

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 162

**PRINTER NO.** 3955

**AMOUNT**

\$386,000

**FUND**

General Fund

**DATE INTRODUCED**

February 17, 2015

**PRIME SPONSOR**

Representative Benninghoff

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 162 amends Title 23 (Domestic Relations) regarding adoptee access to an original birth record.

Without the birth parents' affirmative consent, adoptees may apply to the Department of Health (DOH) for a noncertified copy of their original birth record as long as they are at least 18 years of age and have:

- Graduated from high school;
- Completed a General Education Development program; or
- Legally withdrawn from secondary schooling.

If the adoptee is deceased, the adoptee's descendants may apply.

A noncertified copy of an original birth record is similar in form to a certified copy and contains the names and ages of the birth parents, the date and county of birth and the birth name given to the child.

Applications by adoptees shall be in a form acceptable to the DOH and shall include the adoptee's:

- Current name and name assumed at adoption
- Address
- Age and date of birth
- Proof of identification
- Telephone number

If the application contains the information necessary for the DOH to verify the identity of the applicant and locate the relevant records, a noncertified copy of original birth record shall be issued within 45 days of receipt of the application.

The Department of Health shall develop a contact preference form and a name redaction request form for birth parents. These forms, as well as a medical history form, shall be made available to birth parents upon request. The name redaction form shall only be made available upon the effective date of this subsection.

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The contact preference form shall provide the birth parent with three options. The birth parents may elect either to be contacted, to be contacted through an intermediary, or not to be contacted at all. An updated medical form may be submitted when selecting any option on the contact preference form.

The redaction request form shall allow the birth parents to elect to have their names redacted from the noncertified copy of the original birth certificate. The form shall include policies and procedures for the birth parents to have the redaction request form placed in the adoption file of the adoptee and to have the form removed if the birth parents change their minds. It shall also include provisions which would allow the DOH to identify the adoption file and for the birth parents to attest that they are the birth parents of the adoptee to whom the form pertains. A redaction request form which is removed from an adoption file shall be destroyed.

The DOH shall honor the redaction request form as long as:

- The form is submitted within the 6 month time frame
- The form has been notarized
- The birth parent provides two forms of identification
- Where appropriate, the birth parent completes or updates a medical history form and
- The DOH is satisfied the form is substantially completed.

The DOH shall post on its internet website information about the name redaction form. The information shall include:

- The purpose of the form
- The procedures and requirements for submission of a valid form
- The date when the form may be filed
- The date when the form may no longer be filed
- The procedures for removal of the form from the adoption file

The DOH may charge a fee for the issuance of a noncertified copy of original birth record which shall not exceed the fee for a certified copy.

This act would not permit disclosure of an adoptee's birth records to the birth parents.

This act shall take effect in one year, except the requirement for DOH to develop policies and procedures to comply with the act.

## **FISCAL IMPACT:**

The Department of Health will incur costs to implement and maintain the database and hire additional staff to process adoptee applications, birth parent redaction forms and medical history records. The estimated cost for 3 staff is \$262,804 (\$153,371 in salaries and \$108,433 in benefits), \$23,850 for operating costs and an additional \$100,000 for the database for a total estimated cost of \$385,654. Additional staff may be required depending on the volume of applications and forms received.