



House of Representatives

General Assembly

File No. 80

February Session, 2012

Substitute House Bill No. 5241

House of Representatives, March 22, 2012

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DELAYED BIRTH REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-57 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Any adult or the parent or legal guardian [of the person] of any
4 minor who is one year of age or older, for whose birth no certificate is
5 on file, may request a delayed registration of birth by making, under
6 oath, an affidavit, with two other persons having first hand knowledge
7 of the facts [, make, under oath, an affidavit as to the matters required
8 to be set forth in a birth certificate under the provisions of section 7-48]
9 relating to such birth in the manner and form prescribed by the
10 commissioner, and [file the same in the office of the registrar of vital
11 statistics of the town in which such birth occurred. Such registrar]
12 submitting such affidavit to the department. An adult, parent or legal
13 guardian requesting a delayed registration of birth shall also submit to
14 the department documentary evidence of the name, date and place of
15 birth of the person for whom a delayed registration of birth is

16 requested. Such documentary evidence shall be sufficient to enable the
17 department to determine that the birth did, in fact, occur on the date
18 and at the place alleged by the adult, parent or legal guardian making
19 the request. If the department determines that the evidence submitted
20 is sufficient to determine the facts of the birth, the department shall
21 [thereupon] prepare a birth certificate based upon the information
22 contained in [such affidavit and file the same with such affidavit in the
23 same manner as any other birth certificate, including filing] the
24 affidavit and other documentary evidence submitted to the
25 department. The department shall transmit a copy of such certificate
26 [with the department] to the registrar of the town where the birth
27 occurred and to the registrar of the town where the minor's mother
28 resided at the time of birth.

29 (b) If the adult, parent or legal guardian making the request for a
30 delayed registration of birth is unable to furnish an affidavit and
31 documentary evidence of the birth that is satisfactory to the [registrar
32 of such town] department, such adult, [or] parent or legal guardian
33 may apply to the court of probate for the district where such birth
34 occurred for an order requiring [such] the registrar to prepare a
35 certificate of birth of such adult or such minor, [containing the matters
36 so required to be set forth.] Such court shall, with [or without] notice
37 and hearing, [ascertain the facts as to the matters so required and]
38 review the evidence submitted to the department and may require the
39 adult, parent or legal guardian making the request to submit
40 additional evidence to such court to prove the facts of the birth. Such
41 additional evidence may include witness testimony or a sample of the
42 adult's or a parent's tissue or hair suitable for DNA (deoxyribonucleic
43 acid) analysis. The adult, parent or legal guardian requesting the
44 delayed registration of birth shall be responsible for the cost of any
45 DNA analysis required by the court, except the department shall pay
46 such cost for any such person who is found by the court to be indigent.
47 The adult, parent or legal guardian seeking such order shall have the
48 burden of proving the facts of the birth by a preponderance of the
49 evidence. The court may issue an order directing [such] the registrar of
50 the town where the birth occurred to issue [such] a delayed birth

51 certificate based upon the facts, as determined by the court from the
 52 evidence presented and as set forth in such order. [After issuing any
 53 such certificate, such] Upon receipt of a certified copy of any such
 54 court order, the registrar shall make a record of such birth. [, including
 55 in such record reference to such certificate and the affidavit or order of
 56 the court.] Birth certificates registered one year or more after the date
 57 of birth shall be marked "delayed" and indicate (1) the date of the
 58 delayed registration, (2) the name, sex, date of birth, place of birth and
 59 any other identifying information prescribed by the commissioner, as
 60 such facts of the birth have been determined based upon the evidence
 61 presented to the department or the court, as the case may be, and (3)
 62 when the facts of the birth are determined by court order, a statement
 63 that the birth is registered pursuant to court order. [The provisions of
 64 sections 7-42 and 7-73 shall apply to the acts of the registrar under this
 65 section.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-57

Statement of Legislative Commissioners:

In section 1(a) "such affidavits" and "the affidavits" were changed to "such affidavit" and "the affidavit" to maintain consistency with the initial reference to "an affidavit".

PH *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the Department of Public Health (DPH) associated with changes to the delayed birth registration process.

