

**House File 528 - Introduced**

HOUSE FILE 528  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 53)

**A BILL FOR**

1 An Act relating to access to a copy of an original birth  
2 certificate by an adult adoptee or an entitled person, and  
3 providing for fees.

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

1 Section 1. Section 144.24, Code 2019, 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 certificate**  
26 **of birth — application — contact preference form — medical**  
27 **history form — fees.**

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

1     *a.* (1) If an adult adopted person is submitting the  
2 application, the adult adopted person shall be at least  
3 eighteen years of age at the time the application is filed.

4     (2) If an entitled person is submitting the application,  
5 the adult adopted person who is the subject of the original  
6 certificate of birth shall be at least eighteen years of age at  
7 the time the application is filed.

8     *b.* The adult adopted person or the entitled person shall  
9 file a written application with the state registrar on a form  
10 and in the manner prescribed by the state registrar requesting  
11 a noncertified copy of the original certificate of birth.

12     *c.* Upon receipt of the written application, proof of  
13 identification, and payment of a fee, the state registrar  
14 shall issue a noncertified copy of the original certificate  
15 of birth to the applicant. At the time of such issuance, the  
16 state registrar shall also provide to the applicant any contact  
17 preference form or medical history form completed and submitted  
18 to the state registrar pursuant to subsections 2 and 3.

19     2. *a.* The state registrar shall develop a contact  
20 preference form on which a biological parent may state a  
21 preference regarding contact by an adult adopted person or an  
22 entitled person following application for and issuance of the  
23 noncertified copy of the original certificate of birth under  
24 this section. The preferences available to the biological  
25 parent shall include all of the following, from which the  
26 biological parent may choose only one:

27     (1) "I would like to be contacted. I have completed this  
28 contact preference form and am filing the form with the state  
29 registrar. I may change this preference by filing a subsequent  
30 contact preference form with the state registrar."

31     (2) "I would prefer to be contacted only through an  
32 intermediary. I would like the following named individual  
33 or entity to act as an intermediary. I have completed this  
34 contact preference form and am filing the form with the state  
35 registrar. I may change this preference by filing a subsequent

1 contact preference form with the state registrar.”

2 (3) “I do not want to be contacted; however, my personally  
3 identifiable information may be released if requested in  
4 accordance with Iowa Code section 144.24A. I have completed  
5 this contact preference form and am filing the form with the  
6 state registrar. I may change this preference by filing a  
7 subsequent contact preference form with the state registrar.”

8 *b.* The contact preference form shall also state that  
9 regardless of whether a contact preference form is completed  
10 by the biological parent, a noncertified copy of the original  
11 certificate of birth shall be issued to an adult adopted person  
12 or an entitled person who applies for a noncertified copy of an  
13 original certificate of birth in accordance with this section.

14 *c.* The contact preference form shall be provided to the  
15 biological parent in accordance with section 600A.4. A contact  
16 preference form may be completed or updated by the biological  
17 parent at any time at the request of the biological parent.

18 3. *a.* The state registrar shall develop a medical history  
19 form on which a biological parent may provide the medical  
20 history of the biological parent and any blood relatives. The  
21 options available to the biological parent shall include all of  
22 the following from which the biological parent may choose only  
23 one:

24 (1) “I am not aware of any medical history of any  
25 significance.”

26 (2) “I prefer not to provide any medical information at this  
27 time.”

28 (3) “I wish to provide the following medical information  
29 included on the attached form.”

30 *b.* The medical history form shall be provided to the  
31 biological parent in accordance with section 600A.4. A medical  
32 history form may be completed or updated by the biological  
33 parent at any time at the request of the biological parent.

34 4. Upon receipt of a completed contact preference form or  
35 medical history form, the state registrar shall attach any such

1 completed form to the original certificate of birth.

2 5. For the purposes of this section, "*entitled person*"  
3 means the spouse of the adult adopted person or an adult  
4 related to the adult adopted person within the second degree  
5 of consanguinity.

