

10286

I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. TEDISCO, KOLB -- Multi-Sponsored by -- M. of A. BACALLES, O'MARA -- read once and referred to the Committee on Children and Families

AN ACT to amend the public health law, in relation to authorizing disclosure of the death of biological parents and adoptive children by the adoption information registry and by the mutual consent voluntary adoption registry

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 4138-c of the public health law is amended by
2 adding a new subdivision 6-b to read as follows:

3 6-B. IN ADDITION TO ANY OTHER INFORMATION PROVIDED FOR AND MAINTAINED
4 BY THE REGISTRY PURSUANT TO THIS SECTION, THE PERSONAL REPRESENTATIVE OF
5 THE ESTATE OF AN ADOPTEE IF TWENTY-ONE YEARS OF AGE OR OVER OR THE ADOPTIVE
6 PARENTS OF AN ADOPTEE IF LESS THAN TWENTY-ONE YEARS OF AGE OR THE
7 PARENTS OF AN ADOPTEE WHOSE CONSENT TO THE ADOPTION WAS REQUIRED AT THE
8 TIME OF THE ADOPTION, OR WHOSE SIGNATURE WAS REQUIRED ON AN INSTRUMENT
9 OF SURRENDER TO AN AUTHORIZED AGENCY IF SUCH ADOPTEE WAS BORN IN THIS
10 STATE, MAY TRANSMIT NOTICE OF THE DEATH OF SUCH PARTY FOR INCLUSION IN
11 THE REGISTRY. WHERE A REQUEST IS MADE FOR INFORMATION MAINTAINED BY THE
12 DEPARTMENT PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL RELEASE THE
13 FACT OF SUCH PERSON'S DEATH, AND THE DATE OF AND CAUSE OF SUCH DEATH
14 WHERE THE PERSONAL REPRESENTATIVE HAS SO NOTIFIED THE DEPARTMENT.

15 S 2. Section 4138-d of the public health law is amended by adding a
16 new subdivision 6-a to read as follows:

17 6-A. IN ADDITION TO ANY OTHER INFORMATION PROVIDED FOR AND MAINTAINED
18 BY THE REGISTRY PURSUANT TO THIS SECTION, THE PERSONAL REPRESENTATIVE OF
19 THE ESTATE OF AN ADOPTEE IF TWENTY-ONE YEARS OF AGE OR OVER OR THE ADOPTIVE
20 PARENTS OF AN ADOPTEE IF LESS THAN TWENTY-ONE YEARS OF AGE OR THE
21 PARENTS OF AN ADOPTEE WHOSE CONSENT TO THE ADOPTION WAS REQUIRED AT THE
22 TIME OF THE ADOPTION, OR WHOSE SIGNATURE WAS REQUIRED ON AN INSTRUMENT
23 OF SURRENDER TO AN AUTHORIZED AGENCY IF SUCH ADOPTEE WAS BORN IN THIS
24 STATE, MAY TRANSMIT NOTICE OF THE DEATH OF SUCH PARTY FOR INCLUSION IN
25 THE REGISTRY. WHERE A REQUEST IS MADE FOR INFORMATION MAINTAINED BY THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 DEPARTMENT PURSUANT TO THIS SECTION, THE AGENCY SHALL RELEASE THE FACT
2 OF SUCH PERSON'S DEATH, AND THE DATE OF AND CAUSE OF SUCH DEATH WHERE
3 THE PERSONAL REPRESENTATIVE HAS SO NOTIFIED THE AGENCY.
4 S 3. This act shall take effect immediately.