

Offered: 5/9/85
Referred: Finance

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1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 187 (Judiciary)
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
7 effective date."

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

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

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

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

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

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

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

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

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

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)** Except as
8 provided in (b) of this section, upon receipt by the state registrar
9 of a request by an adopted person 18 years of age or older for the
10 identity of a biological parent of the adopted person, the state
11 registrar shall provide the adopted person with an uncertified copy of
12 the original birth certificate of the adopted person if

13 (1) a consent to disclosure by a parent named in the origi-
14 nal birth certificate is on file with the state registrar; or

15 (2) within 90 days after notice of the request is sent by
16 certified mail, return receipt requested, to the parent or parents
17 named in the original birth certificate, deliverable to the addressee
18 only, a written objection to disclosure is not received from the
19 biological parent or parents named.

20 (b) The state registrar may not disclose the name and address of
21 an objecting parent, except as required by the court under AS 25.23.-
22 150, if a written objection to disclosure under (a) of this section is
23 received from the parent

24 (1) after the adopted person is at least 17 years of age;
25 or

26 (2) within 90 days after the date notice is mailed under
27 (a) of this section.

28 (c) If a parent named in an original birth certificate agrees to
29 disclosure and the other parent named in the birth certificate objects

1 to disclosure, the state registrar shall remove the name of the ob-
2 jecting parent before providing the birth certificate to an adopted
3 person under (a) of this section.

4 (d) The state registrar shall, at the request of a biological
5 parent of an adopted child, attach the parent's current name and
6 address to the original certificate of birth of the adopted child.
7 The name and address shall be released to the adopted person in accor-
8 dance with (a) of this section.

9 (e) The state registrar shall, at the request of an adopted
10 person over 18 years of age, attach the person's name and address to
11 the person's original certificate of birth for release to the person's
12 biological parent on that parent's request.

13 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
14 PARENTS. (a) The state registrar shall, at the request of an adop-
15 tive parent of a person adopted on or after January 1, 1986, or of an
16 adopted person 18 years of age or older, release the following infor-
17 mation regarding a biological parent named on the original birth
18 certificate of the adopted person when available from the registrar's
19 records:

20 (1) the age of a biological parent on the birth date of the
21 adopted person;

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

23 (A) national origin;

24 (B) ethnic background; and

25 (C) tribal membership;

26 (3) the health history of a biological parent and of blood
27 relatives of a biological parent;

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

23

1 (5) a physical description of a biological parent on the
2 birth date of the adopted person including height, weight, and color
3 of hair, eyes and skin;
4 (6) the existence of other children of a biological parent;
5 (7) whether a biological parent was alive at the time of
6 adoption;
7 (8) the religion of a biological parent; and
8 (9) any other information provided by a biological parent
9 for disclosure to the child.

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

14 Sec. 18.50.520. ASSISTANCE TO REGISTRAR IN OBTAINING INFORMA-
15 TION. At the request of the state registrar the commissioner shall
16 attempt to obtain information listed under AS 18.50.510 relating to
17 the biological parents of an adopted person regardless of the date of
18 the person's adoption. The disclosure of information requested by the
19 commissioner under this section is not prohibited under AS 25.23.-
20 150(c).

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

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

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

29 (2) the person who signs the consent form acknowledges

1 receipt of a copy.

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

3 (c) A certified copy of the birth certificate or verification of
4 the birth record of the person to be adopted, if available, the infor-
5 mation specified in AS 25.23.185(a), if available, and the required
6 consents, relinquishments, and termination orders shall be filed with
7 the clerk.

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

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

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

14 (b) The papers and records relating to an adoption that are a
15 part of the permanent record of a court are subject to inspection only
16 upon consent of the court. The papers and records relating to an
17 adoption on file with the department, an agency, or an individual are
18 subject to inspection only with consent of all interested persons or
19 by order of a court for good cause shown. Except as provided in this
20 section, adoption records of the Bureau of Vital Statistics are sub-
21 ject to inspection under the provisions of AS 18.50.

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

23 (c) Except as otherwise provided by law, or as authorized in
24 writing by the adopted child, if 14 or more years of age, or by the
25 adoptive parent, or upon order of the court for good cause shown [IN
26 EXCEPTIONAL CASES], a [NO] person may not [IS REQUIRED TO] disclose
27 the name or identity of either an adoptive parent or an adopted child.

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

29 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a

1 petition for adoption is filed with the court the agency or individual
2 placing the person for adoption or, if none, a petitioner shall file
3 with the court for release to the state registrar only the following
4 information, or an explanation of its unavailability, on separate
5 forms provided by the department:

6 (1) the address of each biological parent named on the
7 original birth certificate;

8 (2) background information required under AS 18.50.510;

9 (3) a statement signed by each biological parent named on
10 the original birth certificate acknowledging receipt of a copy of
11 AS 18.50.500 - 18.50.510 and an understanding of those provisions; and

12 (4) a statement signed by each biological parent named on
13 the original birth certificate that indicates whether the parent
14 consents to disclosure of the parent's identity under AS 18.50.500 and
15 acknowledges that a refusal to consent becomes effective under AS 18.-
16 50.500 only if reaffirmed after the adopted person has reached 17
17 years of age.

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

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