

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 2/5/86

FURTHER REFERRALS:

DATE: 2-5-86

The FINANCE Committee has considered SB 187
"An Act relating to adoption; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS SB 187 (2d Sud) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note 2/5/86

SIGNING DO PASS:

Mike Dymowski
James Duncan
Ronald J. Jones
Pat Raymond
Paul Vebek
Jim Gots

SIGNING OTHER RECOMMENDATIONS:

Gilbert A. Clark NO Rec
John Campbell NO REC
Alfred P. Regis NO Rec
Tom NO Rec.

Gilbert A. Clark
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/3/86

REQUEST

Bill/Resolution No. : HCSSB187 (2nd Judiciary)
 Title : "An Act relating to adoption"

Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : DHSS Administrative Services

Components : Vital Statistics

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

No fiscal impact

Prepared by : Joan P. Brooks *Joan P. Brooks* Phone : 465-3391
 Division : Planning/Vital/Statistics Date : 2/3/86

Approved by Commissioner : *John R. Coy* Date : 2/15/86
 Agency : _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 2/5/86
Referred: Finance

395 7 vote
1986

Hein

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerttula

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 187 (2d Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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 13.11.045 is amended to read:

10 Sec. 13.11.045. MEANING OF "CHILD" AND RELATED TERMS. If, for
11 purposes of intestate succession, a relationship of parent and child
12 must be established to determine succession by, through, or from a
13 person,

14 (1) an adopted person is the child of an adopting parent
15 and not of the natural parents unless the decree of adoption specif-
16 ically provides for the continuation of inheritance rights [EXCEPT
17 THAT ADOPTION OF A CHILD BY THE SPOUSE OF A NATURAL PARENT HAS NO
18 EFFECT ON THE RELATIONSHIP BETWEEN THE CHILD AND EITHER NATURAL PAR-
19 ENT];

20 (2) in cases not covered by (1) of this section, a person
21 born out of wedlock is a child of the mother; that person is also a
22 child of the father, if:

23 (A) the natural parents participated in a marriage
24 ceremony before or after the birth of the child, even though the
25 attempted marriage is void; or

26 (B) the paternity is established by an adjudication
27 before the death of the father or is established thereafter by
28 clear and convincing proof, except that the paternity established
29 under this subparagraph is ineffective to qualify the father or

1 the father's kindred to inherit from or through the child unless
2 the father has openly treated the child as the father's, and has
3 not refused to support the child.

4 * Sec. 2. AS 18.50.220(b) is amended to read:

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

8 (1) thereafter, in the case of an adoption, the original
9 certificate and the evidence of adoption are not subject to inspection
10 except as provided in AS 18.50.500 - 18.50.510 or by order of the
11 superior court under AS 25.23.150; but the state registrar shall allow
12 inspection by an agent of the state or federal government acting in
13 the performance of the agent's official duties; in the case of a
14 legitimation, the original certificate and the evidence of [ADOPTION
15 OR] legitimation are not subject to inspection except upon order of
16 the superior court or as provided by regulation; however, the regula-
17 tion shall allow inspection by an agent of the state or federal gov-
18 ernment acting in the performance of the agent's [HIS] official
19 duties;

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

24 * Sec. 3. AS 18.50.370 is amended by adding new paragraphs to read:

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

27 (15) "biological parent" means a parent named on the origi-
28 nal certificate of birth of an adopted person;

29 (16) "child adoption agency" means a child adoption agency

1 licensed under AS 47.35.100;

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

4 (18) "medical history" includes information relating to a
5 person's medical conditions and treatment, immunization records, and
6 other medical information about the person that could be important to
7 the health care of the adopted person.

8 * Sec. 4. AS 18.50 is amended by adding new sections to read:

9 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

10 Sec. 18.50.500. IDENTITY OF BIOLOGICAL PARENTS. (a) After
11 receiving a request by an adopted person 18 years of age or older for
12 the identity of a biological parent of the person, the state registrar
13 shall provide the person with an uncertified copy of the person's
14 original birth certificate, and any change in the biological parent's
15 name or address attached to the certificate, if the biological par-
16 ent's written consent to disclosure is on file with the state regis-
17 trar. The state registrar may not provide to an adopted person a copy
18 of the person's original birth certificate or disclose the name and
19 address of a biological parent without that parent's written consent,
20 except as required by the court under AS 25.23.150.

21 (b) The state registrar upon request shall provide to a bio-
22 logical parent a form containing the text of this section and AS 18.-
23 50.510 and a statement, to be signed by the biological parent, indi-
24 cating the biological parent's desires regarding the disclosure of
25 information under (a) of this section. The form must contain at least
26 the following information and appear substantially as follows:

27 INSTRUCTIONS TO STATE REGISTRAR OF VITAL STATISTICS REGARDING
28 DISCLOSURE OF INFORMATION TO AN ADOPTED CHILD

29 I. Disclosure During Biological Parent's Lifetime (Choose A, B, or C)

1 A. PROVIDE to my biological child a copy of the child's
2 original birth certificate, and my name and address, when
3 the child is 18 years of age or older, if requested by
4 the child.

5 B. DO NOT PROVIDE to my biological child a copy of the
6 child's original birth certificate, or my name and
7 address, unless required by law or by court order.

8 C. If my biological child, when 18 years of age or older,
9 requests a copy of the child's original birth
10 certificate, or my name and address, these are my
11 instructions:

12 1. I want to be notified of the request in the following
13 manner (choose a or b):

14 a. by certified mail, deliverable to me only, at
15 my last known address

16 b. _____
17 (Specify how you want to be notified)

18
19 2. If I do not reply to your notice within 90 days after
20 you send it, or if you cannot locate me, then (choose
21 a or b)

22 a. PROVIDE the information requested by the
23 child;

24 b. DO NOT PROVIDE the information requested by
25 the child.

