

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3076

By Delegates Anders, Kump, White, T. Howell, Coop-
Gonzalez, Gearheart, Dillon, and Ferrell

[Introduced; referred
to the Committee on]

1 A BILL to amend and reenact §16-5-18 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §16-5-18a, relating to
3 access to original birth certificates to adopted adults or their lineal descendants.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. VITAL STATISTICS.

§16-5-18. Certificates of birth following adoption, legitimation, paternity acknowledgment and court determination of paternity.

1 (a) The State Registrar shall establish a new certificate of birth for a person born in West
2 Virginia when he or she receives the following:

3 (1) A certificate of adoption as provided in section sixteen of this article or a certificate of
4 adoption prepared and filed in accordance with the laws of another state, or a certified copy of the
5 order of adoption, together with the information necessary to identify the original certificate of birth
6 and to establish a new certificate of birth; or

7 (2) A request that a new certificate be established as prescribed by legislative rule, based
8 upon evidence that:

9 (A) The person for whom the certificate is sought has been legitimated;

10 (B) A court of competent jurisdiction has determined the paternity of the person; or

11 (C) Both parents have acknowledged the paternity of the person.

12 (b) A new certificate of birth shall show the actual city, county and date of birth, if known,
13 and shall be substituted for the original certificate of birth on file. The original certificate of birth and
14 the evidence of adoption, legitimation, court determination of paternity, or affidavit of paternity may
15 not be inspected except for the administration of the system of vital statistics or the Bureau for
16 Child Support Enforcement, or upon order of a court of competent jurisdiction, or, in the case of an
17 affidavit of paternity, the signatories to the affidavit or the adult subject of the affidavit, or as
18 provided by legislative rule or as otherwise provided by state law.

19 (c) Upon receipt of a report of an amended order of adoption, the state Registrar shall

20 amend the certificate of birth as provided by legislative rule.

21 (d) Upon receipt of a report or order of annulment of adoption, the state Registrar shall
22 restore the original certificate of birth to its place in the files and the new certificate and evidence
23 may not be inspected except for the administration of the system of vital statistics or Bureau for
24 Child Support Enforcement, or upon order of a court of competent jurisdiction, or as provided by
25 legislative rule or as otherwise provided by state law.

26 (e) Upon receipt of a written request and a sworn affidavit of paternity signed by both
27 parents of a child born out of wedlock, the state Registrar shall place the name of the father on the
28 certificate of birth and, if the child is under the age of eighteen and at the request of the parents,
29 change the surname of the child in the manner prescribed by legislative rule.

30 (f) If no certificate of birth is on file for the person for whom a new certificate of birth is to be
31 established under this section, a delayed certificate of birth must be filed with the state Registrar
32 as provided in section fourteen or fifteen of this article before a new certificate of birth is
33 established, except that when the date and place of birth and parentage have been established by
34 a court of competent jurisdiction, a delayed certificate is not required.

35 (g) When a new certificate of birth is established by the state Registrar, all copies of the
36 original certificate of birth in the custody of any other custodian of vital records in this state shall be
37 sealed from inspection or forwarded to the state Registrar, as he or she shall direct.

38 (h) Upon receipt of the documentation set forth in subdivision (1) of this subsection, the
39 state Registrar shall prepare and register a certificate in this state for a person born in a foreign
40 country who is not a citizen of the United States and who was adopted through a court of
41 competent jurisdiction in this state.

42 (1) The State Registrar shall establish the certificate upon receipt of:

43 (A) A certificate of adoption from the court ordering the adoption;

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

45 (C) A request that the certificate be prepared, from the court, the adopting parents, or the

46 adopted person if he or she has attained the age of eighteen years.

47 (2) The certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual
48 country of birth. The certificate shall include a statement that it is not evidence of United States
49 citizenship for the person for whom it is issued.

50 (3) After registration of the certificate of birth in the new name of the adopted person, the
51 state Registrar shall seal and file the certificate of adoption, which may not be inspected except:

52 (A) For the administration of the system of vital statistics,

53 (B) ~~or~~ Upon order of a court of competent jurisdiction,

54 (C) In accordance with §16-5-18a of this code; or

55 (D) ~~or~~ As provided by legislative rule or as otherwise provided by state law.

§16-5-18a. Adult Adopted Person Access to Original Birth Certificates.

1 The State Registrar or other custodians of vital records authorized to issue certified copies
2 shall issue a certified copy of an original birth certificate, and any evidence of an adoption, upon
3 written request by (1) an adopted person, if 18 years of age or more; (2) an adopted person's direct
4 line descendant if the adopted person is deceased, or (3) a lawful representative of such adopted
5 person, or a lawful representative of such deceased adopted person's direct line descendants, as
6 the case may be. The certified copy of the original birth certificate shall be in a form that clearly
7 indicates that it may not be used for legal identification. All procedures, fees, and waiting periods
8 applicable to nonadopted persons born in West Virginia who seek copies of certificates of birth
9 shall _____ apply.

NOTE: The purpose of this bill relates to access to original birth certificates to adopted adults or their lineal descendants.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.