

Regulatory Analysis Template

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Agency Name Iowa Health and Human Services Rule # 641-95.6 and 641-99.14

Iowa Code Section Authorizing Rule Iowa Code 144.13

State or Federal Law(s) Implemented by the Rule SF517 (90th Gen Assemb.)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

Date/Time: December 20, 2023

Location: <https://meet.google.com/fpq-bkvo-ypn>

Any interested person may submit written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Contact Name

Joe Campos, Administrative Rules Coordinator

Address

joe.campos@idph.iowa.gov

Email and/or phone number

515.304.0963

Purpose and summary of proposed rule:

To allow adopted adults to add omitted parents to their birth certificate.

Analysis of Impact of Proposed Rule

1. Persons affected by the proposed rule

- Classes of persons that will bear the costs of the proposed rule:

Adopted individuals filing for a birth certificate.

- Classes of persons that will benefit from the proposed rule:

Adopted individuals and families wishing to have omitted parents represented on birth certificates.

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2. Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

- Quantitative description of impact:

Minimal; anticipate 50 applicants within 5 years. Total revenue anticipated to be \$750 in 5 years.

- Qualitative description of impact:

Increased connection to family.

3. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

None

- Anticipated effect on state revenues:

None

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

HHS is implementing this rule to the level required by recent legislation (SF 517).

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

There are no identified less costly methods for achieving this purpose. The cost associated with this process is identical to all other birth certificate applications. All methods for obtaining information are as delineated in SF 517, enacted July 1, 2023.

6. Alternative methods considered by the agency

- Description of any alternative methods that were seriously considered by the agency:

There were no alternative methods seriously considered by the agency as current processes are pursuant to state code. Alternatives will be examined and discussed when this chapter is up for full red tape review.

- Reasons why they were rejected in favor of the proposed rule:

NA

Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.
- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rule for small business.

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- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

No impact.

Text of Proposed Rule:

641.95.6(1)b.

b. The state registrar shall charge a fee of \$15 to prepare an adoption certificate, amend a certificate, amend a certificate of live birth to reflect a legal change of name, prepare a delayed certificate, process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code sections 144.23A and 144.24A, or prepare copies of supporting documents on file in the state registrar's office. No fee shall be charged for establishment of paternity.

641—99.14(144) Establishment of new certificate of live birth following adoption.

99.14(1) Upon receipt of a completed Certificate of Adoption Report form or a certified copy of the decree of adoption from a court of competent jurisdiction and the information required pursuant to rule 641—99.13(144), the state registrar shall establish a new certificate of live birth for a person who was born in Iowa and has been adopted.

99.14(2) The new certificate of live birth shall not be marked "amended."

99.14(3) When a new certificate of live birth is established, the actual date and place of birth shall be shown on the certificate.

99.14(4) The county registrar and state registrar shall seal the original certificate of live birth. The state registrar shall place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

99.14(5) In accordance with Iowa Code section 144.23A, an adopted person may apply to the state registrar to have their original certificate of birth prior to adoption reestablished to include the name of an omitted biological parent.

99.14(~~65~~) The new certificate of live birth after adoption shall not be on file at the county registrar's office.

99.14(~~76~~) The state registrar shall reveal the date of the adoption and the name and address of the court that issued the adoption decree upon the receipt of a completed, notarized Revelation of County of Adoption form from an adult adopted person, a biological parent, an adoptive parent, or the legal

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representative of the adult adopted person, the biological parent, or the adoptive parent pursuant to Iowa Code section 144.24.

99.14(~~87~~) Administrative and certified copy fees shall be charged and remitted pursuant to rule 641—95.6(144).