

BILL ANALYSIS

Senate Research Center
83R4662 JSC-D

S.B. 714
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, when an adoption is finalized, the original birth certificate of the child being adopted is sealed. The child is issued an amended birth certificate on which the names of the birth parents have been replaced with the names of the adoptive parents. The original birth certificate cannot be accessed without an order issued by the same court that originally granted the adoption. Depending on the county and the judge, the adult adoptee may or may not be granted access to his or her original birth certificate, regardless of the stated reasons, even if the birth parents are deceased.

S.B. 714 amends the Health and Safety Code to provide that if an adult adoptee who does not know the identity of one or both of his or her parents listed on his or her original birth certificate applies for access to that original certificate, the state registrar is required to perform a search of available death records to determine if both birth parents are dead. If both parents are dead, the registrar is required to provide to the adult adoptee a non-certified copy of his or her original birth certificate without a court order.

As proposed, S.B. 714 amends current law relating to access to birth records of certain adopted children.

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 Subsection (g), as follows:

(g) Requires the state registrar, if an adult adoptee who does not know the identity of one or both parents listed on the person's original birth certificate applies for access to the person's original birth certificate, to perform a search of reasonably available death records to determine if each parent named on the original birth certificate whose identity is unknown to the adoptee is deceased. Requires the registrar, upon confirmation that each parent named on the original birth certificate whose identity is unknown to the adoptee is deceased, to provide to the person a noncertified copy of the person's original birth certificate without a court order.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.