

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

388R0666

HOUSE BILL NO. 1223

Introduced by: Representatives Bolin, Burg, Dennert, Engels, Feickert, Feinstein, Frerichs, Hunhoff (Bernie), Hunt, Iron Cloud III, Kirschman, Krebs, Lange, Lederman, Schlekeway, Schrempp, Solberg, Sorenson, Street, and Thompson and Senators Merchant, Jerstad, Kloucek, Maher, Nesselhuf, and Peterson

1 FOR AN ACT ENTITLED, An Act to provide procedures by which adopted persons may obtain
2 their original birth certificates and the contact preference of birth parents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-25-16.4 be amended to read as follows:

5 34-25-16.4. When a new certificate of birth is established pursuant to §§ 34-25-15 to 34-25-
6 16.2, inclusive, the original certificate of birth together with the adoption information or other
7 evidence upon which a new certificate is made shall be sealed, filed, and may be opened only
8 upon order of a court of competent jurisdiction, or by the secretary of health for purposes of
9 properly administering the vital registration system or for purposes of complying with section
10 2 of this Act.

11 Section 2. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any adopted person who is at least eighteen years of age and who was born in this state,
14 such adopted person's attorney, or if such adopted person is deceased, any descendant of such



1 adopted person may obtain a copy of that person's original certificate of birth from the
2 Department of Health. The adopted person shall file a written application with, and provide
3 appropriate proof of identification to, the department. Upon receipt of the written application
4 and proof of identification, the department shall issue a noncertified copy of the unaltered
5 original certificate of birth to the applicant. The department may charge the same fee as
6 provided pursuant to § 34-25-52.

7 Section 3. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The Department of Health shall develop a contact preference form on which a birth parent
10 may state a preference regarding contact by an adopted person. The form shall contain the
11 following statements from which the birth parent may choose only one:

- 12 (1) "I would like to be contacted. I have completed this contact preference form and am
13 filing it with the Department of Health."
- 14 (2) "I would prefer to be contacted only through an intermediary. I have completed this
15 contact preference form and am filing it with the Department of Health."
- 16 (3) "Do not contact me. I may change this preference by filling out another contact
17 preference form. I have completed this contact preference form and am filing it with
18 the Department of Health."

19 Upon receipt of a completed contact preference form, the Department of Health shall attach
20 the completed form to the original birth certificate of the adopted person. A completed contact
21 preference form has the same level of confidentiality as the original birth certificate. The
22 Department of Health shall promulgate rules, pursuant to chapter 1-26, for the administration
23 of this section.