

SB

62

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 62

Revision Date: _____
 Title: An act relating to birth certificates for
certain foreign born persons who are adopted
 Sponsor: Green
 Requestor: Senate HES

Dept. Affected: Health and Social Services
 BRU: State Health Services
 Component: Bureau of Vital Statistics
 COMPONENT SERIAL NO. 961
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The number of requests for this services is so small that it should have no impact on the program.

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.*
 Division: Public Health
 Approved by Commissioner: Karen Pedue, Commissioner *K.P.*
 Agency: Department of Health & Social Services

Phone: (907) 465-3090
 Date: 02/13/95
 Date: 2/14/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 27, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/23/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 62

SENATE BILL NO. 62

BIRTH CERTIFICATES FOR CERTAIN ADOPTEES

"An Act relating to birth certificates for certain foreign born persons who are adopted."

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____ H+SS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Walter Kotaly</i>	✓			
<i>Don L. ...</i>	✓			
<i>Don Bunde</i>	✓			
<i>Carol ...</i>	✓			
<i>Carol Robinson</i>	✓			
<i>Tom Brien</i>			✓	

CHAIR'S SIGNATURE _____

Car Bunde

ALASKA STATE LEGISLATURE

Interim:
105 East Parks Highway, Suite 106
Wasilla, Alaska 99654-7035
(907) 376-3370



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-0000
Fax 465-3805

SENATOR LYDA GREEN
SENATE DISTRICT N

Sponsor Statement

Senate Bill 62

"An Act relating to birth certificates for certain foreign born persons who are adopted."

The purpose of this bill is to allow foreign-born adoptees who are now over the age of 18 to obtain a birth certificate.

Current law allows foreign-born adoptees to have a birth certificate if they are under the age of 18 when they apply. However, when this law was passed in 1982, there was no retroactive provision included to allow those persons who were already over the age of 18 at that time to obtain a birth certificate. This small group of Alaskans is thereby excluded from obtaining a birth certificate, while all other adopted children, foreign or domestic born, can have one by applying before age 18. These individuals are confronted with difficulties and delays when traveling or applying for various programs. They should not be deprived of a birth certificate simply because they are now too old to apply.

This bill would remove from statute 18.50.211(b) which states that a birth certificate may not be issued if the adopted person for whom the certificate is intended is 18 or more years of age when the request for the certificate is made.

Approximately half of the other states issue birth certificates to foreign born adoptees, Alaska being one of the first to begin the practice. However, Alaska may be the only state to have an age restriction. Because federal law prohibits a person over the age of 16 from being adopted, the removal of this section does not allow adults to be adopted and then obtain a birth certificate. It simply allows those who were adopted as children, but are now over age 18, to be able to obtain a birth certificate.

Legislative Research Agency

Alaska State Legislature



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

February 8, 1995

MEMORANDUM

TO: Senator Lyda Green

FROM: Maureen Weeks ^{AWW}
Legislative Analyst

RE: Birth Certificates to Foreign Born Adoptees
Research Request 95.105

You ask whether any state besides Alaska issues birth certificates to adopted persons born in other countries. The answer is that at least half the states, including Alaska, issue such birth certificates. Alaska is perhaps the only state which will not issue these certificates to foreign-born people older than 18.

George Gay, the chief of Registration Methods Branch of the Division of Vital Statistics in the National Center for Health Statistics (Phone: 301/436-8815), reports that at least half the states issue birth certificates to foreign-born people adopted by parents who reside in the state. Alaska may have been the first state to do so. Although Alaska is not alone in issuing such birth certificates, our state is certainly "unusual" in restricting certificates to foreign-born persons who are younger than 18, Mr. Gay says. He speculates the language may be an imitation of federal language which does not allow officials to issue *copies* of some documents after a foreign-born person is 18.

Birth certificates to foreign-born adoptees are "aesthetic" but have little practical value, according to Mr. Gay. They can be used to establish a child's age when it is time to enter school, but they cannot be used to obtain passports or for other official business, Mr. Gay says. Certificates issued years after birth violate the basic principle of vital statistics registration, which is to register births and deaths when they occur and where they occur, he says.

I hope this information is useful to you. If you have any further questions please don't hesitate to call me.

BACKUP INFORMATION

FEB 09 1995

CERTIFICATION OF VITAL RECORD

STATE OF ALASKA

150-FB: 95-999999
STATE FILE NUMBER

DATE FILED: 01/01/95

STATE OF ALASKA
Department of Health & Social Services
Bureau of Vital Statistics
BOX 110675
JUNEAU, AK 99811-0675

CERTIFICATE OF BIRTH FOR A FOREIGN-BORN CHILD

NAME OF CHILD: JANE MARIE DOE

DATE OF BIRTH: 01/01/1995

PLACE OF BIRTH: COUNTRY INDIA

MOTHER'S MAIDEN NAME: JANE DOE

DATE OF BIRTH: 01/01/1975

PLACE OF BIRTH: ALASKA

FATHER'S NAME: JOHN DOE

DATE OF BIRTH: 01/01/1975

PLACE OF BIRTH: ALASKA

PARENT'S RESIDENCE ADDRESS:

STREET	350 MAIN STREET
CITY	JUNEAU
STATE	ALASKA
ZIP	99811-0675

I HEREBY VERIFY THAT THE DATA SHOWN ABOVE IS BASED ON EVIDENCE PRESENTED TO THIS OFFICE.

