



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

25 APR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 40 (EC), "AN ACT TO AMEND §§ 3212, 3213, 3214 AND 3215, AND TO ADD A NEW §3215.1 ALL OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATES OF BIRTH FOR FOREIGN-BORN CHILDREN WHOSE ADOPTIVE PARENTS RESIDE IN GUAM," which I signed into law on April 22, 2005, as Public Law 28-31.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker
Date: 4/26/05
3:45
Copy
Ly. Rinchon
28-305-0147

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole MB
Print Name & Initial
Time: 3:14 Date: 4/29/05



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

April 11, 2005


The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

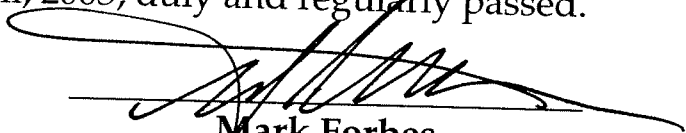

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

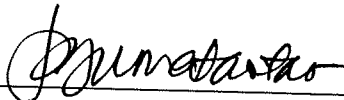
This is to certify that Bill No. 40 (EC), "AN ACT TO AMEND §§ 3212, 3213, 3214 AND 3215, AND TO ADD A NEW §3215.1 ALL OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATES OF BIRTH FOR FOREIGN-BORN CHILDREN WHOSE ADOPTIVE PARENTS RESIDE IN GUAM," was on the 9th day of April, 2005, duly and regularly passed.


Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 4/22/05

Public Law No. 28-31

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 40 (EC)

As amended on the Floor.

Introduced By:

R. J. Respicio
B. J.F. Cruz
R. Klitzkie
Mike Cruz
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO AMEND §§ 3212, 3213, 3214 AND 3215, AND TO
ADD A NEW §3215.1 ALL OF TITLE 10 GUAM CODE
ANNOTATED, RELATIVE TO CERTIFICATES OF BIRTH
FOR FOREIGN-BORN CHILDREN WHOSE ADOPTIVE
PARENTS RESIDE IN GUAM.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that adoption is one of the most loving expressions of hope that can be
4 bestowed upon a child without parents. Many families and individuals in
5 Guam and throughout the world have chosen to reach out and bring into their
6 household children who might otherwise not grow up in a family

1 environment. Studies show that adopted children who are raised in a loving
2 family environment usually have happier and more well-adjusted lives than
3 children who are raised in foster homes, orphanages or other similar
4 institutions.

5 *I Liheslaturan Guåhan* additionally finds that a common practice in many
6 states is to provide a new certificate of birth for lawfully adopted children of
7 foreign birth. By law, the newly issued certificate of birth replaces the original
8 certificate issued by the actual country of birth, if one exists.

9 While Guam law states that the court may order that a new certificate of
10 birth be issued for adoptees, this is not a requirement for foreign-born
11 children adopted by Guam residents. In some cases, these children may not
12 even have certificates of birth, the court having utilized other means to
13 determine the facts of their birth, leaving the children without valid birth
14 certificates.

15 It is therefore the intent of *I Liheslaturan Guåhan* to amend Guam law to
16 allow the Office of Vital Statistics of the Department of Public Health and
17 Social Services (DPH&SS) to issue certificates of birth for foreign-born
18 children who have been lawfully adopted by Guam residents.

19 **Section 2. Section 3212(a) of Title 10 Guam Code Annotated, is**
20 **hereby amended to read:**

21 **"§3212. Delayed registration. (a) Birth:**

22 (1) When a birth of a person either born in Guam, or who is a
23 non-U.S. citizen born in a foreign country and adopted by a
24 resident of Guam has not been registered, a certificate may be filed
25 in accordance with the regulations of the Office of Vital Statistics.

1 Such certificate shall be registered subject to such evidentiary
2 requirements as the Office of Vital Statistics shall by regulation
3 prescribe to substantiate the alleged facts of birth.

4 (2) certificates of birth registered seven (7) years or more
5 after the date of occurrence shall be marked "Delayed" and show
6 on their face the date of delayed registration.

7 (3) In all instances of delayed birth registration, the
8 following facts concerning the person whose birth is to be
9 registered are required and must be established: Date of birth;
10 place of birth; and parentage.

11 (4) When an applicant does not submit the minimum
12 documentation required in the regulation for delayed registration,
13 or when the Territorial Registrar of Vital Statistics finds reason to
14 question the validity or adequacy of the certificate or the
15 documentary evidence, the Territorial Registrar shall not register
16 the delayed certificate and shall advise the applicant of the reasons
17 for this action.

18 (5) If the person whose birth is to be recorded be a child
19 under the age of eighteen (18) years, the birth certificate shall be
20 signed by one of the following in the indicated order of priority:

- 21 a. The attendant at birth;
- 22 b. By either parent or adoptive parent;
- 23 c. By the child's guardian; or
- 24 d. By relatives in the next immediate degree of
25 kindred; provided, that each person signing a certificate

1 shall attest under oath to his belief in the truth of the
2 statements made concerning the age, birthplace, and
3 parentage of the person whose birth is being recorded.

4 (6) If the person whose birth is to be recorded be of legal age,
5 the date of birth and place of birth shall be supported by at least
6 two (2) documents of which only one (1) may be an affidavit; the
7 facts of parentage must be supported by at least one (1) document
8 which may be one (1) of the two (2) submitted as evidence of the
9 other facts."

10 **Section 3. Section 3213 of Title 10 Guam Code Annotated, is hereby**
11 ***amended to read:***

12 **"§3213. Judicial procedure to establish facts of birth.** (a) If a
13 delayed certificate of birth is rejected under the provisions of §3212 of
14 this Article, a petition may be filed with the Superior Court of Guam for
15 an order establishing a record of the date and place of birth and the
16 parentage of the person whose birth is to be registered.

17 (b) Such petition shall allege:

18 (1) That the person for whom delayed certificate of birth is
19 sought was born in Guam, or is a non-U.S. citizen born in a foreign
20 country and adopted by a resident of Guam;

21 (2) That no record of birth can be found in the Office of Vital
22 Statistics;

23 (3) That diligent efforts by the petitioner have failed to
24 obtain the evidence required in accordance with §3212 of this
25 Article;

1 (4) That the Territorial Registrar of Vital Statistics has
2 refused to register a delayed certificate of birth; and

3 (5) Such other allegations as may be required.

4 (c) The petition shall be accompanied by a statement of the
5 registration official made in accordance with Subsection (a)(4) of said
6 §3212 and all documentary evidence which was submitted to the
7 registration official in support of such registration. The petition shall be
8 sworn to by the petitioner.

9 (d) The court shall fix a time and place for hearing the petition and
10 shall give the registration official who refused to register the petitioner's
11 delayed certificate of birth five (5) days' notice of said hearing. Such
12 official or his authorized representative, may appear and testify in the
13 proceedings.

14 (e) If the court from the evidence presented finds that the person
15 for whom a delayed certificate of birth is sought was born in Guam, or is
16 a non-U.S. citizen born in a foreign country and adopted by a resident of
17 Guam, it shall make findings as to place and date of birth, parentage
18 and such other findings as the case may require, and shall issue an order
19 on a form prescribed and furnished by the Territorial Registrar of Vital
20 Statistics to establish a record of birth. This order shall include the birth
21 data to be registered, a description of the evidence presented in the
22 manner prescribed by said §3212, and the date of the court's action.

23 (f) The Clerk of the Superior Court shall forward each such order
24 to the Territorial Registrar of Vital Statistics *not later than* the tenth (10th)
25 day of the calendar month following the month in which it was entered.

1 Such order shall be registered by the Territorial Registrar of Vital
2 Statistics and shall constitute the record of birth, from which copies may
3 be issued in accordance with §3226 of this Article.

4 (g) Any person who objects to the accuracy of any of the
5 information on a certificate of birth may petition the Superior Court to
6 correct the certificate, using the same procedures as for obtaining a
7 change of name."

8 **Section 4. Section 3214 of Title 10 Guam Code Annotated, is hereby**
9 *amended to read:*

10 "§3214. **Court reports of adoption.** (a) For each adoption decreed
11 by a court of competent jurisdiction, the court shall require the
12 preparation of a certificate of adoption on a form prescribed and
13 furnished by the Territorial Registrar of Vital Statistics. The certificate
14 shall include such facts as are necessary to locate and identify the
15 certificate of birth of the person adopted; provide information necessary
16 to establish a new certificate of birth of the person adopted, and shall
17 identify the order of adoption and be certified by the clerk of court.

18 (1) For a person born in a foreign country who is not a
19 citizen of the United States, and for whom a final order of
20 adoption has been decreed by a court of competent jurisdiction,
21 the court shall require the preparation of a certificate of foreign
22 birth as provided in §3215.1.

23 (b) The certificate of adoption shall be filed with the original
24 record of birth, if such record exists, which shall remain as a part of the
25 permanent records of the Office of Vital Statistics.

1 (c) Whenever an adoption decree is amended or annulled, the
2 clerk of the court shall prepare a certificate thereof, which shall include
3 such facts as are necessary to identify the original adoption report, and
4 the facts amended in the adoption decree as shall be necessary to
5 properly amend the birth record.

6 (d) When the Territorial Registrar of Vital Statistics receives a
7 record of adoption or annulment of adoption or amendment thereof
8 from a court for a person born elsewhere, such record shall be
9 forwarded to the appropriate registration authority in the place of birth
10 of the child adopted."

