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LC01346

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 Nesselbush, Perry, Miller, DeVall, and Crowley

Date Introduced: February 16, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-3-1 and 23-3-15 of the General Laws in Chapter 23-3 entitled

2 "Vital Records" are hereby amended to read as follows:

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

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

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

9 (3) "Adult" means a person eighteen (18) years of age or older.

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

13 ~~(4)~~(5) "Community of resident" means the city or town within the state of a person's  
14 home address at the time of his or her marriage or death, or of his or her mother's home address at  
15 the time of his or her birth.

16 ~~(2)~~(6) "Dead body" means a lifeless human body or parts of a lifeless human body or its  
17 bones from the state of which it reasonably may be concluded that death recently occurred.

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

19 ~~(3)~~(8) "Fetal death" means death prior to the complete expulsion or extraction from its

1 mother of a product of human conception, irrespective of the duration of pregnancy; the death is  
2 indicated by the fact that after the expulsion or extraction the fetus does not breathe or show any  
3 other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite  
4 movement of the voluntary muscles.

5 ~~(4)~~(9) "Filing" means the presentation of a certificate, report, or other record provided  
6 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by  
7 the division of vital records.

8 ~~(5)~~(10) "Final disposition" means the burial, interment, cremation, or other disposition of  
9 a dead body or fetus.

10 ~~(6)~~(11) "Institution" means any establishment, public or private, which provides in-  
11 patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care  
12 to two (2) or more unrelated individuals, or to which persons are committed by law.

13 ~~(7)~~(12) "Live birth" means the complete expulsion or extraction from its mother of a  
14 product of human conception, irrespective of the duration of pregnancy, which, after that  
15 expulsion or extraction, breathes or shows any other evidences of life such as beating of the heart,  
16 pulsation of the umbilical cord, or definite movement of the voluntary muscles, whether or not  
17 the umbilical cord has been cut or the placenta is attached.

18 ~~(8)~~(13) "Physician" means a person authorized or licensed to practice medicine pursuant  
19 to chapter 37 of title 5.

20 (14) "Contact preference form" means the form prepared and maintained by the division  
21 that birth parents may file to express his or her preference regarding contact with the adoptee. The  
22 contact preference form shall include language informing the birth parent of their ability to  
23 provide genetic, social, and health history to the Passive Voluntary Adoption Mutual Consent  
24 Registry as defined in chapter 15-7.2.

25 ~~(9)~~(15) "Registration" means the acceptance by the division of vital records and the  
26 incorporation in its official records of certificates, reports, or other records provided for in this  
27 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

28 ~~(10)~~(16) "Signing" or "Signature" means the application of either a hand signature to a  
29 paper record or an electronic process approved by the state registrar of vital records.

30 ~~(11)~~(17) "System of vital records" means the registration, collection, preservation,  
31 amendment, and certification of vital statistics records, and activities related to them including the  
32 tabulation, analysis, and publication of statistical data derived from those records.

33 ~~(12)~~(18) "Vital records" means records of birth, death, fetal death, marriage, divorce, and  
34 data related to those records.

1           **23-3-15. New certificates of birth following adoption -- Legitimation and paternity**

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

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

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

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

16           (1) Thereafter, the original certificate and the evidence of adoption, paternity, or  
17 legitimation shall not be subject to inspection except [as allowed by this chapter in the case of](#)  
18 [adoption by the adult adoptee, or](#) upon order of a court of competent jurisdiction or as provided  
19 by regulation.

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

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

27           (c) If no certificate of birth is on file for the person for whom a new certificate is to be  
28 established under this section, a delayed certificate of birth shall be filed with the state registrar of  
29 vital records as provided in section 23-3-12 or 23-3-13, before a new certificate of birth is  
30 established, except that when the date and place of birth and parentage have been established in  
31 accordance with this chapter in the adoption proceedings, a delayed certificate shall not be  
32 required.

33           (d) When a new certificate of birth is established by the state registrar of vital records, all  
34 copies of the original certificate of birth in the custody of any custodian of permanent local

1 records in this state shall be sealed from inspection or forwarded to the state registrar of vital  
2 records, as he or she shall direct.

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

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

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

22 (g)(1) The division shall establish, maintain and operate the adoptee vital records file.  
23 Upon written application by an adult adoptee, the division shall issue to such applicant a non-  
24 certified copy of the unaltered, original certificate of birth of the adoptee, with procedures, filing  
25 fees and waiting periods identical to those imposed upon non-adopted citizens of the state.

26 (2) The division shall prescribe and, upon request, shall make available to each birth  
27 parent named on the original birth certificate, a contact preference form on which the birth parent  
28 may state a preference regarding contact by an adoptee who is the birth child of the birth parent.  
29 Upon such a request, the division shall also provide the birth parent with an updated medical  
30 history form, which may be completed and returned, together with the completed contact  
31 preference form, by the birth parent to the division. The contact preference form shall provide the  
32 birth parent with the following options from which the birth parent shall select one:

33 “(a) I would like to be contacted.

34 (b) I would prefer to be contacted only through an intermediary.

1           (c) I would prefer not to be contacted at this time.”

2           (3) When the division receives a complete contact preference form and/or a completed  
3 medical history form from a birth parent, the division shall match the contact preference form and  
4 the updated medical history form with the adoptee’s sealed birth certificate. The contact  
5 preference form and the updated medical history form shall then be attached to the adoptee’s vital  
6 records file.

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

9           (i) Number of original birth certificates released since the effective date of this bill;

10          (ii) Number of contact preference forms filed; and

11          (iii) Number of birth parents who indicated on the contact preference form that they  
12 would like to be contacted, would like to be contacted but only through an intermediary or they  
13 do not want to be contacted.

14          SECTION 2. This act shall take effect upon passage except that subdivision 23-3-  
15 15(g)(1) which shall take effect one year from the date of passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would permit adult adoptees to obtain a non-certified copy of their original,  
2 unaltered birth certificate. It would also permit a birth parent to express his or her preference  
3 regarding contact with the adoptee by filing a contact preference form with the division. Birth  
4 parents would be informed of their right to provide social, genetic, and health histories through  
5 the Passive Voluntary Adoption Mutual Consent Registry, and those forms would be made  
6 available to birth parents and certain other people.

7           This act would take effect upon passage except that subdivision 23-3-15(g)(1) which  
8 would take effect one year from the date of passage.

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