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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY -- VITAL RECORDS

Introduced By: Senators Perry, Crowley, DeVall, Nesselbush, and Miller

Date Introduced: March 10, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-7 of the General Laws entitled "Adoption of Children" is
2 hereby amended by adding thereto the following section:

3 **15-7-5.1. Contact preference form information.** – Upon providing consent to an
4 adoption, the biological parent(s) shall be informed that, consistent with subdivision 23-3-
5 15(g)(1), an adoptee may obtain a non-certified copy of his/her unaltered, original certificate of
6 birth upon his/her thirtieth (30th) birthday, and that the birth parent is allowed and authorized to
7 file a contact preference form with the division of vital records as provided in subdivision 23-3-
8 15(g)(2).

9 SECTION 2. Sections 23-3-1 and 23-3-15 of the General Laws in Chapter 23-3 entitled
10 "Vital Records" are hereby amended to read as follows:

11 **23-3-1. Definitions.** --As used in this chapter:

12 (1) "Adoptee" means a person who was born in this state and who has had an original
13 birth certificate sealed due to an adoption.

14 (2) "Adoptee vital records file" means a file operated by the division of vital records that
15 maintains adoptees' birth certificates, makes available the contact preference forms, provides
16 adoptees with non-certified copies of their birth certificates.

17 (3) "Adult adoptee" means an adoptee thirty (30) years of age or older.

18 (4) "Birth parent" is the person, the father or mother of genetic origin of a child, who is
19 legally presumed under the laws of this state to be the father or mother of genetic origin of a

1 child.

2 ~~(4)~~ (5) "Community of ~~resident~~ residence" means the city or town within the state of a
3 person's home address at the time of his or her marriage or death, or of his or her mother's home
4 address at the time of his or her birth.

5 (6) "Contact preference form" means the form prepared and maintained by the division
6 that birth parent(s) of adoptees may file to express his or her preference regarding contact with
7 the adoptee. The contact preference form shall include language informing the birth parent(s) of
8 their ability to provide genetic, social, and health history to the Passive Voluntary Adoption
9 Mutual Consent Registry as defined in chapter 15-7.2.

10 ~~(2)~~ (7) "Dead body" means a lifeless human body or parts of a lifeless human body or its
11 bones from the state of which it reasonably may be concluded that death recently occurred.

12 (8) "Division" means the division of vital records as defined in chapter 3 of title 23.

13 ~~(3)~~ (9) "Fetal death" means death prior to the complete expulsion or extraction from its
14 mother of a product of human conception, irrespective of the duration of pregnancy; the death is
15 indicated by the fact that after the expulsion or extraction the fetus does not breathe or show any
16 other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite
17 movement of the voluntary muscles.

18 ~~(4)~~ (10) "Filing" means the presentation of a certificate, report, or other record provided
19 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by
20 the division of vital records.

21 ~~(5)~~ (11) "Final disposition" means the burial, interment, cremation, or other disposition of
22 a dead body or fetus.

23 ~~(6)~~ (12) "Institution" means any establishment, public or private, which provides in-
24 patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care
25 to two (2) or more unrelated individuals, or to which persons are committed by law.

26 ~~(7)~~ (13) "Live birth" means the complete expulsion or extraction from its mother of a
27 product of human conception, irrespective of the duration of pregnancy, which, after that
28 expulsion or extraction, breathes or shows any other evidences of life such as beating of the heart,
29 pulsation of the umbilical cord, or definite movement of the voluntary muscles, whether or not
30 the umbilical cord has been cut or the placenta is attached.

31 ~~(8)~~ (14) "Physician" means a person authorized or licensed to practice medicine pursuant
32 to chapter 37 of title 5.

33 ~~(9)~~ (15) "Registration" means the acceptance by the division of vital records and the
34 incorporation in its official records of certificates, reports, or other records provided for in this

1 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

2 ~~(10)~~ (16) "Signing" or "Signature" means the application of either a hand signature to a
3 paper record or an electronic process approved by the state registrar of vital records.

4 ~~(11)~~ (17) "System of vital records" means the registration, collection, preservation,
5 amendment, and certification of vital statistics records, and activities related to them including the
6 tabulation, analysis, and publication of statistical data derived from those records.

7 ~~(12)~~ (18) "Vital records" means records of birth, death, fetal death, marriage, divorce, and
8 data related to those records.

9 **23-3-15. New certificates of birth following adoption -- Legitimation and paternity**

10 **determination.** -- (a) The state registrar of vital records shall establish a new certificate of birth
11 for a person born in this state when he or she receives the following:

12 (1) An adoption report as provided in § 23-3-14 or a certified copy of the decree of
13 adoption together with the information necessary to identify the original certificate of birth and to
14 establish a new certificate of birth; except that a new certificate of birth shall not be established if
15 the court decreeing the adoption, the adoptive parents, or the adopted person requests that a new
16 certificate shall not be established.

17 (2) A request that a new certificate be established and evidence required by regulation
18 proving that the person has been legitimated, or that a court of competent jurisdiction has
19 determined the paternity of the person; provided, however, that where a court of competent
20 jurisdiction has determined the paternity of the person, the name of the person who has been
21 adjudicated as being the father shall be inserted on the birth certificate.

22 (b) When a new certificate of birth is established, the actual place and date of birth shall
23 be shown. It shall be substituted for the original certificate of birth.

