

1 SB6
2 194474-1
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 01/15/2019

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8 SYNOPSIS: Existing law provides that foreign-born
9 children who are adopted by Alabama parents shall
10 be issued Certificates of Foreign Birth in Alabama
11 upon production of certain documents.

12 This bill would provide that if there is any
13 inaccurate date of birth or place of birth
14 information detailed on a Certificate of Foreign
15 Birth, the parents of the foreign-born child may
16 petition the probate court in the county in which
17 they reside for an order to correct the information
18 and for issuance of a new Certificate of Foreign
19 Birth.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to adoption of foreign-born children; to
26 amend Sections 22-9A-11.1 and 22-9A-12, Code of Alabama 1975,
27 to provide that if any inaccurate date of birth or place of

1 birth information is detailed for a foreign-born child on a
2 Certificate of Foreign Birth, the parents of that child may
3 petition the probate court in the county in which they reside
4 for an order to correct the information and for the issuance
5 of a new Certificate of Foreign Birth.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 22-9A-11.1 and 22-9A-12, Code of
8 Alabama 1975, are amended to read as follows:

9 "§22-9A-11.1.

10 "(a) A child who has automatically acquired United
11 States citizenship following a foreign adoption and who
12 possesses a Certificate of Citizenship in accordance with the
13 Child Citizenship Act, CAA, P.L. 106-395, shall be exempt from
14 ~~the provisions of~~ Section 22-9A-11, which ~~require~~ requires a
15 judicial report to acquire a Certificate of Foreign Birth.

16 "(b) The State Registrar, upon written request,
17 shall prepare a Certificate of Foreign Birth reflecting the
18 actual date and place of birth for a child who was born in a
19 foreign country, adopted by a United States citizen, and who
20 has automatically acquired citizenship in accordance with the
21 federal Child Citizenship Act upon the production of all of
22 the following documents:

23 "(1) The child's Certificate of Citizenship.

24 "(2) A certified copy of the child's foreign birth
25 certificate and certified English translation.

1 "(3) The original documents related to the foreign
2 adoption certified by the United States Embassy abroad and
3 certified English translation.

4 "(4) The Social Security card of the child.

5 "(5) A valid government issued picture
6 identification of parent or parents, such as a passport or
7 driver's license.

8 "(6) Proof of residency of the parent or parents in
9 the State of Alabama.

10 "(c) The State Registrar shall develop any necessary
11 forms for adoptive parents to submit in order to request a
12 Certificate of Foreign Birth.

13 "(d) If a Certificate of Foreign Birth is issued by
14 the state for any child affected by this section, and the
15 certificate contains inaccurate date of birth or place of
16 birth information, the adopting parent or parents may petition
17 the probate court in the county in which they reside for an
18 order requiring the inaccurate information to be corrected and
19 for the issuance of a new Certificate of Foreign Birth.

20 "§22-9A-12.

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

24 "(1) A report of adoption as provided in Section
25 22-9A-11 or a report of adoption prepared and filed in
26 accordance with the laws of another state, the District of
27 Columbia, a territory of the United States, or a foreign

1 country, or a certified copy of the decree of adoption,
2 together with the information necessary to identify the
3 original certificate of birth and to establish a new
4 certificate of birth. A new certificate of birth shall not be
5 established if so requested by the court decreeing the
6 adoption.

7 "(2) A request that a new certificate be established
8 upon completion of the legitimation procedure specified in
9 Sections 26-11-2 and 26-17-6. If the name of another man is
10 shown as the father of the child on the original certificate,
11 a new certificate may be prepared only when a determination of
12 paternity is made by a court of competent jurisdiction or
13 following adoption.

14 "(3) A certified copy of a valid court determination
15 of paternity that establishes the name of the father and
16 decrees the name the child is to bear together with the
17 information necessary to identify the original certificate of
18 birth.

19 "(b) The new certificate of birth prepared as a
20 result of subsection (a) shall be on the form in use at the
21 time of its preparation and shall include all of the following
22 items and other information necessary to complete the
23 certificate:

24 "(1) The name of the child.

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

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

4 "(4) The name of the attendant.

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

7 "(6) The original filing date.