26 II. Disclosure After Biological Parent's Death (Choose A or B)

27 In the event that you are properly notified of my death or other-
28 wise verify that I have died, and my biological child, when 18
29 years of age or older, requests a copy of the child's original

1 certificate of birth or my name and address, these are my in-
2 structions:

3 A. PROVIDE the information requested by the child and
4 INFORM the child of my death;

5 B. DO NOT PROVIDE the information requested by the child,
6 but INFORM the child of my death.

7 My current name and address:

8 _____
9 (Signature of biological parent)

_____ (Please print or type)

10 _____
11 (Date)

12 _____
13 (c) A biological parent may at any time obtain from, and submit
14 to, the state registrar a new instruction form described under (b) of
15 this section, or may otherwise submit written instructions regarding
16 disclosure of information under this section.

17 (d) If one biological parent consents to disclosure, but the
18 other biological parent objects, the state registrar shall remove the
19 name of the objecting parent before providing the birth certificate to
20 the adopted person under (a) of this section.

21 (e) An adopted person 18 years of age or older, or a biological
22 parent, may submit to the state registrar a notice of change of name
23 or address. The state registrar shall attach the information to the
24 original birth certificate of the adopted person.

25 (f) The state registrar shall disclose to a biological parent,
26 at that parent's request, the most current name and address of an
27 adopted child that appear in the state registrar's adoption files if
28 the child is 18 years of age or older and has requested in writing
29 that the information be disclosed if ever requested by the biological

1 parent.

2 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
3 PARENTS. (a) The state registrar shall, at the request of an adop-
4 tive parent or of an adopted person 18 years of age or older, release
5 the following information regarding a biological parent named on the
6 original birth certificate of the adopted person if available from the
7 registrar's adoption records:

8 (1) the age of the biological parent on the day the adopted
9 person was born;

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

11 (A) national origin;

12 (B) ethnic background; and

13 (C) tribal membership;

14 (3) the medical history of the biological parent and of
15 blood relatives of the biological parent;

16 (4) the number of years of school completed by the biologi-
17 cal parent by the day the adopted person was born;

18 (5) a physical description of the biological parent on the
19 day the adopted person was born, including height, weight, and color
20 of hair, eyes and skin;

21 (6) the existence of other children of the biological
22 parent;

23 (7) whether the biological parent was alive at the time of
24 adoption;

25 (8) the religion of the biological parent; and

26 (9) other information provided by the biological parent for
27 disclosure to the child.

28 (b) Information released under (a) of this section shall be on a
29 standard form prepared by the commissioner. The information may not

1 include the name of a biological parent or other information not
2 listed in (a) of this section.

3 * Sec. 5. AS 25.23.060(a) is amended to read:

4 (a) The required consent to adoption shall be executed at any
5 time after the birth of the child in the presence of the court or in
6 the presence of a person authorized to take acknowledgments. The
7 consent is not valid unless the consent form states that the person
8 consenting to the adoption has the right to withdraw that consent as
9 provided in AS 25.23.070(b), and unless the person consenting to the
10 adoption acknowledges receipt of a copy of the consent form. The
11 person giving consent shall state in the consent form whether the
12 child is a member of an Indian tribe or the biological child of a
13 member of an Indian tribe, so that the court may determine whether the
14 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978)
15 apply.

16 * Sec. 6. AS 25.23.060 is amended by adding a new subsection to read:

17 (c) A consent executed under this section is effective as a
18 power of attorney under AS 13.26.020. Unless the consent form pro-
19 vides otherwise, and regardless of whether the form names or iden-
20 tifies the adoptive parent, the consent delegates to the adoptive
21 parent all powers that may be delegated under AS 13.26.020. The power
22 of attorney takes effect when the child is delivered to the adoptive
23 parent, and remains in effect as long as the consent is in effect; but
24 the power of attorney is not effective beyond one year, unless the
25 court extends it for good cause. The power of attorney does not
26 terminate on the death or disability of the person executing the
27 consent, unless the consent form so states. This subsection may not
28 be construed to alter the requirements of the Interstate Compact on
29 the Placement of Children (AS 47.70).

1 * Sec. 7. AS 25.23.070(b) is amended to read:

2 (b) A consent to adoption may be withdrawn before the entry of a
3 decree of adoption, within 10 days after the consent is given, by
4 delivering written notice to the person obtaining the consent, or
5 after the 10-day period, if the court finds, after notice and oppor-
6 tunity to be heard is afforded to petitioner, the person seeking the
7 withdrawal, and the agency placing a child for adoption, that the
8 withdrawal is in the best interest of the person to be adopted and the
9 court orders the withdrawal.

10 * Sec. 8. AS 25.23.080(c) is amended to read:

11 (c) A certified copy of the birth certificate or verification of
12 the birth record of the person to be adopted, if available, the infor-
13 ation specified in AS 25.23.185(a), if available, and the required
14 consents, relinquishments, and termination orders shall be filed with
15 the clerk.