6 6. The state registrar shall adopt rules pursuant to chapter  
7 17A to administer this section including rules relating to all  
8 of the following:

9 a. Establishment of fees pursuant to section 144.46 for  
10 issuance of a noncertified copy of the original certificate of  
11 birth under this section.

12 b. The application form and proof of identification  
13 requirements relative to an application for a noncertified copy  
14 of an original certificate of birth.

15 c. The contact preference form and the medical history form.

16 7. a. Beginning August 1, 2019, the department shall  
17 establish a public awareness and notification period to promote  
18 awareness of the provisions of this section and to allow time  
19 for a biological parent to file contact preference and medical  
20 history forms.

21 b. Beginning August 1, 2019, an application may be submitted  
22 under this section by an adult adopted person or an entitled  
23 person to obtain a noncertified copy of an adult adopted  
24 person's original certificate of birth in accordance with this  
25 section, if the adult adopted person who is the subject of the  
26 original certificate of birth was born before January 1, 1970.

27 c. Beginning July 1, 2020, an application may be submitted  
28 under this section by an adult adopted person or an entitled  
29 person to obtain a noncertified copy of an adult adopted  
30 person's original certificate of birth in accordance with this  
31 section, notwithstanding the date of birth of the adult adopted  
32 person who is the subject of the original certificate of birth  
33 prescribed under paragraph "b".

34 Sec. 3. Section 600.13, subsection 5, Code 2019, is amended  
35 to read as follows:

1 5. *a.* An interlocutory or a final adoption decree shall be  
2 entered with the clerk of court. Such decree shall set forth  
3 any facts of the adoption petition which have been proven to  
4 the satisfaction of the juvenile court or court and any other  
5 facts considered to be relevant by the juvenile court or court  
6 and shall grant the adoption petition. If so designated in  
7 the adoption decree, the name of the adopted person shall be  
8 changed by issuance of that decree.

9 *b.* The clerk of the court shall, within thirty days of  
10 issuance, deliver one certified copy of any adoption decree  
11 to the petitioner, at no charge, one copy of any adoption  
12 decree to the department and any adoption service provider  
13 who placed a minor person for adoption, at no charge, and one  
14 ~~certification~~ certified copy of any adoption decree to the  
15 state registrar of vital statistics to prepare a certificate  
16 of adoption birth as prescribed in [section 144.19](#) ~~to the state~~  
17 ~~registrar of vital statistics at no charge~~.

18 *c.* Upon receipt of the ~~certification~~ certified copy of the  
19 adoption decree, the state registrar shall prepare a new birth  
20 certificate pursuant to [section 144.23](#) and shall do one of the  
21 following, as applicable:

22 (1) Deliver to the parents named in the decree a copy of  
23 the new birth certificate along with a document, developed and  
24 furnished by the department, listing all postadoption services  
25 available to adoptive families in the state.

26 (2) Deliver to any adult person adopted by the decree a copy  
27 of the new birth certificate.

28 *d.* The parents shall pay the fee prescribed in section  
29 144.46.

30 *e.* Upon receipt of the certified copy of the adoption  
31 decree, the state registrar shall also attach a copy of any  
32 contact preference form or medical history included with the  
33 certified copy to the original certificate of birth for the  
34 purposes of section 144.24A.

35 *e. f.* If the person adopted was born outside this state

1 but in the United States, the state registrar shall forward  
2 the ~~certification~~ certified copy of the adoption decree to the  
3 appropriate agency in the state of birth.

4 ~~f.~~ g. A copy of any interlocutory adoption decree vacation  
5 shall be delivered and another birth certificate shall be  
6 prepared in the same manner as a ~~certification~~ certified copy  
7 of the adoption decree is delivered and the birth certificate  
8 was originally prepared.

