
SENATE COMMITTEE ON HEALTH

Senator Caroline Menjivar, Chair

BILL NO: SB 381
AUTHOR: Wahab
VERSION: January 5, 2026
HEARING DATE: January 14, 2026
CONSULTANT: Margarita Niemann

SUBJECT: Vital records: adoptees' birth certificates

SUMMARY: Requires the State Registrar to provide, to an adult adopted person who was born in California, or to a direct line descendant of a deceased adopted person, a copy of the adopted person's original birth certificate, as defined.

Existing law:

- 1) Establishes the California Department of Public Health (CDPH), and sets forth its powers and duties, including duties as the State Registrar related to vital records and health statistics. [HSC §102100, et seq.]
- 2) Requires the certificate of live birth to include only the following information:
 - a) Full name and sex of the child;
 - b) Date of birth, including month, day, hour, and year;
 - c) Place of birth;
 - d) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child;
 - e) Multiple births and birth order of multiple births;
 - f) Signature, and relationship to the child, of a parent or other informant, and date signed;
 - g) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date signed, and name and title of the certifier, if other than the attending physician and surgeon or principal attendant;
 - h) Date accepted for registration and signature of local registrar;
 - i) A state birth certificate number and local registration district and number; and,
 - j) A blank space for entry of the date of death with a caption reading "Date of Death". [HSC §102425(a)]
- 3) Requires the State Registrar, local registrar, or county recorder, upon request and payment of a fee, to supply an applicant with a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official. [HSC §103525]
- 4) Requires a new birth certificate to be established by the State Registrar upon receipt of either: a report of adoption from any court of record that has jurisdiction of the child in this state, another state, the District of Columbia, in any territory of the U.S., or in any foreign country, for any child born in California and whose birth certificate is on file with the State Registrar; or, a readoption order. Prohibits a new certificate from being established if that is requested by the adopting parent. [HSC §102635, §102640]
- 5) Requires the new birth certificate to bear the name of the child as shown in the report of adoption, the names and ages of the adopting parents, and the date and place of birth.

Prohibits the new birth certificate from having any reference to the adoption of the child. Requires the new certificate to be identical with a birth certificate registered for the birth of a child of natural parents, except, when requested by the adopting parents, prohibits the new birth certificate from including the specific name and address of the hospital or other facility where the birth occurred, the color and race of the parents, or both. [HSC §102645]

- 6) Permits another amended certificate to be issued, at the request of the adopting parents, that omits:
 - a) The specific name and address of the hospital or other facility where the birth occurred;
 - b) The city and county of birth; and/or,
 - c) The color and race of the parents. [HSC §102675]
- 7) Requires the new birth certificate to supplant any certificate previously registered, and requires it to be the only birth certificate open to public inspection. [HSC §102680]
- 8) Requires all records and information, other than the newly issued birth certificate, to be available only upon the order of the county superior court of residence of the adopted child or the county superior court granting the order of adoption. Prohibits such an order from being granted by the superior court unless a verified petition setting forth facts showing the necessity of the order has been presented to the court, and good and compelling cause is shown for the granting of the order. Requires the superior court to send a copy of the petition to the California Department of Social Services (CDSS) and requires CDSS to send a copy of all records and information it has concerning the adopted person with the name and address of the natural parents removed to the court. Requires the court to review these records before making an order. [HSC §102705]
- 9) Requires the name and address of the natural parents to be given to the petitioner only if they can demonstrate that the name and address are necessary to assist in establishing a legal right. [HSC §102705]

This bill:

- 1) Requires the State Registrar to provide, to an adult adopted person born in California, or to a direct line descendant of a deceased adopted person, a copy of the adopted person's original birth certificate. Defines "original birth certificate" as the birth certificate issued at a live birth of an individual that has been sealed and supplanted.
- 2) Exempts an adoptee's original birth certificate from the court process outlined in 8) of existing law above.
- 3) Requires the adopted person, or a descendant of a deceased adopted person, to make the request to either the county or State Registrar. Requires a copy of the original birth certificate to clearly indicate that it may not be used for identification purposes. Requires all procedures, fees, and waiting periods, applicable to a nonadopted person's request for a copy of a birth certificate, to apply.
- 4) Deletes existing law in 6) above that prohibits, when requested by the adopting parents, a new birth certificate issued for an adopted child from including the name and address of the hospital or other facility where the birth occurred, the city and county of birth, and the color and race of the parents. Deletes existing law that permits another amended certificate to be

issued, at the request of the adopting parents, that omits the information specified in 5) of existing law above.

