HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Schexnayder to Engrossed House Bill No. 1028 by Representative Schexnayder

1 AMENDMENT NO. 1
2 On page 1, line 2, change "Articles 1271(A)" to "Articles 1271"

3 AMENDMENT NO. 2
4 On page 1, line 4, change "Articles 1271(D)" to "Articles 1124(D)"

5 AMENDMENT NO. 3
6 On page 1, at the beginning of line 5, change "birth" to "adoption"

7 AMENDMENT NO. 4
8 On page 1, line 9, after the semicolon ";" delete the remainder of the line and on line 10, delete "of a noncertified copy of a birth certificate in certain circumstances" and insert "to provide for the promulgation of rules;"

9 AMENDMENT NO. 5
10 On page 1, line 13, change "Articles 1271(A)" to "Articles 1271"

11 AMENDMENT NO. 6
12 On page 1, line 14, change "Articles 1271(D)" to "Articles 1124(D)"

13 AMENDMENT NO. 7
14 On page 1, delete lines 16 through 22 in their entirety and insert the following:

"Art. 1124. Requirement of family information

* * * *

D. A surrendering parent shall submit an updated statement of family history to the voluntary registry, as provided for in Article 1271, every five years after the initial execution of the statement of family history.

* * * *

Art. 1271. Registration

A. Registration shall be by affidavit filed with the office of children and family services. The office shall develop and furnish standardized affidavit forms and contact preference forms appropriate for effecting the purpose of this Chapter. Registration shall be effective upon filing and shall remain effective until withdrawn by the affiant's written request. The department may establish registration and renewal fees not to exceed twenty-five dollars.

B.(1) Registration shall be effective upon filing and shall remain effective until withdrawn by the affiant's written request. A birth parent, or
sibling of an adoptee who is a child of the birth parent, who registers with the volun
tary registry may do any of the following:

(a) File a contact preference form indicating whether or not he desires to be contacted if a match is made.

(b) Consent to or prohibit the release of a noncertified copy of the adoptee's original birth certificate.

(c) Consent to or prohibit the release of his identifying information contained on any document filed with the voluntary registry.

(2) A birth parent who files a contact preference form with the registry shall be required to submit an updated statement of family history form to the registry upon filing and every five years thereafter.

C. (1) The department may establish registration and renewal fees not to exceed twenty-five dollars. An adoptee who registers with the voluntary registry may do any of the following:

(a) Request a noncertified copy of his original birth certificate.

(b) Request an updated statement of family history.

(c) File a contact preference form indicating whether or not he desires to be contacted if a match is made.

(d) Consent to or prohibit the release of his identifying information contained on any document filed with the voluntary registry.

(2)(a) If an adoptee requests a noncertified copy of his original birth certificate, the office of children and family services shall determine whether a birth parent has filed a consent with the voluntary registry authorizing the release of the information. Upon determination of whether a consent exists, the office of children and family services shall do the following:

(i) If a birth parent has consented to the release of the adoptee's original birth certificate, the office of children and family services shall coordinate with the vital records registry to facilitate the release of the noncertified copy of the original birth certificate to the adoptee. If only one birth parent has filed with the voluntary registry and consented to the release of the adoptee's original birth certificate, the name of the birth parent who has not consented shall be redacted before a noncertified copy of the original birth certificate is issued to the adoptee.

(ii) If a birth parent has not filed with the registry or has prohibited the release of the noncertified copy of the original birth certificate to the adoptee, the office of children and family services shall notify the adoptee of such and a copy of the noncertified copy of the original birth certificate shall not be issued.

(iii) If a birth parent has filed a contact preference form and an updated statement of family history, regardless of whether the birth parent has consented to or prohibited the release of the adoptee's original birth certificate, the office of children and family services shall issue a copy of the contact preference form and any updated statement of family history to the adoptee, but shall redact any identifying information if the birth parent has prohibited the release of any identifying information.