8 "(c) The new certificate shall be substituted for
9 the original certificate of birth in the files, and the
10 original certificate of birth and the evidence of adoption,
11 legitimation, or paternity determination shall not be subject
12 to inspection except upon order of a court of competent
13 jurisdiction. Notwithstanding the foregoing, any person 19
14 years of age or older who was born in ~~the State of Alabama~~
15 this state and who has had an original birth certificate
16 removed from the files due to an adoption, legitimation, or
17 paternity determination may, upon written request, receive a
18 copy of that birth certificate and any evidence of the
19 adoption, legitimation, or paternity determination held with
20 the original record. The copy of the original birth
21 certificate shall be in a form that clearly indicates it is
22 not a certified copy and that it may not be used for legal
23 purposes. All procedures, fees, and waiting periods applicable
24 to non-adopted citizens born in ~~the State of Alabama~~ this
25 state seeking copies of certificates of birth shall apply.

26 "(d) (1) A birth parent may at any time request from
27 the State Registrar of Vital Statistics a contact preference

1 form that shall accompany a birth certificate issued under
2 subsection (c).

3 "(2) The contact preference form shall provide the
4 following information to be completed at the option of the
5 birth parent:

6 "~~(1)~~ a. I would like to be contacted.

7 "~~(2)~~ b. I would prefer to be contacted only through
8 an intermediary.

9 "~~(3)~~ c. I prefer not to be contacted at this time.
10 If I decide later that I would like to be contacted, I will
11 submit an updated contact preference form to the State
12 Registrar of Vital Statistics. I have completed an updated
13 medical history form and have filed it with the State
14 Registrar of Vital Statistics.

15 "(3) The medical history form shall be in a form
16 prescribed by the Department of Vital Statistics and shall be
17 supplied to the birth parent upon request of a contact
18 preference form from the State Registrar of Vital Statistics.

19 "(4) Only those persons who are authorized to
20 process applications made under subsection (c) may process
21 contact preference and medical history forms.

22 "(5) The medical history form and contact preference
23 form are confidential communications from the birth parent to
24 the person named on the sealed birth certificate and shall be
25 placed in a sealed envelope upon receipt from the birth
26 parent. The sealed envelope shall be matched with and placed
27 in the file containing the sealed birth certificate.

1 "6) The sealed envelope containing the contact
2 preference form and medical history form shall be released to
3 a person requesting his or her own original birth certificate
4 under subsection (c). The contact preference form and medical
5 history form are a private communication from the birth parent
6 to the person named on the sealed birth certificate and no
7 copies of the forms shall be retained by the State Registrar
8 of Vital Statistics.

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

12 "(f) Upon receipt of a report or decree of annulment
13 of adoption, the original certificate of birth shall be
14 restored to its place in the files and the new certificate and
15 evidence shall not be subject to inspection except upon order
16 of a court of competent jurisdiction or as specified by the
17 board.

18 "(g) If no certificate of birth is on file for the
19 person for whom a new birth certificate is to be established
20 under this section, and the date and place of birth have been
21 determined in the adoption or paternity proceedings, a delayed
22 certificate of birth shall be filed with the State Registrar
23 as provided in Section 22-9A-9 or Section 22-9A-10 before a
24 new certificate of birth is established. The new birth
25 certificate shall be prepared on the appropriate delayed birth
26 certificate form.

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

5 "(i) (1) The State Registrar ~~shall~~, upon request,
6 shall prepare and register a certificate in this state for a
7 person born in a foreign country who is not a citizen of the
8 United States and who was adopted through a court in this
9 state. The certificate shall be established upon receipt of a
10 report of adoption from the court decreeing the adoption,
11 proof of the date and place of birth of the child, and a
12 request from the court, the adopting parents, or the adopted
13 person if 18 years of age or over that a certificate be
14 prepared. The certificate shall be labeled "CERTIFICATE OF
15 FOREIGN BIRTH" and shall ~~show~~ include the actual country of
16 birth. A statement shall also be included on the certificate
17 indicating that it is not evidence of United States
18 citizenship for the child for whom it is issued. After
19 registration of the birth certificate in the new name of the
20 adopted person, the State Registrar shall seal and file the
21 report of adoption which shall not be subject to inspection
22 except upon order of a court of competent jurisdiction or as
23 provided by statute. Notwithstanding the foregoing, any person
24 19 years of age or older who has had a CERTIFICATE OF FOREIGN
25 BIRTH prepared in ~~the State of Alabama~~ may this state, upon
26 written request, may receive a copy of any information about

1 the adoption held in files under the jurisdiction of the State
2 Registrar.

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

9 "(3) If a Certificate of Foreign Birth is issued by
10 the state for any child under this subsection, and the
11 certificate contains inaccurate date of birth or place of
12 birth information, the adopting parent or parents may petition
13 the probate court in the county in which they reside for an
14 order requiring the inaccurate information to be corrected and
15 for a new birth certificate to be issued."

16 Section 2. This act shall become effective
17 immediately upon its passage.