16 * Sec. 9. AS 25.23.100(a) is amended to read:

17 (a) After the filing of a petition to adopt a minor, the court
18 shall fix a time and place for hearing the petition. At least 20 days
19 before the date of hearing, the petitioner shall give notice of the
20 filing of the petition and of the time and place of hearing [SHALL BE
21 GIVEN BY THE PETITIONER] to (1) the department, unless the adoption is
22 by a stepparent of the child; (2) any agency or person whose consent
23 to the adoption is required by this chapter, but who has not consent-
24 ed; and (3) a person whose consent is dispensed with upon any ground
25 mentioned in AS 25.23.050(a)(1), (2), (3), (6), (7), (8) and (9), but
26 who has not consented. The notice to the department shall be accom-
27 panied by a copy of the petition. [IN THIS SUBSECTION, "STEPPARENT"
28 MEANS THE SPOUSE OF A NATURAL PARENT OF THE CHILD RESIDING IN THE SAME
29 HOUSEHOLD.]

1 * Sec. 10. AS 25.23.100(b) is amended to read:

2 (b) Notice to persons specified in AS 25.23.050 shall include a
3 statement of the grounds under which consent to the adoption is not
4 required. Notice given under this section shall be adequate to give
5 actual notice of the proceedings, taking into account education and
6 language differences which are known or reasonably ascertainable by
7 the petitioner or the department. The notice of hearing shall contain
8 all names by which the minor has been identified and shall state in
9 summary form the effect of a decree of adoption. Notice shall be
10 given in the manner appropriate under rules of civil procedure for the
11 service of process in a civil action in this state or in any manner
12 the court by order directs. Notice by publication may not be given
13 unless, for compelling reasons, the court orders it to be given under
14 the procedure established in Rule 4 of the Alaska Rules of Civil
15 Procedure. Proof of the giving of the notice shall be filed with the
16 court before the petition is heard, subject to the time limitations in
17 (e) of this section.

18 * Sec. 11. AS 25.23 is amended by adding a new section to read:

19 Sec. 25.23.125. INTERESTS OF MINOR TO BE ADOPTED. (a) If the
20 person to be adopted is a minor under the age of 10 and the person is
21 of sufficient age and intelligence to state desires concerning the
22 adoption, the court shall consider the person's desires.

23 (b) The court may appoint a guardian ad litem or attorney, or
24 both, under AS 25.24.310 for a minor who is to be adopted.

25 (c) The court may issue a protective order or other order that
26 is in the best interest of a minor who is to be adopted.

27 * Sec. 12. AS 25.23.130(a) is amended to read:

28 (a) A final decree of adoption, whether issued by a court of
29 this state or of any other state, has the following effect as to

1 matters within the jurisdiction or before a court of this state:

2 (1) except with respect to a spouse of the petitioner and
3 relatives of the spouse, to relieve the natural parents of the adopted
4 person of all parental rights and responsibilities, and, except as
5 provided in (c) of this section, to terminate all legal relationships
6 between the adopted person and the natural parents and other relatives
7 of the adopted person, so that the adopted person thereafter is a
8 stranger to the former relatives for all purposes including inheri-
9 tance, unless the decree of adoption specifically provides for contin-
10 uation of inheritance rights, and the interpretation or construction
11 of documents, statutes, and instruments, whether executed before or
12 after the adoption is decreed, which do not expressly include the
13 person by name or by some designation not based on a parent and child
14 or blood relationship; and

15 (2) to create the relationship of parent and child between
16 petitioner and the adopted person, as if the adopted person were a
17 blood descendant of the petitioner, for all purposes including inheri-
18 tance and applicability of statutes, documents, and instruments,
19 whether executed before or after the adoption is decreed, which do not
20 expressly exclude an adopted person from their operation or effect.

21 * Sec. 13. AS 25.23.130 is amended by adding a new subsection to read:

22 (c) Nothing in this chapter prohibits an adoption that allows
23 visitation between the adopted person and that person's natural par-
24 ents or other relatives.

25 * Sec. 14. AS 25.23.150(b) is repealed and reenacted to read:

26 (b) The papers and records relating to an adoption that are a
27 part of the permanent record of a court are subject to inspection only
28 upon consent of the court. The papers and records relating to an
29 adoption on file with the department, an agency, or an individual are

1 subject to inspection only with consent of all interested persons or
2 by order of a court for good cause shown. Except as provided in this
3 section, adoption records of the Bureau of Vital Statistics are sub-
4 ject to inspection under the provisions of AS 18.50.

5 * Sec. 15. AS 25.23.150(c) is amended to read:

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

12 * Sec. 16. AS 25.23.150 is amended by adding a new subsection to read:

13 (d) The court may order the disclosure of a natural parent's
14 identity or address only if

15 (1) the court makes an express finding that the disclosure
16 is required because of a ~~medical~~ medical necessity or other extraordinary
17 circumstance; and

18 (2) the natural parent, the adopted child, and the adoptive
19 parents are afforded proper notice and a hearing.

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

21 Sec. 25.23.173. INDIAN CHILD ADOPTION REPORTS. After entering a
22 final decree or order in an Indian child adoptive placement, the court
23 shall send to the Secretary of the Interior a copy of the decree or
24 order and other information required by 25 U.S.C. 1951 (sec. 301(a) of
25 the Indian Child Welfare Act of 1978).

26 * Sec. 18. AS 25.23 is amended by adding a new section to read:

27 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a
28 petition for adoption is filed with the court, the agency or individu-
29 al placing the person for adoption, or the petitioner, shall file with

1 the court, for release to the state registrar of vital statistics, the
2 following information, or an explanation of its unavailability, on
3 forms provided by the department:

4 (1) the address of each parent named on the original birth
5 certificate;

6 (2) background information required under AS 18.50.510;

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

10 (4) a statement signed by each parent named on the original
11 birth certificate that indicates whether the parent consents to dis-
12 closure of the parent's identity under AS 18.50.500.

