

En. House Bill 380, 4/7/91 (p. 1154)

FEB 28 1991

HOUSE FILE 380

Place On Calendar

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 91)

Passed House, Date 3/7/91 (p. 566)

Passed Senate, Date 4/24/91 (p. 1452)

Vote: Ayes 95 Nays 2

Vote: Ayes 49 Nays 0

Approved June 5, 1991

*Repassed House as further amended by Senate
5/2/91 (p. 1994)
95-0*

*Repassed Senate as further amended by House
5/2/91 (p. 1626)
46-0*

A BILL FOR

S-33701 An Act requiring the state registrar to provide a certified copy
2 of a birth certificate when the certificate is registered.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 380

5-33107

1 Section 1. Section 144.13A, Code 1991, is amended to read
2 as follows:

3 144.13A REGISTRATION FEE.

4 The county registrar and or state registrar shall charge
5 the parent a ten dollar fee for the registration of a
6 certificate of birth and a separate fee established under
7 section 144.46 for a certified copy of the certificate. The
8 certified copy shall be mailed to the parent by the state
9 registrar. If the person responsible for the filing of the
10 certificate of birth under section 144.13 is not the parent,
11 the person is entitled to collect the fee from the parent.
12 The fee shall be remitted to the appropriate registrar. If
13 the expenses of the birth are reimbursed under the medical
14 assistance program established by chapter 249A, or paid for
15 under the statewide indigent patient care program established
16 by chapter 255, or paid for under the obstetrical and newborn
17 indigent patient care program established by chapter 255A, or
18 if the parent is indigent and unable to pay the expenses of
19 the birth and no other means of payment is available to the
20 parent, the registration fee ~~is~~ and certified copy fee are
21 waived. If the person responsible for the filing of the
22 certificate is not the parent, the person is discharged from
23 the duty to collect and remit the fee under this section if
24 the person has made a good faith effort to collect the fee
25 from the parent. The fees collected by the county registrar
26 and state registrar shall be remitted to the treasurer of
27 state for deposit in the general fund of the state. It is the
28 intent of the general assembly that the funds generated from
29 the registration fees be appropriated and used for primary and
30 secondary child abuse prevention programs.

5-33707

31 EXPLANATION

32 This bill requires the state registrar to mail a certified
33 copy of a birth certificate to the parent when the certificate
34 of birth is registered. A fee is to be charged by the county
35 registrar or state registrar for the certified copy in an

1 amount established by rule by the Iowa department of public
2 health. The fee is waived if the birth costs were paid under
3 a public assistance program or if the parent was otherwise
4 unable to pay the expenses of the birth.

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S-3370

1 Amend House File 380, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 144.1, Code 1991, is amended
6 by adding the following new subsections and
7 renumbering subsections as necessary:

8 NEW SUBSECTION. 1. "Adoption record" means
9 adoption record as defined in section 600.2.

10 NEW SUBSECTION. 9A. "Principal party" means
11 principal party as defined in section 600.2."

12 2. Page 1, by inserting after line 30 the
13 following:

14 "Sec. ____ . Section 144.24, Code 1991, is amended
15 to read as follows:

16 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
17 CERTIFICATES --INSPECTION OF ORIGINAL CERTIFICATES.

18 1. ~~When~~ If a new certificate of birth is
19 established, the actual place and date of birth shall
20 be shown on the certificate. The certificate shall be
21 substituted for the original certificate of birth
22 hereafter, and the original certificate, adoption
23 records, and the evidence of adoption, paternity,
24 legitimation, or sex change shall is not be subject to
25 inspection, except under order of a court of competent
26 jurisdiction or as provided by regulation rules for
27 statistical, or administrative, or other purposes,
28 only as limited under subsection 2. However, the

29 2. The state registrar shall allow inspection of
30 original birth certificates as follows:

31 a. For adoptions finalized on or before April 26,
32 1945, a principal party to an adoption and that
33 party's lineal ascendants and descendants may inspect
34 the adoptee's original certificate of birth and any of
35 the adoptee's adoption records held by the department.

36 b. For adoptions finalized after April 26, 1945,
37 the original certificate of birth and any adoption
38 records held by the department shall be sealed out may
39 be inspected by a state agency for statistical or
40 administrative purposes only.

41 c. A natural parent may inspect at any time the
42 adoptee's original certificate of birth.

