

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2132

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DATE	D-PG	OFFICIAL STATUS
04/28/2015	2929	Introduction and first reading
		Referred to Health, Human Services and Housing
03/30/2016		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

1.1 relating to adoption; modifying provisions governing access to original birth
 1.2 records and other adoption-related information; modifying provisions related to
 1.3 affidavits of disclosure and nondisclosure; providing for a contact preference
 1.4 form; appropriating money; amending Minnesota Statutes 2014, sections
 1.5 13.10, subdivision 5; 13.465, subdivision 8; 144.218, subdivision 1; 144.225,
 1.6 subdivision 2; 144.2252; 144.226, subdivision 1; 259.83, subdivisions 1, 1a, 1b,
 1.7 3, 4, by adding a subdivision; 259.89; 260C.637; proposing coding for new law
 1.8 in Minnesota Statutes, chapters 144; 259; repealing Minnesota Statutes 2014,
 1.9 sections 144.212, subdivision 11; 259.89, subdivisions 5, 6.
 1.10

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. Minnesota Statutes 2014, section 13.10, subdivision 5, is amended to read:

1.13 Subd. 5. **Adoption records.** Notwithstanding any provision of this chapter,
 1.14 adoption records shall be treated as provided in sections 144.2253, 259.53, 259.61,
 1.15 259.79, and 259.83 to 259.89.

1.16 Sec. 2. Minnesota Statutes 2014, section 13.465, subdivision 8, is amended to read:

1.17 Subd. 8. **Adoption records.** Various adoption records are classified under section
 1.18 259.53, subdivision 1. Access to the original birth record of a person who has been
 1.19 adopted is governed by section ~~259.89~~ 144.2253.

1.20 Sec. 3. Minnesota Statutes 2014, section 144.218, subdivision 1, is amended to read:

1.21 Subdivision 1. **Adoption.** Upon receipt of a certified copy of an order, decree, or
 1.22 certificate of adoption, the state registrar shall register a replacement vital record in the
 1.23 new name of the adopted person. The original record of birth is confidential pursuant to
 1.24 section 13.02, subdivision 3, and shall not be disclosed except pursuant to court order or,
 1.25 section 144.2252, or 144.2253. The information contained on the original birth record,

2.1 except for the registration number, shall be provided on request to a parent who is named
 2.2 on the original birth record. Upon the receipt of a certified copy of a court order of
 2.3 annulment of adoption the state registrar shall restore the original vital record to its
 2.4 original place in the file.

2.5 Sec. 4. Minnesota Statutes 2014, section 144.225, subdivision 2, is amended to read:

2.6 Subd. 2. **Data about births.** (a) Except as otherwise provided in this subdivision,
 2.7 data pertaining to the birth of a child to a woman who was not married to the child's father
 2.8 when the child was conceived nor when the child was born, including the original record of
 2.9 birth and the certified vital record, are confidential data. At the time of the birth of a child to
 2.10 a woman who was not married to the child's father when the child was conceived nor when
 2.11 the child was born, the mother may designate demographic data pertaining to the birth as
 2.12 public. Notwithstanding the designation of the data as confidential, it may be disclosed:

2.13 (1) to a parent or guardian of the child;

2.14 (2) to the child when the child is 16 years of age or older;

2.15 (3) under paragraph (b) or (e); or

2.16 (4) pursuant to a court order. For purposes of this section, a subpoena does not
 2.17 constitute a court order.

2.18 (b) Unless the child is adopted, data pertaining to the birth of a child that are not
 2.19 accessible to the public become public data if 100 years have elapsed since the birth of
 2.20 the child who is the subject of the data, or as provided under section 13.10, whichever
 2.21 occurs first.

2.22 (c) If a child is adopted, data pertaining to the child's birth are governed by the
 2.23 provisions relating to adoption records, including sections 13.10, subdivision 5; 144.218,
 2.24 subdivision 1; 144.2252; 144.2253; and 259.89.

