



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 646

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 646, AS AMENDED, by  
3 inserting at the end of the bill the following:

4 "Section 15. If and only if House Bill 1785 of the 100th  
5 General Assembly becomes law, then the Vital Records Act is  
6 amended by changing Section 17 as follows:

7 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

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

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

1 adoption, the adoptive parents, or the adopted person.

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

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

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

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

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

16 (2) When a new certificate of birth is established, the  
17 actual place and date of birth shall be shown; provided, in the  
18 case of adoption of a person born in this State by parents who  
19 were residents of this State at the time of the birth of the  
20 adopted person, the place of birth may be shown as the place of  
21 residence of the adoptive parents at the time of such person's  
22 birth, if specifically requested by them, and any new  
23 certificate of birth established prior to the effective date of  
24 this amendatory Act may be corrected accordingly if so  
25 requested by the adoptive parents or the adopted person when of  
26 legal age. The social security numbers of the parents shall not

1 be recorded on the certificate of birth. The social security  
2 numbers may only be used for purposes allowed under federal  
3 law. The new certificate shall be substituted for the original  
4 certificate of birth:

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

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

26 (3) If no certificate of birth is on file for the person

1 for whom a new certificate is to be established under this  
2 Section, a delayed record of birth shall be filed with the  
3 State Registrar of Vital Records as provided in Section 14 or  
4 Section 15 of this Act before a new certificate of birth is  
5 established, except that when the date and place of birth and  
6 parentage have been established in the adoption proceedings, a  
7 delayed record shall not be required.

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

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

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

19 Section 99. Effective date. This Act takes effect January  
20 1, 2018, except that Section 15 takes effect upon becoming law  
21 or on the date House Bill 1785 of the 100th General Assembly  
22 takes effect, whichever is later."