

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 629  
3 entitled “An act relating to access to adoption records” respectfully reports that  
4 it has considered the same and recommends that the bill be amended by  
5 striking out all after the enacting clause and inserting in lieu thereof the  
6 following:

7 Sec. 1. PURPOSE

8 The purpose of this act is to permit an adopted person who is 18 years of  
9 age or older to obtain a certified copy of the person’s original birth certificate  
10 regardless of whether the adoptee’s former parent has consented to such  
11 disclosure.

12 Sec. 2. 15A V.S.A. § 3-802 is amended to read:

13 § 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

14 \* \* \*

15 (c) In the case of birth certificates registered prior to July 1, 2019 that are to  
16 be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the  
17 State Registrar shall notify the town clerk or clerks with custody of the  
18 certificate, who shall substitute the new or amended birth certificate for the  
19 original birth certificate. ~~The~~ Except as otherwise provided in this title, the  
20 original certificate and all copies of the certificate in the files shall be sealed

1 and shall not be subject to inspection or copying until 99 years after the  
2 adoptee's date of birth, ~~except as provided by this title.~~

3 \* \* \*

4 Sec. 3. 15A V.S.A. § 6-105 is amended to read:

5 § 6-105. DISCLOSURE OF IDENTIFYING INFORMATION

6 (a) ~~Identifying~~ Unless a former parent has filed a request for nondisclosure,  
7 identifying information about an adoptee's former parent shall be disclosed by  
8 the registry to any of the following persons upon request:

9 (1) An adoptee who is 18 ~~or more years old~~ years of age or older.

10 (2) An adoptee who is emancipated.

11 (3) A deceased adoptee's direct descendant who is 18 ~~or more years old~~  
12 years of age or older or the parent or guardian of a direct descendant who is  
13 less than 18 years ~~old~~ of age.

14 (b) ~~From July 1, 1996 to December 31, 1997, the registry shall disclose~~  
15 ~~identifying information under subsection (a) of this section only if the former~~  
16 ~~parent consents to such disclosure. After December 31, 1997, the registry shall~~  
17 ~~disclose information under subsection (a) of this section as follows:~~

18 (1) ~~For adoptions that were finalized prior to July 1, 1986, the registry~~  
19 ~~shall disclose identifying information if the former parent has filed in any~~  
20 ~~Probate Division of the Superior Court or agency any kind of document that~~  
21 ~~clearly indicates that he or she consents to such disclosure.~~

1           ~~(2) For adoptions that were finalized on or after July 1, 1986, the registry~~  
2           ~~shall disclose identifying information without requiring the consent of the~~  
3           ~~former parent except the registry shall not disclose such information if the~~  
4           ~~former parent has filed a request for nondisclosure in accordance with the~~  
5           ~~provisions of section 6-106 of this title and has not withdrawn the request or,~~  
6           ~~prior to July 1, 1996, has filed in any court or agency any kind of document~~  
7           ~~that clearly indicates that his or her identity not be disclosed and has not~~  
8           ~~withdrawn the document. [Repealed]~~

9           (c) An adult descendant of a deceased former parent or the guardian of a  
10           former parent who has been declared incompetent may consent to the  
11           disclosure of information as provided for in subsection (a) of this section.

12           (d) If an adoptee, who is 18 ~~or more years old,~~ years of age or older  
13           consents, identifying information about the adoptee shall be disclosed by the  
14           registry to any of the following persons upon request:

15           (1) ~~The~~ the adoptee's former parent; and

16           (2) ~~The~~ the adoptee's sibling who is 18 ~~or more years old~~ years of age or  
17           older.

18           (e) Identifying information about the adoptee shall be disclosed to the  
19           adoptee's former parent if the parent of an adoptee who is less than 18 years  
20           ~~old~~ of age consents to the disclosure.

1 (f) Identifying information about a deceased adoptee shall be disclosed by  
2 the registry to the adoptee’s former parent or sibling upon request if:

3 (1) the deceased adoptee’s direct descendant is 18 ~~or more years old~~  
4 years of age or older and consents to the disclosure; or

5 (2) the parent or guardian of a direct descendant who is less than 18  
6 years ~~old~~ of age consents to the disclosure.

7 (g) Identifying information about a sibling of an adoptee shall be disclosed  
8 by the registry to the adoptee upon request if both the sibling and the adoptee  
9 are 18 ~~or more years old~~ years of age or older and the sibling consents to  
10 disclosure.

11 Sec. 4. 15A V.S.A. § 6-106 is amended to read:

12 § 6-106. REQUEST FOR NONDISCLOSURE

13 ~~A former parent of an adoptee may prevent disclosure of identifying~~  
14 ~~information about himself or herself by filing a request for nondisclosure with~~  
15 ~~the registry as provided in section 6-105 of this title. A request for~~  
16 ~~nondisclosure may be withdrawn by a former parent at any time~~ If a former  
17 parent of an adoptee filed a request for nondisclosure of identifying  
18 information prior to July 1, 2024, the request shall be honored and a request for  
19 disclosure of identifying information made pursuant to section 6-105 of this  
20 title shall be denied. This section shall not be interpreted to interfere with a

1 person's right to obtain a copy of an original birth certificate pursuant to  
2 section 6-107 of this title.