2.25 (d) The name and address of a mother under paragraph (a) and the child's date of
 2.26 birth may be disclosed to the county social services or public health member of a family
 2.27 services collaborative for purposes of providing services under section 124D.23.

2.28 (e) The commissioner of human services shall have access to birth records for:

2.29 (1) the purposes of administering medical assistance, general assistance medical
 2.30 care, and the MinnesotaCare program;

2.31 (2) child support enforcement purposes; and

2.32 (3) other public health purposes as determined by the commissioner of health.

2.33 Sec. 5. Minnesota Statutes 2014, section 144.2252, is amended to read:

2.34 **144.2252 ACCESS TO ORIGINAL BIRTH RECORD AFTER ADOPTION.**

3.1 (a) Whenever an adopted person requests the state registrar to disclose the
 3.2 information on the adopted person's original birth record, the state registrar shall act
 3.3 according to section ~~259.89~~ 144.2253.

3.4 (b) The state registrar shall provide a transcript of an adopted person's original birth
 3.5 record, including any record subject to an affidavit of nondisclosure to an authorized
 3.6 representative of a federally recognized American Indian tribe for the sole purpose of
 3.7 determining the adopted person's eligibility for enrollment or membership, or repatriation
 3.8 of the adopted person or the adopted person's descendants. Information contained in the
 3.9 birth record may not be used to provide the adopted person information about the person's
 3.10 birth parents, except as provided in this section or section ~~259.83~~ 144.2253.

3.11 Sec. 6. **[144.2253] ACCESS TO ORIGINAL BIRTH RECORDS OF ADOPTED**
 3.12 **PERSONS.**

3.13 Subdivision 1. Definitions. (a) For purposes of this section, the terms have the
 3.14 meanings given them in this subdivision.

3.15 (b) "Affidavit of nondisclosure" means a notarized affidavit:

3.16 (1) signed by a person who gave birth to or fathered a child born in Minnesota
 3.17 and the child was later adopted as a minor;

3.18 (2) stating that the affiant does not give consent to full disclosure of the information
 3.19 contained in the original birth record of the adopted person; and

3.20 (3) that has been filed with the Office of Vital Records at any time prior to receipt of
 3.21 a request by an adopted person for release of the adopted person's original birth record.

3.22 (c) "Original birth record" means all vital records:

3.23 (1) relating to the birth of a person;

3.24 (2) that have been registered by the Office of Vital Records; and

3.25 (3) that relate to a person who was later adopted including any changes to the records.

3.26 (d) "Person related to the adopted person" means:

3.27 (1) a child of the subject;

3.28 (2) the spouse of the subject;

3.29 (3) a parent of the subject; or

3.30 (4) the grandparent or grandchild of the subject.

3.31 Subd. 2. Disclosure. (a) An adopted person who is age 18 years or older, or a person
 3.32 related to the adopted person if the adopted person is deceased, may request the state
 3.33 registrar to provide the adopted person or the person related to the adopted person with
 3.34 a noncertified copy of the adopted person's original birth record. If there is no affidavit
 3.35 of nondisclosure on file with the Office of Vital Records, the state registrar shall provide

4.1 the adopted person, or the person related to the adopted person if the adopted person is
 4.2 deceased, with a noncertified copy of the adopted person's original birth record.

4.3 (b) If a contact preference form is attached to the original birth record as authorized
 4.4 under section 259.432, the state registrar shall provide a copy of the contact preference
 4.5 form with the noncertified copy of the adopted person's original birth record.

4.6 (c) Affidavits of nondisclosure on file with the Office of Vital Records remain in
 4.7 effect and shall prevent release of the subject information until rescinded.

4.8 Subd. 3. **Rescission of affidavit of nondisclosure.** (a) A birth parent may rescind
 4.9 an affidavit of nondisclosure at any time.

4.10 (b) Affidavits of nondisclosure are rescinded automatically by the death of the affiant.

4.11 (c) An affidavit of nondisclosure may be rescinded by an order of a district court,
 4.12 issued pursuant to section 259.89.