11 **Section 5. Section 3215 (a) of Title 10 Guam Code Annotated, is**
12 **hereby amended to read:**

13 **"§3215. New certification of birth following adoption,**
14 **legitimation and paternity determination.** (a) The Territorial Registrar
15 of Vital Statistics shall establish a new certificate of birth for a person
16 when he or she receives one (1) of the following:

17 (1) An adoption report as provided in §3214 of this Article,
18 or a certified copy of the decree of adoption, together with the
19 information necessary to identify the original certificate of birth
20 and to establish a new certificate of birth; (except that a new
21 certificate of birth shall not be established if so requested by the
22 court decreeing the adoption, the adoptive parents or the adopted
23 person);

24 (2) An affidavit of acknowledgment of paternity signed by
25 both parents; or

1 (3) A court order determining paternity.”

2 Section 6. A new Section 3215.1 is hereby *added* to Title 10 Guam
3 Code Annotated to read:

4 “§3215.1. **Certificate of Foreign Birth.** (a) The Territorial Registrar
5 of Vital Statistics shall, upon request, establish a new certificate of birth
6 for a person born in a foreign country when in receipt of a report of
7 adoption decreed by a court of competent jurisdiction, proof of the date
8 and place of the person’s birth, and a request from the court, the
9 adopting parent or parents, or the adopted person if eighteen (18) years
10 of age or over, that such a certificate be prepared. The certificate shall be
11 labeled ‘Certificate of Foreign Birth’ and shall show the actual country of
12 birth. The Certificate of Foreign Birth shall show the true or probable
13 foreign country of birth, and shall state that the certificate is not
14 evidence of United States citizenship for the child for whom it is issued
15 or for the adoptive parent or parents. After registration of the
16 Certificate of Foreign Birth in the new name of the adopted person, the
17 Territorial Registrar shall seal the report of adoption, which shall not be
18 subject to inspection *except* upon order of a court of competent
19 jurisdiction.”

20 Section 7. **Severability.** *If* any part or provision of this Act, or the
21 application of this Act to any person or circumstance, is held invalid, the
22 remainder of this Act, including the application of such part or provisions to
23 other persons or circumstances, shall *not* be affected by such a holding and
24 shall continue in full force and effect. To this end, the provisions of this Act
25 are severable.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 4/9/05

VOTING SHEET

Bill No. 40 (EC)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.					EA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Patricia C. Santos
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Senator Mike Cruz, M.D.
Chairman, Committee on Health & Human Services
I Mina'Bente Ocho Na Liheslaturan Guåhan
155 Hesler St., Hagåtña, Guam 96910
Tel: (671) 477-5960/2/3 Fax: (671) 477-5984
email: senmike@ite.net

April 4, 2005

The Honorable Mark Forbes
Speaker
I Mina'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Forbes:

The Committee on Health and Human Services, to which was referred, **Bill 40 (EC), An act to amend §§3212, 3213, 3214 and 3215, and to add a new §3215.1 all of Title 10 Guam Code Annotated relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam**, now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	_____
TO REPORT OUT ONLY	_____
ABSTAIN	_____
TO PLACE IN INACTIVE FILE	_____

A copy of the Committee Report and other pertinent documents are attached for your information and file.

MIKE CRUZ, M.D.
Senator

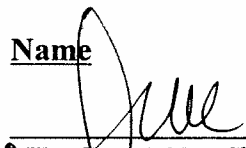
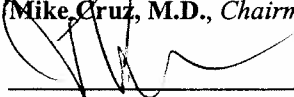
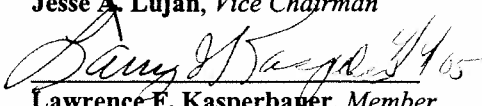

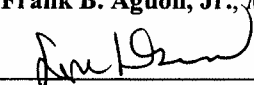
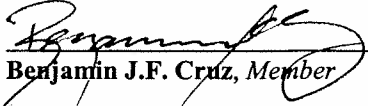
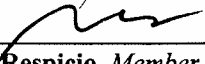



Senator Mike Cruz, M.D.

Chairman, Committee on Health & Human Services

Voting Sheet

Bill 40 (EC), An act to amend §§3212, 3213, 3214 and 3215, and to add a new §3215.1 all of Title 10 Guam Code Annotated relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam.

<u>Name</u>	<u>To Pass</u>	<u>Not to Pass</u>	<u>To Report Out Only</u>	<u>Abstain</u>	<u>To Place in Inactive File</u>
 Mike Cruz, M.D., <i>Chairman</i>	✓ 4/2/05	_____	_____	_____	_____
 Jesse A. Lujan, <i>Vice Chairman</i>	_____	_____	_____	_____	_____
 Lawrence F. Kasperbauer, <i>Member</i>	X	_____	_____	_____	_____
_____ Ray Tenorio, <i>Member</i>	_____	_____	_____	_____	_____
_____ Antonio R. Unpingco, <i>Member</i>	_____	_____	_____	_____	_____
_____ Edward J.B. Calvo, <i>Member</i>	_____	_____	_____	_____	_____
 Jeanne M.S. Brown, <i>Member</i>	✓	_____	_____	_____	_____
_____ Frank B. Aguon, Jr., <i>Member</i>	_____	_____	_____	_____	_____
 Lou A. Leon Guerrero, <i>Member</i>	✓	_____	_____	_____	_____
 Benjamin J.F. Cruz, <i>Member</i>	✓	_____	_____	_____	_____
 Rory J. Respicio, <i>Member</i>	_____	_____	_____	_____	_____
_____ Mark Forbes, <i>Ex-Officio Member</i>	_____	_____	_____	_____	_____
 Adolpho Palacios, <i>Member</i>	✓	_____	_____	_____	_____

COMMITTEE ON HEALTH & HUMAN SERVICES
COMMITTEE REPORT

Bill 40 (EC): An act to amend §3212, §3213, §3214, §3215, to add a new §3215.1, all of Title 10 GCA, relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam.

Members present:	Chairman Mike Cruz	Vice Chair Jesse A. Lujan
	Senator Lou Leon Guerrero	Senator Rory Respicio
	Senator B. J. Cruz	Senator Ray Tenorio
	Senator Joanne Brown	Senator Larry Kasperbauer
	Senator Adolpho Palacios	
Other senators present:	Senator Robert Klitzkie	

Senator Mike Cruz, Chairman of the Committee on Health and Human Services called the public hearing to order and introduced Bill 40 (EC): An act to amend §3212, §3213, §3214, §3215, to add a new §3215.1, all of Title 10 GCA, relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam, authored by Senator Rory Respicio.

Senator Rory Respicio, as author, explained the intent and purpose of Bill 40. Senator Respicio thanked Chairman Cruz for expeditiously placing this bill on the agenda, stating that it is to recognize those children born in foreign countries to receive a GovGuam birth certificate, citing that this is done in many other jurisdictions. Senator Respicio stated that he communicated with the Director of Public Health who agreed with the bill in concept and will work cooperatively to ensure that there are no issues, such as duplication of birth certificates, and plans to pattern this after what other jurisdictions have done.

Senator Respicio introduced Melissa (Missy) Torres to testify as an adoptive parent of two foreign-born children, and acknowledged the attendance of Melissa's mother, Mary Torres.

Melissa (Missy) Torres, who also provided written testimony, testified that she has two adoptive children from Guatamala, and that whenever she has to register them for anything (sports or any event requiring registration), she has to show proof of their citizenship by showing their U.S. passports because that is the only means of identification she has available for her children.

Ms. Torres stated that although her children were issued birth certificates from Guatamala stating that she is their mother, the certificates are only copies of the original, which is kept in Guatamala, until they acknowledge receipt of the Department of Public Health's Certificate of Adoption from Guam. Ms. Torres stated that she complied with the Guatamalan government's request; however, because they are a foreign country, she has not heard back from that government to date despite having sent the documents by certified mail.

Ms. Torres is asking this committee to consider Bill 40, which will afford equal representation for her children to be treated like everyone else.

Chairman Mike Cruz thanked Ms. Torres for her testimony.

Senator Respicio asked Ms. Torres to expound on her written testimony wherein she cited the United States Citizen's Act, recently signed off by President Bush, which states that if a child is born in a foreign country but their parents are U.S. citizens, he/she automatically becomes a U.S. citizen. Ms. Torres explained that this is the same in her case, stating that her children came with a green card, used to clear Immigration upon arriving on Guam; however, their original birth certificates were surrendered when she had to apply for their passports. The children also have social security numbers; they just don't have an original birth certificate.

Senator Respicio commented that many people may not understand why it is so important for someone like Ms. Torres – a parent who adopted foreign-born children – to have a birth certificate issued by the Government of Guam since this is the place where she was born and resides in -- therefore, he asked her to explain the importance for the record.

Ms. Torres confirmed that she was born and raised here on Guam, and explained the difficulties trying to do things for her children – even registering them for school – stating that sometimes she has to carry all documentation of proof for her children. She stated that it is ironic that her children can get a U.S. passport and a social security number – they were even re-adopted in Guam's courts – but they can't get a Guam birth certificate.

Senator Respicio asked her to confirm that when she applied for her children's U.S. passport, she had to surrender the children's original documents to the U.S. passport office (which she did); therefore, the senator concluded by asking the committee's consideration to move favorably on this bill.

