

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1302

**Introduced by Assembly Member Lackey
(Coauthors: Assembly Members Dixon, Flora, and Pellerin)**

February 16, 2023

An act to amend Section 102705 ~~of~~ *of, and to add Section 102706 to*, the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as amended, Lackey. Vital records: adopted persons and original birth certificates.

Existing law requires that a court report of adoption be filed with the original record of birth and that these records remain a part of the records of the State Registrar. Existing law provides that vital records related to adoptions, other than a newly issued birth certificate, shall be available only upon the order of the superior court of the county of residence of the adopted child or of the county granting the order of adoption. Existing law prohibits the order from being granted unless a verified petition setting forth facts showing the necessity of the order has been presented to the court and good and compelling cause is shown for granting the order.

~~This bill would authorize an adopted person 18 years of age or older, the adopted person's direct line descendants if the adopted person is deceased, or their lawful representatives, to obtain the adopted person's original long-form birth certificate upon filing a verified petition with the superior court in the adopted person's county of residence or in the county granting the order of adoption. The bill would require the State Registrar to develop a standard disclosure preference form for birth~~

~~parents to complete, indicating whether the birth parents want their personally identifying information to be redacted or available upon disclosure of the original long form, and would establish a process for collecting those forms from birth parents. The bill would permit the State Registrar to disclose the birth parent's unredacted personally identifying information if the birth parent authorizes that disclosure or, after receiving the form, does not respond.~~

~~This bill, if the State Registrar is unable to provide a copy of the original long-form birth certificate, would authorize the State Registrar to provide true and correct information about the adopted person and the adopted person's birth parents, including identifying information that would have appeared on the original birth certificate. The bill would hold the State Registrar harmless from liability arising out of that disclosure.~~

This bill would, beginning January 1, 2025, require a superior court to grant a petition and require the State Registrar to provide a copy of the original unredacted birth certificate of an adopted person upon receipt of a verified petition filed by that adopted person who is 18 years of age or older and was the subject of an adoption occurring before January 1, 2025. The bill would require, for an adoption occurring before January 1, 2025, the State Registrar to provide notice to each birth parent on the original birth certificate, as specified, informing them that the original and unredacted birth certificate of the adopted child has been requested by the adopted person. The bill would require the notice to include a form on which each birth parent may indicate that they authorize a copy of the original and unredacted birth certificate to be provided to the adopted person. The bill would prohibit the State Registrar from providing the original and unredacted birth certificate if either birth parent did not receive the notice, as specified, but would permit the State Registrar to provide the birth certificate with information identifying and pertaining to the birth parent that did not receive or did not respond to the notice redacted.

This bill would require the State Registrar, for adoptions occurring on or after January 1, 2025, upon receiving notice that adoption proceedings have been completed, to provide notice to each birth parent named on the original birth certificate of an adopted person who is the subject of adoption proceedings informing each birth parent that the adopted person may request a copy of the original and unredacted birth certificate. The bill would require a superior court to grant a petition and require the State Registrar to provide a copy of the original

unredacted birth certificate of an adopted person upon receipt of a verified petition filed by that adopted person who is 18 years of age or older and was the subject of an adoption occurring on or after January 1, 2025. The bill would require the State Registrar to provide notice to each birth parent on the original birth certificate, as specified, informing them that the original and unredacted birth certificate will be provided to the adopted person absent the parent’s refusal, as specified. The bill would prohibit the State Registrar from providing the original and unredacted birth certificate if either birth parent did not receive the notice, as specified, but would permit the State Registrar to provide the birth certificate with information identifying and pertaining to the birth parent that did not receive or did not respond to the notice redacted.

