
DIGEST

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HB 391 Original

2016 Regular Session

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Abstract: Provides a confidential intermediary process for adopted persons over the age of 18 to obtain their original birth certificate or other identifying information.

Present law (Ch.C. Art. 1185) provides for the confidentiality of adoptions records and restricts access to them.

Proposed law retains present law and authorizes the release of confidential reports to confidential intermediaries.

Present law (Ch.C. Art. 1188) provides for the motion for disclosure upon the showing of a compelling necessity.

Proposed law retains present law and adds the confidential intermediary process to the list of exclusive means for gaining access to adoption records. Proposed law also adds a venue provision for this motion.

Proposed law (Ch.C. Art. 1192.1) authorizes an adopted person age 18 years or older to file a motion seeking the disclosure of his birth certificate or other identifying information. Requires the court to appoint a confidential intermediary and requires the parties to undergo at least one hour of counseling prior to the release of any information which may lead to contact between an adopted person and his biological parent.

Proposed law authorizes the court to report a confidential intermediary for discipline if he violates the requirements of confidentiality.

Proposed law (Ch.C. Art. 1192.3) provides the duties of the confidential intermediary, including reviewing the adoption records, locating the biological parent, and reporting his findings to the court. Also provides for the mover to pay the fees of the confidential intermediary.

Proposed law (Ch.C. Art. 1192.4) requires the court to grant the motion for disclosure if the parties have complied with the counseling requirement and if the biological parent has consented in writing to the release of identifying information.

Proposed law requires the court to deny the motion for disclosure if the biological parent does not consent in writing to the release of identifying information.

(Amends Ch.C. Arts. 1185, 1187, 1188, and 1191(intro. para.) and (1); Adds Ch.C. Arts. 1192.1-1192.4)