Florencio (Larry) Ramirez addressed the committee by noting that he has an identical brother named Juan in Vietnam, and acknowledged those senators present who are cognizant of this fact. He identified himself for the record as Larry Ramirez, Jr. "who never really grew up here on Guam, but in the mainland U.S." Although he vacillated in his testimony – between confusion from one brother to another and his political affiliation – he shared that he had made a promise to come back if "the party was ever in trouble," and that he grew up in the Bay Area (California).

Chairman Cruz then asked Mr. Ramirez whether – germane to Bill 40 – was he testifying in favor or against the bill. After he stated that he was in favor of the bill, the Chairman thanked him for his testimony.

Jose Ulloa Garrido, testifying as a private citizen, spoke against Bill 40 as it is written. Although admitting that he did not have time to digest the bill, his concern was on the necessity of the bill, adding that he did research on birth certificates of foreign nations. He noted that all member nations of the United Nations have established under International Law the necessity of providing birth certificates for people born in their own countries.

Mr. Garrido believes that there are those countries with internal struggles and that at some point in time there may be difficulty trying to obtain birth certificates (by birth or adoption). He believes that the United States should review this bill because there is a relationship between providing local birth certificates to foreign born children with the regulations that is now

currently in place by the U.S. citizen immigration service. With so many regulations already in place on how foreign born children are to be provided birth certificates – that they must be identifiable – these are important laws that should be considered.

Mr. Garrido believes that a reason why there was a delay in birth certificates given to local people – especially during WWII – but as a government, we must be equally vigil as guardians, that the institution of our government is protected so that in only extreme circumstances can laws be amended – provide convenience to people who unfortunately did not have birth certificates.

He asked the Committee why was it necessary – why was a person born in a foreign country – why didn't he have a birth certificate. There are State Department Notices issued placing concerns about certain countries in the transportation or immigration of children from a foreign country to the United States. When a U.S. citizen adopts a person, that person – in most cases – automatically becomes a U.S. citizen.

He concurs that the intention of the bill is honorable, but he believes more research needs to be done on this – considering the ramifications – i.e. Public Health vital statistics compliance (for foreign-born people who already have birth certificates in their own country). He believes that would be in question. The U.S. government already accepts a foreign birth certificate as sufficient identification for that person.

Mr. Garrido noted that there are several countries on alert because children are being kidnapped – transported into the U.S. – in a situation that is very questionable, and noted that there is an existing alert of children being adopted from Romania.

At this time, he recognizes that there may not be a need to provide local birth certificates for foreign-born adopted children. There is a regulation in place for this, he believes, and that a foreign-born adopted child has to necessarily have to have a local birth certificate. He stated that if a child did not have one, then the question needs to be asked why this baby doesn't have a birth certificate. Court adoption papers and passports can be provided that is sufficient enough for our schools to accept a foreign-born adopted child.

Mr. Garrido believes that Bill 40 may require the Legislature to provide some kind of assistance to Public Health who don't have sufficient funds to pay their employees, yet they will have to provide thousand copies of different types of birth certificates. Birth certificates issued to foreign-born children does not necessarily mean that the person is a U.S. citizen. He believes that this is unnecessary because of the existing U.S. law that states that they become U.S. citizens automatically upon adoption, except for those over age 18, because older adopted children can apply for naturalization.

Mr. Garrido feels strongly about nations that create bad situations for children and he is not 100% in opposition of this bill, rather, he believes that more consultation should be required between the U.S. Attorney General, Vital Statistics at Public Health & Social Services and the Guam Attorney General to avoid 'putting the cart before the horse.' He encourages that they opinion be solicited first to ensure that the intent of this bill will withstand any scrutiny.

If this law passes, then subsequent legislation will be necessary to identify the necessary funding to support Public Health Vital Statistics, which he believes is already short-staffed.

He believes that this is part of an immigration issue. Mr. Garrido people who would adopt children – especially those who adopt children right here on Guam – stating that he also adopted a child from Guam.

Mr. Garrido extended appreciation to Senator Respicio for his intent in Bill 40; however, as a concerned private citizen, he appealed to the Committee to do more research to include specific language to state that only in special cases of foreign-born adopted children – because of the loophole wherein other thousands of other foreign-born nationals who currently reside here may impact our Vital Statistics to obtain a local birth certificate with the passing of this bill.

Chairman Cruz thanked Mr. Garrido for his testimony and acknowledged the arrival of other Senators – B.J. Cruz, Tenorio and Brown – and then asked his colleagues if anyone had questions for Mr. Garrido.

Senator Palacios: acknowledged that Bill 40 has sufficient safeguards to prevent abuse – or at least detect abuse – and bogus adoptions, noting that he is concerned about the black marketing of babies in the Far East areas; however, he believes that Mr. Garrido's statements to look into more safeguard features is well thought out and presented. The bill itself, according to the Senator, is noble and very good. One safeguard already stated in the bill is the delayed process. Also, it is subject to the judicial process, subject to the court.

Senator Palacios noted that if there was anything negative in Bill 40 would be in the process of preparing the papers and obtaining information, there may be the revelation of the biological parents; however, he believes it can be reconciled.

Senator Klitzkie: directed his questions to Melissa Torres relative to her written testimony wherein she attached the "Citizen Act Impacts Required Citizenship," from the National Immigration Law Center. He asked for her synopsis of this attachment.

Melissa Torres explained that when foreign-born children are adopted by a U.S. citizen and then re-adopted in the United States, they automatically become U.S. citizens.

Senator Klitzkie: asked Ms. Torres to explain another attachment entitled, "Summary of Laws Regarding International Adoptions Finalized Abroad 50 states and 5 United States Territories."

Melissa Torres explained that the article identified which states within the United States allow for birth certificates to be re-issued in their states (at Vital Statistics), currently there are 26 states and the Commonwealth of the Northern Marianas comply with this process.

Senator Klitzkie asked Ms. Torres if she was aware how the other 17 states handle this process to which she replied that they do not require re-adoption in their state. The parents just need to provide proof of the foreign adoption and they will be issued a birth certificate without any judicial procedure required. Therefore, the senator pointed out that 26 states and one territory have a more liberal procedure for issuing of a birth certificate than is proposed by this bill.

Senator Lou Leon Guerrero: asked Ms. Torres why she had re-adoption, to which she responded that the Guam Child Protective Services require re-adoption through the Guam Courts. She found this out during the home study of GCPS.

Mr. Larry Ramirez restated the problem of his missing brother as being an issue here and restated that he supports the bill to protect his brother, Juan.

Senator Respicio thanked the testimony of Mr. Garrido, but stated for the record that the issuance of birth certificates indicating by foreign adoption has nothing to do with automatically granting United States citizenship. He explained that it is clear in the language of the bill and in the dialog between Ms. Torres and Senator Klitzkie that at least one of the adopting parents must be a U.S. citizen.

As sponsor of the bill, Senator Respicio felt incumbent to respond to Mr. Garrido's question regarding DOE, the biggest misconception is that they need a birth certificate to enter DOE, but yet there are other forms of identification. Why would Bill 40 be important then? Senator Respicio feels that it gives the adoptive parents a sense of security (in Ms. Torres' case, she only has a Xerox copy of her children's birth certificate).

Senator Respicio restated that the Director of Public Health has already agreed to the bill in concept; however, he is confident that the committee will ensure all safeguards are in place before placing on the session agenda and hopefully, the governor can sign it to provide these families with this sense of relief.

Chairman Cruz thanked all the senators who provided input as well as those testifying on Bill 40. The Committee on Health & Human Services will take all comments and input into consideration.

COMMITTEE FINDINGS:

The Committee finds that there is no need to make any change to the language of Bill 40 (EC). There are acceptable models from other jurisdictions that accept documentation from a court of competent jurisdiction to generate an original birth certificate. Here on Guam, foreign-born adopted children must be adopted in Guam's courts. This should be sufficient documentation to obtain a birth certificate from Vital Statistics at the Department of Public Health and Social Services listing the same information required in all birth certificates with the exception of an asterisked line noting the adoption.

COMMITTEE RECOMMENDATION: The Committee on Health & Human Services recommends that **Bill 40 (EC): An act to amend §3212, §3213, §3214, §3215, to add a new §3215.1, all of Title 10 GCA, relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam,** be submitted to I Mina Bente Ocho Na Liheslaturan Guahan with a recommendation **TO PASS.**



Senator Mike Cruz, M.D.

Chairman, Committee on Health & Human Services
I Mina'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Place, Suite 107, Hagåtña, Guam 96910
Tel: 671-477-5960/2/3 • Fax: 671-477-5984

Committee on Health and Human Services
Public Hearing
Bill Nos. 40 (EC) and 56(EC)
Thursday, March 10, 2005, 9:00 a.m.

Agenda

(Revised as of: March 9, 2005)

Bill 40(EC): "An act to amend §3212, §3213, §3214, & §3215 to add a new §3215.1 all of title 10 GCA relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam."

Bill 56(EC): "An act to amend subsections (2) and (29) of §of Article 1 & to add new subsections (g), (h), & (i) to §67.302 of Article 3 of Chapter 67 of Title 9 of the GCA (the uniform Controlled Substances Act), & to Add a New §121906 to Article 19 of Chapter 12, Division 1, Part 1 of Title 10 of the GCA, to allow possession of approved controlled substances at animal shelters for the Humane Euthanasia of Animals & to provide for licensed Euthanasia Technicians under the Guam Board of Allied Health Examiners.

