

The commissioner of public safety may make grants from the fund to the commissioner of education at such times and in such amounts as he deems necessary to carry out the purposes of subdivisions 1 and 2. Not more than five percent of the funds so appropriated shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2, and not more than 50 percent of the money so appropriated shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations.

Approved March 22, 1982

CHAPTER 584 — H.F.No. 1068

An act relating to adoption; providing for record retention; providing for services by adoption agencies; recodifying law relating to access to adoption records into another chapter; amending Minnesota Statutes 1980, Section 144.1761, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 259; repealing Minnesota Statutes 1980, Section 144.1761, Subdivisions 2, 3, 4, and 5.

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

Section 1. Minnesota Statutes 1980, Section 144.1761, Subdivision 1, is amended to read:

Subdivision 1. **REQUEST.** Whenever an adopted person who is ~~21~~ years of age or over may request requests 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 act in accordance with the provisions of section 5.

Sec. 2. [259.46] ADOPTION RECORDS.

Subdivision 1. **CONTENT.** The adoption records of the commissioner, his agents and licensed child placing agencies shall contain copies of all relevant legal documents, responsibly collected genetic, medical and social history of the child and his genetic parents, the child's placement record, copies of all pertinent agreements, contracts, and correspondence relevant to the adoption, and copies of all reports and recommendations made to the court. Identifying information contained in the adoption record shall be confidential and shall be disclosed only pursuant to section 259.31.

Subd. 2. **USE.** Each adoption record shall constitute the permanent record upon which court action is based and agency services are administered.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. RETENTION. All adoption records shall be retained on a permanent basis under a protected record system which ensures confidentiality and lasting preservation.

Sec. 3. [259.47] POST-ADOPTION SERVICES.

Subdivision 1. SERVICES PROVIDED. Agencies shall provide assistance and counseling services upon receiving a request for current information from adoptive parents, genetic parents, or adopted persons aged 19 years and over. The agency shall contact the other adult persons or the adoptive parents of a minor child in a personal and confidential manner to determine whether there is a desire to receive or share information or to have contact. If there is such a desire, the agency shall provide the services requested. The agency shall provide services to adult genetic siblings if there is no known violation of the confidentiality of a genetic parent or if the genetic parent gives written consent.

Subd. 2. HEALTH INFORMATION. When the agency receives information about a medical or genetic condition which has affected or may affect the physical or mental health of genetically related persons, the agency shall make a diligent effort to contact those persons in order to transmit the health information.

Subd. 3. IDENTIFYING INFORMATION. In agency adoptive placements made on and after August 1, 1982, the agency responsible for the placement shall obtain from the genetic parents named on the original birth certificate an affidavit attesting to the following:

(a) That the genetic parent has been informed of the right of the adopted person at the age specified in section 5 to request from the agency the name, last known address, birthdate and birthplace of the genetic parents named on the adopted person's original birth certificate;

(b) That each genetic parent may file in the agency record an affidavit objecting to the release of any or all of the information listed in clause (a) about that genetic parent, and only about himself, to the adopted person;

(c) That if the genetic parent does not file an affidavit objecting to release of information before the adopted person reaches the age specified in section 5, the agency will provide the adopted person with the information upon request;

(d) That notwithstanding the filing of an affidavit, the adopted person may petition the court pursuant to section 259.31 for release of identifying information about a genetic parent;

(e) That the genetic parent shall then have the opportunity to present evidence to the court that nondisclosure of identifying information is of greater benefit to the genetic parent than disclosure to the adopted person; and

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(f) That any objection filed by the genetic parent shall become invalid when withdrawn by the genetic parent or when the genetic parent dies. Upon receipt of a death certificate for the genetic parent, the agency shall release the identifying information to the adopted person if requested.

Subd. 4. CONFIDENTIALITY. Agencies shall provide adoptive parents, genetic parents and adult siblings, and adopted persons aged 19 years and over reasonable assistance in a manner consistent with state and federal laws, rules, and regulations regarding the confidentiality and privacy of child welfare and adoption records.

Subd. 5. CHARGES. Agencies may require a reasonable expense reimbursement for providing services required in this section.

Sec. 4. [259.48] RULES.

The commissioner of public welfare shall make rules as necessary to administer sections 2 and 3.

Sec. 5. [259.49] ACCESS TO ADOPTION RECORDS.

Subdivision 1. REQUEST. An adopted person who is 21 years of age or over may request the commissioner of health to disclose the information on the adopted person's original birth certificate. The commissioner of health 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 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. The 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. The contact shall be evidenced by filing with the commissioner of health an affidavit of notification executed by the person who notified each parent 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;

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(c) The right of the parent to file, within 120 days of receipt of the notice, an affidavit with the commissioner of health stating that the information on the original birth certificate should not be disclosed;

(d) The right of the parent to file a consent to disclosure with the commissioner of health 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 commissioner of health 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 consent to disclosure with the commissioner of health, 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 commissioner of health shall release the requested information to the adopted person.

If either parent identified on the birth certificate has at any time filed with the commissioner of health an unrevoked affidavit stating that the information on the original birth certificate should not be disclosed, the commissioner of health 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 commissioner of health that he has notified each parent identified on the original birth certificate pursuant to subdivision 2; the commissioner of health 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 a consent to disclosure with the commissioner of health and neither consent to disclosure has been revoked by the subsequent filing by a parent of an affidavit stating that the information should 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 commissioner of health stating that the information on the original birth certificate should not be disclosed, 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. 6. REPEALER.

Minnesota Statutes 1980, Section 144.1761, Subdivisions 2, 3, 4, and 5, are repealed.

Approved March 22, 1982

CHAPTER 585 — H.F.No. 1092

An act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

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

Section 1. Minnesota Statutes 1980, Section 309.52, is amended by adding a subdivision to read:

Subd. 9. A charitable organization that is organized and operated primarily for the purpose of offering and paying rewards for information leading to the apprehension or conviction of criminal suspects and that satisfies section 2 shall not be required to include in its registration statement the information described in subdivision 1, clauses (f) and (o), or the financial statement described in subdivision 2, and notwithstanding subdivision 3, its registration statement may be executed by the mayor, city manager, or chief of police of the municipality, if any, with which the organization is primarily associated.

Sec. 2. Minnesota Statutes 1980, Section 309.52, is amended by adding a subdivision to read:

Subd. 10. Section 1 applies to an organization whose financial statement described in subdivision 2 has been audited and reported on by a certified public accountant and made available with the accountant's report for inspection by its members and by the mayor, city manager, or chief of police of the municipality, if any, with which the organization is primarily associated, and whose registration statement contains a certificate of compliance with this subdivision.

Sec. 3. Minnesota Statutes 1980, Section 309.53, is amended by adding a subdivision to read:

Subd. 6. A charitable organization that is organized and operated primarily for the purpose of offering and paying rewards for information leading to

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