



General Assembly

**Substitute Bill No. 6549**

January Session, 2021



**AN ACT CONCERNING AMENDMENTS TO MARRIAGE  
CERTIFICATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (10) of section 7-36 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2021*):

4 (10) "Amendment" means to (A) change or enter new information on  
5 a certificate of birth, marriage, death or fetal death, more than one year  
6 after the date of the vital event recorded in such certificate, in order to  
7 accurately reflect the facts existing at the time of the recording of the  
8 event, (B) create a replacement certificate of birth for matters pertaining  
9 to parentage and gender change, [or] (C) create a replacement certificate  
10 of marriage for matters pertaining to gender change, or (D) reflect a legal  
11 name change in accordance with section 19a-42, as amended by this act,  
12 or make a modification to a cause of death;

13 Sec. 2. Section 19a-42 of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective October 1, 2021*):

15 (a) To protect the integrity and accuracy of vital records, a certificate  
16 registered under chapter 93 may be amended only in accordance with  
17 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by

18 the Commissioner of Public Health pursuant to chapter 54 and uniform  
19 procedures prescribed by the commissioner. Only the commissioner  
20 may amend birth certificates to reflect changes concerning parentage, or  
21 birth or marriage certificates to reflect changes concerning gender  
22 change. Amendments related to parentage or gender change shall result  
23 in the creation of a replacement certificate that supersedes the original,  
24 and shall in no way reveal the original language changed by the  
25 amendment. Any amendment to a vital record made by the registrar of  
26 vital statistics of the town in which the vital event occurred or by the  
27 commissioner shall be in accordance with such regulations and uniform  
28 procedures.

29 (b) The commissioner and the registrar of vital statistics shall  
30 maintain sufficient documentation, as prescribed by the commissioner,  
31 to support amendments and shall ensure the confidentiality of such  
32 documentation as required by law. The date of amendment and a  
33 summary description of the evidence submitted in support of the  
34 amendment shall be endorsed on or made part of the record and the  
35 original certificate shall be marked "Amended", except for amendments  
36 due to parentage or gender change. When the registrar of the town in  
37 which the vital event occurred amends a certificate, such registrar shall,  
38 within ten days of making such amendment, forward an amended  
39 certificate to the commissioner and to any registrar having a copy of the  
40 certificate. When the commissioner amends a birth certificate, including  
41 changes due to parentage or gender, the commissioner shall forward an  
42 amended certificate to the registrars of vital statistics affected and their  
43 records shall be amended accordingly.

44 (c) An amended certificate shall supersede the original certificate that  
45 has been changed and shall be marked "Amended", except for  
46 amendments due to parentage or gender change. The original certificate  
47 in the case of parentage or gender change shall be physically or  
48 electronically sealed and kept in a confidential file by the department  
49 and the registrar of any town in which the birth was recorded, and may  
50 be unsealed for issuance only as provided in section 7-53 with regard to

51 an original birth certificate or upon a written order of a court of  
52 competent jurisdiction. The amended certificate shall become the official  
53 record.

54 (d) (1) Upon receipt of (A) an acknowledgment of paternity executed  
55 in accordance with the provisions of subsection (a) of section 46b-172 by  
56 both parents of a child born out of wedlock, or (B) a certified copy of an  
57 order of a court of competent jurisdiction establishing the paternity of a  
58 child born out of wedlock, the commissioner shall include on or amend,  
59 as appropriate, such child's birth certificate to show such paternity if  
60 paternity is not already shown on such birth certificate and to change  
61 the name of the child under eighteen years of age if so indicated on the  
62 acknowledgment of paternity form or within the certified court order as  
63 part of the paternity action. If a person who is the subject of a voluntary  
64 acknowledgment of paternity, as described in this subdivision, is  
65 eighteen years of age or older, the commissioner shall obtain a notarized  
66 affidavit from such person affirming that he or she agrees to the  
67 commissioner's amendment of such person's birth certificate as such  
68 amendment relates to the acknowledgment of paternity. The  
69 commissioner shall amend the birth certificate for an adult child to  
70 change his or her name only pursuant to a court order.

71 (2) If another father is listed on the birth certificate, the commissioner  
72 shall not remove or replace the father's information unless presented  
73 with a certified court order that meets the requirements specified in  
74 section 7-50, or upon the proper filing of a rescission, in accordance with  
75 the provisions of section 46b-172. The commissioner shall thereafter  
76 amend such child's birth certificate to remove or change the father's  
77 name and to change the name of the child, as requested at the time of  
78 the filing of a rescission, in accordance with the provisions of section  
79 46b-172. Birth certificates amended under this subsection shall not be  
80 marked "Amended".

