1, 1997.

(b) Provides that the change in law made by this Act regarding access to birth certificate information applies without regard to the date an adoption order is rendered.

SECTION 3. Emergency clause.