AN ACT

ENTITLED, An Act to revise certain provisions relating to the issuance of a new birth certificate in certain adoptions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-25-16.1 be amended to read as follows:

34-25-16.1. If the birth occurred in South Dakota, the Department of Health shall issue a new certificate of birth in the new name of the child and with the name of the adopting person. However, a new certificate of birth may not be prepared if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.

If the birth occurred in a foreign nation and the adoption decree is entered in a court of this state, the Department of Health shall issue a new certificate of birth in the new name of the child and with the name of the adopting person. The birth certificate shall be prepared in accord with the facts as found and entered by the court. If the birth occurred in a foreign nation and the adoption was finalized in a foreign nation, any circuit court of this state may issue an order, ex parte and without hearing, directing that a new certificate of birth be issued upon filing the following documentation:

(1) A certified copy of the adoption order from the foreign nation;

(2) A certified translation of the adoption order if necessary;

(3) Proof of the date and place of the child's birth;

(4) Proof of IR-3 immigration status; and

(5) Proof that each adopting person is a resident of this state.

The Department of Health shall issue a new certificate of birth in the new name of the child and the name of each adopting person upon receipt from the clerk of courts such information necessary to establish a new certificate of birth on a form prepared by the department.

The issuance of certificates pursuant to this section is conditioned upon the receipt of a fee based

upon administrative cost as established by the department pursuant to chapter 1-26.

An Act to revise certain provisions relating to the issuance of a new birth certificate in certain adoptions.

==========

I certify that the attached Act originated in the

HOUSE as Bill No. 1079

_____
Chief Clerk

==========

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1079
File No. ____
Chapter No. _____

==========

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

==========

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

==========

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State