MELISSA V. TORRES
1790 Route 16, No. 3B
Dededo, Guam 96929
Telephone 637-7101 (Work) 477-0881 (Home)

March 8, 2005

HONORABLE DR. MIKE CRUZ
Senator
I Mina' Bente Na Liheslaturan Guahan
Hagatna, Guam 96910

Ref: Testimony Endorsing and Supporting Bill No. 40

Dear Senator Cruz:

My name is Melissa V. Torres, a resident of Guam and a mother of two (2) adopted children whose birthplace is Guatemala, Central America. I am endorsing and supporting Bill No. 40, "*An Act to amend §3212, 3213, 3214, and 3215, and to add a new §3215.11 all of Title 10 Guam Code Annotated relative to Certificates of Birth for Foreign-Born children whose adoptive parents reside in Guam.*"

One of the most precious and significant qualities a woman can experience in life is being a mother. As a mother of 2 adopted children, I have found it very difficult to accept the disparity and treatment of my children, by our government, as a result of being born in a foreign country. Both of my children were adopted in Guatemala and then re-adopted here on Guam. In fact, I have an adopted sister who was adopted on Guam and has a Birth Certificate issued by the Registrar of Vital Statistics, Department of Public Health and Social Services (DPHSS). Hence, adoption was not new to me. However, I was astonished when I took my son's documents to Vital Statistics, DPHSS where I was informed that the Government of Guam (Gov-Guam) could not issue a Birth Certificate for my son. I was taken aback that even though he was re-adopted on Guam, Vital Statistics, DPHSS, would not issue a Certificate of Birth. At the time, I let it go and didn't pursue it further figuring it was just the way things were done.

When I adopted my daughter, I became more aware of the process and that these procedures were being done differently from other jurisdictions in the US mainland. After researching how other US states deal with adopted children from foreign-born (inter-country adoption) countries, I was surprised to discover that in many US States, when children are re-adopted, the child is issued a Birth Certificate from that particular state. I pondered why Guam's laws differ when it relates to adopted children from foreign-born (inter-country adoption) countries, despite our island being part of the United States.

RECEIVED
3-9-05

Ref: Testimony Endorsing and Supporting Bill No. 40
Page 2 of 2.

I love my island and Guam is my home. Yet my children are not afforded the same privileges, by our local government, that other children receive. I have attached for your perusal and disposition documents that reflect my concerns: The Child Citizenship Act of 2000 signed into law by President Bill Clinton on October 30, 2000, and a Summary of Laws regarding International Adoptions Finalized Abroad: 50 States and 5 U.S. Territories.

In the attachment provided, children who are adopted abroad become automatic US citizens. Moreover, there are twenty-six (26) U.S. States and one Territory that grant "Full Effect and Recognition to Foreign Adoption Decrees." There are seventeen (17) States that allow these provisions after the child is re-adopted in that jurisdiction. The State of Hawaii is one of those aforementioned States recognizing "Full Effect and Recognition to Foreign Adoption Decrees." In fact, the Commonwealth of the Northern Mariana Islands (CNMI) is also one of the jurisdictions that provides for such provisions.

From my understanding, DPHSS is not able to process a Birth Certification indicating by Foreign Adoption because there are no provisions in Guam's laws to allow for this action. I believe that DPHSS would assist me if the statutes were amended. Many parents take for granted the issuance of Birth Certificates for school registration and identification purposes. In my situation as a parent, I am not able to do so. My case in point is that we must recognize that children born abroad, and re-adopted in Guam through a court of competent jurisdiction, by a Guam resident, must receive the same rights and privileges as other natural born children.

I love my children and do not want them to suffer needlessly or be treated differently because they are adopted. Just as any parent would do what is right for their children, I too must insist in the protection and equality of treatment for my children. Bill No. 40 is the first step in providing this protection and equal treatment. I therefore, appeal to you and members of the 28th Guam Legislature to support the passage of Bill No. 40.

Sincerely,



MELISSA V. TORRES

cc: Members, 28th Guam Legislature



**National
Immigration
Law
Center**

IMMIGRATION LAW & POLICY

Naturalization and Citizenship

CHILD CITIZENSHIP ACT EXPANDS ACQUIRED CITIZENSHIP

Immigrants' Rights Update, Vol. 14, No. 7, Nov. 28, 2000

The Child Citizenship Act of 2000 (CCA), which was signed into law by President Bill Clinton on Oct. 30, 2000, liberalizes in several ways the requirements that must be met for children born abroad to acquire United States citizenship. The act allows immigrant children who are adopted by a U.S. citizen parent to automatically become citizens when certain conditions are met. In addition, the act relaxes the requirements for derivative naturalization, allowing children with two non-U.S. citizen parents to automatically naturalize when just one of the parents naturalizes, as long as certain conditions are met. The act also amends the grounds of inadmissibility, the statutory bars to good moral character, and certain criminal statutes in order to protect individuals who falsely claimed U.S. citizenship or voted in an election, if they reasonably believed that they were in fact U.S. citizens.

The CCA provides that a child born outside the U.S. automatically becomes a U.S. citizen when all of the following conditions are fulfilled: (1) at least one parent of the child is a U.S. citizen, whether by birth or naturalization; (2) the child is under 18 years of age; and (3) the child is residing in the U.S. in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

This provision expands the ways in which requirements for derivative naturalization can be met. Under current law a child with two noncitizen parents automatically naturalizes only if both parents naturalize, unless the parent who did not naturalize is dead or is legally separated from the naturalizing parent or is the father of a child born out of wedlock for whom paternity has not been established by legitimation.

Under the new law, children who are adopted by a U.S. citizen parent can meet the citizen parent requirement for acquiring citizenship if they also meet the requirements for adopted children contained in paragraph (E), (F), or (G) of section 101(b) (1) of the Immigration and Nationality Act. Paragraph (E) requires that a child reside for a period of two years in the legal custody of the adopted parent and that the adoption take place before the child reaches age 16 (in the case of the adoption of siblings, the older sibling must be adopted before reaching age 18; see "INS Issues Instructions on New Law Allowing Immigration of Older Adopted Siblings," *Immigrants' Rights Update*, June 6, 2000, p. 2). Paragraph (F) applies to children who are considered "orphans" because of the death or disappearance of, abandonment by, or separation from one or both parents. Orphans must be adopted abroad before reaching age 16 (age 18 for older siblings). Paragraph (G) was added to the INA by the Intercountry Adoption Act of 2000, enacted on Oct. 6, 2000 (106 Pub. L. 279, 114 Stat. 825). This paragraph recognizes adoptions conducted pursuant to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. It applies both to children who have been adopted in foreign countries signatory to the convention and to children emigrating to be adopted in the U.S. In either case, an immediate relative visa petition must have been filed on the child's behalf before he or she reached age 16.

Under the CCA, adopted children who arrive in the U.S. as lawful permanent residents (LPRs), as is generally the case with orphan adoptees, will automatically become U.S. citizens upon arrival. U.S. citizen parents who adopt undocumented children in the United States will still have to petition for LPR status for their children before they can become citizens, but if they obtain LPR status before reaching age 18 they will obtain citizenship at the same time. Children who are admitted to the U.S. in a lawful status may also be able to apply for a certificate of citizenship under another provision of the new law, discussed below.

Under the CCA, a U.S. citizen parent can apply for a certificate of citizenship for a child born abroad who does not meet the above-listed requirements for automatically acquiring U.S. citizenship if the following conditions have been met: (1) at least one parent is a U.S. citizen; (2) the citizen parent has been physically present in the U.S. or its outlying possessions for a period or periods totaling not less than five years and at least two of which were after the parent reached 14 years of age; (3)

the child is under 18; and (4) the child is residing outside the U.S. in the legal and physical custody of the citizen parent, is temporarily present in the U.S. pursuant to a lawful admission, and is maintaining such lawful status. Again, adopted children may be naturalized under this provision if they meet the requirements set forth in INA section 101(b)(1).

The act establishes exceptions to a number of the civil and criminal penalties imposed by the INA for making false claims to U.S. citizenship or voting in U.S. elections. These exceptions are available to individuals whose parents are citizens, who permanently resided in the U.S. before they turned 16, and who reasonably believed they were U.S. citizens at the time they represented themselves or acted as U.S. citizens. The penalties to which these exceptions apply include (1) the bars to establishing good moral character for individuals who make false statements or claims of citizenship, or who register to vote or vote in an election in violation of law; (2) the grounds of inadmissibility for unlawful voting and for falsely claiming citizenship; (3) the grounds of deportability for unlawful voting and for falsely claiming citizenship; and (4) criminal penalties for unlawfully voting in a federal election (18 U.S.C. § 611) and for making a false claim to citizenship (18 U.S.C. § 1015).

The act's provisions regarding acquisition of citizenship are to take effect 120 days after the law's enactment (i.e., on Feb. 27, 2001), and the provisions apply to individuals who meet the act's requirements as of that date. The act's amendments of criminal and immigration penalties for false citizenship claims apply as if they were included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Child Citizenship Act of 2000, 106 Pub. L. 395, 114 Stat. 1631 (Oct. 30, 2000).

