

SUBJECT: Adoptee rights to obtain a noncertified copy of an original birth certificate

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Dutton, Goodman, Castro, Nixon, Strama

0 nays

4 absent — Y. Davis, Dunnam, J. Moreno, Thompson

WITNESSES: For — Heidi Cox, The Gladney Center; Nancy Schaefers, Texas Coalition for Adoption Resources and Education; Bill Betzen; Lea Cassidy; Donna Ann Rowe

Against — None

On — Geraldine Harris, Department of State Health Services, Vital Statistics

BACKGROUND: In addition to basic information about a child and his or her family, birth certificates contain a state file number, local registrar file number, and original signatures of the doctor and state and local registrars. When an individual is adopted, his or her original birth certificate is canceled and sealed. The individual is issued a new birth certificate. Adult adoptees must obtain court orders to access their original birth certificates.

DIGEST: CSHB 240 would permit an adult adoptee to obtain a noncertified copy of his or her original birth certificate without obtaining a court order if the person knew the identity of each parent named on the birth certificate.

The bill would take effect September 1, 2005, and would apply to all adopted persons regardless of whether they were born before the effective date.

SUPPORTERS SAY: CSHB 240 would greatly facilitate the process by which certain adopted adults could obtain their original birth certificates. The birth certificate has a great emotional significance for many adopted adults because it is the only document that ties them to their birth parents. Adoptees should not be

denied the right to a document that other people from different backgrounds can receive. A birth certificate also can provide basic information about a person's history such as the hospital where the person was born.

The bill would not provide an avenue for birth certificate searches. The adoptees affected by this bill would be required already to know the names of their parents, so denying access to these documents would not protect the parents' identities. The court system already is overburdened, and it is a waste of court time to hear cases to grant access to these birth certificates.

A copy of a birth certificate cannot be used as the basis for identity-related crimes. Accompanying each record is a letter from the state registrar that states that the document should not be used to establish identity. In addition, since the document is a noncertified copy, it could not be used for official purposes such as obtaining a driver's license or passport. Adoptees have a sincere desire to understand their history and would not abuse the opportunity to have access to an original birth certificate.

OPPONENTS
SAY:

This bill could allow people to perpetrate identity theft and fraud. It also would allow individuals to create another identity under which they could hide from a criminal past or history of debt. Having the court issue an order for individuals to obtain birth certificates is a safeguard that can weed out people who seek to obtain such records for improper purposes.

A noncertified copy of an original birth certificate would provide file numbers and signatures that would not benefit adoptees, yet could be used as the basis for falsifying a certified document. People could use the official information from these documents, photocopy signatures, and produce counterfeit certified copies for use in obtaining other forms of identification establishing a dual identity. Sharing basic information with adoptees is fine, but this information should not be provided in the format of an original birth certificate. This basic information could be provided in an abstracted format without including the details that could lead to abuses.

NOTES:

The substitute would grant the adoptee access to a noncertified copy of his or her birth certificate, while the original bill would have granted access to a certified copy of the original birth certificate.