

# House Bill 2843

Sponsored by Representative HUNT (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits release of original birth certificate to adoptee unless birth parent has filed consent form with State Registrar of the Center for Health Statistics and adoptee is 21 years of age or older. Requires report of adoption submitted to court to state whether consent to release of original birth certificate has been filed by birth parent.

## A BILL FOR AN ACT

1  
2 Relating to original certificates of birth; creating new provisions; and amending ORS 432.230, 432.240  
3 and 432.415.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 432.240 is amended to read:

6 432.240. *[(1) Upon receipt of a written application to the state registrar, any adopted person 21*  
7 *years of age and older born in the State of Oregon shall be issued a certified copy of his/her unaltered,*  
8 *original and unamended certificate of birth in the custody of the state registrar, with procedures, filing*  
9 *fees, and waiting periods identical to those imposed upon nonadopted citizens of the State of Oregon*  
10 *pursuant to ORS 432.121 and 432.146. Contains no exceptions.]*

11 **(1)(a) A birth parent may at any time request from the State Registrar of the Center for**  
12 **Health Statistics or from a voluntary adoption registry a Consent to Release of Original**  
13 **Birth Certificate Form. The form shall be in a form prescribed by the state registrar and**  
14 **shall contain the birth parent's affirmative agreement that the state registrar may issue a**  
15 **certified copy of the unaltered, original and unamended certificate of birth to an adult**  
16 **adoptee who is a child of the birth parent if the adult adoptee submits a written application**  
17 **under paragraph (b) of this subsection. The form is not effective until it has been received**  
18 **by the state registrar.**

19 **(b) Upon receipt of a written application by an adult adoptee born in the State of Oregon**  
20 **whose birth parent has filed a Consent to Release of Original Birth Certificate Form under**  
21 **paragraph (a) of this subsection, the state registrar shall issue to the adult adoptee a certi-**  
22 **fied copy of the adult adoptee's unaltered, original and unamended certificate of birth in the**  
23 **custody of the state registrar, with procedures, filing fees and waiting period identical to**  
24 **those imposed upon nonadopted citizens of the State of Oregon pursuant to ORS 432.121 and**  
25 **432.146.**

26 **(2) A birth parent may at any time request from the State Registrar of the Center for Health**  
27 **Statistics or from a voluntary adoption registry a Contact Preference Form that shall accompany a**  
28 **birth certificate issued under subsection (1) of this section. The Contact Preference Form shall pro-**  
29 **vide the following information to be completed at the option of the birth parent:**  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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- (a) I would like to be contacted;
- (b) I would prefer to be contacted only through an intermediary; or

(c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will register with the voluntary adoption registry. I have completed an updated medical history and have filed it with the voluntary adoption registry. Attached is a certificate from the voluntary adoption registry verifying receipt of the updated medical history.

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(3) The certificate from the voluntary adoption registry verifying receipt of an updated medical history under subsection (2) of this section shall be in a form prescribed by the Oregon Health Authority and shall be supplied upon request of the birth parent by the voluntary adoption registry.

(4) When the State Registrar of the Center for Health Statistics receives a completed Contact Preference Form **or a Consent to Release of Original Birth Certificate Form** from a birth parent, the state registrar shall match the Contact Preference Form **or the Consent to Release of Original Birth Certificate Form** with the adopted person’s sealed file. The Contact Preference Form **or the Consent to Release of Original Birth Certificate Form** shall be placed in the adopted person’s sealed file when a match is made.

(5) A completed Contact Preference Form **or a Consent to Release of Original Birth Certificate Form** shall be confidential and shall be placed in a secure file until a match with the adopted person’s sealed file is made and the Contact Preference Form **or the Consent to Release of Original Birth Certificate Form** is placed in the adopted person’s file.

(6) Only those persons who are authorized to process applications made under subsection (1) of this section may process Contact Preference Forms **or Consent to Release of Original Birth Certificate Forms**.

**(7) Certified copies of original certificates of birth may not be issued to or inspected by any adoptee except as provided in this section.**

**(8) For purposes of this section:**

- (a) “Adult adoptee” means an adopted child who is 21 years of age and older.**
- (b) “Birth parent” has the meaning given that term in ORS 109.425.**
- (c) “Medical history” means the medical history described in ORS 109.342.**

**SECTION 2.** ORS 432.230 is amended to read:

432.230. (1) The State Registrar of the Center for Health Statistics shall establish a new certificate of birth for a person born in this state when the state registrar receives either of the following:

(a) A report of adoption as provided in ORS 432.415 or a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the judgment of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth, except that a new certificate of birth shall not be established if so requested by the court entering the judgment of adoption, the adoptive parents or the adopted person.

(b) A request that a new certificate of birth be established as prescribed by rule and the evidence required by rule of the state registrar proving that:

- (A) The person has been legitimated;
- (B) A court of competent jurisdiction has determined the paternity of the person;
- (C) An administrative determination of paternity has been filed; or

1 (D) Both parents have voluntarily acknowledged the paternity of the person and requested that  
2 the surname be changed from that shown on the original certificate.

3 (2) When a new certificate of birth is established, the actual city or county, or both, and date  
4 of birth shall be shown. The new certificate shall be substituted for the original certificate of birth  
5 in the files, and the original certificate of birth and the evidence of adoption, legitimation, court  
6 determination of paternity, administrative determination of paternity, voluntary acknowledgment of  
7 paternity or other form prescribed in ORS 432.287 shall not be subject to inspection except upon  
8 order of a court or as provided by rule of the state registrar.