43 3. Upon request the state registrar shall issue a
44 certified copy of an original certificate of birth to
45 a person authorized to inspect the certificate under
46 subsection 2.

47 4. The state registrar shall, upon the application
48 of an adult adopted-person adoptee, an adoptive
49 parent, or the legal representative of either the an
50 adult adopted-person-or-the adoptee or an adoptive

1 parent, shall inspect the original certificate and the
2 ~~evidence-of adoption records~~ and reveal to the
3 applicant the name and address of the court which
4 issued the adoption decree. ~~Upon receipt of notice of~~
5 ~~annulment of adoption, the original certificate of~~
6 ~~birth shall be restored to its place in the files and~~
7 ~~the new certificate and evidence shall not be subject~~
8 ~~to inspection except upon order of the district court.~~

9 Sec. ____ . Section 600.2, Code 1991, is amended by
10 adding the following new subsections:

11 NEW SUBSECTION. 1A. "Adoption record" means any
12 or all of the following:

13 a. All legal documents relating to the termination
14 of parental rights, including but not limited to a
15 voluntary surrender of parental rights, a petition for
16 termination of parental rights, and an order for
17 termination of parental rights, and all information
18 contained in any one of these documents or a
19 combination of these documents.

20 b. All legal documents relating to an adoption,
21 including but not limited to an adoption petition,
22 attachments to an adoption petition as specified in
23 section 600.6, placement and background information
24 investigation reports, an open adoption agreement, an
25 adoption decree, and a certificate of adoption
26 prepared pursuant to section 144.19, and all
27 information contained in any one of these documents or
28 a combination of these documents.

29 c. The names of the adoptee before and after
30 adoption.

31 d. The names and addresses of relatives at birth
32 and adoption and of adoptive parents at adoption.

33 e. More recent names and addresses of principal
34 parties to the adoption, and updating information and
35 correspondence provided by principal parties for
36 sharing with other principal parties.

37 However, an adoption record does not include a
38 confidential communication privileged under section
39 622.10.

40 NEW SUBSECTION. 3. "Principal party" means an
41 adoptee, a natural parent, or an adoptive parent.

42 Sec. ____ . Section 600.16, subsection 1, Code 1991,
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. d. If the adoption was finalized
45 on or before April 26, 1945, a principal party and
46 that party's lineal ascendants and descendants.

47 Sec. ____ . Section 600.16, subsection 1, unnumbered
48 paragraph 2, Code 1991, is amended to read as follows:

49 Information regarding an adopted person's existing
50 medical and developmental history and family medical

1 history, which meets the definition of background
2 information in section 600.8, subsection 1, paragraph
3 "c", but which was compiled prior to July 1, 1976,
4 shall be made available as provided in this
5 subsection. However, unless the information is
6 provided pursuant to paragraph "d" of this subsection,
7 the identity of the adopted person's natural parents
8 shall not be disclosed.

9 Sec. ____ . Section 600.24, Code 1991, is amended to
10 read as follows:

11 600.24 ACCESS TO RECORDS.

12 1. The department shall allow a principal party
13 and that party's lineal ascendants and descendants
14 access to adoption records of adoptions finalized on
15 or before April 26, 1945, held by the department or an
16 agency.

17 2. The department may allow access to adoption
18 records held by it the department or an agency if all
19 of the following conditions exist:

20 a. The records were compiled prior to January 1,
21 1977.

22 b. The identity of the natural parents of the
23 adopted person is concealed from the person gaining
24 access to the records ~~and~~.

25 c. The person gaining access to the records uses
26 them solely for the purposes of conducting a
27 legitimate research project or of treating a patient
28 in a medical facility."

29 3. Title page, line 1, by inserting after the
30 word "Act" the following: "relating to vital records
31 by".

32 4. Title page, line 2, by inserting after the
33 word "registered" the following: "and by providing
34 for access to certain adoption records".

By LARRY MURPHY

S-3552

1 Amend House File 380, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 144.24, Code 1991, is amended
6 to read as follows:

7 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
8 CERTIFICATES -- INSPECTION.