4.13 Subd. 4. **Affidavit of nondisclosure; access to birth record.** When an original
 4.14 birth record is subject to an affidavit of nondisclosure, an adopted person age 18 years or
 4.15 older, or a person related to the adopted person if the adopted person is deceased, may
 4.16 request to proceed under sections 259.61 and 259.89, subdivision 5a.

4.17 Subd. 5. **Original birth record; public record.** An original birth record of an
 4.18 adopted person shall become a public record on the 100th anniversary of the adopted
 4.19 person's birth.

4.20 Sec. 7. Minnesota Statutes 2014, section 144.226, subdivision 1, is amended to read:

4.21 Subdivision 1. **Which services are for fee.** The fees for the following services shall
 4.22 be the following or an amount prescribed by rule of the commissioner:

4.23 (a) The fee for the administrative review and processing of a request for a certified
 4.24 vital record or a certification that the vital record cannot be found is \$9. The fee is payable
 4.25 at the time of application and is nonrefundable.

4.26 (b) The fee for processing a request for the replacement of a birth record for
 4.27 all events, except when filing a recognition of parentage pursuant to section 257.73,
 4.28 subdivision 1, is \$40. The fee is payable at the time of application and is nonrefundable.

4.29 (c) The fee for administrative review and processing of a request for the filing of a
 4.30 delayed registration of birth, stillbirth, or death is \$40. The fee is payable at the time of
 4.31 application and is nonrefundable.

4.32 (d) The fee for administrative review and processing of a request for the amendment
 4.33 of any vital record is \$40. The fee is payable at the time of application and is nonrefundable.

4.34 (e) The fee for administrative review and processing of a request for the verification
 4.35 of information from vital records is \$9 when the applicant furnishes the specific

5.1 information to locate the vital record. When the applicant does not furnish specific
 5.2 information, the fee is \$20 per hour for staff time expended. Specific information includes
 5.3 the correct date of the event and the correct name of the subject of the record. Fees
 5.4 charged shall approximate the costs incurred in searching and copying the vital records.
 5.5 The fee is payable at the time of application and is nonrefundable.

5.6 (f) The fee for administrative review and processing of a request for the issuance
 5.7 of a copy of any document on file pertaining to a vital record or statement that a related
 5.8 document cannot be found is \$9. The fee is payable at the time of application and is
 5.9 nonrefundable.

5.10 (g) The commissioner shall charge a fee of \$..... for noncertified copies of birth
 5.11 records provided to persons authorized by section 144.2253 to access the information
 5.12 contained on the original birth record, in order to cover the cost of providing the birth
 5.13 record.

5.14 Sec. 8. **[259.432] CONTACT PREFERENCE; FORM.**

5.15 Subdivision 1. Contact preference form provided. The state registrar shall provide,
 5.16 upon request, to each birth parent a contact preference form as described in this section.

5.17 Subd. 2. Form. The state registrar shall develop a contact preference form on which
 5.18 a birth parent may state a preference regarding contact by the adopted person. The form
 5.19 must contain the following statements from which the birth parent may choose only one:

5.20 (1) "I would like to be contacted. I have completed this contact preference form and
 5.21 am filing it with the Office of Vital Records. I may change this contact preference form
 5.22 by filling out and filing another contact preference form."

5.23 (2) "I would like to be contacted only through the following designated intermediary:
 5.24 [Name of Intermediary]. (If no intermediary is named or no named intermediary is
 5.25 able or willing to act, the involved adoption agency, if any, shall act on my behalf.) I
 5.26 have completed this contact preference form and am filing it with the Office of Vital
 5.27 Records. I may change this contact preference form by filling out and filing another
 5.28 contact preference form."

5.29 (3) "I would not like to be contacted. I have completed this contact preference form
 5.30 and am filing it with the Office of Vital Records. I may change this contact preference
 5.31 form by filling out and filing another contact preference form."

5.32 Subd. 3. Attachment of form to birth certificate; treatment. Upon receipt of a
 5.33 completed contact preference form, the state registrar shall attach the completed form
 5.34 to the original birth certificate of the adopted person. Access to a completed contact

6.1 preference form is governed in the same manner as access to original birth records by
6.2 adopted persons or persons related to adopted persons under section 144.2253.

