



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 162

PRINTERS NO. 1943

PRIME SPONSOR: Benninghoff

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: House Bill 162, Printer's Number 1943, amends Title 23 (Domestic Relations) to provide an adult adoptee with access to a noncertified copy of his or her original birth record information without the consent of the birth parents; allows for redaction of birth parent names from a birth record; and provides for contact preference forms.

ANALYSIS: HB 162 amends Section 2937 of Title 23 to permit an adult adoptee that is at least 18 years old and has graduated from high school, completed a General Education Development program or has legally withdrawn from secondary schooling to access to a noncertified copy of his or her original birth record information without the consent of the birth parents. If the adoptee is deceased, the adoptee's descendants may request a noncertified copy of the original birth record.

The bill requires the Department of Health (DOH) to develop and, upon request, make available to each birth parent named on the original birth certificate a contact preference form. This form will give the each birth parent three options:

- Noting that they do not want to be contacted by the adoptee;
- Consenting to be contacted by the adoptee; or
- Consenting to be contacted, but only through an intermediary.

Birth parents have the opportunity to have their names redacted from the birth record before it is provided to the adoptee. The birth parents have six months from the time that the legislation is enacted to submit a DOH prescribed form to the department indicating they want to have their names redacted. If the birth parents choose to redact, they are required to:

- Submit a medical history form to DOH to be provided to the adoptee upon request.
- Provide their most current contact information to be filed for DOH's use.

The department must include information on their website about the birth parent name redaction request form including all of the following:

- The purpose of the form;
- The procedures to follow and requirements that must be met for DOH to accept the form;

- The date when birth parents may begin to submit the form;
- The date when the form may no longer be filed;
- The procedures and requirements for having the form removed from an adoption file;
- Any other information DOH deems necessary.

If the birth parents do not wish to redact, they may fill out the contact preference form and provide a medical history form to be filed and available for the adoptee upon request.

If only one of the birth parents chooses redaction, then only that parent's name will be redacted and the other birth parent's name will appear on the original birth record provided to the adoptee.

If neither the redaction form nor contact preference form is on file after the redaction period, the adoptee will receive an un-redacted noncertified copy of their original birth record. Birth parents upon request can update their contact preference or remove redaction at any time.

Every five years, an adult adoptee who received a redacted original birth certificate can request that DOH contact the birth parents to see if they are still alive, have changed their minds about the redaction, and will provide updated medical information to add to the file.

If it is determined that the birth parent is deceased, the original birth record shall be provided to the adoptee with the deceased birth parent's name revealed.

The bill requires DOH, upon receipt of an application, to provide a noncertified copy of the adoptee's original birth record within 45 days. DOH may charge a fee for the record, up to the fee for a certified copy of a birth record (\$20). The department has 210 days to develop and implement policies and procedures necessary to comply with this legislation.

This legislation is effective one year after enactment, except that the requirement for DOH policies and procedures will take effect immediately.

FISCAL IMPACT: There is no fiscal impact anticipated for FY 2015-16 as DOH has 210 days to develop policies and procedures as well as design a database which can be accomplished with existing staff. For FY 2016-17, DOH 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. For FY 2016-17, the estimated cost for 3 staff is \$200,000 plus an additional \$100,000 for the database for a total estimated cost of \$300,000. Additional staff may be required depending on the volume of applications and forms received.

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House Appropriations Committee (R)

DATE: December 16, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.