

Senate Study Bill 1040 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

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.