

Regular Session, 2009

HOUSE BILL NO. 60

BY REPRESENTATIVE PERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VITAL STATS/BIRTH CERT: Clarifies the duties of the registrar of vital records regarding the issuance of new records of birth for adopted children

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AN ACT

To amend and reenact R.S. 40:76(C)(introductory paragraph) and (C)(3) and 79(C)(introductory paragraph) and to enact R.S. 40:76(D) and 79(E), relative to records of birth; to clarify 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 clarify 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)(introductory paragraph) and (C)(3) and 79(C)(introductory paragraph) are hereby amended and reenacted and R.S. 40:76(D) and 79(E) are hereby enacted to read as follows:

§76. Record of foreign adoptions

* * *

C. ~~Upon~~ When the registrar determines that a new record of birth is to be created pursuant to this Section and upon receipt of the certified copy of the decree, the state registrar shall make a new record in its archives, showing:

* * *

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Perry

HB No. 60

Abstract: Clarifies the duties and criteria under which the registrar of vital records may create and issue a new birth certificate for an adopted child.

Present law provides that only a single person or a married couple may adopt a child through an agency adoption or a private adoption.

Present law provides that when a child born in La. is adopted in a court of proper jurisdiction in any other state or territory of the U.S., the registrar of vital records has the discretion to create a new birth certificate indicating the name of the adoptive parents under certain circumstances.

Proposed law retains present law but clarifies that where a single adoptive parent is a resident of any other state and where that state permits a single person to adopt a child and where the child was born in La., the registrar may reissue the birth certificate with the single person's name listed as a parent.

Proposed law retains present law but clarifies that the registrar shall issue a new birth certificate for a child born in La., but adopted in a court in another state, only where the adoptive parent is a single person or the adoptive parents are a married couple, as is consistent with La. adoption law.

Present law provides that a child born in a foreign country and adopted outside the U.S. by adoptive parents who are residents of the state of La. at the time of the adoption, may obtain a new birth certificate under certain circumstances.

Proposed law retains present law but clarifies that where a single adoptive parent is a resident of La. and adopts a child born in a foreign country, the registrar may reissue the birth certificate with the single person's name listed as a parent.

Proposed law retains present law but clarifies that the registrar may issue a new birth certificate for a child born and adopted in a foreign country by a La. resident or residents only where the adoptive parent is a single person or the adoptive parents are a married couple.

Proposed law provides that the provisions regarding the issuance of a new birth certificate for a child adopted in another state or a foreign country are procedural and not substantive and are enacted to clarify that only a single person or a married couple may be listed as parents of a child, as is consistent with La. adoption law.

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

(Amends R.S. 40:76(C)(intro. para.) and (C)(3) and 79(C)(intro. para.); Adds R.S. 40:76(D) and 79(E))