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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO DOMESTIC RELATIONS - PASSIVE VOLUNTARY ADOPTION MUTUAL
CONSENT REGISTRY

Introduced By: Senators Perry, Metts, Gallo, Sosnowski, and Miller

Date Introduced: March 05, 2009

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 15-7.2 of the General Laws entitled "Passive Voluntary
2 Adoption Mutual Consent Registry Act" is hereby amended to read as follows:

3 ~~CHAPTER 7.2~~

4 ~~PASSIVE VOLUNTARY ADOPTION MUTUAL CONSENT REGISTRY ACT~~

5 CHAPTER 7.2

6 ADOPTION INFORMATION AND VOLUNTARY REUNION REGISTRY ACT

7 SECTION 2. Sections 15-7.2-1, 15-7.2-2, 15-7.2-4, 15-7.2-5, 15-7.2-6, 15-7.2-7, 15-7.2-
8 10 and 15-7.2-12 of the General Laws in Chapter 15-7.2 entitled "Passive Voluntary Adoption
9 Mutual Consent Registry Act" are hereby amended to read as follows:

10 **15-7.2-1. Definitions.** -- As used in this chapter:

11 (1) "Adoptee" means a person who has been adopted in the state of Rhode Island.

12 (2) "Adoption" means the judicial act of creating the relationship of parent and child
13 where it did not exist previously.

14 (3) "Adoptive parent" means an adult who has become a parent of a child through
15 adoption.

16 (4) "Adult" means a person ~~twenty-one (21)~~ eighteen (18) years of age or older.

17 (5) "Agency" means any public or private organization licensed or authorized under the
18 laws of this state to place children for adoption.

1 (6) "Birth parent" is:

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

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

8 (7) "Court" is family court seating in Providence county.

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

12 (i) Medical history;

13 (ii) Health status;

14 (iii) Cause of and age at death;

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

16 (v) Ethnic origins; and

17 (vi) Religion, if any.

18 (9) "Health history" is a comprehensive report, when obtainable, of the child's health
19 status and medical history at the time of placement for adoption, including neonatal,
20 psychological, developmental, physiological, and medical care history.

21 (10) "~~Passive-voluntary~~ Voluntary adoption reunion registry" is a registry, which is not
22 authorized to seek registrants out but is authorized only to accept voluntary registration from
23 eligible parties as designated in this chapter.

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

27 (12) "Registry" is a ~~passive~~ voluntary adoption reunion registry as established under this
28 chapter.

29 (13) "Relevant parties" are only those parties eligible to register and to use a registry
30 pursuant to section 15-7.2-7.

31 (14) "Successor agency" is an agency which has the adoption records of another agency
32 because of the merger of the agency and the successor agency or because a former agency has
33 ceased doing business and has given its adoption records to the successor agency as provided in
34 this chapter.

1 **15-7.2-2. Policy.** -- It is the policy of this state that adoption is based upon the legal
2 termination of parental rights and responsibilities of birth parents and the creation of the legal
3 relationship of parents and child between an adoptee and the adoptive parents. These legal and
4 social premises underlying adoption must be maintained. The state recognizes that some adults
5 who are adopted as children have a strong desire to obtain identifying information about their
6 birth parents while other adult adoptees have no such desire. The state further recognizes that
7 some birth parents have a strong desire to obtain identifying information about their biological
8 children who were adopted, while other birth parents have no such desire. ~~The state fully~~
9 ~~recognizes the right to privacy and confidentiality of birth parents whose children were adopted,~~
10 ~~the adoptees, and the adoptive parents.~~ The state fully recognizes that birth parents whose
11 children were adopted, adoptees, and adoptive parents have the same right to privacy as other
12 citizens. The purpose of this chapter is to:

13 (1) Establish a ~~passive~~ voluntary adoption reunion registry where birth parents, adult
14 adoptees, and surviving relatives of deceased birth parents and deceased adoptees as defined in
15 this chapter may register their willingness ~~of the~~ to release ~~of~~ identifying information to each
16 other;

17 ~~(2) Provide for the disclosure of identifying information to birth parents and their genetic~~
18 ~~offspring through the court if a birth parent or parents and the adult adoptee are registered;~~

19 ~~(3)~~(2) Provide for the transmission of non-identifying health and social and genetic
20 ~~history of the~~ information adult adoptees, birth parents, and other specified persons; and

21 ~~(4)~~(3) Provide a mechanism in the court to inform registrants of the functions and
22 procedures of the registry at the time of registration.

