

## S.F. No. 1279 – Adoptee’s access to original birth records modified

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### Overview

**S.F. 1279** repeals the current law governing an adopted person’s access to their original birth records and creates a new process for an adopted person who is at least 18 years old to access their original birth records. If an adopted person is deceased, the adopted person’s spouse, child, or grandchild may access the records in the same manner. This bill provides that all consents to disclosure and affidavits of nondisclosure are unenforceable after June 30, 2022 and creates a contact preference form for birth parents.

### Summary

**Sections 1 and 2** make conforming changes.

**Section 3 and 4** classify certain birth and adoption records as private data, as opposed to confidential data, meaning that the subject of the data is authorized to request and obtain the data.

**Section 5** makes conforming changes.

**Section 6** requires the state registrar to provide to an adopted person or, if the adopted person is deceased, to their spouse, child, or grandchild, a copy of the adopted person’s original birth record and any evidence of the adoption. The request for records must be made in writing and the copy of the original birth record must clearly indicate that it must not be used for identification purposes. A contact preference form must be provided, if attached to the original birth record.

**Section 7** requires the commissioner of health to make available to the public a contact preference form. The commissioner must attach a completed contact preference form to the adopted person’s original birth record. A birth parent may complete a contact preference form indicating whether contact is permitted and the manner of contact. A contact preference form is classified as private data, except that it may be released to the adopted person or, if the adopted person is deceased, to their spouse, child, or grandchild.

**Section 8** requires the commissioner of health to inform a person applying for an original birth record of the existence of an unrevoked consent to disclosure or an affidavit of nondisclosure on file, including the name of the birth parent who filed the consent or affidavit. The commissioner must provide the birth parent’s address if the birth parent authorized release of the address on an unrevoked consent to disclosure. A consent to disclosure or an affidavit of nondisclosure filed with the commissioner expires and has no force or effect beginning on June 30, 2022.

**Section 9** requires agencies to provide counseling and assistance for adopted persons who are at least 18 years old (current law sets the age at 19 or older). Upon a request from an adoptive parent, birth parent, or adopted person who is 18 years or older, the agency must inform the person of the adopted person’s right to request and obtain a copy of their original birth record and the birth parent’s right to file a contact preference form.

**Section 10** requires agencies to provide nonidentifying social and medical history to adopted persons who are at least 18 years old (current law sets the age at 19 or older).

**Section 11** requires adopted persons who are at least 18 years old be advised of other siblings who were adopted or committed to guardianship with the commissioner of human services (current law sets the age at 19 or older).

**Section 12** requires agencies to provide to an adopted person 18 years of age or older the birth parents’ names, birthdates, places of birth, and last known addresses if the adopted person has no record of a live birth.

**Section 13** makes conforming changes by removing references to consents to disclosure and affidavits of nondisclosure. Upon entry of an order terminating parental rights, the court must inform the parent losing their parental rights of their right to file a contact preference form.

**Section 14** requires the commissioner of human services to coordinate a public awareness campaign and provide educational materials to adopted persons and birth parents about the changes in law related to birth records access.

**Section 15** repeals section 144.212, subdivision 11 (definition of “consent to disclosure”); section 259.83, subdivision 3 (postadoption services; identifying information), section 259.89 (access to original birth record information), and section 260C.637 (access to original birth record information).

**Section 16** provides that this act is effective July 1, 2024 and requires the commissioner of health to begin providing contact preference forms on August 1, 2023.