This bill would also require a superior court to grant a petition and direct the State Registrar to provide a copy of the adopted person’s original and unredacted birth certificate if a verified petition is filed by an adopted person who is 18 years of age or older and both parents listed on a birth certificate of the adopted person are deceased, as verified by the Office of Vital Records.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102705 of the Health and Safety Code
 2 is amended to read:
 3 102705. ~~(a) All records and information specified in this~~
 4 ~~article, other than the newly issued birth certificate, shall be~~
 5 ~~available only upon the order of the superior court of the county~~
 6 ~~of residence of the adopted-child person or the superior court of~~
 7 ~~the county granting the order of adoption.~~
 8 ~~(b) Notwithstanding any other law, an order shall be granted by~~
 9 ~~the superior court if a verified petition is filed by (1) an adopted~~
 10 ~~person who is 18 years of age or older, (2) if the adopted person~~
 11 ~~is deceased, the adopted person’s direct line descendants, or (3)~~
 12 ~~the lawful representative of the adopted person, or lawful~~
 13 ~~representatives of the adopted person’s direct line descendants,~~
 14 ~~who are seeking the adopted person’s original long-form birth~~
 15 ~~certificate. The clerk of the superior court shall send a copy of the~~
 16 ~~petition to the State Registrar, who shall send a copy of all records~~
 17 ~~and information it has concerning the adopted person.~~

1 ~~(e) The State Registrar shall develop a disclosure preference~~
2 ~~form on which a birth parent may state a preference regarding~~
3 ~~disclosure of personally identifying information to be released in~~
4 ~~response to a petition brought pursuant to subdivision (b). The~~
5 ~~form prepared by the State Registrar shall include these two~~
6 ~~options:~~

7 ~~(1) “My personal identifying information on the original~~
8 ~~certificate of birth may be released if requested in accordance with~~
9 ~~Section 102705 of the Health and Safety Code. I may change this~~
10 ~~preference by filing a subsequent preference form with the state~~
11 ~~registrar.”~~

12 ~~(2) “I request that my personal identifying information be~~
13 ~~redacted from the original certificate of birth if requested in~~
14 ~~accordance with Section 102705 of the Health and Safety Code.~~
15 ~~I may change this preference by filing a subsequent preference~~
16 ~~form with the State Registrar.”~~

17 ~~(d) (1) For any new birth certificate issued pursuant to 102635~~
18 ~~on or after July 1, 2024, the State Registrar shall send the birth~~
19 ~~parents the disclosure preference form described in subdivision~~
20 ~~(e). The form shall be sent to the best available address for each~~
21 ~~birth parent who is listed on the original birth certificate by certified~~
22 ~~mail, return receipt requested.~~

23 ~~(2) The birth parent shall have 30 days from the date they receive~~
24 ~~the form to complete and return the form to the State Registrar.~~

25 ~~(3) The form shall also be sent with a notice that the parent can~~
26 ~~request a subsequent preference form from the State Registrar at~~
27 ~~any time.~~

28 ~~(e) (1) For adoptions that occurred before July 1, 2024, the~~
29 ~~State Registrar shall, upon receiving the petition from the superior~~
30 ~~court pursuant subdivision (a), send the birth parents a notice of~~
31 ~~the request for the original birth certificate and the disclosure~~
32 ~~preference form described in subdivision (e). The form shall be~~
33 ~~sent to the best available address for each birth parent who is listed~~
34 ~~on the original birth certificate by certified mail, return receipt~~
35 ~~requested.~~

36 ~~(2) The birth parent shall have 30 days from the date they receive~~
37 ~~the form to complete and return the form to the State Registrar.~~

38 ~~(3) If a birth parent does not return the completed preference~~
39 ~~form within 30 days of the return receipt, the original long-form~~

1 ~~birth certificate shall be provided without redaction of the~~
2 ~~nonresponsive birth parent's personal identifying information.~~

