

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 221
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Jurisprudence
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Committee Report (Substituted)

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 adopted 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 of which court granted their 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.

C.S.S.B. 221 enables adults who were adopted as children to access their original birth certificate without having to go through the courts. In addition, this bill allows adoptive parents and adoptive children over the age of 12 and/or the courts to specify that a supplemental birth certificate need not be issued. C.S.S.B. 221 establishes a procedure for adopted persons over the age of 18, or if the adopted person is deceased, his or her adult descendant, adult sibling, or surviving spouse, to obtain a copy of the original birth certificate. Finally, this bill creates a "contact preference form" to allow birth parents who do not wish to be reunited with an adopted child to express that preference.

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 adding Subsections (g), (h), (i), and (j), as follows:

(g) Requires the state registrar, on request, to provide a person who was adopted on or after January 1, 2008, or if the adopted person is deceased, or is a certain relative of the adopted person, a noncertified copy of the person's original birth certificate if certain procedures are followed, subject to Subsections (i) and (j).

(h) Authorizes the state registrar, if resources allow, on request, to provide to a person who was adopted before January 1, 2008, or if the person is deceased, or is a certain relative of the adopted person, a noncertified copy of the person's original birth certificate only if an adopted person's birth parent has filed a contact preference form with the state registrar authorizing the release of a noncertified copy of the person's original birth certificate, subject to Subsections (i) and (j).

(i) Prohibits the state registrar from releasing a noncertified copy of the adopted person's birth certificate, without a court order, regardless of the other birth parent's preference, if a parent files with the state registrar a contact preference form indicating the birth parent's preference that a noncertified copy of the adopted person's original birth certificate not be released.

(j) Prohibits the state registrar from releasing, without a court order, a noncertified copy of an adopted person's original birth certificate if one of the birth parents files a contact

preference form indicating that such a certificate may not be released until the death of that birth parent.

SECTION 2. Amends Subchapter A, Chapter 192, Health and Safety Code, by adding Sections 192.0085 and 192.0086, as follows:

Sec. 192.0085. CONTACT PREFERENCE FORM AND UPDATED MEDICAL HISTORY FORM. (a) Requires the state registrar to develop a contact preference form on which a birth parent must state the birth parent's preference regarding contact by an adopted person. Sets forth the options that are required to be given to a birth parent on the contact preference form.

(b) Requires the state registrar to develop an updated medical history form.

(c) Requires the state registrar to provide the contact preference form in English and Spanish.

(d) Requires Texas Department of State Health Services (DSHS) to provide the forms on its website.

(e) Authorizes the birth parent to file an updated contact preference form and updated medical history form with the state registrar. Authorizes the birth parent to return the updated contact preference form and updated medical history form together to the state registrar.

(f) Requires the state registrar to deliver the birth parent's forms to an adopted person who receives a noncertified copy of the adopted person's original birth certificate under Section 192.008, Health and Safety Code.

(g) Requires the state registrar to keep statistical records on certain information.

(h) Authorizes the state registrar to charge an adopted person a fee for services provided under this section.

Sec.192.0086. CONTACT USING INTERMEDIARY. (a) Requires the state registrar to make the contact information of a designated intermediary available to the adopted person upon request if such a preference is indicated on a contact preference form filed with the state registrar.

(b) Requires the state registrar to notify the birth parent by certified mail that the birth parent must provide the intermediary's contact information not later than the 90th day after receipt of the notification if such information is not provided at the time of request by the adopted person.

(c) Requires the state registrar to release a noncertified copy of the original birth certificate to the adopted person if the aforementioned intermediary information requirement is not met.

(d) Requires the state registrar to release a noncertified copy of the original birth certificate to the adopted person on the 91st day after notification was sent to the birth parent if the state registrar is unable to reach the birth parent because the contact information is not current.

SECTION 3. Amends Subchapter A, Chapter 162, Family Code, by adding Section 162.0061, as follows:

Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING. (a) Provides that this section does not apply to adoptions by certain relatives.

(b) Requires certain agencies, persons, or entities to notify the birth parents of a child certain information; provide the birth parents of the child with a contact

preference form; and forward the original completed contact preference form to the state registrar.

(c) Prohibits a petition for adoption from being granted until a copy of the birth parent's contact preference form has been filed.

(d) Authorizes a court having jurisdiction of a suit affecting the parent-child relationship to, by order, waive the contact preference form filing requirement of this section if the child's biological parents cannot be located or are deceased or the court determines it is in the best interest of the child to waive the requirement.

SECTION 4. (a) Requires the state registrar to keep statistics on the number of certain contact preference forms by certain categories.

(b) Requires the state registrar to report its findings under this section to the legislature not later than January 1, 2009.

SECTION 5. (a) Prohibits the state registrar from issuing a noncertified copy of an original birth certificate under Section 192.008(h), Health and Safety Code, as added by this Act, before January 1, 2009.

(b) Requires the state registrar to develop certain forms as required by Section 192.0085, Health and Safety Code, as added by this Act, not later than January 1, 2008.

SECTION 6. Makes application of Section 162.0061, Family Code, as added by this Act, prospective to January 1, 2008.

SECTION 7. Effective date: September 1, 2007.