



General Assembly

January Session, 2011

Raised Bill No. 6631

LCO No. 5002

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Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE ISSUANCE OF A REPLACEMENT BIRTH CERTIFICATE PURSUANT TO A GESTATIONAL AGREEMENT.

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 Section 7-48a of the general statutes is repealed and the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, 2011*):

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) [If the birth is subject to a gestational agreement, the Department
7 of Public Health shall create a replacement certificate in accordance
8 with an order from a court of competent jurisdiction not later than
9 forty-five days after receipt of such order or forty-five days after the
10 birth of the child, whichever is later.] Upon receipt of a certified copy
11 of an order of a court of competent jurisdiction approving a gestational
12 agreement and issuing an order of parentage pursuant to such
13 gestational agreement, the department shall prepare a replacement
14 certificate for the child born of the agreement in accordance with such
15 order. Such replacement certificate shall include all information

16 required to be included in a certificate of birth of this state as of the
17 date of the birth, except that the intended parent or parents under the
18 gestational agreement shall be named as the parent or parents of the
19 child. When a certified copy of [such] a certificate of birth is requested
20 by an eligible party, as provided in section 7-51, for which a
21 replacement certificate has been created pursuant to this subsection, a
22 copy of the replacement certificate shall be provided. The department
23 shall seal the original certificate of birth in accordance with the
24 provisions of subsection (c) of section 19a-42. Immediately after a
25 replacement certificate has been prepared, the department shall
26 transmit an exact copy of such certificate to the registrar of vital
27 statistics of the town of birth and to any other registrar as the
28 department deems appropriate. The town shall proceed in accordance
29 with the provisions of section 19a-42.

30 Sec. 2. Section 7-36 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2011*):

32 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
33 unless the context otherwise requires:

34 (1) "Registrar of vital statistics" or "registrar" means the registrar of
35 births, marriages, deaths and fetal deaths or any public official charged
36 with the care of returns relating to vital statistics;

37 (2) "Registration" means the process by which vital records are
38 completed, filed and incorporated into the official records of the
39 department;

40 (3) "Institution" means any public or private facility that provides
41 inpatient medical, surgical or diagnostic care or treatment, or nursing,
42 custodial or domiciliary care, or to which persons are committed by
43 law;

44 (4) "Vital records" means a certificate of birth, death, fetal death or
45 marriage;

46 (5) "Certified copy" means a copy of a birth, death, fetal death or
47 marriage certificate that (A) includes all information on the certificate
48 except such information that is nondisclosable by law, (B) is issued or
49 transmitted by any registrar of vital statistics, (C) includes an attested
50 signature and the raised seal of an authorized person, and (D) if
51 submitted to the department, includes all information required by the
52 commissioner;

53 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
54 marriage certificate that includes all information contained in a
55 certified copy except an original attested signature and a raised seal of
56 an authorized person;

57 (7) "Authenticate" or "authenticated" means to affix to a vital record
58 in paper format the official seal, or to affix to a vital record in electronic
59 format the user identification, password, or other means of electronic
60 identification, as approved by the department, of the creator of the
61 vital record, or the creator's designee, by which affixing the creator of
62 such paper or electronic vital record, or the creator's designee, affirms
63 the integrity of such vital record;

64 (8) "Attest" means to verify a vital record in accordance with the
65 provisions of subdivision (5) of this section;

66 (9) "Correction" means to change or enter new information on a
67 certificate of birth, marriage, death or fetal death, within one year of
68 the date of the vital event recorded in such certificate, in order to
69 accurately reflect the facts existing at the time of the recording of such
70 vital event, where such changes or entries are to correct errors on such
71 certificate due to inaccurate or incomplete information provided by the
72 informant at the time the certificate was prepared, or to correct
73 transcribing, typographical or clerical errors;

74 (10) "Amendment" means to (A) change or enter new information
75 on a certificate of birth, marriage, death or fetal death, more than one
76 year after the date of the vital event recorded in such certificate, in

77 order to accurately reflect the facts existing at the time of the recording
78 of the event, (B) create a replacement certificate of birth for matters
79 pertaining to parentage and gender change, or (C) change a certificate
80 of birth, marriage, death or fetal death to reflect facts that have
81 changed since the time the certificate was prepared, including, but not
82 limited to, a legal name change or a modification to a cause of death;

83 (11) "Acknowledgment of paternity" means to legally acknowledge
84 paternity of a child pursuant to section 46b-172;

85 (12) "Adjudication of paternity" means to legally establish paternity
86 through an order of a court of competent jurisdiction;

87 (13) "Parentage" includes matters relating to adoption, gestational
88 agreements, paternity and maternity;

89 (14) "Department" means the Department of Public Health; [and]

90 (15) "Commissioner" means the Commissioner of Public Health or
91 the commissioner's designee; and

92 (16) "Gestational agreement" means a written agreement for assisted
93 reproduction in which a woman agrees to carry a child to birth for an
94 intended parent or intended parents, which agreement (A) names each
95 party to the agreement and indicates each party's respective
96 obligations under the agreement, (B) is signed by each party to the
97 agreement and the spouse of each such party, if any, and (C) is
98 witnessed by at least two adults and notarized.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	7-48a
Sec. 2	<i>October 1, 2011</i>	7-36

Statement of Purpose:

To clarify that the parties to a gestational agreement may receive a replacement certificate of birth for the child born of the agreement

which identifies the intended parent or parents under the gestational agreement as parents of the child.

[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.]