3 (f) ~~If it is impossible for the State Registrar to provide a copy~~
4 ~~of an adult person's original long-form birth certificate, including~~
5 ~~when an adopted person is born outside of but adopted within the~~
6 ~~state, the true and correct information about the adopted person~~
7 ~~and the adopted person's birth parents, including identifying~~
8 ~~information that would have appeared on the original birth~~
9 ~~certificate, may be provided. In that case, the State Registrar shall~~
10 ~~be held harmless from liability arising out of the disclosure.~~

11 *SEC. 2. Section 102706 is added to the Health and Safety Code,*
12 *to read:*

13 *102706. (a) Notwithstanding any other law, beginning January*
14 *1, 2025, a superior court shall grant a petition and direct the State*
15 *Registrar to initiate the process in subdivision (b) upon receipt of*
16 *a verified petition filed by an adopted person who is 18 years of*
17 *age or older and who was the subject of an adoption occurring*
18 *before January 1, 2025.*

19 *(b) (1) Upon receipt of a valid court order pursuant to*
20 *subdivision (a), the State Registrar shall provide notice to each*
21 *birth parent named on the original birth certificate, informing the*
22 *birth parent or parents that the adopted person has required the*
23 *original and unredacted birth certificate.*

24 *(2) The notice shall be sent to the best available address for*
25 *each birth parent listed on the original birth certificate. The notice*
26 *shall be sent by certified or registered mail, restricted delivery,*
27 *and return receipt requested and shall do both of the following:*

28 *(A) The notice shall advise the birth parent regarding the change*
29 *in the law pursuant to this section.*

30 *(B) The notice shall include a form on which the birth parent*
31 *may indicate that they authorize a copy of the original and*
32 *unredacted birth certificate to be provided to the adopted person.*

33 *(3) The State Registrar shall provide a subsequent reminder*
34 *notice to each birth parent five months or 150 days after the*
35 *delivery date of the notice sent pursuant to paragraph (2),*
36 *whichever is sooner. The reminder notice shall be sent by certified*
37 *or registered mail, restricted delivery, and return receipt requested.*
38 *The reminder notice shall include a form on which the birth parent*
39 *may indicate that they authorize a copy of the original and*
40 *unredacted birth certificate to be provided to the adopted person.*

1 (4) *The State Registrar shall not provide a birth certificate*
2 *pursuant to this subdivision if either of the following apply:*

3 (A) *Either notice provided pursuant to paragraph (1) or (3) was*
4 *not received by each birth parent listed on the birth certificate, as*
5 *indicated by the fact that the State Registrar has not received the*
6 *return receipt acknowledgment. If two birth parents are listed on*
7 *the birth certificate and only one birth parent has not received the*
8 *notice, the State Registrar may release a copy of the birth*
9 *certificate with information identifying and pertaining to that birth*
10 *parent redacted, if the remaining birth parent authorizes release*
11 *of the original and unredacted birth certificate.*

12 (B) *Each birth parent listed on the certificate has failed to return*
13 *the form included with the notice. If two birth parents are listed*
14 *on the birth certificate and only one birth parent has failed to sign*
15 *the notice, the State Registrar shall release a copy of the birth*
16 *certificate with information identifying and pertaining to the*
17 *nonresponsive parent redacted, if the remaining birth parent*
18 *authorizes the release of the original and unredacted birth*
19 *certificate.*

20 (c) (1) *Beginning January 1, 2025, for adoption proceedings*
21 *that are completed on or after January 1, 2025, upon receiving*
22 *notice that adoption proceedings regarding a child have been*
23 *completed, the State Registrar shall provide notice to each birth*
24 *parent named on the original birth certificate of an adopted person*
25 *who is the subject of adoption proceedings informing each birth*
26 *parent that the adopted person may request a copy of the original*
27 *and unredacted birth certificate pursuant to paragraph (d).*

28 (2) *The notice shall be sent to the best available address for*
29 *each birth parent who is listed on the original birth certificate.*
30 *The notice shall be sent by certified or registered mail, restricted*
31 *delivery, and return receipt requested.*

