

House File 53 - Introduced

HOUSE FILE 53

BY SALMON

A BILL FOR

1 An Act relating to access to 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 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 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 persons' 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 with the state registrar on a form and in the manner prescribed
3 by the state registrar requesting a noncertified copy of the
4 original certificate of 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. I may change this preference by filing a subsequent
23 contact preference form with the state registrar."

24 (2) "I would prefer to be contacted only through an
25 intermediary. I would like the following named individual
26 or entity to act as an intermediary. I have completed this
27 contact preference form and am filing the form with the state
28 registrar. I may change this preference by filing a subsequent
29 contact preference form with the state registrar."

30 (3) "I do not want to be contacted; however, my personally
31 identifiable information may be released if requested in
32 accordance with Iowa Code section 144.24A. I have completed
33 this contact preference form and am filing the form with the
34 state registrar. I may change this preference by filing a
35 subsequent contact preference form with the state registrar."

1 (4) "I request that all personally identifiable information
2 related to me be redacted from the original birth certificate.
3 I have completed this contact preference form and am filing the
4 form with the state registrar. I may change this preference
5 by filing a subsequent contact preference form with the state
6 registrar."

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

9 c. Upon receipt of a completed contact preference form, the
10 state registrar shall attach the completed form to the original
11 certificate of birth.

12 3. Notwithstanding the provisions of subsection 2, in the
13 case of an adult person who was adopted prior to July 1, 2019,
14 the following shall apply:

15 a. A biological parent may submit a contact preference
16 form as specified in subsection 2 to the state registrar on or
17 before June 30, 2021.

18 b. On or after July 1, 2021, the adult adopted person
19 may apply for a noncertified copy of the person's original
20 certificate of birth and any contact preference form in
21 accordance with this section.

22 (1) If a contact preference form is submitted by a
23 biological parent on or before June 30, 2021, the adult adopted
24 person may obtain a noncertified copy of the person's original
25 certificate of birth and any contact preference form in
26 accordance with this section.

27 (2) If a contact preference form is not submitted by a
28 biological parent on or before June 30, 2021, the adult adopted
29 person's original certificate of birth shall remain sealed and
30 shall only be subject to inspection under order of a court of
31 competent jurisdiction, including an order issued pursuant to
32 section 600.16A, or as provided by administrative rule for
33 statistical or administrative purposes.

34 4. The state registrar shall adopt rules pursuant to chapter
35 17A to administer this section including rules relating to all

1 of the following:

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

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

8 *c.* The contact preference form.

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

11 5. *a.* An interlocutory or a final adoption decree shall be
12 entered with the clerk of court. Such decree shall set forth
13 any facts of the adoption petition which have been proven to
14 the satisfaction of the juvenile court or court and any other
15 facts considered to be relevant by the juvenile court or court
16 and shall grant the adoption petition. If so designated in
17 the adoption decree, the name of the adopted person shall be
18 changed by issuance of that decree.

19 *b.* The clerk of the court shall, within thirty days of
20 issuance, deliver one certified copy of any adoption decree
21 to the petitioner, at no charge, one copy of any adoption
22 decree to the department and any adoption service provider
23 who placed a minor person for adoption, at no charge, and one
24 ~~certification~~ certified copy of any adoption decree to the
25 state registrar of vital statistics to prepare a certificate
26 of adoption birth as prescribed in [section 144.19](#) ~~to the state~~
27 ~~registrar of vital statistics at no charge~~.

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

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

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

3 *d.* The parents shall pay the fee prescribed in section
4 144.46.

5 *e.* Upon receipt of the certified copy of the adoption
6 decree, the state registrar shall also attach a copy of any
7 contact preference form included with the certified copy to
8 the original certificate of birth or the purposes of section
9 144.24A.

10 ~~*e.*~~ *f.* If the person adopted was born outside this state
11 but in the United States, the state registrar shall forward
12 the ~~certification~~ certified copy of the adoption decree to the
13 appropriate agency in the state of birth.

14 ~~*f.*~~ *g.* A copy of any interlocutory adoption decree vacation
15 shall be delivered and another birth certificate shall be
16 prepared in the same manner as a ~~certification~~ certified copy
17 of the adoption decree is delivered and the birth certificate
18 was originally prepared.

