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SENATE BILL NO. 267—COMMITTEE ON JUDICIARY

MARCH 12, 2003

Referred to Committee on Judiciary

SUMMARY—Allows adoptee who is 18 years of age or older to access files and records of proceedings concerning his adoption or birth and eliminates State Register for Adoptions. (BDR 11-1066)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to adoption; allowing an adoptee who is 18 years of age or older to access the files and records concerning his adoption or birth; eliminating the State Register for Adoptions; and providing other matters properly relating thereto.

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

- 1-1 **Section 1.** NRS 127.140 is hereby amended to read as follows:
1-2 127.140 1. All hearings held in proceedings under this
1-3 chapter are confidential and must be held in closed court, without
1-4 admittance of any person other than the petitioners, their
witnesses,
1-5 the director of an agency, or their authorized representatives,
1-6 attorneys and persons entitled to notice by this chapter, except by
1-7 order of the court.
1-8 2. The files and records of the court in adoption proceedings
1-9 are not open to inspection by any person *and copies may not be
issued to any person* except upon ~~an~~ :
1-10 (a) *The request of the person who was the subject of the*

1-11 *adoption proceedings, if the person is 18 years of age or older;*
1-12 *or*

1-12 (b) *An order of the court expressly [sø] permitting such an*
1-13 *inspection, pursuant to a petition setting forth the reasons*
1-14 *[therefor*

1-14 ~~*or if a natural parent and the child are eligible to receive*~~
1-15 ~~*information*~~

1-15 ~~*from the State Register of Adoptions.] for the inspection.*~~

2-1 **Sec. 2.** NRS 440.170 is hereby amended to read as follows:

2-2 440.170 1. All certificates in the custody of the State
2-3 Registrar are open to inspection subject to the provisions of this
2-4 chapter. It is unlawful for any employee of the State to disclose
2-5 data
2-6 contained in vital statistics, except as authorized by this chapter
2-7 or
2-8 by the Board.

2-9 2. Information in vital statistics indicating that a birth occurred
2-10 out of wedlock must not be disclosed *or copies issued* except
2-11 upon :

2-12 (a) *The request of the person whose birth is recorded, if that*
2-13 *person is 18 years of age or older; or*

2-14 (b) *An order of a court of competent jurisdiction.*

2-15 3. The Board:

2-16 (a) Shall allow the use of data contained in vital statistics to
2-17 carry out the provisions of NRS 442.300 to 442.330, inclusive;
2-18 and

2-19 (b) May allow the use of data contained in vital statistics for
2-20 other research purposes, but without identifying the persons to
2-21 whom the records relate.

2-22 **Sec. 3.** NRS 440.280 is hereby amended to read as follows:

2-23 440.280 1. If a birth occurs in a hospital or the mother and
2-24 child are immediately transported to a hospital, the person in
2-25 charge

2-26 of the hospital or his designated representative shall obtain the
2-27 necessary information, prepare a birth certificate, secure the
2-28 signatures required by the certificate and file it within 10 days
2-29 with

2-30 the health officer of the registration district where the birth
2-31 occurred.

2-32 The physician in attendance shall provide the medical
2-33 information

2-34 required by the certificate and certify to the fact of birth within

2-35 72

2-27 hours after the birth. If the physician does not certify to the fact
of
2-28 birth within the required 72 hours, the person in charge of the
2-29 hospital or his designated representative shall complete and sign
the
2-30 certification.

2-31 2. If a birth occurs outside a hospital and the mother and
child

2-32 are not immediately transported to a hospital, the birth certificate
2-33 must be prepared and filed by one of the following persons in
the

2-34 following order of priority:

2-35 (a) The physician in attendance at or immediately after the
birth.

2-36 (b) Any other person in attendance at or immediately after the
2-37 birth.

2-38 (c) The father, mother or, if the father is absent and the
mother is
2-39 incapacitated, the person in charge of the premises where the
birth
2-40 occurred.

2-41 3. If a birth occurs in a moving conveyance, the place of birth
2-42 is the place where the child is removed from the conveyance.

2-43 4. In cities, the certificate of birth must be filed sooner than
10

2-44 days after the birth if so required by municipal ordinance or
2-45 regulation.