BY _____
STATE REGISTRAR

DATE: _____

THIS DOCUMENT IS NOT TO BE CONSIDERED EVIDENCE OF UNITED STATES CITIZENSHIP

11423

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE IN THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, JUNEAU, ALASKA.

DATE ISSUED _____



information is a prerequisite to the issuance of a final decree in the matter.

(c) Whenever an adoption decree is amended or vacated, the court shall prepare a report on a form prescribed and furnished by the bureau. The report must include the facts necessary to identify the original adoption report and the facts amended in the adoption decree necessary to properly amend the original report, or the new certificate of birth if already established.

(d) Before the 11th day of each calendar month, the court shall forward to the bureau reports of decrees of adoption, including those vacated or amended, that were entered in the preceding month, together with the related reports the bureau requires.

(e) When the bureau receives a report of an adoption, or vacation or amendment of an adoption from a court for a person born in the United States but outside the state, a copy shall be made for the bureau's files and the original shall be forwarded to the appropriate registration authority in the state of birth. (§ 17 ch 118 SLA 1960; am §§ 1, 2 ch 76 SLA 1982)

Sec. 18.50.211. Certificate of birth for foreign-born adopted person. (a) Subject to the limitation in (b) of this section, the state registrar shall issue a certificate of birth for a person born outside the United States whose adoptive parents are residents of the state at the time of the adoption, upon request by the adopted person, or by the adopted person's adoptive parent or guardian that the certificate be made, and upon receipt of an adoption report as provided in AS 18.50.210 together with

(1) the information necessary to identify the original certificate of birth

(2) if there is no original certificate of birth, the findings of the court under AS 25.23.175, unless the adoption proceeding is commenced before August 31, 1982, in which case an affidavit of an adoptive parent setting out the true or probable date and place of birth and parentage of the adopted person must accompany the adoption report.

(b) The state registrar may not issue a certificate of birth under this section if the adopted person for whom the certificate is intended is 18 or more years of age at the time the request for the certificate is made.

(c) A certificate of birth issued under this section shall be in a form prescribed by the state registrar and shall state that it is not evidence of United States citizenship.

(d) Upon proof of naturalization an amended certificate of birth shall be issued under this section that deletes the statement that the certificate is not evidence of United States citizenship. (§ 3 ch 76 SLA 1982)

FCIB

Palmer, Alaska
January 1, 1995

AN OPEN LETTER TO OUR LEGISLATORS:

I respectfully request your help in getting a Birth Certificate for my son Brian, age 34.

My husband Ralph and I adopted Brian from Korea when he was 3½ years of age. When his Adoption and Naturalization papers were finalized, I assumed the next step was a birth certificate.

I was shocked to find that over-seas adopted children were not allowed birth certificates in Alaska! I fought hard for years to make it possible for such adoptees to receive birth certificates.

I was so thankful the legislation was enacted, (I still am!), then dismayed to find it was not retroactive. Brian was over 18 by that time, and and was not eligible.

Brian is a very responsible Alaskan citizen, a self-employed mechanic and trucker. He has been told when stopped at the Border, that it would be helpful to have a birth certificate with him.

I have been told the only way for him to secure a birth certificate is by the legislature passing a special bill giving him one, the bill being sponsored by his local legislators.

In the past I have not been able to persuade our legislators to do this. I am asking you to please consider this request. It would be a wonderful gift for his 35th birthday!

Thank you for listening, and I do wish you each a very successful legislative year.

Sincerely,

Maxine DeVilbiss

Maxine DeVilbiss
HC04-9302
Palmer, Alaska 99645

745-3483

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1404
 14:22:34 N CONFERENCE DISPLAY PAGE 04 - VOLUNTEER & OFF-NET SITES I362
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN
 * LIO VTS NAME ADDRESS CONTACT TELEPHONE
 ZZZ OF1 OFFNET 1 PALMER MAXINE DEVILBISS 907 745 3483
 ZZZ OF2 OFFNET 2 ANCHORAGE DR. MCGUIRE 907 562 4142

MSG: 1410 NO FURTHER INFORMATION

ENTER Pg# 05 PF2 NextC# ynnnn PF3 Exit PF4 Menu PF5 Update PF7 Bwd PF8 Fwd

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1402
 14:23:14 N CONFERENCE DISPLAY PAGE 02 - AGENDA L362
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN
 REF# BILL BILL TITLE/SUBJECT
 01 SB 62 BIRTH CERTIFICATES FOR CERTAIN ADOPTEES
 02 HB 231 INTERVIEWS BY THE STATE MEDICAL BOARD

MSG:
 ENTER Pg# 03 PF2 NextC# ynnnn PF3 Exit PF4 Menu PF5 Update PF12 Quit

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1405
 14:23:35 N CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE L362
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN
 SITE: LIO ZZZ VTS OF1 OFFNET 1
 1 MS MAXINE DEVILBISS T 01 SB 62
 PALMER AK (907)745-3483