23 **15-7.2-4. Information -- Confidential exceptions.** -- A person or agency shall not
24 disclose any confidential information relating to an adoption except as provided by this chapter,
25 chapter 23-3, or pursuant to a court order.

26 ~~**15-7.2-5. Information of registry confidential.**~~ **Registry information confidential.** --

27 (a) Notwithstanding another provision of law, ~~the~~ identifying information acquired by
28 any voluntary adoption reunion registry shall not be disclosed under any freedom of information
29 legislation or practice.

30 (b) A class action suit shall not be maintained in any court of this state to require the
31 registry to disclose identifying information.

32 (c) Any ~~registrant~~ person who discloses or causes to be disclosed identifying information
33 about a biological parent or adult adoptee ~~without that person's express written consent~~ acquired
34 by any voluntary adoption reunion registry, except as provided in this chapter, chapter 23-3, or by

1 [court order](#), shall be guilty of a misdemeanor punishable by imprisonment for a term of not more
2 than one year, or by a fine of not more than one thousand dollars (\$1,000), or both.

3 **15-7.2-6. The court to maintain registry.** -- A ~~passive~~ voluntary adoption reunion
4 registry shall be established and maintained by the court.

5 **15-7.2-7. Persons eligible to register and to use registry.** -- An adult adoptee, ~~each a~~
6 birth parent, any adult genetic sibling of any adoptee, an adoptive parent of a deceased adoptee,
7 and any parent or adult sibling of a deceased birth parent or parents may register by submitting a
8 signed affidavit to the appropriate registry. The affidavit shall contain the information listed in
9 section 15-7.2-9 and a signed statement of the registrant's willingness to be identified to the other
10 relevant persons who register. The affidavit gives authority to the registry to release identifying
11 information related to the registrant to the other relevant persons who register. Each registration
12 shall be accompanied by the birth certificate of the registrant.

13 **15-7.2-10. Processing affidavits.** -- (a) Upon receipt of ~~the~~ [an](#) affidavit under section 15-
14 7.2-7, the court shall review its data base and determine whether there is a match by comparing
15 the dates and place of birth of the adopted person.

16 (b) If a likely match appears, the chief judge of the family court or an associate justice
17 designated by the chief judge shall examine the original birth certificate or adoption records to
18 verify a match. Examination of adoption records for purposes other than verifying a match and
19 release of information from the adoption record is strictly prohibited.

20 (c) If the registry determines there is a match, and if the necessary relevant persons have
21 registered with the registry, notification of the match may be given by the registry to the
22 registrants ~~only as defined in section 15-7.2-8~~.

23 (d) Notification of a match to the relevant parties shall be made through a direct and
24 confidential contact at the address specified by the registrant. Subsequent to the notification of a
25 match, and prior to the release of identifying information, the adult adoptee shall participate in
26 not less than one hour of consultation designed specifically to assist in addressing the manifest
27 issues that may be expected to transpire in these situations.

28 (e) Any eligible registrant may receive from the registry non-identifying genetic, social,
29 and health history information as defined in this chapter, regardless of whether a verified match
30 occurs.

31 **15-7.2-12. Limits on releasing information.** -- (a) A registry shall release only
32 information necessary for identifying a birth parent, adult adoptee or adult genetic sibling of an
33 adult adoptee, and shall not release information of any kind pertaining to:

34 (1) The adoptive parents; [, except the adoptive parent or parents of a deceased adoptee](#)

1 [who have filed an affidavit with the registry pursuant to section 15-7.2-7;](#)

2 (2) The siblings to the adult adoptee who are children of the adoptive parents; and

3 (3) The income of anyone.

