

House File 197 - Introduced

HOUSE FILE 197

BY WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to the obtaining of a copy of an original birth
2 certificate by an adult adoptee, and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.24, Code 2015, is amended to read as
2 follows:

3 **144.24 Substituting new for original birth certificates —**
4 **inspection.**

5 1. If a new certificate of birth is established, the actual
6 place and date of birth shall be shown on the certificate. The
7 certificate shall be substituted for the original certificate
8 of birth. ~~Thereafter,~~

9 2. Following substitution of the original certificate of
10 birth with a new certificate of birth, the original certificate
11 and the evidence of adoption, paternity, legitimation, or sex
12 change shall not be subject to inspection except under order of
13 a court of competent jurisdiction, including but not limited
14 to an order issued pursuant to section 600.16A, as provided
15 in section 144.24A, or as provided by administrative rule for
16 statistical or administrative purposes only. ~~However,~~

17 3. Notwithstanding subsection 2, the state registrar shall,
18 upon the application of an adult adopted person, a biological
19 parent, an adoptive parent, or the legal representative of the
20 adult adopted person, the biological parent, or the adoptive
21 parent, inspect the original certificate and the evidence of
22 adoption and reveal to the applicant the date of the adoption
23 and the name and address of the court which issued the adoption
24 decree.

25 **Sec. 2. NEW SECTION. 144.24A Access to original birth**
26 **certificate — application — fees — contact preference form.**

27 1. Notwithstanding any provision of law to the contrary,
28 an adult adopted person who was born in this state and whose
29 original certificate of birth was substituted with a new
30 certificate of birth pursuant to section 144.24 based upon the
31 adoption may apply for and obtain a noncertified copy of the
32 person's original certificate of birth in accordance with this
33 section.

34 a. The adult adopted person shall be at least eighteen years
35 of age at the time the application is filed.

1 *b.* The adult adopted person shall file a written application
2 along with proof of identification with the state registrar
3 requesting a noncertified copy of the original certificate of
4 birth.

5 *c.* Upon receipt of the written application and proof of
6 identification and payment of a fee, the state registrar shall
7 issue a noncertified copy of the original certificate of birth
8 to the applicant. At the time of such issuance, the state
9 registrar shall also provide to the applicant any contact
10 preference form completed and submitted to the state registrar
11 pursuant to subsection 2.

12 2. *a.* The state registrar shall develop a contact
13 preference form on which a biological parent may state a
14 preference regarding contact by an adult adopted person
15 following application for and issuance of the noncertified copy
16 of the original certificate of birth under this section. The
17 preferences available to the biological parent shall include
18 all of the following, from which the biological parent may
19 choose only one:

20 (1) "I would like to be contacted. I have completed this
21 contact preference form and am filing the form with the state
22 registrar."

23 (2) "I would prefer to be contacted only through an
24 intermediary. I have completed this contact preference form
25 and am filing the form with the state registrar."

26 (3) "I do not want to be contacted. I may change this
27 preference by filling out another contact preference form. I
28 have completed this contact preference form and am filing the
29 form with the state registrar."

30 *b.* The contact preference form shall be provided to the
31 biological parent in accordance with section 600A.4.

32 *c.* Upon receipt of a completed contact preference form, the
33 state registrar shall attach the completed form to the original
34 certificate of birth.

35 3. The state registrar shall adopt rules pursuant to chapter

1 17A to administer this section including rules relating to all
2 of the following:

3 *a.* Establishment of fees pursuant to section 144.46 for
4 issuance of the noncertified copy of the original certificate
5 of birth under this section.

6 *b.* The application form and proof of identification
7 requirements relative to application for a noncertified copy of
8 an original certificate of birth.

9 *c.* The contact preference form.

10 Sec. 3. Section 600.13, subsection 5, Code 2015, is amended
11 to read as follows:

12 5. An interlocutory or a final adoption decree shall be
13 entered with the clerk of court. Such decree shall set forth
14 any facts of the adoption petition which have been proven to
15 the satisfaction of the juvenile court or court and any other
16 facts considered to be relevant by the juvenile court or court
17 and shall grant the adoption petition. If so designated in
18 the adoption decree, the name of the adopted person shall be
19 changed by issuance of that decree. The clerk of the court
20 shall, within thirty days of issuance, deliver one certified
21 copy of any adoption decree to the petitioner, one copy of any
22 adoption decree to the department and any agency or person
23 making an independent placement who placed a minor person for
24 adoption, and one ~~certification~~ certified copy of any adoption
25 decree to the state registrar of vital statistics to prepare
26 a certificate of adoption as prescribed in section 144.19 ~~to~~
27 ~~the state registrar of vital statistics.~~ Upon receipt of
28 the ~~certification~~ certified copy of the adoption decree, the
29 state registrar shall prepare a new birth certificate pursuant
30 to section 144.23 and deliver to the parents named in the
31 decree and any adult person adopted by the decree a copy of
32 the new birth certificate. The parents shall pay the fee
33 prescribed in section 144.46. Upon receipt of the certified
34 copy of the adoption decree, the state registrar shall also
35 attach a copy of any contact preference form included with

