

Senate File 187 - Introduced

SENATE FILE 187

BY ZAUN

(COMPANION TO HF 60 BY LOHSE)

A BILL FOR

1 An Act relating to the addition of biological parent
2 information of an adult adopted person through amendment of
3 an original certificate of birth, and providing fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 144.23A Biological parent
2 information — amendment 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 amend that original certificate of birth to
19 include the name on the original certificate of birth of an
20 omitted biological parent in accordance with this section.

21 2. Prior to amending an original certificate of birth as
22 provided in subsection 1, all of the following requirements
23 shall be met:

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

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

33 (1) If the person whose name is to be added as a biological
34 parent is living, the state registrar shall obtain from the
35 person a sworn affidavit along with substantiating evidence

1 attesting that the person is a biological parent of the subject
2 of the original certificate of birth and that the name to be
3 added is that of the biological parent that was omitted from
4 the original certificate of birth.

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

14 3. An amended original certificate of birth registered
15 under this section shall be marked "amended" as provided in
16 section 144.38. A summary statement of the evidence submitted
17 in support of the amended original certificate of birth shall
18 be endorsed on the certificate.

19 4. If an original certificate of birth is amended under
20 this section, an adopted person as described in section
21 144.24A or an entitled person as defined in section 144.24A,
22 may apply for and obtain a noncertified copy of the amended
23 original certificate of birth subject to compliance with the
24 requirements for applying for and obtaining a noncertified copy
25 of an original certificate of birth under section 144.24A.

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

29 a. The establishment, collection, and deposit of fees
30 in accordance with section 144.46 for the preparation and
31 registration of an amended original certificate of birth and
32 for issuance of a noncertified copy of an amended original
33 certificate of birth under this section. The fee established
34 for issuance of a noncertified copy of an amended original
35 certificate of birth shall not exceed the fee established for

1 issuance of a certified copy of a certificate of birth.

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

9 6. For the purposes of this section:

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

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

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

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

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

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

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

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

35 Sec. 3. Section 144.24A, Code 2023, is amended by adding the

1 following new subsection:

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

11

EXPLANATION

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

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

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

35 The bill includes requirements that must be met prior

1 to amending an original certificate of birth under the
2 bill including: the adopted person shall file a written
3 application, along with proof of identification, with the
4 state registrar consenting to the adopted person's original
5 certificate of birth being amended to include the name of an
6 omitted biological parent; and the state registrar shall obtain
7 an affidavit with substantiating evidence, from either the
8 person whose name is to be added as a biological parent if
9 that person is living or from a specified representative of
10 that person if that person is deceased, attesting that the
11 person whose name is to be added as a biological parent 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 An amended original certificate of birth registered under
16 the bill shall be marked "amended" as provided under current
17 law, and a summary statement of the evidence submitted in
18 support of the amended original certificate of birth shall be
19 endorsed on the certificate.

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

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

32 The bill directs the state registrar to adopt administrative
33 rules relating to establishment, collection, and deposit of
34 fees for preparation and registration of an amended original
35 certificate of birth and for issuance of a noncertified copy

1 of an amended original certificate of birth; the consent and
2 affidavit forms; the proof of identification requirements
3 relative to the provision of consent by the subject of an
4 original certificate of birth to amendment of the original
5 certificate of birth; and the evidentiary requirements to
6 substantiate that a person is an omitted biological parent of
7 the subject of the original certificate of birth.

8 The bill makes a conforming Code change to provide an
9 exemption to provide that the original certificate of birth may
10 be subject to inspection for the purposes of amendment under
11 the bill.

12 The bill also makes conforming changes in Code section
13 144.24A to reflect the provisions of the bill relating
14 to issuance of a noncertified copy of an amended original
15 certificate of birth.