6.3 Sec. 9. Minnesota Statutes 2014, section 259.83, subdivision 1, is amended to read:

6.4 Subdivision 1. **Services provided.** Agencies shall provide assistance and counseling
6.5 services upon receiving a request for current information from adoptive parents, birth
6.6 parents, or adopted persons aged ~~19~~ 18 years and over. The agency shall contact the
6.7 other adult persons or the adoptive parents of a minor child in a personal and confidential
6.8 manner to determine whether there is a desire to receive or share information or to have
6.9 contact. If there is such a desire, the agency shall provide the services requested. The
6.10 agency shall provide services to adult genetic siblings if there is no known violation
6.11 of the confidentiality of a birth parent or if the birth parent gives written consent and
6.12 no unrescinded affidavit of nondisclosure is on file with the agency or the Department
6.13 of Health as provided by this section or section 259.89.

6.14 Sec. 10. Minnesota Statutes 2014, section 259.83, subdivision 1a, is amended to read:

6.15 Subd. 1a. **Social and medical history.** (a) If a person aged ~~19~~ 18 years and over
6.16 who was adopted on or after August 1, 1994, or the adoptive parent requests the detailed
6.17 nonidentifying social and medical history of the adopted person's birth family that was
6.18 provided at the time of the adoption, agencies must provide the information to the adopted
6.19 person or adoptive parent on the form required under section 259.43.

6.20 (b) If an adopted person aged ~~19~~ 18 years and over or the adoptive parent requests
6.21 the agency to contact the adopted person's birth parents to request current nonidentifying
6.22 social and medical history of the adopted person's birth family, agencies must use the form
6.23 required under section 259.43 when obtaining the information for the adopted person
6.24 or adoptive parent.

6.25 Sec. 11. Minnesota Statutes 2014, section 259.83, subdivision 1b, is amended to read:

6.26 Subd. 1b. **Genetic siblings.** (a) A person who is at least ~~19~~ 18 years old who was
6.27 adopted or, because of a termination of parental rights, was committed to the guardianship
6.28 of the commissioner of human services, whether adopted or not, must upon request be
6.29 advised of other siblings who were adopted or who were committed to the guardianship
6.30 of the commissioner of human services and not adopted.

6.31 (b) Assistance must be provided by the county or placing agency of the person
6.32 requesting information to the extent that information is available in the existing records at
6.33 the Department of Human Services. If the sibling received services from another agency,

7.1 the agencies must share necessary information in order to locate the other siblings and to
7.2 offer services, as requested. Upon the determination that parental rights with respect to
7.3 another sibling were terminated, identifying information and contact must be provided only
7.4 upon mutual consent. A reasonable fee may be imposed by the county or placing agency.

7.5 Sec. 12. Minnesota Statutes 2014, section 259.83, subdivision 3, is amended to read:

7.6 Subd. 3. **Identifying information.** (a) In adoptive placements made on and after
7.7 August 1, 1982, and before January 1, 2018, the agency responsible for or supervising
7.8 the placement shall obtain from the birth parents named on the original birth record an
7.9 affidavit attesting ~~to the following~~ that:

7.10 ~~(a) that~~ (1) the birth parent has been informed of the right of the adopted person
7.11 at the age specified in section 259.89 to request from the agency the name, last known
7.12 address, birthdate and birthplace of the birth parents named on the adopted person's
7.13 original birth record;

7.14 ~~(b) that~~ (2) each birth parent may file in the agency record an affidavit objecting to
7.15 the release of any or all of the information listed in clause (a) about that birth parent,
7.16 and that parent only, to the adopted person;

7.17 ~~(c) that~~ (3) if the birth parent does not file an affidavit objecting to release of
7.18 information before the adopted person reaches the age specified in section 259.89, the
7.19 agency will provide the adopted person with the information upon request;

7.20 ~~(d) that~~ (4) notwithstanding the filing of an affidavit, the adopted person may petition
7.21 the court according to ~~section~~ sections 259.61 and 259.89, subdivision 5a, for release of
7.22 identifying information about a birth parent;

