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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY - VITAL RECORDS

Introduced By: Senators Perry, Crowley, DeVall, Walaska, and Pichardo

Date Introduced: April 06, 2010

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 that maintains
7 adoptees' birth certificates, makes available the no release form, provides adoptees with copies of
8 their birth certificates unless a birth parent has filed a no release form and makes available
9 genetic, social and/or health histories to adoptees and adoptive parents of adoptees when provided
10 to the division by a birth parent.

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

12 (4) "Birth parent" means:

13 (i) The person who is legally presumed under the laws of this state to be the father or
14 mother of genetic origin of a child; and

15 (ii) A putative father of the child if the birth mother alleges he is the father and the
16 putative father, by written affidavit at any time or by surrender and release executed within one
17 year of the relinquishment of the child by the birth mother or termination of parental rights of the
18 birth mother, acknowledges being the child's biological father.

19 (5) "Community of resident" means the city or town within the state of a person's

1 home address at the time of his or her marriage or death, or of his or her mother's home address at
2 the time of his or her birth.

3 ~~(2)~~(6) "Dead body" means a lifeless human body or parts of a lifeless human body or its
4 bones from the state of which it reasonably may be concluded that death recently occurred.

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

6 ~~(3)~~(8) "Fetal death" means death prior to the complete expulsion or extraction from its
7 mother of a product of human conception, irrespective of the duration of pregnancy; the death is
8 indicated by the fact that after the expulsion or extraction the fetus does not breathe or show any
9 other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite
10 movement of the voluntary muscles.

11 ~~(4)~~(9) "Filing" means the presentation of a certificate, report, or other record provided
12 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by
13 the division of vital records.

14 ~~(5)~~(10) "Final disposition" means the burial, interment, cremation, or other disposition of
15 a dead body or fetus.

16 (11) "Genetic and social history" means a comprehensive report, when obtainable, on the
17 birth parents, siblings to the birth parents, if any, other children of either birth parent, if any, and
18 parents of the birth parents, and contains so much of the following information that is available:

19 (i) Medical history;

20 (ii) Health status;

21 (iii) Cause of and age at death;

22 (iv) Height, weight, eye and hair color;

23 (v) Ethnic origins; and

24 (vi) Religion, if any.

25 (12) "Health history" means a comprehensive report, when obtainable, of the child's
26 health status and medical history at the time of placement for adoption, including neonatal,
27 psychological, developmental, physiological, and medical care history.

28 ~~(6)~~(13) "Institution" means any establishment, public or private, which provides in-
29 patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care
30 to two (2) or more unrelated individuals, or to which persons are committed by law.

31 ~~(7)~~(14) "Live birth" means the complete expulsion or extraction from its mother of a
32 product of human conception, irrespective of the duration of pregnancy, which, after that
33 expulsion or extraction, breathes or shows any other evidences of life such as beating of the heart,
34 pulsation of the umbilical cord, or definite movement of the voluntary muscles, whether or not

1 the umbilical cord has been cut or the placenta is attached.

2 (15) "No release form" means the form prepared and maintained by the division that birth
3 parents, or parents and siblings of deceased or permanently disabled birth parents, may file
4 indicating the birth parent's desire not to have the adoptee's birth certificate released to the
5 adoptee or his or her authorized representative. The no release form shall also give the birth
6 parent the opportunity to provide a genetic, social and/or health history and allow that history to
7 be provided to the adoptee or adoptive parents of the adoptee.

8 ~~(8)~~(16) "Physician" means a person authorized or licensed to practice medicine pursuant
9 to chapter 37 of title 5.

10 (17) "Putative father" means a man who, under the laws of this state, is not legally
11 presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father
12 of genetic origin of the child.

13 ~~(9)~~(18) "Registration" means the acceptance by the division of vital records and the
14 incorporation in its official records of certificates, reports, or other records provided for in this
15 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

16 ~~(10)~~(19) "Signing" or "Signature" means the application of either a hand signature to a
17 paper record or an electronic process approved by the state registrar of vital records.

18 ~~(11)~~(20) "System of vital records" means the registration, collection, preservation,
19 amendment, and certification of vital statistics records, and activities related to them including the
20 tabulation, analysis, and publication of statistical data derived from those records.

21 ~~(12)~~(21) "Vital records" means records of birth, death, fetal death, marriage, divorce, and
22 data related to those records.

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

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

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

31 (2) A request that a new certificate be established and evidence required by regulation
32 proving that the person has been legitimated, or that a court of competent jurisdiction has
33 determined the paternity of the person; provided, however, that where a court of competent
34 jurisdiction has determined the paternity of the person, the name of the person who has been

1 adjudicated as being the father shall be inserted on the birth certificate.

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

4 (1) Thereafter, the original certificate and the evidence of adoption, paternity, or
5 legitimation shall not be subject to inspection except upon order of a court of competent
6 jurisdiction or as provided by regulation.

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

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

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

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

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

34 (2) If the child was born in a foreign country but was a citizen of the United States at the

1 time of birth, the state registrar shall not prepare a "certificate of foreign birth" and shall notify
2 the adoptive parents of the procedures for obtaining a revised birth certificate for their child
3 through the U.S. department of state.

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

9 (g) (1) The division shall establish, maintain and operate the adoptee vital records file.
10 Upon written application by an adult adoptee, the division shall issue to such applicant a non-
11 certified copy of the unaltered, original certificate of birth of the adoptee, with procedures, filing
12 fees and waiting periods identical to those imposed upon non-adopted citizens of the state unless
13 the division has a no release form on file, in which case no copy of the birth certificate shall be
14 released, but any genetic, social or health history in the adoptee vital records file shall be
15 released. Upon the written application of an adoptive parent of an adoptee, the division shall
16 release any genetic, social or health history provided in the adoptee vital records file to the parent.

17 (2) Any birth parent, or parent or adult sibling of a deceased or incompetent birth parent,
18 may file a no release form with the registry and the registry will thereafter not release a copy of
19 the adoptee's birth certificate. The division shall post the no release form and filing instructions
20 on the division's website. A birth parent, or parent or adult sibling of a deceased or permanently
21 disabled birth parent, may revoke his or her no release form at any time.

22 SECTION 2. This act shall take effect one year after passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - VITAL RECORDS

- 1 This act would create the "adoptee vital records file" to be maintained for the purpose of
- 2 providing adoptees with copies of birth certificates and/or other vital records relative to health.
- 3 This act would take one year after passage.

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