

HOUSE BILL No. 4638

March 21, 1991, Introduced by Reps. Pitoniak, DeMars, Dolan, Gire, Dalman, Dobronski, Strand and Allen and referred to the Committee on Judiciary.

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 THE
9 MICHIGAN ADOPTION CODE, CHAPTER X OF ACT NO. 288 OF THE PUBLIC
10 ACTS OF 1939, BEING SECTION 710.23A OF THE MICHIGAN COMPILED
11 LAWS, THE COURT SHALL PREPARE A REPORT OF CERTIFICATION OF A FOR-
12 EIGN ADOPTION ON A FORM PRESCRIBED AND FURNISHED BY THE STATE
13 REGISTRAR. THE REPORT SHALL INCLUDE THE INFORMATION DESCRIBED IN
14 SUBSECTION (1)(A) TO (C).

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

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

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

26 (b) To the appropriate registration authority in another
27 state, the United States department of state, or the United

1 States immigration and naturalization service, reports of
2 adoption orders, and amendments and annulments of the orders,
3 entered during the preceding month for individuals born outside
4 this state.

5 (5) ~~(4)~~ A birth certificate issued to an adopted individ-
6 ual shall conform to the requirements of sections 67 and 68 of
7 THE MICHIGAN ADOPTION CODE, chapter ~~10~~ X of Act No. 288 of the
8 Public Acts of 1939. ~~, as amended, being sections 710.67 and~~
9 ~~710.68 of the Michigan Compiled Laws.~~

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

23 (2) If the date and place of birth cannot be documented from
24 foreign records or a medical assessment of the development of the
25 child indicates that the date of birth as stated in the immigra-
26 tion records is not correct, the court shall determine the facts

1 and establish a date and place of birth and may file a delayed
2 registration of birth as provided in subsection (1).

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

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

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

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

26 (c) A request that a new certificate be established to show
27 a sex designation other than that designated at birth. The

1 request shall be accompanied by an affidavit of a physician
2 certifying that sex-reassignment surgery has been performed.

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

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. ____ or House Bill No. 4637 (request
10 no. 00735'91) of the 86th Legislature is enacted into law.