

The second goal that was submitted by the districts was to introduce legislation that would make adoptee birth records available for NCDave users to print, rather than customers having to obtain those records only through NC Vital Records. The committee felt that while the backlog of adoptee birth certificate requests was significantly reduced from last year, there are still sufficient problems to warrant pursuing this goal. "An Act To Provide That Access To New Birth Certificates For Adopted Persons Shall Be The Same As For Non-Adopted Person's Birth Certificates" has been drafted and included in your packet. We will be looking for opportunities to have the language included in a bill being considered this session.

AN ACT TO PROVIDE THAT ACCESS TO NEW BIRTH CERTIFICATES FOR ADOPTED PERSONS SHALL BE THE SAME AS FOR NON-ADOPTED PERSON'S BIRTH CERTIFICATES

The General Assembly of North Carolina enacts:

SECTION 1. G.S. § 48-9-107 reads as rewritten:

(a) Upon receipt of a report of the adoption of a minor from the Division, or the documents required by G.S. 48-9-102(g) from the clerk of superior court in the adoption of an adult, or a report of an adoption from another state, the State Registrar shall prepare a new birth certificate for the adoptee that shall contain the adoptee's full adoptive name, sex, state of birth, and date of birth; the full name of the adoptive father, if applicable; the full maiden name of the adoptive mother, if applicable; and any other pertinent information consistent with this section as may be determined by the State Registrar. The new certificate shall contain no reference to the adoption of the adoptee and shall not refer to the adoptive parents in any way other than as the adoptee's parents.

(b) In an adoption by a stepparent, the State Registrar shall prepare a new birth certificate pursuant to subsection (a) of this section except:

(1) The adoptive parent and the parent whose relation with the adoptee remains unchanged shall be listed as the adoptee's mother and father on the new birth certificate; and

(2) The city and county of birth of the adoptee shall be the same on the new birth certificate as on the original certificate.

The names of the adoptee's parents shall not be changed as provided in subdivision (1) of this subsection if the petitioner, the petitioner's spouse, the adoptee if age 12 or older, and any living parent whose parental rights are terminated by the adoption jointly file a request that the parents' names not be changed with the court prior to the entry of the adoption decree. The Division shall send a copy of this request with its report to the State Registrar or other appropriate official in the adoption of a minor stepchild, and the clerk of superior court shall send a copy with the documents required by G.S. 48-9-102(g) in the adoption of an adult stepchild.

(c) The State Registrar shall seal the original certificate of birth and all records in the possession of that office pertaining to the adoption. These records shall not be unsealed except as provided in this Article. ~~The State Registrar shall provide certified typed copies or abstracts of the new certificate of birth of an adoptee prepared pursuant to subsection (a) of this section to the adoptee, the adoptee's children, the adoptive parents, and the adoptee's spouse, brothers, and sisters. For purposes of this subsection, "parent", "brother", and "sister" shall mean the adoptee's adoptive parent, brother, or sister and shall not mean a former parent, brother, or sister.~~

(d) At the time of preparing the new birth certificate pursuant to subsection (a) of this section, the State Registrar shall notify the register of deeds or appropriate official in the health department in the county of the adoptee's birth to remove the adoptee's birth certificate from the records and forward it to the State Registrar for retention under seal with the original certificate of birth in the State Registrar's office. The register of deeds shall also delete all index entries ~~for that the original~~ birth certificate. Access to an adopted person's new birth certificate shall be the same as access for a non-adopted person's birth certificate in accordance with G.S. 130A-93. ~~The State Registrar shall not issue copies of birth certificates for adoptees to registers of deeds. Only the State Registrar shall issue certified copies of such records, and these copies shall be prepared as prescribed in subsection (c) of this section.~~

(e) The State Registrar may by rule prescribe requirements for reports of adoptions from other states.

SECTION 2. This act becomes effective when it becomes law.