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,
9   delete "of a noncertified copy of a birth certificate in certain circumstances" and insert "to
10   provide for the promulgation of rules;"

11   AMENDMENT NO. 5

12   On page 1, line 13, change "Articles 1271(A)" to "Articles 1271"

13   AMENDMENT NO. 6

14   On page 1, line 14, change "Articles 1271(D)" to "Articles 1124(D)"

15   AMENDMENT NO. 7

16   On page 1, delete lines 16 through 22 in their entirety and insert the following:

17   "Art. 1124. Requirement of family information
18   *   *   *
19   D. A surrendering parent shall submit an updated statement of family
20   history to the voluntary registry, as provided for in Article 1271, every five
21   years after the initial execution of the statement of family history.
22   *   *   *
23   Art. 1271. Registration
24   A. Registration shall be by affidavit filed with the office of children
25   and family services. ~~That~~ The office shall develop and furnish standardized
26   affidavit forms and contact preference forms appropriate for effecting the
27   purpose of this Chapter. Registration shall be effective upon filing and shall
28   remain effective until withdrawn by the affiant's written request.   The
29   department may establish registration and renewal fees not to exceed twenty
30   five dollars.
31   B.(1) ~~Registration shall be effective upon filing and shall remain~~
32   ~~effective until withdrawn by the affiant's written request.~~ A birth parent, or

1   sibling of an adoptee who is a child of the birth parent, who registers with the
2   voluntary registry may do any of the following:
3   (a) File a contact preference form indicating whether or not he
4   desires to be contacted if a match is made.
5   (b) Consent to or prohibit the release of a noncertified copy of the
6   adoptee's original birth certificate.
7   (c) Consent to or prohibit the release of his identifying information
8   contained on any document filed with the voluntary registry.
9   (2) A birth parent who files a contact preference form with the
10 registry shall be required to submit an updated statement of family history
11 form to the registry upon filing and every five years thereafter.
12   C.(1) The department may establish registration and renewal fees not
13 to exceed twenty-five dollars. An adoptee who registers with the voluntary
14 registry may do any of the following:
15   (a) Request a noncertified copy of his original birth certificate.
16   (b) Request an updated statement of family history.
17   (c) File a contact preference form indicating whether or not he
18 desires to be contacted if a match is made.
19   (d) Consent to or prohibit the release of his identifying information
20 contained on any document filed with the voluntary registry.
21   (2)(a) If an adoptee requests a noncertified copy of his original birth
22 certificate, the office of children and family services shall determine whether
23 a birth parent has filed a consent with the voluntary registry authorizing the
24 release of the information. Upon determination of whether a consent exists,
25 the office of children and family services shall do the following:
26   (i) If a birth parent has consented to the release of the adoptee's
27 original birth certificate, the office of children and family services shall
28 coordinate with the vital records registry to facilitate the release of the
29 noncertified copy of the original birth certificate to the adoptee. If only one
30 birth parent has filed with the voluntary registry and consented to the release
31 of the adoptee's original birth certificate, the name of the birth parent who
32 has not consented shall be redacted before a noncertified copy of the original
33 birth certificate is issued to the adoptee.
34   (ii) If a birth parent has not filed with the registry or has prohibited
35 the release of the noncertified copy of the original birth certificate to the
36 adoptee, the office of children and family services shall notify the adoptee of
37 such and a copy of the noncertified copy of the original birth certificate shall
38 not be issued.
39   (iii) If a birth parent has filed a contact preference form and an
40 updated statement of family history, regardless of whether the birth parent
41 has consented to or prohibited the release of the adoptee's original birth
42 certificate, the office of children and family services shall issue a copy of the
43 contact preference form and any updated statement of family history to the
44 adoptee, but shall redact any identifying information if the birth parent has
45 prohibited the release of any identifying information.
46   (b) If an adoptee requests an updated statement of family history, the
47 office of children and family services shall determine whether a birth parent
48 has submitted an updated statement of family history and shall issue a copy,
49 if one is filed, to the adoptee. If a birth parent has submitted an updated
50 statement of family history but has prohibited the release of any identifying
51 information, the office of children and family services shall redact all
52 identifying information from the updated statement of family history before
53 issuing a copy to the adoptee.
54   (c) Upon receipt of the updated statement of family history submitted
55 by a birth parent every five years after the initial filing, the office of children
56 and family service shall issue to the adoptee a copy of the updated statement
57 of family history.

1   D. All documents filed with the voluntary registry pursuant to the
2 provisions of this Article shall be maintained in the files of the registry until
3 such time as a match is made pursuant to Article 1272.
4   E. The Department of Children and Family Services and the
5 Department of Health and Hospitals shall promulgate the rules necessary for
6 the implementation of this Article on or before September 1, 2015, in
7 accordance with the Administrative Procedure Act."

8 AMENDMENT NO. 8

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

10 AMENDMENT NO. 9

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

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

17 AMENDMENT NO. 10

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

20 AMENDMENT NO. 11

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

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

28 AMENDMENT NO. 12

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

30 AMENDMENT NO. 13

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

32 AMENDMENT NO. 14

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

35 AMENDMENT NO. 15

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

37 AMENDMENT NO. 16

1   On page 4, line 9, after "(4)" change "Notices enclosed with" to "Information regarding the
2   campaign, or a website address where a person can obtain information about the campaign,
3   to be printed on the outside of"

4   AMENDMENT NO. 17

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

7   AMENDMENT NO. 18

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

9   AMENDMENT NO. 19

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

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

17 AMENDMENT NO. 20

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

20 AMENDMENT NO. 21

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

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

28 AMENDMENT NO. 22

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

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

33 AMENDMENT NO. 23

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.