

HOUSE BILL No. 6163

November 8, 1990, Introduced by Rep. Stacey and referred to the Committee on Public Health.

A bill to amend sections 2829, 2830, and 2831 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.2829, 333.2830, and 333.2831 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2829, 2830, and 2831 of Act No. 368 of
2 the Public Acts of 1978, being sections 333.2829, 333.2830, and
3 333.2831 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 2829. (1) For each adoption ordered by the probate
6 court in this state, the court shall prepare a report of adoption
7 on a form prescribed and furnished by the state registrar. The
8 report shall:

1 (a) Include the facts necessary to locate and identify the
2 certificate of live birth of the individual adopted.

3 (b) Provide information necessary to establish a new certifi-
4 cate of live birth of the individual adopted.

5 (c) Identify the adoption order.

6 (d) Be certified by the probate register or clerk.

7 (2) FOR EACH ORDER OF CERTIFICATION OF A FOREIGN ADOPTION OF
8 A CHILD ENTERED BY THE PROBATE COURT UNDER SECTION 23A OF CHAPTER
9 X OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION
10 710.23A OF THE MICHIGAN COMPILED LAWS, THE COURT SHALL PREPARE A
11 REPORT OF CERTIFICATION OF A FOREIGN ADOPTION ON A FORM PRE-
12 SCRIBED AND FURNISHED BY THE STATE REGISTRAR. THE REPORT SHALL
13 INCLUDE THE INFORMATION DESCRIBED IN SUBSECTION (1)(A) TO (C).

14 (3) ~~-(2)-~~ When an adoption order is amended or annulled, the
15 court shall prepare a report which shall include the facts neces-
16 sary to identify the original adoption report and the facts
17 amended in the adoption order necessary to properly amend the
18 birth record.

19 (4) ~~-(3)-~~ Not later than the tenth day of the calendar
20 month, the probate register or clerk shall forward:

21 (a) To the state registrar, reports of adoption orders,
22 REPORTS OF CERTIFICATION OF FOREIGN ADOPTION ORDERS, and amend-
23 ments and annulments of the orders, entered during the preceding
24 month for individuals born in this state.

25 (b) To the appropriate registration authority in another
26 state, the United States department of state, or the United
27 States immigration and naturalization service, reports of

1 adoption orders, and amendments and annulments of the orders,
2 entered during the preceding month for individuals born outside
3 this state.

4 (5) ~~-(4)-~~ A birth certificate issued to an adopted individ-
5 ual shall conform to the requirements of sections 67 and 68 of
6 chapter 10 of Act No. 288 of the Public Acts of 1939, as
7 amended, being sections 710.67 and 710.68 of the Michigan
8 Compiled Laws.

9 Sec. 2830. (1) If a child whose birth occurred outside the
10 United States, a territory of the United States, or Canada, is
11 adopted by a resident of this state under the laws of this state
12 OR IF A CHILD WHOSE BIRTH OCCURRED OUTSIDE OF THE UNITED STATES
13 OR A TERRITORY OF THE UNITED STATES IS ADOPTED BY A RESIDENT OF
14 THIS STATE UNDER THE LAWS OF A FOREIGN COUNTRY AND THE ADOPTION
15 IS CERTIFIED UNDER SECTION 23A OF CHAPTER X OF ACT NO. 288 OF THE
16 PUBLIC ACTS OF 1939, BEING SECTION 710.23A OF THE MICHIGAN
17 COMPILED LAWS, the probate court, on motion of the adopting
18 parent, shall file a delayed registration of birth on a form pro-
19 vided by the department. The delayed registration shall contain
20 the date and place of birth and other facts specified by the
21 department.

22 (2) If the date and place of birth cannot be documented from
23 foreign records or a medical assessment of the development of the
24 child indicates that the date of birth as stated in the immigra-
25 tion records is not correct, the court shall determine the facts
26 and establish a date and place of birth and may file a delayed
27 registration of birth as provided in subsection (1).

1 (3) Upon the petition of a child adopted in this state whose
2 birth occurred outside the United States, a territory of the
3 United States, or Canada, or a petition of the child's adoptive
4 parents, the court which issued an order of adoption for that
5 child before the effective date of this section may issue a
6 delayed registration of birth for the adopted child as provided
7 in subsection (1).

8 Sec. 2831. (1) The state registrar shall establish a new
9 certificate of birth for an individual born in this state when
10 the registrar receives the following:

11 (a) A report of adoption as provided in section 2829, a
12 report of adoption prepared and filed in accordance with the laws
13 of another state or foreign country, or a certified copy of the
14 adoption order, together with the information necessary to iden-
15 tify the original certificate of birth and to establish a new
16 certificate of live birth. However, a new certificate of live
17 birth shall not be established if so requested by the court
18 ordering the adoption; the adopting parent; or, the adoptee, if
19 the adoptee is an adult.

20 (b) A request that a new certificate be established and the
21 evidence required by the department proving that the individual
22 has been legitimated or a court determination of the individual's
23 paternity has been made.

24 (c) A request that a new certificate be established to show
25 a sex designation other than that designated at birth. The
26 request shall be accompanied by an affidavit of a physician
27 certifying that sex-reassignment surgery has been performed.

1 (2) THE STATE REGISTRAR SHALL ESTABLISH A NEW CERTIFICATE OF
2 BIRTH FOR AN INDIVIDUAL BORN OUTSIDE OF THE UNITED STATES OR A
3 TERRITORY OF THE UNITED STATES WHEN THE REGISTRAR RECEIVES A
4 REPORT OF CERTIFICATION OF A FOREIGN ADOPTION AS PROVIDED IN SEC-
5 TION 2829.

6 Section 2. This amendatory act shall not take effect unless
7 Senate Bill No. _____ or House Bill No. 6162 (request
8 no. 05992'90) of the 85th Legislature is enacted into law.