**South Carolina General Assembly**

122nd Session, 2017-2018

**A241, R241, H3775**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Knight, Delleney, Cobb‑Hunter, Felder, J.E. Smith, Simrill, Douglas, West, Wheeler, Thigpen, Williams, McEachern, Johnson, Pitts, Ridgeway, Rutherford, Henegan, Collins, Brawley and King

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Introduced in the House on February 16, 2017

Introduced in the Senate on April 9, 2018

Last Amended on May 9, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 17, 2018, Signed

Summary: Birth certificates of adopted children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/16/2017 House Introduced and read first time ([House Journal‑page 12](file:///h:\hj\20170216.docx))

2/16/2017 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 12](file:///h:\hj\20170216.docx))

2/22/2017 House Member(s) request name added as sponsor: Henegan

3/2/2017 House Member(s) request name added as sponsor: Collins

4/3/2018 House Member(s) request name added as sponsor: Brawley, King

4/3/2018 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 60](file:///h:\hj\20180403.docx))

4/5/2018 House Debate interrupted ([House Journal‑page 27](file:///h:\hj\20180405.docx))

4/5/2018 House Amended ([House Journal‑page 15](file:///h:\hj\20180405.docx))

4/5/2018 House Read second time ([House Journal‑page 15](file:///h:\hj\20180405.docx))

4/5/2018 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 18](file:///h:\hj\20180405.docx))

4/5/2018 House Unanimous consent for third reading on next legislative day ([House Journal‑page 20](file:///h:\hj\20180405.docx))

4/6/2018 House Read third time and sent to Senate ([House Journal‑page 2](file:///h:\hj\20180406.docx))

4/6/2018 Scrivener's error corrected

4/9/2018 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20180409.docx))

4/9/2018 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 8](file:///h:\sj\20180409.docx))

5/3/2018 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 4](file:///h:\sj\20180503.docx))

5/9/2018 Senate Amended ([Senate Journal‑page 102](file:///h:\sj\20180509.docx))

5/9/2018 Senate Read second time ([Senate Journal‑page 102](file:///h:\sj\20180509.docx))

5/9/2018 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 102](file:///h:\sj\20180509.docx))

5/10/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 153](file:///h:\sj\20180510.docx))

5/10/2018 House Concurred in Senate amendment and enrolled ([House Journal‑page 111](file:///h:\hj\20180510.docx))

5/10/2018 House Roll call Yeas‑88 Nays‑0 ([House Journal‑page 111](file:///h:\hj\20180510.docx))

5/14/2018 Ratified R 241

5/17/2018 Signed By Governor

5/30/2018 Effective date 07/01/19

5/31/2018 Act No. 241

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**VERSIONS OF THIS BILL**

[2/16/2017](file:///p:\pprever\2017-18\3775_20170216.docx)

[4/3/2018](file:///p:\pprever\2017-18\3775_20180403.docx)

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[5/9/2018](file:///p:\pprever\2017-18\3775_20180509.docx)

(A241, R241, H3775)

**AN ACT** **TO AMEND SECTION 44‑63‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS, SO AS TO ALLOW AN ADULT ADOPTEE EIGHTEEN YEARS OF AGE OR OLDER TO OBTAIN A COPY OF THE ADOPTEE’S OWN ORIGINAL BIRTH CERTIFICATE IN CERTAIN CIRCUMSTANCES, TO ALLOW A BIOLOGICAL PARENT TO EXECUTE A CONTACT PREFERENCE FORM AND A MEDICAL HISTORY FORM TO BE PROVIDED TO THE ADULT ADOPTEE UPON REQUEST, AND FOR OTHER PURPOSES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Adult adoptee access to original birth certificate and other information**

SECTION 1. Section 44‑63‑140(1) of the 1976 Code is amended to read:

“(1)(a) For a person born in this State, the state registrar shall prepare a supplementary Certificate of Birth in the name of the adoptee, free of any reference to or indication of the fact that the child was adopted and showing the adoptive parents as the parents, except that an adoption of an adult must display the words ‘By Adoption’ on the face of the amended certificate.

(b) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction. However, a person eighteen years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption may, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record if the biological parent has completed a form consenting to the release of the original birth certificate. The form also must allow for the biological parent to indicate contact preference and to consent to release of medical history pursuant to item (1)(c). The copy of the original birth certificate must be in a form that clearly indicates it is not a certified copy and that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to nonadopted citizens born in the State of South Carolina seeking copies of certificates of birth apply.

(c) The department shall develop a contact preference form and a medical history form to provide to a biological parent upon request to be completed at his option. Upon completion, a contact preference form and a medical history form must be filed with the state registrar and accompany an original sealed birth certificate issued to an adoptee pursuant to subitem (b).

(d) The contact preference form must allow the biological parent to indicate whether he has completed or updated a medical history form and must allow the biological parent to choose one of the following contact options and provide contact information as appropriate:

(1) I would like to be contacted.

(2) I would prefer to be contacted only through an intermediary.

(3) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.

Only department staff authorized to process applications made pursuant to subitem (b) may process contact preference and medical history forms.

(e) The medical history form and contact preference form are confidential communications from the biological parent to the person named on the sealed birth certificate and must be placed in a sealed file upon receipt from the biological parent in the file containing the sealed original birth certificate. The sealed file containing the contact preference form and medical history form must be released to an adoptee requesting the adoptee’s own original birth certificate pursuant to subitem (b). The contact preference form and medical history form are private communications from the biological parent to the adoptee named on the sealed birth certificate, and the state registrar shall retain a copy of the forms upon release to the adoptee.”

**Time effective**

SECTION 2. This act takes effect July 1, 2019, and applies only to adoptions finalized after that date.

Ratified the 14th day of May, 2018.

Approved the 17th day of May, 2018.

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