- 5) Requires the State Registrar to make available to the public, a contact preference form. Requires the contact preference form to include the following sections to be completed at the option of the birth parent:
 - a) "I would like to be contacted."
 - b) "I would prefer to be contacted only through an intermediary."
 - c) "I would prefer not to be contacted at this time. If I decide at a later time that I would like to be contacted, I will submit an updated contact preference form to the State Department of Public Health."
- 6) Requires the State Registrar, if a contact preference form is attached to an original birth certificate, to provide a copy of the contact preference form at the time the original birth certificate is produced to an adopted person.
- 7) Requires the State Registrar, if a birth parent of an adopted person submits a completed contact preference form, to match the contact preference form to the adopted person's original birth certificate; and, attach the contact preference form to the original birth certificate.
- 8) Deems a contact preference form to be a confidential communication between the birth parent and the adopted person or direct line descendant of a deceased adopted person.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) *Author's statement.* According to the author, in California, people have the right to access their own vital records—except adoptees. Sealing original birth certificates after adoption is an outdated and discriminatory practice rooted in stigma, not necessity. In an era of DNA testing and genealogy databases, secrecy no longer exists. What remains is a policy that denies adoptees equal access to their own identity. Withholding original birth certificates can also have real consequences, including limiting access to family medical history, cultural heritage, and critical health information. Adoptees deserve the same autonomy and dignity afforded to every other Californian. This bill modernizes California law by ensuring adoptees have equal access to their original birth certificates. This bill also establishes a process to request an original birth certificate and considers the potential sensitivity of contact between the birth mother and an adoptee by requiring the State Registrar to create a nonbinding contact preference form for birth mothers, available for release when a request for an original birth certificate is made. This bill is about equality, dignity, and bringing California's adoption laws into the modern era.
- 2) *The State Registrar.* CDPH's Vital Records Registration Branch is charged with maintaining a uniform, comprehensive, and continuous index for all birth, death, fetal death, and marriage vital events which occur in California, of which there are over one million each year. Certified copies of vital records are available from CDPH, 58 county recorders, and 61 local health jurisdictions. CDPH maintains, and can provide, birth and death records from 1905 to the present. For marriage records, CDPH maintains and can provide those from 1946 to the present, with some years excluded. CDPH uses the data collected through vital records for

public health research and planning. Prior to 2000, CDPH created a replacement birth certificate by photocopying the public portion of the original record to amend registrant and parent information. The unaltered original certificate was sealed and archived. After 2000, birth certificates are altered electronically and original records are stored in an internal electronic system, on microfiche, or at the State Records Center. CDPH maintains all copies of original birth certificates. When a new birth certificate is created by CDPH, they send a “sealing notice” to the county of birth, instructing the county to replace the original certificate with the new certificate. Counties are instructed to confidentially destroy or delete all other records. CDPH utilizes the Electronic Birth Registration-Amendment Request Portal for adoptive families to create a Court Report of Adoption form to amend a birth certificate after an adoption has been finalized. The amendment request package must be printed, certified by the court, and submitted to CDPH.