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Gateways to Information: Protecting Children and Strengthening Families

Summary of Laws Regarding International Adoptions Finalized Abroad: 50 States and 5 U.S. Territories

Effect of Foreign Adoption Decree

Twenty-six States and one territory (Commonwealth of the Northern Mariana Islands) grant the same recognition and effect to final decrees of adoption when issued pursuant to due process in a foreign country as to decrees of adoption issued in that State or territory.

States Granting Full Effect and Recognition to Foreign Adoption Decrees

Alaska	Iowa	North Dakota
Arkansas	Kansas	Ohio
Delaware	Maryland	Oklahoma
Florida	Massachusetts	Oregon
Georgia	Minnesota	Pennsylvania
Hawaii	Missouri	South Carolina
Idaho	Montana	Vermont
Illinois	New Hampshire	Wisconsin
Indiana	New Mexico	

States Allowing Re-Adoption

Re-adoption is allowed by statute in 17 States upon submission of a petition accompanied by proof of adoption in a foreign court. Three States (California, Connecticut, and Tennessee) specify in their codes that re-adoption is allowed if required by the United States Immigration and Naturalization Service.

States Allowing Re-Adoption

California	Kansas	Ohio
Colorado	Maine	Oklahoma
Connecticut	Maryland	Pennsylvania
Georgia	Minnesota	Tennessee
Hawaii	New Hampshire	Wisconsin
Idaho	North Carolina	



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

**No
Statutory
Provisions**

Eighteen States, the District of Columbia, and four of the five U.S. Territories have no statutory provisions regarding international adoptions.

States With No Statutory Provisions

- | | | |
|-------------|--------------|---------------|
| Alabama | Nebraska | Texas |
| Arizona | Nevada | Utah |
| Kentucky | New Jersey | Virginia |
| Louisiana | New York | Washington |
| Michigan | Rhode Island | West Virginia |
| Mississippi | South Dakota | Wyoming |

Territories With No Statutory Provisions

- | | |
|----------------|---------------------|
| American Samoa | Puerto Rico |
| Guam | U.S. Virgin Islands |

Review of State Statutes Regarding International Adoptions Finalized Abroad

STATE	NO STATUTORY PROVISIONS	EFFECT OF FOREIGN ADOPTION DECREE	VALIDATION OF FOREIGN ADOPTION
ALABAMA	X		
ALASKA		Full effect and recognition given to decree as if it had been issued by an Alaska court. <i>Alaska Statutes § 25.23.160 (1997)</i>	
ARIZONA	X		
ARKANSAS		Full effect and recognition given to final decree issued pursuant to due process of law by a court within or without the United States <i>Arkansas Code Annotated § 9-9-218 (1997)</i>	
CALIFORNIA			(a) Re-adoption required if required by U.S. Immigration and Naturalization Service. (b) Re-adoption allowed <i>California Family Code § 8919 (2001)</i>
COLORADO			Petitioners may petition court to issue decree declaring valid the decree issued by a court of any country other than the United States <i>Colorado Revised Statutes § 19-5-205 (1997)</i>
CONNECTICUT			Validation of foreign adoption decree allowed when required by U.S. Immigration and Naturalization Service because parents had not personally seen and observed the child prior to the adoption abroad. <i>Connecticut General Statutes § 45a-730 (1997)</i>

STATE	NO STATUTORY PROVISIONS	EFFECT OF FOREIGN ADOPTION DECREE	VALIDATION OF FOREIGN ADOPTION
DELAWARE		Adoptive parents seeking validation of a foreign adoption decree shall file the decree with the Family Court in the county where they reside <i>Delaware Code Annotated Title 13, § 927(c)</i> (2002)	
FLORIDA		Full effect and recognition given to decree issued by due process of law by a court of any other jurisdiction within or without the United States <i>Florida Statutes Annotated § 63.192</i> (1997)	
GEORGIA		Full effect and recognition given to decree issued pursuant to due process of law by a court of any other jurisdiction within or outside of the United States <i>Official Code of Georgia Annotated, § 19-8-22</i> (1997)	Re-adoption allowed upon submission of valid foreign adoption decree and proof of valid visa issued by U.S. Immigration and Naturalization Service <i>Official Code of Georgia Annotated, § 19-8-8</i> (1997)
HAWAII		Full effect and recognition given to decree issued under the laws of any nation <i>Hawaii Revised Statutes Annotated, § 578-16(h)</i> (1997)	Re-adoption allowed upon submission of valid foreign adoption decree and proof of valid visa issued by U.S. Immigration and Naturalization Service <i>Hawaii Revised Statutes Annotated, § 578-8 (c)</i> (1997)
IDAHO		Full judicial comity accorded to decisions or orders of foreign courts and government agencies authorized to approve adoptions without additional proceedings or documentation provided child has been allowed to enter U.S. by U.S. State Department or U.S. Immigration and Naturalization Services <i>Idaho Code, § 16-1514(4)</i> (1998)	Re-adoption allowed upon submission of proof of valid visa issued by U.S. State Department or by U.S. Immigration and Naturalization Service <i>Idaho Code, § 16-1514 (1-3)</i> (1998)
ILLINOIS		Full effect and recognition given to a final, complete, and valid Order of Adoption issued in a foreign country, as determined by both the U.S. Department of State and the U.S. Department of Justice <i>Illinois Compiled Statutes Annotated, Chapter 750, §§ 50/4.1(c)(8) & 50/6(b)</i> (1999)	
INDIANA		Full force and effect accorded to decree issued under the laws of the country where the adoption took place once the decree is filed with the clerk of the county court and entered upon the order book of the court in open session. <i>Indiana Code, § 31-19-28-2</i> (1998)	
IOWA		A decree of adoption issued by a court of any jurisdiction within or outside the United States is valid in the State. <i>Iowa Code § 600.15</i> (2002)	
KANSAS		Full effect and recognition given to the laws of the foreign country and proceedings conducted in accordance with the laws of the foreign country pertaining to relinquishment, termination of parental rights and consent to adoption <i>Kansas Statutes Annotated § 59-2144</i> (1997)	Re-adoption allowed when adoption has been recognized as valid by the Immigration and Naturalization Service of the U.S. Department of Justice. <i>Kansas Statutes Annotated § 59-2144</i> (1997)
KENTUCKY	X		
LOUISIANA	X		

STATE	NO STATUTORY PROVISIONS	EFFECT OF FOREIGN ADOPTION DECREE	VALIDATION OF FOREIGN ADOPTION
MAINE			Re-adoption allowed upon submission of final decree of adoption in a foreign country. <i>Maine Revised Statutes Annotated Title 18A, § 9-312 (1997)</i>
MARYLAND		A final decree of adoption granted by a country other than the United States shall be given full recognition <i>Maryland Family Code Annotated § 5-326.1 (2002)</i>	Re-adoption allowed upon submission of a decree of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country. <i>Maryland Family Law Code Annotated § 5-313.1 (2002)</i>
MASSACHUSETTS		Full effect and recognition accorded to adoptions completed in another State or country, in accordance with the laws thereof, as if he had been adopted within the Commonwealth <i>Massachusetts General Laws Annotated, Chapter 210 § 9 (1998)</i>	
MICHIGAN	X		
MINNESOTA		Adoption under the laws of a foreign country is valid and binding under the laws of this State if the validity of the foreign adoption has been verified by the granting of an IR-3 visa for the child by the U.S. Immigration and Naturalization Service <i>Minnesota Statutes, § 259.60 (2002)</i>	Re-adoption allowed upon submission to the court of petition and child's documents (birth certificate, adoption decree, passport with IR-3 visa status, and translations, if applicable) <i>Minnesota Statutes, § 259.60 (2002)</i>
MISSISSIPPI	X		
MISSOURI		When an adoption occurs in a foreign country and the adopted child has migrated to the United States with the permission of the U.S. Department of Immigration and Naturalization Services, this State shall recognize the adoption. <i>Revised Statutes Missouri, § 453.170 (2001)</i>	
MONTANA		Foreign adoption decree entered by a court or administrative entity in that country pursuant to that country's laws has the same effect as a decree or order of adoption issued by a court of this State. <i>Montana Code Annotated § 42-2-101 (1997)</i> . Adoption in this State of a child brought into this State from another country is governed by this title and is subject to any convention or treaty governing adoption that the United States has ratified and to any relevant federal law <i>Montana Code Annotated § 42-2-104 (1997)</i>	
NEBRASKA	X		
NEVADA	X		
NEW HAMPSHIRE		Full effect and recognition accorded to a decree issued pursuant to due process of law by a court of any other jurisdiction within or without the United States as though the decree was issued by a court of this State <i>New Hampshire Revised Statutes Annotated § 170-B:24 (1997)</i>	Court may validate and issue an adoption decree for an adoption finalized in another jurisdiction upon submission of documentation from the U.S. Department of Justice or the Department of State that a legal adoption has been completed in another country <i>New Hampshire Revised Statutes Annotated § 170-B:22 (1997)</i>

