

Introduced: 2/18/80
Referred: Judiciary

1 IN THE HOUSE

BY GARDINER

2 HOUSE BILL NO. 792

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to adoption records; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.50 is amended by adding new sections to read:

10 ARTICLE 6. ACCESS TO ADOPTION RECORDS.

11 Sec. 18.50.500. REQUEST FOR ACCESS. A person who is 18 years of
12 age or older may request the state registrar to disclose the information
13 on the original certificate of birth of the person.

14 Sec. 18.50.510. CONTACT WITH BIOLOGICAL PARENTS. (a) Within six
15 months of a request made under AS 18.50.500, the state registrar shall
16 make an effort to contact the biological parents identified on the
17 original certificate of birth of the adopted person and notify them of
18 the request.

19 (b) On request, a child adoption agency shall cooperate in the
20 efforts of the state registrar to notify a biological parent.

21 (c) The state registrar may charge a reasonable fee to the adopted
22 person for the cost of the efforts made under this section.

23 (d) Communications under this section are confidential under
24 AS 09.25.110 and art. I, sec. 22 of the state constitution.

25 Sec. 18.50.520. CONTACT PROCEDURE. (a) The state registrar shall
26 attempt to make a confidential contact with each biological parent named
27 on the original certificate of birth of the adopted person. The contact
28 may not be made by mail and shall be made by the state registrar or by
29 the child adoption agency that processed the adoption.

1 (b) The state registrar or the child adoption agency shall provide
2 a biological parent contacted with the following information:

3 (1) the nature of the information requested by the adopted
4 person;

5 (2) the right of the biological parent to file within the
6 following 120 days an affidavit with the state registrar stating that
7 the information on the original certificate of birth should be dis-
8 closed;

9 (3) the right of the biological parent to file a consent to
10 the disclosure with the state registrar at any time;

11 (4) the right of the biological parent to file an affidavit
12 stating that the information on the original certificate of birth should
13 not be disclosed; and

14 (5) the effect of a failure of the biological parent to file
15 either a consent to disclosure or an affidavit stating that the informa-
16 tion on the original certificate of birth should not be disclosed within
17 120 days of the receipt of the notice.

18 (c) If the child adoption agency that processed the adoption
19 contacts the biological parents named on the original certificate of
20 birth, the agency shall file with the state registrar affidavits showing
21 that it provided the information required by (b) of this section. If
22 the state registrar contacts the biological parents named on the origi-
23 nal certificate of birth, the state registrar shall make and keep a
24 record which shows that he provided the information required by (b) of
25 this section.

26 Sec. 18.50.530. EFFECT OF FAILURE TO CONTACT BIOLOGICAL PARENT.

27 (a) If the state registrar or the child adoption agency is not able to
28 contact a biological parent identified on the original certificate of
29 birth within six months after a request under AS 18.50.500, and if

1 neither identified biological parent has filed an unrevoked affidavit
2 with the state registrar stating that the information on the original
3 certificate of birth may be disclosed, information shall be disclosed as
4 follows:

5 (1) If the person was adopted before January 1, 1981, he may
6 petition the superior court for disclosure of the original certificate
7 of birth and the court shall grant the petition if, after consideration
8 of the interests of all known persons involved, the court determines
9 that disclosure of the information would be of greater benefit than
10 nondisclosure.

11 (2) If the person was adopted on or after January 1, 1981,
12 the state registrar shall release the requested information to the
13 adopted person.

14 (b) If a biological parent identified on the original certificate
15 of birth has filed with the state registrar an affidavit stating that
16 the information on the original certificate of birth should not be
17 disclosed, the state registrar may not disclose the information re-
18 garding that biological parent to the adopted person until the affidavit
19 is revoked.

20 Sec. 18.50.540. RELEASE OF INFORMATION AFTER NOTICE. (a) If,
21 within six months of the receipt of a request from an adopted person
22 under AS 18.50.500, the state registrar has notified each biological
23 parent on the original certificate of birth under AS 18.50.510(a) and
24 the biological parent has not filed an affidavit stating that the in-
25 formation on the original certificate of birth should not be disclosed,
26 the state registrar shall disclose the information requested by the
27 adopted person 121 days after the date of the notice to the last bio-
28 logical parent Disclosure may also be made if, during the first 120
29 days, both of the biological parents identified on the original certi-

1 ficate of birth file an affidavit with the state registrar consenting to
2 the disclosure of the information and the affidavit has not been revoked
3 by affidavit.

