

personal property which is furnished or used, at the time of sale or subsequently, in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

Subd. 4. "Seller or lender" includes an assignee of either.

Sec. 2. [325.947] RESTRICTIONS ON DEFICIENCY JUDGMENTS IN CONSUMER CREDIT TRANSACTIONS. Subdivision 1. If the seller or lender repossesses or voluntarily accepts surrender of personal property in which he has a security interest arising out of a consumer credit transaction and the aggregate amount of the credit extended in the transaction was \$3,000 or less, the buyer is not personally liable to the seller or lender for the unpaid balance of the debt arising from the consumer credit transaction, and the seller or lender is not obligated to resell the collateral.

Subd. 2. The buyer may be liable in damages to the seller or lender if the buyer has wrongfully damaged the collateral or wrongfully failed to make the collateral available to the seller or lender.

Subd. 3. If the seller or lender elects to bring an action against the buyer for a debt arising from a consumer credit transaction, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment (a) he may not repossess the collateral, and (b) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

Sec. 3. Minnesota Statutes 1976, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. All wearing apparel, one watch, household furniture, utensils, household appliances, phonographs, radio and television receivers, and foodstuffs of the debtor and his family, not exceeding \$3,000 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests.

Sec. 4. EFFECTIVE DATE. Sections 1 and 2 shall be effective as to all consumer credit transactions entered into after July 1, 1977.

Approved May 20, 1977.

CHAPTER 181—S.F.No.191

[Coded in Part]

An act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 1976, Section 144.151, is amended by adding subdivisions to read:

Subd. 8. ADOPTION; RELEASE OF BIRTH INFORMATION. "State registrar" means the state registrar of vital statistics.

Subd. 9. "Consent to disclosure" means an affidavit filed with the state registrar which sets forth the following information:

(a) The current name and address of the affiant;

(b) Any previous name by which the affiant was known;

(c) The original and adopted names, if known, of the adopted child whose original birth certificate is to be disclosed;

(d) The place and date of birth of the adopted child;

(e) The biological relationship of the affiant to the adopted child; and

(f) The affiant's consent to disclosure of the original unaltered birth certificate of the adopted child.

Sec. 2. Minnesota Statutes 1976, Section 144.175, Subdivision 2, is amended to read:

Subd. 2. **PROCEDURE IN CASE OF ILLEGITIMACY.** Except as provided in this section, section 3, and section 144.176, disclosure of illegitimacy of birth or of information from which it can be ascertained may be made, or a certified copy of the birth certificate issued, only to the guardian of such person, the person to whom the record pertains when such person is 18 years of age or over, or upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the state board of health shall be opened to inspection by the commissioner of public welfare, and it shall not be necessary for him to obtain an order of the court in order to inspect records of illegitimate children or to secure certified copies thereof.

Sec. 3. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.176] ACCESS TO ADOPTION RECORDS. Subdivision 1. REQUEST. An adopted person who is 21 years of age or over may request the state registrar to disclose the information on the adopted person's original birth certificate. The state registrar shall, within five days of receipt of the request, notify the commissioner of public welfare in writing of the request by the adopted person.

Subd. 2. SEARCH. Within six months after receiving notice of the request of the
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adopted person, the commissioner of public welfare shall make complete and reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The commissioner may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child placing agency in the state shall cooperate with the commissioner of public welfare in his efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 15.162, subdivision 2a.

For purposes of this subdivision, "notify" means a personal and confidential contact with the genetic parents named on the original birth certificate of the adopted person; said personal and confidential contact shall not be by mail and shall be by an employee or agent of the licensed child placing agency which processed the pertinent adoption, or some other licensed child placing agency designated by the commissioner of public welfare; said personal and confidential contact shall be evidenced by filing with the state registrar an affidavit of notification executed by the person who notified each parent and certifying that each parent was given the following information:

- (a) The nature of the information requested by the adopted person;
- (b) The date of the request of the adopted person;
- (c) The right of the parent to file, within 120 days of receipt of the notice, an affidavit with the state registrar stating that the information on the original birth certificate should be disclosed;
- (d) The right of the parent to file a consent to disclosure with the state registrar at any time; and
- (e) The effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate should not be disclosed.

Subd. 3. FAILURE TO NOTIFY PARENT. If the commissioner of public welfare certifies to the state registrar that he has been unable to notify a parent identified on the original birth certificate within six months, and if neither identified parent has at any time filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall be disclosed, the information may be disclosed as follows:

- (a) If the person was adopted prior to August 1, 1977, he may petition the appropriate court for disclosure of his original birth certificate pursuant to section 259.31, and the court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.
- (b) If the person was adopted on or after August 1, 1977, the state registrar shall release the requested information to the adopted person.

If either parent identified on the birth certificate has at any time filed with the state

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registrar an unrevoked affidavit stating that the information on the original birth certificate should not be disclosed, the state registrar shall not disclose the information to the adopted person until the affidavit is revoked by the filing of a consent to disclosure by that parent.

Subd. 4. RELEASE OF INFORMATION AFTER NOTICE. If, within six months, the commissioner of public welfare certifies to the state registrar that he has notified each parent identified on the original birth certificate pursuant to subdivision 2, the state registrar shall disclose the information requested by the adopted person 121 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the 121 days both of the parents identified on the original birth certificate have filed an affidavit with the state registrar stating that the information shall be disclosed and the affidavit has not been revoked by the subsequent filing by a parent of an affidavit that the information shall not be disclosed.

Subd. 5. DEATH OF PARENT. Notwithstanding the provisions of subdivisions 3 and 4, if a parent named on the original birth certificate of an adopted person has died, and at any time prior to his death the parent has filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall not be released, the adopted person may petition the court of original jurisdiction of the adoption proceeding for disclosure of his original birth certificate pursuant to section 259.31. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Sec. 4. Minnesota Statutes 1976, Section 260.241, is amended by adding a subdivision to read:

Subd. 4. Upon entry of an order terminating the parental rights of any person who is identified as a parent on the original birth certificate of the child as to whom the parental rights are terminated, the court shall cause written notice to be made to that person setting forth:

(a) The right of the person to file at any time with the state registrar of vital statistics a consent to disclosure, as defined in section 144.151, subdivision 9;

(b) The right of the person to file at any time with the state registrar of vital statistics an affidavit stating that the information on the original birth certificate shall not be disclosed as provided in section 3;

(c) The effect of a failure to file either a consent to disclosure, as defined in section 144.151, subdivision 9, or an affidavit stating that the information on the original birth certificate shall not be disclosed.

Sec. 5. This act is effective June 1, 1977.

Approved May 20, 1977.

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