

1 HB106
2 108373-1
3 By Representatives Hinshaw, Ball, Taylor and McCutcheon
4 RFD: Judiciary
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

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8 SYNOPSIS: Under existing law, the State Registrar
9 must establish a new certificate of birth for a
10 person born in this state upon each adoption
11 decreed by a court of competent jurisdiction in
12 this state or a report of adoption prepared and
13 filed in accordance with the laws of another state,
14 the District of Columbia, a territory of the United
15 States, or a foreign country. Also, the State
16 Registrar is required to issue a CERTIFICATE OF
17 FOREIGN BIRTH for a person born in a foreign
18 country who is not a citizen of the United States
19 and who was adopted through a court in this state.

20 This bill would also require the State
21 Registrar to issue a CERTIFICATE OF FOREIGN BIRTH
22 for any person adopted under any other jurisdiction
23 within or outside of the United States.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Section 22-9A-12 of the Code of Alabama 1975, relating to new birth certificates upon adoption; to provide for a CERTIFICATE OF FOREIGN BIRTH for any person adopted under any other jurisdiction within or outside of the United States.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-9A-12 of the Code of Alabama 1975, is amended to read as follows:

"§22-9A-12.

"(a) The State Registrar shall establish a new certificate of birth for a person born in this state upon receipt of any of the following:

"(1) A report of adoption as provided in Section 22-9A-11 or a report of adoption prepared and filed in accordance with the laws of another state, the District of Columbia, a territory of the United States, or a foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth. A new certificate of birth shall not be established if so requested by the court decreeing the adoption.

"(2) A request that a new certificate be established upon completion of the legitimation procedure specified in Sections 26-11-2 and 26-17-6. If the name of another man is shown as the father of the child on the original certificate,

1 a new certificate may be prepared only when a determination of
2 paternity is made by a court of competent jurisdiction or
3 following adoption.

4 "(3) A certified copy of a valid court determination
5 of paternity that establishes the name of the father and
6 decrees the name the child is to bear together with the
7 information necessary to identify the original certificate of
8 birth.

9 "(b) The new certificate of birth prepared as a
10 result of subsection (a) shall be on the form in use at the
11 time of its preparation and shall include all of the following
12 items and other information necessary to complete the
13 certificate:

14 "(1) The name of the child.

15 "(2) The actual place and date of birth as shown on
16 the original certificate.

17 "(3) The names and personal particulars of the
18 adoptive parents or of the natural parents, whichever is
19 appropriate.

20 "(4) The name of the attendant.

21 "(5) The birth number assigned to the original birth
22 certificate.

23 "(6) The original filing date.

24 "(c) The new certificate shall be substituted for
25 the original certificate of birth in the files, and the
26 original certificate of birth and the evidence of adoption,
27 legitimation, or paternity determination shall not be subject

1 to inspection except upon order of a court of competent
2 jurisdiction. Notwithstanding the foregoing, any person 19
3 years of age or older who was born in the State of Alabama and
4 who has had an original birth certificate removed from the
5 files due to an adoption, legitimation, or paternity
6 determination may, upon written request, receive a copy of
7 that birth certificate and any evidence of the adoption,
8 legitimation, or paternity determination held with the
9 original record. The copy of the original birth certificate
10 shall be in a form that clearly indicates it is not a
11 certified copy and that it may not be used for legal purposes.
12 All procedures, fees, and waiting periods applicable to
13 non-adopted citizens born in the State of Alabama seeking
14 copies of certificates of birth shall apply.

15 "(d) A birth parent may at any time request from the
16 State Registrar of Vital Statistics a contact preference form
17 that shall accompany a birth certificate issued under
18 subsection (c).

19 "The contact preference form shall provide the
20 following information to be completed at the option of the
21 birth parent:

22 "(1) I would like to be contacted.

23 "(2) I would prefer to be contacted only through an
24 intermediary.

25 "(3) I prefer not to be contacted at this time. If I
26 decide later that I would like to be contacted, I will submit
27 an updated contact preference form to the State Registrar of

1 Vital Statistics. I have completed an updated medical history
2 form and have filed it with the State Registrar of Vital
3 Statistics.

