



General Assembly

January Session, 2021

Raised Bill No. 6549

LCO No. 3928



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

**AN ACT CONCERNING AMENDMENTS TO MARRIAGE
CERTIFICATES.**

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

1 Section 1. Subdivision (10) of section 7-36 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (10) "Amendment" means to (A) change or enter new information on
5 a certificate of birth, marriage, death or fetal death, more than one year
6 after the date of the vital event recorded in such certificate, in order to
7 accurately reflect the facts existing at the time of the recording of the
8 event, (B) create a replacement certificate of birth for matters pertaining
9 to parentage and gender change, [or] (C) create a replacement certificate
10 of marriage for matters pertaining to gender change, or (D) reflect a legal
11 name change in accordance with section 19a-42, as amended by this act,
12 or make a modification to a cause of death;

13 Sec. 2. Section 19a-42 of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2021*):

15 (a) To protect the integrity and accuracy of vital records, a certificate
16 registered under chapter 93 may be amended only in accordance with
17 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by
18 the Commissioner of Public Health pursuant to chapter 54 and uniform
19 procedures prescribed by the commissioner. Only the commissioner
20 may amend birth certificates to reflect changes concerning parentage, or
21 birth or marriage certificates to reflect changes concerning gender
22 change. Amendments related to parentage or gender change shall result
23 in the creation of a replacement certificate that supersedes the original,
24 and shall in no way reveal the original language changed by the
25 amendment. Any amendment to a vital record made by the registrar of
26 vital statistics of the town in which the vital event occurred or by the
27 commissioner shall be in accordance with such regulations and uniform
28 procedures.

29 (b) The commissioner and the registrar of vital statistics shall
30 maintain sufficient documentation, as prescribed by the commissioner,
31 to support amendments and shall ensure the confidentiality of such
32 documentation as required by law. The date of amendment and a
33 summary description of the evidence submitted in support of the
34 amendment shall be endorsed on or made part of the record and the
35 original certificate shall be marked "Amended", except for amendments
36 due to parentage or gender change. When the registrar of the town in
37 which the vital event occurred amends a certificate, such registrar shall,
38 within ten days of making such amendment, forward an amended
39 certificate to the commissioner and to any registrar having a copy of the
40 certificate. When the commissioner amends a birth certificate, including
41 changes due to parentage or gender, the commissioner shall forward an
42 amended certificate to the registrars of vital statistics affected and their
43 records shall be amended accordingly.

44 (c) An amended certificate shall supersede the original certificate that
45 has been changed and shall be marked "Amended", except for
46 amendments due to parentage or gender change. The original certificate
47 in the case of parentage or gender change shall be physically or
48 electronically sealed and kept in a confidential file by the department

49 and the registrar of any town in which the birth was recorded, and may
50 be unsealed for issuance only as provided in section 7-53 or upon a
51 written order of a court of competent jurisdiction. The amended
52 certificate shall become the official record.

53 (d) (1) Upon receipt of (A) an acknowledgment of paternity executed
54 in accordance with the provisions of subsection (a) of section 46b-172 by
55 both parents of a child born out of wedlock, or (B) a certified copy of an
56 order of a court of competent jurisdiction establishing the paternity of a
57 child born out of wedlock, the commissioner shall include on or amend,
58 as appropriate, such child's birth certificate to show such paternity if
59 paternity is not already shown on such birth certificate and to change
60 the name of the child under eighteen years of age if so indicated on the
61 acknowledgment of paternity form or within the certified court order as
62 part of the paternity action. If a person who is the subject of a voluntary
63 acknowledgment of paternity, as described in this subdivision, is
64 eighteen years of age or older, the commissioner shall obtain a notarized
65 affidavit from such person affirming that he or she agrees to the
66 commissioner's amendment of such person's birth certificate as such
67 amendment relates to the acknowledgment of paternity. The
68 commissioner shall amend the birth certificate for an adult child to
69 change his or her name only pursuant to a court order.

70 (2) If another father is listed on the birth certificate, the commissioner
71 shall not remove or replace the father's information unless presented
72 with a certified court order that meets the requirements specified in
73 section 7-50, or upon the proper filing of a rescission, in accordance with
74 the provisions of section 46b-172. The commissioner shall thereafter
75 amend such child's birth certificate to remove or change the father's
76 name and to change the name of the child, as requested at the time of
77 the filing of a rescission, in accordance with the provisions of section
78 46b-172. Birth certificates amended under this subsection shall not be
79 marked "Amended".

