

No. 2004-35

AN ACT

HB 794

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," further providing for the issuance of birth certificates to foreign-born children who have become United States citizens.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 403 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, amended July 11, 1990 (P.L.433, No.106), is amended to read:

Section 403. Birth Registration: Children Born in a Country Other Than the United States.—(a) The department shall, upon request, complete and register birth certificates for any child born in a country other than the United States when either parent is a citizen of the United States and a resident of the Commonwealth of Pennsylvania. **[Such certificates]**

(b) (1) *Except as provided in clause (2), a birth certificate issued under subsection (a) shall show the true country and date of birth, and that the certificate is not evidence of the United States citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.*

(2) *For any foreign-born child who satisfies the requirements of either 8 U.S.C. § 1431 or 1433 and whose parent presents documents from the United States Department of State, United States Department of Justice, Immigration and Naturalization Service, United States Citizenship and Immigration Services of the United States Department of Homeland Security or their successor agencies, including either a certificate of citizenship, a United States passport or other document as specified by the department, verifying the child's United States citizenship, the birth certificate shall show the true country and date of birth but will not contain any notation regarding citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.*

(c) The Social Security number or numbers of each parent are to be recorded and maintained as required in section 401.

(d) Certified copies of such certificates shall be issued upon application and payment of the prescribed fee.

Section 2. Section 604 of the act, added July 3, 1957 (P.L.443, No.247), is amended to read:

Section 604. Change of Civil Status Registration of Foreign Born Children Adopted in Pennsylvania.—(a) For any child born in a foreign country but adopted in Pennsylvania, whose adopting parents are United States citizens and residents of Pennsylvania, the department shall, upon request, complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, together with proof of the date and place of the child's birth. **[The certificate]**

(b) (1) Except as provided in clause (2), a birth certificate issued under subsection (a) shall show the new name of the child as specified in the decree of adoption, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country and date of birth of the child, and that the certificate is not evidence of United States citizenship.

(2) For any foreign-born child who satisfies the requirements of either 8 U.S.C. § 1431 or 1433 and whose parent presents documents from the United States Department of State, United States Department of Justice, Immigration and Naturalization Service, United States Citizenship and Immigration Services of the United States Department of Homeland Security or their successor agencies, including either a certificate of citizenship, a United States passport or other document as specified by the department, verifying the child's United States citizenship, the birth certificate shall show the true country and date of birth but will not contain any notation regarding citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.

(c) Certified copies of such certificates shall be issued upon application and payment of the prescribed fee.

Section 3. The amendment of sections 403 and 604 shall be applicable to any child born on or after January 1, 1986.

Section 4. This act shall take effect immediately.

APPROVED—The 18th day of May, A.D. 2004.

EDWARD G. RENDELL