

2490

2013-2014 Regular Sessions

I N S E N A T E

January 17, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to creating the bill of adoptee rights

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

1 Section 1. The public health law is amended by adding a new section
2 4138-e to read as follows:

3 S 4138-E. BILL OF ADOPTEE RIGHTS. 1. (A) COMMENCING ON JANUARY FIRST,
4 TWO THOUSAND FIFTEEN, EXCEPT AS PROVIDED IN SUBDIVISION TWO OR THREE OF
5 THIS SECTION, AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, A
6 PERSON EIGHTEEN YEARS OF AGE OR MORE WHO WAS BORN IN THIS STATE AND THEN
7 ADOPTED AND WHOSE LONG-FORM BIRTH CERTIFICATE WAS THEN SEALED IN THIS
8 STATE, MAY OBTAIN A CERTIFIED COPY OF SUCH LONG-FORM BIRTH CERTIFICATE
9 FROM THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION. (B) SUCH A CERTI-
10 FIED COPY OF A LONG-FORM BIRTH CERTIFICATE SUPPLIED BY THE DEPARTMENT
11 SHALL INCLUDE A LEGEND, APPEARING PROMINENTLY ON EACH PAGE OF THE DOCU-
12 MENT PROVIDED, STATING AS FOLLOWS:

13 THIS IS A CERTIFIED COPY OF AN ORIGINAL BIRTH CERTIFICATE. THIS
14 ORIGINAL BIRTH CERTIFICATE HAS BEEN SUPERSEDED BY ANOTHER CERTIFICATE ON
15 FILE WITH THE APPROPRIATE GOVERNMENT AGENCY.

16 2. AT ANY TIME PRIOR TO JANUARY FIRST, TWO THOUSAND FIFTEEN, A PERSON
17 LISTED AS A BIRTH PARENT ON A CONFIDENTIAL LONG-FORM BIRTH CERTIFICATE
18 MAY, IN WRITING, CONFIRM THAT HE OR SHE WISHES TO MAINTAIN THE CONFIDEN-
19 TIALITY OF SUCH DOCUMENT. IF A WRITTEN CONFIRMATION AS DESCRIBED IN THIS
20 SUBDIVISION IS RECEIVED FROM SUCH A BIRTH PARENT BY THE DEPARTMENT ON OR
21 BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, THEN PARAGRAPH (A) OF SUBDI-
22 VISION ONE OF THIS SECTION SHALL NOT APPLY TO SUCH LONG-FORM BIRTH
23 CERTIFICATE PROVIDED, HOWEVER, THAT PARAGRAPH (A) OF SUBDIVISION ONE OF
24 THIS SECTION SHALL APPLY ON OR AFTER THAT DATE IF, AFTER SUCH CONFIRMA-
25 TION IS RECEIVED BY THE DEPARTMENT, SUCH BIRTH PARENT DIES OR THE

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

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1 CONFIRMATION IS WITHDRAWN BY SUCH BIRTH PARENT IN WRITING, AND NO OTHER
2 TIMELY CONFIRMATION REMAINS ON FILE WITH THE DEPARTMENT FROM A LIVING
3 BIRTH PARENT.

4 3. A PERSON EIGHTEEN YEARS OF AGE OR MORE WHO WAS BORN IN THIS STATE
5 AND THEN ADOPTED AND WHOSE LONG-FORM BIRTH CERTIFICATE WAS THEN SEALED
6 IN THIS STATE, MAY OBTAIN A CERTIFIED COPY OF HIS OR HER LONG-FORM BIRTH
7 CERTIFICATE, AS DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS
8 SECTION, UPON SUPPLYING PROOF THAT ALL BIRTH PARENTS LISTED ON SUCH
9 DOCUMENT HAVE DIED.

10 4. THE DEPARTMENT SHALL PROMULGATE AND MAKE PUBLICLY AVAILABLE FORMS
11 THAT A BIRTH PARENT MAY USE TO PROVIDE THE DEPARTMENT WITH A WRITTEN
12 CONFIRMATION OR WITHDRAWAL OF CONFIRMATION UNDER THIS SECTION, AND FOR
13 CONFIRMING THAT A PERSON WHO HAS MADE SUCH A WRITTEN CONFIRMATION OR
14 WITHDRAWAL IS, IN FACT, A PERSON IDENTIFIED ON THE BIRTH CERTIFICATE AS
15 A BIRTH PARENT, AND FOR CONFIRMING THE SUFFICIENCY OF PROOF OF THE DEATH
16 OF A PERSON LISTED ON A BIRTH CERTIFICATE AS A BIRTH PARENT.