1 the certified copy to the original certificate of birth for
2 the purposes of section 144.24A. If the person adopted was
3 born outside this state but in the United States, the state
4 registrar shall forward the certification of adoption to the
5 appropriate agency in the state of birth. A copy of any
6 interlocutory adoption decree vacation shall be delivered and
7 another birth certificate shall be prepared in the same manner
8 as a certification of adoption is delivered and the birth
9 certificate was originally prepared.

10 Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph
11 1, Code 2015, is amended to read as follows:

12 ~~All~~ With the exception of access to the original certificate
13 of birth as provided in section 144.24A, all of the papers and
14 records pertaining to a termination of parental rights under
15 chapter 600A and to an adoption shall not be open to inspection
16 and the identity of the biological parents of an adopted
17 person shall not be revealed except under any of the following
18 circumstances:

19 Sec. 5. Section 600A.4, subsection 2, Code 2015, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *Of.* Shall be accompanied by a contact
22 preference form completed by the biological parent of the
23 person to be adopted and attached to the original certificate
24 of birth as provided in section 144.24A. The contact
25 preference form shall be attached to any termination of
26 parental rights order issued pursuant to section 600A.9.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill provides for access to an adult adopted person's
31 original certificate of birth.

32 The bill provides that an adult adopted person who was
33 born in this state and whose original certificate of birth
34 was substituted with a new certificate of birth based upon
35 the adoption, may obtain a noncertified copy of the person's

1 original certificate of birth as specified in the bill.
2 These specifications include that the adult adopted person
3 is at least 18 years of age at the time the application is
4 filed and that the adult adopted person must file a written
5 application along with proof of identification with the state
6 registrar. Upon receipt of the written application and proof
7 of identification and payment of a fee, the state registrar
8 shall issue a noncertified copy of the original certificate
9 of birth to the applicant. At the time of such issuance, the
10 state registrar must also provide to the applicant any contact
11 preference form completed and submitted to the state registrar.
12 The contact preference form, developed by the state registrar,
13 is a form to be completed and submitted by the biological
14 parent stating a preference regarding contact by an adult
15 adopted person following application for and issuance of the
16 noncertified copy of the original certificate of birth. The
17 preferences available to the biological parent include a choice
18 of one of the following: (1) "I would like to be contacted.
19 I have completed this contact preference form and am filing
20 the form with the state registrar." (2) "I would prefer to be
21 contacted only through an intermediary. I have completed this
22 contact preference form and am filing the form with the state
23 registrar." (3) "I do not want to be contacted. I may change
24 this preference by filling out another contact preference form.
25 I have completed this contact preference form and am filing the
26 form with the state registrar." The contact preference form
27 is to be provided to an individual who is in the process of
28 terminating parental rights and is to be attached to a release
29 of custody and the termination of parental rights order, which
30 in turn is attached to the adoption petition and the adoption
31 decree. A certified copy of the adoption decree, including any
32 copy of the contact preference form, is to be sent to the state
33 registrar for the purpose of, in addition to the preparation
34 of a new birth certificate, attaching the contact preference
35 form to the original certificate of birth. The bill directs

1 the state registrar to adopt rules pursuant to Code chapter
2 17A to administer the provisions of the bill including rules
3 relating to fees for issuance of the noncertified copy of the
4 original certificate of birth, the application form and proof
5 of identification requirements relative to application for a
6 noncertified copy of an original certificate of birth, and
7 the contact preference form. Fees established are subject to
8 Code section 144.46 including provisions requiring that fees
9 collected are to be deposited in the general fund of the state
10 and the vital records fund in accordance with an apportionment
11 established by rule.

12 The bill includes conforming changes in the Code. The
13 bill provides an exception to the provisions and penalties
14 relating to the opening of papers and records pertaining to a
15 termination of parental rights or an adoption, to allow for
16 access to the original certificate of birth by an adult adopted
17 person.