~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 30, 2022

**H. 5000**

Introduced by Reps. Matthews, Caskey, Wooten and May

S. Printed 3/30/22--H.

Read the first time February 22, 2022.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 5000) to amend Section 44‑63‑140, as amended, Code of Laws of South Carolina, 1976, relating in part to the right of adult adopted persons to access, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 44‑63‑140(1)(b), of the 1976 Code, as last amended by Act 241 of 2018, is further amended to read:

“(b)(i) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction or as provided in this subitem. ~~However,~~

(ii) 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, regardless of the date on which the adoption was finalized, if:

(A) ~~the~~ a biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or

(B) the adoptee brings to the department a certification from the department or an office of vital records in another jurisdiction certifying that a biological parent is deceased.

This provision allows adoptees who have reached the age of eighteen to access a copy of their original birth certificate and accompanying evidence of adoption with the consent of a biological parent, or if a biological parent is deceased, and applies retroactively, regardless of the date on which the adoption was finalized.

(iii) The form referenced in subitem (b)(ii) also must allow for ~~the~~ a 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.

(iv) Whenever an adoptee who has reached the age of eighteen applies for a copy of his original birth certificate and accompanying evidence of adoption, the department shall redact from the copy all information as to any biological parent that has not given consent in accordance with this section, unless certified as deceased.”

SECTION 2. This act takes effect twelve months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND SECTION 44‑63‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF ADULT ADOPTED PERSONS TO ACCESS THEIR ORIGINAL BIRTH CERTIFICATES IN CERTAIN CIRCUMSTANCES, SO AS TO APPLY RETROACTIVELY.

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

SECTION 1. Section 44‑63‑140(1)(b), of the 1976 Code, as last amended by Act 241 of 2018, is further amended to read:

“(b)(i) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction or as provided in this subitem. ~~However,~~

(ii) 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, regardless of the date on which the adoption was finalized, if:

(A) the biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or

(B) the department or an office of vital records in another jurisdiction certifies that the biological parent is deceased.

This provision allows adult adopted persons to access a copy of their original birth certificate and accompanying evidence of adoption with the consent of the biological parent, or if the biological parent is deceased, and applies retroactively, regardless of the date on which the adoption was finalized.

(iii) The form referenced in subitem (b)(ii) 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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