7.23 ~~(e) that~~ (5) the birth parent shall then have the opportunity to present evidence to the
7.24 court that nondisclosure of identifying information is of greater benefit to the birth parent
7.25 than disclosure to the adopted person; and

7.26 ~~(f) that~~ (6) any objection filed by the birth parent shall become invalid when
7.27 withdrawn by the birth parent or when the birth parent dies. Upon receipt of a death
7.28 record for the birth parent, the agency shall release the identifying information to the
7.29 adopted person if requested.

7.30 (b) An agency shall release the identifying information described in this section to
7.31 an adopted person upon receipt from the adopted person of one of the following:

7.32 (1) a copy of the person's original birth record, issued by the commissioner of health;

7.33 (2) a certified copy of the certificate of death of the birth parent; or

7.34 (3) a certified copy of a court order authorizing the release of information subject to
7.35 an affidavit of nondisclosure previously filed with the commissioner of health or the agency.

8.1 Sec. 13. Minnesota Statutes 2014, section 259.83, is amended by adding a subdivision
8.2 to read:

8.3 Subd. 3a. **Notice of right to file affidavit.** In adoptive placements made on or
8.4 after January 1, 2018, the attorney or agency responsible for the adoptive placement or
8.5 for supervising the adoptive placement shall obtain from the birth parents named on the
8.6 original birth record an affidavit attesting that:

8.7 (1) the birth parent has been informed of the right of the adopted person at the age
8.8 specified in section 259.89 to request from the commissioner of health the release of
8.9 the adopted person's original birth record and to request from the involved agency the
8.10 identifying information described by section 259.83, subdivision 3;

8.11 (2) each birth parent may file with the Department of Health an affidavit of
8.12 nondisclosure as provided for by section 259.89;

8.13 (3) if the birth parent does not file an affidavit objecting to release of information
8.14 before the adopted person reaches the age specified in section 259.89, the commissioner of
8.15 health and the involved agency shall provide the adopted person with the original birth
8.16 record and the identifying information upon request;

8.17 (4) notwithstanding the filing of an affidavit, the adopted person may petition
8.18 the court according to sections 259.61 and 259.89, subdivision 5a, for release of the
8.19 adopted person's original birth record by the commissioner of health and the identifying
8.20 information described in section 259.83, subdivision 3, by the involved agency;

8.21 (5) if the adopted person petitions the court, the birth parent shall have the
8.22 opportunity to present evidence to the court that nondisclosure of identifying information
8.23 is of greater benefit to the birth parent than disclosure to the adopted person; and

8.24 (6) any affidavit of nondisclosure filed by the birth parent shall become invalid when
8.25 withdrawn by the birth parent or when the birth parent dies.

8.26 Sec. 14. Minnesota Statutes 2014, section 259.83, subdivision 4, is amended to read:

8.27 Subd. 4. **Confidentiality.** Agencies shall provide adoptive parents, birth parents
8.28 and adult siblings, and adopted persons aged ~~19~~ 18 years and over reasonable assistance
8.29 in a manner consistent with state and federal laws, rules, and regulations regarding the
8.30 confidentiality and privacy of child welfare and adoption records.

8.31 Sec. 15. Minnesota Statutes 2014, section 259.89, is amended to read:

8.32 **259.89 ACCESS TO ORIGINAL BIRTH RECORD INFORMATION**
8.33 **SUBJECT TO AN AFFIDAVIT OF NONDISCLOSURE.**

9.1 Subdivision 1. **Request.** (a) An adopted person who is 19 18 years of age or over
9.2 whose original birth record is subject to an affidavit of nondisclosure on file with the Office
9.3 of Vital Records may request the commissioner of health to disclose the information on the
9.4 adopted person's original birth record initiate a search for the person or persons who filed
9.5 an affidavit, as provided for in this section for the purpose of obtaining consent to release
9.6 the original birth record. The commissioner of health shall, within five days of receipt of
9.7 the request, notify the commissioner of human services' agent or licensed child-placing
9.8 agency when known, or the commissioner of human services when the agency is not
9.9 known in writing of the request by the adopted person. When notice to a licensed
9.10 child-placing agency is required to be given by the commissioner of human services, the
9.11 notice shall be given within 45 days of receipt of notice from the commissioner of health.