4 "The medical history form shall be in a form
5 prescribed by the Department of Vital Statistics and shall be
6 supplied to the birth parent upon request of a contact
7 preference form from the State Registrar of Vital Statistics.

8 "Only those persons who are authorized to process
9 applications made under subsection (c) may process contact
10 preference and medical history forms.

11 "The medical history form and contact preference
12 form are confidential communications from the birth parent to
13 the person named on the sealed birth certificate and shall be
14 placed in a sealed envelope upon receipt from the birth
15 parent. The sealed envelope shall be matched with and placed
16 in the file containing the sealed birth certificate.

17 "The sealed envelope containing the contact
18 preference form and medical history form shall be released to
19 a person requesting his or her own original birth certificate
20 under subsection (c). The contact preference form and medical
21 history form are a private communication from the birth parent
22 to the person named on the sealed birth certificate and no
23 copies of the forms shall be retained by the State Registrar
24 of Vital Statistics.

25 "(e) Upon receipt of a report of an amended decree
26 of adoption, the certificate of birth shall be amended as
27 provided in Section 22-9A-19.

1 "(f) Upon receipt of a report or decree of annulment
2 of adoption, the original certificate of birth shall be
3 restored to its place in the files and the new certificate and
4 evidence shall not be subject to inspection except upon order
5 of a court of competent jurisdiction or as specified by the
6 board.

7 "(g) If no certificate of birth is on file for the
8 person for whom a new birth certificate is to be established
9 under this section, and the date and place of birth have been
10 determined in the adoption or paternity proceedings, a delayed
11 certificate of birth shall be filed with the State Registrar
12 as provided in Section 22-9A-9 or Section 22-9A-10 before a
13 new certificate of birth is established. The new birth
14 certificate shall be prepared on the appropriate delayed birth
15 certificate form.

16 "(h) When a new certificate of birth is established
17 by the State Registrar, all copies of the original certificate
18 of birth in the custody of any other party shall be forwarded
19 to the State Registrar upon receipt of his or her request.

20 "(i) (1) The State Registrar ~~shall~~, upon request,
21 shall prepare and register a certificate in this state for a
22 person born in a foreign country who is not a citizen of the
23 United States and who was adopted through a court in this
24 state. The certificate shall be established upon receipt of a
25 report of adoption from the court decreeing the adoption,
26 proof of the date and place of birth of the child, and a
27 request from the court, the adopting parents, or the adopted

1 person if 18 years of age or over that a certificate be
2 prepared. The certificate shall be labeled "CERTIFICATE OF
3 FOREIGN BIRTH" and shall show the actual country of birth. A
4 decree of a court or other officially recognized and
5 authorized body terminating the relationship of parent and
6 child or establishing the relationship by adoption issued
7 under due process of law by a court of any other jurisdiction
8 within or outside of the United States shall be recognized in
9 this state and the rights and obligations of the parties as to
10 matters within the jurisdiction of this state shall be
11 determined as though the decree were issued by a court of this
12 state. When the Center for Health Statistics receives a
13 certified copy of the decree, the State Registrar shall issue
14 a CERTIFICATE OF FOREIGN BIRTH, for which the center may
15 charge a reasonable fee. A statement shall also be included on
16 the certificate indicating that it is not evidence of United
17 States citizenship for the child for whom it is issued. After
18 registration of the birth certificate in the new name of the
19 adopted person, the State Registrar shall seal and file the
20 report of adoption which shall not be subject to inspection
21 except upon order of a court of competent jurisdiction or as
22 provided by statute. Notwithstanding the foregoing, any person
23 19 years of age or older who has had a CERTIFICATE OF FOREIGN
24 BIRTH prepared in the State of Alabama ~~may~~, upon written
25 request, may receive a copy of any information about the
26 adoption held in files under the jurisdiction of the State
27 Registrar.

1 "(2) If the child was born in a foreign country but
2 was a citizen of the United States at the time of birth, the
3 State Registrar shall not prepare a "CERTIFICATE OF FOREIGN
4 BIRTH" and shall notify the adoptive parents of the procedures
5 for obtaining a revised birth certificate for their child
6 through the U.S. Department of State."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.