3 Sec. 5. 15A V.S.A. § 6-107 is amended to read:

4 § 6-107. RELEASE OF ORIGINAL BIRTH CERTIFICATE

5 ~~(a) A copy of the adoptee's original birth certificate may be released to the~~  
6 ~~adoptee upon the request of an adoptee who has attained the age of 18 and who~~  
7 ~~has access to identifying information under this article~~ certified copy of an  
8 adoptee's original birth certificate and any evidence of the adoption previously  
9 filed with the State Registrar shall be released to persons identified in 6-105(a)  
10 of this title upon request. The copy of the original birth certificate shall clearly  
11 indicate that it may not be used for identification purposes. The State Registrar  
12 shall develop a notice to accompany an original birth certificate requested  
13 pursuant to this section that advises the requestor of the potential availability of  
14 former parent contact preference information that may be obtained through the  
15 Registry.

16 (b) When 99 years have elapsed after the date of birth of an adoptee whose  
17 original birth certificate is sealed under this title, the Department of Health  
18 shall unseal the original certificate and file it with any new or amended  
19 certificate that has been issued. The unsealed certificate becomes a public  
20 record in accordance with any statute or regulation applicable to the retention  
21 and disclosure of birth certificates.

1        (c)(1) A person who is listed as a parent on an adoptee’s original birth  
2        certificate may file a contact preference form with the Registry. The contact  
3        preference form shall be developed by the Registry and shall indicate whether  
4        the parent would:

5                (A) like to be contacted by the adoptee;

6                (B) prefer to be contacted by the adoptee only through an  
7        intermediary; or

8                (C) prefer not to be contacted by the adoptee at this time.

9                (2) A contact preference form may be withdrawn or revised at any time.

10        (d) Upon filing with the Registry, the contact preference form shall be  
11        confidential and exempt from public inspection and copying under the Public  
12        Records Act pursuant to section 6-102 of this title.

13        (e) Upon request, persons identified in 6-105(a) of this title may receive  
14        from the Registry the indicated contact preference choice from the filed contact  
15        preference form provided by the adoptee’s former parent.

16        Sec. 6. 15A V.S.A. § 6-111 is amended to read:

17        § 6-111. PUBLIC NOTICE OF STATUTORY CHANGE

18        The Department, with the cooperation of other departments of State  
19        government, shall make reasonable efforts to notify members of the public  
20        who may be affected by changes in statute governing the release of identifying

1 and nonidentifying information and access to original birth certificates,

2 including:

3 (1) informing the general public by submitting press releases to the news  
4 media in Vermont and other states;

5 (2) informing adoptee, birth parent, and genealogy groups in Vermont  
6 and other states;

7 (3) including information in motor vehicle registration and license  
8 renewals;

9 (4) including information in appropriate locations on the Internet; and

10 (5) contacting the adoption coordinators in each state and determining  
11 what agencies or groups in that state should be notified.

12 Sec. 7. 15A V.S.A. § 6-112 is amended to read:

13 § 6-112. ACTION FOR DISCLOSURE OF INFORMATION

14 (a) A person denied disclosure of information under section 6-104;  
15 ~~subdivision 6-105(b)(1) or (2), or section 6-107~~ of this title may file a petition  
16 in the court to obtain the information being sought.

17 (b) In determining whether to grant a petition under this section, the court  
18 shall review the records of the relevant proceeding for adoption and shall make  
19 specific findings concerning:

20 (1) the reasons the information is sought;

1           ~~(2) whether the individual about whom information is sought has filed a~~  
2           ~~request for nondisclosure under section 6-106 of this title or any other kind of~~  
3           ~~document requesting that his or her identity not be disclosed, has not filed any~~  
4           ~~document, or has otherwise indicated a preference regarding the disclosure of~~  
5           ~~his or her identity;~~

6           (3) if known, whether the individual about whom information is sought  
7           is alive;

8           (4) whether it is possible to satisfy the petitioner's request without  
9           disclosing the identity of another individual;

10          (5) the expressed needs of the adoptee including the emotional and  
11          mental health needs of the adoptee.

12          (c) Before making a determination under this section the court shall make a  
13          reasonable effort to confidentially contact the person whose identity is being  
14          sought in order to determine that person's response to the petition and shall  
15          consider any response in reaching its decision.

16          ~~(d) If the reason the petitioner was denied disclosure was due to the fact that~~  
17          ~~there was no consent on file and there is no request for nondisclosure filed~~  
18          ~~under section 6-106 or any other kind of document in the court or agency that~~  
19          ~~clearly indicates that the identity of the person being sought not be disclosed,~~  
20          ~~the court shall order disclosure of the requested information if the court finds~~  
21          ~~by a preponderance of the evidence that disclosure is in the best interests of the~~



1 ~~petitioner and that disclosure is unlikely to cause harm to the person whose~~  
2 ~~identity is being sought.~~

3 ~~(e) If the reason the petitioner was denied disclosure was due to the fact that~~  
4 ~~there was no consent on file and a request for nondisclosure was filed under~~  
5 ~~section 6-106 or any kind of document was filed in the court or agency that~~  
6 ~~clearly indicates that the identity of the person being sought not be disclosed,~~  
7 ~~the court shall not make a search under subsection (c) of this section and shall~~  
8 ~~not order the disclosure of the requested information except for compelling~~  
9 ~~reasons.~~

10 Sec. 8. IMPLEMENTATION

11 No later than September 1, 2022, the Department for Children and Families  
12 shall:

13 (1) develop consent preference forms and make such forms readily  
14 available to the public; and

15 (2) initiate plans to notify members of the public about this act.

16 Sec. 9. EFFECTIVE DATES

17 (a) This section and Sec. 6 shall take effect on passage.

18 (b) Secs. 1 – 5 shall take effect July 1, 2024.

19

20 (Committee vote: \_\_\_\_\_)

1

\_\_\_\_\_

2

Representative \_\_\_\_\_

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FOR THE COMMITTEE