

SUBJECT: Providing adopted individuals with access to their birth certificates

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — S. Thompson, Allison, Lucio, Ortega, Sheffield, Zedler

0 nays

5 absent — Wray, Coleman, Frank, Guerra, Price

WITNESSES: For — Elizabeth Jurenovich, Abrazo Adoption Associates; Anne Bingham, Sherry Ferguson, and Dawn Marie Scott, Support Texas Adoptees Rights (STAR); Shawna Hodgson and Joyce Stripling, Texas Adoptee Rights Coalition; Patricia Martinez Dorner; Connie Gray; Noel Johnson; Beverly Kiser; Marla Smith; (*Registered, but did not testify*: Rod Lind, Adoption Knowledge Affiliates; Lana Addington and Mary Wilson, Adoption Network of Texas; Adam McKinney, Buckner Children and Family Services; Kimberlee Dimick, Equality 4 Adoptees; Will Francis, National Association of Social Workers-Texas Chapter; Susan Ostrand, Joellen Peters, and Marci Purcell, STAR; Andrew Homer, Texas CASA; Amy Bresnen, Texas Family Law Foundation; and 20 individuals)

Against — Joe Pojman, Texas Alliance for Life

On — (*Registered, but did not testify*: Manda Hall and Barbara Klein, Department of State Health Services; Liz Kromrei, Department of Family and Protective Services)

DIGEST: HB 2725 would provide for the issuance of a noncertified copy of an adopted person's birth certificate, require the state registrar to create contact and medical history forms for birth parents, and require child-placing entities to provide certain information to birth parents.

**Issuance of noncertified birth certificate copy.** The bill would require the state registrar to provide to a person who was adopted a noncertified copy of the person's original birth certificate if the person was born in

Texas, the request was made on or after the person's 18th birthday, a supplementary birth certificate was issued for the person, and the person requesting the noncertified copy of the adopted person's original birth certificate provided appropriate proof of identity.

If the adopted person was deceased, the state registrar could provide a noncertified copy of the person's birth certificate to an adult descendant, adult sibling, surviving spouse, or adoptive parent of the adopted person following the same criteria.

The state registrar would collect the same fee for the issuance of a noncertified copy of an adopted person's original birth certificate that is currently collected for other noncertified copies of birth certificates. The state registrar would have to issue the copy of an adopted person's birth certificate within the time prescribed for the issuance of other noncertified copies of birth certificates.

The state registrar would not have to comply with the provisions relating to the issuance of noncertified birth certificate copies for adopted individuals until July 1, 2020.

**Forms.** The state registrar would have to develop a contact preference form and supplemental medical history form for birth parents.

*Contact preference form.* The contact preference form would allow birth parents who placed a child for adoption to indicate preferences regarding contact by that child. Birth parents could complete a form for each child born to them that was placed for adoption and could indicate that they:

- wished to be directly contacted by the adopted person;
- wished to be contacted by the adopted person only through an intermediary selected and identified by the birth parent; or
- did not wish to be contacted by the adopted person.

The form would have to include a space for birth parents who wished to be contacted through an intermediary to identify a person to serve as the

intermediary and to provide that person's contact information. The state registrar would have to ensure that a birth parent who selected that option entered the intermediary information.

A birth parent who opted to be directly contacted by the adopted person or to be contacted through an intermediary could not change the form after it was on file with the state registrar. However, a birth parent could change the intermediary contact information as necessary. A birth parent who opted to not be contacted by the adopted person could file a supplemental contact preference form electing contact directly from the adopted person or through an intermediary.

*Supplemental medical history form.* The state registrar would develop a supplementary medical history form for a birth parent to provide medical information in addition to information from the adopted person's genetic history report.

The Department of State Health Services would be required to post on its website the contact preference form and the supplemental medical history form and to make copies of the forms available in the state registrar's office. The state registrar would have to provide a copy of the contact preference form and any available supplemental medical history form to an adopted person or other person entitled to receive a noncertified copy of the adopted person's original birth certificate.

The state registrar would have to develop the contact preference form and the supplemental medical history form by January 1, 2020.

The birth parent of a person who was adopted before January 1, 2020, could file a contact preference form or supplemental medical history form no later than July 1, 2020. A form could be accepted after that date at the discretion of the state registrar. A birth parent could file a supplemental contact preference form modifying the birth parent's contact preference any time before July 1, 2020.

**Information provided to birth parents.** The Department of Family and

Protective Services (DFPS) or the licensed child-placing agency, person, or other entity that placed a child for adoption would have to inform the child's birth parents that:

- Health and Safety Code ch. 192 governs the birth parent contact preference form and the right to obtain a noncertified copy of the adopted person's original birth certificate on or after that person's 18th birthday; and
- the birth parents could provide a completed contact preference form to DFPS, another entity placing the child for adoption, or the state registrar.

DFPS or another entity that placed a child for adoption would have to provide the child's birth parents with a contact preference form and forward each original completed form to the state registrar. The notice provided to birth parents would have to be provided at the time their parental rights were terminated.

A birth parent could file a contact preference form or supplementary medical history form directly with the state registrar in lieu of providing a contact preference form to the entity that placed a child for adoption.

The provisions relating to information provided to birth parents of an adopted person would apply only to a suit for adoption in which an order terminating parental rights was rendered on or after January 1, 2020.

The bill would take effect September 1, 2019.