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H.B. No. 984

A BILL TO BE ENTITLED

AN ACT

relating to birth records of adopted persons; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.008, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (g) and (h) to read as follows:

(d) Except as provided by Subsections (e), ~~and~~ (f), and (g), only the court that granted the adoption may order access to an original birth certificate and the filed documents on which a supplementary certificate is based.

(g) The state registrar shall on written request provide to a person who was adopted or, if the adopted person is deceased, an adult descendant, adult sibling, surviving spouse, or adoptive parent of the adopted person, a noncertified copy of the person's original birth certificate if:

(1) the adopted person was born in this state;

(2) the request is made on or after the adopted person's 18th birthday;

(3) a supplementary birth certificate was issued for the adopted person; and

(4) the person requesting the certificate furnishes, in person or by mail, appropriate proof of the person's identity.

(h) For a noncertified birth certificate provided under Subsection (g), the state registrar shall collect a fee in an amount

1 equal to the fee charged for issuance of any other noncertified
2 birth certificate and issue the certificate within the time
3 prescribed for issuance of other noncertified birth certificates.

4 SECTION 2. Subchapter A, Chapter 192, Health and Safety
5 Code, is amended by adding Section 192.0085 to read as follows:

6 Sec. 192.0085. CONTACT PREFERENCE FORM AND SUPPLEMENTAL
7 MEDICAL HISTORY FORM. (a) The state registrar shall develop a
8 contact preference form on which a birth parent shall state the
9 birth parent's preference regarding contact by an adopted person
10 who is the biological offspring of the birth parent. The contact
11 preference form shall provide the birth parent with the following
12 options:

13 (1) authorize direct contact by the adopted person;

14 (2) authorize contact by the adopted person only
15 through an intermediary selected and identified by the birth
16 parent; or

17 (3) not authorize contact by the adopted person.

18 (b) The state registrar shall ensure that a birth parent who
19 authorizes contact through an intermediary identifies on the
20 contact preference form a person to serve as an intermediary and
21 includes on the form that person's contact information.

22 (c) The state registrar shall develop a supplemental
23 medical history form that allows a birth parent to provide
24 supplemental medical information in addition to the information
25 included in the adopted person's genetic history report provided
26 under Section 162.005, Family Code.

27 (d) The department shall make the contact preference form

1 and the supplemental medical history form available on the
2 department's Internet website and make copies of the forms
3 available in the state registrar's office.

4 (e) A birth parent may file a contact preference form and a
5 supplemental medical history form with the state registrar. The
6 birth parent may return the contact preference form and
7 supplemental medical history form together to the state registrar.

8 (f) A birth parent who authorizes direct contact by the
9 adopted person or contact by the adopted person through an
10 intermediary by filing the contact preference form with the state
11 registrar may not change that preference after the preference is on
12 file with the state registrar. A birth parent may provide updated
13 intermediary contact information as necessary.

14 (g) A birth parent who does not authorize contact by the
15 adopted person may choose to authorize direct contact by the
16 adopted person or contact by the adopted person through an
17 intermediary by filing a supplemental contact preference form with
18 the state registrar authorizing the contact.

19 (h) The state registrar shall provide copies of the birth
20 parent's contact preference form and supplemental medical history
21 form, if available, to an adopted person or other person authorized
22 to receive a noncertified copy of the adopted person's original
23 birth certificate under Section [192.008](#).

24 SECTION 3. Subchapter A, Chapter 162, Family Code, is
25 amended by adding Section 162.0061 to read as follows:

26 Sec. 162.0061. CONTACT PREFERENCE FORM: NOTICE AND FILING.

27 (a) The Department of Family and Protective Services or the

1 licensed child-placing agency, person, or other entity placing a
2 child for adoption shall:

3 (1) inform the birth parents of the child:

4 (A) of the provisions of Chapter 192, Health and
5 Safety Code, relating to the birth parent contact preference form
6 and the rights of an adopted child to obtain a noncertified copy of
7 the adopted person's original birth certificate; and

8 (B) that the birth parents are required to
9 provide a completed contact preference form to the Department of
10 Family and Protective Services or the licensed child-placing
11 agency, person, or other entity placing a child for adoption;

12 (2) provide the birth parents of the child with a
13 contact preference form; and

14 (3) forward each original completed contact
15 preference form to the state registrar.

16 (b) The notice to a child's birth parents required by this
17 section shall be provided at the time that the birth parent's
18 parental rights to a child are terminated.

19 (c) Except as provided by Subsection (d), a petition for
20 adoption may not be granted until a copy of each birth parent's
21 contact preference form has been filed.

22 (d) A court having jurisdiction of a suit affecting the
23 parent-child relationship may by order waive the contact preference
24 form filing requirement of this section if the child's birth
25 parents cannot be located or are deceased or the court determines
26 that it is in the best interest of the child to waive the
27 requirement.

1 SECTION 4. (a) The state registrar shall develop the
2 contact preference form and the supplemental medical history form
3 as required by Section 192.0085, Health and Safety Code, as added by
4 this Act, not later than January 1, 2016.

5 (b) Notwithstanding Section 192.008(g), Health and Safety
6 Code, as added by this Act, the state registrar is not required to
7 comply with that provision until July 1, 2016.

8 (c) The birth parent of a person who was adopted before
9 January 1, 2016, may file a contact preference form and a
10 supplemental medical history form with the state registrar not
11 later than July 1, 2016, and after that date at the discretion of
12 the state registrar. Notwithstanding Section 192.0085(f), Health
13 and Safety Code, as added by this Act, a birth parent may file a
14 supplemental contact preference form changing the birth parent's
15 contact preference at any time before July 1, 2016. The latest
16 contact preference form on file with the state registrar and filed
17 before that date controls.

18 SECTION 5. The change in law made by Section 162.0061,
19 Family Code, as added by this Act, applies only to a suit for
20 adoption filed on or after January 1, 2016. A suit for adoption
21 filed before January 1, 2016, is governed by the law in effect at
22 the time the suit for adoption was filed, and the former law is
23 continued in effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2015.