

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO VITAL RECORDS -- ADOPTION

Introduced By: Representatives Scott, Story, and Savage

Date Introduced: March 31, 2005

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-7.2 of the General Laws entitled "Passive Voluntary Adoption
2 Mutual Consent Registry Act" is hereby repealed in its entirety.

3 ~~CHAPTER 15-7.2~~

4 ~~Passive Voluntary Adoption Mutual Consent Registry Act~~

5 ~~15-7.2-1. Definitions. -- As used in this chapter:~~

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

7 ~~-(2) "Adoption" means the judicial act of creating the relationship of parent and child
8 where it did not exist previously.~~

9 ~~-(3) "Adoptive parent" means an adult who has become a parent of a child through
10 adoption.~~

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

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

14 ~~-(6) "Birth parent" is:~~

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

17 ~~-(ii) A putative father of the child if the birth mother alleges he is the father and the
18 putative father, by written affidavit at any time or by surrender and release executed within one
19 year of the relinquishment of the child by the birth mother or termination of parental rights of the~~

1 ~~birth mother, acknowledges being the child's biological father.~~

2 ~~-(7) "Court" is family court seating in Providence county.~~

3 ~~-(8) "Genetic and social history" is a comprehensive report, when obtainable, on the birth~~

4 ~~parents, siblings to the birth parents, if any, other children of either birth parent, if any, and~~

5 ~~parents of the birth parents, and contains so much of the following information that is available:~~

6 ~~-(i) Medical history;~~

7 ~~-(ii) Health status;~~

8 ~~-(iii) Cause of and age at death;~~

9 ~~-(iv) Height, weight, eye and hair color;~~

10 ~~-(v) Ethnic origins; and~~

11 ~~-(vi) Religion, if any.~~

12 ~~-(9) "Health history" is a comprehensive report, when obtainable, of the child's health~~

13 ~~status and medical history at the time of placement for adoption, including neonatal,~~

14 ~~psychological, developmental, physiological, and medical care history.~~

15 ~~-(10) "Passive voluntary adoption reunion registry" is a registry, which is not authorized~~

16 ~~to seek registrants out but is authorized only to accept voluntary registration from eligible parties~~

17 ~~as designated in this chapter.~~

18 ~~-(11) "Putative father" is a man who, under the laws of this state, is not legally presumed~~

19 ~~to be the father of genetic origin of a child, but who claims or is alleged to be the father of genetic~~

20 ~~origin of the child.~~

21 ~~-(12) "Registry" is a passive voluntary adoption reunion registry as established under this~~

22 ~~chapter.~~

23 ~~-(13) "Relevant parties" are only those parties eligible to register and to use a registry~~

24 ~~pursuant to section 15-7.2-7.~~

25 ~~-(14) "Successor agency" is an agency which has the adoption records of another agency~~

26 ~~because of the merger of the agency and the successor agency or because a former agency has~~

27 ~~ceased doing business and has given its adoption records to the successor agency as provided in~~

28 ~~this chapter.~~

29 ~~**15-7.2-2. Policy.** --- It is the policy of this state that adoption is based upon the legal~~

30 ~~termination of parental rights and responsibilities of birth parents and the creation of the legal~~

31 ~~relationship of parents and child between an adoptee and the adoptive parents. These legal and~~

32 ~~social premises underlying adoption must be maintained. The state recognizes that some adults~~

33 ~~who are adopted as children have a strong desire to obtain identifying information about their~~

34 ~~birth parents while other adult adoptees have no such desire. The state further recognizes that~~

1 ~~some birth parents have a strong desire to obtain identifying information about their biological~~
2 ~~children who were adopted, while other birth parents have no such desire. The state fully~~
3 ~~recognizes the right to privacy and confidentiality of birth parents whose children were adopted,~~
4 ~~the adoptees, and the adoptive parents. The purpose of this chapter is to:~~

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

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

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

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

14 ~~**15-7.2-3. Adoption records to be permanently maintained.** -- (a) All records of any~~
15 ~~adoption finalized in this state shall be permanently maintained by the department of children,~~
16 ~~youth, and families or by the agency arranging the adoption.~~

