

## LEGISLATIVE BILL 61

Approved by the Governor March 9, 2005

Introduced by Burling, 33

AN ACT relating to adoption; to amend section 43-146.17, Reissue Revised Statutes of Nebraska; to change provisions relating to access to information; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 43-146.17, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.17. (1) Notwithstanding sections 43-119 to 43-146.16 and except as otherwise provided in this section, an heir twenty-one years of age or older of an adopted person shall have access to all information on file at the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support related to such adopted person, including information contained in the original birth certificate of the adopted person, if: (a) (i) ~~The~~ ~~(1)(a)~~ ~~the~~ adopted person is deceased, ~~(b)~~ (ii) both biological parents of the adopted person are deceased or, if only one biological parent is known, such parent is deceased, and ~~(c)~~ (iii) each spouse of the biological parent or parents of the adopted person, if any, is deceased, if such spouse is not a biological parent; ~~7~~ or ~~(2)~~ (b) at least one hundred years has passed since the birth of the adopted person.

(2) The following information relating to an adopted person shall not be released to the heir of such person under this section: (a) Tests conducted for the human immunodeficiency virus or acquired immunodeficiency syndrome; (b) the revocation of a license to practice medicine in the State of Nebraska; (c) child protective services reports or records; (d) adult protective services reports or records; (e) information from the central register of child protection cases and the Adult Protective Services Central Registry; or (f) law enforcement investigative reports.

(3) ~~The department~~ Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support shall provide a form ~~for requesting such~~ that an heir of an adopted person may use to request information under this section. ~~The department~~ Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support may charge a reasonable fee in an amount established by rules and regulations of ~~the~~ each department to recover expenses incurred by the department in carrying out this section. ~~The department may waive the~~ Such fee may be waived if the requesting party shows that the fee would work an undue financial hardship on the party. When any information is provided to an heir of an adopted person under this section, ~~the department shall record~~ disclosure of such information shall be recorded in the records of the adopted person, including the nature of the information disclosed, to whom the information was disclosed, and the date of the disclosure.

(4) For purposes of this section, an heir of an adopted person means a direct biological descendent of such adopted person.

(5) ~~The department~~ Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support may adopt and promulgate rules and regulations to carry out this section.

Sec. 2. Original section 43-146.17, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.