9 When If a new certificate of birth is established,
10 the actual place and date of birth shall be shown on
11 the certificate. The certificate shall be substituted
12 for the original certificate of birth. Thereafter,
13 the original certificate and the evidence of adoption,
14 paternity, legitimation or sex change shall not be
15 subject to inspection except under order of a court of
16 competent jurisdiction, including but not limited to
17 an order issued pursuant to section 600.16, or as
18 provided by regulation administrative rule for
19 statistical or administrative purposes, only.
20 However, the state registrar shall, upon the
21 application of an adult adopted person, an adoptive
22 parent, or the legal representative of either the
23 adult adopted person or the adoptive parent, inspect
24 the original certificate and the evidence of adoption
25 and reveal to the applicant the name and address of
26 the court which issued the adoption decree. Upon
27 ~~receipt of notice of annulment of adoption, the~~
28 ~~original certificate of birth shall be restored to its~~
29 ~~place in the files and the new certificate and~~
30 ~~evidence shall not be subject to inspection except~~
31 ~~upon order of the district court.~~

32 Sec. ____ . Section 600.16, subsection 2, Code 1991,
33 is amended by adding the following new unnumbered
34 paragraph after unnumbered paragraph 1:

35 NEW UNNUMBERED PARAGRAPH. An adopted person whose
36 adoption became final prior to July 4, 1941, and whose
37 adoption record was not required to be sealed at the
38 time when the adoption record was completed, shall not
39 be required to show good cause for an order opening
40 the adoption record under this subsection."

41 2. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to vital records
43 by".

44 3. Title page, line 2, by inserting after the
45 word "registered" the following: "and by providing
46 for access to certain adoption records".

By LARRY MURPHY
JOHN W. JENSEN

S-3552 FILED APRIL 24, 1991

ADOPTED (p. 1452)

SENATE AMENDMENT TO HOUSE FILE 380

H-3886

1 Amend House File 380, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. _____. Section 144.24, Code 1991, is amended
6 to read as follows:

7 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
8 CERTIFICATES -- INSPECTION.

9 When if a new certificate of birth is established,
10 the actual place and date of birth shall be shown on
11 the certificate. The certificate shall be substituted
12 for the original certificate of birth. Thereafter,
13 the original certificate and the evidence of adoption,
14 paternity, legitimation or sex change shall not be
15 subject to inspection except under order of a court of
16 competent jurisdiction, including but not limited to
17 an order issued pursuant to section 600.16, or as
18 provided by regulation administrative rule for
19 statistical or administrative purposes, only.

20 However, the state registrar shall, upon the
21 application of an adult adopted person, an adoptive
22 parent, or the legal representative of either the
23 adult adopted person or the adoptive parent, inspect
24 the original certificate and the evidence of adoption
25 and reveal to the applicant the name and address of
26 the court which issued the adoption decree. ~~Upon~~
27 ~~receipt-of-notice-of-annulment-of-adoption, the~~
28 ~~original-certificate-of-birth-shall-be-restored-to-its~~
29 ~~place-in-the-files-and-the-new-certificate-and~~
30 ~~evidence-shall-not-be-subject-to-inspection-except~~
31 ~~upon-order-of-the-district-court.~~

32 Sec. _____. Section 600.16, subsection 2, Code 1991,
33 is amended by adding the following new unnumbered
34 paragraph after unnumbered paragraph 1:

35 NEW UNNUMBERED PARAGRAPH. An adopted person whose
36 adoption became final prior to July 4, 1941, and whose
37 adoption record was not required to be sealed at the
38 time when the adoption record was completed, shall not
39 be required to show good cause for an order opening
40 the adoption record under this subsection."

41 2. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to vital records
43 by".

44 3. Title page, line 2, by inserting after the
45 word "registered" the following: "and by providing
46 for access to certain adoption records".

RECEIVED FROM THE SENATE

H-3886 FILED APRIL 25, 1991

Have referred to Council 5/1/91 (p. 1967)

Motion to reconsider (8/1988)

" prevailed 5/2

Amended (4013) & concurred 5/2 (p. 1994)

HOUSE FILE 380

H-4013

1 Amend the Senate amendment, H-3886, to House File
2 380, as passed by the House, as follows:
3 1. Page 1, line 40, by inserting after the word
4 "subsection" the following: ", provided that the
5 court shall consider any affidavit filed under this
6 subsection".

By HAVERLAND of Polk

H-4013 FILED MAY 2, 1991
ADOPTED (p. 1994)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 380

S-3681

1 Amend the Senate amendment, H-3886, to House File
2 380, as passed by the House, as follows:
3 1. Page 1, line 40, by inserting after the word
4 "subsection" the following: ", provided that the
5 court shall consider any affidavit filed under this
6 subsection".