3-1 5. If the mother was:

3-2 (a) Married at the time of birth, the name of her husband must
3-3 be entered on the certificate as the father of the child unless:

3-4 (1) A court has issued an order establishing that a person
3-5 other than the mother's husband is the father of the child; or

3-6 (2) The mother and a person other than the mother's husband
3-7 have signed an affidavit for the voluntary acknowledgment of
3-8 paternity developed by the Board pursuant to NRS 440.283.

3-9 (b) Widowed at the time of birth but married at the time of
3-10 conception, the name of her husband at the time of conception
must

3-11 be entered on the certificate as the father of the child unless:

3-12 (1) A court has issued an order establishing that a person
3-13 other than the mother's husband at the time of conception is the
3-14 father of the child; or

3-15 (2) The mother and a person other than the mother's
husband

3-16 at the time of conception have signed an affidavit for the
voluntary

3-17 acknowledgment of paternity developed by the Board pursuant
to

3-18 NRS 440.283.

3-19 6. If the mother was unmarried at the time of birth, the name
of

3-20 the father may be entered on the original certificate of birth only
if:

3-21 (a) The provisions of paragraph (b) of subsection 5 are
3-22 applicable;

3-23 (b) A court has issued an order establishing that the person is
the

3-24 father of the child; or

3-25 (c) The mother and father of the child have signed an affidavit
3-26 for the voluntary acknowledgment of paternity developed by the

3-27 Board pursuant to NRS 440.283. If both the father and mother

3-28 execute an affidavit consenting to the use of the surname of the

3-29 father as the surname of the child, the name of the father must be
3-30 entered on the original certificate of birth and the surname of the
3-31 father must be entered thereon as the surname of the child.

3-32 7. An order entered or an affidavit executed pursuant to
3-33 subsection 6 must be submitted to the local health officer, his
3-34 authorized representative, or the attending physician or midwife
3-35 before a proper certificate of birth is forwarded to the State
3-36 Registrar. The order or affidavit must then be delivered to the
State

3-37 Registrar for filing. The State Registrar's file of orders and
3-38 affidavits must be sealed and *the contents* of the file may be
3-39 examined *and copies issued* only upon order of a court of
competent jurisdiction or at

3-40 the request of the father or mother, *the person whose birth is*
3-41 *recorded, if the person is 18 years of age or older*, or the
Welfare

3-42 Division of the Department of Human Resources as necessary to
3-43 carry out the provisions of 42 U.S.C. § 654a. The local health
3-44 officer shall complete the original certificate of birth in
accordance

3-45 with subsection 6 and other provisions of this chapter.

4-1 8. As used in this section, "court" has the meaning ascribed to
4-2 it in NRS 125B.004.

4-3 **Sec. 4.** NRS 440.310 is hereby amended to read as follows:

4-4 440.310 1. Whenever the State Registrar receives a certified
4-5 report of adoption or amendment of adoption filed in accordance
4-6 with the provisions of NRS 127.157 or the laws of another state
or

4-7 foreign country, or a certified copy of the adoption decree,
4-8 concerning a person born in Nevada, the State Registrar shall
4-9 prepare and file a supplementary certificate of birth in the new
name
4-10 of the adopted person which shows the adoptive parents as the
4-11 parents and seal and file the report or decree and the original
4-12 certificate of birth.

4-13 2. Whenever the State Registrar receives a certified report of
4-14 adoption, amendment or annulment of an order or decree of
4-15 adoption from a court concerning a person born in another state,
the

4-16 District of Columbia, the Commonwealth of Puerto Rico, a
territory

4-17 or possession of the United States, or Canada, the report must be
4-18 forwarded to the office responsible for vital statistics in the
person's

4-19 place of birth.

4-20 3. Whenever the State Registrar receives a certified report of
4-21 adoption or amendment of adoption filed in accordance with the
4-22 provisions of NRS 127.157 concerning a person born in a
foreign

4-23 country other than Canada, the State Registrar shall, if he
receives

4-24 evidence that:

4-25 (a) The person being adopted is a citizen of the United States;

4-26 and

4-27 (b) The adoptive parents are residents of Nevada,

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4-28 prepare and file a supplementary certificate of birth as described
in

4-29 subsection 1 and seal and file the report.

