**South Carolina General Assembly**

119th Session, 2011-2012

**S. 26**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Leatherman

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Birth certificates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Medical Affairs**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\26_20101201.docx)

**A** **BILL**

TO AMEND SECTION 44‑63‑140 OF THE 1976 CODE, RELATING TO BIRTH CERTIFICATES FOR ADOPTED CHILDREN OR ADULTS INCLUDING FOREIGN ADOPTIONS, TO DELETE THE PROVISION REQUIRING A STATEMENT ON A CERTIFICATE OF FOREIGN BIRTH THAT THE CERTIFICATE IS NOT EVIDENCE OF UNITED STATES CITIZENSHIP.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑140 of the 1976 Code is amended to read:

“Section 44‑63‑140. Upon receipt of a certified Certificate of Adoption pursuant to Section 20‑7‑1790:

(1) For a person born in this State, the state registrar shall prepare a supplementary Certificate of Birth in the name of the adoptee, free of any reference to or indication of the fact that the child was adopted and showing the adoptive parents as the real parents, except that an adoption of an adult must display the words ‘By Adoption’ on the face of the amended certificate.

The state registrar shall furnish a copy of the amended certificate to the county registrar who shall file the amended certificate in lieu of the copy of the original birth certificate. The state registrar shall require the county registrar to return the copy of the original certificate recorded at the county office to the state office to be placed in the special sealed file. Periodically, the state registrar shall transmit copies of amendatory certificates to the county registrar in the county of birth.

(2) When adoption is decreed by a family court in this State of a person born in a foreign country who was not a United States citizen at birth and evidence of the date and place of birth submitted to the court and the court order setting forth the date and place of birth are attached to the Certificate of Adoption, the state registrar, when directed by the court order, shall prepare a ‘Certificate of Foreign Birth’. The certificate, and any issued copy of the certificate, must be labeled ‘Certificate of Foreign Birth’ and must show the actual country of birth. ~~A statement also must be included on the certificate, and any issued copy of the certificate, that it is not evidence of United States citizenship for the person for whom it is issued.~~

(3) If the person was born in a foreign country and was a United States citizen at the time of birth, the state registrar may not prepare a ‘Certificate of Foreign Birth’ but shall notify the adoptive parents of the procedure for obtaining a revised birth certificate for their child through the United States Department of State.

(4) For a person born in another state in the United States, the state registrar shall transmit the certified Certificate of Adoption to the state registrar in the state of birth.

(5) When adoption is decreed in a foreign country of a person born in that country and the procedures set forth in Section 63‑9‑910 are followed, upon receipt of the court order with its findings and the certificate of adoption, the state registrar shall prepare a ‘Certificate of Foreign Birth’. The certificate, and any issued copy of the certificate, must be labeled ‘Certificate of Foreign Birth’ and must state the actual country of birth. ~~A statement also must be included on the certificate, and any issued copy of the certificate, that it is not evidence of United States’ citizenship for the person for whom it is issued.~~”

SECTION 2. A Certificate of Foreign Birth issued pursuant to Section 44‑63‑140 of the 1976 Code prior to February 21, 2001, for a child who was younger than eighteen years of age on February 21, 2001, must be amended by the State Registrar, upon application of the parent or guardian of the adoptee, to remove any statement indicating that the birth certificate is not proof of citizenship, in accordance with this act.

SECTION 3. This act takes effect upon approval by the Governor.

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