



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 646

2 AMENDMENT NO. _____. Amend Senate Bill 646, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. If and only if House Bill 1785 of the 100th
6 General Assembly becomes law, then the Vital Records Act is
7 amended by changing Section 17 as follows:

8 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

9 Sec. 17. (1) For a person born in this State, the State
10 Registrar of Vital Records shall establish a new certificate of
11 birth when he receives any of the following:

12 (a) A certificate of adoption as provided in Section 16
13 or a certified copy of the order of adoption together with
14 the information necessary to identify the original
15 certificate of birth and to establish the new certificate
16 of birth; except that a new certificate of birth shall not

1 be established if so requested by the court ordering the
2 adoption, the adoptive parents, or the adopted person.

3 (b) A certificate of adoption or a certified copy of
4 the order of adoption entered in a court of competent
5 jurisdiction of any other state or country declaring
6 adopted a child born in the State of Illinois, together
7 with the information necessary to identify the original
8 certificate of birth and to establish the new certificate
9 of birth; except that a new certificate of birth shall not
10 be established if so requested by the court ordering the
11 adoption, the adoptive parents, or the adopted person.

12 (c) A request that a new certificate be established and
13 such evidence as required by regulation proving that such
14 person has been legitimized, or that the circuit court,
15 the Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid), or a court or
17 administrative agency of any other state has established
18 the paternity of such a person by judicial or
19 administrative processes or by voluntary acknowledgment,
20 which is accompanied by the social security numbers of all
21 persons determined and presumed to be the parents.

22 (d) A declaration by a licensed health care
23 professional or licensed mental health professional who
24 has treated or evaluated a person stating that the person
25 has undergone treatment that is clinically appropriate for
26 that individual for the purpose of gender transition, based

1 on contemporary medical standards, or that the individual
2 has an intersex condition, and that the sex designation on
3 such person's birth record should therefore be changed. The
4 information in the declaration shall be proved by the
5 licensed health care professional or licensed mental
6 health professional signing and dating it in substantially
7 the following form: "I declare (or certify, verify, or
8 state) under penalty of perjury that the foregoing is true
9 and correct. Executed on (date)". The new certificate of
10 birth shall reflect any legal name change, so long as the
11 appropriate documentation of the name change is submitted.

12 Each request for a new certificate of birth shall be
13 accompanied by a fee of \$15 and entitles the applicant to one
14 certification or certified copy of the new certificate. If the
15 request is for additional copies, it shall be accompanied by a
16 fee of \$2 for each additional certification or certified copy.

17 (2) When a new certificate of birth is established, the
18 actual place and date of birth shall be shown; provided, in the
19 case of adoption of a person born in this State by parents who
20 were residents of this State at the time of the birth of the
21 adopted person, the place of birth may be shown as the place of
22 residence of the adoptive parents at the time of such person's
23 birth, if specifically requested by them, and any new
24 certificate of birth established prior to the effective date of
25 this amendatory Act may be corrected accordingly if so
26 requested by the adoptive parents or the adopted person when of

1 legal age. The social security numbers of the parents shall not
2 be recorded on the certificate of birth. The social security
3 numbers may only be used for purposes allowed under federal
4 law. The new certificate shall be substituted for the original
5 certificate of birth:

6 (a) Thereafter, the original certificate and the
7 evidence of ~~adoption,~~ paternity, legitimation, or change
8 of sex designation shall not be subject to inspection or
9 certification except upon order of the circuit court,
10 request of the person named on the certificate of birth, or
11 as provided by regulation. If the new certificate was
12 issued subsequent to an adoption, then the evidence of
13 adoption is not subject to inspection or certification
14 except upon order of the circuit court or as provided by
15 rule, and the original certificate shall not be subject to
16 inspection until the adopted person has reached the age of
17 21; thereafter, the original certificate shall be made
18 available as provided by Section 18.1b of the Adoption Act,
19 and nothing in this subsection shall impede or prohibit
20 access to the original birth certificate under Section
21 18.1b of the Adoption Act.

22 (b) Upon receipt of notice of annulment of adoption,
23 the original certificate of birth shall be restored to its
24 place in the files, and the new certificate and evidence
25 shall not be subject to inspection or certification except
26 upon order of the circuit court.

1 (3) If no certificate of birth is on file for the person
2 for whom a new certificate is to be established under this
3 Section, a delayed record of birth shall be filed with the
4 State Registrar of Vital Records as provided in Section 14 or
5 Section 15 of this Act before a new certificate of birth is
6 established, except that when the date and place of birth and
7 parentage have been established in the adoption proceedings, a
8 delayed record shall not be required.

9 (4) When a new certificate of birth is established by the
10 State Registrar of Vital Records, all copies of the original
11 certificate of birth in the custody of any custodian of
12 permanent local records in this State shall be transmitted to
13 the State Registrar of Vital Records as directed, and shall be
14 sealed from inspection except as provided by Section 18.1b of
15 the Adoption Act.

16 (5) Nothing in this Section shall be construed to prohibit
17 the amendment of a birth certificate in accordance with
18 subsection (6) of Section 22.

19 (Source: P.A. 97-110, eff. 7-14-11; 100HB1785eng.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law or on the date House Bill 1785 of the 100th
22 General Assembly takes effect, whichever is later."