

## Chapter 109 of the Acts of 2007

### AN ACT FURTHER REGULATING ACCESS TO BIRTH CERTIFICATES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subclause:-

(q) Adoption contact information and indices therefore of the adoption contact registry established by section 31 of chapter 46.

**SECTION 2.** Chapter 46 of the General Laws is hereby amended by inserting after section 2A the following 2 sections:-

Section 2B. Upon written application, which shall include proof of identity and payment of applicable fees, by an adopted person 18 years of age or older who was born in the commonwealth on or before July 17, 1974 or on or after January 1, 2008 or by an adoptive parent of an adopted person under 18 years of age and born in the commonwealth on or after January 1, 2008, the state registrar shall:-

(a) make available for inspection at the offices of the state registry the birth certificate prior to adoption which indicated the prior legal parent or parents listed on the initial birth certificate or if there has been more than 1 adoption, the birth certificate prior to the first adoption which indicates the parent or parents listed on the birth certificate prior to adoption.

(b) send by certified mail return receipt to the adopted person age 18 or older or to the parents of an adopted person under 18 years of age a photocopy of the contents of the birth record with the following notation on it: "The contents of this birth record are being released under section 2B of chapter 46 of the Massachusetts General Laws or under a court order. This record was amended by adoption. This is not a certified copy of a birth record."

Section 2C. If an adopted person is deceased, his child, if 18 years or older, or such child's parent or guardian if such child is less than 18 years of age, shall be eligible to apply for the information his adopted parent would have access to under section 2B and to participate in the adoption contact information registry pursuant to section 31.

**SECTION 3.** Paragraph (h) of section 13 of said chapter 46, as appearing in the 2006 Official Edition, is hereby amended by striking out the eleventh sentence and inserting in place thereof the following 2 sentences:-

If the original record has been amended following adoption in accordance with this section, the clerk or state registrar shall issue information contained in the original record only upon receipt of an order of the probate court for the county in which said adoption was granted or in accordance with section 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate court for the county in which said birth occurred or in accordance with said section 2B, instructing said clerk or state registrar to release the information contained in such original record. Evidence contained in the adoption record of a parent's willingness to provide information about her identity to the adopted person shall, except in extraordinary circumstances, be considered sufficient evidence to warrant the granting of an order for release of the information contained in the birth certificate registered prior to adoption.

**SECTION 4.** Said chapter 46 is hereby further amended by adding the following section:-

Section 31. The registry of vital records and statistics, subject to appropriation, shall establish and maintain an adoption contact information registry for the purpose of connecting parents listed on the initial birth certificate or any of their children who were adopted by others. The adoption contact registry shall, at minimum, be capable of recording updated address and other information supplied by parents and adoptees needed for one to contact the other.

Registration shall be entirely voluntary and participation may at any time be terminated through proper notification to the registry.

The commonwealth shall make reasonable efforts to inform the public about the existence of this registry.

Approved September 6, 2007.

**Return to:**  
List of Laws passed in 2007 Session  
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Commonwealth of Massachusetts home page.

**Senate, No. 63****Presented by: Senator Frederick E. Berry**

Petition of Frederick E. Berry, Karen E. Spilka and John A. Lepper for legislation to further regulate access to birth certificates.

01/11/07 S Referred to the committee on Children, Families and Persons with Disabilities  
 01/11/07 H House concurred  
 Public Hearing date Mar 21 am at 10:30 in Room A-2  
 03/29/07 S Bill reported favorably by committee and referred to the committee on Senate Ways and Means -SJ 134  
 04/30/07 S Committee recommended ought to pass with an amendment  
 04/30/07 S Rules suspended  
 04/30/07 S Read second, amended (as recommended by the committee on Ways and Means) and ordered to a third reading -SJ 191  
 05/01/07 S Read third and passed to be engrossed -SJ 195  
 05/03/07 H Read; and referred to the committee on House Ways and Means -HJs 367-368  
 07/30/07 H Committee recommended ought to pass and referred to the committee on House Steering, Policy and Scheduling -HJ 580  
 07/31/07 H Committee reported that the matter be placed in the Orders of the Day for the next sitting  
 07/31/07 H Rules suspended  
 07/31/07 H Read second and ordered to a third reading -HJ 584  
 08/16/07 H Read third  
 08/16/07 H Bills in the Third Reading report accepted  
 08/16/07 H Passed to be engrossed -HJ 609  
 08/20/07 H Motion to reconsider  
 08/20/07 H Placed in the Orders of the Day for the next session -HJ 612  
 08/27/07 H Motion to reconsider prevailed  
 08/27/07 H Amendment adopted  
 08/27/07 H Passed to be engrossed -HJ 622  
 08/30/07 S Rules suspended  
 08/30/07 S Senate concurred in the House amendment with a further amendment -SJs 703-704  
 08/30/07 H Rules suspended  
 08/30/07 H House concurred (in part) in the Senate further amendment  
 08/30/07 H House receded (in part) from its amendment (stricken by further amendment by the Senate) - HJs 625-626  
 08/30/07 H Enacted -HJ 627  
 08/30/07 S Enacted and laid before the Governor -SJ 704  
 09/06/07 G Signed by the Governor, Chapter 109 of the Acts of 2007

Return to:  
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Commonwealth of Massachusetts home page.