



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1354

Introduced 2/10/2009, by Sen. Heather Steans

#### SYNOPSIS AS INTRODUCED:

410 ILCS 535/17

from Ch. 111 1/2, par. 73-17

Amends the Vital Records Act. Adds a definition for "physician". Provides that any foreign physician submitting an affidavit shall submit proof of medical licensure along with the affidavit. Provides that an affidavit by a physician that he has conducted a physical examination of a person and that by reason of an operation previously performed on such person the sex designation on such person's birth record should be changed. Provides that the State Registrar of Vital Records may make any investigation or require any further information he deems necessary. Effective immediately.

LRB096 08899 RPM 19034 b

1 AN ACT concerning public 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 17 as follows:

6 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

7 Sec. 17. (1) For a person born in this State, the State  
8 Registrar of Vital Records shall establish a new certificate of  
9 birth when he receives any of the following:

10 (a) A certificate of adoption as provided in Section 16  
11 or a certified copy of the order of adoption together with  
12 the information necessary to identify the original  
13 certificate of birth and to establish the new certificate  
14 of birth; except that a new certificate of birth shall not  
15 be established if so requested by the court ordering the  
16 adoption, the adoptive parents, or the adopted person.

17 (b) A certificate of adoption or a certified copy of  
18 the order of adoption entered in a court of competent  
19 jurisdiction of any other state or country declaring  
20 adopted a child born in the State of Illinois, together  
21 with the information necessary to identify the original  
22 certificate of birth and to establish the new certificate  
23 of birth; except that a new certificate of birth shall not

1 be established if so requested by the court ordering the  
2 adoption, the adoptive parents, or the adopted person.

3 (c) A request that a new certificate be established and  
4 such evidence as required by regulation proving that such  
5 person has been legitimized, or that the circuit court,  
6 the Department of Healthcare and Family Services (formerly  
7 Illinois Department of Public Aid), or a court or  
8 administrative agency of any other state has established  
9 the paternity of such a person by judicial or  
10 administrative processes or by voluntary acknowledgment,  
11 which is accompanied by the social security numbers of all  
12 persons determined and presumed to be the parents.

13 (d) An affidavit by a physician that he has performed  
14 an operation on a person, and that by reason of the  
15 operation the sex designation on such person's birth record  
16 should be changed. For purposes of this subsection (d),  
17 "physician" means a person licensed to practice medicine in  
18 Illinois, any other state, or any foreign state or country.  
19 Any foreign physician submitting an affidavit under this  
20 subsection (d) shall submit proof of medical licensure  
21 along with the affidavit. The State Registrar of Vital  
22 Records may make any investigation or require any further  
23 information he deems necessary.

24 (e) An affidavit by a physician that he has conducted a  
25 physical examination of a person and that by reason of an  
26 operation previously performed on such person the sex

1       designation on such person's birth record should be  
2       changed. The State Registrar of Vital Records may make any  
3       investigation or require any further information he deems  
4       necessary.

5       Each request for a new certificate of birth shall be  
6       accompanied by a fee of \$15 and entitles the applicant to one  
7       certification or certified copy of the new certificate. If the  
8       request is for additional copies, it shall be accompanied by a  
9       fee of \$2 for each additional certification or certified copy.

10       (2) When a new certificate of birth is established, the  
11       actual place and date of birth shall be shown; provided, in the  
12       case of adoption of a person born in this State by parents who  
13       were residents of this State at the time of the birth of the  
14       adopted person, the place of birth may be shown as the place of  
15       residence of the adoptive parents at the time of such person's  
16       birth, if specifically requested by them, and any new  
17       certificate of birth established prior to the effective date of  
18       this amendatory Act may be corrected accordingly if so  
19       requested by the adoptive parents or the adopted person when of  
20       legal age. The social security numbers of the parents shall not  
21       be recorded on the certificate of birth. The social security  
22       numbers may only be used for purposes allowed under federal  
23       law. The new certificate shall be substituted for the original  
24       certificate of birth:

25               (a) Thereafter, the original certificate and the  
26       evidence of adoption, paternity, legitimation, or sex

1 change shall not be subject to inspection or certification  
2 except upon order of the circuit court or as provided by  
3 regulation.

4 (b) Upon receipt of notice of annulment of adoption,  
5 the original certificate of birth shall be restored to its  
6 place in the files, and the new certificate and evidence  
7 shall not be subject to inspection or certification except  
8 upon order of the circuit court.

9 (3) If no certificate of birth is on file for the person  
10 for whom a new certificate is to be established under this  
11 Section, a delayed record of birth shall be filed with the  
12 State Registrar of Vital Records as provided in Section 14 or  
13 Section 15 of this Act before a new certificate of birth is  
14 established, except that when the date and place of birth and  
15 parentage have been established in the adoption proceedings, a  
16 delayed record shall not be required.

17 (4) When a new certificate of birth is established by the  
18 State Registrar of Vital Records, all copies of the original  
19 certificate of birth in the custody of any custodian of  
20 permanent local records in this State shall be transmitted to  
21 the State Registrar of Vital Records as directed, and shall be  
22 sealed from inspection.

23 (5) Nothing in this Section shall be construed to prohibit  
24 the amendment of a birth certificate in accordance with  
25 subsection (6) of Section 22.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1           Section 97. Severability. The provisions of this Act are  
2 severable under Section 1.31 of the Statute on Statutes.

3           Section 99. Effective date. This Act takes effect upon  
4 becoming law.