4-30 4. Sealed documents may be opened *and copies issued* only
upon ~~{an}~~ :

4-31 (a) *The request of the person who was the subject of the*
4-32 *adoption, if the person is 18 years of age or older; or*

4-33 (b) *An order of the court issuing the adoption decree,*
expressly

4-34 ~~{so permitting,}~~ *permitting opening of the sealed documents,*

4-35 pursuant to a petition setting forth the reasons ~~{therefor.}~~ *for*

4-36 *opening of the sealed documents.*

4-37 5. Except as otherwise provided in subsection 2, upon the
4-38 receipt of a certified copy of a court order of annulment of
adoption,

4-39 the State Registrar shall seal and file the order and
supplementary

4-40 certificate of birth and, if the person was born in Nevada, restore
the

4-41 original certificate to its original place in the files.

*6. Notwithstanding Subsection 4, upon receipt of
a written and notarized application to the State Registrar, any
adopted person 18 years of age or older shall be issued a certified
copy of his or her unaltered, original, unamended, unredacted
certificate of birth, marked "Not to be Used for Identification
Purposes" and any other documents pertaining to the birth and
adoption in the adopted person's file(s) in the custody of the State
Registrar, including an unredacted copy of the adoption decree.*

4-42 **Sec. 5.** NRS 440.325 is hereby amended to read as follows:
4-43 440.325 1. In the case of the paternity of a child being
4-44 established by the:

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5-1 (a) Mother and father acknowledging paternity of a child by
5-2 signing an affidavit for the voluntary acknowledgment of
paternity

5-3 developed by the Board pursuant to NRS 440.283; or

5-4 (b) Order of a district court,

5-5 the State Registrar, upon the receipt of the affidavit or court
order,

5-6 shall prepare a new certificate of birth in the name of the child as
5-7 shown in the affidavit or order with no reference to the fact of
5-8 legitimation.

5-9 2. The new certificate must be identical with the certificate
5-10 registered for the birth of a child born in wedlock.

5-11 3. Except as otherwise provided in subsection 4, the evidence
5-12 upon which the new certificate was made and the original
certificate

5-13 must be sealed and filed and may be opened *and a copy issued*
only upon ~~the~~ :

5-14 (a) *The request of the person whose birth the certificate*
5-15 *records, if the person is 18 years of age or older; or*

5-16 (b) *An order of a court of competent jurisdiction.*

5-17 4. The State Registrar shall, upon the request of the Welfare
5-18 Division of the Department of Human Resources, open a file
that

5-19 has been sealed pursuant to subsection 3 to allow the Division to
5-20 compare the information contained in the affidavit or order upon
5-21 which the new certificate was made with the information
maintained

5-22 pursuant to 42 U.S.C. § 654a.

*5. Notwithstanding Subsection 4, upon receipt of
a written and notarized application to the State Registrar, any
legitimated person 18 years of age or older shall be issued a
certified copy of his or her unaltered, original, unamended,
unredacted certificate of birth, marked "Not to be Used for
Identification Purposes" and any other documents pertaining to*

the legitimation in said person's file(s) in the custody of the State Registrar.

5-23 **Sec. 6.** NRS 440.330 is hereby amended to read as follows:

5-24 440.330 1. Whoever assumes the custody of a living child of
5-25 unknown parentage shall immediately report, on a form to be
5-26 approved by the Board, to the local registrar of the registration
5-27 district in which such custody is assumed, the following:

5-28 (a) Date of finding or assumption of custody.

5-29 (b) Place of finding or assumption of custody.

5-30 (c) Sex.

5-31 (d) Color or race.

5-32 (e) Approximate age.

5-33 (f) Name and address of the person or institution with whom
the

5-34 child has been placed for care, if any.

5-35 (g) Name given to the child by the finder or custodian.

5-36 2. The place where the child was found or where custody has
5-37 been assumed shall be known as the place of birth, and the date
of

5-38 birth shall be determined by approximation.

5-39 3. The foundling report shall constitute the certificate of birth
5-40 for such foundling child, and the provisions of this chapter
relating

5-41 to certificates of birth shall apply in the same manner and with
the

5-42 same effect to such report.

