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Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY RODEY, STIMSON AND STURGULEWSKI

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SENATE BILL NO. 399

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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ARTICLE 6. ACCESS TO ADOPTION RECORDS.

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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 informa-
13 tion on the original certificate of birth of the person.

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Sec. 18.50.510. CONTACT WITH BIOLOGICAL PARENTS. (a) On receipt
15 of a request made under AS 18.50.500, the state registrar shall within
16 10 days notify the commissioner of health and social services who shall
17 make an effort to contact the biological parents identified on the
18 original certificate of birth of the adopted person and notify them of
19 the request.

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(b) On request, a child adoption agency shall cooperate in the
21 efforts of the commissioner to notify a biological parent under this
22 section.

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(c) The commissioner may charge a reasonable fee to the adopted
24 person for the cost of the efforts made under this section and under
25 AS 18.50.520.

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(d) Communications under this section and under AS 18.50.520 are
27 confidential under AS 09.25.110 and art. I, sec. 22 of the state consti-
28 tution.

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Sec. 18.50.520. CONTACT PROCEDURE. (a) The commissioner shall

1 attempt to make a confidential personal contact with each biological
2 parent named on the original certificate of birth of the adopted person
3 or the commissioner may delegate to the child adoption agency that
4 processed the adoption the responsibility for making the contact. A
5 contact may not be made by mail.

6 (b) The commissioner or the child adoption agency shall provide a
7 biological parent contacted with the following information:

8 (1) the nature of the information requested by the adopted
9 person;

10 (2) the right of the biological parent to file with the
11 commissioner within the following 120 days a statement that the informa-
12 tion on the original certificate of birth should be disclosed;

13 (3) the right of the biological parent to file a statement
14 with the commissioner that the information on the original certificate
15 of birth should not be disclosed; and

16 (4) the right of the biological parent to file a consent to
17 the disclosure with the state registrar at any time.

18 (c) The commissioner or the child adoption agency shall advise a
19 biological parent that the information requested under AS 18.50.500
20 will be disclosed unless the biological parent

21 (1) has already filed a statement under (f) of this section;
22 or

23 (2) files a statement objecting to the disclosure of the
24 information on the original certificate within 120 days of the receipt
25 of the notice.

26 (d) If the child adoption agency that processed the adoption
27 contacts the biological parents, the agency shall file with the commis-
28 sioner affidavits showing that it provided the information required by
29 (b) and (c) of this section. If the commissioner contacts the bio-

1 logical parents the commissioner shall make and keep a record which
2 shows that he provided the information required by (b) and (c) of this
3 section.

4 (e) If the commissioner or the child adoption agency is not able
5 to contact a biological parent named on the original certificate of
6 birth within six months after a request under AS 18.50.500 and if
7 neither biological parent has filed a statement regarding disclosure of
8 the information on the original certificate of birth, the state regis-
9 trar shall release the requested information to the adopted person.

10 (f) If a biological parent named on the original certificate of
11 birth files with the state registrar a statement that the information
12 on the original certificate of birth should not be disclosed, the state
13 registrar may not disclose the information on that biological parent to
14 the adopted person until the statement is revoked, the biological
15 parent dies, or the court orders disclosure under AS 18.50.540. Even
16 if the biological parent files the statement that the information
17 should not be disclosed before the request for access under AS 18.50.-
18 500 is filed, the commissioner shall advise the biological parent of
19 the request.

20 Sec. 18.50.530. 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 commissioner has notified each biological
23 parent on the original certificate of birth under AS 18.50.510(a) and
24 18.50.520 and the biological parent has not filed a statement that the
25 information on the original certificate of birth should not be dis-
26 closed, the state registrar shall disclose the requested information
27 121 days after the date of the notice to the last biological parent.
28 Disclosure of the requested information may also be made if, during the
29 first 120 days, both biological parents named on the original certifi-

1 cate of birth file a statement with the state registrar consenting to
2 the disclosure and

3 (1) the statement is not revoked; or

4 (2) the commissioner determines that both biological parents
5 have died.

6 (b) If one biological parent consents to disclosure of the re-
7 quest within the first 120 days by filing an affidavit with the state
8 registrar or if the commissioner determines that one biological parent
9 has died, the state registrar shall disclose information only as to the
10 consenting or deceased biological parent.

