

"AN ACT TO AMEND SECTION 12 OF ACT 120 OF 1981, AS AMENDED, [ARK. STATS. 82-512] TO AUTHORIZE AND DIRECT THE STATE REGISTRAR OF VITAL RECORDS TO ESTABLISH AN ARKANSAS CERTIFICATE OF BIRTH FOR A PERSON BORN IN A FOREIGN COUNTRY AND WHOSE ADOPTION IS EFFECTED PURSUANT TO AN ARKANSAS COURT ORDER: AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 12 of Act 120 of 1981, as amended, the same being Arkansas Statutes 82-512, is hereby amended to read as follows:

"Section 12. (a) The State Registrar shall establish a new certificate of birth for a person born in this State when he receives the following:

(1) A report of adoption as provided in Section 11 or a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.

(2) A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person.

(b) When a new certificate of birth is established, the actual place, and date of birth shall be shown, except where the decree or any amended decree of adoption provides that the place of residence of the adoptive parents at the time of the child's birth shall be substituted for the actual place of birth. It shall be substituted for the original certificate of birth.

(1) Thereafter, the original certificate and the evidence of adoption, paternity determination or legitimation shall not be subject to inspection except upon order of an Arkansas court of competent jurisdiction or as provided by regulation.

(2) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

(3) Upon receipt of a decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

(c) The State Registrar of Vital Records shall establish an Arkansas certificate of birth of a person born in a foreign country, and for whom a final order of adoption has been entered in a court of competent jurisdiction in Arkansas when he receives the following:

(1) An adoption report as provided in Arkansas Statute 82-511.

(2) A request that such a certificate be established, provided, however, that an Arkansas certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if eighteen years of age or older. After preparation of the birth certificate in the new name of the adopted person, the State Registrar of Vital Records shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of competent

jurisdiction, or as provided by regulation. The birth certificate shall show the true or probable foreign country of birth, and that the certificate is not evidence of United States citizenship for the child for whom it is issued, or for the adoptive parents.

(d) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in Section 9 or Section 10 of this Act before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form in use at the time of adoption, legitimation or paternity determination. When the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate in the name and parentage at birth shall not be required.

(e) Upon receipt of a court order certifying the sex of an individual born in this State has been changed by surgical procedure a new birth certificate shall be established to reflect such change.

(f) Upon receipt of a certified copy of a court order changing the name or legitimation of a person born in the State and upon request of such person or his parents, guardian or legal representative, the State Registrar shall establish a new certificate of birth to show the new name.

(g) A fee of five dollars (\$5.00) shall be charged by the State Registrar for the establishing of a new certificate of birth under Section 12 of this Act."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: 3/13/87

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