

BILL ANALYSIS

Senate Research Center
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S.B. 221
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas requires supplementary birth certificates to be issued in lieu of standard birth certificates when an individual is adopted. Supplementary birth certificates differ from standard birth certificates because they do not divulge the name or location of the birth parents, regardless of the wishes of the adopted parents, child, or court.

Under current law, the original birth certificate cannot be accessed without an order issued by the same court that originally granted the adoption. In some cases, an adoptee may not be aware of which court granted their adoption, in which case the adoptee would have to pay a fee to register with the Central Adoption Registry in order to ascertain the court's name.

As proposed, S.B. 221 enables adults who were adopted as children to access their original birth certificate without having to go through the courts. In addition, this bill allows adoptive parents and adoptive children over the age of 12 and/or the courts to specify that a supplemental birth certificate need not be issued. S.B. 221 establishes a procedure for adopted persons over the age of 18, or if the adopted person is deceased, his or her adult descendant, adult sibling, or surviving spouse, to obtain a copy of the original birth certificate. Finally, this bill creates a "contact preference form" to allow birth parents who do not wish to be reunited with an adopted child to express that preference.

RULEMAKING AUTHORITY

This bill does not expressly 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, by adding Subsections (g) and (h), as follows:

(g) Requires the state registrar to provide, upon request by the adopted person or certain relatives thereof, a noncertified copy of the adopted person's birth certificate. Provides that the birth certificate will only be furnished if the request is made on or after the adopted person's 18th birthday and a supplementary birth certificate was issued for the adopted person. Requires the person requesting the certificate to show proof of identity.

(g) Prohibits the state registrar from releasing, without a court order, a noncertified copy of an adopted person's original birth certificate if one of the birth parents files a contact preference form indicating that such a certificate may not be released until the death of that birth parent.

SECTION 2. Amends Subchapter A, Chapter 192, Health and Safety Code, by adding Sections 192.0085 and 192.0086, as follows:

Sec. 192.0085. UPDATED MEDICAL HISTORY AND CONTACT PREFERENCE FORM. (a) Authorizes a birth parent to file an updated medical history and contact preference form with the state registrar.

(b) Requires the state registrar to develop a contact preference form on which a birth parent can state the birth parent's preference regarding contact by an adopted

person. Sets forth the options that are required to be given to a birth parent on the contact preference form.

(c) Requires the state registrar to provide a contact preference form to a birth parent named on the original birth certificate not later than the 15th day after the date on which the request was made

(d) Requires the state registrar to provide the contact preference form in English and Spanish.

(e) Requires Texas Department of State Health Services (DSHS) to provide the forms on the its website.

(f) Authorizes the birth parent to return the contact preference form and updated medical history form together to the state registrar.

(g) Requires the state registrar to deliver the birth parent's forms to an adopted person who receives a noncertified copy of the adopted person's original birth certificate under Section 192.008, Health and Safety Code.

(h) Requires the state registrar to keep statistical records of certain information pertaining to updated medical history and contact preference forms and adoption agencies or attorneys that mediated an adoption for which a contact preference form was filed.

(i) Authorizes the state registrar to charge an adopted person a fee for services provided under this section.

Sec.192.0086. CONTACT USING INTERMEDIARY. (a) Requires the state registrar to make the contact information of a designated intermediary available to the adopted person upon request if such a preference is indicated on a contact preference form filed with the state registrar.

(b) Requires the state registrar to notify the birth parent by certified mail that the birth parent must provide the intermediary's contact information not later than the 90th day after receipt of the notification if such information is not provided at the time of request by the adopted person.

(c) Requires the state registrar to release a noncertified copy of the original birth certificate to the adopted person if the aforementioned intermediary information requirement is not met.

(d) Requires the state registrar to release a noncertified copy of the original birth certificate to the adopted person on the 91st day after notification was sent to the birth parent if the state registrar is unable to reach the birth parent because the contact information is not current.

SECTION 3. Amends Subchapter A, Chapter 162, Family Code, by adding Section 162.0061, as follows:

Sec. 162.0061. NOTICE RELATING TO CONTACT PREFERENCE FORM. Requires certain agencies, persons, or entities to notify the birth parents of a child placed for adoption of their right to obtain a noncertified copy of the adopted person's original birth certificate and of the provisions of Chapter 192, Health and Safety Code, relating to the contact preference form.

SECTION 4. (a) Prohibits the state registrar from issuing a noncertified copy of an original birth certificate before January 1, 2008.

(b) Prohibits the state registrar from delivering an updated medical history or contact preference form before January 1, 2007.

SECTION 5. Applies the change in law made by this act to all adoption cases, regardless of the date in which the adoption order is rendered.

SECTION 6. Effective date: September 1, 2007.