4 ~~(b) In the event of a verified match and release of identifying information, the registry,~~
5 ~~upon the written request of the adult adoptee of the match, shall certify to the state registrar of~~
6 ~~vital records that the adult adoptee is a party to a verified match and is entitled to receive~~
7 ~~uncertified copies of his or her original birth certificate. The certification shall also state that no~~
8 ~~person other than the adult adoptee is entitled to receive copies of the original birth certificate.~~
9 ~~However, no uncertified copy of the original birth certificate may be released to the adult adoptee~~
10 ~~unless each party named on the original birth certificate has registered. Registration by a birth~~
11 ~~parent not named on the original birth certificate shall not be required for release of the~~
12 ~~uncertified copy of the original birth certificate. [Uncertified copies of an adoptee's original birth](#)~~
13 ~~[certificate shall be released only as provided in chapter 23-3.](#)~~

14 SECTION 3. Sections 15-7.2-8 and 15-7.2-14 of the General Laws in Chapter 15-7.2
15 entitled "Passive Voluntary Adoption Mutual Consent Registry Act" are hereby repealed.

16 ~~**15-7.2-8. Failure of a necessary registrant to file an affidavit.** --- (a) Except as provided~~
17 ~~in this chapter, if a birth parent or an adoptee fails to file an affidavit with the registry for any~~
18 ~~reason, including disability, but excluding death, identifying information shall not be disclosed to~~
19 ~~those relevant persons who do register. No registration shall be accepted unless the registry is~~
20 ~~satisfied as to the identity of the registrants.~~

21 ~~-(b) In the event of the death of the adoptee, the adoptive parent or parents of the~~
22 ~~deceased adoptee may register, may be considered the necessary registrant in lieu of the deceased~~
23 ~~adoptee, and identifying information may be disclosed to the relevant persons in the event of a~~
24 ~~verified match.~~

25 ~~-(c) In the event of the death of the birth parent or birth parents, the parent or adult sibling~~
26 ~~of a deceased birth parent may register, may be considered the necessary registrant in lieu of the~~
27 ~~deceased birth parent, and identifying information may be disclosed to the relevant persons in the~~
28 ~~event of a verified match.~~

29 ~~**15-7.2-14. Objections to release of information.** --- Any eligible registrant or any~~
30 ~~adoptive parent may file with the registry an objection to the release of identifying information. In~~
31 ~~the event of a verified match where an objection to the release of identifying information has been~~
32 ~~filed, the court shall hear the objection of the filing party prior to the release of identifying~~
33 ~~information and the court shall determine whether it is in the best interests of the parties to release~~
34 ~~the objected to identifying information.~~

1 SECTION 4. 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 has been adopted in the state of Rhode Island.

5 (2) "Adoption" means the judicial act of creating the relationship of parent and child
6 where it did not exist previously.

7 (3) "Adoptive parent" means an adult who has become a parent of a child through
8 adoption.

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

10 ~~(4)~~(5) "Community of resident" means the city or town within the state of a person's
11 home address at the time of his or her marriage or death, or of his or her mother's home address at
12 the time of his or her birth.

13 ~~(5)~~(6) "Dead body" means a lifeless human body or parts of a lifeless human body or its
14 bones from the state of which it reasonably may be concluded that death recently occurred.

15 ~~(6)~~(7) "Fetal death" means death prior to the complete expulsion or extraction from its
16 mother of a product of human conception, irrespective of the duration of pregnancy; the death is
17 indicated by the fact that after the expulsion or extraction the fetus does not breathe or show any
18 other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite
19 movement of the voluntary muscles.

20 ~~(7)~~(8) "Filing" means the presentation of a certificate, report, or other record provided
21 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by
22 the division of vital records.

23 ~~(8)~~(9) "Final disposition" means the burial, interment, cremation, or other disposition of
24 a dead body or fetus.

25 ~~(9)~~(10) "Institution" means any establishment, public or private, which provides in-
26 patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care
27 to two (2) or more unrelated individuals, or to which persons are committed by law.