19 Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph
20 1, Code 2019, is amended to read as follows:

21 ~~All~~ With the exception of access to the original certificate
22 of birth as provided in section 144.24A, all of the papers and
23 records pertaining to a termination of parental rights under
24 chapter 600A and to an adoption shall not be open to inspection
25 and the identity of the biological parents of an adopted
26 person shall not be revealed except under any of the following
27 circumstances:

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

30 NEW PARAGRAPH. *Of.* Shall be accompanied by a contact
31 preference form completed by the biological parent of the
32 person to be adopted and attached to the original certificate
33 of birth as provided in section 144.24A. The contact
34 preference form shall be attached to any termination of
35 parental rights order issued pursuant to section 600A.9.

1

EXPLANATION

2

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

3

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

6 The bill provides that an adult adopted person who was
7 born in this state and whose original certificate of birth
8 was substituted with a new certificate of birth based upon
9 the adoption, may obtain a noncertified copy of the person's
10 original certificate of birth as specified in the bill.
11 These specifications include that the adult adopted person
12 is at least 18 years of age at the time the application is
13 filed and that the adult adopted person must file a written
14 application with the state registrar. Upon receipt of the
15 written application and proof of identification and payment of
16 a fee, the state registrar of vital statistics shall issue a
17 noncertified copy of the original certificate of birth to the
18 applicant. At the time of such issuance, the state registrar
19 must also provide to the applicant any contact preference form
20 completed and submitted to the state registrar. The contact
21 preference form, developed by the state registrar, is a form
22 to be completed and submitted by the biological parent stating
23 a preference regarding contact by an adult adopted person
24 following application for and issuance of the noncertified
25 copy of the original certificate of birth. The preferences
26 available to the biological parent include a choice of one of
27 the following: (1) "I would like to be contacted. I have
28 completed this contact preference form and am filing the form
29 with the state registrar. I may change this preference by
30 filing a subsequent contact preference form with the state
31 registrar." (2) "I would prefer to be contacted only through
32 an 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
35 state registrar. I may change this preference by filing a

1 subsequent 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 (4) “I request that all personally identifiable information
9 related to me be redacted from the original birth certificate.
10 I have completed this contact preference form and am filing the
11 form with the state registrar. I may change this preference
12 by filing a subsequent contact preference form with the state
13 registrar.” The contact preference form is to be provided to
14 an individual who is in the process of terminating parental
15 rights and is to be attached to a release of custody and
16 the termination of parental rights order, which in turn is
17 attached to the adoption petition and the adoption decree.
18 A certified copy of the adoption decree, including any copy
19 of the contact preference form, is to be sent to the state
20 registrar for the purpose of, in addition to the preparation
21 of a new birth certificate, attaching the contact preference
22 form to the original certificate of birth. The bill directs
23 the state registrar to adopt rules pursuant to Code chapter
24 17A to administer the provisions of the bill including rules
25 relating to fees for issuance of the noncertified copy of the
26 original certificate of birth, the application form and proof
27 of identification requirements relative to application for a
28 noncertified copy of an original certificate of birth, and
29 the contact preference form. Fees established are subject to
30 Code section 144.46 including provisions requiring that fees
31 collected are to be deposited in the general fund of the state
32 and the vital records fund in accordance with an apportionment
33 established by rule.

34 The bill includes conforming changes in the Code. The
35 bill provides an exception to the provisions and penalties

1 relating to the opening of papers and records pertaining to a
2 termination of parental rights or an adoption, to allow for
3 access to the original certificate of birth by an adult adopted
4 person consistent with the bill.

5 Notwithstanding the provisions of the bill relating to the
6 preference form and the use of the preference form, the bill
7 provides that, relative to an adult person who was adopted
8 prior to July 1, 2019, when the bill takes effect, a biological
9 parent may submit a contact preference form to the state
10 registrar of vital statistics on or before June 30, 2021. On
11 or after July 1, 2021, the adult adopted person may apply for a
12 noncertified copy of the person's original certificate of birth
13 and any contact preference form in accordance with the bill.
14 If a contact preference form is submitted by a biological
15 parent on or before June 30, 2021, the adult adopted person may
16 obtain a noncertified copy of the person's original certificate
17 of birth and any contact preference form in accordance with the
18 bill. However, if a contact preference form is not submitted
19 by a biological parent on or before June 30, 2021, the adult
20 adopted person's original certificate of birth shall remain
21 sealed and shall only be subject to inspection as is provided
22 in the law prior to July 1, 2019, which provides that an adult
23 adopted person's original certificate of birth shall only be
24 subject to inspection under order of a court of competent
25 jurisdiction, including an order issued pursuant to Code
26 section 600.16A, or as provided by administrative rule for
27 statistical or administrative purposes.