17 ~~(b) If an agency which handles adoptions ceases to do business, the agency shall transfer~~
18 ~~the adoption records to the department of children, youth, and families or to a successor agency,~~
19 ~~provided that the agency gives notice of the transfer to the department of children, youth, and~~
20 ~~families.~~

21 ~~**15-7.2-4. Information -- Confidential exceptions.** -- A person or agency shall not~~
22 ~~disclose any confidential information relating to an adoption except as provided by this chapter or~~
23 ~~pursuant to a court order.~~

24 ~~**15-7.2-5. Information of registry confidential.** -- (a) Notwithstanding another provision~~
25 ~~of law, the information acquired by any voluntary adoption reunion registry shall not be disclosed~~
26 ~~under any freedom of information legislation or practice.~~

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

29 ~~(c) Any registrant who discloses or causes to be disclosed identifying information about~~
30 ~~a biological parent or adult adoptee without that person's express written consent shall be guilty~~
31 ~~of a misdemeanor punishable by imprisonment for a term of not more than one year, or by a fine~~
32 ~~of not more than one thousand dollars (\$1,000), or both.~~

33 ~~**15-7.2-6. The court to maintain registry.** -- A passive voluntary adoption reunion~~
34 ~~registry shall be established and maintained by the court.~~

1 ~~**15-7.2-7. Persons eligible to register and to use registry.** -- An adult adoptee, each~~
2 ~~birth parent, any adult genetic sibling of any adoptee, an adoptive parent of a deceased adoptee,~~
3 ~~and any parent or adult sibling of a deceased birth parent or parents may register by submitting a~~
4 ~~signed affidavit to the appropriate registry. The affidavit shall contain the information listed in~~
5 ~~section 15-7.2-9 and a signed statement of the registrant's willingness to be identified to the other~~
6 ~~relevant persons who register. The affidavit gives authority to the registry to release identifying~~
7 ~~information related to the registrant to the other relevant persons who register. Each registration~~
8 ~~shall be accompanied by the birth certificate of the registrant.~~

9 ~~**15-7.2-8. Failure of a necessary registrant to file an affidavit.** -- (a) Except as provided~~
10 ~~in this chapter, if a birth parent or an adoptee fails to file an affidavit with the registry for any~~
11 ~~reason, including disability, but excluding death, identifying information shall not be disclosed to~~
12 ~~those relevant persons who do register. No registration shall be accepted unless the registry is~~
13 ~~satisfied as to the identity of the registrants.~~

14 ~~(b) In the event of the death of the adoptee, the adoptive parent or parents of the~~
15 ~~deceased adoptee may register, may be considered the necessary registrant in lieu of the deceased~~
16 ~~adoptee, and identifying information may be disclosed to the relevant persons in the event of a~~
17 ~~verified match.~~

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

22 ~~**15-7.2-9. Content of affidavit -- Notice of change in information.** -- (a) The affidavit~~
23 ~~required under section 15-7.2-7 shall contain:~~

- 24 ~~(1) The current name and address of the registrant;~~
- 25 ~~(2) Any previous name by which the registrant was known;~~
- 26 ~~(3) The original or adopted names of the adopted child;~~
- 27 ~~(4) The place and date of birth of the adopted child, if known;~~
- 28 ~~(5) The name and address of the agency, if known; and~~
- 29 ~~(6) The registrant's relationship to this adoption.~~

30 ~~(b) The registrant shall notify the registry of any change in name or address which occurs~~
31 ~~after the registrant registers. Upon registering, the registry shall inform the registrant that the~~
32 ~~registrant has the responsibility to notify the registry of a change in address. The registry is not~~
33 ~~required to search for a registrant who fails to notify the registry of a change of address.~~

34 ~~(c) A registrant may cancel the registrant's registration at any time by giving the registry~~

1 ~~written notice of the registrant's desires to cancel.~~

2 ~~**15-7.2-10. Processing affidavits.** --- (a) Upon receipt of the affidavit under section 15-~~
3 ~~7.2-7, the court shall review its data base and determine whether there is a match by comparing~~
4 ~~the dates and place of birth of the adopted person.~~

