
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)