

SUBJECT: Issuing a noncertified copy of original birth certificate to adult adoptees

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — Klick, Guerra, Allison, Campos, Collier, Jetton, Oliverson,
Price, Smith, Zwiener

0 nays

1 absent — Coleman

WITNESSES: For — Elizabeth Jurenovich, Abrazo Adoption Associates; Marley Greiner, Bastard Nation, The Adoptee Rights Organization; Joellen Peters, Support Texas Adoptee Rights; Shawna Hodgson, Texas Adoptee Rights Coalition; Noel Johnson; (*Registered, but did not testify*: Marci Purcell, Adoption Knowledge Affiliates; Alison Mohr Boleware, National Association of Social Workers - Texas Chapter; Marla Smith, Support Texas Adoptee Rights; Connie Gray, Texas DNA and Adoptee Search Support; Cynthia Bohnenblust; Thomas Parkinson; Katy Perkins; Kimberly Sarantakes; Dawn Scott)

Against — (*Registered, but did not testify*: Joe Pojman, Texas Alliance for Life)

On — (*Registered, but did not testify*: Tara Das, Department of State Health Services)

BACKGROUND: Health and Safety Code sec. 192.008 governs birth records of adoptees, including supplementary birth certificates issued for adopted children. Under this section, only the court that granted an adoption may order access to an original birth certificate and other filed documents, with certain exceptions. Adult adoptees are entitled to a noncertified copy of their original birth certificate without obtaining a court order if they apply for access and know the name of each parent named on the original birth certificate.

Sec. 192.008 also requires the executive commissioner of the Health and Human Services Commission to adopt rules and procedures to ensure information under control of state or local registrars and accessible to the public does not violate confidentiality of adoption placements.

Health and Safety Code ch. 191 establishes that the state registrar of vital statistics is the Department of State Health Services (DSHS).

DIGEST:

HB 1386 would require the state registrar of vital statistics, on written request and under certain conditions, to provide a noncertified copy of an adopted person's original birth certificate without obtaining a court order. This copy would have to be provided to the adopted person or, if the adopted person was deceased, to an adult descendant, adult sibling, surviving spouse, or adoptive parent of the adopted person. The noncertified copy could be provided to an eligible person if:

- the adoptee was born in this state;
- the request was made on or after the adoptee's 18th birthday;
- a supplementary birth certificate was issued for the adoptee; and
- the person requesting the noncertified copy of the original birth certificate provided, in person or by mail, appropriate proof of the person's identity.

For a noncertified copy of a person's original birth certificate provided under the bill, the state registrar would have to collect a fee equal to the fee charged for issuing a noncertified copy. The registrar also would have to issue the copy within the prescribed time for other noncertified copies of birth certificates.

The state registrar would not be required to comply with these provisions until July 1, 2022.

The bill also would specify that rules and procedures adopted by the executive commissioner of the Health and Human Services under sec. 192.008 had to be consistent with that section, including the provisions of HB 1386.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 1386 would increase an adopted person's ability to obtain a copy of the person's original birth certificate without a court order. Currently, adoptees must petition the court in which their adoption took place in order to receive a copy of their original birth certificate unless they know the names of their birth parents and can obtain a copy of their birth certificate without a court order. This can make it difficult for many adoptees to access their original birth certificates, which they may want or need to do for a variety of reasons, including a desire to learn about hereditary health conditions from their biological parents. By expanding the circumstances in which a court order would not be needed for an adopted person to acquire a copy of an original birth certificate, HB 1386 would reduce barriers for those requesting access to such certificates and help provide adoptees with critical information on their biological family's history.

**CRITICS
SAY:**

HB 1386 could violate the anonymity of a birth parent's identity by making it easier for an adopted person to obtain a copy of the person's original birth certificate. Currently, birth parents who place their child for adoption may request that their identity remain confidential. By allowing adult adoptees to obtain a noncertified copy of their original birth certificate without a court order, the bill could violate birth parents' wishes for anonymity.