

## **BILL ANALYSIS**

Senate Research Center  
79R2738 MCK-F

S.B. 364  
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Jurisprudence  
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### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, Texas requires supplementary birth certificates to be issued in lieu of standard birth certificates when an individual is adopted. Supplementary birth certificates differ from standard birth certificates because they do not divulge the name or location of the birth parents, regardless of the wishes of the adoptive parents, child, or court.

Under current law the original birth certificate cannot be accessed without an order issued by the same court that originally granted the adoption. In some cases, an adoptee may not be aware which court granted the adoption, in which case the adoptee would have to pay a fee to register with the Central Adoption Registry in order to ascertain the court's name.

S.B. 364 is designed to enable adults who were adopted as children to access their original birth certificate, without having to go through the courts. As proposed, S.B. 364 allows adoptive parents and adoptive children over the age of 12 and/or the courts to specify that a supplementary birth certificate need not be issued. This bill provides a procedure for adopted persons over the age of 21, or if the adopted person is deceased, their adult descendant, adult sibling, or surviving spouse to obtain a copy of the original birth certificate and creates a "contact preference form" to allow birth parents who do not wish to be reunited with the adopted person an opportunity to express their preference and to update their family medical history.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 192.008, Health and Safety Code, by amending Subsections (a), (d), and (e) and adding Subsections (a-1), (f), and (g), as follows:

(a) Includes that the only information that may be changed on the supplementary birth certificate of an adopted child is the name of the mother, father, or child.

(a-1) Prohibits the state registrar (registrar) from issuing a supplementary birth certificate if a court, an adoptive parent, or, if the adoptee is at least 12 years of age, the adoptee requests that a supplementary birth certificate not be issued. Requires the registrar to furnish a certified copy of the report of adoption if a supplementary birth certificate may not be issued.

(d) Makes a conforming change.

(e) Includes the docket number of the adoption suit and the date that the adoption order was rendered among the information an individual applying for access to an original birth certificate and the filed documents on which the supplementary birth certificate is based is entitled. Authorizes any court of competent jurisdiction to which the individual presents the affidavit to order access to the documents on which the supplementary certificate is based.

(f) Requires the registrar, subject to Subsection (g), to provide to a person who was adopted or, if the adopted person is deceased, an adult descendent, adult

sibling, or surviving spouse of the adopted person a noncertified copy of the person's original birth certificate if certain conditions are met.

(g) Prohibits the registrar from making the original birth certificate available without a court order if a birth parent files certain items with the state registrar.

SECTION 2. Amends Subchapter A, Chapter 192, Health and Safety Code, by adding Section 192.0085, as follows:

Sec. 192.0085. UPDATED MEDICAL HISTORY AND CONTACT PREFERENCE FORM. (a) Authorizes a birth parent to file an updated medical history and a contact preference form with the registrar.

(b) Requires the registrar to deliver the updated medical history and the contact preference form to an adopted person if the adopted person makes any inquiry with the registrar.

(c) Requires the registrar to deliver the updated medical history and the contact preference form to an adopted person who receives access to an original birth certificate under Section 192.008.

(d) Requires the registrar to keep certain statistics regarding updated medical histories and contact preference forms.

(e) Authorizes the registrar to charge the birth parent a reasonable fee to cover the costs of complying with this section.

SECTION 3. Makes application of Sections 192.008(f) and 192.0085, Health and Safety Code, as added by this Act, prospective to January 1, 2006.

SECTION 4. Provides that a change in law made by this Act regarding access to birth certificate information applies without regard to the date an adoption order is rendered.

SECTION 5. Effective date: September 1, 2005.