

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 984
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Vital Statistics Unit Voluntary Central Adoption Registry is a registry system maintained by the state through which an adult adoptee, birth parent, or sibling may locate other family members without a court order. Although the registry uses sealed or confidential records to authenticate a match between two biologically related people who have voluntarily joined the registry, these sealed or confidential records may not be released to the adult adoptee, requiring a person to navigate a confusing and complicated court process if the person wishes to obtain a noncertified copy of the person's birth certificate. C.S.H.B. 984 seeks to establish a simpler mechanism by which an adult adoptee may access his or her original birth certificate without compromising the privacy of a biological parent.

C.S.H.B. 984 amends current law relating to birth records of adopted persons and authorizes a fee.

[**Note:** While the statutory reference in this bill is to Texas Department of Health (TDH), the following amendments affect the Texas Department of State Health Services as the successor agency to TDH.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 192.008, Health and Safety Code, by amending Subsection (d) and adding Subsections (g) and (h), as follows:

(d) Adds a reference to Subsection (g) and makes a nonsubstantive change.

(g) Requires the state registrar to on written request provide to a person who was adopted or, if the adopted person is deceased, an adult descendant, adult sibling, surviving spouse, or adoptive parent of the adopted person, a noncertified copy of the person's original birth certificate if:

- (1) the adopted person was born in this state;
- (2) the request is made on or after the adopted person's 18th birthday;
- (3) a supplementary birth certificate was issued for the adopted person; and
- (4) the person requesting the certificate furnishes, in person or by mail, appropriate proof of the person's identity.

(h) Requires the state registrar, for a noncertified birth certificate provided under Subsection (g), to collect a fee in an amount equal to the fee charged for issuance of any other noncertified birth certificate and issue the certificate within the time prescribed for issuance of other noncertified birth certificates.

SECTION 2. Amends Subchapter A, Chapter 192, Health and Safety Code, by adding Section 192.0085, as follows:

Sec. 192.0085. CONTACT PREFERENCE FORM AND SUPPLEMENTAL MEDICAL HISTORY FORM. (a) Requires the state registrar to develop a contact preference form on which a birth parent shall state the birth parent's preference regarding contact by an adopted person who is the biological offspring of the birth parent. Requires that the contact preference form provide the birth parent with the following options:

- (1) authorize direct contact by the adopted person;
- (2) authorize contact by the adopted person only through an intermediary selected and identified by the birth parent; or
- (3) not authorize contact by the adopted person.

(b) Requires the state registrar to ensure that a birth parent who authorizes contact through an intermediary identifies on the contact preference form a person to serve as an intermediary and includes on the form that person's contact information.

(c) Requires the state registrar to develop a supplemental medical history form that allows a birth parent to provide supplemental medical information in addition to the information included in the adopted person's genetic history report provided under Section 162.005 (Preparation of Health, Social, Education, and Genetic History Report), Family Code.

(d) Requires the Texas Department of Health (TDH) to make the contact preference form and the supplemental medical history form available on TDH's Internet website and make copies of the forms available in the state registrar's office.

(e) Authorizes a birth parent to file a contact preference form and a supplemental medical history form with the state registrar. Authorizes the birth parent to return the contact preference form and supplemental medical history form together to the state registrar.

(f) Prohibits a birth parent who authorizes direct contact by the adopted person or contact by the adopted person through an intermediary by filing the contact preference form with the state registrar from changing that preference after the preference is on file with the state registrar. Authorizes a birth parent to provide updated intermediary contact information as necessary.

(g) Authorizes a birth parent who does not authorize contact by the adopted person to choose to authorize direct contact by the adopted person or contact by the adopted person through an intermediary by filing a supplemental contact preference form with the state registrar authorizing the contact.

(h) Requires the state registrar to provide copies of the birth parent's contact preference form and supplemental medical history form, if available, to an adopted person or other person authorized to receive a noncertified copy of the adopted person's original birth certificate under Section 192.008 (Birth Records of Adopted Person).

SECTION 3. Amends Subchapter A, Chapter 162, Family Code, by adding Section 162.0061, as follows:

Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING. (a) Requires the Department of Family and Protective Services (DFPS) or the licensed child-placing agency, person, or other entity placing a child for adoption to:

(1) inform the birth parents of the child:

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

(B) that the birth parents are required to provide a completed contact preference form to DFPS or the licensed child-placing agency, person, or other entity placing a child for adoption;

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

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

(b) Requires that the notice to a child's birth parents required by this section be provided at the time that the birth parent's parental rights to a child are terminated.

(c) Prohibits a petition for adoption, except as provided by Subsection (d), from being granted until a copy of each birth parent's contact preference form has been filed.

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

SECTION 4. (a) Requires the state registrar to develop the contact preference form and the supplemental medical history form as required by Section 192.0085, Health and Safety Code, as added by this Act, not later than January 1, 2016.

(b) Provides that, notwithstanding Section 192.008(g), Health and Safety Code, as added by this Act, the state registrar is not required to comply with that provision until July 1, 2016.

(c) Authorizes the birth parent of a person who was adopted before January 1, 2016, to file a contact preference form and a supplemental medical history form with the state registrar not later than July 1, 2016, and after that date at the discretion of the state registrar. Authorizes a birth parent, notwithstanding Section 192.0085(f), Health and Safety Code, as added by this Act, to file a supplemental contact preference form changing the birth parent's contact preference at any time before July 1, 2016. Provides that the latest contact preference form on file with the state registrar and filed before that date controls.

SECTION 5. Provides that Section 162.0061, Family Code, as added by this Act, applies only to a suit for adoption in which an order terminating parental rights under Chapter 161, Family Code, is rendered on or after January 1, 2016. Provides that a suit for adoption in which an order terminating parental rights under Chapter 161, Family Code, is rendered before January 1, 2016, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2015.