

2022 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE CHARLES OWEN

ADOPTION: Provides for access to an adopted person's original birth certificate

1 AN ACT

2 To amend and reenact Children's Code Articles 1186(A) and 1188(C) and R.S. 40:73(B) and
3 (D), 77(B) and (D), and 79(A)(4) and (D) and to enact R.S. 40:73(E), 77(E), and
4 79(E), relative to an adopted person's original birth certificate; to provide for the
5 disclosure of confidential records; to provide for the motion for disclosure; to
6 provide for access to an adopted person's original birth certificate; to provide for the
7 authority of the registrar of vital records; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 1186(A) and 1188(C) are hereby amended and
10 reenacted to read as follows:

11 Art. 1186. Confidential adoption records; disclosure

12 A. All adoption records shall be retained in confidential files, and it shall be
13 unlawful for anyone except the biological or adopting parent to disclose any
14 identifying information concerning any individual adoption case, except as follows:

15 (1) ~~upon~~ Upon order of the court, after giving proper notice as required in
16 Article 1190 or as otherwise authorized by this Code, ~~or~~.

17 (2) Disclosure pursuant to R.S. 40:73, 77, or 79.

18 (3) ~~for~~ For purposes directly connected with an adoption agency's
19 responsibilities in relation to adoption work as permitted by its rules and regulations.

20 * * *

1 Art. 1188. Motion for disclosure

2 * * *

3 C. This action, ~~and~~ the limited medical exception provision of Article 1127,
4 and the provisions of R.S. 40:73, 77, and 79 shall be the exclusive means for gaining
5 access to records of adoptions whether maintained by this court, some other court,
6 an adoption agency, any state agency, or private individual, notwithstanding
7 provisions of law to the contrary.

8 Section 2. R.S. 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D) are hereby
9 amended and reenacted and R.S. 40:73(E), 77(E), and 79(E) are hereby enacted to read as
10 follows:

11 §73. Certified copy of the new record; sealing and confidentiality of the original
12 birth record; issuance of original birth certificate

13 * * *

14 B. This sealed package shall be opened only upon the demand of the adopted
15 person, or if deceased, by his or her descendants, or upon the demand of the adoptive
16 parent, or the state registrar, or the recognized public or private social agency which
17 was a party to the adoption, and then only as provided in Subsection E of this Section
18 or by order of a Louisiana court of competent jurisdiction at the domicile of the vital
19 records registry, which order shall issue only after a showing of compelling reasons.
20 Information shall be revealed only to the extent necessary to satisfy such compelling
21 necessity.

22 * * *

23 D. ~~All~~ Except as provided in Subsection E of this Section, all motions for
24 records under this Section shall be in accordance with and subject to the provisions
25 of Children's Code Articles 1188 through 1192 and, if an adoption agency is
26 involved, the agency shall be served with a copy of the motion as provided in Article
27 1313 of the Louisiana Code of Civil Procedure.

28 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
29 person who is twenty-four years of age or older may request an uncertified copy of

1 his birth certificate from the state registrar. Upon such a request, the registrar shall
2 open the sealed package and issue an uncertified copy of the original birth certificate
3 to the adopted person.

4 (2) The uncertified copy of the original birth certificate shall be issued to the
5 adopted person in accordance with the regulations duly promulgated in accordance
6 with the Administrative Procedure Act for a certified copy of a vital record in the
7 custody of the vital records registry.

8 * * *

9 §77. Certified copy for adoptive parents; issuance of original birth certificate

10 * * *

11 B. Except as provided in R.S. 40:74, this sealed package shall be opened
12 only upon the demand of the adopted person, or if deceased, by his or her
13 descendants, or upon the demand of the adoptive parent, or the state registrar, or the
14 recognized public or private social agency which was a party to the adoption, and
15 then only as provided in Subsection E of this Section or by order of a Louisiana court
16 of competent jurisdiction at the domicile of the vital records registry which court
17 order shall issue only after a showing of compelling reasons, and opened only to the
18 extent necessary to satisfy such compelling necessity.