11 Sec. 18.50.540. JUDICIAL DISCLOSURE. (a) The court may order
12 the state registrar to disclose information identifying the biological
13 parents of an adopted person who is 18 years of age or older on appli-
14 cation of the adopted person and on the determination by the court that
15 disclosure would be of greater benefit than nondisclosure.

16 (b) The court may require the commissioner or the child adoption
17 agency to advise the adoptive parents and the biological parents of an
18 application for disclosure of identifying information under this
19 section.

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

23 Sec. 18.50.550. RELEASE OF INFORMATION. On request to the state
24 registrar a person adopted after January 1, 1982, is entitled to the
25 following information regarding each biological parent named on the
26 original certificate of birth, if the information is available:

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

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

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(A) national origin;

(B) ethnic background; and

(C) race;

(3) education, which is the number of years of school completed by the biological parent at the time of the birth of the adopted person;

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

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

(6) the existence of another child or children of the biological parent;

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

(8) the religion of the biological parent;

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

(10) the health history of the biological parent and of blood relatives of the biological parent provided on a standardized form prepared by the commissioner;

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

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

Sec. 18.50.560. MAINTENANCE OF RECORDS. The commissioner and a child adoption agency shall assist the state registrar to maintain the information concerning biological parents required under AS 18.50.550

1 for all adoptions which occur after January 1, 1982. If the informa-
2 tion concerning biological parents required under AS 18.50.550 is
3 requested but is not available for adoptions that occurred before
4 January 1, 1982, the state registrar shall request the commissioner to
5 attempt to obtain the required information from the child adoption
6 agency, records of the commissioner, or court adoption records.

7 Sec. 18.50.570. RECORDS OF A CHILD ADOPTION AGENCY. A child
8 adoption agency licensed under AS 47.35.100 shall maintain records
9 required under AS 18.50.560 and by the regulations of the commissioner.
10 If a child adoption agency ceases to act as a child adoption agency, it
11 shall transfer its records to the commissioner.

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

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

15 (2) "biological parent" means a birth parent who is named on
16 the original certificate of birth of an adopted person;

17 (3) "child adoption agency" means a child adoption agency
18 licensed under AS 47.35.100;

19 (4) "commissioner" means the commissioner of health and
20 social services;

21 (5) "identifying information" means information which dis-
22 closes the identity of the biological parents beyond the information
23 listed in AS 18.50.550;

24 (6) "state registrar" means the state registrar appointed
25 under AS 18.50.030.

26 * Sec. 2. AS 20.15.060(a) is amended to read:

27 (a) The required consent to adoption shall be executed at any
28 time after the birth of the child in the presence of the court or in
29 the presence of a person authorized to take acknowledgements. The

1 consent is not valid unless

2 (1) the consent form states that the person required to
3 consent to adoption under AS 20.15.040 has the right to withdraw con-
4 sent as provided in AS 20.15.070(b); and

5 (2) the person signing the consent is provided with a copy
6 of the consent.

7 * Sec. 3. AS 20.15.150(b) is repealed and reenacted to read:

8 (b) The papers and records pertaining to the adoption that are a
9 part of the permanent record of the court are subject to inspection
10 only upon consent of the court. The papers or records in a file in the
11 department or in an agency are subject to inspection only upon consent
12 of all interested persons or on an order of the court for good cause
13 shown. The records of the bureau of vital statistics established under
14 AS 18.50 are subject to inspection under the provisions of AS 18.50.

15 * Sec. 4. AS 20.15 is amended by adding a new section to read:

16 Sec. 20.15.175. RECORDS OF BIRTH INFORMATION. (a) The clerk of
17 the superior court, the department, or the agency placing a child for
18 adoption shall seek to obtain from the natural parents of the adopted
19 person for the state registrar

20 (1) the information listed in AS 18.50.560 on a form prepared
21 by the department; and

22 (2) a statement as to whether the adopted person may have
23 access to information on the original certificate of birth when the
24 person is 18 years of age or older.

25 (b) The statement and the information provided by a natural
26 parent under (a)(1) of this section shall be attached to the birth
27 certificate of the adopted person.

28 * Sec. 5. AS 20.15.150(c) is repealed.

29 * Sec. 6. This Act takes effect January 1, 1982.