- 3) *CDSS Mutual Consent Program.* California has a Mutual Consent Program that is administered by either CDSS or the licensed California public or private adoption agency that handled the adoption. According to CDSS, an adoptee may complete a Consent for Contact form and submit it to the CDSS or the licensed California adoption agency that handled the adoption. If CDSS or the licensed California adoption agency receives a consent form from the adult adoptee (18 years of age or older) and one from their birth parent(s), names and addresses can be disclosed to both parties so they may contact one another. The law prohibits the CDSS and licensed California adoption agencies from soliciting consents and providing search services for adoptees or birth parents. If an adoptee does not know which adoption agency handled their adoption, CDSS can assist in finding that information. This process might result in an original birth certificate being discovered in an adoption file, but as previously stated, only CDPH maintains those official records. Alternatively, according to the CDSS “*Adoptee Make Contact*,” webpage, for adoptions completed after January 1, 1984, CDSS or the licensed California adoption agency that handled the adoption can also disclose the name and address of an adoptee’s birth parent(s) if: the birth parent signed a relinquishment or consent for adoption or the parents rights were involuntarily terminated by court action after January 1, 1984; the birth parent signed an Adoptions Information Act Statement form granting permission for such disclosure; and, the adoptee submitted an Adoptions Information Act Statement form requesting disclosure of the name and address of the birth parent(s). The adoptee must be 21 years or older to complete the statement.
- 4) *Double referral.* This bill set for hearing on January 13, 2026 in the Senate Judiciary Committee.
- 5) *Prior legislation.* SB 1274 (Eggman of 2024) was substantially similar to this bill. *SB 1274 was set, but never heard, in the Senate Health Committee.*

AB 1302 (Lackey of 2023) would have created a process by which individuals who were adopted via a closed adoption could obtain their original, unredacted birth certificate reflecting their birth parents’ identifying information from the State Registrar. *AB 1302 was set, but never heard, in the Assembly Committee on Judiciary.*

AB 372 (Ma of 2009) would have required, in the case of medical necessity regarding a serious health condition of an adopted person that the superior court, upon petition, order the State Registrar to provide a copy of the original and unredacted birth certificate of the adoptee. AB 372 would have also required the State Registrar, if the adoptee is 25 years or

older and both birth parents listed on the adoptee's birth certificate are deceased, to immediately provide a copy of the original and unredacted birth certificate to the adoptee upon request. *AB 372 was held on the Assembly Appropriations suspense file.*

AB 1349 (Pescetti of 2001) would have required CDPH to provide "Contact Preference Forms" and medical history forms to birth parents and to provide a copy of the completed forms, if available, to the adopted person. AB 1349 would have also authorized an adult adopted person who has not identified their birth parents to request CDSS or the licensed adoption agency that facilitated the adoption to conduct a search for the adopted person's birth parents using a confidential intermediary. *AB 1349 was held on the Assembly Appropriations suspense file.*

- 6) *Support.* The sponsor of this bill, California Alliance for Adoptee Rights (CAAR), along with multiple supporting organizations, write that adoptees are the only group of people born in California who are denied the right to access their original birth certificate, except for those who are granted a court order, which is rarely given. CAAR further states that this bill simply seeks to provide adoptees with access to their own birth record. Access to one's biological and historical roots is integral to one's identity and critical to one's physical and mental health. Maintaining secrecy perpetuates the stigma and shame previously associated with being adopted. They assert that this bill will have little, if any, effect on privacy, especially with the existence of genetic testing and ancestry sites. The release of an original birth certificate is actually the least-invasive method by which an adopted person can learn the name of their birth parent(s). The Catholic Mothers for Truth & Transparency asserts that many birthmothers related to the organization, who were primarily unwed at the time, were sent away to Catholic maternity homes and gaslit into relinquishing their children. They write that for many, a reunion with their adult children is needed as a part of their healing, and to know that their child is okay. Concerned United Birthparents also state that the birth parents were never promised confidentiality. The National Center on Adoption and Permanency assert that a growing number of states have enacted laws like the policy proposed by this bill without any negative consequences. Many individuals write that adult adoptees should have unrestricted access to their original, unredacted birth certificates, emphasizing the importance of learning more of their identity and genetic roots.

SUPPORT AND OPPOSITION:

Support: California Alliance for Adoptee Rights (sponsor)
Adoptee Advocates of Michigan
Adoptee Rights Law Center
Adoption Knowledge Affiliates
Bastard Nation: the Adoptee Rights Organization
California Youth Connection
Catholic Mothers for Truth & Transparency
Coalition for Truth and Transparency in Adoption
Concerned United Birthparents
Ethical Family Building
Los Angeles Dependency Lawyers
Louisiana Coalition for Adoption Reform
Mothers for Open Records Everywhere
National Center on Adoption and Permanency
New York Adoptee Rights Coalition

Saving Our Sisters
Women's Collective for Adoptee Equality
100+ individuals

Oppose: None received.

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