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

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

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

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

20 ~~**15-7.2-11. Registry information to be maintained permanently.** --- Any affidavits filed~~
21 ~~and other information collected by a registry shall be permanently maintained.~~

22 ~~**15-7.2-12. Limits on releasing information.** --- (a) A registry shall release only~~
23 ~~information necessary for identifying a birth parent, adult adoptee or adult genetic sibling of an~~
24 ~~adult adoptee, and shall not release information of any kind pertaining to:~~

- 25 ~~(1) The adoptive parents;~~
- 26 ~~(2) The siblings to the adult adoptee who are children of the adoptive parents; and~~
- 27 ~~(3) The income of anyone.~~

28 ~~(b) In the event of a verified match and release of identifying information, the registry,~~
29 ~~upon the written request of the adult adoptee of the match, shall certify to the state registrar of~~
30 ~~vital records that the adult adoptee is a party to a verified match and is entitled to receive~~
31 ~~uncertified copies of his or her original birth certificate. The certification shall also state that no~~
32 ~~person other than the adult adoptee is entitled to receive copies of the original birth certificate.~~
33 ~~However, no uncertified copy of the original birth certificate may be released to the adult adoptee~~
34 ~~unless each party named on the original birth certificate has registered. Registration by a birth~~

~~parent not named on the original birth certificate shall not be required for release of the uncertified copy of the original birth certificate.~~

~~**15-7.2-13. Registration fee.** --- There shall be a twenty five dollar (\$25.00) fee imposed upon persons who register pursuant to this chapter.~~

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

~~**15-7.2-15. The court to promulgate rules and procedures.** --- The court shall promulgate any rules and procedures that are necessary to establish the operation of the registry consistent with the purpose of this chapter.~~

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

23-3-1. Definitions. -- As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (14) "Adoption" means the judicial act of creating the relationship of parent and child
20 where it did not exist previously.

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

23 (16) "Adult" means a person twenty-one (21) years of age or older.

24 **23-3-15. New certificates of birth following adoption -- Legitimation and paternity**

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

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

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

1 jurisdiction has determined the paternity of the person, the name of the person who has been
2 adjudicated as being the father shall be inserted on the birth certificate.

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

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

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

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

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

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

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

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

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

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

12 **23-3-14.1. Access to original birth certificate by adult adoptee.** – (a) Upon written
13 application by an adult adoptee, who was born in this state and who has had an original birth
14 certificate removed from vital statistics records due to an adoption, the registrar shall issue to
15 such applicant a non-certified copy of the unaltered, original certificate of birth of the adoptee,
16 with procedures, filing fees and waiting periods identical to those imposed upon non-adopted
17 citizens of the state.

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

24 (c) The contact preference form shall provide the birth parent with the following options
25 from which the birth parent shall select one:

26 (1) I would like to be contacted. I have completed a contact preference form and an
27 updated medical history form and am filing them with the registrar as set forth in this form.

28 (2) I would prefer to be contacted only through an intermediary. I have completed a
29 contact preference form and an updated medical history form and am filing them with the
30 registrar as set forth in this form.

31 (3) I would prefer not to be contacted at this time. I have completed a contact preference
32 form and an updated medical history form and am filing them with the registrar as set forth in this
33 form.

34 (d) When the registrar receives a complete contract preference form and a completed

1 medical history form from a birth parent, the registrar shall match the contact preference form and
2 the updated medical history form with the adoptee's sealed birth certificate. The contact
3 preference form and the updated medical history form shall then be attached to the adoptee's
4 sealed certificate and shall be released to requesting adult adoptees.

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

7 **23-3-14.2. Medical information release request by adoption parties.** – (a) Upon the
8 request of an adult adoptee or birth parent of an adult adoptee for medical history information
9 concerning the adult adoptee or birth parent, the court shall refer the adult adoptee or birth parent
10 to the child placing agency which completed the pre-adoption investigation.

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

14 SECTION 4. This act shall take effect upon passage.

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LC02905
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO VITAL RECORDS -- ADOPTION

- 1 This act would open up the birth certificates and records maintained by state and child
- 2 placing agencies to requesting adult adoptees and birth parents.
- 3 This act would take effect upon passage.

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