



Ohio Legislative Service Commission

Bill Analysis

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H.B. 344

131st General Assembly
(As Introduced)

Reps. Pelanda, Becker, Ruhl, Hambley, Rogers, Stinziano, LaTourette

BILL SUMMARY

- Clarifies that the Department of Health, when complying with a name redaction request form, shall *only* redact the biological parent's name provided on the form.
- Requires the Department to re-mail copies of any adoption files it had already sent that redacted more than a parent's name or excluded a blank social and medical history form.
- Requires the Department, when sending a copy of an adoption file to a requestor, to include a notice that contains (1) the date the copy is mailed, (2) the Director's signature, and (3) a statement that the file contents represent the entire adoption file the Department maintains.
- Requires the Department, when complying with a request for a copy of the adoption file, to check with the clerk of the relevant probate court if the Department's file does not contain a social and medical history.
- Requires a clerk to respond to the above request within 30 days, with either a copy of the social and medical history or a notice that no such history is available in the permanent record.
- Requires the Department to accept and keep all forms that pertain to the social and medical histories of the biological parents of an adopted person, as applicable (1) as a correction or expansion, (2) with a contact preference or name redaction, (3) that are blank, and (4) that are provided by a clerk of a probate court.
- Clarifies the law governing the contents of adoption files maintained by the Department.

CONTENT AND OPERATION

Adoption file access law changes

The bill makes various changes to the law governing access to adoption file contents regarding persons available for adoption on or after January 1, 1964, and prior to September 18, 1996. The current law for that group of adopted persons lacks clarity regarding specific issues regarding access: name redaction and access to social and medical histories.

Name redaction

The bill clarifies what the Department of Health is to redact when an adopted person's adoption file contains a redaction request form placed there at the biological parent's request. The Department can redact *only* the biological parent's name provided on the form. It may not redact any other information in the file that contains personal indicators and private health information, including:

- The biological parent's address, city, and county;
- The name and address, city, and county of a biological parent who has not submitted a redaction request form; and
- The adopted person's last name.¹

Corrective mailings

Redacted more than name

The bill requires the Department, where it had redacted more than a biological parent's name pursuant to a redaction request form, to mail to the adopted person or lineal descendants of the adopted person corrected copies of the file contents. The new copies must redact only the biological parent's name. The Department may not charge for the copies and must send them not later than 90 days after the bill's effective date.²

Blank social and medical history

If the Department mailed a copy of the adoption file, and excluded a blank social and medical history that existed within the file, it must mail another copy of the file to the adopted person or lineal descendants. The new file must contain the blank history.

¹ R.C. 3107.395; R.C. 3107.391, not in the bill.

² Section 3.



The Department may not charge for the new file and must send it not later than 90 days after the bill's effective date.³

Adoption file notice

The bill requires the Department, when mailing a copy of the adoption file contents to a requestor, to include a notice that contains the following:

- The date the copy is mailed;
- The Director's signature;
- The following statement: "This copy of adoption file contents represents the entire adoption file the Ohio Department of Health maintains for the adopted person subject of the file."⁴

Missing social medical history

The bill creates a new procedure for the Department to follow in the event an adoption file does not include a social and medical history. If the file does not contain a social and medical history, regardless of whether or not the file includes a blank history form, the Department must request the clerk of the court that entered the interlocutory order or final decree of adoption to provide the history maintained as part of the permanent record kept by the court, if available. A clerk then has 30 days to provide the Department with a copy of the social and medical history, or a notice that no history is available in the permanent record. When mailing the copies of the adoption file contents, the Department must then include a completed social and medical history or the notice from the clerk that no history was available in the record. In any event, the Department must also mail any blank social and medical history form in the file.⁵

Contact preference form changes

The bill alters the notice required to be included in a contact preference form regarding an adopted person who does not know the probate court that entered the interlocutory order of final decree of adoption regarding the adoption. The notice informs the adopted person that he or she may seek assistance from the Department, if

³ Section 3.

⁴ R.C. 3107.38(C)(2).

⁵ R.C. 3107.38(F). The bill needs a technical amendment to correct a tabulation error. Division (F) should be division (E) and division (G), should be division (F).

the Department's adoption file does not contain a social and medical history or it contains a blank history form (see discussion above).⁶

Adoption file maintenance changes

The bill makes further changes applicable to all adoption files maintained by the Department.

Keeper of social and medical histories

The bill eliminates the current law requirement that only the probate court that issued the interlocutory order or final decree of adoption is to maintain social and medical histories applicable to all adoptions. Instead, the bill maintains the current law requirement that social and medical histories be maintained by the probate court but also expressly states that the Department maintain the following:

- Social and medical histories that are corrected or expanded to include additional or different information;
- Social and medical histories returned in relation to contact preference forms and biological parent's name redaction forms;
- Social and medical histories received from a probate court on request of the Department after determining the history was missing or the history form was blank (see discussion above);
- Any blank social and medical history form the Department receives.⁷

Clarifying Department adoption file contents

The bill corrects language that created confusion as to the contents of adoption files in the Department's possession. Under current law, the Department's adoption files only include contact preference forms, redaction forms, and social and medical histories *for the purposes of the public records and personal information system laws*. But, Department adoption files are expressly excluded from those laws. In other words, persons are not able to access Department adoption files under the public records or personal information system laws.⁸ Instead, persons can access Department adoption

⁶ R.C. 3107.39(A)(5)(b).

⁷ R.C. 3107.09, 3107.17(D), 3107.38, and 3705.126; R.C. 3107.393, not in the bill, and 3107.38. The bill needs a technical amendment regarding cross reference errors with respect to amendments made to R.C. 3107.17.

⁸ R.C. 149.43 (not in the bill) and 1347.08 (not in the bill).



files under R.C. 3705.126. Yet, that section, under current law does not include the contact preference and name redaction forms or histories in the files for purposes of that access. The bill corrects this confusion by (1) eliminating the public record and personal information system language, and (2) expressly stating that "adoption file" includes contact preference and name redaction forms and social and medical histories for purposes of R.C. 3705.126.⁹

HISTORY

ACTION	DATE
Introduced	09-29-15

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⁹ R.C. 3705.12 and 3705.126.

