

## CHAPTER 105

### ADOPTED PERSONS AND REESTABLISHMENT OF ORIGINAL BIRTH CERTIFICATES — BIOLOGICAL PARENT INFORMATION

S.F. 517

**AN ACT** relating to the addition of biological parent information of an adult adopted person through reestablishment of an original certificate of birth, and providing fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. **NEW SECTION. 144.23A Biological parent information — reestablishment of original certificate of birth.**

1. Notwithstanding whether an original certificate of birth is substituted with a new certificate of birth pursuant to [section 144.24](#) following adoption of the subject of the original certificate of birth, whether a new certificate of birth is issued to show that a person for whom the new certificate is requested has been legitimated or that paternity of that person has been determined pursuant to [section 144.23](#), or whether a new certificate of birth is issued to show paternity pursuant to [section 144.40](#) if paternity is not shown on the original certificate of birth, an adopted person who is the subject of the original certificate of birth, who was born in this state, who is at least eighteen years of age at the time the application is filed, and whose original certificate of birth was substituted with a new certificate of birth pursuant to [section 144.24](#) based upon the adoption, may apply to the state registrar to have that original certificate of birth reestablished to include the name on the original certificate of birth of an omitted biological parent in accordance with [this section](#).

2. Prior to issuing a reestablished original certificate of birth as provided in [subsection 1](#), all of the following requirements shall be met:

a. The adopted person shall file a written application, in the form and manner prescribed by the state registrar along with proof of identification, with the state registrar consenting to the adopted person's original certificate of birth being reestablished to include the name of an omitted biological parent.

b. The adopted person shall obtain and submit to the state registrar one of the following regarding the person whose name is to be added as a biological parent:

(1) If the person whose name is to be added as a biological parent is living, the adopted person shall obtain from the person a sworn affidavit along with substantiating evidence attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth.

(2) If the person whose name is to be added as a biological parent is deceased, the adopted person shall obtain from the personal representative or successor of the estate of the person, from the trustee of the trust of the person, or from a relative of the person a sworn affidavit along with substantiating evidence, attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth.

3. An adult adopted person as described in [section 144.24A](#) or an entitled person as defined in [section 144.24A](#) may apply for and obtain a noncertified copy of the reestablished original certificate of birth subject to compliance with the requirements for applying for and obtaining a noncertified copy of an original certificate of birth under [section 144.24A](#). The reestablished original certificate of birth shall include the biological parent who was omitted from the original certificate of birth. A reestablished original certificate of birth shall be marked "reestablished". A summary statement of the evidence submitted pursuant to [this section](#) shall be endorsed on the certificate.

4. The state registrar shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#) including rules relating to all of the following:

a. The establishment, collection, and deposit of fees in accordance with [section 144.46](#) for the preparation and registration of a reestablished original certificate of birth and for issuance of a noncertified copy of a reestablished original certificate of birth under [this section](#). The fee established for issuance of a noncertified copy of a reestablished original certificate of

birth shall not exceed the fee established for issuance of a certified copy of a certificate of birth.

b. The consent and affidavit forms, the proof of identification requirements relative to provision of consent by the subject of an original certificate of birth, and the evidentiary requirements to substantiate that a person is an omitted biological parent of the subject of the original certificate of birth.

5. For the purposes of [this section](#):

a. “*Personal representative*” means the same as defined in [section 633.3](#).

b. “*Relative*” means any of the following:

(1) A person related to the person whose name is to be added on the original certificate of birth as a biological parent, by consanguinity or affinity within the second degree as determined by common law.

(2) A lineal descendent, by consanguinity or affinity, of the person whose name is to be added to the original certificate of birth as a biological parent, including legally adopted children and biological children, stepchildren, grandchildren, great-grandchildren, and any other lineal descendent of such individual.

c. “*Successor*” means the same as defined in [section 633.356](#).

d. “*Trustee*” means the same as defined in [section 633.3](#).

Sec. 2. [Section 144.24, subsection 2](#), Code 2023, is amended to read as follows:

2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to [section 600.16A](#), as provided in [section 144.23A](#) or [144.24A](#), or as provided by administrative rule for statistical or administrative purposes only.

Sec. 3. [Section 144.24A](#), Code 2023, is amended by adding the following new subsection:

**NEW SUBSECTION.** 8. If an original certificate of birth is reestablished pursuant to [section 144.23A](#), the adopted person or the entitled person who meets the requirements of [this section](#) may apply for and obtain a noncertified copy of the reestablished original certificate of birth of the adopted person who is the subject of the original certificate of birth subject to compliance with the requirements of [this section](#) relating to the issuance of a noncertified copy of an original certificate of birth.

Approved June 1, 2023