



General Assembly

February Session, 2012

**Raised Bill No. 5241**

LCO No. 955

\*00955 \_\_\_\_\_ PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***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 Section 7-57 of the general statutes is repealed and the  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 affidavits 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 affidavits 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 Purpose:**

To clarify the requirements for obtaining a delayed birth certificate.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*