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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3371

February 25, 2008

Authored by Tingelstad; Hosch; Wardlow; Anderson, B.; Severson and others

The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to adoption; allowing adopted persons access to birth records; amending
1.3 Minnesota Statutes 2006, sections 13.465, subdivision 8; 144.218, subdivision 1;
1.4 144.225, subdivision 2; 144.2252; 259.89, subdivision 1; 260C.317, subdivision
1.5 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing
1.6 Minnesota Statutes 2006, sections 259.83, subdivision 3; 259.89, subdivisions
1.7 2, 3, 4, 5.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2006, section 13.465, subdivision 8, is amended to read:

1.10 Subd. 8. **Adoption records.** Various adoption records are classified under section
1.11 259.53, subdivision 1. Access to the original birth record of a person who has been
1.12 adopted is governed by section ~~259.89~~ 144.2253.

1.13 Sec. 2. Minnesota Statutes 2006, section 144.218, subdivision 1, is amended to read:

1.14 Subdivision 1. **Adoption.** Upon receipt of a certified copy of an order, decree, or
1.15 certificate of adoption, the state registrar shall register a replacement vital record in the
1.16 new name of the adopted person. The original record of birth is ~~confidential~~ private data
1.17 on individuals pursuant to section 13.02, subdivision ~~3~~ 12, and shall not be disclosed
1.18 except pursuant to court order or section 144.2252 or 144.2253. The information
1.19 contained on the original birth record, except for the registration number, shall be provided
1.20 on request to: (1) a parent who is named on the original birth record; and (2) the adopted
1.21 person who is the subject of the vital record if the person is at least 19 years of age. Upon
1.22 the receipt of a certified copy of a court order of annulment of adoption the state registrar
1.23 shall restore the original vital record to its original place in the file.

2.1 Sec. 3. Minnesota Statutes 2006, section 144.225, subdivision 2, is amended to read:

2.2 Subd. 2. **Data about births.** (a) Except as otherwise provided in this subdivision,
2.3 data pertaining to the birth of a child to a woman who was not married to the child's father
2.4 when the child was conceived nor when the child was born, including the original record
2.5 of birth and the certified vital record, are confidential data. At the time of the birth of a
2.6 child to a woman who was not married to the child's father when the child was conceived
2.7 nor when the child was born, the mother may designate demographic data pertaining to
2.8 the birth as public. Notwithstanding the designation of the data as confidential, it may
2.9 be disclosed:

2.10 (1) to a parent or guardian of the child;

2.11 (2) to the child when the child is 16 years of age or older;

2.12 (3) under paragraph (b) or (e); or

2.13 (4) pursuant to a court order. For purposes of this section, a subpoena does not
2.14 constitute a court order.

2.15 (b) Unless the child is adopted, data pertaining to the birth of a child that are not
2.16 accessible to the public become public data if 100 years have elapsed since the birth of
2.17 the child who is the subject of the data, or as provided under section 13.10, whichever
2.18 occurs first.

2.19 (c) If a child is adopted, data pertaining to the child's birth are governed by the
2.20 provisions relating to adoption records, including sections 13.10, subdivision 5; 144.218,
2.21 subdivision 1; 144.2252; 144.2253; and 259.89.

2.22 (d) The name and address of a mother under paragraph (a) and the child's date of
2.23 birth may be disclosed to the county social services or public health member of a family
2.24 services collaborative for purposes of providing services under section 124D.23.

2.25 (e) The commissioner of human services shall have access to birth records for:

2.26 (1) the purposes of administering medical assistance, general assistance medical
2.27 care, and the MinnesotaCare program;

2.28 (2) child support enforcement purposes; and

2.29 (3) other public health purposes as determined by the commissioner of health.

2.30 Sec. 4. Minnesota Statutes 2006, section 144.2252, is amended to read:

2.31 **144.2252 ACCESS TO ORIGINAL BIRTH RECORD AFTER ADOPTION.**

2.32 (a) Whenever an adopted person requests the state registrar to disclose the
2.33 information on the adopted person's original birth record, the state registrar shall act
2.34 according to section ~~259.89~~ 144.2253.

3.1 (b) The state registrar shall provide a transcript of an adopted person's original birth
 3.2 record to an authorized representative of a federally recognized American Indian tribe
 3.3 for the sole purpose of determining the adopted person's eligibility for enrollment or
 3.4 membership. Information contained in the birth record may not be used to provide the
 3.5 adopted person information about the person's birth parents, except as provided in this
 3.6 section or section ~~259.83~~ 144.2253.

3.7 **Sec. 5. [144.2253] ACCESS TO ORIGINAL BIRTH RECORD BY ADOPTED**
 3.8 **PERSON.**

3.9 Subdivision 1. **Disclosure; fee.** (a) The state registrar shall provide a photocopy of
 3.10 the original birth certificate upon request to an adopted person age 19 or older if there is no
 3.11 affidavit of nondisclosure on file. Affidavits of disclosure and affidavits of nondisclosure
 3.12 must be honored by the state registrar.

3.13 (b) The state registrar may impose a fee for the copy of the original birth certificate.

3.14 Subd. 2. **Recission of affidavit.** A birth parent may rescind an affidavit of disclosure
 3.15 or an affidavit of nondisclosure at any time.

3.16 Subd. 3. **Affidavit of nondisclosure; access to birth record.** (a) An adopted person
 3.17 age 19 or older may petition the appropriate court for disclosure of the original birth record
 3.18 pursuant to section 259.61, and the court shall grant the petition, if, after consideration of
 3.19 the interests of all known persons involved, the court determines that disclosure of the
 3.20 information would be of greater benefit than nondisclosure.

3.21 (b) An adopted person age 19 or older may request the state registrar search the state
 3.22 and national death records to determine if the birth parent is deceased. If the birth parent is
 3.23 deceased, a photocopy of the original birth certificate must be released only to the adopted
 3.24 person making the request. The state registrar may impose a fee for the record search.

3.25 Sec. 6. Minnesota Statutes 2006, section 259.89, subdivision 1, is amended to read:

3.26 Subdivision 1. **Request.** An adopted person who is 19 years of age or over may
 3.27 request the commissioner of health to disclose the information on the adopted person's
 3.28 original birth record. ~~The commissioner of health shall, within five days of receipt of~~
 3.29 ~~the request, notify the commissioner of human services in writing of the request by the~~
 3.30 ~~adopted person.~~

3.31 Sec. 7. Minnesota Statutes 2006, section 260C.317, subdivision 4, is amended to read:

3.32 Subd. 4. **Rights of terminated parent.** Upon entry of an order terminating the
 3.33 parental rights of any person who is identified as a parent on the original birth record of

4.1 the child as to whom the parental rights are terminated, the court shall cause written
4.2 notice to be made to that person setting forth:

4.3 (1) the right of the person to file at any time with the state registrar of vital statistics
4.4 a consent to disclosure, as defined in section 144.212, subdivision 11;

4.5 (2) the right of the person to file at any time with the state registrar of vital statistics
4.6 an affidavit stating that the information on the original birth record shall not be disclosed
4.7 as provided in section ~~144.2252~~ 144.2253; and

4.8 (3) the effect of a failure to file either a consent to disclosure, as defined in section
4.9 144.212, subdivision 11, or an affidavit stating that the information on the original birth
4.10 record shall not be disclosed.

4.11 Sec. 8. **REPEALER.**

4.12 Minnesota Statutes 2006, sections 259.83, subdivision 3; and 259.89, subdivisions 2,
4.13 3, 4, and 5, are repealed.