

HOUSE No. 2190

By Mr. Lepper of Attleboro, petition of John A. Lepper and others for legislation to further regulate access to birth certificates. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

John A. Lepper	Anthony J. Verga
Richard J. Ross	William G. Greene, Jr.
Scott P. Brown	Gloria L. Fox
Barbara A. L'Italien	Joyce A. Spiliotis
Gale D. Candaras	Christine E. Canavan
Frank I. Smizik	Joseph R. Driscoll
Alice K. Wolf	Thomas M. McGee
Susan Williams Gifford	Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING ACCESS TO BIRTH CERTIFICATES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 46 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after section
3 2A, the following section:—
4 Section 2B. Upon written application, which shall include proof
5 of identity and payment of applicable fees, by an adopted person 18
6 years of age or older who was born in the Commonwealth on or
7 before July 17, 1974 or on or after January 1, 2008 or by an adoptive
8 parent of an adopted person under 18 years of age and born in the
9 Commonwealth on or after January 1, 2008, the state registrar
10 shall:—
11 (a) make available for inspection at the offices of the state registry
12 the birth certificate prior to adoption which indicated the prior legal
13 parent or parents listed on the initial birth certificate of if there has
14 been more than 1 adoption, the birth certificate prior to the first
15 adoption which indicates the biological parent or parents listed on
16 the initial birth certificate.

17 (b) send by certified mail return receipt to the adopted person age
18 18 or older or to the parents of an adopted person under 18 years of
19 age a photocopy of the contents of the birth record with the
20 following notation on it: “The contents of this birth record are being
21 released under Section 2B of Chapter 46 of the Massachusetts
22 General Laws or under a court order. This record was amended by
23 adoption. This is not a certified copy of a birth record.”

1 SECTION 2. Section 13 of said Chapter 46, as so appearing, is
2 hereby amended by inserting after the words “in which said adoption
3 was granted”, in line 168, the following words:— ,or in accordance
4 with Section 2B of this chapter .

1 SECTION 3. Said Section 13 of said Chapter 46, as so appearing,
2 is hereby further amended, in line 170, by inserting after the word
3 “occurred”, in line 170, the following words:— ,or in accordance
4 with Section 2B of this chapter.

1 SECTION 4. Said section 13 of said chapter 46, as so appearing,
2 is hereby further amended by inserting after the word “record.”, in
3 line 171, the following sentence:—
4 Evidence contained in the adoption record of a birth parent’s will-
5 ingness to provide information about her identity to the adopted
6 person shall, except in extraordinary circumstances, be considered
7 sufficient evidence to warrant the granting of an order for release of
8 the information contained in the original birth record.

1 SECTION 5. Said chapter 46, as so appearing, is hereby amended
2 by adding the following section:—

3 SECTION 31. (a) Section 31. The registry of vital records and
4 statistics, subject to appropriations, shall establish and maintain an
5 adoption contact information registry for the purpose of connecting
6 parents listed on the initial birth certificate to any of their children
7 who were adopted by others. The adoption contact registry shall at
8 minimum be capable of recording updated address and other infor-
9 mation supplied by parents and adoptees needed for one to contact
10 the other.

11 (b) Registration shall be entirely voluntary and participation may
12 at any time be terminated through proper notification to the registry.

13 (c) The Commonwealth shall make reasonable efforts to inform
14 the public about the existence of this registry.

15 (d) The information and indices held by the department of public
16 health with respect to the adoption information contact registry are
17 confidential and shall be exempt from the mandatory disclosure
18 requirements of clause Twenty-sixth of Section 7 of Chapter 4 and
19 Section 10 of Chapter 66.”