13 (b) Upon entry of a decree of adoption, the clerk of the court
14 shall transmit to the Bureau of Vital Statistics the statement and the
15 information provided under (a) of this section. The bureau shall
16 attach the statement and information to the original birth certificate
17 of the adopted person.

18 (c) A child adoption agency licensed under AS 47.35.100 shall
19 maintain records of the information required to be furnished to the
20 court under this section or under regulations of the commissioner
21 implementing this section. If a child adoption agency ceases to place
22 persons for adoption, it shall transfer its records to the commission-
23 er.

24 * Sec. 19. AS 25.23.230 is amended to read:

25 Sec. 25.23.230. REGULATIONS. The department shall adopt regu-
26 lations necessary to implement the provisions of AS 25.23.185 - 25.-
27 23.240 [AS 25.23.190 - 25.23.240].

28 * Sec. 20. AS 25.23.240 is amended by adding a new paragraph to read:

29 (9) "stepparent" means the spouse of a natural parent of

1 the child residing in the same household.

2 * Sec. 21. AS 44.21.410(a) is amended to read:

3 (a) The office of public advocacy shall

4 (1) perform the duties of the public guardian under AS 13.-
5 26.360 - 13.26.410;

6 (2) provide visitors and experts in guardianship proceed-
7 ings under AS 13.26.131;

8 (3) provide guardian ad litem services to children in child
9 protection actions under AS 47.17.030(e) and to wards and respondents
10 in guardianship proceedings who will suffer financial hardship or
11 become dependent upon a government agency or a private person or
12 agency if the services are not provided at state expense under AS 13.-
13 26.112;

14 (4) provide legal representation in guardianship proceed-
15 ings to respondents who are financially unable to employ attorneys
16 under AS 13.26.106(b), to indigent parties in cases involving child
17 custody in which the opposing party is represented by counsel provided
18 by a public agency, and to indigent parents or guardians of a minor
19 respondent in a commitment proceeding concerning the minor under
20 AS 47.30.775;

21 (5) provide legal representation and guardian ad litem
22 services under AS 25.24.310; in cases arising under the Uniform Inter-
23 state Compact on Juveniles (AS 47.15); in cases involving petitions to
24 adopt a minor under AS 25.23.125(b) [AS 25.23.100(j)]; in cases in-
25 volving petitions to remove the disabilities of a minor under AS 09.-
26 55.590; in children's proceedings under AS 47.10.050(a); and in cases
27 involving indigent persons who are entitled to representation under
28 AS 18.85.100 and who cannot be represented by the public defender
29 agency because of a conflict of interests.

1 * Sec. 22. AS 25.23.100(j) is repealed.

2 * Sec. 23. RETROACTIVE EFFECT; RECONSIDERATION OF DENIAL OF VISITATION
3 RIGHTS. (a) The amendments to AS 25.23.130 made by secs. 13 and 14 of
4 this Act are retroactive with regard to

5 (1) an adoption decree in which the superior court granted
6 visitation rights to a natural parent or other relative of the adopted
7 person; and

8 (2) an adoption decree entered on or after January 1, 1984, in
9 which the superior court denied a request that a natural parent or other
10 relative of the adopted person be granted visitation rights, if the request
11 was made in the pleadings and the adopted person is under 18 years of age.

12 (b) A party to an adoption under (a)(2) of this section may petition
13 the court for reconsideration of the denial of visitation rights.

14 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1986

SUBJECT: Sectional analysis
HCS SB187 (2d Judiciary))

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 provides that, for purposes of intestate succession, an adopted child inherits from the adoptive parents instead of the natural parents, unless the adoption decree specifically provides for continuation of inheritance rights through the natural parents. This eliminates a conflict between the adoption chapter and the intestate inheritance provisions.

Sec. 2 supplies the correct statutory reference for court ordered inspections of original birth certificates and other evidence of adoption held by the bureau of vital statistics, and clarifies that the state registrar, not the regulations, must allow inspection by government agents.

Sec. 3 adds definitions to the vital statistics chapter, AS 18.50.

Sec. 4 establishes procedures and restrictions for release of information by the bureau of vital statistics to an adopted person regarding the person's biological parents. Proposed AS 18.50.500 would allow adopted persons 18 or older to ask the bureau to disclose the identity of the person's biological parents. The information may be disclosed only if the biological parent consents in writing. This section illustrates the form to be developed and provided by the Department of Health and Social Services on which a biological parent may give instructions regarding disclosure of his or her identity to the child. A biological parent may object or consent only to

disclosure of his or her own name and address. If either parent objects, that parent's name will be deleted from the copy of the original birth certificate given to the adopted child. Adopted children 18 and older, as well as biological parents, may submit notices of changes of name and address to the bureau for attachment to the child's original birth certificate. A biological parent may obtain the name and address of his or her child from the state registrar if the child is 18 or older and has requested disclosure.

Proposed AS 18.50.510 requires the bureau of vital statistics to provide to an adopted person 18 or older who requests the information, descriptive, historical, and medical information about the person's biological parents if the information is available from the bureau's adoption records.

Sec. 5 provides that a consent form for an adoption must include a statement of the right to withdraw consent, an acknowledgement that the consenter received a copy of the form, and a statement of whether the child is an Indian child for purposes of compliance with the Indian Child Welfare Act.