4 (b) If only one biological parent consents to the disclosure
5 within the first 120 days by filing an affidavit with the state regis-
6 trar, the state registrar shall disclose information only as to the
7 consenting biological parent.

8 Sec. 18.50.550. DEATH OF BIOLOGICAL PARENT. If a biological
9 parent named on an original certificate of birth had filed with the
10 state registrar an unrevoked affidavit stating that the information on
11 the original certificate of birth should not be released and that bio-
12 logical parent dies, the adopted person may petition the superior court
13 for disclosure of the original certificate of birth. The court shall
14 grant the petition if, after consideration of the interests of all
15 persons involved, the court determines that disclosure of the informa-
16 tion would be of greater benefit than nondisclosure.

17 Sec. 18.50.560. JUDICIAL DISCLOSURE. (a) The court may order the
18 state registrar to release information identifying the biological
19 parents of the adopted person on application of the adopted person who
20 is 18 years of age or older and on the determination by the court that
21 disclosure of the information would be of greater benefit than non-
22 disclosure.

23 (b) The court may require the state registrar or the child adop-
24 tion agency to advise the adoptive parents and biological parents of an
25 application for disclosure of identifying information under this sec-
26 tion.

27 (c) In making its determination under (a) of this section, the
28 court shall consider the effect of disclosure on the biological parents,
29 the adoptive parents, and the adopted person.

1 Sec. 18.50.570. RELEASE OF INFORMATION. A person adopted after
2 January 1, 1980, is entitled on request to the state registrar to the
3 following information regarding each biological parent identified on the
4 original certificate of birth:

5 (1) the age of the biological parent at the birth of the
6 adopted person but not the birth date of the biological parent;

7 (2) the heritage of the biological parent, including:

8 (A) national origin;

9 (B) ethnic background; and

10 (C) race;

11 (3) education, which is the number of years of school com-
12 pleted by the biological parent at the time of the birth of the adopted
13 person;

14 (4) general physical appearance of the biological parent at
15 the time of the birth of the adopted person in terms of height, weight,
16 color of hair, eyes, skin, and other information of a similar nature;

17 (5) talents, hobbies, and special interests of the biological
18 parent;

19 (6) the existence of another child or children of the biolo-
20 gical parent;

21 (7) reasons for placement of the child for adoption, for
22 termination of the parental rights of the biological parent, for removal
23 of the biological parent as guardian, or for removal of the right to
24 custody of the biological parent;

25 (8) the religion of the biological parent;

26 (9) the general field of occupation of the biological parent;

27 (10) the health history of the biological parent and of blood
28 relatives of the biological parent provided on a standardized form of
29 the department;

1 (11) the plans made by the biological parent for the adopted
2 person's future; and

3 (12) the legal relationship, if any, between the biological
4 parents.

5 Sec. 18.50.580. MAINTENANCE OF RECORDS. The state registrar and a
6 child adoption agency shall maintain the information concerning biolo-
7 gical parents required under AS 18.50.570 for all adoptions which occur
8 after January 1, 1981. If the information concerning biological parents
9 required under AS 18.50.570 is requested but is not available for adop-
10 tions that occurred before January 1, 1981, the state registrar shall
11 attempt to obtain the required information from the biological parents
12 of the adopted child.

13 Sec. 18.50.590. RECORDS OF A CHILD ADOPTION AGENCY. A child
14 adoption agency licensed under AS 47.35.100 shall maintain records
15 required by the regulations of the department. If a child adoption
16 agency ceases to act as a child adoption agency, it shall transfer its
17 records to the state registrar.

18 Sec. 18.50.600. DEFINITIONS. In AS 18.50.500 - 18.50.600

19 (1) "adoptive parent" means a parent who adopted a person but
20 who is not the biological parent of the person;

21 (2) "biological parent" means a birth parent of the adopted
22 person who is listed on the original certificate of birth of an adopted
23 person which is not subject to inspection;

24 (3) "child adoption agency" means a child adoption agency
25 licensed under AS 47.35.100;

26 (4) "identifying information" means information which dis-
27 closes the identity of the biological parents beyond that listed in
28 AS 18.50.570;

29 (5) "state registrar" means the state registrar appointed

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under AS 18.50.030.

* Sec. 2. This Act takes effect January 1, 1981.