



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1149

Introduced 02/07/11, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

410 ILCS 535/16.1

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

Amends the Vital Records Act to provide that the State Registrar of Vital Records may make and file a Record of Foreign Birth for a person born in a foreign country who has been granted an IR-3 or IH-3 visa (now, IR-3 visa) by the U.S. Immigration and Naturalization Service under the Immigration and Nationality Act and who was adopted under the laws of a jurisdiction or country other than the United States by an adopting parent who is a resident of this State. Effective immediately.

LRB097 05996 RPM 46067 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 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 appears from a certificate of adoption  
8 transmitted to the State Registrar of Vital Records, pursuant  
9 to the provisions of Section 16 of this Act, that the child was  
10 born outside of the United States or its Territories, then,  
11 upon submission to the State Registrar of Vital Records of  
12 evidence as to the child's birth date and birthplace provided  
13 by the original birth certificate, or by a certified copy,  
14 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 or IH-3 visa by the U.S. Immigration and Naturalization Service  
23 under the Immigration and Nationality Act and who was adopted

1 under the laws of a jurisdiction or country other than the  
2 United States by an adopting parent who is a resident of this  
3 State upon the submission to the State Registrar of Vital  
4 Records of: (1) evidence as to the child's birth date and  
5 birthplace (including the country of birth and if available,  
6 the city and province of birth) provided by the original birth  
7 certificate, or by a certified copy, extract, or translation  
8 thereof or by other document essentially equivalent thereto  
9 (the records of the U.S. Immigration and Naturalization Service  
10 or of the U.S. Department of State to be considered essentially  
11 equivalent thereto); (2) a certified copy, extract, or  
12 translation of the adoption decree or by other document  
13 essentially equivalent thereto (the records of the U.S.  
14 Immigration and Naturalization Service or of the U.S.  
15 Department of State to be considered essentially equivalent  
16 thereto); (3) a copy of the IR-3 or IH-3 visa; and (4) the name  
17 and address of the adoption agency that handled the adoption.  
18 The Record of Foreign Birth shall include the actual place and  
19 date of birth, the child's name and parentage as ordered in the  
20 judgment of adoption and any other necessary facts.

21 Upon the specific written request by the person to whom the  
22 Record of Foreign Birth relates or by his or her legal  
23 representative, or by an agency of local, state or federal  
24 government, or upon the order of a court of competent  
25 jurisdiction and upon payment of a fee of \$5 by the applicant,  
26 the State Registrar of Vital Records shall issue to such

1 applicant one certification or a certified copy of the  
2 specified Record of Foreign Birth.

3       Upon receipt of a certified copy of a court order of  
4 annulment of adoption or a court order vacating a judgment of  
5 adoption of an adopted person for whom a Record of Foreign  
6 Birth has been made and filed under the provisions of this  
7 Section the State Registrar of Vital Records shall nullify and  
8 void such Record of Foreign Birth by entering on its face the  
9 statement "This Record is declared null and void upon the basis  
10 of a court judgment annulling or vacating this adoption upon  
11 which this Record is based" and a notation identifying the  
12 court judgment.

13       The provisions of this Section shall also be applicable to,  
14 and shall inure to the benefit of all persons for whom a  
15 judgment of adoption has been entered in a court in this State  
16 prior to August 26, 1963. In such cases the applicant shall  
17 furnish the State Registrar of Vital Records with a certified  
18 copy of the adoption judgment together with affidavits as to  
19 the personal particulars of the foster parents in lieu of the  
20 certificate of adoption specified in Section 16 of this Act. In  
21 every case wherein the State Registrar of Vital Records has  
22 previously been furnished with a certificate of adoption  
23 involving a foreign born child adopted in Illinois, a certified  
24 copy of the adoption judgment and affidavits of personal  
25 particulars are not necessary, but the State Registrar of Vital  
26 Records shall make and file a Record of Foreign Birth in the

1 same manner and fashion as if the certificate of adoption has  
2 been furnished him after August 26, 1963.

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

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