

Original sponsors: Rodey, Stimson,
and Sturgulewski

Offered: 1/20/82
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 399 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 18.50.220(b)(1) is amended to read:

10 (1) thereafter, the original certificate and the evidence of
11 adoption or legitimation are not subject to inspection except upon
12 order of the superior court; however, the state registrar [OR AS PRO-
13 VIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspection by
14 an agent of the state or federal government acting in the performance
15 of his official duties;

16 * Sec. 2. AS 18.50 is amended by adding new sections to read:

17 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

18 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) If a bio-
19 logical parent named on the original certificate of birth for a birth
20 occurring before January 1, 1983, has not filed with the state registrar
21 a statement that the information on the original certificate of birth
22 may be disclosed, the state registrar may not disclose the information
23 on that biological parent to an adopted person unless disclosure is
24 ordered by the court under AS 20.15.150.

25 (b) The state registrar shall disclose information identifying
26 the biological parents of an adopted person who is 18 years of age or
27 older if the biological parent has filed a statement that the informa-
28 tion on the original certificate of birth may be disclosed.

29 (c) The state registrar shall provide the adoptive parents of a

1 person adopted after January 1, 1983, and an adopted person who is 18
2 years of age or older after January 1, 1983, the following non-identify-
3 ing information on a standard form prepared by the commissioner regard-
4 ing each biological parent named on the original certificate of birth if
5 the information is available:

6 (1) the race of the biological parent;

7 (2) general physical characteristics of the biological parent
8 in terms of age, height, weight, color of hair, eyes, skin, and other
9 information of a similar nature;

10 (3) the health history of the biological parent and of blood
11 relatives of the biological parent;

12 (4) the existence of another child or children of the bio-
13 logical parent.

14 (d) The state registrar shall, on the request of an adopted person
15 over the age of 18 years, attach to the original birth certificate of
16 the adopted person the current address of the adopted person. The
17 information provided under this subsection may be released to the
18 biological parent of the adopted person.

19 (e) The state registrar shall, on the request of a biological
20 parent, attach to the original birth certificate of the child of the
21 biological parent the current address of the biological parent. The
22 information provided under this subsection may be released to the child
23 of the biological parent.

24 Sec. 18.50.510. MAINTENANCE OF RECORDS. (a) The commissioner, a
25 child adoption agency, and a person authorized by law or regulation to
26 place a person for adoption shall furnish the state registrar the infor-
27 mation concerning biological parents required under AS 18.50.500(c) for
28 all adoptions that occur after January 1, 1983. If the information
29 concerning biological parents required under AS 18.50.500(c) is requested

1 but is not available for adoptions that occurred before January 1, 1983,
2 the state registrar shall request the commissioner to attempt to obtain
3 the required information from the child adoption agency, records of the
4 commissioner, or court adoption records, or a person authorized by law
5 or regulation to place a person for adoption.

6 (b) A child adoption agency licensed under AS 47.35.100 and a
7 person authorized by law or regulation to place a person for adoption
8 shall maintain records required under AS 18.50.500(c) and by the regula-
9 tions of the commissioner. If a child adoption agency or a person
10 authorized by law or regulation to place a person for adoption ceases to
11 place persons for adoption, it shall transfer its records to the commis-
12 sioner.

13 Sec. 18.50.520. DEFINITIONS. In AS 18.50.500 - 18.50.520

14 (1) "adoptive parent" means a parent who adopted a person
15 under AS 20.15;

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

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

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

22 (5) "state registrar" means the state registrar appointed
23 under AS 18.50.030.

24 * Sec. 3. AS 20.15.060(a) is amended to read:

25 (a) The required consent to adoption shall be executed at any time
26 after the birth of the child in the presence of the court or in the
27 presence of a person authorized to take acknowledgements. The consent
28 is not valid unless

29 (1) the consent form states that the person required to

1 consent to adoption under AS 20.15.040 has the right to withdraw that
2 consent as provided in AS 20.15.070(b); and

3 (2) the person signing the consent is provided with a copy
4 of the consent.

5 * Sec. 4. AS 20.15.150(b) is repealed and reenacted to read:

6 (b) The papers and records relating to the adoption that are a
7 part of the permanent record of the court are subject to inspection only
8 upon consent of the court. The papers or records relating to the adop-
9 tion that are in a file in the department or in an agency are subject to
10 inspection only with consent of all interested persons or by order of
11 the court for good cause shown. Except as provided in this section,
12 adoption records of the bureau of vital statistics established under
13 AS 18.50 are subject to inspection under the provisions of AS 18.50.

14 * Sec. 5. AS 20.15.150(c) is amended to read:

15 (c) Except as authorized in writing by the adopted child if 14 or
16 more years of age, or by the adoptive parent, or upon order of the court
17 for good cause shown [IN EXCEPTIONAL CASES], no person may [IS REQUIRED
18 TO] disclose the name or identity of either an adoptive parent or an
19 adopted child.

20 * Sec. 6. AS 20.15.150 is amended by adding a new subsection to read:

21 (d) As used in this section, "good cause" means a medical condi-
22 tion determined by the court to constitute a threat to the physical
23 health of a natural parent or the adopted person.

24 * Sec. 7. AS 20.15 is amended by adding a new section to read:

25 Sec. 20.15.175. RECORDS AND INFORMATION. (a) The clerk of the
26 superior court, the department, or the person placing a child for adop-
27 tion shall obtain from each known natural parent of the adopted person
28 for the state registrar

29 (1) the information listed in AS 18.50.500(c) on a form

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prepared by the department; and

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

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

(c) The natural parent shall be given a copy of a statement provided under (a)(2) of this section.

(d) The natural parent of a child placed for adoption may change a statement filed under (a)(2) of this section at any time and this option of the natural parent shall be stated on the copy of the statement provided to the natural parent under (c) of this section.

* Sec. 8. This Act takes effect January 1, 1983.