

THIRD READING

Bill No: SB 381
Author: Wahab (D), et al.
Amended: 1/22/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 1/13/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE HEALTH COMMITTEE: 7-0, 1/14/26

AYES: Valladares, Durazo, Gonzalez, Padilla, Richardson, Weber Pierson, Wiener

NO VOTE RECORDED: Menjivar, Grove, Limón, Rubio

SENATE APPROPRIATIONS COMMITTEE: 7-0, 1/22/26

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Vital records: adoptees' birth certificates

SOURCE: California Alliance for Adoptee Rights

DIGEST: This bill (1) permits an adopted person aged 18 years or older, or, if the adopted person is deceased, their descendant, to obtain their original birth certificate upon request, beginning on July 1, 2028; (2) requires the State Registrar to establish and publicize the availability of a nonbinding contact preference form, which birth parents may submit to indicate whether they wish to be contacted when an original birth certificate is released; and (3) deletes certain categories of information which currently may be omitted from a new birth certificate created after a child is adopted.

ANALYSIS:

Existing constitutional law provides that all people are by nature free and independent and have inalienable rights, including the right to privacy. (California Constitution, art. 1, § 1.)

Existing state law:

- 1) Establishes the procedures for the creation and registration of a birth certificate for a person born in California. (Health & Safety (Saf.) Code, div. 102, pt. 1, ch. 3, §§ 102400 et seq.)
- 2) Requires the State Registrar to establish a new birth certificate upon the receipt of a report of adoption from any court of record, as specified, for any child born in California and whose birth certificate is on file in the office of the state registrar, unless the adopting parent or parents request no new birth certificate be established. (Health & Saf. Code, §§ 102635, 102640.)
- 3) Provides all of the following with respect to a new birth certificate created under 2):
 - a) The new birth certificate shall bear the name of the child as stated in the report of the adoption, the names and ages of their adopting parents, the date and place of birth, and no reference to the adoption.
 - b) The new certificate shall be identical with the birth certificate registered for the birth of a child to natural parents, except, at the request of the adopting parents, the new birth certificate shall not include the name and address of the location where the birth occurred, the color and race of the parents, or both.
 - c) At any time after the issuance of a new birth certificate, the adopted parents may request and receive another amended birth certificate that omits any or all of: the specific name and address of the location of the birth; the city and county of birth; and/or the color and race of the parents. (Health & Saf. Code, §§ 102645, 102675.)
- 4) Provides that the new birth certificate created under 2) shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection; the prior birth certificate shall be transmitted to the State Registrar by the county recorder or sealed. (Health & Saf. Code, §§ 102680, 102685.)
- 5) Provides that an original birth certificate, after being supplanted by a birth certificate reflecting the adoption, shall be available only upon the order of the superior court of the county of residence of the adopted child or the county granting the order of adoption, under the following circumstances:

- a) The court may grant the order only upon the presentation of a verified petition setting forth facts showing the necessity of the order, and good and compelling cause is shown for the granting of the order.
 - b) The clerk of the superior court shall send a copy of the petition to the State Department of Social Services (DSS), which shall 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; the court must review these records before making an order.
 - c) If the petition is by or on behalf of an adopted child who has attained the age of majority, these facts shall be given great weight, but the granting of any petition is solely within the sound discretion of the court.
 - d) The name and address of the natural parents shall be given to the petitioner only if they can demonstrate that the name, address, or both are necessary to assist them in establishing a legal right. (Health & Saf. Code, § 102705.)
- 6) Establishes the Information Practices Act of 1977 (IPA), which, among other things, prohibits a state agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the information is disclosed pursuant to a stated exception. (Civil (Civ.) Code, § 1798.24.)
- 7) Establishes exceptions to 6) for the release of information to an adopted person, as follows:
- a) General background information relating to the adopted person's biological parents may be released, if the information does not include or reveal the identity of the biological parents.
 - b) Medically necessary information pertaining to an adopted person's biological parents may be released to the adopted person or their child or grandchild, provided that the information shall not include or reveal the identity of the biological parents. (Civ. Code, § 1798.24(q), (r).)
- 8) Permits an adopted person aged 18 years or older, or the adoptive parent if the adopted person is under 18 years of age, to request and receive from DSS the medical report of the adopted person and their parents upon request, provided that the names and addresses in the report unless the requesting person has previously received that information. (Family (Fam.) Code, § 9202.)

