RHODE ISLAND DEPARTMENT OF HEALTH

RE: RODD WALTON
PETITION FOR DECLARATORY ORDER

Introduction

Rodd Walton ("Petitioner") filed this Petition for Declaratory Order ("Petition") pursuant to R.I. Gen. Laws § 42-35-8 seeking a declaratory order from the Rhode Island Department of Health (RIDOH) ordering RIDOH to amend his birth certificate. Petitioner submitted an affidavit and documentary evidence, and presented seven questions.

Evidence Presented

Documents submitted by Petitioner indicate that he was born on January 19, 1965, in Newport, Rhode Island. A birth certificate issued by RIDOH on January 20, 1965, listed his name as Calvin Joseph Williams, Jr. His father's name was listed as Calvin J. Williams ("Mr. Williams"), with a birthplace of Mount Hope, West Virginia, and his mother's name was listed as Marie Ann Walton ("Ms. Walton"). Petitioner's parents were married to each other at the time of his birth. The marriage was dissolved on June 14, 1966, by the Rhode Island Family Court, at which time the Family Court ordered Mr. Williams to pay for the support and maintenance of Calvin, the minor child.

Ms. Walton subsequently married Ollie D. McAdams III ("Mr. McAdams"). On June 7, 1969, the Rhode Island Family Court issued a Notice of Adoption and Name Change changing Petitioner's name from Calvin Joseph Williams, Jr., to Rodney Garrett McAdams.[1] The Notice provided "[t]he Adoption was granted on 06/07/1969 by the Honorable James B (sic) Donnelly. It was ordered that "Rodney Garrett McAdams shall, for all legal intents and purposes, be the child of Ollie D. McAdams III." A post-adoption birth certificate that listed Mr. McAdams as Petitioner's father was issued by RIDOH. Petitioner now seeks a declaratory order from RIDOH requiring RIDOH to amend his birth certificate to list Mr.

[1] Petitioner's name was changed to Rodd Christen Walton on August 26, 1985.

Williams as his father, and to correctly identify Mr. Williams' birthplace to Newport, Rhode Island.

Discussion

Petitioner asserts that the 1965 Family Court order ordering Calvin J. Williams to pay for his support and maintenance constitutes a certified copy of an order from a court of competent jurisdiction as required by R.I. Gen. Laws § 23-3-15(a)(2).

R.I. Gen. Laws § 23-3-15(a)(2) provides:

> **(a)** The state registrar of vital records shall establish a new certificate of birth for a person born in this state when he or she receives the following:
>
> **(2)** A request that a new certificate be established and evidence required by regulation proving that the person has been legitimated, or that a court of competent jurisdiction has determined the genetic parent of the person; provided, however, that where a court of competent jurisdiction has determined the genetic parent of the person, the name of the person who has been adjudicated as being the father shall be inserted on the birth certificate.

Petitioner's reliance on this section is misplaced. The law presumes that the husband of a married woman is the father of the child named on the birth certificate. At times, genetic testing reveals that a different individual is the father of the child. In those instances, where a court of competent jurisdiction has determined the genetic parent of the person, the name of the person who has been adjudicated as being the genetic father can be listed on the birth certificate. Here, no court ever determined Petitioner's genetic father.

The family order did not make a determination of genetic parentage. The family court order reflects the legal relationship between Petitioner and Mr. Williams on the date it was issued. It does not (and could not) contemplate or address Petitioner's; subsequent adoption by Mr. McAdams. Once the post-adoption birth certificate was issued, the legal relationship between Petitioner and Mr. Williams was severed, and Mr. McAdams became Petitioner's legal father. R.I. Gen. Laws § 23-3-15(a)(2) does not provide RIDOH with authority to amend the post-adoption birth certificate based on the family court order because 1) it did not make a determination of genetic parentage and 2) does not address Petitioner's birth certificate or order

RIDOH to amend Petitioner's birth certificate. For these reasons, RIDOH finds the order issued by the Family Court to be unsatisfactory to support the change requested.

When a state's vital records statutes do not explicitly provide a mechanism for a specific type of amendment, the Rhode Island Superior Court may exercise its equity powers to grant relief. Should Petitioner choose to petition the Rhode Island Superior Court to amend the post-adoption birth, RIDOH would not object to the petition and would comply with all instructions in the order.

Accordingly, in consideration of the above, this Decision of the Director is given to the Petitioner concerning Petitioner's request for a declaratory order. This decision is limited to the facts and circumstances of the Petition.