(b) If an adoptee requests an updated statement of family history, the office of children and family services shall determine whether a birth parent has submitted an updated statement of family history and shall issue a copy, if one is filed, to the adoptee. If a birth parent has submitted an updated statement of family history but has prohibited the release of any identifying information, the office of children and family services shall redact all identifying information from the updated statement of family history before issuing a copy to the adoptee.

(c) Upon receipt of the updated statement of family history submitted by a birth parent every five years after the initial filing, the office of children and family service shall issue to the adoptee a copy of the updated statement of family history.
D. All documents filed with the voluntary registry pursuant to the provisions of this Article shall be maintained in the files of the registry until such time as a match is made pursuant to Article 1272.

E. The Department of Children and Family Services and the Department of Health and Hospitals shall promulgate the rules necessary for the implementation of this Article on or before September 1, 2015, in accordance with the Administrative Procedure Act.

AMENDMENT NO. 8

On page 2, delete lines 1 through 9 in their entirety

AMENDMENT NO. 9

On page 3, delete lines 1 through 9 in their entirety and insert the following:

"E. If a match is made between a registered adoptee and a registered birth parent or registered sibling, disclosure or issuance of any document contained within the files of the voluntary registry or the vital records registry shall be made in accordance with the provisions of this Chapter and R.S. 40:80."

AMENDMENT NO. 10

On page 3, at the end of line 17, delete the period "." and insert "if the birth parent has consented."

AMENDMENT NO. 11

On page 3, delete lines 18 through 21 in their entirety and insert the following:

"(2) That a birth parent of an adoptee, or a sibling of the adoptee who is a child of the birth parent, who registers with the voluntary registry may file a contact preference form with the voluntary registry, consent to or prohibit the release of a noncertified copy of the adoptee's original birth certificate, and consent to or prohibit the release of the birth parent's identifying information on any document filed with the voluntary registry."

AMENDMENT NO. 12

On page 3, at the beginning of line 23, delete "indicating "No Contact""

AMENDMENT NO. 13

On page 3, line 27, after "form" delete the remainder of the line and insert a period "."

AMENDMENT NO. 14

On page 4, at the end of line 2, delete the period "." and insert a comma "," and "if the national advertising is at no cost to the state."

AMENDMENT NO. 15

On page 4, line 4, after "Services" delete the remainder of the line and insert a period "."

AMENDMENT NO. 16
On page 4, line 9, after "(4)" change "Notices enclosed with" to "Information regarding the campaign, or a website address where a person can obtain information about the campaign, to be printed on the outside of"

AMENDMENT NO. 17

On page 4, at the end of line 13, change "the notice" to "the campaign information statement"

AMENDMENT NO. 18

On page 4, at the beginning of line 20, insert "A."

AMENDMENT NO. 19

On page 4, between lines 22 and 23, insert the following:

"B. No person shall have a cause of action against the office of children and family services or an employee for any injury or damage caused by the disclosure of any information that is filed in the records of the voluntary registry and is disclosed in accordance with the procedures of this Chapter, unless the injury or damage was caused by willful or wanton misconduct or gross negligence."

AMENDMENT NO. 20

On page 7, delete lines 1 and 2 in their entirety and insert "of a competent court or in accordance with the provisions of Children's Code Article 1271 and R.S. 40:80."

AMENDMENT NO. 21

On page 7, delete lines 5 and 6 in their entirety and insert the following:

"A. Beginning on September 1, 2015, if an adoptee twenty-five years of age or older requests a copy of a noncertified copy of his original birth certificate, and a birth parent has consented to the release of the noncertified copy of the adoptee's original birth certificate, the state registrar, in coordination with the office of children and family services, shall issue to the adoptee a"

AMENDMENT NO. 22

On page 7, delete lines 13 through 20 in their entirety and insert the following:

"C. The issuance of a noncertified copy of an original birth certificate to an adoptee shall be in accordance with the provisions of Children's Code Articles 1271, et seq."

AMENDMENT NO. 23

On page 7, at the beginning of line 25, change "September 1, 2014" to "September 1, 2015"