

SECOND REGULAR SESSION

HOUSE BILL NO. 2086

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

3998H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 193.215, RSMo, and to enact in lieu thereof one new section relating to amendments to certificates of birth.

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

Section A. Section 193.215, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.215, to read as follows:

193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations adopted by the department.

2. A certificate or report that is amended pursuant to this section shall be marked "Amended" except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made part of the record.

3. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. The court order shall include such facts as are necessary to locate and identify the certificate of birth of the person whose name is being changed.

4. When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital

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 record and shall advise the applicant of the reason for this action and the applicant's right of
19 appeal to a court of competent jurisdiction.

20 5. When a certificate or report is amended pursuant to this section, the state registrar
21 shall report the amendment to any other custodians of the vital record and their record shall be
22 amended accordingly.

23 6. Upon written request of both parents and receipt of a sworn acknowledgment of
24 paternity notarized and signed by both parents of a child born out of wedlock, the state
25 registrar shall amend the certificate of birth to show such paternity. The acknowledgment
26 affidavit form shall be developed by the state registrar and shall include the minimum
27 requirements prescribed by the secretary of the Department of Health and Human Services
28 pursuant to 42 U.S.C. Section 652(a)(7). The acknowledgment form shall include provisions
29 to allow the parents to change the surname of the child and such surname shall be changed on
30 the birth record if the parents elect to change the child's surname. The signature of the parents
31 shall be notarized or the signature shall be witnessed by at least two disinterested adults
32 whose signatures and addresses shall be plainly written thereon. The form shall be
33 accompanied by oral notice, which may be provided through the use of video or audio
34 equipment, and written notice to the mother and putative father of:

35 (1) The alternatives to, the legal consequences of, and the rights and responsibilities
36 that arise from signing the acknowledgment;

37 (2) The benefits of having the child's paternity established; and

38 (3) The availability of paternity establishment and child support enforcement
39 services. A rescission of acknowledgment form shall be filed with the bureau of vital records
40 pursuant to section 210.823 to vacate the legal finding of paternity. The bureau shall file all
41 rescissions and forward a copy of each to the family support division. The birth record shall
42 only be changed pursuant to this subsection upon an order of the court or the family support
43 division.

44 7. The department shall offer voluntary paternity establishment services.

45 8. Upon receipt of a certified copy of an order of a court of competent jurisdiction
46 changing the name of a person born in this state and upon request of such person or such
47 person's parents, guardian or legal representative, the state registrar shall amend the certificate
48 of birth to show the new name.

49 9. ~~Upon receipt of a certified copy of an order of a court of competent jurisdiction~~
50 ~~indicating the sex of an individual born in this state has been changed by surgical procedure~~
51 ~~and that such individual's name has been changed, the certificate of birth of such individual~~
52 ~~shall be amended.] (1) Except as provided in subdivision (2) of this subsection, the sex
53 designation on a certificate of birth shall not be amended.~~

54 **(2) If a clerical error is made, the sex designation on a certificate of birth may be**
55 **amended if certified by a hospital administrator and amendment is made within one**
56 **year following birth. If more than one year has passed, an order from a court of**
57 **competent jurisdiction shall be required to correct the clerical error.**

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