Sec. 6 incorporates into the consent to an adoption a power of attorney giving the adoptive parents powers regarding the child's care, custody, property, etc., unless specifically limited in the consent form. The power of attorney is good for one year, or longer if the court approves for good cause. The court's extension beyond one year is not contained in AS 13.26.020. The power of attorney would not expire on the death or disability of the consenter, unless the consent form said so. C.F., AS 13.26.325 - 13.26.330. This section is not to be construed as altering requirements of the Interstate Compact on the Placement of Children.

Sec. 7 clarifies when the 10-day period for automatic withdrawal of consent to an adoption begins to run.

Sec. 8 is a cross-reference to AS 25.23.185(a), which is added in sec. 18 of the bill.

Sec. 9 deletes the definition of "stepparent," which is transferred to the definitions section, AS 25.23.240 by sec. 20 of the bill. Sec. 9 also changes the second sentence of AS 25.23.100(a) from the passive voice to the active voice.

Sec. 10 authorizes the court in an adoption proceeding to order notice by publication of an adoption hearing for compelling reasons. This is intended to assist in notifying persons entitled to notice by law, but who cannot otherwise be found.

Sec. 11 requires the court in an adoption proceeding to consider the wishes of a minor under 10 who is to be adopted, if the minor is of "sufficient age and intelligence to state desires concerning the adoption." The authority of the court to appoint a guardian ad litem or attorney for a minor who is to be adopted is transferred here from AS 25.23.100(j), which is then repealed in sec. 22 of the bill. Also, the court is authorized by sec. 11 to issue protective orders and other orders that are in the best interest of a minor who is to be adopted.

Sec. 12 provides that allowing visitation by natural parents or relatives is an exception to the requirement that an adoption decree terminates all legal relationships between an adopted person and the natural parents and relatives. (See sec. 13 comments.)

Sec. 13 makes clear that visitation between adopted children and their natural parents and relatives is not prohibited. This change is intended to resolve confusion on this question caused by the language of AS 25.23.130(a)(1), which says that the effect of an adoption is "to terminate all legal relationships between the adopted person and the natural parents and other relatives of the adopted person, so that the adopted person thereafter is a stranger to the former relatives for all purposes . . ." This change has the effect of reversing the Alaska Supreme Court's holding in the case of In re W.E.G. and J.R.G., Op. No. 2998 (Dec. 6, 1985).

Sec. 14 makes clear that court adoption records may be inspected only with the court's consent; adoption records held by the Department of Health and Social Services, an adoption agency, or individuals may be inspected only with the consent of all interested persons or by court order; and that, excepted as provided here, adoption records held by the Bureau of Vital Statistics may be inspected only in accordance with AS 18.50.

Sec. 15 adds to AS 25.23.150(c) an exception for disclosures of the name or identity of adoptive parents and

adopted children under proposed AS 18.50.500 - 18.50.510, and other provisions of law related to disclosure of adoption records that might be in conflict with this subsection if the exception were not inserted.

Sec. 16 allows a court to disclose a natural parent's identity and address only for a medical emergency or other extraordinary circumstance and with due process protections for the adopted child, the natural parents and the adoptive parents.

Sec. 17 incorporates into state law the federal requirement of reporting Indian child adoptions to the Secretary of the Interior under provisions of the Indian Child Welfare Act.

Sec. 18 specifies information that must be filed with the court with the petition for adoption and that must be transmitted by the court clerk to the state registrar of vital statistics. This is the information needed for the operation of AS 18.50.500 - 18.50.510. This section also requires private adoption agencies to maintain records containing this same information, and to transfer its records to the commissioner of health and social services if the agency discontinues adoption placements.

Sec. 19 corrects a statutory reference in existing law to provide for the addition of a new statute added by sec. 18 of the bill.

Sec. 20 adds a definition of "stepparent" for purposes of the adoption chapter, AS 25.23. See comments under sec. 9 of this sectional analysis.

Sec. 21 corrects a statutory reference necessitated by the repeal and transfer of AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 22 repeals AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 23 applies the provisions of this bill retroactively to certain adoption decrees that were entered before the effective date of the act and that involved visitation rights by a natural parent or relative of the adoptive child. The section also establishes a procedure for requesting a court to reconsider a denial of such visitation rights in adoption decrees entered on or after January 1, 1984.

Representative Al Adams
Page 5
February 4, 1986

Sec. 24 provides for an immediate effective date.

EHH:mkr
M2:137

Offered: 1/17/86
Referred: Judiciary and
Finance

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerrtula

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 187 (2d HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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 13.11.045 is amended to read:

10 Sec. 13.11.045. MEANING OF "CHILD" AND RELATED TERMS. If, for
11 purposes of intestate succession, a relationship of parent and child
12 must be established to determine succession by, through, or from a
13 person,

14 (1) an adopted person is the child of an adopting parent
15 and not of the natural parents unless the decree of adoption
16 specifically provides for the continuation of inheritance rights
17 [EXCEPT THAT ADOPTION OF A CHILD BY THE SPOUSE OF A NATURAL PARENT HAS
18 NO EFFECT ON THE RELATIONSHIP BETWEEN THE CHILD AND EITHER NATURAL
19 PARENT];

20 (2) in cases not covered by (1) of this section, a person
21 born out of wedlock is a child of the mother; that person is also a
22 child of the father, if:

23 (A) the natural parents participated in a marriage
24 ceremony before or after the birth of the child, even though the
25 attempted marriage is void; or

26 (B) the paternity is established by an adjudication
27 before the death of the father or is established thereafter by
28 clear and convincing proof, except that the paternity established
29 under this subparagraph is ineffective to qualify the father or

1 The father's kindred to inherit from or through the child unless
2 the father has openly treated the child as the father's, and has
3 not refused to support the child.

