
DIGEST

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Schexnayder

HB No. 1028

Abstract: Provides an adoptee, age 25 and older, access to a noncertified copy of his original birth certificate, authorizes a birth parent to file a contact preference form with the voluntary registry, and provides for a nationwide, public awareness campaign.

Present law (Ch.C. Art. 1271) provides procedures for registration with the voluntary adoption registry.

Proposed law retains present law and requires the office of children and family services to develop and furnish a contact preference form. Further requires a birth parent who files a preference form indicating "No Contact" to submit an updated statement of family history form to the registry. Allows a birth parent to prohibit the release of identifying information on a birth certificate, contact preference form, and updated statement of family history.

Present law (Ch.C. Art. 1272) provides procedures for matching registrants, including notice and mandatory counseling.

Proposed law retains present law and requires the office of children and family services to provide a copy of a contact preference form and updated statement of family history, if available, to the adoptee when an adoptee and birth parent have been matched.

Proposed law (Ch.C. Art. 1272.1) requires the office of children and family services to conduct a one-year-long, nationwide campaign to inform the public that an adoptee who is 25 years old or older may obtain a noncertified copy of his original birth certificate, that the birth parent of an adoptee may file a contact preference form with the registry, that a birth parent may prohibit the release of identifying information, and that a birth parent electing "No Contact" is required to submit an updated statement of family history.

Proposed law further requires the nationwide campaign to include the following:

- (1) Public service announcements and press releases to radio stations and newspapers.
- (2) Announcements posted on DCFS's website and adoption agencies licensed by the state.
- (3) Notices distributed throughout the state to physician's offices, social welfare organizations, and other like entities.

- (4) Notices enclosed with every motor vehicle registration renewal and every driver's license renewal application issued by the office of motor vehicles.

Present law (R.S. 40:41) restricts disclosure of certain records in the custody of the state registrar, including confidential birth information that may disclose whether a child was born of or outside of marriage.

Proposed law retains present law but creates an exception for original birth certificates provided pursuant to R.S. 40:80.

Present law (R.S. 40:73) provides procedures for providing adoptive parents with a new record and requires the original birth certificate to be sealed with other documents related to the adoption. Further restricts opening the sealed package only upon order of a competent court after a showing of compelling reasons.

Proposed law retains present law except it deletes the requirement that an order of the court is the only method by which a sealed package can be opened.

Present law (R.S. 40:77) provides procedures for providing adoptive parents with a new record and requires the original birth certificate to be sealed with other documents related to the adoption. Further restricts opening the sealed package only upon order of a competent court after a showing of compelling reasons.

Proposed law retains present law except it deletes the requirement that an order of the court is the only method by which a sealed package can be opened.

Present law (R.S. 40:79) provides for records of adoption decrees and requires the original birth certificate to be sealed by the state registrar with the certificate of the adoption decree. Further restricts opening the sealed package only upon order of a competent court.

Proposed law retains present law but expands restriction to allow a sealed package to be opened upon the application of an adoptee 25 years old or older who has requested a noncertified original birth certificate.

Proposed law (R.S. 40:80) requires the state registrar to issue a noncertified copy of an original birth certificate and statement of family history to an adoptee who is 25 years old or older upon the adoptee's written application and requires the state registrar to redact any identifying information from the noncertified copy if a birth parent has prohibited the release of any identifying information. Restricts release of the noncertified copy of the birth certificate through the Vital Records Registry and directs the state registrar to promulgate rules for the issuance of the noncertified copy of the birth certificate.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Arts. 1271(A), 1272(A), (B), and (C), 1273, and 1276 and R.S. 40:41(B)(1),

73(B), 77(B) and (D), and 79(A)(4); Adds Ch.C. Arts. 1271(D), 1272(E), and 1272.1 and R.S. 40:80)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Required the office of children and family services to conduct a one-year-long, nationwide public awareness campaign to inform the public of proposed law.
2. Changed the effective date of release of the noncertified copy of the original birth certificate from Jan. 1, 2015, to Sept. 1, 2015.
3. Changed the entity authorized to release the noncertified copy of the original birth certificate from the clerk of court to the Vital Records Registry.