



Senate

General Assembly

File No. 761

January Session, 2009

Substitute Senate Bill No. 1137

Senate, April 21, 2009

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

AN ACT CONCERNING BIRTH CERTIFICATES.

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

1 Section 1. Section 7-48a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 [On and after January 1, 2002, each] (a) Each birth certificate, except
4 a replacement certificate created pursuant to subsection (b) of this
5 section, shall be filed with the name of the birth mother recorded.

6 (b) (1) If the birth is subject to a gestational agreement, upon order
7 of a court of competent jurisdiction the Department of Public Health
8 shall create a replacement certificate in accordance with [an] the order
9 [from a court of competent jurisdiction] not later than forty-five days
10 after receipt of [such] the order or forty-five days after the birth of the
11 child, whichever is later.

12 (2) If the birth is subject to a gestational agreement, and the child is
13 not genetically related to the birth mother, a court of competent

14 jurisdiction may make a finding of intended parentage and may order
 15 that the intended parents be named as the parents of the child on a
 16 replacement certificate. Upon such order, the Department of Public
 17 Health shall create a replacement certificate in accordance with
 18 subdivision (1) of this subsection.

19 (3) Such replacement certificate shall include all information
 20 required to be included in a certificate of birth of this state as of the
 21 date of the birth. When a certified copy of [such] a certificate of birth is
 22 requested by an eligible party, as provided in section 7-51, for which a
 23 replacement certificate has been created pursuant to this subsection, a
 24 copy of the replacement certificate shall be provided. The department
 25 shall seal the original certificate of birth in accordance with the
 26 provisions of subsection (c) of section 19a-42. Immediately after a
 27 replacement certificate has been prepared, the department shall
 28 transmit an exact copy of such certificate to the registrar of vital
 29 statistics of the town of birth and to any other registrar as the
 30 department deems appropriate. The town shall proceed in accordance
 31 with the provisions of section 19a-42.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	7-48a

Statement of Legislative Commissioners:

Section 1 was rewritten and reorganized for accuracy.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill clarifies Sec. 7-48a of the general statutes concerning the issuance of replacement birth certificates by the Department of Public Health, due to the receipt of court orders, and does not result in a fiscal impact.

If a birth is subject to a gestational agreement, and the child is not genetically related to the birth mother, the bill allows a court order to prompt a replacement birth certificate. Current law under Sec. 7-48a does not address genetic relatedness concerns regarding the issuance of replacement birth certificates for births subject to gestational agreements.

The Out Years

None

Sources: 3/20/09 Public Hearing Testimony

OLR Bill Analysis**sSB 1137*****AN ACT CONCERNING BIRTH CERTIFICATES.*****SUMMARY:**

By law, birth certificates are made out bearing the name of the birth mother. This bill establishes a procedure for obtaining a replacement certificate when the birth is subject to a gestational agreement and the baby is not genetically related to the birth mother. The law already sets a procedure for obtaining a replacement for a gestational agreement where they are related.

A court must make a finding of intended parentage and order that the intended parents be named as the parents of the child on a replacement certificate. (Presumably, this procedure applies to single parents as well.)

The bill specifies that, for gestational agreement births where the baby and mother are and are not genetically related, DPH must make a replacement certificate upon receiving the court order. As under existing law, DPH seals the original and mails a copy of the replacement to the appropriate registrar of vital statistics (i.e., town clerks). DPH must provide certified copies of replacement certificates to eligible parties who request them.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Gestational Agreements***

Gestational agreements are contracts for a type of assisted reproduction. They typically set out the terms and conditions for fertilized egg donations to women who have been unable to conceive.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (04/03/2009)