28 ~~(10)~~(11) "Live birth" means the complete expulsion or extraction from its mother of a
29 product of human conception, irrespective of the duration of pregnancy, which, after that
30 expulsion or extraction, breathes or shows any other evidences of life such as beating of the heart,
31 pulsation of the umbilical cord, or definite movement of the voluntary muscles, whether or not
32 the umbilical cord has been cut or the placenta is attached.

33 ~~(11)~~(12) "Physician" means a person authorized or licensed to practice medicine pursuant
34 to chapter 37 of title 5.

1 ~~(9)~~(13) "Registration" means the acceptance by the division of vital records and the
2 incorporation in its official records of certificates, reports, or other records provided for in this
3 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

4 ~~(10)~~(14) "Signing" or "Signature" means the application of either a hand signature to a
5 paper record or an electronic process approved by the state registrar of vital records.

6 ~~(11)~~(15) "System of vital records" means the registration, collection, preservation,
7 amendment, and certification of vital statistics records, and activities related to them including the
8 tabulation, analysis, and publication of statistical data derived from those records.

9 ~~(12)~~(16) "Vital records" means records of birth, death, fetal death, marriage, divorce, and
10 data related to those records.

11 **23-3-15. New certificates of birth following adoption -- Legitimation and paternity**

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

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

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

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

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

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

32 ~~(3) Upon receipt from a passive voluntary adoption mutual consent registry of a~~
33 ~~certificate provided for in section 15-7-2-12(b), the adult adoptee named in the certificate, and~~
34 ~~only that person, shall be entitled to receive non-certified copies of his or her original birth~~

1 ~~certificate.~~

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

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

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

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

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

31 SECTION 5. Chapter 23-3 of the General Laws entitled "Vital Records" is hereby
32 amended by adding thereto the following sections:

33 **23-3-15.2. Access to original birth certificate by adult adoptee. -- (a) Upon written**
34 **application by an adult adoptee who was born in this state and who has had an original birth**

1 certificate sealed due to an adoption, the registrar shall issue to such applicant a non-certified
2 copy of the unaltered, original certificate of birth of the adoptee, with procedures, filing fees and
3 waiting periods identical to those imposed upon non-adopted citizens of the state.

4 (b) The registrar shall prescribe and, upon request, shall make available to each birth
5 parent named on the original birth certificate, a contact preference form on which the birth parent
6 may state a preference regarding contact by an adoptee who is the birth child of the birth parent.
7 Upon such a request, the registrar shall also provide the birth parent with an updated medical
8 history form, which shall be completed and returned, together with the completed contact
9 preference form, by the birth parent to the registrar.

10 (c) The contact preference form shall provide the birth parent with the following options:

11 (1) I would like to be contacted.

12 (2) I would prefer to be contacted only through an intermediary.

13 (3) I would prefer not to be contacted at this time.

14 (d) When the registrar receives a complete contract preference form and a completed
15 medical history form from a birth parent, the registrar shall match the contact preference form and
16 the updated medical history form with the adoptee's sealed birth certificate. The contact
17 preference form and the updated medical history form shall then be attached to the adoptee's
18 sealed certificate and shall be released to requesting adult adoptees.

19 (e) Only a person authorized by the registrar to process an application made under
20 subsection (a) may process a contact preference form and an updated medical history form.

21 **23-3-15.3. Medical information release request.** -- (a) Upon the request of an adult
22 adoptee or birth parent of an adult adoptee for medical history information concerning the adult
23 adoptee or birth parent, the court shall refer the adult adoptee or birth parent to the child placing
24 agency which completed the pre-adoption investigation.

25 (b) Upon the request of an adult adoptee or an adoptive parent, the department or agency
26 involved in the adoption shall release information relating to the medical history of the birth
27 parent and blood relatives.

28 SECTION 6. This act shall take effect one year after passage or sooner as determined by
29 the Rhode Island State Registrar of Vital Records.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DOMESTIC RELATIONS - PASSIVE VOLUNTARY ADOPTION MUTUAL
CONSENT REGISTRY

1 This act would change the name of Chapter 15-7.2 and it would change the definition of
2 adult and provide more access to adoptees to their original birth certificate and accompanying
3 information.

4 This act would take effect one year after passage or sooner as determined by the Rhode
5 Island State Registrar of Vital Records.

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