



ID# 12599
CBL-904

Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3199
(512) 458-7111

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(512) 458-7477

RQ-94

May 23, 1991

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Opinion Committee

The Honorable Dan Morales
Attorney General of Texas
Supreme Court Building
Austin, Texas 78701

Attn.: Opinions Committee

Re: Request for Adoption Record which is over 50 Years of Age.

Dear General Morales:

This is a request for an Open Records Decision under authority of the Texas Open Records Act, Article 6252-17a, Sec. 7, V.T.C.S., and the Texas Government Code, Sec. 402.042(b)(2), V.T.C.A. A copy of the requestor's letter is enclosed. This is the first time that the Department has received this request, and the matter is not in litigation.

The facts are as follows. As the enclosed letter indicates, an adult adoptee wants a copy of his original birth certificate which is over 50 years of age. The Texas Open Records Act, Article 6252-17a, Sec. 3(a)(15)(A) says that a birth record is public information on or after the 50th anniversary of its filing date; however, the Health and Safety Code, Sec. 192.008, says that only the court of adoption may grant access to the original birth certificate of an adoptee. Accordingly, our question is as follows.

Is the Department required to release to the adoptee a copy of the original birth certificate under authority of Art. 6252-17a, Sec. 3(a)(15)(A), V.T.C.S.; or does the adoptee have to request access to the certificate from the court of adoption, as required by the Health and Safety Code, Sec. 192.008?

Your consideration of this request will be appreciated. Please call Dan LaFleur in the Department's Office of General Counsel, (458-7236) if you have questions or need additional information.

Sincerely yours,

Bob Bernstein
Robert Bernstein, M.D., F.A.C.P.
Commissioner of Health

Enclosure

Lynn Slater, M.B.A.

Division Chairman
Technology Programs Division

(915) 757-5061
Res. 532-8181



EL PASO
COMMUNITY
COLLEGE

P.O. Box 20500, El Paso, Texas 79998

REGISTRAR OF VITAL STATISTICS
BUREAU OF VITAL STATISTICS
TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS

SUBJECT: BIRTH RECORD OF LYNN RANDOLPH SLATER

I WAS BORN IN EL MONTE, CALIFORNIA ON MARCH 4, 1937. HE WAS TAKEN TO EL PASO, TEXAS AND WAS ADOPTED BY EDWARD OMER AND LUCILLE SLATER. MY CALIFORNIA BIRTH CERTIFICATE WAS FILED WITH THE STATE REGISTRAR OF VITAL STATISTICS ON OCTOBER 19, 1938, AND A TEXAS CERTIFICATE WAS ISSUED. A COPY OF THIS DOCUMENT IS ENCLOSED.

AS I UNDERSTAND THE OPEN RECORDS ACT, MY BIRTH RECORD IS NOW PUBLIC RECORD, SINCE MORE THAN 50 YEARS HAVE PASSED SINCE THE RECORD WAS FILED. THEREFORE, I REQUEST THAT I BE GIVEN A COPY OF THAT RECORD. IF THERE IS ANY FEE FOR THIS SERVICE, I WILL FORWARD THE NECESSARY FEE.

SINCERELY,

LYNN R. SLATER
904 WINTER
EL PASO, TEXAS
79902

May 17, 1991

To: Richard B. Bays
Registrar
State of Texas

Per our conversation of this day, I am requesting a copy of my original birth records from the State of California, which are held in your files. Section 3-A-15-A makes this a public record after 50 years have passed, and ~~Section 3-B~~ 3B-A of the Open Records Act give me a right of access. Since there seems to be a conflict of laws, please request a holding on this matter from the

LOC @ BIRTHLS.WPS - 1

Texas Attorney General

5/17/91 [Signature]

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