



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 162

PRINTERS NO. 3955

PRIME SPONSOR: Benninghoff

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: House Bill 162, Printer's Number 3955, amends Title 23 (Domestic Relations) regarding adoptee access to an original birth record; 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least 18 years old and has graduated from high school, completed a General Education Development program or has legally withdrawn from secondary schooling access to a noncertified copy of his or her original birth record information without the consent of the birth parents.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 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. 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.

Birth parents upon request can update their contact preference or remove redaction at any time.

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 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 the birth parent dies after submitting a name redaction request form, a non-certified copy of the original birth record may be provided to the adoptee without redaction of the deceased birth parent's name.

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: For FY 2016-17, DOH will incur costs to implement the database and begin to hire and train staff to process adoptee applications, birth parent redaction forms and medical history records. For FY 2016-17, the estimated cost for 3 staff is \$55,000 plus an additional \$100,000 for the database for a total estimated cost of \$155,000. For FY 2017-18, the full-year cost for 3 staff and maintenance of the database is estimated at \$205,000. Additional staff may be required depending on the volume of applications and forms received.

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House Appropriations Committee (R)

DATE: October 25, 2016

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