

LEGISLATIVE BILL 246

Approved by the Governor April 5, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 71-626 and 71-627, Reissue Revised Statutes of Nebraska, 1943, relating to birth certificates; to revise requirements and procedures for issuance of certificates in cases of adoption; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-626. Whenever,--as--to--a--child--born---in Nebraska; a decree of adoption is entered in any court of competent jurisdiction in the State of Nebraska or by any court of record of another state; the judge of the court in which such decree is entered as to a decree of adoption entered in this state; and the judge of the county court of the county in Nebraska in which the child was born as to a decree of adoption entered by any court of record in another state and upon official notice of the entry of such decree; shall issue a certificate of birth of the adopted child and forward to the Bureau of Vital Statistics, Department of Health; the certificate of birth of the adopted child. The certificate of birth to be used shall be in substantially the same form as used for other live births and shall be furnished by the Department of Health. Carbon copies shall not be accepted for filing. In setting down the information elicited by the certificate; it shall only be necessary to state the adoptive name of the child and the names of the adoptive father and mother; together with the data respecting each of them: (1) For each adoption of a Nebraska born person decreed by any court of this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the Bureau of Vital Statistics, Department of Health. The report shall (a) include the original name, date and place of birth and the name of the parent or parents of such person; (b) provide information necessary to establish a new certificate of birth of the person adopted; and (c) identify the decree of adoption and be certified by the clerk of the court.

(2) Information in the possession of the petitioner necessary to prepare the report of adoption shall be furnished with the petition for adoption by each petitioner or his attorney. The social or welfare agency or other person concerned shall supply the court with such additional information in his possession as may be necessary to complete the report. The supplying of such information shall be a prerequisite to the issuance of a decree.

(3) Whenever an adoption decree is amended or set aside, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

(4) Not later than the tenth day after the decree has been entered, the clerk of such court shall forward to the Bureau of Vital Statistics, Department of Health, the report required for persons born in the State of Nebraska whenever an adoptive birth certificate is to be filed or has already been filed.

Sec. 2. (1) The Bureau of Vital Statistics, Department of Health, shall establish a new certificate of birth for a person born in the State of Nebraska, whenever it receives any of the following except as hereafter provided:

(a) A report of adoption as provided in section 71-626 on a form supplied by the Bureau of Vital Statistics, Department of Health, or a certified copy of the decree of adoption together with the information required in such report; Provided, that a new certificate of birth shall not be established if so requested in writing by the court decreeing the adoption, the adoptive parents, or the adopted person:
or

(b) A report of adoption or a certified copy of the decree of adoption entered in a court of competent jurisdiction of any other state or nation declaring adopted a person born in the State of Nebraska, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth, except that a new certificate of birth shall not be established when so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.

(2) The new certificate of birth for a person

born in the State of Nebraska shall be on the form in use at the time of its preparation and shall include the following items in addition to such other information as may be necessary to complete the form:

(a) The adoptive name of the child;

(b) The names and personal particulars of the adoptive parents;

(c) The date and place of birth as transcribed from the original certificate;

(d) The name of the attendant, printed or typed;

(e) The same birth number as was assigned to the original certificate; and

(f) The original filing date.

The data necessary to locate the existing certificate and the data necessary to complete the new certificate shall be submitted to the Bureau of Vital Statistics.

(3) When an adoptive certificate of birth is established, the actual place of birth and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation of the Department of Health. Upon receipt of notice that an adoption has been set aside, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction.

(4) Whenever a new certificate of birth is established by the Bureau of Vital Statistics, Department of Health, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this state shall be sealed from inspection.

(5) The Department of Health may adopt such rules and regulations as are necessary and proper to assist it in the implementation and administration of section 71-626 and this section.

Sec. 3. That section 71-627, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of one dollar charged for each certificate filed. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the General Fund. Upon request and the payment of an additional fee of two dollars for the same, a certified copy of such a certificate may be furnished by the Director of Health, through the Bureau of Vital Statistics, ~~7-but-the--adoption--decrees--that have-been-filed-with-such-certificate-and--the--original record-of-birth-shall-be-available-for--inspection--only upon-the-order-of-a-court-of-competent-jurisdiction~~

Sec. 4. That original sections 71-626 and 71-627, Reissue Revised Statutes of Nebraska, 1943, are repealed.