81 (e) When the parent or parents of a child request the amendment of  
82 the child's birth certificate to reflect a new mother's name because the  
83 name on the original certificate is fictitious, such parent or parents shall

84 obtain an order of a court of competent jurisdiction declaring the  
85 putative mother to be the child's mother. Upon receipt of a certified copy  
86 of such order, the department shall amend the child's birth certificate to  
87 reflect the mother's true name.

88 (f) Upon receipt of a certified copy of an order of a court of competent  
89 jurisdiction changing the name of a person born in this state and upon  
90 request of such person or such person's parents, guardian, or legal  
91 representative, the commissioner or the registrar of vital statistics of the  
92 town in which the vital event occurred shall amend the birth certificate  
93 to show the new name by a method prescribed by the department.

94 (g) When an applicant submits the documentation required by the  
95 regulations to amend a vital record, the commissioner shall hold a  
96 hearing, in accordance with chapter 54, if the commissioner has  
97 reasonable cause to doubt the validity or adequacy of such  
98 documentation.

99 (h) When an amendment under this section involves the changing of  
100 existing language on a death certificate due to an error pertaining to the  
101 cause of death, the death certificate shall be amended in such a manner  
102 that the original language is still visible. A copy of the death certificate  
103 shall be made. The original death certificate shall be sealed and kept in  
104 a confidential file at the department and only the commissioner may  
105 order it unsealed. The copy shall be amended in such a manner that the  
106 language to be changed is no longer visible. The copy shall be a public  
107 document.

108 (i) The commissioner shall issue a new birth certificate to reflect a  
109 gender change upon receipt of the following documents submitted in  
110 the form and manner prescribed by the commissioner: (1) A written  
111 request from the applicant, signed under penalty of law, for a  
112 replacement birth certificate to reflect that the applicant's gender differs  
113 from the sex designated on the original birth certificate; (2) a notarized  
114 affidavit by a physician licensed pursuant to chapter 370 or holding a  
115 current license in good standing in another state, an advanced practice

116 registered nurse licensed pursuant to chapter 378 or holding a current  
117 license in good standing in another state, or a psychologist licensed  
118 pursuant to chapter 383 or holding a current license in good standing in  
119 another state, stating that the applicant has undergone surgical,  
120 hormonal or other treatment clinically appropriate for the applicant for  
121 the purpose of gender transition; and (3) if an applicant is also  
122 requesting a change of name listed on the original birth certificate, proof  
123 of a legal name change. The new birth certificate shall reflect the new  
124 gender identity by way of a change in the sex designation on the original  
125 birth certificate and, if applicable, the legal name change.

126 (j) The commissioner shall issue a new marriage certificate to reflect  
127 a gender change upon receipt of the following documents submitted in  
128 the form and manner prescribed by the commissioner: (1) A written  
129 request from the applicant, signed under penalty of law, for a  
130 replacement marriage certificate to reflect that the applicant's gender  
131 differs from the sex designated on the original marriage certificate,  
132 along with an affirmation that the marriage is still legally intact; (2) a  
133 notarized statement from the spouse named on the marriage certificate  
134 to be amended, consenting to the amendment; (3) a notarized affidavit  
135 by a physician licensed pursuant to chapter 370 or holding a current  
136 license in good standing in another state, an advanced practice  
137 registered nurse licensed pursuant to chapter 378 or holding a current  
138 license in good standing in another state, or a psychologist licensed  
139 pursuant to chapter 383 or holding a current license in good standing in  
140 another state, stating that the applicant has undergone surgical,  
141 hormonal or other treatment clinically appropriate for the applicant for  
142 the purpose of gender transition; and (4) if an applicant is also  
143 requesting a change of name listed on the original marriage certificate,  
144 proof of a legal name change. The new marriage certificate shall reflect  
145 the new gender identity by way of a change in the sex designation on  
146 the original marriage certificate and, if applicable, the legal name  
147 change.

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| This act shall take effect as follows and shall amend the following sections: |                        |          |
| Section 1   | <i>October 1, 2021</i> | 7-36(10) |
| Sec. 2  | <i>October 1, 2021</i> | 19a-42   |

**PH**      *Joint Favorable Subst.*