9.12 (b) An adopted person whose original birth certificate is subject to an affidavit filed
9.13 with an adoption agency pursuant to this section or an affidavit of nondisclosure filed with
9.14 the Department of Health on or after January 1, 2018, is exempt from the requirements of
9.15 subdivisions 2, 3, and 4.

9.16 Subd. 2. **Search.** Within six months after receiving notice of the request of the
9.17 adopted person, the commissioner of human services' agent or a licensed child-placing
9.18 agency shall make and complete and reasonable efforts to notify each parent identified
9.19 on the original birth record of the adopted ~~person~~ person's request. The commissioner,
9.20 the commissioner's agents, and licensed child-placing agencies may charge a reasonable
9.21 fee to the adopted person for the cost of making a search pursuant to this subdivision.
9.22 Every licensed child-placing agency in the state shall cooperate with the commissioner of
9.23 human services in efforts to notify an identified parent. All communications under this
9.24 subdivision are confidential pursuant to section 13.02, subdivision 3.

9.25 For purposes of this subdivision, "notify" means a personal and confidential contact
9.26 with the birth parents named on the original birth record of the adopted person. The
9.27 contact shall be by an employee or agent of the licensed child-placing agency which
9.28 processed the pertinent adoption or some other licensed child-placing agency designated
9.29 by the commissioner of human services when it is determined to be reasonable by the
9.30 commissioner; otherwise contact shall be by mail or telephone. The contact shall be
9.31 evidenced by filing with the commissioner of health an affidavit of notification executed
9.32 by the person who notified each parent certifying that each parent was given the following
9.33 information:

9.34 (1) the nature of the information requested by the adopted person;

9.35 (2) the date of the request of the adopted person;

10.1 (3) the right of the parent to file with the commissioner of health, within 30 days
 10.2 of receipt of the notice, an affidavit ~~with the commissioner of health~~ stating that the
 10.3 information on the original birth record should not be disclosed;

10.4 (4) the right of the parent to file with the commissioner of health, within 30 days of
 10.5 receipt of the notice, an affidavit stating that the information on the original birth record
 10.6 should be disclosed;

10.7 ~~(4)~~ (5) the right of the parent to file a consent to disclosure with the commissioner
 10.8 of health at any time; and

10.9 ~~(5)~~ (6) the effect of a failure of the parent to file either a consent to disclosure or an
 10.10 affidavit stating that the information on the original birth record should not be disclosed,
 10.11 including the adopted person's right to petition the court for an order permitting disclosure.

10.12 Subd. 3. **Failure to notify Notice to parent; consent obtained or refused.** If Within
 10.13 six months of receipt of notice from the commissioner of health or the commissioner of
 10.14 human services, where applicable, the commissioner of human services certifies or an
 10.15 agent shall certify to the commissioner of health an inability to notify a parent identified on
 10.16 the original birth record within six months, and if neither identified parent has at any time
 10.17 filed an unrevoked consent to disclosure with the commissioner of health, the information
 10.18 may be disclosed as follows: of the adopted person's request or that the parent has been
 10.19 notified and has consented to or refused consent to release of the requested information.

