

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

574R0166

## HOUSE BILL NO. 1079

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the issuance of a new  
2 birth certificate in certain adoptions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-25-16.1 be amended to read as follows:

5 34-25-16.1. If the birth occurred in South Dakota, the Department of Health shall issue a  
6 new certificate of birth in the new name of the child and with the name of the adopting person;  
7 ~~except that.~~ However, a new certificate of birth may not be prepared if so requested by the court  
8 decreeing the adoption, the adoptive parents, or the adopted person.

9 If the birth occurred in a foreign nation; and the adoption decree is entered in a court of this  
10 state, the Department of Health shall issue a new certificate of birth in the new name of the child  
11 and with the name of the adopting person. The birth certificate shall be prepared in accord with  
12 the facts as found and entered by the court. If the birth occurred in a foreign nation and the  
13 adoption was finalized in a foreign nation, any circuit court of this state may issue an order, ex  
14 parte and without hearing, directing that a new certificate of birth be issued upon filing the  
15 following documentation:



- 1       (1)   ~~The~~ A certified copy of the adoption order from the foreign nation;
- 2       (2)   A certified translation of the adoption order if necessary;
- 3       (3)   Proof of the date and place of the child's birth;
- 4       (4)   Proof of IR-3 immigration status; and
- 5       (5)   Proof that each adopting person is a resident of this state.

6       The Department of Health shall issue a new certificate of birth in the new name of the child and  
7       the name of each adopting person upon receipt from the clerk of courts such information  
8       necessary to establish a new certificate of birth on a form prepared by the department.

9       The issuance of certificates pursuant to this section is conditioned upon the receipt of a fee  
10      based upon administrative cost as established by the department pursuant to chapter 1-26.