Existing statute requires requests for delayed registration of birth to be filed with the town in which the birth occurred and for a copy of the birth certificate to be sent to DPH's Vital Records Office. The bill reverses this process, requiring initial filing with the Vital Records Office and a copy of the birth certificate to be sent to the appropriate town registrar. As DPH is currently involved in this process and there are a minimal number of delayed birth registrations, this bill is not anticipated to result in a fiscal impact to DPH.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5241*****AN ACT CONCERNING DELAYED BIRTH REGISTRATION.*****SUMMARY:**

This bill changes the process for requesting a delayed birth certificate, which is a birth certificate that is registered a year or more after the birth. Among other things, the bill requires requests for delayed birth certificates to be filed with the Department of Public Health (DPH), rather than the town registrar of vital statistics. In addition to the affidavit required by current law, the bill requires the requesting person to submit documentary evidence in support of the facts of the birth.

The bill also makes changes affecting probate court proceedings brought when someone has been denied a delayed birth certificate because the affidavit was unsatisfactory. For example, it specifies additional evidence that the court may require to prove the facts of the birth.

The bill also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2012

DELAYED BIRTH CERTIFICATES***Requests to DPH***

By law, any adult, or the guardian of a minor, without a birth certificate on file can request a delayed birth registration. The bill specifies that the procedures for requesting a delayed birth registration do not apply to birth certificates for minors less than one year old. It also makes a technical change by specifying that a minor's parent or legal guardian can make such a request.

The bill requires that requests for delayed birth certificates be

submitted to DPH, rather than to the registrar of vital statistics for the town where the birth occurred. Under current law, someone seeking a delayed birth certificate must, along with two other people with knowledge of the facts, make an affidavit under oath as to the matters the law requires for birth certificates. The bill requires that the two other people have first-hand knowledge of the facts relating to the birth, and that the affidavit be in the manner and form the DPH commissioner prescribes.

The bill also requires the person to submit to DPH documentary evidence of the name, date, and place of birth relating to the requested certificate. This evidence must be sufficient to allow DPH to determine that the birth occurred when and where the requestor alleges it did.

Under the bill, if DPH determines that the evidence is sufficient to determine the facts of the birth, DPH must prepare a birth certificate based on the evidence and affidavit. DPH must then send a copy to the registrars of the town (1) where the birth occurred and (2) where the minor's mother resided at the time of the birth. By contrast, under current law, the registrar prepares a birth certificate based on the information in the affidavit, and files the birth certificate, along with the affidavit, in the same manner as other birth certificates, which includes filing a copy with DPH.

Application to Probate Court

Under current law, if the person requesting the delayed birth certificate is unable to provide an affidavit that the town registrar finds satisfactory, the person can apply to probate court for an order requiring the registrar to prepare such a birth certificate. The bill instead allows someone to apply to probate court for such an order if unable to provide an affidavit and documentary evidence that DPH finds satisfactory.

The bill requires the court to give the person notice and a hearing when reviewing the evidence the person submitted to DPH. It allows the court to also require the person to submit additional evidence to

prove the facts of the birth, including (1) witness testimony or (2) a sample of the adult's or a parent's tissue or hair suitable for DNA analysis. The person requesting the delayed birth certificate must pay for any DNA analysis the court requires, unless the courts finds the person to be indigent; in which case, DPH must pay for the analysis. The bill specifies that the person seeking the court order has the burden of proving the facts of the birth by a preponderance of the evidence.

The bill allows, rather than requires, the court to issue an order directing the town registrar to issue a delayed birth certificate based on the facts. It specifies that the facts on which the certificate is based are those the court determined from the evidence presented.

The bill requires a registrar to make a record of such a birth after receiving a certified copy of the court order, rather than after issuing the certificate.

Contents of Delayed Birth Certificates

By law, delayed birth certificates must indicate the date of the delayed registration. Current law also requires the record of birth to refer to the certificate and the affidavit or court order. The bill instead requires delayed birth certificates to also indicate:

1. the name, sex, date and place of birth, and any other identifying information the DPH commissioner prescribes, as such facts have been determined based on the evidence presented to DPH or the court and
2. when a court order determined the facts of birth, a statement that the birth is registered pursuant to court order.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 25 Nay 0 (03/09/2012)