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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. No release form.** – Upon providing consent to an adoption, the biological  
4 parent(s) shall be informed that, consistent with subdivision 23-3-15(g)(1), any child born and  
5 adopted after January 1, 2012, may obtain a non-certified copy of their unaltered, original  
6 certificate of birth upon their eighteenth (18<sup>th</sup>) birthday, unless the birth parent files a no release  
7 form with the division of vital records as provided in subdivision 23-3-15(g)(3). The parent(s)  
8 shall further be informed that he or she may revoke the no release form at any time.

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 no release form, and provides adoptees  
16 with non-certified copies of their birth certificates unless a birth parent has filed a no release  
17 form.

18 (3) "Adult adoptee" means:

19 (i) An adoptee eighteen (18) years of age or older if born after January 1, 2012; or

1           (ii) An adoptee forty (40) years of age or older.

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

5           (+) (5) "Community of resident" means the city or town within the state of a person's  
6 home address at the time of his or her marriage or death, or of his or her mother's home address at  
7 the time of his or her birth.

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

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

15          (+) (8) "Filing" means the presentation of a certificate, report, or other record provided  
16 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by  
17 the division of vital records.

18          (+) (9) "Final disposition" means the burial, interment, cremation, or other disposition of  
19 a dead body or fetus.

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

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

28          (12) "No release form" means the form prepared and maintained by the division of vital  
29 records that birth parents, or parents and siblings of deceased birth parents, may file indicating the  
30 birth parent's desire not to have the adoptee's birth certificate released to the adoptee or his or her  
31 authorized representative. The no release form shall include language informing the birth parent,  
32 or parents and siblings of deceased birth parents, of their ability to provide genetic, social, and  
33 health history to the "Passive Voluntary Adoption Mutual Consent Registry Act" as set forth in  
34 chapter 15-7.2, should they choose to file a no release form.

1           ~~(8)~~ (13) "Physician" means a person authorized or licensed to practice medicine pursuant  
2 to chapter 37 of title 5.

3           ~~(9)~~ (14) "Registration" means the acceptance by the division of vital records and the  
4 incorporation in its official records of certificates, reports, or other records provided for in this  
5 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

6           ~~(10)~~ (15) "Signing" or "Signature" means the application of either a hand signature to a  
7 paper record or an electronic process approved by the state registrar of vital records.

8           ~~(11)~~ (16) "System of vital records" means the registration, collection, preservation,  
9 amendment, and certification of vital statistics records, and activities related to them including the  
10 tabulation, analysis, and publication of statistical data derived from those records.

11           ~~(12)~~ (17) "Vital records" means records of birth, death, fetal death, marriage, divorce, and  
12 data related to those records.

13           **23-3-15. New certificates of birth following adoption -- Legitimation and paternity**  
14 **determination.** -- (a) The state registrar of vital records shall establish a new certificate of birth  
15 for a person born in this state when he or she receives the following:

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

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

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

28           (1) Thereafter, the original certificate and the evidence of adoption, paternity, or  
29 legitimation shall not be subject to inspection, except as allowed by this chapter in the case of  
30 adoption, by the adult adoptee pursuant to subdivision (g)(1), or upon order of a court of  
31 competent jurisdiction or as provided by regulation.

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

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

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

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

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

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

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

32 (g)(1) The division shall establish, maintain and operate the adoptee vital records file.  
33 Upon written application by an adult adoptee who was born in the State of Rhode Island, the  
34 division shall issue to such applicant a non-certified copy of the unaltered, original certificate of

1 birth of the adoptee, with procedures, filing fees and waiting periods identical to those imposed  
2 upon non-adopted citizens of the state, unless the division has a no release form on file, in which  
3 case no copy of the birth certificate shall be released.

4 (2) The division is authorized to prescribe and furnish a “no release form” as defined in  
5 subdivision 23-3-1(12) in a format appropriate to carry out the provisions of this section;

6 (3) Any birth parent, or parent or adult sibling of a deceased birth parent, may file a no  
7 release form with the division of vital records and the division will thereafter not release a copy  
8 of the adoptee’s birth certificate. The division shall post the no release form and filing  
9 instructions on the division’s website. A birth parent, or parent or adult sibling of a deceased birth  
10 parent may revoke his or her no release form at any time.

11 (4) The division shall make reasonable efforts to inform the public of:

12 (i) The existence of the adoptee vital records file;

13 (ii) The ability of adult adoptees born in the State of Rhode Island to access non-certified  
14 copies of their birth certificate subject to the provisions of this chapter; and

15 (iii) The ability of birth parents of adoptees, or parents or adult siblings of deceased birth  
16 parents, to file a no release form with the division of vital records.

17 SECTION 3. This act shall take effect on January 1, 2012.

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

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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 on January 1, 2012.

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