

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 381 (Wahab) – As Amended May 21, 2026

Policy Committee: Judiciary

Vote: 11 - 1

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the State Registrar, beginning July 1, 2028, to provide to an adult adoptee born in California, or to an adult descendant of a deceased adopted person, a copy of the adopted person's original birth certificate upon request, and requires the State Registrar to develop and make available a contact preference form for birth parents.

More specifically, this bill:

- 1) Requires the State Registrar, beginning July 1, 2028, to provide a copy of the original birth certificate, upon request, to an adopted person 18 years of age or older who was born in California, or to a descendant 18 years of age or older of a deceased adopted person, applying the same procedures, fees, and waiting periods applicable to a nonadopted person's request for a birth certificate.
- 2) Requires the State Registrar, on or before July 1, 2028, to develop and make available a contact preference form on which a birth parent may indicate a contact preference and provide additional information; and requires the State Registrar to match and attach a submitted form to the original birth certificate, provide a copy of the form when the original birth certificate is produced, and replace any previously filed form.
- 3) Requires the State Registrar, notwithstanding any other law, to announce and publicize the availability of the contact preference form.
- 4) Retains access by court order, upon a showing of good cause, to adoption records other than the original birth certificate and the newly issued birth certificate.

FISCAL EFFECT:

Costs to the California Department of Public Health (CDPH) of approximately \$1.2 million to \$1.9 million in 2027-28 and \$944,000 to \$1.6 million annually ongoing beginning in 2028-29 (Health Statistics Special Fund) to implement the bill. CDPH's estimate covers four positions and related costs to review application eligibility, develop and publish the contact preference form, and manage increased workload, including responding to calls, as well as licensing fees for document-management software, reprogramming of the California Integrated Vital Records System (Cal-IVRS), and an upgrade to the FileNet record repository system.

COMMENTS:

- 1) **Purpose.** The author contends that adoptees are the only group of Californians denied access to their own true birth records, that sealing original birth certificates is an outdated practice rooted in stigma rather than necessity, and that in an era of DNA testing and genealogy databases anonymity no longer exists. The author states the bill modernizes California law by giving adoptees equal access to their original birth certificates while providing birth parents a nonbinding contact preference form.
- 2) **Background.** When a child is adopted in California, existing law generally supplants the child's original birth certificate with a new certificate bearing the adoptive parents' names. The original certificate is sealed along with the remaining adoption records, and the new certificate becomes the only certificate open to public inspection. California has sealed original birth certificates in this manner since 1935. The original birth certificate and other sealed adoption records are available only upon the order of a superior court, granted upon a verified petition showing good and compelling cause. Existing law also affords birth parents a degree of confidentiality beyond the sealing itself: the Department of Social Services must inform a birth parent at the time of adoption that identifying information will be released to an adult adoptee only upon the birth parent's written consent, and a birth parent may indicate whether identifying information may be disclosed.

This bill creates an administrative pathway, effective July 1, 2028, for an adult adoptee born in California, or an adult descendant of a deceased adoptee, to obtain a copy of the original birth certificate directly from the State Registrar, without a court order. A requester submits a request to the State Registrar under the same procedures, fees, and waiting periods that apply to a nonadopted person's request for the person's own birth certificate, and the State Registrar's role is limited to verifying eligibility: that the requester is 18 years of age or older and is either the adoptee or a qualifying descendant of a deceased adoptee. The administrative pathway applies to all original birth certificates sealed under existing law, regardless of when the adoption was finalized — the bill contains no prospective limitation, so certificates sealed in every era of the sealing statute become available upon request. The pathway is a right of access for the adoptee and qualifying descendants only, not a public unsealing: the newly issued (adoptive) birth certificate remains the only certificate open to public inspection, and the remaining adoption records remain available only by court order. To address the potential impact on birth parents, the bill directs the State Registrar to develop a nonbinding contact preference form and to publicize the availability of the form; the form allows a birth parent to state a contact preference but does not restrict an adoptee's access to the original birth certificate. If a birth parent has filed a contact preference form, the State Registrar attaches the form to the original birth certificate and provides a copy of the form with the certificate, so the requester receives the birth parent's stated preference at the time of disclosure.

- 3) **Support and Privacy Considerations.** The bill is sponsored by the California Alliance for Adoptee Rights, an organization of adult adoptees seeking access to their own original birth records. Sponsors contend that adoptees are the only Californians who cannot obtain their own birth records without petitioning a court, and that access to the original birth certificate serves needs including medical history, heritage, and identity. The change implicates the privacy interests of birth parents, whose names appear on the original birth certificate. Because the bill applies to previously sealed certificates, birth parents whose adoptions were finalized under the existing confidentiality framework would have their names become available to the adoptee without their consent. The policy committee analysis notes that

whether a birth parent retains a reasonable expectation of privacy is contested; some birth parents affirmatively support access, and commercial DNA testing has made anonymity difficult to maintain, while decades of birth parents may have relied on the confidentiality the sealing statute promised.

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