SENATE FILE 621
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 515)
(SUCCESSOR TO SF 126)

(As Amended and Passed by the Senate April 23, 2019)
_____ and [= New Language by the Senate
* = Language Stricken by the Senate

A BILL FOR

An Act relating to access to a copy of an original birth certificate by an adoptee or an entitled person, providing for fees, and including effective date provisions.

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

Section 1. Section 144.24, Code 2019, is amended to read as follows:

144.24 Substituting new for original birth certificates — inspection.

1. If a new certificate of birth is established, the actual place and date of birth shall be shown on the certificate. The certificate shall be substituted for the original certificate of birth. ~~Thereafter,~~

2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to section 600.16A, as provided in section 144.24A, or as provided by administrative rule for statistical or administrative purposes only. ~~However,~~

3. Notwithstanding subsection 2, the state registrar shall, upon the application of an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent, inspect the original certificate and the evidence of adoption and reveal to the applicant the date of the adoption and the name and address of the court which issued the adoption decree.

Sec. 2. NEW SECTION. **144.24A Access to original certificate of birth — application — contact preference form — medical history form — fees.**

1. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this section, including with any required

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

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

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

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

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

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

biological parent may choose only one:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

birth under this section.

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

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

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

b. An application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this section, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1950.

c. Beginning January 1, 2020, an application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth in accordance with this section, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph "*b*".

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

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

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

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

c. Upon receipt of the ~~certification~~ certified copy of the adoption decree, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and shall do one of the following, as applicable:

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

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

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

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

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

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

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

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

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

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

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

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

2. The section of this Act enacting section 144.24A, subsection 7, paragraph "b", providing for the submission of an application by an adopted person or an entitled person to obtain a noncertified copy of an adopted person's original certificate of birth, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1950.