

By: Lucio

S.B. No. 287

A BILL TO BE ENTITLED

AN ACT

relating to birth records of adopted children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.008, Health and Safety Code, is amended by amending Subsection (f) and adding Subsections (g), (h), (i), and (j) to read as follows:

(f) Notwithstanding Subsections (h), (i), and (j), an [An] adult adoptee who is applying for access to the person's original birth certificate and who knows the identity of each parent named on the original birth certificate is entitled to a noncertified copy of the original birth certificate without obtaining a court order.

(g) Subject to Subsections (h), (i), and (j), the state registrar shall on request provide to a person who was adopted on or after January 1, 2012, or, if the adopted person is deceased, an adult descendant, adult sibling, or surviving spouse of the adopted person, a noncertified copy of the person's original birth certificate if:

(1) the request is made on or after the adopted person's 18th birthday;

(2) a supplementary birth certificate was issued for the adopted person; and

(3) the person requesting the certificate furnishes appropriate proof of the person's identity.

(h) Except as provided by Subsection (f), if a birth parent

1 files with the state registrar a contact preference form indicating  
2 the birth parent's preference that a noncertified copy of the  
3 adopted person's original birth certificate not be released, the  
4 state registrar may not release a noncertified copy of the adopted  
5 person's original birth certificate without a court order,  
6 regardless of the other birth parent's preference.

7 (i) Except as provided by Subsections (f) and (h), if a  
8 birth parent files with the state registrar a contact preference  
9 form indicating the birth parent's preference that a noncertified  
10 copy of the adopted person's original birth certificate not be  
11 released until after the death of the birth parent, the state  
12 registrar may not release a noncertified copy of the adopted  
13 person's original birth certificate without a court order before  
14 that birth parent dies, regardless of the other birth parent's  
15 preference.

16 (j) Except as provided by Subsection (f), if neither birth  
17 parent has filed a contact preference form with the state  
18 registrar, the state registrar may not release a noncertified copy  
19 of the adopted person's original birth certificate without a court  
20 order.

21 SECTION 2. Subchapter A, Chapter 192, Health and Safety  
22 Code, is amended by adding Sections 192.0085, 192.0086, and  
23 192.0087 to read as follows:

24 Sec. 192.0085. CONTACT PREFERENCE FORM AND UPDATED MEDICAL  
25 HISTORY FORM. (a) The state registrar shall develop a contact  
26 preference form on which a birth parent shall state the birth  
27 parent's preference regarding contact by an adopted person who is

1 the birth child of the birth parent. The contact preference form  
2 shall provide the birth parent with the following options:

3 (1) authorize direct contact by the adopted person and  
4 the release of a noncertified copy of the adopted person's original  
5 birth certificate;

6 (2) authorize contact by the adopted person only  
7 through an intermediary selected by the birth parent and the  
8 release of a noncertified copy of the adopted person's original  
9 birth certificate;

10 (3) authorize contact by the adopted person only  
11 through an intermediary selected by the birth parent but not  
12 authorize the release of a noncertified copy of the adopted  
13 person's original birth certificate;

14 (4) not authorize contact by the adopted person but  
15 authorize the release of a noncertified copy of the adopted  
16 person's original birth certificate;

17 (5) not authorize contact by the adopted person and  
18 request that a noncertified copy of the adopted person's original  
19 birth certificate not be released until after the death of the birth  
20 parent; or

21 (6) not authorize contact by the adopted person or the  
22 release of a noncertified copy of the adopted person's original  
23 birth certificate.

24 (b) The state registrar shall develop an updated medical  
25 history form that does not contain any personal identifying  
26 information about either birth parent.

27 (c) The state registrar shall make the contact preference

1 form and the updated medical history form available in English and  
2 Spanish.

3 (d) The department shall make the contact preference form  
4 and the updated medical history form available on the department's  
5 Internet website.

6 (e) A birth parent may file an updated contact preference  
7 form and an updated medical history form with the state registrar.  
8 The birth parent may return the updated contact preference form and  
9 updated medical history form together to the state registrar.

10 (f) The state registrar shall deliver the birth parent's  
11 contact preference form and updated medical history form to an  
12 adopted person who receives a noncertified copy of the adopted  
13 person's original birth certificate under Section 192.008.

14 (g) Notwithstanding a birth parent's contact preference  
15 under Subsection (a), the state registrar shall deliver to the  
16 adopted person on the adopted person's request the birth parent's  
17 updated medical history form.

