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Referred: Judiciary

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1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST 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
11 of 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
14 by an agent of the state or federal government acting in the perfor-
15 mance of the agent's [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, 1984, has not filed with the state regis-
21 trar a statement that the information on the original certificate of
22 birth may be disclosed, the state registrar may not disclose the
23 information on that biological parent to an adopted person unless
24 disclosure is ordered by the court under AS 25.23.150.

25 (b) The state registrar shall disclose information identifying
26 the biological parents of an adopted person 18 years of age or older
27 if the biological parent has filed a statement that the information on
28 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, 1984, and an adopted person who is 18
2 years of age or older after January 1, 1984, the following nonidenti-
3 fying information on a standard form prepared by the commissioner
4 regarding each biological parent named on the original certificate of
5 birth if the information is available:

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

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

9 (A) national origin;

10 (B) ethnic background; and

11 (C) race;

12 (3) the health history of the biological parent and of
13 blood relatives of the biological parent;

14 (4) education, which is the number of years of school com-
15 pleted by the biological parent at the time of the birth of the
16 adopted person;

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

21 (6) talents, hobbies, and special interests of the bio-
22 logical parent;

23 (7) the existence of another child or children of the
24 biological parent;

25 (8) whether the parental rights of the biological parent
26 were voluntarily relinquished or involuntarily terminated;

27 (9) the religion of the biological parent;

28 (10) the legal relationship, if any, between the biological
29 parents.

1 (d) The state registrar shall, on the request of an adopted
2 person over the age of 18 years, attach to the original birth certifi-
3 cate of the adopted person the current address and name of the adopted
4 person. The information provided under this subsection may be
5 released to the biological parent of the adopted person.

6 (e) The state registrar shall, on the request of a biological
7 parent, attach to the original birth certificate of the child of the
8 biological parent the current address and name of the biological
9 parent. The information provided under this subsection may be
10 released to the child of the biological parent.

11 Sec. 18.50.510. MAINTENANCE OF RECORDS. (a) The commissioner,
12 a child adoption agency, and a person authorized by law or regulation
13 to place a person for adoption shall furnish the state registrar the
14 information concerning biological parents required under AS 18.50.-
15 500(c) for all adoptions that occur after January 1, 1984. If the
16 information concerning biological parents required under AS 18.50.-
17 500(c) is requested but is not available for adoptions that occurred
18 before January 1, 1984, the state registrar shall request the commis-
19 sioner to attempt to obtain the required information from the child
20 adoption agency, records of the commissioner, or court adoption re-
21 cords, or a person authorized by law or regulation to place a person
22 for adoption.

23 (b) A child adoption agency licensed under AS 47.35.100 and a
24 person authorized by law or regulation to place a person for adoption
25 shall maintain records required under AS 18.50.500(c) and by the
26 regulations of the commissioner. If a child adoption agency or a
27 person authorized by law or regulation to place a person for adoption
28 ceases to place persons for adoption, it shall transfer its records to
29 the commissioner.

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

2 (1) "adoptive parent" means a parent who adopted a person
3 under AS 25.23;

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

6 (3) "child adoption agency" means a child adoption agency
7 licensed under AS 47.35.100;

8 (4) "commissioner" means the commissioner of health and
9 social services;

10 (5) "state registrar" means the state registrar appointed
11 under AS 18.50.030.

12 * Sec. 3. AS 25.23.060(a) is amended to read:

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

17 (1) the consent form states that the person required to
18 consent to adoption under AS 25.23.040 has the right to withdraw that
19 consent as provided in AS 25.23.070(b); and

20 (2) the person signing the consent is provided with a copy
21 of the consent.

22 * Sec. 4. AS 25.23.150(b) is repealed and reenacted to read:

23 (b) The papers and records relating to the adoption that are a
24 part of the permanent record of the court are subject to inspection
25 only upon consent of the court. The papers or records relating to the
26 adoption that are in a file in the department or in an agency are
27 subject to inspection only with consent of all interested persons or
28 by order of the court for good cause shown. Except as provided in
29 this section, adoption records of the Bureau of Vital Statistics

1 established under AS 18.50 are subject to inspection under the pro-
2 visions of AS 18.50.

3 * Sec. 5. AS 25.23.150(c) is amended to read:

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

9 * Sec. 6. AS 25.23 is amended by adding a new section to read:

10 Sec. 25.23.185. RECORDS AND INFORMATION. (a) The clerk of the
11 superior court, the department, or the person placing a child for
12 adoption shall obtain from each known biological parent of the adopted
13 person for the state registrar

14 (1) the information listed in AS 18.50.500(c) on a form
15 prepared by the department;

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

19 (3) a statement that indicates the biological parent has
20 been informed that the state registrar must attach the biological
21 parent's current name and address to the original birth certificate at
22 any time the biological parent wishes to have a current address
23 attached; and

24 (4) a statement which indicates the biological parent has
25 been informed that the child, after reaching 18 years of age, may have
26 a current name and address attached to the original birth certificate.

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

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

3 (d) The biological parent of a child placed for adoption may
4 change a statement filed under (a)(2) of this section at any time and
5 this option of the biological parent shall be stated on the copy of
6 the statement provided to the biological parent under (c) of this sec-
7 tion.

8 * Sec. 7. This Act takes effect January 1, 1984.