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Referred: Judiciary and
Finance

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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 187 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

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

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

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(b) When a new certificate of birth is established, the actual
place and date of birth shall be shown. The new certificate shall be
substituted for the original certificate of birth, and

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(1) thereafter, the original certificate and the evidence
of adoption or legitimation are not subject to inspection except upon
order of the superior court; however, the state registrar [OR AS
PROVIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspec-
tion by an agent of the state or federal government acting in the
performance of the agent's [HIS] official duties;

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(2) upon receipt of a report that an adoption has been
vacated, the original certificate of birth shall be restored to its
place in the files and the new certificate and evidence are not sub-
ject to inspection except upon order of a superior court.

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* Sec. 2. AS 18.50.370 is amended by adding new paragraphs to read:

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(14) "adoptive parent" means a person who has adopted another
person under AS 25.23;

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

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(16) "child adoption agency" means a child adoption agency
licensed under AS 47.35.100;

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1 (17) "commissioner" means the commissioner of health and
2 social services;

3 (18) "state registrar" means the state registrar appointed
4 under AS 18.50.030.

5 * Sec. 3. AS 18.50 is amended by adding new sections to read:

6 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

7 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) Upon
8 receipt by the state registrar of a request by an adopted person 18
9 years of age or older for the identity of a biological parent of the
10 adopted person, the state registrar shall give notice of the request
11 to the biological parent by certified mail, deliverable to the ad-
12 dressee only. The state registrar shall provide the adopted person
13 with an uncertified copy of the original certificate of birth of the
14 adopted person if a written objection by the biological parent is not
15 received by the state registrar within 90 days after the date notice
16 was mailed. If written objection is received from the biological
17 parent within the 90 days, the state registrar may not disclose the
18 name and address of that biological parent to the person who requested
19 it unless disclosure is ordered by the court under AS 25.23.150.

20 (b) The state registrar shall, at the request of a biological
21 parent of an adopted child, attach the parent's current name and
22 address to the original certificate of birth of the adopted child.
23 The name and address shall be released to the adopted person in accor-
24 dance with (a) of this section.

25 (c) The state registrar shall, at the request of an adopted
26 person over 18 years of age, attach the person's name and address to
27 the person's original certificate of birth for release to the person's
28 biological parent on that parent's request.

29 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL

1 PARENTS. (a) The state registrar shall, at the request of an adop-
2 tive parent of a person adopted on or after January 1, 1986, or of an
3 adopted person 18 years of age or older, release the following infor-
4 mation regarding a biological parent named on the original birth
5 certificate of the adopted person when available from the registrar's
6 records:

7 (1) the age of a biological parent on the birth date of the
8 adopted person;

9 (2) the heritage of a biological parent, to include:

10 (A) national origin;

11 (B) ethnic background; and

12 (C) tribal membership;

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

15 (4) the number of years of school completed by a biological
16 parent by the birth date of the adopted person;

17 (5) a physical description of a biological parent on the
18 birth date of the adopted person including height, weight, and color
19 of hair, eyes and skin;

20 (6) the existence of other children of a biological parent;

21 (7) whether a biological parent was alive at the time of
22 adoption;

23 (8) the religion of a biological parent.

24 (b) Information released under (a) of this section shall be on a
25 standard form prepared by the commissioner. The information may not
26 include the name of a biological parent or other information not
27 listed in (a) of this section.

28 Sec. 18.50.520. ASSISTANCE TO REGISTRAR IN OBTAINING INFORMA-
29 TION. At the request of the state registrar the commissioner shall

1 attempt to obtain information listed under AS 18.50.510 relating to
2 the biological parents of an adopted person regardless of the date of
3 the person's adoption. The disclosure of information requested by the
4 commissioner under this section is not prohibited under AS 25.23.-
5 150(c).

6 * Sec. 4. AS 25.23.060(a) is amended to read:

7 (a) The required consent to adoption shall be executed at any
8 time after the birth of the child in the presence of the court or in
9 the presence of a person authorized to take acknowledgments. The
10 consent is not valid unless

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

14 (2) the person who signs the consent form acknowledges
15 receipt of a copy.

16 * Sec. 5. AS 25.23.080(c) is amended to read:

17 (c) A certified copy of the birth certificate or verification of
18 the birth record of the person to be adopted, if available, the infor-
19 mation specified in AS 25.23.185(a), if available, and the required
20 consents, relinquishments, and termination orders shall be filed with
21 the clerk.

22 * Sec. 6. AS 25.23.130 is amended by adding a new subsection to read:

23 (c) Nothing in this chapter prohibits an open adoption. In this
24 subsection, "open adoption" means an adoption that allows visitation
25 between the adoptive person and that person's natural parents or other
26 blood relatives.

27 * Sec. 7. AS 25.23.150(b) is repealed and reenacted to read:

28 (b) The papers and records relating to an adoption that are a
29 part of the permanent record of a court are subject to inspection only

1 upon consent of the court. The papers and records relating to an
2 adoption on file with the department, an agency, or an individual are
3 subject to inspection only with consent of all interested persons or
4 by order of a court for good cause shown. Except as provided in this
5 section, adoption records of the Bureau of Vital Statistics are sub-
6 ject to inspection under the provisions of AS 18.50.

7 * Sec. 8. AS 25.23.150(c) is amended to read:

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

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

14 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a
15 petition for adoption is filed with the court the agency or individual
16 placing the person for adoption or, if none, a petitioner shall file
17 with the court for release to the state registrar only the following
18 information, or an explanation of its unavailability, on separate
19 forms provided by the department:

20 (1) the address of each biological parent named on the
21 original birth certificate;

22 (2) background information required under AS 18.50.510; and

23 (3) a statement signed by each biological parent named on
24 the original birth certificate acknowledging receipt of a copy of
25 AS 18.50.500 - 18.50.510 and an understanding of those provisions.

26 (b) The statement and the information provided under (a) of this
27 section shall be attached to the original certificate of birth of the
28 adopted person upon entry of a decree of adoption.

29 * Sec. 10. This Act takes effect January 1, 1986.