18 (h) If a birth parent has authorized contact under  
19 Subsection (a), the state registrar shall deliver to the adopted  
20 person on the adopted person's request the birth parent's contact  
21 preference form.

22 (i) The state registrar may charge an adopted person a  
23 reasonable fee for services provided under this section.

24 Sec. 192.0086. CONTACT USING INTERMEDIARY. (a) If a birth  
25 parent's contact preference form authorizes contact using an  
26 intermediary, the state registrar shall make the contact  
27 information for the intermediary selected by the birth parent

1 available to the adopted person on request.

2 (b) If the birth parent has not provided the intermediary's  
3 contact information at the time the adopted person requests the  
4 information, the state registrar shall notify the birth parent by  
5 certified mail, return receipt requested, that the birth parent  
6 must provide the intermediary's contact information not later than  
7 the 90th day after the date the birth parent receives the notice.

8 (c) If the birth parent fails to provide the intermediary's  
9 contact information within the time required by Subsection (b), the  
10 central registry shall act as the intermediary for the birth  
11 parent.

12 (d) If the state registrar is unable to notify the birth  
13 parent by certified mail, return receipt requested, because the  
14 birth parent fails to keep the birth parent's personal contact  
15 information current with the state registrar, the central registry  
16 shall act as the intermediary for the birth parent on or after the  
17 91st day after the date the notice was sent by certified mail.

18 (e) In this section, "central registry" has the meaning  
19 assigned by Section 162.402, Family Code.

20 Sec. 192.0087. REQUIRED COUNSELING BEFORE RELEASE OF  
21 CERTAIN CONTACT PREFERENCE FORMS. Before the release of a contact  
22 preference form authorizing contact between an adopted child and a  
23 birth parent, the state registrar shall require verification in a  
24 form satisfactory to the state registrar that the adopted child and  
25 the biological parent have each individually participated in  
26 counseling for not less than one hour with a social worker or mental  
27 health professional with expertise in postadoption counseling.

1 SECTION 3. Subchapter A, Chapter 162, Family Code, is  
2 amended by adding Section 162.0061 to read as follows:

3 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING.

4 (a) This section does not apply to an adoption by the child's:

5 (1) grandparent;

6 (2) aunt or uncle by birth, marriage, or prior  
7 adoption;

8 (3) stepparent; or

9 (4) adult sibling.

10 (b) The Department of Family and Protective Services or the  
11 licensed child-placing agency, person, or other entity placing a  
12 child for adoption shall:

13 (1) inform the birth parents of the child:

14 (A) of the provisions of Chapter 192, Health and  
15 Safety Code, relating to the birth parent contact preference form  
16 and the rights of an adopted child to obtain a noncertified copy of  
17 the adopted person's original birth certificate; and

18 (B) that the birth parents are required to  
19 provide a completed contact preference form to the Department of  
20 Family and Protective Services or the licensed child-placing  
21 agency, person, or other entity placing a child for adoption;

22 (2) provide the birth parents of the child with a  
23 contact preference form; and

24 (3) forward each original completed contact  
25 preference form to the state registrar.

26 (c) The notification to a child's birth parents required by  
27 this section shall be provided at the time that the birth parent's

1 parental rights to a child are terminated.

2 (d) Except as provided by Subsection (e), a petition for  
3 adoption may not be granted until a copy of each birth parent's  
4 contact preference form has been filed.

5 (e) A court having jurisdiction of a suit affecting the  
6 parent-child relationship may by order waive the contact preference  
7 form filing requirement of this section if the child's birth  
8 parents cannot be located or are deceased or the court determines  
9 that it is in the best interest of the child to waive the  
10 requirement.

11 SECTION 4. The state registrar shall develop the contact  
12 preference form and the updated medical history form as required by  
13 Section 192.0085, Health and Safety Code, as added by this Act, not  
14 later than January 1, 2012.

15 SECTION 5. The change in law made by Section 162.0061,  
16 Family Code, as added by this Act, applies only to a suit for  
17 adoption filed on or after January 1, 2012. A suit for adoption  
18 filed before January 1, 2012, is governed by the law in effect at  
19 the time the suit for adoption was filed, and the former law is  
20 continued in effect for that purpose.

21 SECTION 6. This Act takes effect September 1, 2011.