



Ohio Legislative Service Commission

Justin Pinsker and other LSC staff

Fiscal Note & Local Impact Statement

Bill: [Sub. S.B. 23 of the 130th G.A.](#)

Date: December 6, 2013

Status: As Passed by the Senate

Sponsor: Sens. Beagle and Burke

Local Impact Statement Procedure Required: No

Contents: Access to adoption records

State Fiscal Highlights

- The bill makes changes to the laws governing access to adoption records. As a result of these changes, the Ohio Department of Health (ODH) could experience an increase in costs and a potential gain in fee revenue. According to ODH, depending on the number of adoption record requests received due to the bill, an additional staff person may be needed to help process these requests.
- The bill requires that the Ohio Department of Job and Family Services (ODJFS) prescribe a biological parent's name redaction request form. As a result, there would be an increase in administrative costs to ODJFS to develop the form.
- The bill requires that ODH place information about the biological parent's name redaction request form on its website. Thus, there would be an increase in administrative costs to ODH to make these modifications to its website.
- The bill requires that ODH make a biological parent's name redaction request form available to a biological parent upon request for a one-year period. Furthermore, the bill prescribes the process for removal of a redaction request form from the adopted person's adoption file, as well as the form's destruction once it is removed. Consequently, there would be an increase in administrative costs to ODH. The increase in administrative costs would depend on the number of forms that would be processed.
- The bill requires that ODH prepare a report that specifies the number of biological parent's name redaction request forms it receives and the number of forms it accepts. Thus, ODH would experience an increase in administrative costs to create the report.
- The bill requires that ODH establish a system by which an adopted person or lineal descendant of an adopted person may request that ODH mail the adopted person's biological parent a question that the adopted person or lineal descendent has about a biological parent's medical history. The bill requires ODH to mail a biological parent the question if certain conditions are met and requires ODH to forward an

answer to the requestor if the biological parent answered the question. As a result, there would be an increase in administrative costs to ODH.

Local Fiscal Highlights

- Under current law, for adoptions between January 1, 1964 and September 18, 1996, records are sealed and only opened by a probate court order. The bill provides generally that an adopted person or lineal descendant may submit a written request to ODH to provide a copy of the adoption records. As a result, there could be a reduction in administrative costs and loss of fee revenue for probate courts if individuals seek adoption records from ODH. (Probate courts may currently charge up to \$50 to process an adoption records request.)
-

Detailed Fiscal Analysis

Requests for adoption records

The Ohio Department of Health (ODH), Office of Vital Statistics, houses birth and adoption records of persons born in Ohio and adopted anywhere in the country. Currently, for adoptions prior to January 1, 1964, records are open to people who were born and adopted in Ohio. For adoptions between January 1, 1964 and September 18, 1996, records are sealed and only opened by a probate court order. Lastly, for adoptions after September 18, 1996, records are open to adoptive parents when the adopted person is between 18 to 21 years of age. If the adopted person is 21 years or older, the records are open to the adoptee.

The bill modifies current law pertaining to pre-1964 adoptees, repeals current laws pertaining to post-1963 adoptees available or potentially available for adoption before September 18, 1996, and establishes a single procedure for an adopted person to receive information about the person's biological family. The bill provides generally that an adopted person or lineal descendant of an adopted person may submit a written request to ODH to provide a copy of the contents of the adopted person's adoption file, including all releases transferred to the adoption file. If the adoption file includes a biological parent's name redaction request form from a biological parent, the bill requires ODH to redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requestor.

The requestor must pay a \$20 fee to ODH. Any fee revenue would be deposited into Fund 5G40, Adoption Services, and would help offset the costs of providing the adoption records. The Department already processes requests for records for adoptions prior to January 1, 1964. Implementing the changes in the bill may result in increased administrative costs. According to ODH, depending on the number of requests received, ODH may need to hire an additional staff person to process requests for adoption records.

On the other hand, there could be a reduction in administrative costs and loss of fee revenue for probate courts if individuals seek the adoption records from ODH. Probate courts may currently charge up to \$50 to process an adoption record request.

Biological parent's name redaction request form

The bill requires that the Ohio Department of Job and Family Services (ODJFS) prescribe a biological parent's name redaction request form, specifies the requirements for and the contents of the form, and requires that the form be made available to ODH. As a result, there would be an increase in administrative costs to ODJFS to develop the form. The bill requires that ODH place information about the biological parent's name redaction request form on its website. Thus, there would also be an increase in administrative costs to ODH to make these modifications to its website.

The bill requires that ODH make a biological parent's name redaction request form available to a biological parent upon request for a one-year period. In addition, the bill describes the conditions required for ODH to accept a completed form and requires ODH to place a completed form in the adopted person's adoption file. Furthermore, the bill prescribes the process for removal of a redaction request form from the adopted person's adoption file, as well as the form's destruction once it is removed. Consequently, there would be an increase in administrative costs to ODH to provide the forms, determine if the forms are completed properly, place them in the adoption file, and potentially remove and destroy them. The increase in administrative costs would depend on the number of forms that would be processed.

The bill requires that ODH prepare a report that specifies the number of biological parent's name redaction request forms it receives and the number of forms it accepts. ODH is to provide the report to the General Assembly not later than two years after the bill's effective date. Thus, ODH would experience an increase in administrative costs to create the report.

Medical history information request

The bill requires that ODH establish a system by which an adopted person or lineal descendant of an adopted person may request that ODH mail the adopted person's biological parent a question that the adopted person or lineal descendant has about a biological parent's medical history. ODH may send the question to the biological parent if the adopted person or lineal descendant received a copy of the contents of the adopted person's adoption file with the biological parent's name redacted and the file contains a biological parent's name redaction request form. The bill requires that ODH mail a biological parent the question if certain conditions are met and requires ODH to forward an answer to the requestor if the biological parent answered the question. As a result, there would be an increase in administrative costs to ODH to receive and send any questions to the biological parent and to forward any responses provided by the biological parent.

Other adoption records forms

The bill requires the Ohio Department of Job and Family Services (ODJFS) to prescribe a contact preference form for biological parents. It also specifies the requirements for and the contents of the form and that the form must be made available to ODH. In addition, the bill requires ODH to place any completed forms received in the appropriate adoption file. ODJFS currently has this contact preference form.

The bill also requires ODH to attach a social and medical history form to each contact preference form and biological parent's name redaction request form it makes available to biological parents. The bill expands current law to permit only the adoptive parents, during the minority of an adopted person, or only an adopted person upon reaching majority, to inspect the social and medical history forms. The bill permits an adopted person to request ODH to disclose which court entered the interlocutory order or final decree of adoption. According to ODH, the agency currently receives the social and medical history form from ODJFS.

SB0023SP.docx/jc