

FIRST REGULAR SESSION

# SENATE BILL NO. 100

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

0136S.01H

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Section A. Section 193.215, RSMo, is repealed and one new  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  
49 oral notice, which may be provided through the use of video

50 or audio equipment, and written notice to the mother and  
51 putative father of:

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

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

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

66 7. The department shall offer voluntary paternity  
67 establishment services.

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

74 9. Upon receipt of a certified copy of an order of a  
75 court of competent jurisdiction indicating the sex of an  
76 individual born in this state has been changed by surgical  
77 procedure **for a medically-verifiable disorder of sex**  
78 **development** and that such individual's name has been  
79 changed, the certificate of birth of such individual shall  
80 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.

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