

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2634

By: Walker

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5  
6 AS INTRODUCED

7 An Act relating to birth and adoption records;  
8 amending 10 O.S. 2011, Section 7504-1.2, which  
9 relates to the disclosure of certain adoption  
10 records; modifying certain notice requirements;  
11 amending 63 O.S. 2011, Section 1-323, which relates  
12 to the confidentiality of vital records; authorizing  
13 the issuance of certain birth certificates;  
14 specifying requirements; directing the Registrar of  
15 Vital Statistics to develop certain contact  
16 preference form; specifying requirements; directing  
17 Registrar to attach certain form to existing records;  
18 directing Registrar to send certain information to  
19 court clerk; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7504-1.2, is  
22 amended to read as follows:

23 Section 7504-1.2 A. Whenever the disclosure of medical and  
24 social history is permitted under this section, all identifying  
information shall be deleted from the copy of the report or record  
that is disclosed, unless the court, Department, agency, attorney,  
or person authorized to disclose information by this section has

1 | been informed in writing by both a biological parent and an adoptive  
2 | parent or prospective adoptive parent of their mutual agreement to  
3 | share identifying information. When ~~such~~ an agreement has been  
4 | made, identifying information shall be released only to the extent  
5 | specifically permitted by the written agreement. When a minor is in  
6 | the legal custody of the Department, medical and social history may  
7 | be disclosed to the prospective adoptive parent without any  
8 | agreement and without redacting identifying information when the  
9 | prospective adoptive parent is a kinship or relative caregiver for  
10 | the minor, or the minor has lived in the prospective adoptive  
11 | parent's home for two (2) or more years, unless the Department  
12 | determines redaction of such information is in the best interest of  
13 | the child.

14 |       B. As early as practicable before the first meeting of the  
15 | prospective adoptive parent with a minor and before the prospective  
16 | adoptive parent accepts physical custody of the minor, the  
17 | Department or child-placing agency that is placing the minor for  
18 | adoption, or the attorney for the adoptive parent in a direct  
19 | placement adoption, or the person who is placing the minor for  
20 | adoption in a direct placement adoption in which the adoptive parent  
21 | is not represented by an attorney, shall furnish to the prospective  
22 | adoptive parent a copy of the medical and social history report,  
23 | containing all of the medical and social history information and  
24 | records regarding the minor reasonably available at that time. If

1 placement of the minor with the prospective adoptive parent does not  
2 subsequently occur, the prospective adoptive parent shall return the  
3 medical and social history report to the Department, agency,  
4 attorney or other person who furnished it to the prospective  
5 adoptive parent.

6 C. Before a hearing on the petition for adoption, the  
7 Department or child-placing agency that placed the minor for  
8 adoption, or the attorney for the adoptive parent in a direct  
9 placement adoption, or the person who placed the minor for adoption  
10 in a direct placement adoption in which the adoptive parent is  
11 unrepresented, shall furnish to the adoptive parent a supplemental  
12 written report containing information or records required by Section  
13 7505-1.1 of this title, which was unavailable before the minor was  
14 placed for adoption, but which becomes reasonably available to the  
15 Department, agency, attorney, or person who placed the minor after  
16 the placement.

17 D. A petition for adoption may not be granted until a copy of  
18 the medical and social history report is filed with the court. If  
19 the court finds that information or records required by Section  
20 7505-1.1 of this title cannot be obtained by the reasonable efforts  
21 of the Department or child-placing agency placing the minor, or by  
22 the attorney for the adoptive parent in a direct placement adoption,  
23 or by the person who placed the minor for adoption in a direct  
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1 placement adoption in which the adopted parent is unrepresented, the  
2 court may accept the report and proceed with the adoption.

3 E. 1. Any additional information about an adopted person, the  
4 adopted person's biological parents, or the adopted person's genetic  
5 history that is submitted to the clerk of the district court that  
6 issues the final decree of adoption, before or after the final  
7 decree of adoption is issued, shall be made a part of the court's  
8 permanent record of the adoption, pursuant to Section 7505-1.1 of  
9 this title. No filing fee shall be charged for filing this  
10 supplemental information with the court clerk.

11 2. An adoptive parent, a biological parent, or an adult adopted  
12 person may file with the clerk of the district court that issued the  
13 final decree of adoption a notice of the individual's current  
14 mailing address. A legal guardian of an adopted minor may file with  
15 the clerk of the district court that issued the final decree of  
16 adoption a notice of the guardian's current mailing address and  
17 proof of legal guardianship. No filing fee shall be charged for  
18 filing this notification of address or guardianship with the court  
19 clerk.

20 3. Upon filing with the court clerk supplemental information  
21 concerning the biological parents or the adopted person's genetic  
22 history, the court clerk shall send notice by ordinary mail, at the  
23 most recent address, if any, listed in the court records, to the  
24 adoptive parent or legal guardian of a minor adopted person or to

1 the adult adopted person. In addition, if a contact preference form  
2 has been completed by the biological parent of an adult adopted  
3 person as provided in Section 1-323 of Title 63 of the Oklahoma  
4 Statutes, the court clerk shall send notice to the adult adopted  
5 person at the most recent address, if any, listed in the court  
6 records. The notice shall state that supplemental information has  
7 been received and is available from the court clerk upon request.

