

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 211

(Delegate Cane, *et al.*)

Health and Government Operations

Judicial Proceedings

Family Law - Adoption - Certificates of Birth

This bill clarifies existing law regarding the criteria for issuing a birth certificate for a person born outside of the U.S. It also repeals the requirement that in order for the State to issue a certificate of foreign birth, the adopted person in question cannot be a citizen of the U.S.

Fiscal Summary

State Effect: Minimal increase in Department of Health and Mental Hygiene general fund revenues beginning in FY 2005 as more people apply for certificates of foreign birth. No effect on expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Secretary of Health and Mental Hygiene may make a new birth certificate for a person born outside the U.S. if in Maryland: (1) the previously unwed parents of the individual have married each other after the birth of the child; (2) a court of competent jurisdiction in Maryland entered an order as to parentage, legitimation, or adoption; or (3) the father of the child acknowledged himself by affidavit to be the father and the mother consented by affidavit to the acknowledgement.

Chapter 516 of 2002 requires the Secretary of Health and Mental Hygiene, upon request, to prepare and register a certificate of foreign birth in Maryland for a person born in a foreign country who is not a citizen of the U.S. and who was adopted: (1) through a court of competent jurisdiction in Maryland or under the laws of a jurisdiction or country other than the U.S. and was granted an IR-3 visa by the U.S. Immigration and Naturalization Service; and (2) by an adopting parent who is a Maryland resident.

Background: The Division of Vital Records (DVR) prepared 432 certificates of foreign birth in 2002 and 609 in 2003.

DVR reports that under the federal Child Citizenship Act of 2000, many foreign-born, adopted children acquire U.S. citizenship immediately upon entering this country. Many other children acquire U.S. citizenship after residing in this country. Under current State statute, these children who have U.S. citizenship would not be eligible to obtain a Maryland certificate of foreign birth.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2004
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