

**House File 723 - Introduced**

HOUSE FILE 723  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 226)

**A BILL FOR**

1 An Act relating to access to a copy of an original birth  
2 certificate by an adoptee or an entitled person, providing  
3 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 2021, 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, an  
29 adopted person who was born in this state and whose original  
30 certificate of birth was substituted with a new certificate of  
31 birth pursuant to section 144.24 based upon the adoption, or  
32 an entitled person, may apply for and obtain a noncertified  
33 copy of the original certificate of birth of the adopted person  
34 who is the subject of the original certificate of birth in  
35 accordance with this section, including with any required

1 redaction of personally identifiable information pursuant to  
2 subsection 2, paragraph "a", subparagraph (4).

3     a. (1) If an adopted person who is the subject of the  
4 original certificate of birth is submitting the application,  
5 the adopted person shall be at least eighteen years of age at  
6 the time the application is filed.

7     (2) If an entitled person is submitting the application, the  
8 adopted person who is the subject of the original certificate  
9 of birth shall be deceased at the time the application is  
10 filed.

11     b. The adopted person or the entitled person shall file  
12 a written application with the state registrar on a form and  
13 in the manner prescribed by the state registrar requesting a  
14 noncertified copy of the original certificate of birth.

15     c. Upon receipt of the written application, proof of  
16 identification, and payment of a fee, the state registrar  
17 shall issue a noncertified copy of the original certificate  
18 of birth to the applicant in accordance with this section,  
19 including with any required redaction of personally  
20 identifiable information pursuant to subsection 2, paragraph  
21 "a", subparagraph (4). At the time of such issuance, the state  
22 registrar shall also provide to the applicant any contact  
23 preference form or medical history form completed and submitted  
24 to the state registrar pursuant to subsections 2 and 3 in  
25 accordance with this section, including with any required  
26 redaction of personally identifiable information pursuant to  
27 subsection 2, paragraph "a", subparagraph (4), and subsection  
28 3, paragraph "a", subparagraph (4).

29     2. a. The state registrar shall develop a contact  
30 preference form on which a biological parent may state a  
31 preference regarding contact by an adopted person or an  
32 entitled person following application for and issuance of the  
33 noncertified copy of the original certificate of birth under  
34 this section. The preferences available to the biological  
35 parent shall include all of the following, from which the

1 biological parent may choose only one:

2 (1) "I would like to be contacted. I have completed this  
3 contact preference form and am filing the form with the state  
4 registrar. I may change this preference by filing a subsequent  
5 contact preference form with the state registrar."

6 (2) "I would prefer to be contacted only through an  
7 intermediary. I would like the following named individual  
8 or entity to act as an intermediary. I have completed this  
9 contact preference form and am filing the form with the state  
10 registrar. I may change this preference by filing a subsequent  
11 contact preference form with the state registrar."

12 (3) "I do not want to be contacted; however, my personally  
13 identifiable information may be released if requested in  
14 accordance with Iowa Code section 144.24A. I have completed  
15 this contact preference form and am filing the form with the  
16 state registrar. I may change this preference by filing a  
17 subsequent contact preference form with the state registrar."

18 (4) "I do not want to be contacted. I request that my  
19 personally identifiable information be redacted from the  
20 noncertified copy of the original certificate of birth and  
21 my contact preference form. I have completed this contact  
22 preference form and am filing the form with the state  
23 registrar. I may change this preference by filing a subsequent  
24 contract preference form with the state registrar."

25 *b.* The contact preference form shall also state that  
26 regardless of whether a contact preference form is completed  
27 by the biological parent, a noncertified copy of the original  
28 certificate of birth shall be issued to an adopted person  
29 or an entitled person who applies for a noncertified copy  
30 of an original certificate of birth in accordance with this  
31 section, including with any required redaction of personally  
32 identifiable information pursuant to subsection 2, paragraph  
33 "a", subparagraph (4).

34 *c.* The contact preference form shall be provided to the  
35 biological parent in accordance with section 600A.4. A contact

1 preference form may be completed or updated by the biological  
2 parent at any time at the request of the biological parent.

3 3. a. The state registrar shall develop a medical history  
4 form on which a biological parent may provide the medical  
5 history of the biological parent and any blood relatives. The  
6 options available to the biological parent shall include all of  
7 the following from which the biological parent may choose only  
8 one:

9 (1) "I am not aware of any medical history of any  
10 significance."

11 (2) "I prefer not to provide any medical information at this  
12 time."

13 (3) "I wish to provide the following medical information  
14 included on the attached form."

15 (4) "I wish to provide the following medical information  
16 included in the attached form. However, I request that my  
17 personally identifiable information be redacted from the  
18 medical information form prior to its release under Iowa Code  
19 section 144.24A."

20 b. The medical history form shall be provided to the  
21 biological parent in accordance with section 600A.4. A medical  
22 history form may be completed or updated by the biological  
23 parent at any time at the request of the biological parent.

24 4. Upon receipt of a completed contact preference form or  
25 medical history form, the state registrar shall attach any such  
26 completed form to the original certificate of birth.