17 5. (A) A BIRTH PARENT MAY AT ANY TIME REQUEST FROM THE DEPARTMENT A
18 CONTACT PREFERENCE FORM THAT SHALL ACCOMPANY A BIRTH CERTIFICATE ISSUED
19 UNDER THIS TITLE. THE CONTACT PREFERENCE FORM SHALL PROVIDE THE FOLLOW-
20 ING INFORMATION TO BE COMPLETED AT THE OPTION OF THE BIRTH PARENT:

21 (I) I WOULD LIKE TO BE CONTACTED.

22 (II) I WOULD PREFER TO BE CONTACTED ONLY THROUGH AN INTERMEDIARY.

23 (III) I HAVE COMPLETED A MEDICAL HISTORY FORM AND HAVE FILED IT WITH
24 THE DEPARTMENT.

25 (IV) PLEASE DO NOT CONTACT ME. IF I DECIDE LATER THAT I WOULD LIKE TO
26 BE CONTACTED, I WILL SUBMIT AN UPDATED CONTACT PREFERENCE FORM TO THE
27 DEPARTMENT.

28 (B) THE MEDICAL HISTORY FORM SHALL BE IN A FORM PRESCRIBED BY THE
29 DEPARTMENT AND SHALL BE SUPPLIED TO THE BIRTH PARENT UPON REQUEST OF A
30 CONTACT PREFERENCE FORM FROM THE DEPARTMENT. ONLY THOSE PERSONS WHO ARE
31 AUTHORIZED TO PROCESS APPLICATIONS MADE UNDER THIS TITLE MAY PROCESS
32 CONTACT PREFERENCE FORMS, MEDICAL HISTORY FORMS, AND CORRESPONDENCE AND
33 REQUESTS MADE PURSUANT TO THIS SECTION.

34 (C) THE MEDICAL HISTORY AND CONTACT PREFERENCE FORMS DESCRIBED IN THIS
35 SUBDIVISION ARE CONFIDENTIAL COMMUNICATIONS FROM THE BIRTH PARENT TO THE
36 PERSON NAMED ON THE CONFIDENTIAL LONG-FORM BIRTH CERTIFICATE AND SHALL
37 BE PLACED IN SEPARATE SEALED ENVELOPES UPON RECEIPT FROM THE BIRTH
38 PARENT. THE SEALED ENVELOPES SHALL BE MATCHED WITH AND PLACED IN THE
39 FILE CONTAINING THE CONFIDENTIAL ORIGINAL LONG-FORM BIRTH CERTIFICATE.
40 SUCH SEALED ENVELOPES CONTAINING THE CONTACT PREFERENCE FORM AND MEDICAL
41 HISTORY FORM SHALL BE RELEASED TO A PERSON AUTHORIZED TO RECEIVE A
42 CERTIFIED COPY OF HIS OR HER ORIGINAL LONG-FORM BIRTH CERTIFICATE PURSU-
43 ANT TO THIS SECTION.

44 (D) THE CONTACT PREFERENCE AND MEDICAL HISTORY FORMS DESCRIBED IN THIS
45 SUBDIVISION ARE PRIVATE COMMUNICATIONS FROM THE BIRTH PARENT TO THE
46 PERSON NAMED ON THE SEALED BIRTH CERTIFICATE AND NO COPIES OF SUCH FORMS
47 SHALL BE RETAINED BY THE DEPARTMENT. WHERE ONLY A MEDICAL HISTORY FORM
48 IS REQUESTED, THE CERTIFIED COPY OF THE LONG-FORM BIRTH CERTIFICATE AND
49 CONTACT PREFERENCE FORMS SHALL NOT BE PROVIDED, BUT MAY BE REQUESTED AND
50 PROVIDED AT A LATER DATE.

51 6. THE DEPARTMENT SHALL DEVELOP AN AFFIRMATIVE INFORMATION CAMPAIGN
52 AND WIDELY DISSEMINATE TO THE PUBLIC, THROUGH ITS WEBSITE, PUBLIC SERVICE
53 ANNOUNCEMENTS AND OTHER MEANS, IN MULTIPLE LANGUAGES AND THROUGH MULTI-
54 PLE OUTLETS, INFORMATION CONCERNING THE PROVISIONS OF THIS SECTION,
55 INCLUDING BUT NOT LIMITED TO THE MEANS BY WHICH A BIRTH PARENT MAY
56 CONFIRM THAT HE OR SHE WISHES TO MAINTAIN THE CONFIDENTIALITY OF A

1 LONG-FORM BIRTH CERTIFICATE HELD BY THE DEPARTMENT IN WHICH SUCH BIRTH
2 PARENT IS NAMED, AND BY WHICH SUCH BIRTH PARENT MAY WITHDRAW SUCH A
3 CONFIRMATION.

4 S 2. This act shall take effect on the first of January next succeed-
5 ing the date on which it shall have become a law, provided, however,
6 that, effective immediately, the commissioner of health is authorized to
7 promulgate such rules and regulations as may be necessary to carry out
8 the provisions of this act.