

SB0242



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0242

Introduced 2/2/2005, by Sen. Dave Sullivan

SYNOPSIS AS INTRODUCED:

410 ILCS 535/16.1

from Ch. 111 1/2, par. 73-16.1

Amends the Vital Records Act. Makes a technical change in a Section concerning records of foreign births.

LRB094 06838 RXD 36944 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Section 16.1 as follows:

6 (410 ILCS 535/16.1) (from Ch. 111 1/2, par. 73-16.1)

7 Sec. 16.1. When it ~~it~~ appears from a certificate of
8 adoption transmitted to the State Registrar of Vital Records,
9 pursuant to the provisions of Section 16 of this Act, that the
10 child was born outside of the United States or its Territories,
11 then, upon submission to the State Registrar of Vital Records
12 of evidence as to the child's birth date and birthplace
13 provided by the original birth certificate, or by a certified
14 copy, extract, or translation thereof or by other document
15 essentially equivalent thereto (the records of the U.S.
16 Immigration and Naturalization Service or of the U.S.
17 Department of State to be considered essentially equivalent
18 thereto), the State Registrar of Vital Records shall make and
19 file a Record of Foreign Birth. The State Registrar of Vital
20 Records may make and file a Record of Foreign Birth for a
21 person born in a foreign country who has been granted an IR-3
22 visa by the U.S. Immigration and Naturalization Service under
23 the Immigration and Nationality Act and who was adopted under
24 the laws of a jurisdiction or country other than the United
25 States by an adopting parent who is a resident of this State
26 upon the submission to the State Registrar of Vital Records of:
27 (1) evidence as to the child's birth date and birthplace
28 (including the country of birth and if available, the city and
29 province of birth) provided by the original birth certificate,
30 or by a certified copy, extract, or translation thereof or by
31 other document essentially equivalent thereto (the records of
32 the U.S. Immigration and Naturalization Service or of the U.S.

1 Department of State to be considered essentially equivalent
2 thereto); (2) a certified copy, extract, or translation of the
3 adoption decree or by other document essentially equivalent
4 thereto (the records of the U.S. Immigration and Naturalization
5 Service or of the U.S. Department of State to be considered
6 essentially equivalent thereto); (3) a copy of the IR-3 visa;
7 and (4) the name and address of the adoption agency that
8 handled the adoption. The Record of Foreign Birth shall include
9 the actual place and date of birth, the child's name and
10 parentage as ordered in the judgment of adoption and any other
11 necessary facts.

12 Upon the specific written request by the person to whom the
13 Record of Foreign Birth relates or by his or her legal
14 representative, or by an agency of local, state or federal
15 government, or upon the order of a court of competent
16 jurisdiction and upon payment of a fee of \$5 by the applicant,
17 the State Registrar of Vital Records shall issue to such
18 applicant one certification or a certified copy of the
19 specified Record of Foreign Birth.

20 Upon receipt of a certified copy of a court order of
21 annulment of adoption or a court order vacating a judgment of
22 adoption of an adopted person for whom a Record of Foreign
23 Birth has been made and filed under the provisions of this
24 Section the State Registrar of Vital Records shall nullify and
25 void such Record of Foreign Birth by entering on its face the
26 statement "This Record is declared null and void upon the basis
27 of a court judgment annulling or vacating this adoption upon
28 which this Record is based" and a notation identifying the
29 court judgment.

30 The provisions of this Section shall also be applicable to,
31 and shall inure to the benefit of all persons for whom a
32 judgment of adoption has been entered in a court in this State
33 prior to August 26, 1963. In such cases the applicant shall
34 furnish the State Registrar of Vital Records with a certified
35 copy of the adoption judgment together with affidavits as to
36 the personal particulars of the foster parents in lieu of the

1 certificate of adoption specified in Section 16 of this Act. In
2 every case wherein the State Registrar of Vital Records has
3 previously been furnished with a certificate of adoption
4 involving a foreign born child adopted in Illinois, a certified
5 copy of the adoption judgment and affidavits of personal
6 particulars are not necessary, but the State Registrar of Vital
7 Records shall make and file a Record of Foreign Birth in the
8 same manner and fashion as if the certificate of adoption has
9 been furnished him after August 26, 1963.

10 (Source: P.A. 93-645, eff. 12-31-03.)