27 5. For the purposes of this section, "*entitled person*" means  
28 the spouse of the adopted person who is deceased or an adult  
29 related to the adopted person who is deceased within the second  
30 degree of consanguinity.

31 6. The state registrar shall adopt rules pursuant to chapter  
32 17A to administer this section including rules relating to all  
33 of the following:

34 a. Establishment of fees pursuant to section 144.46 for  
35 issuance of a noncertified copy of the original certificate of

1 birth under this section.

2     *b.* The application form and proof of identification  
3 requirements relative to an application for a noncertified copy  
4 of an original certificate of birth.

5     *c.* The contact preference form and the medical history form.

6     7. *a.* The department shall implement a public awareness and  
7 notification period to promote awareness of the provisions of  
8 this section and to allow time for a biological parent to file  
9 contact preference and medical history forms.

10    *b.* An application may be submitted under this section by an  
11 adopted person or an entitled person to obtain a noncertified  
12 copy of an adopted person's original certificate of birth in  
13 accordance with this section, if the adopted person who is the  
14 subject of the original certificate of birth was born before  
15 January 1, 1971.

16    *c.* Beginning January 1, 2022, an application may be  
17 submitted under this section by an adopted person or an  
18 entitled person to obtain a noncertified copy of an adopted  
19 person's original certificate of birth in accordance with this  
20 section, notwithstanding the date of birth of the adopted  
21 person who is the subject of the original certificate of birth  
22 prescribed under paragraph "b".

23    Sec. 3. Section 600.13, subsection 5, Code 2021, is amended  
24 to read as follows:

25    5. *a.* An interlocutory or a final adoption decree shall be  
26 entered with the clerk of court. Such decree shall set forth  
27 any facts of the adoption petition which have been proven to  
28 the satisfaction of the juvenile court or court and any other  
29 facts considered to be relevant by the juvenile court or court  
30 and shall grant the adoption petition. If so designated in  
31 the adoption decree, the name of the adopted person shall be  
32 changed by issuance of that decree.

33    *b.* The clerk of the court shall, within thirty days of  
34 issuance, deliver one certified copy of any adoption decree  
35 to the petitioner, at no charge, one copy of any adoption

1 decree to the department and any adoption service provider  
2 who placed a minor person for adoption, at no charge, and one  
3 ~~certification~~ certified copy of any adoption decree, and any  
4 contact preference form or medical history form associated with  
5 the certified copy of any adoption decree for the purposes of  
6 section 144.24A, to the state registrar of vital statistics  
7 to prepare a certificate of adoption birth as prescribed in  
8 ~~section 144.19 to the state registrar of vital statistics at~~  
9 ~~no charge.~~

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

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

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

20 d. The parents shall pay the fee prescribed in section  
21 144.46.

22 e. Upon receipt of the certified copy of the adoption  
23 decree, the state registrar shall also attach a copy of any  
24 contact preference form or medical history form included with  
25 the certified copy to the original certificate of birth for the  
26 purposes of section 144.24A.

27 e. f. If the person adopted was born outside this state  
28 but in the United States, the state registrar shall forward  
29 the ~~certification~~ certified copy of the adoption decree to the  
30 appropriate agency in the state of birth.

31 ~~f.~~ g. A copy of any interlocutory adoption decree vacation  
32 shall be delivered and another birth certificate shall be  
33 prepared in the same manner as a ~~certification~~ certified copy  
34 of the adoption decree is delivered and the birth certificate  
35 was originally prepared.

1     Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph  
2 1, Code 2021, is amended to read as follows:

3     ~~All~~ With the exception of access to the original certificate  
4 of birth as provided in section 144.24A, all of the papers and  
5 records pertaining to a termination of parental rights under  
6 chapter 600A and to an adoption shall not be open to inspection  
7 and the identity of the biological parents of an adopted  
8 person shall not be revealed except under any of the following  
9 circumstances:

10    Sec. 5. Section 600A.4, subsection 2, Code 2021, is amended  
11 by adding the following new paragraph:

12    NEW PARAGRAPH. *Of.* Shall be accompanied by a contact  
13 preference form or medical history form completed by the  
14 biological parent of the person to be adopted and attached  
15 to the original certificate of birth as provided in section  
16 144.24A. The contact preference form or medical history form  
17 shall be attached to any termination of parental rights order  
18 issued pursuant to section 600A.9.

19    Sec. 6. EFFECTIVE DATE. The following, being deemed of  
20 immediate importance, take effect upon enactment:

21    1. The section of this Act enacting section 144.24A,  
22 subsection 7, paragraph "a", requiring the department of public  
23 health to implement a public awareness and notification period  
24 to promote awareness and to allow time for a biological parent  
25 to file contact preference and medical history forms.

26    2. The section of this Act enacting section 144.24A,  
27 subsection 7, paragraph "b", providing for the submission of  
28 an application by an adopted person or an entitled person to  
29 obtain a noncertified copy of an adopted person's original  
30 certificate of birth, if the adopted person who is the subject  
31 of the original certificate of birth was born before January  
32 1, 1971.