Questions Presented

1. Whether the certified Rhode Island Family Court Final Decree, which awarded custody of the minor child and ordered Calvin Joseph Williams to pay support and maintenance for that child, satisfies the court-determination requirement of R.I. Gen. Laws § 23-3-15(a)(2) and the certified-order requirement of 216-RICR-10-10-1.14(A)(3); and whether the phrase 'genetic parent' in § 23-3-15(a)(2), read with the same subsection's reference to the person 'adjudicated as being the father' and § 1.14(A)(3)'s continued use of 'determining paternity,' requires any additional genetic-testing evidence on these facts.

Answer: The family court order does not satisfy the court-determination requirement of R.I. Gen. Laws § 23-3-15(a)(2) and the certified-order requirement of 216-RICR-10-10-1.14(A)(3). RIDOH does not know if the Rhode Island Superior Court would require genetic testing.

2. Whether § 23-3-15(g)(1) is only an access provision governing the preserved historical original, or instead is the exclusive Vital Records remedy for an adult adoptee notwithstanding the independent new-certificate trigger in § 23-3-15(a)(2).

Answer: RIDOH interprets the intent of R.I. Gen. Laws 23-3-15(g)(1) to allow an

adoptee to obtain the documents listed in the statute. RIDOH does not interpret this section as a of means providing an adoptee with a method of obtaining amending their pre-adoption birth certificate.

3. If § 23-3-15(a)(2) is satisfied after an adoption-based certificate was previously established under subsection (a)(1), how §§ 23-3-15(b) and 1.14(E) operate to identify the certificate for which the parentage-based certificate is substituted and how the Department preserves the complete historical sequence.

Answer: R.I. Gen. Laws § 23-3-15(a)(2) has not been satisfied in the instant matter. If ordered to do so by the Rhode Island Superior Court, RIDOH would issue a new birth certificate naming Petitioner's father as Calvin J. Williams, born in Newport, Rhode Island. The birth certificate listing Mr. McAdams as Petitioner's father would be removed from active records, placed in a sealed file with the court order, and would not be subject to inspection except upon order of a court of competent jurisdiction,

4. Whether § 1.14(D)(5)(b) permits the parentage-based certificate to contain the names and appropriate personal information of the natural parents while the adoption decree and adoption-created certificate remain preserved in the restricted historical file;

Answer: Yes. If ordered to amend the birth certificate by the Rhode Island Superior Court, the birth certificate listing Mr. McAdams as Petitioner's father would be removed from active records and placed in a sealed file with the court order, and would not be subject to inspection except upon order of a court of competent jurisdiction,

and

Whether Calvin Joseph Williams' certified Rhode Island birth certificate and the agency-held marriage record constitute satisfactory evidence to correct Calvin Joseph Williams' birthplace to Newport, Rhode Island independently of the broader substitution question.

Answer: Had Petitioner not been adopted and had a post-adoption birth certificate not been issued, RIDOH would have the authority to change Mr. Willaims' place of birth from Mount Hope, West Virginia, to Newport, Rhode Island upon satisfactory evidentiary documentation to support the change. Once the post-adoption birth certificate was issued, RIDOH no longer had any authority to amend the pre-adoption birth certificate absent a

court order.

5. Whether § 1.37(F) applies to the paternal-place-of-birth item where that item has not previously been amended under § 1.37(E) and the adoption-created certificate arose under the separate § 1.14 process.

Answer: Had Petitioner not been adopted and had a new birth certificate not been issued, RIDOH would have the authority to change Mr. Williams' place of birth from Mount Hope, West Virginia, to Newport, Rhode Island upon satisfactory evidentiary documentation to support the change. Once the post-adoption birth certificate was issued, RIDOH no longer had any authority to amend the pre-adoption birth certificates absent a court order.

6. If RIDOH concludes that any further judicial order is required, what precise statutory or regulatory requirement remains unsatisfied, what finding is absent from the existing Final Decree, and what form of judicial order would satisfy the Department.

Answer: The requirement of an order from a court of competent jurisdiction is unsatisfied. Should Petitioner choose to petition the Rhode Island Superior Court to order RIDOH to issue a new birth certificate listing Mr. Williams as Petitioner's father with a birthplace of Newport, Rhode Island, RIDOH would have no objection to the petition and would comply with the court order. RIDOH does not require any particular form of judicial order.

7. Whether any unwritten RIDOH policy, practice, interpretation, or internal requirement is being applied to deny or limit the requested relief; if so, identify that policy or practice and its statutory or regulatory basis.

Answer: None.

Jerome Larkin, MD 11/2/2026

Jerrome Larkin, M.D. Date
Director,
Rhode Island Department of Health