STATE	NO STATUTORY PROVISIONS	EFFECT OF FOREIGN ADOPTION DECREE	VALIDATION OF FOREIGN ADOPTION
NEW JERSEY	X		
NEW MEXICO		Full effect and recognition accorded to a decree issued pursuant to due process of law by a court of any other jurisdiction within or without the United States as though the decree was issued by a court of this State <i>New Mexico Statutes Annotated</i> § 32A-5-39 (1997)	
NEW YORK	X		
NORTH CAROLINA			Where a child has been previously adopted in a foreign country by petitioners seeking to readopt the child under the laws of North Carolina, the adoption order entered in the foreign country may be accepted in lieu of the consent of the biological parent or parents or the guardian of the child to the readoption. <i>General Statutes of North Carolina</i> , § 48-2-205 (1997)
NORTH DAKOTA		An adoption decree of court issued pursuant to due process of law by a court of any other jurisdiction within or without the United States must be recognized in this State as though the decree were issued by a court of this State <i>North Dakota Century Code</i> , § 14-15-17 (1997)	
OHIO		Full recognition and effect given to a decree issued pursuant to due process of law by a court of any jurisdiction outside this State, whether within or outside the United States <i>Ohio Revised Code</i> , § 3107.18 (2000)	Re-adoption allowed upon submission of a petition and proof of finalization of the adoption outside the United States <i>Ohio Revised Code</i> , § 3107.18 (2000)
OKLAHOMA		Full recognition and effect given to a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country as though issued by a court of this State <i>Oklahoma Statutes Annotated Title 10</i> , § 7502-1.4 (1997)	Re-adoption allowed upon submission of a petition and proof of finalization of the adoption outside the United States <i>Oklahoma Statutes Annotated Title 10</i> , § 7502-1.4 (1997)
OREGON		Full recognition and effect given to a decree issued in any foreign nation under the laws of such nation if the adoption is valid and legal in the foreign nation where the adoption occurred <i>Oregon Revised Statutes</i> § 109.385 (1996)	
PENNSYLVANIA		When a decree of adoption of a minor is made or entered in conformity with the laws of another State or a foreign country whereby a child is adopted by a resident of this Commonwealth, a copy of the final decree, properly authenticated, may be filed with the clerk in the county of residence of the adopting parents. The decree and such other documents as may be filed therewith shall be kept in the files of the court as a permanent record thereof <i>Pennsylvania Consolidated Statutes Annotated Title 23</i> , § 2908 (1997)	Upon the filing of a foreign decree of adoption, the clerk shall enter upon the docket an entry showing the foreign court, identification of the proceedings therein and the date of the decree <i>Pennsylvania Consolidated Statutes Annotated Title 23</i> , § 2908 (1997)

STATE	NO STATUTORY PROVISIONS	EFFECT OF FOREIGN ADOPTION DECREE	VALIDATION OF FOREIGN ADOPTION
RHODE ISLAND	X		
SOUTH CAROLINA		Full recognition and effect given to a decree of adoption of a court of any other State or nation. <i>Code of Laws of South Carolina § 20-7-1810 (1997)</i>	
SOUTH DAKOTA	X		
TENNESSEE			Circuit and chancery courts are specifically authorized to enter new orders of adoption as they are required for purposes of compliance with any requirements of the government of the United States for children who were adopted in foreign countries in accordance with the laws of the foreign jurisdiction. <i>Tennessee Code Annotated § 36-1-106 (1997)</i>
TEXAS	X		
UTAH	X		
VERMONT		Full recognition and effect given to a decree or order of adoption entered by a court or administrative entity in another country acting pursuant to that country's law or to any convention or treaty on intercountry adoption which the United States has ratified <i>Vermont Statutes Annotated Title 15A, § 1-108 (1997)</i>	
VIRGINIA	X		
WASHINGTON	X		
WEST VIRGINIA	X		
WISCONSIN		Full effect and recognition accorded to order of adoption of a court of any other State or nation for Wisconsin residents who obtained departmental approval of the placement <i>Wisconsin Statutes Annotated § 48.97 (1996)</i>	Re-adoption allowed <i>Wisconsin Statutes Annotated § 48.97 (1996)</i>
WYOMING	X		
AMERICAN SAMOA	X		
DISTRICT OF COLUMBIA	X		
GUAM	X		
NORTHERN MARIANA ISLANDS		Full effect and recognition accorded to a decree of court pursuant to due process of law by a court of any other jurisdiction within or without the United States as though the decree were issued by a court of the Commonwealth <i>Northern Mariana Islands Commonwealth Code, Title 8, Chapter 4, Section 1415 (1998)</i>	
PUERTO RICO	X		
VIRGIN ISLANDS	X		

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4-7-05
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4-7-05

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Introduced
JAN 26 2005
Verbal
2005 JAN 25 PM 4:25

Bill No. 40 (EC)

Introduced By:

R.J. Respicio
B.J. Cruz
RK
M. Cruz

yo FA 1

AN ACT TO AMEND §§ 3212, 3213, 3214 AND 3215,
AND TO ADD A NEW §3215.1 ALL OF TITLE 10
GUAM CODE ANNOTATED RELATIVE TO
CERTIFICATES OF BIRTH FOR FOREIGN-BORN
CHILDREN WHOSE ADOPTIVE PARENTS RESIDE
IN GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:
2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that adoption is one of the most loving expressions of hope that can
4 be bestowed upon a child without parents. Many families and individuals
5 in Guam and throughout the world have chosen to reach out and bring
6 into their household children who might otherwise not grow up in a family
7 environment. Studies show that adopted children who are raised in a
8 loving family environment usually have happier and more well-adjusted
9 lives than children who are raised in foster homes, orphanages or other
10 similar institutions.
11 *I Liheslaturan Guåhan* additionally finds that a common practice in
12 many states is to provide a new certificate of birth for lawfully adopted
13 children of foreign birth. By law, the newly issued certificate of birth

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 40

Roby Respicio

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Sen. R Klitzkie : Mike Cruz Sponsors
#3 and #4 of the Bill 40

(Below only for Clerk of Legislature's use and processing)

Date 9/1, 2005

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: / Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed: _____
Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]

Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

1 replaces the original certificate issued by the actual country of birth, if one
2 exists.

3 While Guam law states that the court may order that a new certificate
4 of birth be issued for adoptees, this is not a requirement for foreign-born
5 children adopted by Guam residents. In some cases, these children may not
6 even have certificates of birth, the court having utilized other means to
7 determine the facts of their birth, leaving the children without valid birth
8 certificates.

9 It is therefore the intent of *I Liheslaturan Guåhan* to amend Guam law
10 to allow the Office of Vital Statistics of the Department of Public Health
11 and Social Services (DPH&SS) to issue certificates of birth for foreign-born
12 children who have been lawfully adopted by Guam residents.

13 **Section 2. §3212 (a) of Title 10 Guam Code Annotated is amended**
14 **to read:**

15 **“§3212. Delayed registration. (a) Birth:**

16 (1) When a birth of a person either born in Guam , or who
17 is a non-U.S. citizen born in a foreign country and adopted by a
18 resident of Guam has not been registered, a certificate may be
19 filed in accordance with the regulations of the Office of Vital
20 Statistics. Such certificate shall be registered subject to such
21 evidentiary requirements as the Office of Vital Statistics shall by

1 regulation prescribe to substantiate the alleged facts of birth.

2 (2) Certificates of birth registered seven (7) years or more
3 after the date of occurrence shall be marked "Delayed" and
4 show on their face the date of delayed registration.

5 (3) In all instances of delayed birth registration, the
6 following facts concerning the person whose birth is to be
7 registered are required and must be established: Date of birth;
8 place of birth; and parentage.

9 (4) When an applicant does not submit the minimum
10 documentation required in the regulation for delayed
11 registration, or when the Territorial Registrar of Vital Statistics
12 finds reason to question the validity or adequacy of the
13 certificate or the documentary evidence, the Territorial
14 Registrar shall not register the delayed certificate and shall
15 advise the applicant of the reasons for this action.

16 (5) If the person whose birth is to be recorded be a child
17 under the age of eighteen (18), the birth certificate shall be
18 signed by one of the following in the indicated order of
19 priority:

20 a. The attendant at birth;

21 b. By either parent or adoptive parent;

1 c. By the child's guardian; or

2 d. By relatives in the next immediate degree of
3 kindred; provided, that each person signing a certificate
4 shall attest under oath to his belief in the truth of the
5 statements made concerning the age, birthplace, and
6 parentage of the person whose birth is being recorded.

7 (6) If the person whose birth is to be recorded be of legal
8 age, the date of birth and place of birth shall be supported by at
9 least two (2) documents of which only one (1) may be an
10 affidavit; the facts of parentage must be supported by at least
11 one (1) document which may be one (1) of the two (2)
12 submitted as evidence of the other facts."

13 "Section 3. §3213 of Title 10 Guam Code Annotated is amended to
14 read:

15 "§3213. Judicial procedure to establish facts of birth. (a) If a
16 delayed certificate of birth is rejected under the provisions of §3212 of
17 this article, a petition may be filed with the Superior Court of Guam
18 for an order establishing a record of the date and place of birth and
19 the parentage of the person whose birth is to be registered.

20 (b) Such petition shall allege:

21 (1) That the person for whom delayed certificate of birth is

1 sought was born in [the] Guam , or is a non-U.S. citizen born in
2 a foreign country and adopted by a resident of Guam;

3 (2) That no record of birth can be found in the Office of
4 Vital Statistics;

5 (3) That diligent efforts by the petitioner have failed to
6 obtain the evidence required in accordance with §3212 of this
7 article.

8 (4) That the Territorial Registrar of Vital Statistics has
9 refused to register a delayed certificate of birth; and

10 (5) Such other allegations as may be required.