5-43 4. If a foundling child shall later be identified and a regular
5-44 certificate of birth be found or obtained, the report constituting
the

6-1 certificate of birth shall be sealed and filed and may be opened
and a copy issued only

6-2 upon~~the~~ :

6-3 (a) *The request of the person whose birth the certificate*
6-4 *records, if the person is 18 years of age or older; or*

6-5 (b) *An order of a court of competent jurisdiction.*

Notwithstanding Subsection 4, upon receipt of a written and notarized application to the State Registrar, any foundling 18 years of age or older shall be issued a certified copy of his or her unaltered, original, unamended, unredacted certificate of birth, marked "Not to be Used for Identification Purposes" and any other documents pertaining to the foundling report in said person's file(s) in the custody of the State Registrar, including an unredacted copy of the adoption decree.

Sec 7. NRS 440.700 Fees for services and copies of certificates; certificates available without fee.

1. The state registrar shall charge and collect the following fees:

For searching the files for one name, if no copy is made.....	
\$8	
For verifying a vital record.....	8
For establishing and filing a record of paternity (other than a hospital-based paternity), and providing a certified copy of the new record.....	20
For a certified copy of a record of birth.....	11
For a certified copy of a record of death.....	8
For correcting a record on file with the state registrar and providing a certified copy of the corrected record.....	20
For replacing a record on file with the state registrar and providing a certified copy of the new record.....	20
For filing a delayed certificate of birth and providing a certified copy of the certificate	20
For the services of a notary public, provided by the state registrar.....	2

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For an index of records of marriage provided on microfiche to a person other than a county recorder of a county of this state..... 200

For an index of records of divorce provided on microfiche to a person other than a county recorder of a county in this state..... 100

For compiling data files which require specific changes in computer programming 200

For Unsealing and Copying of Scaled Files.....20

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the children's trust account.

3. Upon the request of any parent or guardian, the state registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

4. The United States Bureau of the Census may obtain, without expense to the state, transcripts or certified copies of births and deaths without payment of a fee.

6-6 **Sec. 7.** NRS 127.007 is hereby repealed.
(Change this to Sec 8.)

6-7 **TEXT OF REPEALED SECTION**

6-8 **127.007 State Register for Adoptions: Establishment;**
 6-9 **contents; release of information.**

6-10 1. The Division shall maintain the State Register for
 6-11 Adoptions, which is hereby established, in its central office to
 6-12 provide information to identify adults who were adopted and
 6-13 persons related to them within the third degree of
 consanguinity.

6-14 2. The State Register for Adoptions consists of:

6-15 (a) Names and other information, which the Administrator of
 the

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6-16 Division deems to be necessary for the operation of the
6-17 Register,

6-17 relating to persons who have released a child for adoption or
6-18 have

6-18 consented to the adoption of a child, or whose parental rights
6-19 have

6-19 been terminated by a court of competent jurisdiction, and who

6-20 have submitted the information voluntarily to the Division;

6-21 (b) Names and other necessary information of persons who
6-22 are

6-22 18 years of age or older, who were adopted and who have

6-23 submitted the information voluntarily to the Division; and

6-24 (c) Names and other necessary information of persons who
6-25 are

6-25 related within the third degree of consanguinity to adopted
6-26 persons,

6-26 and who have submitted the information voluntarily to the

6-27 Division.

6-28 Any person whose name appears in the Register may withdraw
6-29 it by

6-29 requesting in writing that it be withdrawn. The Division shall

6-30 immediately withdraw a name upon receiving a request to do
6-31 so,

6-31 and may not thereafter release any information to identify that

6-32 person, including the information that such a name was ever in
6-33 the

6-33 Register.

6-34 3. Except as otherwise provided in subsection 4, the Division

6-35 may release information:

6-36 (a) About a person related within the third degree of

6-37 consanguinity to an adopted person; or

6-38 (b) About an adopted person to a person related within the
6-39 third

6-39 degree of consanguinity,

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⁷⁻¹ if the names and information about both persons are contained in
the

⁷⁻² Register and written consent for the release of such information
is

⁷⁻³ given by the natural parent.

⁷⁻⁴ 4. An adopted person may, by submitting a written request to
⁷⁻⁵ the Division, restrict the release of any information concerning
⁷⁻⁶ himself to one or more categories of relatives within the third
⁷⁻⁷ degree of consanguinity.

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