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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 327

January 26, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to adoption; requiring affidavit regarding disclosure of birth records;
1.3 requiring updated nonidentifying medical history; amending Minnesota Statutes
1.4 2008, section 259.89, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 259.89, subdivision 2, is amended to read:

1.7 Subd. 2. **Search.** Within six months after receiving notice of the request of the
1.8 adopted person, the commissioner of human services' agent or a licensed child-placing
1.9 agency shall make complete and reasonable efforts to notify each parent identified on the
1.10 original birth record of the adopted person. The commissioner, the commissioner's agents,
1.11 and licensed child-placing agencies may charge a reasonable fee to the adopted person
1.12 for the cost of making a search pursuant to this subdivision. Every licensed child-placing
1.13 agency in the state shall cooperate with the commissioner of human services in efforts to
1.14 notify an identified parent. All communications under this subdivision are confidential
1.15 pursuant to section 13.02, subdivision 3.

1.16 For purposes of this subdivision, "notify" means a personal and confidential contact
1.17 with the birth parents named on the original birth record of the adopted person. The
1.18 contact shall be by an employee or agent of the licensed child-placing agency which
1.19 processed the pertinent adoption or some other licensed child-placing agency designated
1.20 by the commissioner of human services when it is determined to be reasonable by the
1.21 commissioner; otherwise contact shall be by mail or telephone.

1.22 The employee or agent of the licensed child-placing agency shall inform the birth
1.23 parent that if the birth parent does not want the information on the original birth record
1.24 disclosed, then the birth parent must file an affidavit with the commissioner of health

2.1 within 30 days stating that the information on the birth record should not be disclosed. The
2.2 employee or agent of the licensed child-placing agency shall also inform the birth parent
2.3 of the requirement that the birth parent must complete an updated nonidentifying medical
2.4 history form and return it to the child-placing agency within 30 days if information on the
2.5 original birth record is not to be disclosed. The contact shall be evidenced by filing with
2.6 the commissioner of health an affidavit of notification executed by the person who notified
2.7 each parent certifying that each parent was given the following information:

2.8 (1) the nature of the information requested by the adopted person;

2.9 (2) the date of the request of the adopted person; and

2.10 (3) ~~the right of~~ requirement that the parent to must file, within 30 days of receipt of
2.11 the notice, an affidavit with the commissioner of health stating that the information on the
2.12 original birth record should not be disclosed;

2.13 ~~(4) the right of the parent to file a consent to disclosure with the commissioner~~
2.14 ~~of health at any time; and~~

2.15 ~~(5) the effect of a failure of the parent to file either a consent to disclosure or an~~
2.16 ~~affidavit stating that the information on the original birth record should not be disclosed.~~