

SECOND REGULAR SESSION

HOUSE BILL NO. 1885

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FROELKER.

Read 1st time February 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4451L.011

AN ACT

To repeal section 193.085, RSMo, and to enact in lieu thereof one new section relating to the issuance of birth certificates for stillborns.

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Section A. Section 193.085, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.085, to read as follows: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 seven days after such birth and shall be registered if such certificate has been completed and filed pursuant to the provisions of this section. **A certificate of birth for a stillborn may be requested by the parents of such stillborn and shall be filed with the local registrar, or as otherwise directed by the state registrar, within seven days after the request and shall be registered if such certificate has been completed and filed pursuant to this section. For purposes of this subsection, "stillborn" and "parents" shall have the same meaning as such terms are defined in section 194.200, RSMo.**

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, secure the signatures required, and file the certificate pursuant to this section or as otherwise directed by the state registrar within the required seven 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 and sign the certificate.

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

20 (1) The physician in attendance at or immediately after the birth;

21 (2) Any other person in attendance at or immediately after the birth;

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

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

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

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

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

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

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

48 8. If the father is not named on the certificate of birth, no other information about the
49 father shall be entered on the certificate.

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

53 10. Either of the parents of the child, or other informant, shall attest to the accuracy of

54 the personal data entered on the certificate in time to permit the filing of the certificate within
55 the required seven days.