- 9) Establishes a process by which DSS or a licensed adoption agency may release the identity of an adopted person's birth parent or parents and their most current address, or the identity of an adopted person and their most current address, when both the birth parent and the adopted person consent to the release of data, the adoption was completed on or after January 1, 1984, and the adopted person is 21 years of age or older, as specified. (Fam. Code, § 9203(a).)
- 10) Requires DSS to announce the availability of the method of arranging contact among an adult adopted person, their birth parents, and their adoptive parents pursuant to 9), by using a means of communication appropriate to inform the public effectively. (Fam. Code, § 9203(e).)

This bill:

- 1) Defines "original birth certificate" as a birth certificate issued at a live birth of an individual and that was subsequently supplanted and sealed following an adoption.
- 2) Eliminates the provisions permitting a birth certificate issued after an adoption to omit the specific name and address of the location where the child was born, the color and race of the parents, or both.
- 3) Provides, beginning July 1, 2028, notwithstanding any other provision of law, that the State Registrar shall provide a copy of an adopted person's original birth certificate to the adopted person, if they are 18 years of age or older, or, if the adopted person is deceased, to a descendant of a deceased adopted person, provided that the adopted person was born in this state.
- 4) Provides that an adopted person 18 years of age or older, or a descendant of the adopted person, may obtain their original birth certificate pursuant to 3) by making a request to either the county where the original birth certificate is held or the State Registrar.
- 5) Requires an original birth certificate provided pursuant to 3) to clearly indicate that it may not be used for identification purposes.
- 6) Provides that all procedures, fees, and waiting periods in place for a request for a certified copy of a vital record shall also apply to a request for an original birth certificate under 3).
- 7) Provides that, if a contact preference form is attached to an original birth certificate pursuant to 9), the State Registrar shall provide a copy of the form at

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

- 8) Requires the State Registrar to make available to the public, on or before July 1, 2028, a contact preference form to be completed and submitted at the option of a birth parent, with the following selections:
 - 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.”
- 9) Requires the State Registrar, if a birth parent of an adopted person submits a completed contact preference form to the State Registrar, to do all of the following:
 - a) Match the contact preference form to the adopted person’s original birth certificate.
 - b) Attach the contact preference form to the original birth certificate.
 - c) Replace any previously filed contact preference form with a newly completed contact preference form.
- 10) Provides that a contact preference form submitted to the State Registrar is a confidential communication between the birth parent and the adopted person or their descendant, and may be released only in connection with a request pursuant to 3).
- 11) 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.
- 12) Establishes an exception under the IPA for the release of an original birth certificate to an adopted person pursuant to 1)-10).

Comments

Under current law, after a state court issues an adoption decree, the court must submit a report of the adoption to the State Registrar.¹ Upon receipt of such a report, the State Registrar must establish a new birth certificate for the adopted person, unless the adopting parents opt out of the creation of a new birth certificate. A new birth certificate must list the adoptive parents as the adopted person's parents and not refer to the adoption,² and at the request of the adoptive parents, the new birth certificate shall omit the adopted person's specific place of birth, the birth parents' race or color, or both.³ The new birth certificate supplants the original birth certificate and becomes the only legal record of birth for that child open to inspection; the original birth certificate must be transmitted to the State Registrar to be held in confidence or sealed by the county registrar.⁴

State law currently limits the circumstances under which an adopted person can access their original birth certificate or the identity of their birth parents. A superior court may order the release of an original birth certificate, or other information in possession of the State Registrar relating to the adoption, if (1) the request for release is submitted through a verified petition, and (2) the petition sets forth facts showing the necessity of the order and good and compelling cause is shown for granting the order.⁵ When the petition seeks the names and addresses of an adopted person's birth parents, that information may be released only if the petitioner demonstrates that the information is necessary to assist them in establishing a legal right.⁶ Additionally, for persons placed for adoption or adopted in 1984 or after, the Family Code establishes a procedure through which an adopted person, or a birth parent, can learn the identity of the other through mutual consent of the adopted person and the birth parent.⁷

This bill permits, beginning July 1, 2028, an adopted person who has reached 18 years of age, or their descendant if the adopted person is deceased, to access their original birth certificate without restriction. This bill accomplishes this by requiring the State Registrar or county—whichever entity holds the original birth certificate—to release the original birth certificate to the adopted person or their descendant upon proper application. This change is intended to give adopted persons, or their descendants, greater knowledge of where they came from, as well

¹ Health & Saf. Code, § 102625.

