

House File 746 - Introduced

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BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 528)

(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,
3 providing for fees, and including effective date provisions.
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. The department shall establish a public awareness and
17 notification period to promote awareness of the provisions of
18 this section and to allow time for a biological parent to file
19 contact preference and medical history forms.

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

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

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

35 5. a. An interlocutory or a final adoption decree shall be

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

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

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

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

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

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

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

34 ~~*e.*~~ *f.* If the person adopted was born outside this state
35 but in the United States, the state registrar shall forward

1 the ~~certification~~ certified copy of the adoption decree to the
2 appropriate agency in the state of birth.

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

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

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

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

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

26 Sec. 6. EFFECTIVE DATE. Section 144.24A, subsection
27 7, paragraph "a", as enacted in this Act, requiring the
28 department of public health to establish a public awareness
29 and notification period to promote awareness and to allow time
30 for a biological parent to file contact preference and medical
31 history forms, being deemed of immediate importance, takes
32 effect upon enactment.

33

EXPLANATION

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

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

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

1 by filing a subsequent contact preference form with the state
2 registrar." The medical history form, developed by the state
3 registrar, allows a biological parent to provide the medical
4 history of the biological parent and any blood relatives.
5 The options available to a biological parent on which the
6 biological parent may choose only one are: (1) "I am not aware
7 of any medical history of any significance"; (2) "I prefer
8 not to provide any medical information at this time"; (3) "I
9 wish to provide the following medical information included on
10 the attached form". The contact preference form and medical
11 history form are to be provided to an individual who is in the
12 process of terminating parental rights and are to be attached
13 to a release of custody and the termination of parental rights
14 order, which in turn are attached to the adoption petition
15 and the adoption decree. A certified copy of the adoption
16 decree, including any copy of the contact preference form and
17 medical history form, are to be sent to the state registrar for
18 the purpose of, in addition to the preparation of a new birth
19 certificate, attaching the contact preference form and medical
20 history form to the original certificate of birth. The bill
21 directs the state registrar to adopt rules pursuant to Code
22 chapter 17A to administer the provisions of the bill including
23 rules relating to fees for issuance of the noncertified copy
24 of the original certificate of birth, the application form and
25 proof of identification requirements relative to application
26 for a noncertified copy of an original certificate of birth,
27 and the contact preference form and medical history form.
28 Fees established are subject to Code section 144.46 including
29 provisions requiring that fees collected are to be deposited
30 in the general fund of the state and the vital records fund in
31 accordance with an apportionment established by rule.
32 The bill provides for the establishment of a public
33 awareness and notification period by the department of
34 public health upon the effective date of the Act; provides
35 that beginning August 1, 2019, an adult adopted person or an

1 entitled person may submit an application for a noncertified
2 copy of an adult adopted person's certificate of birth if the
3 adult adopted person, who is the subject of the application,
4 was born before January 1, 1970; and provides that beginning
5 July 1, 2020, an adult adopted person or an entitled person
6 may apply for a noncertified copy of an adult adopted person's
7 certificate of birth, notwithstanding the date of birth of the
8 adult adopted person who is the subject of the application.

9 The bill includes conforming changes in the Code. The
10 bill provides an exception to the provisions and penalties
11 relating to the opening of papers and records pertaining to a
12 termination of parental rights or an adoption, to allow for
13 access to the original certificate of birth consistent with the
14 bill.