



IOWA HOUSE DEMOCRATS

BILL SUMMARY

HF 855

Adoption Birth Certificates

Status of Bill: House Ways & Means Calendar
Committee: Judiciary Committee (21-0); Ways & Means (24-0)
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Lead Democrat: Rep. Wolfe; Rep. Kurth
Floor Manager: Rep. Jones

Background

Current Iowa law requires an adoption service provider to complete a background information investigation of the medical and social history of biological parents of a minor put up for adoption. The background information investigation cannot disclose the identity of the biological parents. The completed report must be filed with the court prior to the adoption hearing.

According to Iowa Code Chapter 600, adult adoptees in the state are entitled to medical and developmental family history. Eligible adults must be 21 years old or attain majority through marriage. A descendant of an adopted person may also access these records. This information cannot include the adopted person's biological parents' identities.

A court may order the opening of an adoption record for an adult adopted person for "good cause." Opening of the records may reveal the names of either or both of the biological parents in some circumstances. Adoption records prior to July 1, 1941 can be accessed without a showing of "good cause."

The Iowa Department of Public Health also maintains a voluntary registry of adoption records. The "Mutual Consent Voluntary Adoption Registry" allows all parties to agree to allow the Department of Public Health to give personal information to each other party to an adoption. The registry must have consent from the adopted person, the biological parent, and any siblings. Information is only revealed on the registry if there is a "match" between individuals signing up for the registry.

Bill Summary

Allows an adopted person, or any entitled person, born in the state where the original birth certificate was substituted with a new certificate after an adoption to apply for and obtain a noncertified copy of the original birth certificate. The adopted person must be at least 18 years of age. If an entitled person is submitting the application, the adopted person subject of the birth certificate must be deceased at the time of the application. "Entitled person" includes 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.

An adopted person or an entitled person may submit an application for a noncertified original birth certificate if the adopted person was born before January 1, 1971.

The State Registrar must create a form that must be used for requesting a noncertified copy of the original birth certificate. The state registrar must issue a noncertified copy of the original birth certificate after receiving the written application, proof of identification, and payment of a fee. The registrar also must provide any contact preference form or medical history form completed and submitted for the adopted person.

The State Registrar must develop a contact preference form for biological parents to state a preference regarding contact by an adopted person or entitle person. The preferences to the biological parent must include, "I would like to be contacted," "I would prefer to be contacted only through an intermediary," "I do not want to be contacted; however my personally identifiable information may be released if requested," and "I do not want to be contacted." The bill includes specific additional language requirements that must be included with each of these options.

The State Registrar must develop a medical history form on which a biological parent may provide the medical history of the parent and any blood relatives. The options must include, "I am not aware of any medical history of any significance," "I prefer not to provide any medical information at this time," "I wish to provide the following medical information included on the attached form," "I wish to provide the following medical information on the attached form. However, I request that my personally identifiable information be redacted from the medical information form prior to its release." The bill includes specific additional language that must be included with these forms.

The State Registrar must adopt rules to effectuate this change, including fees for the issuance of original birth certificates under this bill. The bill includes updates to the current process of handling birth certificates to reflect changes in the bill.

The Department of Public Health must implement a public awareness and notification period to promote awareness of the changes in the bill.