11 (c) The petition shall be accompanied by a statement of the
12 registration official made in accordance with subsection (a)(4) of said
13 §3212 and all documentary evidence which was submitted to the
14 registration official in support of such registration. The petition shall
15 be sworn to by the petitioner.

16 (d) The court shall fix a time and place for hearing the petition
17 and shall give the registration official who refused to register the
18 petitioner's delayed certificate of birth (5) days' notice of said hearing.
19 Such official or his authorized representative, may appear and testify
20 in the proceedings.

21 (e) If the Court from the evidence presented finds that the

1 person for whom a delayed certificate of birth is sought was born
2 [øæ] in Guam, or is a non-U.S. citizen born in a foreign country and
3 adopted by a resident of Guam, it shall make findings as to place and
4 date of birth, parentage and such other findings as the case may
5 require, and shall issue an order on a form prescribed and furnished
6 by the Registrar of Vital Statistics to establish a record of birth. This
7 order shall include the birth data to be registered, a description of the
8 evidence presented in the manner prescribed by said §3212, and the
9 date of the Court's action.

10 (f) The clerk of the Superior Court shall forward each such
11 order to the Territorial Registrar of Vital Statistics not later than the
12 tenth (10th) day of the calendar month following the month in which
13 it was entered. Such order shall be registered by the Territorial
14 Registrar of Vital Statistics and shall constitute the record of birth,
15 from which copies may be issued in accordance with §3226 of this
16 article.

17 (g) Any person who objects to the accuracy of any of the
18 information on a certificate of birth may petition the Superior Court
19 to correct the certificate, using the same procedures as for obtaining a
20 change of name."

1 Section 4. §3214 of Title 10 Guam Code Annotated is amended to
2 read:

3 “§3214. Court reports of adoption. (a) For each adoption
4 decreed by a court of competent jurisdiction, the court shall require
5 the preparation of a certificate of adoption on a form prescribed and
6 furnished by the Territorial Registrar of Vital Statistics. The certificate
7 shall include such facts as are necessary to locate and identify the
8 certificate of birth of the person adopted; provide information
9 necessary to establish a new certificate of birth of the person adopted,
10 and shall identify the order of adoption and be certified by the clerk
11 of court.

12 (1) For a person born in a foreign country who is not a
13 citizen of the United States, and for whom a final order of
14 adoption has been decreed by a court of competent jurisdiction,
15 the court shall require the preparation of a certificate of foreign
16 birth as provided in §3215.1.

17 (b) The certificate of adoption shall be filed with the original
18 record of birth, if such record exists, which shall remain as a part of
19 the permanent records of the Office of Vital Statistics.

20 (c) Whenever an adoption decree is amended or annulled, the
21 clerk of the court shall prepare a certificate thereof, which shall

1 include such facts as are necessary to identify the original adoption
2 report, and the facts amended in the adoption decree as shall be
3 necessary to properly amend the birth record.

4 (d) When the Territorial Registrar of Vital Statistics receives a
5 record of adoption or annulment of adoption or amendment thereof
6 from a court for a person born elsewhere, such record shall be
7 forwarded to the appropriate registration authority in the place of
8 birth of the child adopted."

9 **Section 5. §3215 (a) of Title 10 Guam Code Annotated is amended**
10 **to read:**

11 **"§3215. New certification of birth following adoption,**
12 **legitimation and paternity determination.** (a) The Territorial
13 Registrar of Vital Statistics shall establish a new certificate of birth for
14 a person [~~born in the Guam~~] when he receives one (1) of the
15 following:

16 (1) An adoption report as provided in §3214 of this article,
17 or a certified copy of the decree of adoption, together with the
18 information necessary to identify the original certificate of birth
19 and to establish a new certificate of birth; (except that a new
20 certificate of birth shall not be established if so requested by the
21 court decreeing the adoption, the adoptive parents or the

1 adopted person).

2 (2) An affidavit of acknowledgment of paternity signed
3 by both parents; or

4 (3) A court order determining paternity.”

5 Section 6. A new §3215.1 is added to Title 10 Guam Code Annotated
6 to read:

7 §3215.1. Certificate of Foreign Birth. (a) The Territorial Registrar of
8 Vital Statistics shall, upon request, establish a new certificate of birth for a
9 person born in a foreign country when in receipt of a report of adoption
10 decreed by a court of competent jurisdiction, proof of the date and place of
11 the person’s birth, and a request from the court, the adopting parent or
12 parents, or the adopted person if 18 years of age or over, that such a
13 certificate be prepared. The certificate shall be labeled “Certificate of
14 Foreign Birth” and shall show the actual country of birth. The certificate of
15 foreign birth shall show the true or probable foreign country of birth, and
16 shall state that the certificate is not evidence of United States citizenship for
17 the child for whom it is issued or for the adoptive parent or parents. After
18 registration of the Certificate of Foreign Birth in the new name of the
19 adopted person, the Territorial Registrar shall seal the report of adoption,
20 which shall not be subject to inspection except upon order of a court of
21 competent jurisdiction.”

1 **Section 7. Severability.** If any part or provision of this Act, or the
2 application of this Act to any person or circumstance, is held invalid, the
3 remainder of this Act, including the application of such part or provisions
4 to other persons or circumstances, shall not be affected by such a holding
5 and shall continue in full force and effect. To this end, the provisions of this
6 Act are severable.

Committee on Health & Human Services

Public Hearing

March 10, 2005

9:00 a.m.

I Liheslaturan Guåhan, Hagåtña

Bill No. 40 (EC): An Act to amend §3212, §3213, §3214, §3215, and to add a new §3215.1 all of Title 10 GCA relative to certificates of birth for foreign-born children whose adoptive parents reside in Guam.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
1. <i>Melissa Torres</i>	<i>Adoptive Parent</i>	<i>oral</i>	"	X		<i>477-0881</i>
2. <i>Joe Garrido</i>	<i>private Citizen</i>	<i>oral</i>			✓	<i>632-7968</i>
3. <i>J. Tiffen</i>		<i>Oral</i>		X		<i>[Signature]</i>
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15.						



I Mina'Bente Ocho Na Liheslaturan Guahan
Senator Mike Cruz, M.D.
Chairman, Committee on Health & Human Services

NOTICE OF PUBLIC HEARING
Thursday, March 10, 2005
9:00 a.m.

THE COMMITTEE ON HEALTH & HUMAN SERVICES WILL BE HOLDING A PUBLIC HEARING IN THE PUBLIC HEARING ROOM AT THE GUAM LEGISLATURE ON THURSDAY, MARCH 10, 2005, 9:00 A.M.

BILL 16 (LS): "AN ACT TO AMEND §90100, §90103, §90107, & ADD A NEW SUBSECTION (G) TO §90105, CHAPTER 90, DIVISION 4 OF TITLE 10, GCA, RELATIVE TO THE REGULATION OF SMOKING ACTIVITIES, TO BE KNOWN AS THE "NATASHA PROTECTION ACT."

BILL 40 (EC): "AN ACT TO AMEND §3212, §3213, §3214, & §3215 TO ADD A NEW §3215.1 ALL OF TITLE 10 GCA RELATIVE TO CERTIFICATES OF BIRTH FOR FOREIGN-BORN CHILDREN WHOSE ADOPTIVE PARENTS RESIDE IN GUAM."

BILL 51 (EC): "AN ACT TO AMEND §12203(B) OF CHAPTER 10 OF THE GUAM CODE ANNOTATED TO REFORM THE COMPOSITION OF THE MEDICAL EXAMINER'S BOARD."

BILL 56 (EC): "AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF § OF ARTICLE 1 & TO ADD NEW SUBSECTIONS (G), (H), & (I) TO §67.302 OF ARTICLE 3 OF CHAPTER 67 OF TITLE 9 OF THE GCA (THE UNIFORM CONTROLLED SUBSTANCES ACT), & TO ADD A NEW §121906 TO ARTICLE 19 OF CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GCA, TO ALLOW POSSESSION OF APPROVED CONTROLLED SUBSTANCES AT ANIMAL SHELTERS FOR THE HUMANE EUTHANASIA OF ANIMALS & TO PROVIDE FOR LICENSED EUTHANASIA TECHNICIANS UNDER THE GUAM BOARD OF ALLIED HEALTH EXAMINERS."

FOR ADA ASSISTANCE, PLEASE CALL THE OFFICE OF SENATOR MIKE CRUZ AT 477-5960/2/3. YOU ARE INVITED TO PRESENT ORAL TESTIMONY OR SEND ADVANCE WRITTEN TESTIMONY BY FAX (477-5984) OR BY E-MAIL (SENMIKE@ITE.NET).

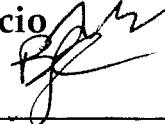
AD PAID FOR BY GOVERNMENT FUNDS

Run dates in PDN: 3/3 + 3/8

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 40 (EC)

Introduced By:

R.J. Respicio
B.J. Cruz 

AN ACT TO AMEND §§ 3212, 3213, 3214 AND 3215,
AND TO ADD A NEW §3215.1 ALL OF TITLE 10
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that adoption is one of the most loving expressions of hope that can
4 be bestowed upon a child without parents. Many families and individuals
5 in Guam and throughout the world have chosen to reach out and bring
6 into their household children who might otherwise not grow up in a family
7 environment. Studies show that adopted children who are raised in a
8 loving family environment usually have happier and more well-adjusted
9 lives than children who are raised in foster homes, orphanages or other
10 similar institutions.

