STATE OF NEW YORK

7261

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to foreign adoptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 4138-b of the public health law, as amended by chapter 395 of the laws of 2012, is amended to read as follows:

§ 4138-b. Birth certificate: foreign [~~country~~] adoption. **1.** Whenever the [~~adoption or~~] finalization of a foreign adoption or recognition of a foreign adoption of a [~~child~~] **person of any age** pursuant to section one hundred eleven-c of the domestic relations law**, or the adoption of a foreign-born person over the age of eighteen at the time of adoption** has been reported to the commissioner, the commissioner shall file a birth certificate for the [~~child~~] **adopted person** provided there is no other birth certificate or other birth record on file other than in the country where such [~~child~~] **person** was born and provided, further, that a certificate of birth data does not exist for that person. Such birth certificate shall be filed upon receipt of: proof that the adoptive parent was a resident of this state at the time of adoption **or that the adoptee was lawfully adopted within the State of New York**; **if the adoptee was adopted in a foreign country or jurisdiction,** a copy of the adoption documents of the jurisdiction or country in which the [~~child~~] **person** was adopted; a certified translation of the foreign adoption documents, evidence of the date and place of the [~~child's~~] **adopted person's** birth; and evidence of IR-3, IR-4 or IH-3 immigrant visa status or a successor immigrant visa status. The birth certificate shall include the [~~child's~~] **adopted person's** name, sex, date of birth, time of birth, place of birth, mother's maiden name, and father's name. A birth certificate [~~for a foreign country adoption~~] **issued pursuant to this section** which has been filed by a local registrar and all supporting

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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documentation shall be submitted by the local registrar to the commissioner who shall file a new birth certificate pursuant to this section.

2. A petitioner may submit an attorney certified copy of the adoptee's foreign birth certificate, or similar confirmation of birth, and adoption decree, and copies of attorney certified translations of the foreign documentation in connection with the finalization of a foreign adoption or recognition of a foreign adoption pursuant to section one hundred eleven-c of the domestic relations law.

3. This provision shall be deemed retroactive so that an adopted person who was adopted in accordance with this section prior to the effective date hereof may obtain, upon application, a birth certificate pursuant to this section.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.