

Offered: 1/26/84
Referred: Rules

Original sponsors: Kerttula, Rodey,
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1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH 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
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) Upon
19 receipt by the state registrar of a request by an adopted person 18
20 years or older for information identifying the adopted person's bio-
21 logical parents, the state registrar shall give notice of the request
22 to the biological parents by certified mail, deliverable to the ad-
23 dressee only. Information identifying a biological parent shall be
24 disclosed to an adopted person 18 years or older if certified mail
25 sent to a biological parent is returned to the state registrar unde-
26 livered or if the state registrar has not received a written objection
27 from a biological parent under this section.

28 (b) If a written objection by a biological parent is received by
29 the state registrar within 30 days of the notice required under (a) of

1 this section, the state registrar may not disclose the identifying
2 information on that biological parent to an adopted person unless
3 disclosure is ordered by the court under AS 25.23.150.

4 (c) The state registrar shall provide the adoptive parents of a
5 person adopted after January 1, 1985, and an adopted person who is 18
6 years of age or older after January 1, 1985, the following nonidenti-
7 fying information on a standard form prepared by the commissioner
8 regarding each biological parent named on the original certificate of
9 birth if the information is available:

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

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

13 (A) national origin;

14 (B) ethnic background; and

15 (C) race and tribal membership;

16 (3) the health history of the biological parent and of
17 blood relatives of the biological parent;

18 (4) education, which is the number of years of school com-
19 pleted by the biological parent at the time of the birth of the adopt-
20 ed person;

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

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

27 (7) whether the biological parents were alive at the time
28 of adoption;

29 (8) the religion of the biological parent;

1 (9) whether the adopted person was legitimate at the time
2 of adoption.

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

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

13 Sec. 18.50.510. MAINTENANCE OF RECORDS. (a) The commissioner,
14 a child adoption agency, and a person authorized by law or regulation
15 to place a person for adoption shall furnish the state registrar the
16 information concerning biological parents required under AS 18.50.-
17 500(c) for all adoptions that occur after January 1, 1985. If the
18 information concerning biological parents required under AS 18.50.-
19 500(c) is requested but is not available for adoptions that occurred
20 before January 1, 1985, the state registrar shall request the commis-
21 sioner to attempt to obtain the required information from the child
22 adoption agency, records of the commissioner, or court adoption re-
23 cords, or a person authorized by law or regulation to place a person
24 for adoption.

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

1 ceases to place persons for adoption, it shall transfer its records to
2 the commissioner.

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

4 (1) "adoptive parent" means a parent who adopted a person
5 under AS 25.23;

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

8 (3) "child adoption agency" means a child adoption agency
9 licensed under AS 47.35.100;

10 (4) "commissioner" means the commissioner of health and
11 social services;

12 (5) "state registrar" means the state registrar appointed
13 under AS 18.50.030.

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

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

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

22 (2) the person signing the consent is provided with a copy
23 of the consent.

24 * Sec. 4. AS 25.23.080(c) is amended to read:

25 (c) A certified copy of the birth certificate or verification of
26 the birth record of the person to be adopted, if available, the non-
27 identifying information specified in AS 18.50.500(c), if available,
28 and the required consents, relinquishments, and termination orders
29 shall be filed with the clerk.

1 * Sec. 5. AS 25.23.150(b) is repealed and reenacted to read:
2 (b) The papers and records relating to the adoption that are a
3 part of the permanent record of the court are subject to inspection
4 only upon consent of the court. The papers or records relating to the
5 adoption that are in a file in the department or in an agency are
6 subject to inspection only with consent of all interested persons or
7 by order of the court for good cause shown. Except as provided in
8 this section, adoption records of the Bureau of Vital Statistics
9 established under AS 18.50 are subject to inspection under the pro-
10 visions of AS 18.50.

11 * Sec. 6. AS 25.23.150(c) is amended to read:

12 (c) Except as authorized in writing by the adopted child if 14
13 or more years of age, or by the adoptive parent, or upon order of the
14 court for good cause shown [IN EXCEPTIONAL CASES], a [NO] person may
15 not [IS REQUIRED TO] disclose the name or identity of either an adop-
16 tive parent or an adopted child.

17 * Sec. 7. AS 25.23 is amended by adding a new section to read:

18 Sec. 25.23.185. RECORDS AND INFORMATION. (a) A person or
19 agency petitioning for adoption, the department, or a person placing a
20 child for adoption shall obtain from each known biological parent of
21 the adopted person for the state registrar

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

24 (2) a statement that the biological parent is aware of the
25 procedure set out in AS 18.50.500(a) and (b);

26 (3) a statement that indicates the biological parent has
27 been informed that the state registrar must attach the biological
28 parent's current name and address to the original birth certificate at
29 any time the biological parent wishes to have a current address

1 attached.

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

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

7 * Sec. 8. This Act takes effect January 1, 1985.