



General Assembly

January Session, 2007

Raised Bill No. 1437

LCO No. 5560

05560_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

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 Section 7-54 of the general statutes is repealed and the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)

Statement of Purpose:

To (1) allow the courts of probate to issue a decree regarding the date of birth of an adoptee born outside of the country if the parent of such adoptee, or the adult adoptee, provides medical and other evidence to establish that such birth date is inaccurate, and to require the court to provide notice of the decree to the Department of Public Health in order for birth records to be amended accordingly, and (2) provide that notice provided by the Council on Probate Judicial Conduct to a complainant that a judicial misconduct investigation has been terminated be given seven days, rather than three days, after the termination of such investigation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]