

HB 1237 -- Adoption Records

Sponsor: Davis

Currently, the State Registrar can only open an adoption file if a certified copy of a court order has been issued. This bill allows any adopted person who is 21 years of age or older to submit an application to the State Registrar and, upon receiving the application, be issued a certified copy of his or her original, unaltered birth certificate and adoption records.

Any adopted person who is 21 years of age or older will be allowed to inspect or copy any files and court records of his or her adoption proceedings and obtain his or her original birth certificate contained in any permanent record or file. Persons who permit inspection or copying by any unauthorized individual will be guilty of a class C misdemeanor.

The bill changes the laws regarding the release of identifying information by:

(1) Allowing a court to release it to an adopted adult without the consent of the biological parents in certain instances;

(2) Requiring a biological parent to file an affidavit that refuses to authorize the release of his or her identifying information with the court in order for the information not to be released to the adopted child. Currently, a biological parent must file an affidavit to allow his or her identifying information to be released;

(3) Allowing identifying information to be released if the biological parent is deceased and removes the requirement that the information is necessary for health-related purposes;

(4) Allowing release of identifying information concerning an adult sibling without the consent of the adult sibling and without a court finding that the information is needed for health-related purposes; and

(5) Repealing the requirement that the Children's Division within the Department of Social Services attempt to make confidential contact with a biological parent or adult sibling who has not given consent of the release of identifying information when a possible match has been made in the adoption registry.