11 *I Liheslaturan Guåhan* additionally finds that a common practice in
12 many states is to provide a new certificate of birth for lawfully adopted
13 children of foreign birth. By law, the newly issued certificate of birth

1 replaces the original certificate issued by the actual country of birth, if one
2 exists.

3 While Guam law states that the court may order that a new certificate
4 of birth be issued for adoptees, this is not a requirement for foreign-born
5 children adopted by Guam residents. In some cases, these children may not
6 even have certificates of birth, the court having utilized other means to
7 determine the facts of their birth, leaving the children without valid birth
8 certificates.

9 It is therefore the intent of *I Liheslaturan Guåhan* to amend Guam law
10 to allow the Office of Vital Statistics of the Department of Public Health
11 and Social Services (DPH&SS) to issue certificates of birth for foreign-born
12 children who have been lawfully adopted by Guam residents.

13 **Section 2. §3212 (a) of Title 10 Guam Code Annotated is amended**
14 **to read:**

15 **“§3212. Delayed registration. (a) Birth:**

16 (1) When a birth of a person either born in Guam , or who
17 is a non-U.S. citizen born in a foreign country and adopted by a
18 resident of Guam has not been registered, a certificate may be
19 filed in accordance with the regulations of the Office of Vital
20 Statistics. Such certificate shall be registered subject to such
21 evidentiary requirements as the Office of Vital Statistics shall by

1 regulation prescribe to substantiate the alleged facts of birth.

2 (2) Certificates of birth registered seven (7) years or more
3 after the date of occurrence shall be marked "Delayed" and
4 show on their face the date of delayed registration.

5 (3) In all instances of delayed birth registration, the
6 following facts concerning the person whose birth is to be
7 registered are required and must be established: Date of birth;
8 place of birth; and parentage.

9 (4) When an applicant does not submit the minimum
10 documentation required in the regulation for delayed
11 registration, or when the Territorial Registrar of Vital Statistics
12 finds reason to question the validity or adequacy of the
13 certificate or the documentary evidence, the Territorial
14 Registrar shall not register the delayed certificate and shall
15 advise the applicant of the reasons for this action.

16 (5) If the person whose birth is to be recorded be a child
17 under the age of eighteen (18), the birth certificate shall be
18 signed by one of the following in the indicated order of
19 priority:

20 a. The attendant at birth;

21 b. By either parent or adoptive parent;

1 c. By the child's guardian; or

2 d. By relatives in the next immediate degree of
3 kindred; provided, that each person signing a certificate
4 shall attest under oath to his belief in the truth of the
5 statements made concerning the age, birthplace, and
6 parentage of the person whose birth is being recorded.

7 (6) If the person whose birth is to be recorded be of legal
8 age, the date of birth and place of birth shall be supported by at
9 least two (2) documents of which only one (1) may be an
10 affidavit; the facts of parentage must be supported by at least
11 one (1) document which may be one (1) of the two (2)
12 submitted as evidence of the other facts."

13 **"Section 3. §3213 of Title 10 Guam Code Annotated is amended to**
14 **read:**

15 **"§3213. Judicial procedure to establish facts of birth.** (a) If a
16 delayed certificate of birth is rejected under the provisions of §3212 of
17 this article, a petition may be filed with the Superior Court of Guam
18 for an order establishing a record of the date and place of birth and
19 the parentage of the person whose birth is to be registered.

20 (b) Such petition shall allege:

21 (1) That the person for whom delayed certificate of birth is

1 sought was born in ~~the~~ Guam , or is a non-U.S. citizen born in
2 a foreign country and adopted by a resident of Guam;

3 (2) That no record of birth can be found in the Office of
4 Vital Statistics;

5 (3) That diligent efforts by the petitioner have failed to
6 obtain the evidence required in accordance with §3212 of this
7 article.

8 (4) That the Territorial Registrar of Vital Statistics has
9 refused to register a delayed certificate of birth; and

10 (5) Such other allegations as may be required.

11 (c) The petition shall be accompanied by a statement of the
12 registration official made in accordance with subsection (a)(4) of said
13 §3212 and all documentary evidence which was submitted to the
14 registration official in support of such registration. The petition shall
15 be sworn to by the petitioner.

16 (d) The court shall fix a time and place for hearing the petition
17 and shall give the registration official who refused to register the
18 petitioner's delayed certificate of birth (5) days' notice of said hearing.
19 Such official or his authorized representative, may appear and testify
20 in the proceedings.

21 (e) If the Court from the evidence presented finds that the

1 person for whom a delayed certificate of birth is sought was born
2 [øæ] in Guam, or is a non-U.S. citizen born in a foreign country and
3 adopted by a resident of Guam, it shall make findings as to place and
4 date of birth, parentage and such other findings as the case may
5 require, and shall issue an order on a form prescribed and furnished
6 by the Registrar of Vital Statistics to establish a record of birth. This
7 order shall include the birth data to be registered, a description of the
8 evidence presented in the manner prescribed by said §3212, and the
9 date of the Court's action.

10 (f) The clerk of the Superior Court shall forward each such
11 order to the Territorial Registrar of Vital Statistics not later than the
12 tenth (10th) day of the calendar month following the month in which
13 it was entered. Such order shall be registered by the Territorial
14 Registrar of Vital Statistics and shall constitute the record of birth,
15 from which copies may be issued in accordance with §3226 of this
16 article.

17 (g) Any person who objects to the accuracy of any of the
18 information on a certificate of birth may petition the Superior Court
19 to correct the certificate, using the same procedures as for obtaining a
20 change of name."

1 Section 4. §3214 of Title 10 Guam Code Annotated is amended to
2 read:

3 “§3214. Court reports of adoption. (a) For each adoption
4 decreed by a court of competent jurisdiction, the court shall require
5 the preparation of a certificate of adoption on a form prescribed and
6 furnished by the Territorial Registrar of Vital Statistics. The certificate
7 shall include such facts as are necessary to locate and identify the
8 certificate of birth of the person adopted; provide information
9 necessary to establish a new certificate of birth of the person adopted,
10 and shall identify the order of adoption and be certified by the clerk
11 of court.

12 (1) For a person born in a foreign country who is not a
13 citizen of the United States, and for whom a final order of
14 adoption has been decreed by a court of competent jurisdiction,
15 the court shall require the preparation of a certificate of foreign
16 birth as provided in §3215.1.

17 (b) The certificate of adoption shall be filed with the original
18 record of birth, if such record exists, which shall remain as a part of
19 the permanent records of the Office of Vital Statistics.

20 (c) Whenever an adoption decree is amended or annulled, the
21 clerk of the court shall prepare a certificate thereof, which shall

1 include such facts as are necessary to identify the original adoption
2 report, and the facts amended in the adoption decree as shall be
3 necessary to properly amend the birth record.

4 (d) When the Territorial Registrar of Vital Statistics receives a
5 record of adoption or annulment of adoption or amendment thereof
6 from a court for a person born elsewhere, such record shall be
7 forwarded to the appropriate registration authority in the place of
8 birth of the child adopted."

9 **Section 5. §3215 (a) of Title 10 Guam Code Annotated is amended**
10 **to read:**

11 **"§3215. New certification of birth following adoption,**
12 **legitimation and paternity determination.** (a) The Territorial
13 Registrar of Vital Statistics shall establish a new certificate of birth for
14 a person ~~{born in the Guam}~~ when he receives one (1) of the
15 following:

16 (1) An adoption report as provided in §3214 of this article,
17 or a certified copy of the decree of adoption, together with the
18 information necessary to identify the original certificate of birth
19 and to establish a new certificate of birth; (except that a new
20 certificate of birth shall not be established if so requested by the
21 court decreeing the adoption, the adoptive parents or the

1 adopted person).

2 (2) An affidavit of acknowledgment of paternity signed
3 by both parents; or

4 (3) A court order determining paternity.”

5 **Section 6. A new §3215.1 is added to Title 10 Guam Code Annotated**
6 **to read:**

7 §3215.1. Certificate of Foreign Birth. (a) The Territorial Registrar of
8 Vital Statistics shall, upon request, establish a new certificate of birth for a
9 person born in a foreign country when in receipt of a report of adoption
10 decreed by a court of competent jurisdiction, proof of the date and place of
11 the person’s birth, and a request from the court, the adopting parent or
12 parents, or the adopted person if 18 years of age or over, that such a
13 certificate be prepared. The certificate shall be labeled “Certificate of
14 Foreign Birth” and shall show the actual country of birth. The certificate of
15 foreign birth shall show the true or probable foreign country of birth, and
16 shall state that the certificate is not evidence of United States citizenship for
17 the child for whom it is issued or for the adoptive parent or parents. After
18 registration of the Certificate of Foreign Birth in the new name of the
19 adopted person, the Territorial Registrar shall seal the report of adoption,
20 which shall not be subject to inspection except upon order of a court of
21 competent jurisdiction.”

1 **Section 7. Severability.** If any part or provision of this Act, or the
2 application of this Act to any person or circumstance, is held invalid, the
3 remainder of this Act, including the application of such part or provisions
4 to other persons or circumstances, shall not be affected by such a holding
5 and shall continue in full force and effect. To this end, the provisions of this
6 Act are severable.