

# SENATE NO. 77

## 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 2004 Official Edition, is  
2 hereby amended by inserting after section 2A, the following section:-

3 Section 2B. Upon written application which shall include proof of identity and payment of  
4 applicable fees by an adopted person 18 years of age or older who was born in the  
5 commonwealth, on or before July 14, 1974 or on or after January 1, 2008 or an adoptive parent  
6 of an adopted person under 18 years of age and born in the commonwealth on or before July 14,  
7 1974 or on or after January 1, 2008, the state registrar shall:

8 (a) make available for inspection at the offices of the registry the birth certificate prior to  
9 adoption which indicates the prior legal parent(s) or if there has been more than one adoption,  
10 the birth certificate prior to the first adoption which indicates the biological parent(s); or

11 (b) send via certified mail return receipt to the adopted person age 18 or older or to the  
12 parents of an adopted person under 18 years of age a photocopy of the contents of the birth  
13 record with the following notation on it: the contents of this birth record are being released  
14 under Massachusetts General Laws chapter 46 section 2B or a court order. This record was  
15 amended by adoption. This is not a certified copy of a birth record.

16 SECTION 2. Subsection (h) of Section 13 of chapter 46 of the General Laws, as so appearing, is  
17 hereby amended, in line 168, by inserting after the words “in which said adoption was granted;”  
18 the following words:- or in accordance with section 2B of this chapter,

19 SECTION 3. Said subsection (h) of section 13 of said chapter 46, as so appearing, is hereby  
20 amended, in line 170, by inserting after the word “occurred” the following words:- or in  
21 accordance with section 2B of this chapter,

22 SECTION 4. Said subsection (h) of section 13 of said chapter 46, as so appearing, is hereby  
23 amended, in line 171, by inserting after the word “record;” the following sentence:- “Evidence  
24 contained in the adoption record of a biological parent’s willingness to provide information  
25 about that individual’s identity to the adopted person shall, except in extraordinary  
26 circumstances, be considered sufficient evidence to warrant the granting of an order for release  
27 of the information contained in the original birth record.”

28 SECTION 5. Said chapter 46, as so appearing, is hereby amended by adding the following  
29 section:-

30 Section 31. (a) The registry shall establish and maintain an adoption information repository  
31 (“repository”) for the purpose of connecting biological parents to any of their biological

32 children who were adopted. The repository shall at minimum be capable of recording  
33 information needed to match biological parents and their biological children who were adopted,  
34 current contact information and permission to obtain birth records.

35 (b) The repository shall receive and maintain any such contact information submitted by  
36 a biological parent, for the purpose of permitting access of such submitted information by a  
37 biological child who was adopted. The repository shall also receive and maintain any such  
38 contact information submitted by a biological child who was adopted, for the purpose of  
39 permitting access by his biological parent(s) of such submitted contact information. Unless  
40 otherwise permitted by law or order of the probate court, no contact or other identifying  
41 information of such parent or child shall be released by the repository without the prior written  
42 permission of the parent or child submitting such information.

43 (c) A biological parent may voluntarily submit any medical history information to the  
44 repository. Such information submitted shall be in a form as prescribed by the state registrar  
45 and as approved by the commissioner. The state registrar may require that the biological parent,  
46 whose medical information is being submitted, provide a written consent signed by such parent,  
47 in a form prescribed by the state registrar and in accordance with applicable law, authorizing the  
48 repository to retain and release such information. Unless otherwise permitted by law or order of  
49 the probate court, no medical information of a biological parent shall be released by the  
50 repository without the prior written permission of such parent submitting the information.

51 (d) Any contact or medical information received by the repository shall be confidential  
52 and not a public record under paragraph (c) of clause twenty-six of section 7 of chapter 4.  
53 Except upon order of the probate court, the release of authorized information to a biological  
54 child, shall only be made to such child, his adoptive parent, legal guardian, conservator or

55 attorney, and the release of information to a biological parent, shall only be made to such parent,  
56 his legal guardian, conservator or attorney.

57 (e) The submission of information with the repository by a biological parent or child  
58 shall be entirely voluntary. Such parent or child submitting information to the repository may at  
59 anytime terminate or modify any permission to release such information by giving written  
60 notification to the repository. Upon receipt of notice terminating or modifying permission to  
61 release such submitted information, the repository shall only release such submitted information  
62 as thereafter permitted, except upon order of the probate court. The repository may destroy any  
63 biological parent's medical history information, anytime after 3 years from the receipt of notice  
64 to terminate all future releases, or earlier, if the destruction of such information is required by  
65 law.

66 (f) The commonwealth shall make a reasonable effort to inform the public about the  
67 existence of the adoption contact information repository.