

## CHAPTER 88—S.F.No. 1106

*An act relating to adoption; changing the minimum age at which an adopted person may request original birth certificate information; changing time periods during which birth parents may consent to disclosure; authorizing disclosure of information on the consenting parent when only one birth parent consents; amending Minnesota Statutes 1988, section 259.49, subdivisions 1, 2, and 4.*

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

Section 1. Minnesota Statutes 1988, section 259.49, subdivision 1, is amended to read:

Subdivision 1. **REQUEST.** An adopted person who is ~~21~~ 19 years of age or over may request the commissioner of health to disclose the information on the adopted person's original birth certificate. The commissioner of health shall, within five days of receipt of the request, notify the commissioner of human services in writing of the request by the adopted person.

Sec. 2. Minnesota Statutes 1988, section 259.49, subdivision 2, is amended to read:

Subd. 2. **SEARCH.** Within six months after receiving notice of the request of the adopted person, the commissioner of human services shall make complete and reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The commissioner may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child placing agency in the state shall cooperate with the commissioner of human services in efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 13.02, subdivision 3.

For purposes of this subdivision, "notify" means a personal and confidential contact with the genetic parents named on the original birth certificate of the adopted person. The contact shall not be by mail and shall be by an employee or agent of the licensed child placing agency which processed the pertinent adoption or some other licensed child placing agency designated by the commissioner of human services. The contact shall be evidenced by filing with the commissioner of health an affidavit of notification executed by the person who notified each parent certifying that each parent was given the following information:

- (a) The nature of the information requested by the adopted person;
- (b) The date of the request of the adopted person;
- (c) The right of the parent to file, within ~~120~~ 30 days of receipt of the notice, an affidavit with the commissioner of health stating that the information on the original birth certificate should not be disclosed;

New language is indicated by underline, deletions by ~~strikeout~~.

(d) The right of the parent to file a consent to disclosure with the commissioner of health at any time; and

(e) The effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate should not be disclosed.

Sec. 3. Minnesota Statutes 1988, section 259.49, subdivision 4, is amended to read:

Subd. 4. **RELEASE OF INFORMATION AFTER NOTICE.** If, within six months, the commissioner of human services certifies to the commissioner of health notification of each parent identified on the original birth certificate pursuant to subdivision 2, the commissioner of health shall disclose the information requested by the adopted person ~~424~~ 31 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the ~~424~~ 31 days both of the parents identified on the original birth certificate have filed a consent to disclosure with the commissioner of health and neither consent to disclosure has been revoked by the subsequent filing by a parent of an affidavit stating that the information should not be disclosed. If only one parent has filed a consent to disclosure and the consent has not been revoked, the commissioner of health shall disclose, to the adopted person, original birth certificate information on the consenting parent only.

Presented to the governor May 5, 1989

Signed by the governor May 9, 1989, 11:42 a.m.

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## CHAPTER 89—S.F.No. 787

*An act relating to human services; establishing reporting requirements; defining the functions and responsibilities of the commissioner in supervising community social services administered by the counties; requiring the commissioner of human services to ensure compliance with applicable program laws and regulations; implementing corrective action plans; providing sanctions and establishing an incentive program; amending Minnesota Statutes 1988, sections 245.482; 245.716; 245.73, subdivision 4; 252.275, subdivision 7; 256.01, subdivision 2; 256.72; 256.736, subdivision 15; 256.871, subdivision 6; 256.935, subdivision 1; 256B.05, subdivision 1; 256B.20; 256D.04; 256D.39; 256E.05, subdivision 3, and by adding subdivisions; 256E.08, subdivisions 1 and 8; 256E.12, subdivision 3; 256F.06, subdivision 4; 256H.09, subdivision 1; and 257.3575, subdivision 2.*

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

Section 1. Minnesota Statutes 1988, section 245.482, is amended to read:

245.482 **REPORTING AND EVALUATION.**

New language is indicated by underline, deletions by ~~strikeout~~.