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  
7 copy of the adult adopted person's original certificate of  
8 birth as specified in the bill. Upon receipt of the written  
9 application, proof of identification, and payment of a fee, the  
10 state registrar of vital statistics shall issue a noncertified  
11 copy of the original certificate of birth to the applicant  
12 including with any required redaction of the biological  
13 parent's personally identifiable information, if requested  
14 by the biological parent. At the time of such issuance,  
15 the state registrar must also provide to the applicant any  
16 contact preference form or medical history form completed and  
17 submitted to the state registrar including with any required  
18 redaction of the biological parent's personally identifiable  
19 information, if requested by the biological parent. The  
20 contact preference form, developed by the state registrar,  
21 is a form to be completed and submitted by the biological  
22 parent stating a preference regarding contact by an adult  
23 adopted person or entitled person following application for and  
24 issuance of the noncertified copy of the original certificate  
25 of birth. The preferences available to the biological parent  
26 include a choice of one of the following: (1) "I would like  
27 to be contacted. I have completed this contact preference  
28 form and am filing the form with the state registrar. I  
29 may change this preference by filing a subsequent contact  
30 preference form with the state registrar." (2) "I would  
31 prefer to be contacted only through an intermediary. I would  
32 like the following named individual or entity to act as an  
33 intermediary. I have completed this contact preference form  
34 and am filing the form with the state registrar. I may change  
35 this preference by filing a subsequent contact preference

1 form with the state registrar." (3) "I do not want to be  
2 contacted; however, my personally identifiable information may  
3 be released if requested in accordance with Iowa Code section  
4 144.24A. I have completed this contact preference form and am  
5 filing the form with the state registrar. I may change this  
6 preference by filing a subsequent contact preference form with  
7 the state registrar." (4) "I do not want to be contacted.  
8 I request that my personally identifiable information be  
9 redacted from the noncertified copy of the original certificate  
10 of birth and my contact preference form. I have completed  
11 this contact preference form and am filing the form with the  
12 state registrar. I may change this preference by filing a  
13 subsequent contact preference form with the state registrar."  
14 The medical history form, developed by the state registrar,  
15 allows a biological parent to provide the medical history of  
16 the biological parent and any blood relatives. The options  
17 available to a biological parent on which the biological  
18 parent may choose only one are: (1) "I am not aware of any  
19 medical history of any significance"; (2) "I prefer not to  
20 provide any medical information at this time"; (3) "I wish  
21 to provide the following medical information included on the  
22 attached form"; (4) "I wish to provide the following medical  
23 information included in the attached form. However, I request  
24 that my personally identifiable information be redacted from  
25 the medical information form prior to its release under Iowa  
26 Code section 144.24A." The contact preference form and medical  
27 history form are to be provided to an individual who is in the  
28 process of terminating parental rights and are to be attached  
29 to a release of custody and the termination of parental rights  
30 order, which in turn are attached to the adoption petition  
31 and the adoption decree. A certified copy of the adoption  
32 decree, including any copy of the contact preference form and  
33 medical history form, are to be sent to the state registrar for  
34 the purpose of, in addition to the preparation of a new birth  
35 certificate, attaching the contact preference form and medical

1 history form to the original certificate of birth. The bill  
2 directs the state registrar to adopt rules pursuant to Code  
3 chapter 17A to administer the provisions of the bill including  
4 rules relating to fees for issuance of the noncertified copy  
5 of the original certificate of birth, the application form and  
6 proof of identification requirements relative to application  
7 for a noncertified copy of an original certificate of birth,  
8 and the contact preference form and medical history form.

9 Fees established are subject to Code section 144.46 including  
10 provisions requiring that fees collected are to be deposited  
11 in the general fund of the state and the vital records fund in  
12 accordance with an apportionment established by rule.

13 The bill provides for the implementation of a public  
14 awareness and notification period by the department of public  
15 health to promote awareness of the provisions of the bill  
16 and to allow time for a biological parent to file a contact  
17 preference and medical history form. The bill provides that  
18 an adult adopted person or an entitled person may submit  
19 an application for a noncertified copy of an adult adopted  
20 person's certificate of birth if the adult adopted person, who  
21 is the subject of the application, was born before January  
22 1, 1971; and provides that beginning January 1, 2022, an  
23 adult adopted person or an entitled person may apply for a  
24 noncertified copy of an adult adopted person's certificate of  
25 birth, notwithstanding the date of birth of the adult adopted  
26 person who is the subject of the application.

27 The bill includes conforming changes in the Code. The  
28 bill provides an exception to the provisions and penalties  
29 relating to the opening of papers and records pertaining to a  
30 termination of parental rights or an adoption, to allow for  
31 access to the original certificate of birth consistent with the  
32 bill.

33 The bill includes effective date provisions relating  
34 to implementation of the public awareness and notification  
35 period and to the submission of an application to obtain a

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1 noncertified copy of an adopted person's original certificate  
2 of birth if the person was born before January 1, 1971.