

## BILL ANALYSIS

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Date of Hearing: May 13, 2009

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Kevin De Leon, Chair

AB 372 (Ma) - As Amended: May 7, 2009

Policy Committee: JudiciaryVote:10  
- 0

Urgency: No State Mandated Local Program:  
No Reimbursable:

SUMMARY

This bill allows an adoptee, under certain conditions, to have access to his or her original and unredacted birth certificate. Specifically, this bill:

- 1) Requires the state registrar, in cases of medical necessity regarding a serious health condition, and upon an order from the superior court, to release an original and unredacted birth certificate to an adoptee, the adoptee's parent or guardian, or a person legally authorized to make health decisions for an adoptee.
- 2) Requires the state registrar, upon request, to provide a copy of the original and unredacted birth certificate to an adoptee who is 25 years or older if the birth parents do not object.
- 3) Requires the state registrar, for all adoptions taking place on or after January 1, 2010, to notify the birth parents that the adoption has taken place and that the adopted child, upon attaining the age of 25, shall, upon request, receive an original and unredacted birth certificate unless the parents object.
- 4) States that if two birth parents are listed on a birth certificate and only one objects, the state registrar shall redact that parent's information before releasing the birth certificate.
- 5) Authorizes the state registrar to assess a fee to cover the costs of this legislation.

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- 6) Requires the state registrar to develop and adopt any necessary forms.

FISCAL EFFECT

Based on experience with a similar law in the state of Oregon, creating the required database, the cost of notifying birth parents, and processing requests for original birth certificates will likely be in excess of \$8 million costs for each of the first two years of the program. By the third year, costs will be in the range of \$2 million per year.

The registrar does have the authority to assess a fee to cover the costs related with this legislation. However, approximately \$4 million of the funding in each of the first two years would be related to necessary automation changes and the creation of the database. That upfront funding would be state GF.

COMMENTS

- 1) Rationale . This bill is intended to provide adult adoptees and those adoptees with serious health conditions access to their original birth certificates, including the names of their birth parents.
- 2) Current Law . Currently, when a child born in California is adopted, the State Registrar issues an amended birth certificate showing the names of the adoptive parents, among other information. Only the amended certificate is available for public inspection, unless a judge authorizes otherwise in exceptional circumstances. The original certificate showing the name of the birth parent(s) is sealed, along with other documents in the adoption file. Currently, birth parents must be informed at the time of adoption that they may provide written consent to disclose their name and address when the adoptee is 21 or older. The Department of Social Services (DSS) must release the information if the adoptee requests it and the birth parent has consented. DSS also maintains a mutual consent registry, through which DSS or a licensed adoption agency arranges contact between birth parents and adoptees if both parties have consented.
- 3) The Oregon Experience . Oregon passed a similar law over a

decade ago. When Oregon's law went into effect, in May of 2000 after 18 months of appeals, a backlog was immediately created by requests from the adopted individuals and by challenges to the department from birth mothers who did not want their information released. For comparison between the two states, California averages 550,000 births each year, compared to Oregon's annual birth rate of approximately 50,000.

During the first year alone, the Oregon state registrar received over 10,000 requests for sealed records, and by May 1, 2001, only 6,439 of the 10,000 requests had been completed. Based on Oregon's experience, California could expect to receive 110,000 requests for original birth records the first year. Unless adequately staffed when AB 372 becomes effective, California could expect to have a backlog of 39,171 uncompleted requests at the end of the first year.

Almost nine years after the enactment of Oregon's law, the Oregon state registrar continues to receive over 30 requests each month, thus California could expect its requests to increase from the current average of 15-20 per month to a monthly average of 330.

Oregon hired two additional staff to meet the increased workload, but was unable to meet the demand (i.e., they were only able to process 6,439 of the 10,000 requests received the first year). If one staff person can process 3,220 requests annually (using Oregon's experience), the California state registrar would need 34 positions to process the 110,000 requests projected for California during the first year of implementation alone. Before the state registrar can issue a copy of a sealed record, the record must be retrieved from the State Record Center (SRC). The additional requests for sealed records would also increase SRC workload.

4)Related Legislation . AB 1349 (Pescetti) in 2001 would have permitted adult adoptees to access their adoption records. That bill was held in this committee.

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