

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to establishment of new certificate of live birth following adoption

The Department of Health and Human Services hereby amends Chapter 95, “Vital Records: General Administration,” and Chapter 99, “Vital Records Modifications,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2023 Iowa Acts Senate File 517.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 144.13.

Purpose and Summary

The purpose of this proposed rulemaking is to implement Senate File 517 of the 90th General Assembly. This rulemaking allows adopted adults to add omitted parents to their birth certificate.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7507C**.

Two virtual public hearings were held February 14, 2024, at 11:30 a.m. and February 26, 2024, at 12 p.m. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Health and Human Services Council on April 11, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on July 1, 2024.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **95.6(1)“b”** as follows:

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 ~~section~~ 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.

ITEM 2. Amend rule 641—99.14(144) as follows:

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

99.14(1) to 99.14(4) No change.

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

~~99.14(5)~~ 99.14(6) The new certificate of live birth after adoption shall not be on file at the county registrar's office.

~~99.14(6)~~ 99.14(7) 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 representative of the adult adopted person, the biological parent, or the adoptive parent pursuant to Iowa Code section 144.24.

~~99.14(7)~~ 99.14(8) Administrative and certified copy fees shall be charged and remitted pursuant to rule 641—95.6(144).