S T A T E O F N E W Y O R K

1696

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. TEDISCO, KOLB -- 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:

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

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

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

6-A. IN ADDITION TO ANY OTHER INFORMATION PROVIDED FOR AND MAINTAINED BY THE REGISTRY PURSUANT TO THIS SECTION, THE PERSONAL REPRESENTATIVE OF THE ESTATE OF AN ADOPTEE IF TWENTY-ONE YEARS OF AGE OR OVER OR THE ADOPTIVE PARENTS OF AN ADOPTEE IF LESS THAN TWENTY-ONE YEARS OF AGE OR THE PARENTS OF AN ADOPTEE WHOSE CONSENT TO THE ADOPTION WAS REQUIRED AT THE TIME OF THE ADOPTION, OR WHOSE SIGNATURE WAS REQUIRED ON AN INSTRUMENT OF SURRENDER TO AN AUTHORIZED AGENCY IF SUCH ADOPTEE WAS BORN IN THIS

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

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STATE, MAY TRANSMIT NOTICE OF THE DEATH OF SUCH PARTY FOR INCLUSION IN THE REGISTRY. WHERE A REQUEST IS MADE FOR INFORMATION MAINTAINED BY THE DEPARTMENT PURSUANT TO THIS SECTION, THE AGENCY SHALL RELEASE THE FACT OF SUCH PERSON'S DEATH, AND THE DATE OF AND CAUSE OF SUCH DEATH WHERE THE PERSONAL REPRESENTATIVE HAS SO NOTIFIED THE AGENCY.

S 3. This act shall take effect immediately.