

House File 720 - Introduced

HOUSE FILE 720

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 268)

(SUCCESSOR TO HF 60)

A BILL FOR

1 An Act relating to the addition of biological parent
2 information of an adult adopted person through
3 reestablishment of an original certificate of birth, and
4 providing fees.

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

1 Section 1. NEW SECTION. 144.23A Biological parent
2 information — reestablishment of original certificate of birth.

3 1. Notwithstanding whether an original certificate of
4 birth is substituted with a new certificate of birth pursuant
5 to section 144.24 following adoption of the subject of the
6 original certificate of birth, whether a new certificate
7 of birth is issued to show that a person for whom the new
8 certificate is requested has been legitimated or that paternity
9 of that person has been determined pursuant to section 144.23,
10 or whether a new certificate of birth is issued to show
11 paternity pursuant to section 144.40 if paternity is not shown
12 on the original certificate of birth, an adopted person who is
13 the subject of the original certificate of birth, who was born
14 in this state, who is at least eighteen years of age at the time
15 the application is filed, and whose original certificate of
16 birth was substituted with a new certificate of birth pursuant
17 to section 144.24 based upon the adoption, may apply to the
18 state registrar to have that original certificate of birth
19 reestablished to include the name on the original certificate
20 of birth of an omitted biological parent in accordance with
21 this section.

22 2. Prior to issuing a reestablished original certificate
23 of birth as provided in subsection 1, all of the following
24 requirements shall be met:

25 a. The adopted person shall file a written application,
26 in the form and manner prescribed by the state registrar
27 along with proof of identification, with the state registrar
28 consenting to the adopted person's original certificate of
29 birth being reestablished to include the name of an omitted
30 biological parent.

31 b. The adopted person shall obtain and submit to the state
32 registrar one of the following regarding the person whose name
33 is to be added as a biological parent:

34 (1) If the person whose name is to be added as a biological
35 parent is living, the adopted person shall obtain from the

1 person a sworn affidavit along with substantiating evidence
2 attesting that the person is a biological parent of the subject
3 of the original certificate of birth and that the name to be
4 added is that of the biological parent that was omitted from
5 the original certificate of birth.

6 (2) If the person whose name is to be added as a biological
7 parent is deceased, the adopted person shall obtain from
8 the personal representative or successor of the estate of
9 the person, from the trustee of the trust of the person,
10 or from a relative of the person a sworn affidavit along
11 with substantiating evidence, attesting that the person is a
12 biological parent of the subject of the original certificate of
13 birth and that the name to be added is that of the biological
14 parent that was omitted from the original certificate of birth.

15 3. An adult adopted person as described in section 144.24A
16 or an entitled person as defined in section 144.24A may
17 apply for and obtain a noncertified copy of the reestablished
18 original certificate of birth subject to compliance with the
19 requirements for applying for and obtaining a noncertified copy
20 of an original certificate of birth under section 144.24A. The
21 reestablished original certificate of birth shall include the
22 biological parent who was omitted from the original certificate
23 of birth. A reestablished original certificate of birth shall
24 be marked "reestablished". A summary statement of the evidence
25 submitted pursuant to this section shall be endorsed on the
26 certificate.

27 4. The state registrar shall adopt rules pursuant to chapter
28 17A to administer this section including rules relating to all
29 of the following:

30 a. The establishment, collection, and deposit of fees
31 in accordance with section 144.46 for the preparation and
32 registration of a reestablished original certificate of birth
33 and for issuance of a noncertified copy of a reestablished
34 original certificate of birth under this section. The
35 fee established for issuance of a noncertified copy of a

1 reestablished original certificate of birth shall not exceed
2 the fee established for issuance of a certified copy of a
3 certificate of birth.

4 *b.* The consent and affidavit forms, the proof of
5 identification requirements relative to provision of consent
6 by the subject of an original certificate of birth, and the
7 evidentiary requirements to substantiate that a person is
8 an omitted biological parent of the subject of the original
9 certificate of birth.

10 5. For the purposes of this section:

11 *a.* "*Personal representative*" means the same as defined in
12 section 633.3.

13 *b.* "*Relative*" means any of the following:

14 (1) A person related to the person whose name is to be
15 added on the original certificate of birth as a biological
16 parent, by consanguinity or affinity within the second degree
17 as determined by common law.

18 (2) A lineal descendent, by consanguinity or affinity,
19 of the person whose name is to be added to the original
20 certificate of birth as a biological parent, including legally
21 adopted children and biological children, stepchildren,
22 grandchildren, great-grandchildren, and any other lineal
23 descendent of such individual.

