



March 21, 2024

The Honorable Ron Latz
Chair, Senate Committee on Judiciary and Public Safety

RE: SF4860—INFORMATION AND REQUESTING AMENDMENT

Dear Chair Latz and Members of the Committee:

I am a Minnesota attorney who represents adult adopted people in Minnesota and throughout the United States. I am considered a national expert on issues related to identity documents, birth certificates, and U.S. citizenship for adult adopted people.

I take no specific position on the overall merits of Minnesota's safe place for newborns law, other than to note that, in the last eight years, only six infants have been relinquished under the law. Unlike in some other states, safe haven surrenders are exceedingly rare in Minnesota. See, attached public records response of the Department of Human Services.

I instead write to request specific amendments to the bill. As currently drafted, the bill will in part permanently seal any original birth records for abandoned newborns, making those records unavailable to the registrant except by court order. I am asking that you revise sections 4 and 5 of the bill so that the original birth record, if created, and any foundling report be made available to the child upon request when he or she is at least 18 years of age. I have provided suggested language to accomplish this.

The state last year corrected its practice of making birth records of adopted people unavailable to them as adults. I ask that the state continue to honor the need for all adults to possess the facts of their own births, however difficult those facts may be. Given expected advancements in direct-to-consumer DNA testing by the year 2042—when relinquished infants under this bill will become 18 years of age—the suggested changes are a practical if not simple recognition of reality. I ask that you revise the bill to take these concerns and issues into consideration.

Best regards,

ADOPTTEE RIGHTS LAW CENTER PLLC

Gregory D. Luce

cc: Sen. Melissa Wiklund



Gregory Luce <greg@adopteerightslaw.com>

Minnesota Department of Human Services Data Request Response 2024-03-031

1 message

MN_DHS_CFS_Data_Request <CFS.Data.Request.DHS@state.mn.us>

Mon, Mar 18, 2024 at 3:17 PM

To: "greg@adopteerightslaw.com" <greg@adopteerightslaw.com>

Dear Gregory Luce,

Below is the annual number of child relinquishments under the Safe Place for Newborns law [[Minnesota Statutes, Section 145.902, subd. 1](#)] by year:

- 2024: 0 (to date)
- 2023: 0
- 2022: 0
- 2021: 0
- 2020: 0
- 2019: 1
- 2018: 2
- 2017: 2
- 2016: 1

Kind regards,

Children and Family Services Data Request Team

Minnesota Department of Human Services

444 Lafayette Road North

St. Paul, MN 55155

CFS.Data.Request.DHS@state.mn.us

mn.gov/dhs

AMENDMENT REQUESTED TO SF4860 (AS INTRODUCED)

Sec. 4. Minnesota Statutes 2022, section 144.216, is amended by adding a subdivision to read:

Subd. 4. **Status of safe place birth reports and registrations.**

(a) Information about a safe place newborn registered under subdivision 3 shall constitute the record of birth for the child. The record shall be **private data on individuals pursuant to section 13.02, subdivision 12.** Information on the birth record or a birth certificate issued from the birth record shall be disclosed only to the responsible social services agency, **to the child upon request when the child is at least 18 years of age,** or pursuant to a court order.

(b) Information about a safe place newborn registered under subdivision 3, shall constitute the record of birth for the child. If the safe place newborn was born in a hospital and it is known that a record of birth was registered, filed, or amended, the original birth record registered under section 144.215 shall be replaced pursuant to section 144.218, subdivision 6.

Sec. 5. Minnesota Statutes 2022, section 144.218, is amended by adding a subdivision to read:

Subd. 6. Safe place newborn; birth record. If a safe place infant birth is registered pursuant to section 144.216, subdivision 4, paragraph (b), the state registrar shall issue a replacement birth record free of information which identifies a parent. The prior vital record shall be **private data on individuals pursuant to section 13.02, subdivision 12,** and shall not be disclosed except **to the child upon request when the child is at least 18 years of age or** pursuant to court order.