24 (1) Thereafter, the original certificate and the evidence of adoption, paternity, or
25 legitimation shall not be subject to inspection except as allowed by this chapter in the case of
26 adoption by the adult adoptee, or upon order of a court of competent jurisdiction or as provided
27 by regulation.

28 (2) Upon receipt of a notice of annulment of adoption, the original certificate of birth
29 shall be restored to its place in the files and the new certificate and evidence shall not be subject
30 to inspection except upon order of a court of competent jurisdiction.

31 (3) Upon receipt from a passive voluntary adoption mutual consent registry of a
32 certificate provided for in § 15-7.2-12(b), the adult adoptee named in the certificate, and only that
33 person, shall be entitled to receive non-certified copies of his or her original birth certificate.

34 (c) If no certificate of birth is on file for the person for whom a new certificate is to be

1 established under this section, a delayed certificate of birth shall be filed with the state registrar of
2 vital records as provided in § 23-3-12 or 23-3-13, before a new certificate of birth is established,
3 except that when the date and place of birth and parentage have been established in accordance
4 with this chapter in the adoption proceedings, a delayed certificate shall not be required.

5 (d) When a new certificate of birth is established by the state registrar of vital records, all
6 copies of the original certificate of birth in the custody of any custodian of permanent local
7 records in this state shall be sealed from inspection or forwarded to the state registrar of vital
8 records, as he or she shall direct.

9 (e) (1) The state registrar shall, upon request, prepare and register a certificate in this state
10 for a person born in a foreign country who is not a citizen of the United States and who was
11 adopted through a court of competent jurisdiction in this state. The certificate shall be established
12 upon receipt of a report of adoption from the court decreeing the adoption, proof of the date and
13 place of the child's birth, and a request from the court, the adopting parents, or the adopted person
14 if eighteen (18) years of age or over that a certificate be prepared. The certificate shall be labeled
15 "certificate of foreign birth" and shall show the actual country of birth. After registration of the
16 birth certificate in the new name of the adopted person, the state registrar shall seal and file the
17 report of adoption which shall not be subject to inspection except upon order of a court of
18 competent jurisdiction or as provided by regulation.

19 (2) If the child was born in a foreign country but was a citizen of the United States at the
20 time of birth, the state registrar shall not prepare a "certificate of foreign birth" and shall notify
21 the adoptive parents of the procedures for obtaining a revised birth certificate for their child
22 through the U.S. department of state.

23 (f) When a new certificate of birth is established following an adoption or legitimation in
24 this state, and when no record of the original birth is on file at the city or town of occurrence, the
25 state registrar of vital records shall cause a copy to be filed with the registrar of births in the city
26 or town where the child was born and the city or town of residence of the parents indicated on the
27 new certificate, if that residence is within the state.

28 (g)(1) The division shall establish, maintain and operate the adoptee vital records file.
29 Beginning July 1, 2012, upon written application by an adult adoptee who was born in the State
30 of Rhode Island the division shall issue to such applicant a non-certified copy of the unaltered,
31 original certificate of birth of the adoptee, with procedures, filing fees and waiting periods
32 identical to those imposed upon non-adopted citizens of the state.

33 (2) The division shall prescribe and, upon request, shall make available to each birth
34 parent of an adoptee named on the original birth certificate, a contact preference form on which

1 the birth parent may state a preference regarding contact by an adoptee who is the birth child of
2 the birth parent. The contact preference form shall be returned to the division. Upon such a
3 request, the division shall also provide the birth parent with an update medical history form,
4 which may be completed and returned to the Passive Voluntary Adoption Mutual Consent
5 Registry. The contact preference form shall provide the birth parent with the following options
6 from which the birth parent shall select one:

- 7 “(a) I would like to be contacted.
- 8 (b) I would prefer to be contacted only through an intermediary.
- 9 (c) I would prefer not to be contacted at this time.”

10 (3) When the division receives a completed contact preference form from a birth parent,
11 the division shall place the form on file and create an index of all contact preference forms filed.
12 When the vital records office receives a request for an original birth certificate they will then
13 open the adoptee's sealed file and check the file for the names of the birth parent(s). These names
14 will then be cross referenced with the birth parent(s) names listed on the contact preference form
15 index. If there is a match, the vital records office will provide the adoptee a copy of the contact
16 preference form. The adoptee shall contact the Passive Voluntary Adoption Mutual Consent
17 Registry to see if an updated medical history form has been filed by his or her birth parent.

18 (4) Beginning September 1, 2011, the division shall make reasonable efforts to inform the
19 public of the existence of the adoptee vital records file; the ability of adult adoptees born in the
20 State of Rhode Island to access non-certified copies of their birth certificates subject to the
21 provisions of this chapter; and the ability of the birth parent(s) of adoptees to file a contact
22 preference form with the division of vital records.

23 (h) The division shall maintain the following statistics, which shall be made available to
24 the general public on a quarterly basis or more frequently if possible:

- 25 (1) Number of original birth certificates released since the effective date of this bill;
- 26 (2) Number of contact preference forms filed; and
- 27 (3) Number of birth parent(s) who indicated on the contact preference form that they
28 would like to be contacted, would like to be contacted but only through an intermediary, or do not
29 want to be contacted.

30 SECTION 3. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- VITAL RECORDS

1 This act would define adoptees in the State of Rhode Island and would provide a
2 procedure for the release to adoptees of their birth certificates in cases where a no release form
3 has not been filed with the division of vital records.

4 This act would take effect upon passage.

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