4 * Sec. 2. AS 18.50.220(b) is amended to read:

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

8 (1) thereafter, the original certificate and the evidence
9 of adoption or legitimation are not subject to inspection except upon
10 order of the superior court under AS 25.23.150; however, the state
11 registrar [OR AS PROVIDED BY REGULATION; HOWEVER, THE REGULATION]
12 shall allow inspection by an agent of the state or federal government
13 acting in the performance of the agent's [HIS] official duties;

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

18 * Sec. 3. AS 18.50.370 is amended by adding new paragraphs to read:

19 (14) "adoptive parent" means a person who has adopted anothe-
20 er person under AS 25.23;

21 (15) "biological parent" means a parent named on the origi-
22 nal certificate of birth of an adopted person;

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

25 (17) "commissioner" means the commissioner of health and
26 social services;

27 (18) "medical history" includes information relating to a
28 person's medical conditions and treatment, immunization records, and
29 other medical information about the person that could be important to

1 the health care of the adopted person.

2 * Sec. 4. AS 18.50 is amended by adding new sections to read:

3 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

4 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) Except as
5 provided in (b) of this section, upon receiving a request by an adopt-
6 ed person 18 years of age or older for the identity of a biological
7 parent of the person, the state registrar shall provide the person
8 with an uncertified copy of the person's original birth certificate,
9 and any change in the parent's name or address attached to the certifi-
10 cate, if

11 (1) the biological parent's consent to disclosure is on
12 file with the state registrar; or

13 (2) a written objection to disclosure is not received from
14 the biological parent within 90 days after the state registrar sends a
15 notice of the request to the biological parent at the parent's most
16 current address contained in the state registrar's adoption records;
17 the notice shall be sent by certified mail, return receipt requested,
18 deliverable to the addressee only.

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

23 (1) when the adopted person is 17 years of age or older; or

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

26 (c) If one biological parent agrees to disclosure, but the other
27 biological parent objects, the state registrar shall remove the name
28 of the objecting parent before providing the birth certificate to the
29 adopted person under (a) of this section.

1 (d) An adopted person 18 years of age or older or a biological
2 parent may submit to the state registrar a notice of change of name or
3 address. The state registrar shall attach the information to the
4 original birth certificate of the person or of the adopted child of
5 the biological parent. The state registrar shall disclose to a bio-
6 logical parent, upon request, the most current name and address of the
7 parent's child that appear in the state registrar's adoption files.

8 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
9 PARENTS. (a) The state registrar shall, at the request of an adop-
10 tive parent or of an adopted person 18 years of age or older, release
11 the following information regarding a biological parent named on the
12 original birth certificate of the adopted person if available from the
13 registrar's adoption records:

14 (1) the age of the biological parent on the day the adopted
15 person was born;

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

17 (A) national origin;

18 (B) ethnic background; and

19 (C) tribal membership;

20 (3) the medical history of the biological parent and of
21 blood relatives of the biological parent;

22 (4) the number of years of school completed by the biologi-
23 cal parent by the day the adopted person was born;

24 (5) a physical description of the biological parent on the
25 day the adopted person was born, including height, weight, and color
26 of hair, eyes and skin;

27 (6) the existence of other children of the biological
28 parent;

29 (7) whether the biological parent was alive at the time of

1 adoption;

2 (8) the religion of the biological parent; and

3 (9) other information provided by the biological parent for
4 disclosure to the child.

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

9 * Sec. 5. AS 25.23.060(a) is amended to read:

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

14 (1) the consent form states that the person consenting to
15 the adoption has the right to withdraw that consent as provided in
16 AS 25.23.060(b); and

17 (2) the person consenting to the adoption acknowledges
18 receipt of a copy of the consent form.

19 * Sec. 6. AS 25.23.060 is amended by adding a new subsection to read:

20 (c) A consent executed under this section is effective as a
21 power of attorney under AS 13.26.020. Unless the consent form pro-
22 vides otherwise, and regardless of whether the form names or iden-
23 tifies the adoptive parent, the consent delegates to the adoptive
24 parent all powers that may be delegated under AS 13.26.020. The power
25 of attorney takes effect when the child is delivered to the adoptive
26 parent, and remains in effect as long as the consent is in effect; but
27 the power of attorney is not effective beyond one year, unless the
28 court extends it for good cause. The power of attorney does not
29 terminate on the death or disability of the person executing the

1 consent, unless the consent form so states.

2 * Sec. 7. AS 25.23.070(b) is amended to read:

3 (b) A consent to adoption may be withdrawn before the entry of a
4 decree of adoption, within 10 days after the consent is given, by
5 delivering written notice to the person obtaining the consent, or
6 after the 10-day period, if the court finds, after notice and oppor-
7 tunity to be heard is afforded to petitioner, the person seeking the
8 withdrawal, and the agency placing a child for adoption, that the
9 withdrawal is in the best interest of the person to be adopted and the
10 court orders the withdrawal.

11 * Sec. 8. AS 25.23.080(c) is amended to read:

12 (c) A certified copy of the birth certificate or verification of
13 the birth record of the person to be adopted, if available, the infor-
14 mation specified in AS 25.23.185(a), if available, and the required
15 consents, relinquishments, and termination orders shall be filed with
16 the clerk.