10.20 (a) ~~If the person was adopted prior to August 1, 1977, the person may petition the~~
 10.21 ~~appropriate court for disclosure of the original birth record pursuant to section 259.61,~~
 10.22 ~~and the court shall grant the petition if, after consideration of the interests of all known~~
 10.23 ~~persons involved, the court determines that disclosure of the information would be of~~
 10.24 ~~greater benefit than nondisclosure.~~

10.25 (b) ~~If the person was adopted on or after August 1, 1977, the commissioner of health~~
 10.26 ~~shall release the requested information to the adopted person.~~

10.27 ~~If either parent identified on the birth record has at any time filed with the~~
 10.28 ~~commissioner of health an unrevoked affidavit stating that the information on the original~~
 10.29 ~~birth record should not be disclosed, the commissioner of health shall not disclose the~~
 10.30 ~~information to the adopted person until the affidavit is revoked by the filing of a consent to~~
 10.31 ~~disclosure by that parent.~~

10.32 Subd. 4. **Release of information Procedure after notice.** (a) ~~If, within six months,~~
 10.33 ~~the commissioner of human services' agent or licensed child-placing agency documents~~
 10.34 ~~to the commissioner of health notification of each parent identified on the original birth~~
 10.35 ~~record has consented to the release of the requested information pursuant to subdivision~~
 10.36 ~~2 3, the commissioner of health shall disclose the information requested by the adopted~~

11.1 person not later than 31 days after the date of the latest notice to either parent. This
11.2 disclosure will occur if, at any time during the 31 days both of the parents identified
11.3 on the original birth record have filed a consent to disclosure with the commissioner of
11.4 health and neither consent to disclosure has been revoked by the subsequent filing by a
11.5 parent of an affidavit stating that the information should not be disclosed receipt of such
11.6 documentation. If only one parent has filed a consent consented to disclosure and the
11.7 consent has not been revoked, the commissioner of health shall disclose, to the adopted
11.8 person, original birth record information on the consenting parent only.

11.9 (b) If, within six months, the commissioner of human services' agent or licensed
11.10 child-placing agency documents to the commissioner of health notification of each parent
11.11 identified on the original birth record has not consented to the release of the requested
11.12 information pursuant to subdivision 3, the commissioner of health shall notify the adopted
11.13 person. The adopted person may then petition the court for an order rescinding the
11.14 affidavit of nondisclosure and authorizing release of the original birth record.

11.15 Subd. 5. **Death of parent.** Notwithstanding the provisions of subdivisions 3 and 4,
11.16 if a parent named on the original birth record of an adopted person has died, and at any
11.17 time prior to the death the parent has filed an unrevoked affidavit with the commissioner of
11.18 health stating that the information on the original birth record should not be disclosed, the
11.19 adopted person may petition the court of original jurisdiction of the adoption proceeding
11.20 for disclosure of the original birth record pursuant to section 259.61. The court shall
11.21 grant the petition if, after consideration of the interests of all known persons involved,
11.22 the court determines that disclosure of the information would be of greater benefit than
11.23 nondisclosure.

11.24 Subd. 5a. **Procedure for court petition.** (a) Within ten days of the date of filing a
11.25 petition in district court for an order rescinding an affidavit of nondisclosure, the adopted
11.26 person shall file a copy of the petition with the Office of Vital Records. Within 30 days of
11.27 receipt of the petition with the Office of Vital Records, the state registrar shall forward
11.28 a copy of that petition to the commissioner of human services' agent or the involved
11.29 licensed child-placing agency for personal and confidential service on the involved
11.30 birth parent. Service shall be made no later than 30 days after receipt of the petition by
11.31 the commissioner's agent or the child-placing agency. The commissioner's agent or the
11.32 child-placing agency shall include with the petition a notice describing the requirements
11.33 of this subdivision.

11.34 (b) Within 30 days of service of the petition, the birth parent may file with the
11.35 commissioner's agent of the child-placing agency an affidavit either:

11.36 (1) rescinding the affidavit of nondisclosure; or

12.1 (2) setting forth the basis why the affidavit of nondisclosure should remain in effect.

12.2 (c) Within ten days of receipt of the birth parent's statement, the commissioner's
 12.3 agent or the child-placing agency shall serve on the petitioner and file with the court of
 12.4 record copies of the birth parent's affidavit, if any. The affidavit served on the petitioner
 12.5 shall be redacted to remove the name and location of the birth parent. The original,
 12.6 unredacted affidavit shall be filed with the court, which shall treat the affidavit as
 12.7 confidential information.

