

2022 -- H 7310 SUBSTITUTE A

LC004330/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- VITAL RECORDS -- ADOPTION OF
CHILDREN

Introduced By: Representatives Shallcross Smith, Ajello, Ackerman, and Fogarty

Date Introduced: February 02, 2022

Referred To: House Judiciary

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.**

4 As used in this chapter:

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

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

10 (3) "Adult adoptee" means an adoptee eighteen years of age or older.

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

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

16 (6) "Contact preference form" means the form prepared and maintained by the division that
17 birth parent(s) of adoptees may file to express his or her preference regarding contact with the
18 adoptee. The contact preference form shall include language informing the birth parent(s) of their

1 ability to provide genetic, social, and health history to the Passive Voluntary Adoption Mutual
2 Consent Registry as defined in chapter 7.2 of title 15.

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

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

7 ~~(8)~~(9) "Division" means the division of vital records as defined in this chapter.

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

13 ~~(10)~~(11) "Filing" means the presentation of a certificate, report, or other record provided
14 for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by
15 the division of vital records.

16 ~~(11)~~(12) "Final disposition" means the burial, interment, cremation, or other disposition of
17 a dead body or fetus.

18 ~~(12)~~(13) "Institution" means any establishment, public or private, that provides in-patient
19 medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two
20 (2) or more unrelated individuals, or to which persons are committed by law.

21 (14) "Legal representative" means an individual's attorney, personal representative or
22 conservator and includes a guardian appointed by the court to make decisions regarding the person
23 of an adult.

24 ~~(13)~~(15) "Live birth" means the complete expulsion or extraction from its mother of a
25 product of human conception, irrespective of the duration of pregnancy, that, after that expulsion
26 or extraction, breathes or shows any other evidences of life such as beating of the heart, pulsation
27 of the umbilical cord, or definite movement of the voluntary muscles, whether or not the umbilical
28 cord has been cut or the placenta is attached.

29 ~~(14)~~(16) "Physician" means a person authorized or licensed to practice medicine pursuant
30 to chapter 37 of title 5.

31 ~~(15)~~(17) "Registration" means the acceptance by the division of vital records and the
32 incorporation in its official records of certificates, reports, or other records provided for in this
33 chapter, or births, deaths, fetal deaths, adoptions, marriages, or divorces.

34 ~~(16)~~(18) "Signing" or "Signature" means the application of either a hand signature to a

1 paper record or an electronic process approved by the state registrar of vital records.

2 ~~(17)~~(19) "System of vital records" means the registration, collection, preservation,
3 amendment, and certification of vital statistics records, and activities related to them including the
4 tabulation, analysis, and publication of statistical data derived from those records.

5 ~~(18)~~(20) "Vital records" means records of birth, death, fetal death, marriage, divorce, and
6 data related to those records.

7 ~~23-3-15. New certificates of birth following adoption -- Legitimation and paternity~~
8 ~~determination~~ **New certificates of birth following adoption -- Legitimation and genetic parent**
9 **determination.**

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

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

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

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

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

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

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

34 (c) If no certificate of birth is on file for the person for whom a new certificate is to be

1 established under this section, a delayed certificate of birth shall be filed with the state registrar of
2 vital records as provided in § 23-3-12 or § 23-3-13, before a new certificate of birth is established,
3 except that when the date and place of birth and parentage have been established in accordance
4 with this chapter in the adoption proceedings, a delayed certificate shall not be required.

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

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

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

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

28 (g)(1) The division shall establish, maintain, and operate the adoptee vital records file.
29 Beginning July 1, 2012, upon written application by an adult adoptee who was born in the State of
30 Rhode Island the division shall issue to the applicant a non-certified copy of the unaltered, original
31 certificate of birth of the adoptee, [or if the adopted person is deceased, the adopted person's direct](#)
32 [line descendants, or the legal representative of such adopted person, in accordance with the](#)
33 [provisions of § 23-3-23,](#) with procedures, filing fees, and waiting periods identical to those imposed
34 upon non-adopted citizens of the state.

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

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

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

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

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

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

26 (h) The division shall maintain the following statistics that shall be made available to the
27 general public on a quarterly basis or more frequently if possible:

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

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

30 (3) Number of birth parent(s) who indicated on the contact preference form that they would
31 like to be contacted, would like to be contacted but only through an intermediary, or do not want
32 to be contacted.

33 SECTION 2. This act shall take effect upon passage.

=====

LC004330/SUB A/2

=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- VITAL RECORDS -- ADOPTION OF
CHILDREN

- 1 This act would allow the division of vital statistics to provide an original birth certificate
2 of an adult adopted person to the adopted person's lineal descendants or the legal representative of
3 the adopted person if the adopted person is deceased.
4 This act would take effect upon passage.

=====
LC004330/SUB A/2
=====