

HB 48 -- Adoption Records

Sponsor: Davis

Currently, the state registrar can only open an adoption file if a certified copy of a court order has been issued. This bill allows any adopted person who is 21 years of age or older to submit an application to the state registrar and, upon receiving the application, be issued a certified copy of his or her original unaltered birth certificate and adoption records. Adoption records will include the original birth certificate, consent to termination of parental rights, waiver of consent to future adoption of the child, adoption decree and order, social history, temporary custody and adoption petition, and any state agency or court documents regarding the adoption.

Authorized individuals, including any adopted person who is 21 years of age or older, are allowed to inspect or copy any files and court records of adoption proceedings. Persons who permit inspection or copying by any unauthorized individual will be guilty of a class C misdemeanor.

The bill removes the following requirements regarding the release of identifying information:

- (1) Consent of the biological parents to release their identifying information before a court can release it to an adopted adult;
- (2) Notification to the adoptive parents, adoption agency, or juvenile court that an adopted child has made a request to view identifying information of his or her biological parents who have not consented to releasing their information; prior written consent of adoptive parents to allow their adopted adult child to make contact with the adopted child's biological parents; and a personal and confidential contact with the biological parents by the agency or court;
- (3) Notification to the biological parents prior to allowing adopted adults to receive identifying information about his or her biological parents;
- (4) Execution of an affidavit by the biological parents to release their identifying information to a court in order to disclose the information to their adopted child;
- (5) Determination by the courts if identifying information of a biological parent can be released to an adopted adult for urgent health-related purposes;

(6) Consent of the adult siblings of the adopted adult to release their identifying information; and

(7) Confidential contact by the Children's Division within the Department of Social Services with a biological parent that has not given consent of the release of identifying information when a possible match has been made in the adoption registry.