17 * Sec. 9. AS 25.23.100(a) is amended to read:

18 (a) After the filing of a petition to adopt a minor, the court
19 shall fix a time and place for hearing the petition. At least 20 days
20 before the date of hearing, the petitioner shall give notice of the
21 filing of the petition and of the time and place of hearing [SHALL BE
22 GIVEN BY THE PETITIONER] to (1) the department, unless the adoption is
23 by a stepparent of the child; (2) any agency or person whose consent
24 to the adoption is required by this chapter, but who has not consent-
25 ed; and (3) a person whose consent is dispensed with upon any ground
26 mentioned in AS 25.23.050(a)(1), (2), (3), (6), (7), (8) and (9), but
27 who has not consented. The notice to the department shall be accom-
28 panied by a copy of the petition. [IN THIS SUBSECTION, "STEPPARENT"
29 MEANS THE SPOUSE OF A NATURAL PARENT OF THE CHILD RESIDING IN THE SAME

1 HOUSEHOLD.]

2 * Sec. 10. AS 25.23.100(b) is amended to read:

3 (b) Notice to persons specified in AS 25.23.050 shall include a
4 statement of the grounds under which consent to the adoption is not
5 required. Notice given under this section shall be adequate to give
6 actual notice of the proceedings, taking into account education and
7 language differences which are known or reasonably ascertainable by
8 the petitioner or the department. The notice of hearing shall contain
9 all names by which the minor has been identified and shall state in
10 summary form the effect of a decree of adoption. Notice shall be
11 given in the manner appropriate under rules of civil procedure for the
12 service of process in a civil action in this state or in any manner
13 the court by order directs. Notice by publication may not be given
14 unless, for compelling reasons, the court orders it to be given under
15 the procedure established in Rule 4 of the Alaska Rules of Civil
16 Procedure. Proof of the giving of the notice shall be filed with the
17 court before the petition is heard, subject to the time limitations in
18 (c) of this section.

19 * Sec. 11. AS 25.23 is amended by adding a new section to read:

20 Sec. 25.23.125. INTERESTS OF MINOR TO BE ADOPTED. (a) If the
21 person to be adopted is a minor under the age of 10 and the person is
22 of sufficient age and intelligence to state desires concerning the
23 adoption, the court shall consider the person's desires.

24 (b) The court may appoint a guardian ad litem or attorney under
25 AS 25.24.310 for a minor who is to be adopted.

26 (c) The court may issue a protective order or other order that
27 is in the best interest of a minor who is to be adopted.

28 * Sec. 12. AS 25.23.130(a) is amended to read:

29 (a) A final decree of adoption, whether issued by a court of

1 this state or of any other state, has the following effect as to
2 matters within the jurisdiction or before a court of this state:

3 (1) except with respect to a spouse of the petitioner and
4 relatives of the spouse, to relieve the natural parents of the adopted
5 person of all parental rights and responsibilities, and, except as
6 provided in (c) of this section, to terminate all legal relationships
7 between the adopted person and the natural parents and other relatives
8 of the adopted person, so that the adopted person thereafter is a
9 stranger to the former relatives for all purposes including inheri-
10 tance, unless the decree of adoption specifically provides for contin-
11 uation of inheritance rights, and the interpretation or construction
12 of documents, statutes, and instruments, whether executed before or
13 after the adoption is decreed, which do not expressly include the
14 person by name or by some designation not based on a parent and child
15 or blood relationship; and

16 (2) to create the relationship of parent and child between
17 petitioner and the adopted person, as if the adopted person were a
18 blood descendant of the petitioner, for all purposes including inheri-
19 tance and applicability of statutes, documents, and instruments,
20 whether executed before or after the adoption is decreed, which do not
21 expressly exclude an adopted person from their operation or effect.

22 * Sec. 13. AS 25.23.130 is amended by adding a new subsection to read:

23 (c) Nothing in this chapter prohibits an adoption that allows
24 visitation between the adopted person and that person's natural
25 parents or other relatives.

26 * Sec. 14. AS 25.23.150(b) is repealed and reenacted to read:

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

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

6 * Sec. 15. AS 25.23.150(c) is amended to read:

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

13 * Sec. 16. AS 25.23.150 is amended by adding a new subsection to read:

14 (d) The court may order the disclosure of a natural parent's
15 identity or address only if

16 (1) the court makes an express finding that the disclosure
17 is required because of a medical necessity or other extraordinary
18 circumstance; and

19 (2) the natural parent, the adopted child, and the adoptive
20 parents are afforded proper notice and a hearing.

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

22 Sec. 25.23.173. INDIAN CHILD ADOPTION REPORTS. After entering a
23 final decree or order in an Indian child adoptive placement, the court
24 shall send to the Secretary of the Interior a copy of the decree or
25 order and other information required by 25 U.S.C. 1951 (sec. 301(a) of
26 the Indian Child Welfare Act of 1978).

27 * Sec. 18. AS 25.23 is amended by adding a new section to read:

28 Sec. 25.23.135. RECORDS AND INFORMATION. (a) At the time a
29 petition for adoption is filed with the court, the agency or

1 individual placing the person for adoption, or the petitioner, shall
2 file with the court, for release to the state registrar of vital
3 statistics, the following information, or an explanation of its
4 unavailability, on forms provided by the department:

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

7 (2) background information required under AS 18.50.510;

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

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

16 (b) Upon entry of a decree of adoption, the clerk of the court
17 shall transmit to the Bureau of Vital Statistics the statement and the
18 information provided under (a) of this section. The bureau shall
19 attach the statement and information to the original birth certificate
20 of the adopted person.

21 (c) A child adoption agency licensed under AS 47.35.00 shall
22 maintain records of the information required to be furnished to the
23 court under this section or under regulations of the commissioner
24 implementing this section. If a child adoption agency ceases to place
25 persons for adoption, it shall transfer its records to the commission-
26 er.

