

HOUSE RESEARCH

Bill Summary

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Subject: Adoption; access to birth records

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Overview

This bill permits adopted persons age 19 and older to have access to a noncertified copy of their original birth record if there is no affidavit of nondisclosure on file.

Section

- 1 Adoption records.** Amends § 13.465, subdivision 8. Adds a cross-reference to proposed coding in this bill
- 2 Adoption.** Amends § 144.218, subdivision 1. Provides that an original birth record is private data on individuals; current law classifies this as confidential. Adds that an adopted person who is at least 19 years of age shall be able to access the information contained on the original birth record unless an affidavit of nondisclosure is on file with the state registrar. Adds a cross-reference to proposed coding in this bill.
- 3 Data about births.** Amends § 144.225, subdivision 2. Adds a cross-reference to proposed coding in this bill.
- 4 Access to original birth record after adoption.** Amends § 144.2252. Changes a cross-reference to proposed coding in this bill.
- 5 Access to original birth records by adopted person; department duties.** Creates §144.2253.

Subd. 1. Affidavits. Requires the Department of Health to prepare affidavit of disclosure and nondisclosure forms and make the forms readily accessible to birth parents on the department website.

Subd. 2. Disclosure. Provides that the state registrar shall provide a noncertified copy of the original birth certificate upon request to an adopted person age 19 or older

if there is no affidavit of nondisclosure on file. Instructs the state registrar to honor both affidavits of disclosure and nondisclosure.

Subd. 3. Rescission of affidavit. Permits a parent to rescind an affidavit of disclosure or nondisclosure at any time.

Subd. 4. Affidavit of nondisclosure; access to birth record. If an affidavit of nondisclosure is on file, permits an adopted person age 19 or older to petition the court for access to the birth record. After consideration of all interests if the court determines disclosure of the information would be of greater benefit than nondisclosure, then the court shall grant the petition.

Subd. 5. Information provided. Paragraph (a) instructs the department, in consultation with adoption agencies and adoption advocates, to provide information and educational materials to adopted persons and birth parents about the changes in access to birth records. Defines “adoption advocate.”

Paragraph (b) provides that the department is to provide notice on its website about the change in law and direct individuals to private agencies and advocates for services.

Paragraph (c) permits adoption agencies to charge a fee.

- 6 **Which services are for fee.** Amends §144.226, subd. 1. Authorizes the department to charge an \$18 fee for noncertified copies of birth records to adopted persons.
- 7 **Request.** Amends § 259.89, subdivision 1. Strikes language that requires the commissioner of health to notify the commissioner of human services when an adopted person requests disclosure of information on the birth record.
- 8 **Rights of terminated parent.** Amends § 260C.317, subdivision 4. Changes a cross-reference to proposed coding in this bill.
- 9 **Repealer.** Repeals section 259.83, subdivision 3 (related to access of information on the original birth records); section 259.89, subdivision 2 (search by the commissioner of human services for the birth parents); subdivision 3 (related to access of birth record if the commissioner cannot locate the birth parents); and subdivision 4 (release of birth record information after notice to the birth parents).
- 10 **Effective date.** Provides an effective date of July 1, 2010.