SLS 10RS-997 **ORIGINAL**

Regular Session, 2010

SENATE BILL NO. 521

BY SENATOR SHAW

VITAL STATISTICS. Provides for the issuance of new birth records for adopted children. (gov sig)

AN ACT

To amend and reenact R.S. 40:76(C)(3) and 79(C) and to enact R.S. 40:76(D) and (E) and 79(E), relative to records of birth; to provide that a single adoptive parent who adopts a child in another state or a foreign country may obtain a record of birth listing the adoptive parent's name; to provide that the registrar of vital records may only issue a new record of birth to an adoptive parent or parents under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:76(C)(3) and 79(C) are hereby amended and reenacted and R.S. 40:76(D) and (E) and 79(E) are hereby enacted to read as follows:

§76. Record of foreign adoptions

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C. Upon receipt of the certified copy of the decree, the state registrar shall make a new record in its archives, showing:

* * *

(3) The names of the adoptive **parent or** parents and any other data about them that is available and adds to the completeness of the certificate of the adopted

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child**, unless otherwise prohibited by Subsection D of this Section**.

D. The registrar shall issue a new record of birth, pursuant to this Section, only where the adoptive parent or parents would qualify as a petitioner or petitioners in this state, pursuant to Children's Code Article 1198 or 1221.

E. When the registrar determines that the adoptive parent or parents would not qualify pursuant to Subsection D of this Section, the registrar shall send a certified copy of the original birth certificate and the application for the birth certificate to the state in which the child was adopted and shall issue the following declaration and authorization:

The Louisiana office of vital records received a request from (name of individuals requesting a new birth certificate) to reissue the birth certificate of (name of child) as is indicated on the name of the attached birth certificate. Louisiana law does not allow our office to issue a new birth certificate to include the names of two individuals who adopt a child where the two are not married or where the two individuals would not qualify to be married in the state of Louisiana pursuant to the Constitution of Louisiana, Article XII, §15 and Children's Code Article 1198 or 1221. The state of Louisiana hereby authorizes the release of our vital records to your state birth registry and YOUR STATE IS HEREBY AUTHORIZED TO ISSUE A NEW BIRTH CERTIFICATE FOR THE ABOVE NAMED CHILD to include the names of the two or more individuals who are recognized as adoptive parents in conjunction with the adoption order or decree and in the same manner in which your state would issue a new birth certificate for a child adopted from a foreign country.

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§79. Record of adoption decree

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C. A person born in a foreign country who is adopted in the state of Louisiana, but who is not a United States citizen, or who is a naturalized United States citizen, and a person born in a foreign country and adopted outside the United States by **an** adoptive **parent or adoptive** parents who are residents of the state of Louisiana at the time of the adoption, may obtain a new birth certificate according to the following conditions, limitations, and procedures:

* * *

E. The registrar shall issue a record of birth, pursuant to Subsection C of this Section, only where the adoptive parent or parents would qualify as a petitioner or petitioners in this state, pursuant to Children's Code Article 1198 or 1221.

Section 2. The provisions of this Act are procedural and not substantive and are enacted to clarify R.S. 40:76 and R.S. 40:79. This Act is declared to be interpretive, remedial, curative, and procedural and, therefore, should be applied retroactively as well as prospectively.

Section 3. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

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Present law provides that upon receipt of the certified copy of an adoption decree, the state registrar shall make a new record in its archives, showing the names of the adoptive parents and any other data about them that is available and adds to the completeness of the certificate of the adopted child.

Proposed law retains present law and requires the new record to show the name of the adoptive parent or parents and makes the issuance of the new record subject to limitations set forth in proposed law.

Proposed law provides that the registrar shall issue a new record of birth, pursuant to this Section, only where the adoptive parent or parents would qualify as a petitioner or petitioners in this state, pursuant to Children's Code Article 1198 or 1221.

Proposed law provides that when the registrar determines that the adoptive parent or parents would not qualify pursuant to proposed law, the registrar shall send a certified copy of the original birth certificate and the application for the birth certificate to the state in which the child is was adopted and shall issue the following declaration and authorization:

> The Louisiana office of vital records received a request from (name of individuals requesting a new birth certificate) to reissue the birth certificate of (name of child) as is indicated on the name of the attached birth certificate. Louisiana law does not allow our office to issue a new birth certificate to include the names of two individuals who adopt a child where the two are not married or where the two individuals would not qualify to be married in the state of Louisiana pursuant to the Constitution of Louisiana, Article XII, §15 and Children's Code Article 1198 or 1221. The state of Louisiana hereby authorizes the release of our vital records to your state birth registry and YOUR STATE IS HEREBY AUTHORIZED TO ISSUE A NEW BIRTH CERTIFICATE FOR THE ABOVE NAMED CHILD to include the names of the two or more individuals who are recognized as adoptive parents in conjunction with the adoption order or decree and in the same manner in which your state would issue a new birth certificate for a child adopted from a foreign country.

Present law provides that a person born in a foreign country who is adopted in the state of Louisiana, but who is not a United States citizen, or who is a naturalized United States citizen, and a person born in a foreign country and adopted outside the United States by adoptive parents who are residents of the state of Louisiana at the time of the adoption, may obtain a new birth certificate according to certain conditions, limitations, and procedures.

Proposed law retains present law and further provides that the registrar shall issue a record of birth, pursuant to present law, only where the adoptive parent or parents would qualify as a petitioner or petitioners in this state, pursuant to Children's Code Article 1198 or 1221. Proposed law provides that the provisions of proposed law are procedural and not substantive and are enacted to clarify R.S. 40:76 and R.S. 40:79 and the provisions are declared to be interpretive, remedial, curative, and procedural and, therefore, should be applied retroactively as well as prospectively.

Proposed law provides that if any provision or item of proposed law, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application and to this end the provisions of proposed law are hereby declared severable.

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Effective upon signature of the governor or lapse of time for gubernatorial action.

(R.S. 40:76(C)(3) and 79(C); adds R.S. 40:76(D) and (E) and 79(E))

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