

Regular Session, 2011

SENATE BILL NO. 155

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VITAL STATISTICS. Provides for access to original birth certificates. (8/15/11)

1 AN ACT

2 To amend and reenact Children's Code Articles 1187 and 1188(C) and to enact R.S.
3 40:73(E), relative to adoptions; to provide for accessing original birth certificates
4 under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Articles 1187 and 1188(C) are hereby amended and
7 reenacted to read as follows:

8 Art. 1187. Court records of proceedings

9 **Except as provided in R.S. 40:73(E),** ~~At~~ **all** court records of adoption
10 proceedings shall be confidential and shall not be open to inspection except on
11 written authorization by the court and there shall be no publication thereof.

12 Art. 1188. Motion for disclosure

13 * * *

14 C. **Except as provided in R.S. 40:73(E),** This **this** action and the limited
15 medical exception provision of Article 1127 shall be the exclusive means for gaining
16 access to records of adoptions whether maintained by this court, some other court,
17 an adoption agency, any state agency, or private individual, notwithstanding

1 provisions of law to the contrary.

2 Section 2. R.S. 40:73(E) is hereby enacted to read as follows:

3 §73. Certified copy of the new record; sealing and confidentiality of the original
4 birth record; **issuance of original birth certificate**

5 * * *

6 **E.(1) Notwithstanding any provision of law to the contrary, an adopted**
7 **person who is twenty-four years of age or older may request an uncertified copy**
8 **of such person's original birth certificate from the state registrar. When such**
9 **request is made, the sealed package shall be opened and an uncertified copy of**
10 **the original birth certificate shall be issued to the adopted person.**

11 **(2) The uncertified copy of the original birth certificate shall be issued**
12 **to the adopted person in accordance with the regulations duly promulgated in**
13 **accordance with the Administrative Procedure Act for a certified copy of a vital**
14 **record in the custody of the vital records registry.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 155)

Present law requires the state registrar to issue to an adopted person or to the adoptive parents a certified copy of the new birth record, place the original birth record and copy of the judgement or copy of the act of adoption in a sealed package, and file the sealed package in the archives of the vital records registry.

Present law provides that the sealed package shall only be opened upon the demand of the adopted person, or if deceased, by his or her descendants, or upon the demand of the adoptive parent, or the state registrar, or the recognized public or private social agency which was a party to the adoption, and then only by order of a Louisiana court of competent jurisdiction at the domicile of the vital records registry. The information provided shall be revealed only to the extent necessary to satisfy such compelling necessity.

Present law provides that all court records of adoption proceedings shall be confidential and shall not be open to inspection except on written authorization by the court and there shall be no publication thereof.

Present law further provides that a motion for disclosure and the limited medical exception shall be the exclusive means for gaining access to records of adoptions whether maintained by this court, some other court, an adoption agency, any state agency, or private individual, notwithstanding provisions of law to the contrary.

Proposed law provides that notwithstanding any provision of law to the contrary, an adopted person who is twenty-four years of age or older may request an uncertified copy of such

person's original birth certificate from the state registrar. When such request is made, the sealed package shall be opened and an uncertified copy of the original birth certificate shall be issued to the adopted person.

Proposed law provides that the uncertified copy of the original birth certificate shall be issued to the adopted person in accordance with the regulations duly promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record in the custody of the vital records registry.

Effective August 15, 2011.

(Amends Ch.C.Art. 1187 and 1188(C); adds R.S. 40:73(E))