



General Assembly

Amendment

January Session, 2011

LCO No. 8007

HB0663108007HDO

Offered by:

REP. ARESIMOWICZ, 30th Dist.

REP. OLSON, 46th Dist.

REP. GROGINS, 129th Dist.

To: Subst. House Bill No. 6631

File No. 648

Cal. No. 377

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-48a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 [On and after January 1, 2002, each birth] (a) Each original certificate
6 of birth shall be filed with the name of the birth mother recorded.

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

12 (1) Receipt of a certified copy of an order of a court of competent

13 jurisdiction approving a gestational agreement and issuing an order of
14 parentage pursuant to such gestational agreement, if such order is
15 received by the department after the birth of the child, or (2) the filing
16 of an original certificate of birth, if such order is received by the
17 department prior to the birth of the child. The department shall
18 prepare the replacement certificate of birth for the child born of the
19 agreement in accordance with such order. The replacement certificate
20 of birth shall include all information required to be included in a
21 certificate of birth of this state as of the date of the birth, except that the
22 intended parent or parents under the gestational agreement shall be
23 named as the parent or parents of the child. When a certified copy of
24 [such] a certificate of birth is requested by an eligible party, as
25 provided in section 7-51, for which a replacement certificate of birth
26 has been created pursuant to this subsection, a copy of the replacement
27 certificate of birth shall be provided. The department shall seal the
28 original certificate of birth in accordance with the provisions of
29 subsection (c) of section 19a-42.

30 (c) Immediately after a replacement certificate of birth has been
31 prepared, the department shall transmit an exact copy of such
32 certificate to the registrar of vital statistics of the town of birth and to
33 any other registrar as the department deems appropriate. [The town]
34 Such registrar shall proceed in accordance with the provisions of
35 section 19a-42.

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

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

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

43 (2) "Registration" means the process by which vital records are
44 completed, filed and incorporated into the official records of the

45 department;

46 (3) "Institution" means any public or private facility that provides
47 inpatient medical, surgical or diagnostic care or treatment, or nursing,
48 custodial or domiciliary care, or to which persons are committed by
49 law;

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

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

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

63 (7) "Authenticate" or "authenticated" means to affix to a vital record
64 in paper format the official seal, or to affix to a vital record in electronic
65 format the user identification, password, or other means of electronic
66 identification, as approved by the department, of the creator of the
67 vital record, or the creator's designee, by which affixing the creator of
68 such paper or electronic vital record, or the creator's designee, affirms
69 the integrity of such vital record;

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

72 (9) "Correction" means to change or enter new information on a
73 certificate of birth, marriage, death or fetal death, within one year of
74 the date of the vital event recorded in such certificate, in order to

75 accurately reflect the facts existing at the time of the recording of such
76 vital event, where such changes or entries are to correct errors on such
77 certificate due to inaccurate or incomplete information provided by the
78 informant at the time the certificate was prepared, or to correct
79 transcribing, typographical or clerical errors;

80 (10) "Amendment" means to (A) change or enter new information
81 on a certificate of birth, marriage, death or fetal death, more than one
82 year after the date of the vital event recorded in such certificate, in
83 order to accurately reflect the facts existing at the time of the recording
84 of the event, (B) create a replacement certificate of birth for matters
85 pertaining to parentage and gender change, or (C) change a certificate
86 of birth, marriage, death or fetal death to reflect facts that have
87 changed since the time the certificate was prepared, including, but not
88 limited to, a legal name change or a modification to a cause of death;

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

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

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

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

96 (15) "Commissioner" means the Commissioner of Public Health or
97 the commissioner's designee;

98 (16) "Gestational agreement" means a written agreement for assisted
99 reproduction in which a woman agrees to carry a child to birth for an
100 intended parent or intended parents, which woman contributed no
101 genetic material to the child and which agreement (A) names each
102 party to the agreement and indicates each party's respective
103 obligations under the agreement, (B) is signed by each party to the
104 agreement and the spouse of each such party, if any, and (C) is

105 witnessed by at least two disinterested adults and notarized; and
106 (17) "Intended parent" means a party to a gestational agreement
107 who agrees, under the gestational agreement, to be the parent of a
108 child born to a woman by means of assisted reproduction, regardless
109 of whether the party has a genetic relationship to the child."

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