27 * Sec. 19. AS 25.23.230 is amended to read:

28 Sec. 25.23.230. REGULATIONS. The department shall adopt regu-
29 lations necessary to implement the provisions of AS 25.23.185 -

1 25. 3.240 [AS 25.23.190 - 25.23.240]

2 * Sec 20. AS 25.23.240 is amended by adding a new paragraph to read:

3 (9) "stepparent" means the spouse of a natural parent of
4 the child residing in the same household.

5 * Sec. 21. AS 44.21.410(a) is amended to read:

6 (a) The office of public advocacy shall

7 (1) perform the duties of the public guardian under AS
8 13.26.360 - 13.26.410;

9 (2) provide visitors and experts in guardianship proceed-
10 ings under AS 13.26.131;

11 (3) provide guardian ad litem services to children in child
12 protection actions under AS 47.17.030(e) and to wards and respondents
13 in guardianship proceedings who will suffer financial hardship or
14 become dependent upon a government agency or a private person or
15 agency if the services are not provided at state expense under AS
16 13.26.112;

17 (4) provide legal representation in guardianship proceed-
18 ings to respondents who are financially unable to employ attorneys
19 under AS 13.26.106(b), to indigent parties in cases involving child
20 custody in which the opposing party is represented by counsel provided
21 by a public agency, and to indigent parents or guardians of a minor
22 respondent in a commitment proceeding concerning the minor under
23 AS 47.30.775;

24 (5) provide legal representation and guardian ad litem
25 services under AS 25.24.310; in cases arising under the Uniform Inter-
26 state Compact on Juveniles (AS 47.15); in cases involving petitions to
27 adopt a minor under AS 25.23.125(b) [AS 25.23.100(j)]; in cases in-
28 volving petitions to remove the disabilities of a minor under AS 09.-
29 55.590; in children's proceedings under AS 47.10.050(a); and in cases

1 involving indigent persons who are entitled to representation under
2 AS 18.85.100 and who cannot be represented by the public defender
3 agency because of a conflict of interests.

4 * Sec. 22. AS 25.23.100(j) is repealed.

5 * Sec. 23. The amendments to AS 25.23.130 made by secs. 13 and 14 of
6 this Act are retroactive with regard to

7 (1) an adoption decree in which the superior court granted
8 visitation rights to a natural parent or other relative of the adopted
9 person; and

10 (2) an adoption decree entered on or after January 1, 1984, in
11 which the superior court denied a request that a natural parent or other
12 relative of the adopted person be granted visitation rights, if the request
13 was made in the pleadings and the adopted person is under 18 years of age;
14 a party to an adoption under this paragraph may petition the court for
15 reconsideration of the denial of visitation rights.

16 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

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Offered: 5/9/85
Referred: Finance

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerttula

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;

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.

Offered: 4/26/85
Referred: Judiciary and
Finance

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerdtula

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
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 origi-
27 nal 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) 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.

Introduced: 2/22/85
Referred: Health, Education & Social Services
Judiciary

BY RODEY, P.FISCHER
STURGULEWSKI AND KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 187

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)(1) 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 is amended by adding new sections to read:

24 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

25 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) Upon
26 receipt by the state registrar of a request by an adopted person 18
27 years of age or older for the identity of a biological parent of the
28 adopted person, the state registrar shall give notice of the request
29 to the biological parent by certified mail, deliverable to the

1 addressee only. The state registrar shall disclose the name and
2 address of the biological parent as it appears on the original certifi-
3 cate of birth of the adopted person if a written objection by the
4 biological parent is not received by the state registrar within 90
5 days after the date notice was mailed. If written objection is re-
6 ceived from the biological parent within the 90 days, the state regis-
7 trar may not disclose the name and address of that biological parent
8 to the person who requested it unless disclosure is ordered by the
9 court under AS 25.23.150.

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

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

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

26 (1) the age of a biological parent on the birth date of the
27 adopted person;

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

29 (A) national origin;

- 1 (B) ethnic background; and
2 (C) tribal membership;
3 (3) the health history of a biological parent and of blood
4 relatives of a biological parent;
5 (4) the number of years of school completed by a biological
6 parent by the birth date of the adopted person;
7 (5) a physical description of a biological parent on the
8 birth date of the adopted person including height, weight, and color
9 of hair, eyes and skin;
10 (6) the existence of other children of a biological parent;
11 (7) whether a biological parent was alive at the time of
12 adoption;
13 (8) the religion of a biological parent.

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

18 Sec. 18.50.520. ASSISTANCE TO REGISTRAR IN OBTAINING INFORMA-
19 TION. At the request of the state registrar the commissioner shall
20 attempt to obtain information listed under AS 18.50.510 relating to
21 the biological parents of an adopted person regardless of the date of
22 the person's adoption. The disclosure of information requested by the
23 commissioner under this section is not prohibited under AS 25.23.-
24 150(c).

25 Sec. 18.50.530. DEFINITIONS. In AS 18.50.500 - 18.50.530

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

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

1 (3) "child adoption agency" means a child adoption agency
2 licensed under AS 47.35.100;

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

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

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

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

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

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

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

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

23 * Sec. 5. AS 25.23.150(b) is repealed and reenacted to read:

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

1 section, adoption records of the Bureau of Vital Statistics are sub-
2 ject to inspection under the provisions of AS 18.50.

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

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

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

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

16 (1) the address of each biological parent named on the
17 original birth certificate;

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

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

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

25 * Sec. 8. This Act takes effect January 1, 1986.

26