9 Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph  
10 1, Code 2019, is amended to read as follows:

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

18 Sec. 5. Section 600A.4, subsection 2, Code 2019, is amended  
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *Of.* Shall be accompanied by a contact  
21 preference form or medical history form completed by the  
22 biological parent of the person to be adopted and attached  
23 to the original certificate of birth as provided in section  
24 144.24A. The contact preference form or medical history form  
25 shall be attached to any termination of parental rights order  
26 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 born  
33 in this state and whose original certificate of birth was  
34 substituted with a new certificate of birth based upon the  
35 adoption, or an entitled person, may obtain a noncertified copy

1 of the adult adopted person's original certificate of birth as  
2 specified in the bill. Upon receipt of the written application  
3 and proof of identification and payment of a fee, the state  
4 registrar of vital statistics shall issue a noncertified copy  
5 of the original certificate of birth to the applicant. At the  
6 time of such issuance, the state registrar must also provide to  
7 the applicant any contact preference form or medical history  
8 form completed and submitted to the state registrar. The  
9 contact preference form, developed by the state registrar,  
10 is a form to be completed and submitted by the biological  
11 parent stating a preference regarding contact by an adult  
12 adopted person or entitled person following application for and  
13 issuance of the noncertified copy of the original certificate  
14 of birth. The preferences available to the biological parent  
15 include a choice of one of the following: (1) "I would like to  
16 be contacted. I have completed this contact preference form  
17 and am filing the form with the state registrar. I may change  
18 this preference by filing a subsequent contact preference form  
19 with the state registrar." (2) "I would prefer to be contacted  
20 only through an intermediary. I would like the following  
21 named individual or entity to act as an intermediary. I have  
22 completed this contact preference form and am filing the form  
23 with the state registrar. I may change this preference by  
24 filing a subsequent contact preference form with the state  
25 registrar." (3) "I do not want to be contacted; however,  
26 my personally identifiable information may be released if  
27 requested in accordance with Iowa Code section 144.24A. I  
28 have completed this contact preference form and am filing the  
29 form with the state registrar. I may change this preference  
30 by filing a subsequent contact preference form with the state  
31 registrar." The medical history form, developed by the state  
32 registrar, allows a biological parent to provide the medical  
33 history of the biological parent and any blood relatives.  
34 The options available to a biological parent on which the  
35 biological parent may choose only one are: (1) "I am not aware



1 of any medical history of any significance"; (2) "I prefer  
2 not to provide any medical information at this time"; (3) "I  
3 wish to provide the following medical information included on  
4 the attached form". The contact preference form and medical  
5 history form are to be provided to an individual who is in the  
6 process of terminating parental rights and are to be attached  
7 to a release of custody and the termination of parental rights  
8 order, which in turn are attached to the adoption petition  
9 and the adoption decree. A certified copy of the adoption  
10 decree, including any copy of the contact preference form and  
11 medical history form, are to be sent to the state registrar for  
12 the purpose of, in addition to the preparation of a new birth  
13 certificate, attaching the contact preference form and medical  
14 history form to the original certificate of birth. The bill  
15 directs the state registrar to adopt rules pursuant to Code  
16 chapter 17A to administer the provisions of the bill including  
17 rules relating to fees for issuance of the noncertified copy  
18 of the original certificate of birth, the application form and  
19 proof of identification requirements relative to application  
20 for a noncertified copy of an original certificate of birth,  
21 and the contact preference form and medical history form.  
22 Fees established are subject to Code section 144.46 including  
23 provisions requiring that fees collected are to be deposited  
24 in the general fund of the state and the vital records fund in  
25 accordance with an apportionment established by rule.

26 The bill provides for the establishment of a public  
27 awareness and notification period by the department of public  
28 health beginning August 1, 2019; provides that beginning August  
29 1, 2019, an adult adopted person or an entitled person may  
30 submit an application for a noncertified copy of an adult  
31 adopted person's certificate of birth if the adult adopted  
32 person, who is the subject of the application, was born before  
33 January 1, 1970; and provides that beginning July 1, 2020, an  
34 adult adopted person or an entitled person may apply for a  
35 noncertified copy of an adult adopted person's certificate of

1 birth, notwithstanding the date of birth of the adult adopted  
2 person who is the subject of the application.

3     The bill includes conforming changes in the Code. The  
4 bill provides an exception to the provisions and penalties  
5 relating to the opening of papers and records pertaining to a  
6 termination of parental rights or an adoption, to allow for  
7 access to the original certificate of birth consistent with the  
8 bill.