² *Id.*, §§ 102635, 102645.

³ *Id.*, § 102645.

⁴ *Id.*, §§ 102680, 102685.

⁵ *Id.*, § 102705.

⁶ *Ibid.*

⁷ Fam. Code, § 9203.

as give them better access to health information. This bill also requires the State Registrar to create and publicize the availability of a “contact preference form” for birth parents to submit to the State Registrar; the form allows a birth parent to indicate whether they (1) would like to be contacted, (2) would like to be contacted through an intermediary, or (3) do not wish to be contacted by the adopted person once their identity is revealed through the release of the original birth certificate. The contact preference form is not binding on the adopted person receiving their birth certificate, and this bill puts the onus on birth parents to learn of, and submit, a contact preference form.

While there is no opposition on file, this bill raises questions about the privacy of birth parents. While birth parents have no absolute guarantee of privacy under state law, existing law generally prohibits the disclosure of a birth parent’s identity to an adopted child without the consent of the birth parent or a showing of good cause. Proponents argue that this concern, in the absence of opposition, is paternalistic, and that studies show that most birth parents do not object to their identities being shared with their subsequently adopted children. Concerns have been raised, however, about whether birth parents who wish to remain anonymous can meaningfully oppose this bill, and about the fact that this bill places the burden on birth parents to submit a contact preference form with no guarantees that the adopted person will respect their wishes.

In addition to the changes to the procedures for releasing an original birth certificate, this bill makes conforming changes to the IPA to ensure that the release of an original birth certificate to an adopted person or their descendant is not blocked by that Act. This bill also provides that, outside of the procedure established for adopted persons or their descendants, an original birth certificate may be released only with a court order upon a showing of good cause.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

This bill presents 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.

SUPPORT: (Verified 1/21/26)

California Alliance for Adoptee Rights (source)
 Academy of Adoption & Assisted Reproduction Attorneys
 Adoptee Advocates of Michigan
 Adoptee Rights Center
 Bastard Nation
 California Youth Connection
 Catholic Mothers for Truth & Transparency
 Coalition for Truth and Transparency in Adoption
 Concerned United Birthparents
 Ethical Family Building
 Families Rising
 Los Angeles Dependency Lawyers, Inc.
 Louisiana Coalition for Adoption Reform
 Mothers for Open Records Everywhere
 National Center on Adoption and Permanency
 New York Adoptee Rights Coalition
 Saving Our Sisters
 Strong Families Rising
 Women's Collective for Adoptee Equality
 Over 1,600 individuals

OPPOSITION: (Verified 1/21/26)

None received⁸

ARGUMENTS IN SUPPORT: According to the California Alliance for Adoptee Rights:

Adoptees want and deserve their [original birth certificate (OBC)] because it is theirs. In passing similar laws in other states, legislators have recognized that it is a fundamental right to have access to one's OBC. It is a matter of

⁸ Opposition letters were submitted for the bill before it was gutted and amended on January 5, 2026; these letters are not relevant to the current version of the bill.

transparency, dignity, and equal rights. They further recognized that times have changed since the days of shame and stigma associated with being adopted, or illegitimate, and the legislature must likewise change.

There are also potential negative consequences to not having one's OBC. There are potential health risks from not having access to family history, which may result in multi-generational harm. Adoptees and their descendants might also face higher health costs from having to treat diseases that could have been prevented with proper knowledge about their family health risks. Access to one's biological and historical roots is integral to one's identity and critical to one's physical and mental health. Further, maintaining secrecy perpetuates the stigma and shame previously associated with being adopted. Adoptees might also be denied membership in groups to which they belong (such as California born Native Americans) without their OBC to prove lineage. Adoptees adopted at an older age might be denied a passport due to the date discrepancy between their two birth certificates...

Even if some small percentage of birth mothers do not support access, current law does not prevent learning one's identity or making contact. Birth mothers and their relatives are routinely contacted through DNA testing, search angels, and social media, without access to OBCs. Our goal is not contact, which is often possible now, our bill will simply provide us with our OBC, the true record of our birth. It is worth noting, though, that SB 381 is far less intrusive in that only the adoptee will see the OBC, rather than the entire family seeing DNA results or being contacted and then speculating as to who the birth parents might be. It should also be noted that our bill provides for a nonbinding birth preference form for parents to express their preference.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
1/26/26 13:22:00

**** END ****