12.8 (d) The court shall schedule a date for a hearing on the adopted person's petition,
 12.9 to be conducted in accordance with section 259.61. The hearing shall provide for an
 12.10 appearance by the birth parent by telephone.

12.11 (e) The court shall grant an uncontested petition. The court shall grant a contested
 12.12 petition unless, after consideration of the interests of all known persons involved, the court
 12.13 determines that nondisclosure of the original birth record would be of greater benefit
 12.14 than the disclosure.

12.15 ~~Subd. 6. **Determination of eligibility for enrollment or membership in a**~~
 12.16 ~~**federally recognized American Indian tribe.** The state registrar shall provide a copy~~
 12.17 ~~of an adopted person's original birth record to an authorized representative of a federally~~
 12.18 ~~recognized American Indian tribe for the sole purpose of determining the adopted person's~~
 12.19 ~~eligibility for enrollment or membership in the tribe.~~

12.20 Subd. 7. **Adult adoptions.** Notwithstanding section 144.218, a person adopted
 12.21 as an adult shall be permitted to access the person's birth records that existed prior to
 12.22 the adult adoption. Access to the existing birth records shall be the same access that
 12.23 was permitted prior to the adult adoption.

12.24 Sec. 16. Minnesota Statutes 2014, section 260C.637, is amended to read:

12.25 **260C.637 ACCESS TO ORIGINAL BIRTH RECORD INFORMATION.**

12.26 An adopted person may ask the commissioner of health to disclose the information
 12.27 on the adopted person's original birth record according to section ~~259.89~~ 144.2253.

12.28 Sec. 17. **INFORMATION PROVIDED; APPROPRIATION.**

12.29 (a) The department shall, in consultation with adoption agencies, provide
 12.30 information and educational materials to adopted persons and birth parents about the
 12.31 changes in the law affecting access to birth records.

12.32 (b) The department shall provide notice on the department Web site about the change
 12.33 in the law. The department or its designee, in consultation with adoption agencies and
 12.34 other interested parties, shall design and implement a state and national public awareness

13.1 campaign that the department considers sufficient to advise affected parties of the changes
13.2 in law regarding access to original birth records. \$..... is appropriated in fiscal year
13.3 2017 from the general fund to the commissioner of health for this purpose. Other state
13.4 agencies shall cooperate with the department in the distribution of any materials furnished
13.5 by the department.

13.6 **EFFECTIVE DATE.** This section is effective July 1, 2016.

13.7 Sec. 18. **REPEALER.**

13.8 Minnesota Statutes 2014, sections 144.212, subdivision 11; and 259.89, subdivisions
13.9 5 and 6, are repealed.

13.10 Sec. 19. **EFFECTIVE DATE.**

13.11 Except as otherwise provided, this act is effective January 1, 2018.

144.212 DEFINITIONS.

Subd. 11. **Consent to disclosure.** "Consent to disclosure" means an affidavit filed with the state registrar which sets forth the following information:

- (1) the current name and address of the affiant;
- (2) any previous name by which the affiant was known;
- (3) the original and adopted names, if known, of the adopted child whose original birth record is to be disclosed;
- (4) the place and date of birth of the adopted child;
- (5) the biological relationship of the affiant to the adopted child; and
- (6) the affiant's consent to disclosure of information from the original birth record of the adopted child.

259.89 ACCESS TO ORIGINAL BIRTH RECORD INFORMATION.

Subd. 5. **Death of parent.** Notwithstanding the provisions of subdivisions 3 and 4, if a parent named on the original birth record of an adopted person has died, and at any time prior to the death the parent has filed an unrevoked affidavit with the commissioner of health stating that the information on the original birth record should not be disclosed, the adopted person may petition the court of original jurisdiction of the adoption proceeding for disclosure of the original birth record pursuant to section 259.61. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Subd. 6. **Determination of eligibility for enrollment or membership in a federally recognized American Indian tribe.** The state registrar shall provide a copy of an adopted person's original birth record to an authorized representative of a federally recognized American Indian tribe for the sole purpose of determining the adopted person's eligibility for enrollment or membership in the tribe.