RECEIVED FROM THE HOUSE

S-3681 FILED MAY 2, 1991
CONCURS (p. 1619)

HOUSE FILE 380

FISCAL NOTE

REQUESTED BY SENATOR BUHR

A fiscal note for House File 380 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 380 requires the State Registrar to mail a certified copy of a birth certificate to the parent when the certificate of birth is registered. A fee is to be charged for the certified copy in an amount established by rule by the Department of Public Health.

There is no estimated fiscal effect to House File 380.

Source: Department of Public Health

(LSB 1549hv, RRS)

FILED APRIL 12, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

Nielsen, Chair
Hurley
Jesse

HSB 91

HUMAN RESOURCES

SENATE/HOUSE FILE 580
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the state registrar to provide a certified copy
2 of a birth certificate when the certificate is registered.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TLSB 1549XL 74

jp/jw/5

1 Section 1. Section 144.13A, Code 1991, is amended to read
2 as follows:

3 144.13A REGISTRATION FEE.

4 The county registrar and or state registrar shall charge
5 the parent a ten dollar fee for the registration of a
6 certificate of birth and a separate fee established under
7 section 144.46 for a certified copy of the certificate. The
8 certified copy shall be mailed to the parent by the state
9 registrar. If the person responsible for the filing of the
10 certificate of birth under section 144.13 is not the parent,
11 the person is entitled to collect the fee from the parent.
12 The fee shall be remitted to the appropriate registrar. If
13 the expenses of the birth are reimbursed under the medical
14 assistance program established by chapter 249A, or paid for
15 under the statewide indigent patient care program established
16 by chapter 255, or paid for under the obstetrical and newborn
17 indigent patient care program established by chapter 255A, or
18 if the parent is indigent and unable to pay the expenses of
19 the birth and no other means of payment is available to the
20 parent, the registration fee ~~is~~ and certified copy fee are
21 waived. If the person responsible for the filing of the
22 certificate is not the parent, the person is discharged from
23 the duty to collect and remit the fee under this section if
24 the person has made a good faith effort to collect the fee
25 from the parent. The fees collected by the county registrar
26 and state registrar shall be remitted to the treasurer of
27 state for deposit in the general fund of the state. It is the
28 intent of the general assembly that the funds generated from
29 the registration fees be appropriated and used for primary and
30 secondary child abuse prevention programs.

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EXPLANATION

32 This bill requires the state registrar to mail a certified
33 copy of a birth certificate to the parent when the certificate
34 of birth is registered. A fee is to be charged by the county
35 registrar or state registrar for the certified copy in an

1 amount established by rule by the Iowa department of public
2 health. The fee is waived if the birth costs were paid under
3 a public assistance program or if the parent was otherwise
4 unable to pay the expenses of the birth.

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HOUSE FILE 380

AN ACT

RELATING TO VITAL RECORDS BY REQUIRING THE STATE REGISTRAR TO PROVIDE A CERTIFIED COPY OF A BIRTH CERTIFICATE WHEN THE CERTIFICATE IS REGISTERED AND BY PROVIDING FOR ACCESS TO CERTAIN ADOPTION RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 144.13A, Code 1991, is amended to read as follows:

144.13A REGISTRATION FEE.

The county registrar and or state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth and a separate fee established under section 144.46 for a certified copy of the certificate. The certified copy shall be mailed to the parent by the state registrar. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person is entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is and certified copy fee are waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the county registrar

and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. 2. Section 144.24, Code 1991, is amended to read as follows:

144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH CERTIFICATES -- INSPECTION.

When If a new certificate of birth is established, the actual place and date of birth shall be shown on the certificate. The certificate shall be substituted for the original certificate of birth. Thereafter, 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 600.16, or as provided by regulation administrative rule for statistical or administrative purposes, only. However, the state registrar shall, upon the application of an adult adopted person, an adoptive parent, or the legal representative of either the adult adopted person or the adoptive parent, inspect the original certificate and the evidence of adoption and reveal to the applicant the name and address of the court which issued the adoption decree. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of the district court.

Sec. 3. Section 600.16, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. An adopted person whose adoption became final prior to July 4, 1941, and whose adoption record was not required to be sealed at the time when the adoption

record was completed, shall not be required to show good cause for an order opening the adoption record under this subsection, provided that the court shall consider any affidavit filed under this subsection.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 380, Seventy-fourth General Assembly.

Approved June 5, 1991

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor