

FIRST REGULAR SESSION

HOUSE BILL NO. 1322

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

1126H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 193.085, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 193.085, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.085, to read as follows:

193.085. 1. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after such birth and shall be registered if such certificate has been completed and filed pursuant to the provisions of this section.

2. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or such person's designated representative shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and time and on the date stated either by signature or an electronic process approved by the department, and file the certificate pursuant to this section or as otherwise directed by the state registrar within the required five days. The physician or other person in attendance shall provide the medical information required by the certificate and certify to the facts of birth within five days after the birth. If the physician or other person in attendance does not certify to the facts of birth within the five-day period, the person in charge of the institution shall complete the certificate.

3. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- (1) The physician in attendance at or immediately after the birth;
- (2) Any other person in attendance at or immediately after the birth;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (3) The father, the mother, or, in the absence of the father and the inability of the mother,
19 the person in charge of the premises where the birth occurred.

20 4. **Any parent may choose to be designated as the parent on the birth certificate**
21 **without a gender designation. A parent who makes such choice shall be identified by the**
22 **use of the term "parent" on the birth certificate. The parent shall not be identified by the**
23 **use of the term "mother" or "father" on the birth certificate, and no gender designation**
24 **for the parent shall appear on the birth certificate.**

25 5. When a birth occurs on a moving conveyance within the United States and the child
26 is first removed from the conveyance in this state, the birth shall be registered in this state and
27 such place shall be considered the place of birth. When a birth occurs on a moving conveyance
28 while in international waters or air space or in a foreign country or its air space and the child is
29 first removed from the conveyance in this state, the birth shall be registered in this state but the
30 certificate shall show the actual place of birth insofar as can be determined.

31 ~~[5-]~~ 6. If the mother was married at the time of either conception or birth, or between
32 conception and birth, the name of the husband shall be entered on the certificate as the father of
33 the child, unless:

34 (1) Paternity has been determined otherwise by a court of competent jurisdiction; or

35 (2) The mother executes an affidavit attesting that the husband is not the father and the
36 putative father is the father, and the putative father executes an affidavit attesting that he is the
37 father, and the husband executes an affidavit attesting that he is not the father. If such affidavits
38 are executed, the putative father shall be shown as the father on the birth certificate and the
39 signed acknowledgment of paternity shall be considered a legal finding of paternity. The
40 affidavits shall be as provided for in section 193.215.

41 ~~[6-]~~ 7. In any case in which paternity of a child is determined by a court of competent
42 jurisdiction, the name of the father and surname of the child shall be entered on the certificate
43 of birth pursuant to the finding and order of the court.

44 ~~[7-]~~ 8. Notwithstanding any other law to the contrary, if a child is born to unmarried
45 parents, the name of the father and other required information shall be entered on the certificate
46 of birth only if an acknowledgment of paternity pursuant to section 193.215 is completed, or if
47 paternity is determined by a court of competent jurisdiction or by an administrative order of the
48 family support division.

49 ~~[8-]~~ 9. If the father is not named on the certificate of birth, no other information about
50 the father shall be entered on the certificate.

51 ~~[9-]~~ 10. The birth certificate of a child born to a married woman as a result of artificial
52 insemination, with consent of her husband, shall be completed pursuant to the provisions of
53 subsection ~~[5]~~ 6 of this section.

54 ~~[10.]~~ **11.** Either of the parents of the child, or other informant, shall attest to the accuracy
55 of the personal data entered on the certificate in time to permit the filing of the certificate within
56 the required five days.

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