



Senate

General Assembly

File No. 516

January Session, 2007

Senate Bill No. 1437

Senate, April 17, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE DATE OF BIRTH OF ADOPTED PERSONS BORN OUTSIDE OF THE COUNTRY AND NOTICE PROVIDED BY THE COUNCIL ON PROBATE JUDICIAL CONDUCT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-54 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The department shall prepare a certification of birth registration
4 or a certificate of foreign birth for any person born outside of the
5 country and adopted by [residents] a resident of this state, provided
6 (1) an authenticated and exemplified copy of the order of adoption of
7 the court of the district in which the adoption proceedings were had,
8 or such other evidence as is considered satisfactory by the probate
9 court [of] for the district in which such person resides, [shall be] is filed
10 with such probate court, and (2) such probate court notifies the
11 department that such copy or satisfactory evidence has been so filed.
12 Such certification of birth registration shall contain only the adopted
13 name, sex, date of birth, place of birth and date of preparation of such

14 certification of birth registration by the department. Such certificate of
15 foreign birth shall contain the adopted name, sex, date of birth, place of
16 birth, legal name of adoptive parent or parents and date of preparation
17 of such certificate of foreign birth. No certification of birth registration
18 or certificate of foreign birth shall be prepared by the department
19 unless upon specific written request of the person to whom the
20 certification of birth registration relates, if over sixteen years of age, or
21 of the adopting parent or parents or the [court of probate of] probate
22 court for the district in which the adoption proceedings were had.
23 When the department has prepared such certificate of birth
24 registration or certificate of foreign birth, copies thereof shall be issued
25 by the department in accordance with the provisions of subsection (a)
26 of section 7-52.

27 (b) The adoptive parent or parents of an adopted person born
28 outside of the country and adopted by a resident of this state, or such
29 adopted person if eighteen years of age or older, may apply to the
30 probate court for the district in which the adopted person resides for a
31 determination of the biological age and date of birth of the adopted
32 person. The probate court shall hold a hearing on the application and
33 receive medical and other evidence relevant to the issue of biological
34 age and date of birth of the adopted person. After such hearing, the
35 probate court may issue a decree to establish the biological age and
36 date of birth of the adopted person. If the biological age and date of
37 birth established in the decree is different from the biological age and
38 date of birth in the certification of birth registration or a certificate of
39 foreign birth, the probate court shall provide a certified copy of the
40 decree to the department. Any certification of birth registration or
41 certificate of foreign birth issued by the department pursuant to
42 subsection (a) of this section after the date the department receives
43 such decree shall reflect the date of birth in such decree.

44 Sec. 2. Subsection (e) of section 45a-63 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective*
46 *October 1, 2007*):

47 (e) The council shall, not later than [three] seven business days after
 48 the termination of such investigation, notify the complainant and the
 49 judge that the investigation has been terminated and whether probable
 50 cause has been found that judicial misconduct under subsection (a) of
 51 this section has been committed. If the council finds that judicial
 52 misconduct under subsection (a) of this section has not been
 53 committed, but the judge has acted in a manner which gives the
 54 appearance of impropriety or constitutes an unfavorable judicial
 55 practice, the council may issue a private admonishment to the judge
 56 recommending a change in judicial conduct or practice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	7-54
Sec. 2	October 1, 2007	45a-63(e)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Probate Court	PCAF - Revenue Gain	Potential Minimal	Potential Minimal

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill allows certain adopted individuals to obtain a probate court ruling to establish their biological age and date of birth. The court fee for such a ruling is \$150. It is estimated that there would be few such rulings annually, resulting in a minimal revenue increase to the Probate Court Administration Fund (PCAF).

It is anticipated that the state and local registrars of vital records will be able to modify birth certificates in response to orders of the probate court within their normally budgeted resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 1437*****AN ACT CONCERNING THE DATE OF BIRTH OF ADOPTED PERSONS BORN OUTSIDE OF THE COUNTRY AND NOTICE PROVIDED BY THE COUNCIL ON PROBATE JUDICIAL CONDUCT.*****SUMMARY:**

This bill permits people (1) born outside the United States and (2) adopted by Connecticut residents to obtain a probate court ruling to establish their biological age and date of birth. It requires the Department of Public Health (DPH) to conform its records to the court decree.

The bill also extends, from three to seven business days, the time within which the Council on Probate Judicial Conduct must notify the complaining party and judge of the completion of its investigation of a complaint alleging judicial misconduct. By law, the notice must indicate whether the council found probable cause that the judge engaged in misconduct.

EFFECTIVE DATE: October 1, 2007

AGE DETERMINATIONS

The bill permits an adoptive parent or adoptee age 18 or older to ask the probate court where the adoptee lives to determine adoptee's birth date and biological age. The court must hold a hearing and accept medical and other relevant evidence.

It must send a certified copy of its decree to DPH when it conflicts with the agency's official birth record. The bill directs the department to use the birth date set by decree in all future birth records.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (04/02/2007)