8 4. Upon filing with the court clerk supplemental information  
9 concerning the adopted person that may be genetically significant  
10 for a biological parent or biological relative, the court clerk  
11 shall send notice by ordinary mail, at the most recent address, if  
12 any, listed in the court records, to the biological parent. The  
13 notice shall state that supplemental information has been received  
14 and is available from the court clerk upon request.

15 F. If any additional information about an adopted person, the  
16 adopted person's biological parents, or the adopted person's genetic  
17 history is submitted to the Department, agency, attorney, or person  
18 who prepared the original report, the Department, agency, attorney,  
19 or person shall:

20 1. Retain this supplemental information with their other  
21 records of the adoption for as long as these records are maintained;

22 2. File a copy of the supplemental information with the clerk  
23 of the court that issued the decree of adoption, to be made a part  
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1 of the court's permanent record of the adoption pursuant to  
2 subsection E of this section; and

3 3. Furnish a copy of the supplemental information to:

4 a. the adoptive parent or current legal guardian of the  
5 child, if the adopted person is under the age of  
6 eighteen (18), or the adult adopted person, if the  
7 location of the adoptive parent, guardian or adult  
8 adopted person is known to the Department, agency,  
9 attorney, or person, or

10 b. the biological parents, if the supplemental  
11 information is submitted by an adoptive parent or  
12 adopted person and concerns genetically significant  
13 information about the adopted person that is relevant  
14 to the health or childbearing decisions of the  
15 biological parents or other biological relatives, if  
16 the location of the biological parents is known to the  
17 Department, agency, attorney, or person.

18 G. 1. The clerk of the district court that issues the final  
19 adoption decree or the Department, agency, attorney, or person who  
20 prepared the medical and social history report shall provide a copy  
21 of the medical and social history report and any additional medical  
22 and social history information in its possession to the following  
23 persons upon request:

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- 1 a. the adoptive parent or legal guardian of a minor
- 2 adopted person,
- 3 b. an adopted person who has attained eighteen (18) years
- 4 of age, and
- 5 c. an adult whose biological mother's and biological
- 6 father's parental rights were terminated and who was
- 7 never adopted.

8 2. The clerk of the district court that issues the final  
9 adoption decree or the Department, agency, attorney, or person who  
10 prepared the medical and social history report shall provide a copy  
11 of the medical report and any additional medical information in its  
12 possession to the following persons upon request:

- 13 a. an adult direct descendant of a deceased adopted
- 14 person or of a deceased person whose biological
- 15 mother's and biological father's parental rights were
- 16 terminated and who was never adopted, and
- 17 b. the parent or guardian of a minor direct descendant of
- 18 a deceased adopted person or of a deceased person
- 19 whose biological mother's and biological father's
- 20 rights were terminated and who was never adopted.

21 3. The clerk of the district court that issues the final  
22 adoption decree or the Department, child-placing agency, attorney,  
23 or person who prepared the medical and social history report shall  
24 provide to the following persons upon request, a copy of genetically

1 significant supplemental information about an adopted person, or  
2 about a person whose parents' parental rights were terminated, which  
3 became available subsequent to the issuance of the decree of  
4 adoption or termination order:

5 a. a biological parent or biological relative of an  
6 adopted person, and

7 b. a biological parent or biological relative of a person  
8 whose biological mother's and biological father's  
9 rights were terminated and who was never adopted.

10 4. The clerk of the district court that issues the final  
11 adoption decree shall provide a copy of any medical and social  
12 history information contained in the court records to the  
13 Department, or child-placing agency that placed the minor for  
14 adoption or to the attorney representing the adoptive parent upon  
15 request.

16 5. A copy of the report and supplemental medical and social  
17 history information may not be furnished under this subsection to a  
18 person who cannot furnish satisfactory proof of identity and legal  
19 entitlement to receive a copy.

20 6. A person requesting a copy of a report or other medical and  
21 social history information under this subsection shall pay only the  
22 actual and reasonable costs of providing the copy.

23 H. The Department, a child-placing agency, or an attorney for  
24 an adoptive parent who facilitated or participated in an adoption

1 proceeding prior to the effective date of this act shall be subject  
2 to the same requirements and duties set forth in subsections F and G  
3 of this section that are required in those subsections for the  
4 Department, agency, or attorney who prepared the medical or social  
5 history.

6 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-323, is  
7 amended to read as follows:

8 Section 1-323. A. To protect the integrity of vital statistics  
9 records, to insure their proper use, and to insure the efficient and  
10 proper administration of the vital statistics system, it shall be  
11 unlawful for any person to permit inspection of, or to disclose  
12 information contained in, vital statistics records, or to copy or  
13 issue a copy of all or part of any such record except to the person  
14 who is the subject of the record or in such person's interest unless  
15 ordered to do so by a court of competent jurisdiction. Certified  
16 copies of birth certificates and death certificates shall be  
17 provided without cost and without a court order to the Attorney  
18 General or to any district attorney upon request in the course of a  
19 criminal investigation.

