
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 381 (Wahab) - Vital records: adoptees' birth certificates

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Urgency: No

Hearing Date: January 20, 2026

Policy Vote: JUD. 13 - 0, HEALTH 7 - 0

Mandate: No

Consultant: Liah Burnley

Bill Summary: SB 381 would require the State Registrar to provide, to an adult adopted person who was born in California, or to a descendant of a deceased adopted person, a copy of the adopted person's original birth certificate, as specified.

Fiscal Impact: Unknown, potentially significant costs to the State Registrar within the California Department of Public Health (CDPH) (General Fund) to comply with the requirements of this bill. Specifically, the State Registrar will incur costs to provide to an adopted person a copy of the adopted person's original birth certificate, with an indication it may not be used for identification purposes, and an attached contact preference form, if applicable. The bill allows for some cost recovery by authorizing the department to charge all fees applicable to a nonadopted person's request for a copy of a birth certificate. However, initial funding would be necessary to cover the costs of the contact preference form. The State Registrar will also incur costs to create a contact preference form, to match the contact preference form to the adopted person's original birth certificate, and, on a continuing basis, to replace any previously filed contact preference form with a newly completed contact preference form. CDPH will also incur costs of announcing and publicizing the availability of the contact preference form.

Background: 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. 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. 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.

Under existing law, a new birth certificate must 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. The new birth certificate must

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. Existing law prohibits the new birth certificate from having any reference to the adoption of the child. The new certificate must be identical with a birth certificate registered for the birth of a child of natural parents, except, when requested by the adopting parents, the new birth certificate must omit the specific name and address of the hospital or other facility where the birth occurred, the color and race of the natural parents, or both. Existing law also permits another amended certificate to be issued, at the request of the adopting parents, that omits: the specific name and address of the hospital or other facility where the birth occurred; the city and county of birth; and/or, the color and race of the natural parents.

Pursuant to current law, the new birth certificate supplants any certificate previously registered and requires it to be the only birth certificate open to public inspection. All records and information, other than the newly issued birth certificate, are 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.

Proposed Law:

- Defines “original birth certificate” as the birth certificate issued at a live birth of an individual that has been sealed and supplanted, as specified.
- Strikes existing provisions of law, that require the birth certificate of an adopted person to, at the request of the adopting parents, omit the name and address of the facility where the birth occurred, the color and race of the parents, and the city and county of birth.
- Exempts an adoptee’s original birth certificate from the existing required court process.
- Requires the State Registrar to provide to an adopted person who is 18 years of age or older and who was born in this state, or to a descendant who is 18 years of age or older of a deceased adopted person who was born in this state, a copy of the adopted person’s original birth certificate, as follows:
 - To receive a copy of an original birth certificate, the adopted person, or descendant, shall make the request to the State Registrar. A copy of the original birth certificate shall clearly indicate that it may not be used for identification purposes;
 - All procedures, fees, and waiting periods applicable to a nonadopted person’s request for a copy of a birth certificate, shall apply; and,
 - If a contact preference form is attached to an original birth certificate the State Registrar shall provide a copy of the contact preference form at the

time the original birth certificate is produced to the adopted person or the descendant.

- Requires the State Registrar to make, a contact preference form available to the public. The contact preference form shall include the following, to be completed at the option of the birth parent:
 - “I would like to be contacted”;
 - “I would prefer to be contacted only through an intermediary”; and,
 - “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.”
- Requires the State Registrar to announce and publicize the availability of the contact preference form utilizing a means of communication appropriate to inform the public effectively.
- Requires, if a birth parent of an adopted person submits a completed contact preference form to the State Registrar, the State Registrar to:
 - Match the contact preference form to the adopted person’s original birth certificate;
 - Attach the contact preference form to the original birth certificate; and,
 - Replace any previously filed contact preference form with a newly completed contact preference form.
- Provides that a contact preference form submitted to the State Registrar is a confidential communication between the birth parent and the adopted person or descendant.
- Delays implementation to July 1, 2028.

Related 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.

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