24 *c.* "*Successor*" means the same as defined in section 633.356.

25 *d.* "*Trustee*" means the same as defined in section 633.3.

26 Sec. 2. Section 144.24, subsection 2, Code 2023, is amended
27 to read as follows:

28 2. Following substitution of the original certificate of
29 birth with a new certificate of birth, the original certificate
30 and the evidence of adoption, paternity, legitimation, or sex
31 change shall not be subject to inspection except under order of
32 a court of competent jurisdiction, including but not limited
33 to an order issued pursuant to [section 600.16A](#), as provided in
34 [section 144.23A](#) or [144.24A](#), or as provided by administrative
35 rule for statistical or administrative purposes only.

1 Sec. 3. Section 144.24A, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 8. If an original certificate of birth
4 is reestablished pursuant to section 144.23A, the adopted
5 person or the entitled person who meets the requirements of
6 this section may apply for and obtain a noncertified copy of
7 the reestablished original certificate of birth of the adopted
8 person who is the subject of the original certificate of birth
9 subject to compliance with the requirements of this section
10 relating to the issuance of a noncertified copy of an original
11 certificate of birth.

12 EXPLANATION

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

15 This bill provides for the addition of biological parent
16 information of an adult adopted person to an original
17 certificate of birth through reestablishment of the original
18 certificate of birth.

19 The bill provides that notwithstanding whether an original
20 certificate of birth is substituted with a new certificate
21 of birth following adoption of the subject of the original
22 certificate of birth, whether a new certificate of birth is
23 issued to show that a person for whom the new certificate is
24 requested has been legitimated or that paternity of that person
25 has been determined, or whether a new certificate of birth
26 is issued to show paternity if paternity is not shown on the
27 original certificate of birth, an adopted person who is the
28 subject of the original certificate of birth who was born in
29 this state, who is at least 18 years of age at the time the
30 application is filed, and whose original certificate of birth
31 was substituted with a new certificate of birth pursuant to
32 Code section 144.24 based upon the adoption, may apply to the
33 state registrar to reestablish that original certificate of
34 birth to include the name on that original certificate of birth
35 of an omitted biological parent.

1 The bill includes requirements that must be met prior to
2 reestablishment of an original certificate of birth under
3 the bill including: the adopted person shall file a written
4 application, along with proof of identification, with the
5 state registrar consenting to the adopted person's original
6 certificate of birth being reestablished to include the name
7 of an omitted biological parent; and the adopted person shall
8 obtain and submit to the state registrar an affidavit with
9 substantiating evidence, from either the person whose name is
10 to be added as a biological parent if that person is living or
11 from a specified representative of that person if that person
12 is deceased, attesting that the person whose name is to be
13 added as a biological parent is a biological parent of the
14 subject of the original certificate of birth and that the name
15 to be added is that of the biological parent that was omitted
16 from the original certificate of birth.

17 A reestablished original certificate of birth registered
18 under the bill shall be marked reestablished and a summary
19 statement of the evidence submitted in support of the
20 reestablished original certificate of birth shall be endorsed
21 on the certificate.

22 If an original certificate of birth is reestablished under
23 the bill, an adopted person as described in Code section
24 144.24A (access to original certificate of birth — application
25 — contact preference form — medical history form — fees)
26 or an entitled person as defined in Code section 144.24A may
27 apply for and obtain a noncertified copy of the reestablished
28 original certificate of birth subject to compliance with the
29 requirements for applying for and obtaining a noncertified copy
30 of an original certificate of birth under Code section 144.24A.

31 The bill provides definitions for terms used in the bill
32 including "personal representative", "relative", "successor",
33 and "trustee".

34 The bill directs the state registrar to adopt administrative
35 rules relating to establishment, collection, and deposit of

1 fees for preparation and registration of a reestablished
2 original certificate of birth and for issuance of a
3 noncertified copy of a reestablished original certificate
4 of birth; the consent and affidavit forms; the proof of
5 identification requirements relative to the provision of
6 consent by the subject of an original certificate of birth
7 to reestablishment of the original certificate of birth; and
8 the evidentiary requirements to substantiate that a person is
9 an omitted biological parent of the subject of the original
10 certificate of birth.

11 The bill makes a conforming Code change to include an
12 exemption to provide that the original certificate of birth may
13 be subject to inspection for the purposes of reestablishment
14 under the bill.

15 The bill also makes conforming changes in Code section
16 144.24A to reflect the provisions of the bill relating to
17 issuance of a noncertified copy of a reestablished original
18 certificate of birth.