80 (e) When the parent or parents of a child request the amendment of
81 the child's birth certificate to reflect a new mother's name because the

82 name on the original certificate is fictitious, such parent or parents shall
83 obtain an order of a court of competent jurisdiction declaring the
84 putative mother to be the child's mother. Upon receipt of a certified copy
85 of such order, the department shall amend the child's birth certificate to
86 reflect the mother's true name.

87 (f) Upon receipt of a certified copy of an order of a court of competent
88 jurisdiction changing the name of a person born in this state and upon
89 request of such person or such person's parents, guardian, or legal
90 representative, the commissioner or the registrar of vital statistics of the
91 town in which the vital event occurred shall amend the birth certificate
92 to show the new name by a method prescribed by the department.

93 (g) When an applicant submits the documentation required by the
94 regulations to amend a vital record, the commissioner shall hold a
95 hearing, in accordance with chapter 54, if the commissioner has
96 reasonable cause to doubt the validity or adequacy of such
97 documentation.

98 (h) When an amendment under this section involves the changing of
99 existing language on a death certificate due to an error pertaining to the
100 cause of death, the death certificate shall be amended in such a manner
101 that the original language is still visible. A copy of the death certificate
102 shall be made. The original death certificate shall be sealed and kept in
103 a confidential file at the department and only the commissioner may
104 order it unsealed. The copy shall be amended in such a manner that the
105 language to be changed is no longer visible. The copy shall be a public
106 document.

107 (i) The commissioner shall issue a new birth certificate to reflect a
108 gender change upon receipt of the following documents submitted in
109 the form and manner prescribed by the commissioner: (1) A written
110 request from the applicant, signed under penalty of law, for a
111 replacement birth certificate to reflect that the applicant's gender differs
112 from the sex designated on the original birth certificate; (2) a notarized
113 affidavit by a physician licensed pursuant to chapter 370 or holding a

114 current license in good standing in another state, an advanced practice
115 registered nurse licensed pursuant to chapter 378 or holding a current
116 license in good standing in another state, or a psychologist licensed
117 pursuant to chapter 383 or holding a current license in good standing in
118 another state, stating that the applicant has undergone surgical,
119 hormonal or other treatment clinically appropriate for the applicant for
120 the purpose of gender transition; and (3) if an applicant is also
121 requesting a change of name listed on the original birth certificate, proof
122 of a legal name change. The new birth certificate shall reflect the new
123 gender identity by way of a change in the sex designation on the original
124 birth certificate and, if applicable, the legal name change.

125 (j) The commissioner shall issue a new marriage certificate to reflect
126 a gender change upon receipt of the following documents submitted in
127 the form and manner prescribed by the commissioner: (1) A written
128 request from the applicant, signed under penalty of law, for a
129 replacement marriage certificate to reflect that the applicant's gender
130 differs from the sex designated on the original marriage certificate,
131 along with an affirmation that the marriage is still legally intact; (2) a
132 notarized statement from the spouse named on the marriage certificate
133 to be amended, consenting to the amendment; (3) a notarized affidavit
134 by a physician licensed pursuant to chapter 370 or holding a current
135 license in good standing in another state, an advanced practice
136 registered nurse licensed pursuant to chapter 378 or holding a current
137 license in good standing in another state, or a psychologist licensed
138 pursuant to chapter 383 or holding a current license in good standing in
139 another state, stating that the applicant has undergone surgical,
140 hormonal or other treatment clinically appropriate for the applicant for
141 the purpose of gender transition; and (4) if an applicant is also
142 requesting a change of name listed on the original marriage certificate,
143 proof of a legal name change. The new marriage certificate shall reflect
144 the new gender identity by way of a change in the sex designation on
145 the original marriage certificate and, if applicable, the legal name
146 change.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	7-36(10)
Sec. 2	<i>October 1, 2021</i>	19a-42

Statement of Purpose:

To allow marriage certificates to be amended to reflect changes concerning gender.

[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.]