

SECOND REGULAR SESSION

HOUSE BILL NO. 1258

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (24).

5156L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 193.215, RSMo, and to enact in lieu thereof one new section relating to acknowledgment of paternity.

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Section A. Section 193.215, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.215, to read as follows: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

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

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

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

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

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

37 (3) The availability of paternity establishment and child support enforcement services.

38 **7. Only a mother whose parental rights have not been voluntarily or involuntarily**
39 **terminated, or whose consent to adoption or waiver of consent to adoption has not been**
40 **accepted and approved by a court of competent jurisdiction may execute a voluntary**
41 **acknowledgment of paternity under this section. A court of competent jurisdiction may**
42 **order the bureau of vital statistics to rescind any amended birth certificate when it was**
43 **issued based upon an acknowledgment of a mother whose parental rights have been**
44 **voluntarily or involuntarily terminated, or whose consent to adoption or waiver of consent**
45 **to adoption has been accepted by a court prior to the acknowledgment of paternity.**

46 **8.** A rescission of acknowledgment form shall be filed with the bureau of vital records
47 pursuant to section 210.823 to vacate the legal finding of paternity. The bureau shall file all
48 rescissions and forward a copy of each to the division of child support enforcement. The birth
49 record shall only be changed [pursuant to this] **under subsection 6 of this section** upon an order
50 of the court or the division of child support enforcement.

51 **[7.] 9.** The department shall offer voluntary paternity establishment services.

52 [8.] **10.** Upon receipt of a certified copy of an order of a court of competent jurisdiction
53 changing the name of a person born in this state and upon request of such person or such person's
54 parents, guardian or legal representative, the state registrar shall amend the certificate of birth
55 to show the new name.

56 [9.] **11.** Upon receipt of a certified copy of an order of a court of competent jurisdiction
57 indicating the sex of an individual born in this state has been changed by surgical procedure and
58 that such individual's name has been changed, the certificate of birth of such individual shall be
59 amended.

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