20 B. The State Commissioner of Health may authorize the  
21 disclosure of data contained in vital statistics records for public  
22 health surveillance or research purposes.

23 C. 1. Effective July 1, 2013, upon written application by an  
24 adult adopted person who was born in this state and whose birth

1 certificate has been revised due to an adoption, the Registrar of  
2 Vital Statistics shall issue to the applicant a noncertified copy of  
3 the unaltered, original birth certificate of the adopted person,  
4 subject to all requirements imposed upon any request for a birth  
5 certificate. The Registrar shall notify the applicant whether the  
6 biological parent consents to being contacted by the applicant if  
7 the biological parent has completed a contact preference form as  
8 provided in paragraphs 2 and 3 of this subsection.

9 2. No later than January 1, 2013, the Registrar shall make  
10 available to each biological parent identified on the original birth  
11 certificate of an adult adopted person, a contact preference form on  
12 which the biological parent may state a preference regarding contact  
13 by the adopted person. The Registrar shall also provide the  
14 biological parent with an updated medical and social history form,  
15 consistent with the requirements of Section 7504-1.2 of Title 10 of  
16 the Oklahoma Statutes, to be completed and returned with the  
17 completed contact preference form to the Registrar.

18 3. The contact preference form shall provide the birth parent  
19 with the following options from which the birth parent shall select  
20 one:

21 a. I would like to be contacted. I have completed the  
22 contact preference form and an updated medical and  
23 social history and am filing them with the Registrar  
24 of Vital Statistics,

1           b. I would prefer to be contacted only through an  
2           intermediary. I have completed the contact preference  
3           form and an updated medical and social history and am  
4           filing them with the Registrar of Vital Statistics, or

5           c. I would prefer not to be contacted at this time. I  
6           have completed the contact preference form and an  
7           updated medical and social history and am filing them  
8           with the Registrar of Vital Statistics.

9           4. When the Registrar receives a completed contact preference  
10          form and a completed medical and social history from a birth parent,  
11          the Registrar shall match the contact preference form with the  
12          original birth certificate. The Registrar shall send a copy of the  
13          contact preference form and the social and medical history to the  
14          court clerk of the county of adoption. The court clerks shall make  
15          the social and medical history available to the adult adopted person  
16          as provided in Section 7504-1.2 of Title 10 of the Oklahoma  
17          Statutes.

18          D. The State Department of Health shall transmit to the  
19 Department of Public Safety:

20           1. At the end of each quarter year, a list of all registered  
21 deaths which have occurred during such period of time. Upon receipt  
22 of such list the Department of Public Safety shall use such list  
23 solely to update Department of Public Safety records and to cancel  
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1 the driver license for those deceased individuals with a valid  
2 Oklahoma driver license at the time of death;

3 2. At the end of each month, a report of all registered deaths  
4 that resulted from a motor vehicle collision which have occurred  
5 during such period of time. The report shall be used by the  
6 Department solely for the purpose of statistical analysis and  
7 reporting; and

8 3. Upon written request from the Department, a death  
9 certificate. The certificate shall be used solely by the Fatality  
10 Analysis Reporting System (FARS) Analyst of the Oklahoma Highway  
11 Safety Office to populate the federal FARS database.

12 ~~D.~~ E. Each month, the Commissioner shall authorize the  
13 transmission to the Oklahoma Health Care Authority of a certified  
14 list of all registered deaths of residents of this state that have  
15 occurred within the state for the immediately preceding month. The  
16 Oklahoma Health Care Authority shall use the transmitted list to  
17 ascertain the names of those individuals participating in the state  
18 Medicaid program who are deceased, and shall thereafter terminate  
19 such deceased person's enrollment in the state Medicaid program.

20 ~~E.~~ F. For the purpose of assisting in the location and recovery  
21 of missing children, information pertaining to birth certificates  
22 and requests for copies of birth certificates shall be provided to  
23 the Oklahoma State Bureau of Investigation pursuant to the  
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1 provisions of Section 1-323.1 of this title and Section 150.12A of  
2 Title 74 of the Oklahoma Statutes.

3 ~~F.~~ G. The Commissioner shall authorize the transmission of  
4 death certificates to the Department of Labor for the purpose of the  
5 Department of Labor conducting a census of total occupational  
6 injuries and illnesses. The Department shall transmit to the  
7 Department of Labor statistics of fatal occupational injuries that  
8 shall include the following:

- 9 1. Name of the deceased;
- 10 2. Date of death;
- 11 3. Sex;
- 12 4. Race;
- 13 5. Age;
- 14 6. Birth date;
- 15 7. Social security number;
- 16 8. Whether an autopsy was conducted;
- 17 9. Month of the accident; and
- 18 10. Whether decedent was of Hispanic origin.

19 H. The Department of Labor shall be required to protect the  
20 integrity of the vital statistics records to the same extent  
21 required of the Department pursuant to this section.

22 SECTION 3. This act shall become effective November 1, 2012.

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24 53-2-7970 SDR 01/04/12