

SENATE BILL NO. 934

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

3841S.011

KRISTINA MARTIN, Secretary

AN ACT

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

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Section A. Section 193.215, RSMo, is repealed and one new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

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

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

11 3. Upon receipt of a certified copy of an order of a
12 court of competent jurisdiction changing the name of a
13 person born in this state and upon request of such person or
14 such person's parents, guardian, or legal representative,
15 the state registrar shall amend the certificate of birth to
16 show the new name. The court order shall include such facts

17 as are necessary to locate and identify the certificate of
18 birth of the person whose name is being changed.

19 4. When an applicant does not submit the minimum
20 documentation required in the regulations for amending a
21 vital record or when the state registrar has reasonable
22 cause to question the validity or adequacy of the
23 applicant's sworn statements or the documentary evidence,
24 and if the deficiencies are not corrected, the state
25 registrar shall not amend the vital record and shall advise
26 the applicant of the reason for this action and the
27 applicant's right of appeal to a court of competent
28 jurisdiction.

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

33 6. Upon written request of both parents and receipt of
34 a sworn acknowledgment of paternity notarized and signed by
35 both parents of a child born out of wedlock, the state
36 registrar shall amend the certificate of birth to show such
37 paternity. The acknowledgment affidavit form shall be
38 developed by the state registrar and shall include the
39 minimum requirements prescribed by the secretary of the
40 Department of Health and Human Services pursuant to 42
41 U.S.C. Section 652(a)(7). The acknowledgment form shall
42 include provisions to allow the parents to change the
43 surname of the child and such surname shall be changed on
44 the birth record if the parents elect to change the child's
45 surname. The signature of the parents shall be notarized or
46 the signature shall be witnessed by at least two
47 disinterested adults whose signatures and addresses shall be
48 plainly written thereon. The form shall be accompanied by

oral notice, which may be provided through the use of video or audio equipment, and written notice to the mother and putative father of:

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

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

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

7. The department shall offer voluntary paternity establishment services.

8. 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.

9. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this state has been changed by surgical procedure **for a medically-verifiable disorder of sex development** and that such individual's name has been changed, the certificate of birth of such individual shall be amended. **No certificate of birth shall be amended**

81 because the sex of an individual born in this state has been
82 changed solely by nonsurgical means, including, but not
83 limited to, hormone therapy, voice and speech therapy, or
84 behavioral therapy. No certificate of birth shall be
85 amended because the sex of the individual was changed for
86 reasons other than a medically-verifiable disorder of sex
87 development or to correct a typographical error.

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