19 * * *

20 D. ~~At~~ Except as provided in Subsection E of this Section, all motions for
21 records under this Section shall be in accordance with and subject to; the provisions
22 of R.S. ~~9:437~~ Children's Code Articles 1188 through 1192 and, if an adoption agency
23 is involved, the agency shall be served with a copy of the motion as provided in
24 Article 1313 of the Louisiana Code of Civil Procedure.

25 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
26 person who is twenty-four years of age or older may request an uncertified copy of
27 his birth certificate from the state registrar. Upon such a request, the registrar shall
28 open the sealed package and issue an uncertified copy of the original birth certificate
29 to the adopted person.

1 (2) The uncertified copy of the original birth certificate shall be issued to the
 2 adopted person in accordance with the regulations duly promulgated in accordance
 3 with the Administrative Procedure Act for a certified copy of a vital record in the
 4 custody of the vital records registry.

* * *

6 §79. Record of adoption decree

7 A.

* * *

9 (4) The state registrar shall seal and file the original certificate of birth with
 10 the certificate of the decree. This sealed package may be opened only on the order
 11 of a competent court or as provided in Subsection E of this Section.

* * *

13 D. ~~All~~ Except as provided in Subsection E of this Section, all motions for
 14 records under this Section shall be in accordance with, and be subject to, the
 15 provisions of Children's Code Articles 1188 through 1192, and, if an adoption
 16 agency is involved, the agency shall be served with a copy of a motion as provided
 17 in Article 1313 of the Code of Civil Procedure.

18 E.(1) Notwithstanding any provision of the law to the contrary, an adopted
 19 person who is twenty-four years of age or older may request an uncertified copy of
 20 his birth certificate from the state registrar. Upon such a request, the registrar shall
 21 open the sealed package and issue an uncertified copy of the original birth certificate
 22 to the adopted person.

23 (2) The uncertified copy of the original birth certificate shall be issued to the
 24 adopted person in accordance with the regulations duly promulgated in accordance
 25 with the Administrative Procedure Act for a certified copy of a vital record in the
 26 custody of the vital records registry.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 450 Original

2022 Regular Session

Charles Owen

Abstract: Authorizes adopted persons to request an uncertified copy of their original birth certificate from the registrar of vital records.

Present law (Ch.C. Art. 1186) provides adoption records shall be retained in confidential court files and that it shall be unlawful for anyone except the biological or adopting parent to disclose identifying information concerning an adoption case except upon order of the court or for purposes directly connected with an adoption agency's responsibilities in relation to adoption work.

Present law (Ch.C. Art. 1188) authorizes an adopted person or his legal representative on his behalf to file a motion for disclosure of information pertaining to his adoption.

Present law (Ch.C. Art. 1127) authorizes an adopted person or his legal representative on his behalf, or a surrendering biological parent to, upon written request, obtain nonidentifying medical or genetic information from the agency, firm, or lawyer involved in an adoption.

Present law provides that the motion for disclosure and the limited medical exception provided by present law are the exclusive means for gaining access to records of adoptions.

Present law provides procedures for the confidentiality of adoption records for adoptions completed prior to July 27, 1938 (R.S. 40:73), adoptions of a person born in La. completed in a court in any other state or territory of the U.S. (R.S. 40:77), and all other adoptions (R.S. 40:79).

Present law requires that when a final decree of adoption is entered, the clerk of court shall forward his certificate of the decree to the state registrar of vital records who shall make a new certificate of live birth of the adopted person and shall seal and file the original certificate of birth with the certificate of the decree. This sealed package may be opened only by court order.

Proposed law provides that in addition to receiving an original birth certificate through the present law motion for disclosure and the limited medical exception, an adopted person who is 24 years of age or older may request an uncertified copy of his birth certificate from the state registrar. Provides that the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person in accordance with regulations promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record.

(Amends Ch.C. Arts. 1186(A) and 1188(C) and R.S. 40:73(B) and (D), 77(B) and (D), and 79(A)(4) and (D); Adds R.S. 40:73(E), 77(E), and 79(E))