9 (3) Upon receipt of a report of an amended judgment of adoption, the certificate of birth shall  
10 be amended as provided by rule of the state registrar.

11 (4) Upon receipt of a report or judgment of annulment of adoption, the original certificate of  
12 birth shall be restored to its place in the files and the adoption certificate and evidence shall not  
13 be subject to inspection except upon order of a court of competent jurisdiction or as provided by  
14 rule of the state registrar.

15 (5) Upon written request of both parents and receipt of a voluntary acknowledgment of paternity  
16 form or other form prescribed in ORS 432.287 signed by both parents of a child born out of wedlock,  
17 the state registrar shall issue a new certificate of birth to show such paternity if paternity is not  
18 already shown on the certificate of birth. Such certificate shall not be marked "Amended."

19 (6) If no certificate of birth is on file for the person for whom a new birth certificate is to be  
20 established under this section, and the date and place of birth have not been determined in the  
21 adoption or paternity proceedings, a delayed certificate of birth shall be filed with the state  
22 registrar as provided in ORS 432.140 and 432.142, before a new certificate of birth is established.  
23 The new birth certificate shall be prepared on the delayed birth certificate form.

24 (7) When a new certificate of birth is established by the state registrar, **or when a court, the**  
25 **adoptive parents or the adopted person has requested that a new certificate of birth not be**  
26 **established under subsection (1)(a) of this section**, all copies of the original certificate of birth  
27 in the custody of any other custodian of vital records in this state shall be sealed from inspection  
28 or forwarded to the state registrar as the state registrar shall direct.

29 (8) The state registrar, upon request, shall prepare and register a certificate in this state for a  
30 person born in a foreign country who is not a citizen of the United States and who was adopted  
31 through a court of competent jurisdiction in this state. The certificate shall be established upon  
32 receipt of a report of a judgment of adoption from the court, proof of the date and place of the  
33 person's birth, and a request from the court, the adopting parents or the adopted person, if 18 years  
34 of age or over, that such a certificate be prepared. The certificate shall be labeled "Certificate of  
35 Foreign Birth" and shall show the actual country of birth. A statement shall also be included on the  
36 certificate indicating that it is not evidence of United States citizenship for the person for whom it  
37 is issued. After registration of the birth certificate in the new name of the adopted person, the state  
38 registrar shall seal the report of adoption, which shall not be subject to inspection except upon or-  
39 der of a court of competent jurisdiction.

40 **SECTION 3.** ORS 432.415 is amended to read:

41 432.415. (1) For each judgment of adoption entered by a court in this state, the court shall re-  
42 quire the preparation of a report of adoption on a form prescribed and furnished by the State  
43 Registrar of the Center for Health Statistics. The report shall:

44 (a) Include such facts as are necessary to locate and identify the certificate of birth of the per-  
45 son adopted or, in the case of a person who was born in a foreign country, evidence from sources

1 determined to be reliable by the court as to the date and place of birth of the person;

2 (b) Provide information necessary to establish a new certificate of birth of the person adopted;  
3 [*and*]

4 (c) Identify the order of adoption and be certified by the clerk of the court; **and**

5 **(d) State whether the birth parent of the person adopted has submitted a completed**  
6 **Consent to Release of Original Birth Certificate Form under ORS 432.240 to the state**  
7 **registrar.**

8 (2) Information necessary to prepare the report of adoption shall be furnished by each petitioner  
9 for adoption or the attorney of the petitioner. The Department of Human Services or any person  
10 having knowledge of the facts shall supply the court with such additional information as may be  
11 necessary to complete the report of adoption. The provision of such information shall be prerequisite  
12 to the issuance of a judgment of adoption.

13 (3) Whenever an adoption judgment is amended or annulled, the clerk of the court shall prepare  
14 a report thereof, which shall include such facts as are necessary to identify the original adoption  
15 report and the facts amended in the adoption judgment as shall be necessary to properly amend the  
16 birth record.

17 (4) Not later than the 10th day of each calendar month or more frequently, as directed by the  
18 state registrar, the clerk of the court shall forward to the state registrar reports of adoption, reports  
19 of annulment of adoption and amendments of judgments of adoption that were entered in the pre-  
20 ceding month, together with such related reports as the state registrar shall require.

21 (5) When the state registrar receives a report of adoption, report of annulment of adoption or  
22 amendment of a judgment of adoption for a person born outside this state, the state registrar shall  
23 forward such report to the state registrar in the state of birth.

24 (6) If the birth occurred in a foreign country, except Canada, and the person is not a citizen of  
25 the United States at the time of birth, the state registrar shall prepare a certificate of foreign birth  
26 as provided by ORS 432.230. If the person was born in Canada, the state registrar shall forward the  
27 report of adoption, report of annulment of adoption or amendment of a judgment of adoption to the  
28 appropriate registration authority in Canada.

29 (7) If the person was born in a foreign country but was a citizen of the United States at the time  
30 of birth, the state registrar shall not prepare a certificate of foreign birth and shall notify the  
31 adoptive parents of the procedures for obtaining a revised birth certificate for the person through  
32 the United States Department of State.

33 **SECTION 4. The amendments to ORS 432.230, 432.240 and 432.415 by sections 1 to 3 of this**  
34 **2011 Act apply to requests for original certificates of birth made on or after the effective date**  
35 **of this 2011 Act.**

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