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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Introduced By: Senators Goldin, Goodwin, Miller, Euer, and Lynch Prata

Date Introduced: February 27, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-7-5.1 of the General Laws in Chapter 15-7 entitled "Adoption of
2 Children" is hereby amended to read as follows:

3 **15-7-5.1. Contact preference form information.**

4 Upon providing consent to an adoption, the biological parent(s) shall be informed that,
5 consistent with subdivision 23-3-15(g)(1), an adoptee born prior to July 1, 2020, may obtain a non-
6 certified copy of his/her unaltered, original certificate of birth upon his/her ~~eighteenth~~ ~~twenty-fifth~~
7 ~~(25th)~~ birthday; an adoptee born on or after July 1, 2020, shall have unrestricted access to their
8 original certificate of birth from the adoptee's date of birth; and that the birth parent is allowed and
9 authorized to file a contact preference form with the division of vital records as provided in
10 subdivision 23-3-15(g)(2).

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

13 **23-3-1. Definitions.**

14 As used in this chapter:

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

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

1 (3) "Adult adoptee" means an adoptee ~~twenty-five (25)~~ eighteen (18) years of age or older.

2 (4) "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 child.

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

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

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

14 (8) "Direct line descendants" means a person who is in direct line to an ancestor, such as a
15 biological child, grandchild, or great-grandchild.

16 ~~(8)~~(9) "Division" means the division of vital records as defined in chapter 3 of title 23.

17 ~~(9)~~(10) "Fetal death" means death prior to the complete expulsion or extraction from its
18 mother of a product of human conception, irrespective of the duration of pregnancy; the death is
19 indicated by the fact that after the expulsion or extraction the fetus does not breathe or show any
20 other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite
21 movement of the voluntary muscles.

22 ~~(10)~~ (11) "Filing" means the presentation of a certificate, report, or other record provided
23 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by
24 the division of vital records.

25 ~~(11)~~(12) "Final disposition" means the burial, interment, cremation, or other disposition of
26 a dead body or fetus.

27 ~~(12)~~(13) "Institution" means any establishment, public or private, which provides in-patient
28 medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two
29 (2) or more unrelated individuals, or to which persons are committed by law.

30 ~~(13)~~(14) "Live birth" means the complete expulsion or extraction from its mother of a
31 product of human conception, irrespective of the duration of pregnancy, which, after that expulsion
32 or extraction, breathes or shows any other evidences of life such as beating of the heart, pulsation
33 of the umbilical cord, or definite movement of the voluntary muscles, whether or not the umbilical
34 cord has been cut or the placenta is attached.

1 ~~(14)~~(15) "Physician" means a person authorized or licensed to practice medicine pursuant
2 to chapter 37 of title 5.

3 ~~(15)~~(16) "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 ~~(16)~~(17) "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 ~~(17)~~(18) "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 ~~(18)~~(19) "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.**

15 (a) The state registrar of vital records shall establish a new certificate of birth for a person
16 born in this state when he or she receives the following:

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

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

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

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

33 (2) Upon receipt of a notice of annulment of adoption, the original certificate of birth shall
34 be restored to its place in the files and the new certificate and evidence shall not be subject to

1 inspection except upon order of a court of competent jurisdiction.

2 (3) Upon receipt from a passive voluntary adoption mutual consent registry of a certificate
3 provided for in § 15-7.2-12(b), the adult adoptee named in the certificate, or if the adopted person
4 is deceased, the adopted person's direct line descendants, or the lawful representative of such
5 adopted person, or lawful representatives of such deceased adopted person's direct line
6 descendants, and only that person, shall be entitled to receive non-certified copies of his or her
7 original birth certificate.

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

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

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

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

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

1 certificate, if that residence is within the state.

2 (g)(1) The division shall establish, maintain and operate the adoptee vital records file.
3 Beginning July 1, 2012, upon written application by an adult adoptee, or if the adopted person is
4 deceased, the adopted person's direct line descendants, or the lawful representative of such adopted
5 person, or lawful representative of such deceased adopted person's direct line descendants, who
6 was born in the State of Rhode Island the division shall issue to such applicant a non-certified copy
7 of the unaltered, original certificate of birth of the adoptee, with procedures, filing fees and waiting
8 periods identical to those imposed upon non-adopted citizens of the state.

9 (2) The division shall prescribe and, upon request, shall make available to each birth parent
10 of an adoptee named on the original birth certificate, a contact preference form on which the birth
11 parent may state a preference regarding contact by an adoptee who is the birth child of the birth
12 parent. The contact preference form shall be returned to the division. Upon such a request, the
13 division shall also provide the birth parent with an updated medical history form, which may be
14 completed and returned to the Passive Voluntary Adoption Mutual Consent Registry. The contact
15 preference form shall provide the birth parent with the following options from which the birth
16 parent shall select one:

17 "(a) I would like to be contacted.

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

19 (c) I would prefer not to be contacted at this time."

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

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

34 (h) The division shall maintain the following statistics, which shall be made available to

1 the general public on a quarterly basis or more frequently if possible:

2 (1) Number of original birth certificates released since the effective date of this bill;

3 (2) Number of contact preference forms filed; and

4 (3) Number of birth parent(s) who indicated on the contact preference form that they would

5 like to be contacted, would like to be contacted but only through an intermediary, or do not want

6 to be contacted.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

- 1 This act would amend the age and process in which people who are adopted in the state of
- 2 Rhode Island would have access to their original birth certificates.
- 3 This act would take effect upon passage.

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