

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3371

DATE: March 13, 2008

Version: First engrossment

Authors: Tingelstad and others

Subject: Access to Birth Records

Analyst: Lynn F. Aves, 651-296-8079

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill permits adopted persons age 19 and older to have access to a noncertified copy of their original birth record if there is no affidavit of nondisclosure on file.

Section

- 1 Adoption records.** Amends § 13.465, subdivision 8. Updates a cross reference to a section of law proposed in this bill.
- 2 Adoption.** Amends § 144.218, subdivision 1. Provides that an original birth record is private data on individuals; current law classifies this as confidential. Adds that an adopted person who is at least 19 years of age shall be able to access the information contained on the original birth record. Adds a cross reference to proposed coding in this bill.
- 3 Data about births.** Amends § 144.225, subdivision 2. Adds a cross reference to proposed coding in this bill.
- 4 Access to original birth record after adoption.** Amends § 144.2252. Changes a cross reference to proposed coding in this bill.
- 5 Access to original birth record by adopted person.** Proposes coding for § 144.2253.

Subd. 1. Disclosure; fee. Provides that the state registrar shall provide a noncertified copy of the original birth certificate upon request to an adopted person age 19 or older if there is no affidavit of nondisclosure on file. Instructs the state registrar to honor both affidavits of disclosure and nondisclosure.

Subd. 2. Affidavit of nondisclosure. Requires the department to make affidavits

Section

of disclosure and nondisclosure readily accessible on the department's website.

Subd. 3. Rescission of affidavit. Allows a birth parent to rescind an affidavit of disclosure or an affidavit of nondisclosure at any time.

Subd. 4. Affidavit of nondisclosure; access to birth record. Paragraph (a) permits an adopted person age 19 or older to petition the court for access to the birth record. After consideration of all interests if the court determines disclosure of the information would be of greater benefit than nondisclosure, then the court shall grant the petition.

Paragraph (b) permits an adopted person age 19 or older to request that the state registrar search state death records to determine if the birth parent is deceased. Permits imposition of a fee for the search. If the birth parent is deceased, the registrar is to release the birth record only to the adopted person making the request.

Subd. 5. Outreach; counseling. Paragraph (a) instructs the department, in consultation with adoption agencies and adoption advocates, to develop and conduct outreach and education campaigns on the changes regarding accessibility to birth records.

Paragraph (b) provides that the department is to provide a fact sheet with information about counseling and support services that are available for adopted persons and birth parents.

Subd. 6. Fees. Paragraph (a) authorizes the department to assess an \$18 fee for noncertified copies of birth records; the fee is to cover the costs of providing the birth record and any costs associated with distribution of the fact sheet.

Paragraph (b) permits adoption agencies to charge a fee for counseling and support services provided to adopted persons and birth parents.

6 **Request.** Amends § 259.89, subdivision 1. Strikes language that requires the commissioner of health to notify the commissioner of human services when an adopted person requests disclosure of information on the birth record.

7 **Rights of terminated parent.** Amends § 260C.317, subdivision 4. Changes a cross reference to proposed coding in this bill.

8 **Repealer.** Repeals section 259.83, subdivision 3 (related to access of information on the original birth records); section 259.89, subdivision 2 (search by the commissioner of human services for the birth parents); subdivision 3 (related to access of birth record if the commissioner cannot locate the birth parents); subdivision 4 (release of birth record information after notice to the birth parents); and subdivision 5 (release of birth record information if the birth parents is deceased).

9 **Effective date.** Provides an effective date of July 1, 2009 .