

Regular Session, 2012

SENATE BILL NO. 89

BY SENATOR MARTINY

VITAL STATISTICS. Provides for access to original birth certificate under certain circumstances. (8/1/12)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Art. 1187. Court records of proceedings

**Except as provided in R.S. 40:73,** ~~At~~ **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.

Art. 1188. Motion for disclosure

\* \* \*

C. **Except as provided in R.S. 40:73,** ~~This~~ **this** action and the limited medical exception provision of Article 1127 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

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

5 \* \* \*

6 **E.(1)Notwithstanding any provision of law to the contrary, the original**  
7 **birth record of an individual who is adopted through an intrafamily adoption,**  
8 **as provided in Children's Code Articles 1243 et seq., shall not be sealed.**

9 **(2)Notwithstanding any provision of law to the contrary, an individual**  
10 **who was adopted through an intrafamily adoption, as provided in Children's**  
11 **Code Articles 1243 et seq., may request the state registrar to unseal such**  
12 **person's original birth record.**

13 **(3)The certified copy of the original birth certificate shall be issued to the**  
14 **individual adopted through an intrafamily adoption, as provided in Children's**  
15 **Code Articles 1243 et seq., in accordance with the regulations duly promulgated**  
16 **in accordance with the Administrative Procedure Act for a certified copy of a**  
17 **vital record in the custody of the vital records registry.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christopher D. Adams.

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DIGEST

Present law seals the original birth record of all adoptions and provides that the sealed record cannot be unsealed without a court order.

Proposed law prohibits the sealing of the original birth records of intrafamily adoptions and permits a person who was adopted through an intrafamily adoption to request the unsealing of his original birth record.

Effective August 1, 2012.

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