32 (d) *Notwithstanding any other law, a superior court shall grant*
33 *a petition and direct the State Registrar to initiate the process in*
34 *subdivision (e) if a verified petition is filed by an adopted person*
35 *who is 18 years of age or older who was the subject of an adoption*
36 *occurring on and after January 1, 2025.*

37 (e) (1) *Except as provided in paragraph (4), upon receipt of a*
38 *valid court order pursuant to subdivision (d), the State Registrar*
39 *shall provide notice to each birth parent named on the original*
40 *birth certificate informing each birth parent that the original and*

1 *unredacted birth certificate of the adopted person shall be provided*
2 *to the adopted person.*

3 *(2) The notice shall be sent to the best available address for*
4 *each birth parent who is listed on the original birth certificate.*
5 *The notice shall be sent by certified or registered mail, restricted*
6 *delivery, and return receipt requested and shall do both of the*
7 *following:*

8 *(A) The notice shall include a form on which the birth parent*
9 *may indicate that they refuse to authorize a copy of the original*
10 *and unredacted birth certificate to be provided to the adopted*
11 *person.*

12 *(B) The notice shall advise the birth parent that the original*
13 *and unredacted birth certificate shall be provided to the adopted*
14 *person, without requiring the parent's authorization, should the*
15 *birth parent fail to return the form provided pursuant to paragraph*
16 *(A) within six months or 180 days of receipt, whichever is later.*

17 *(3) The State Registrar shall provide a subsequent reminder*
18 *notice to each birth parent five months or 150 days after the*
19 *delivery date of the notice sent pursuant to paragraph (1),*
20 *whichever is sooner. The reminder notice shall be sent by certified*
21 *or registered mail, restricted delivery, and return receipt requested.*
22 *The reminder notice shall include a form on which the birth parent*
23 *may indicate that they refuse to authorize a copy of the original*
24 *and unredacted birth certificate to be provided to the adopted*
25 *person.*

26 *(4) The State Registrar shall not provide a birth certificate*
27 *pursuant to this subdivision if any of the following apply:*

28 *(A) The notice provided pursuant to subdivision (c) was not*
29 *received by each birth parent listed on the birth certificate, as*
30 *indicated by the fact that the State Registrar has not received the*
31 *return receipt acknowledgment. If two birth parents are listed on*
32 *the birth certificate and only one birth parent has not received the*
33 *notice, the State Registrar shall release a copy of the birth*
34 *certificate with information identifying and pertaining to that birth*
35 *parent redacted. If a birth parent has received the notice, their*
36 *authorization is not required for the release of the original and*
37 *unredacted birth certificate under this subdivision.*

38 *(B) Either notice provided pursuant to paragraph (2) or (3) was*
39 *not received by each birth parent listed on the birth certificate, as*
40 *indicated by the fact that the State Registrar has not received the*

1 return receipt acknowledgment. If two birth parents are listed on
2 the birth certificate and only one birth parent has not received the
3 notice, the State Registrar shall release a copy of the birth
4 certificate with information identifying and pertaining to that birth
5 parent redacted. If a birth parent has received the notice, their
6 authorization is not required for the release of the original and
7 unredacted birth certificate under this subdivision.

8 (C) Either birth parent listed on the certificate has returned the
9 form included in the notice provided pursuant to paragraph (1)
10 or (3) refusing authorization to release the original and unredacted
11 certificate. If two birth parents are listed on the birth certificate
12 and only one birth parent has signed the notice, the State Registrar
13 shall release a copy of the birth certificate with information
14 identifying and pertaining to the nonresponding parent redacted.

15 (f) Notwithstanding any other law, a superior court shall grant
16 a petition and direct the State Registrar to provide a copy of the
17 adopted person's original and unredacted birth certificate if a
18 verified petition is filed by an adopted person who is 18 years of
19 age or older and both parents listed on a birth certificate of the
20 adopted person are deceased, as verified by the Office of Vital
21 Records.