

Act No. 307
Public Acts of 1996
Approved by the Governor
June 20, 1996
Filed with the Secretary of State
June 20, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Geake, V. Smith, Gast, Steil, Emmons and Gougeon

ENROLLED SENATE BILL No. 751

AN ACT to amend sections 1104, 1106, 2805, 2824, 2831, 2832, 2882, and 21532 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," section 2824 as amended by Act No. 115 of the Public Acts of 1993, sections 2832 and 2882 as amended by Act No. 206 of the Public Acts of 1994, and section 21532 as amended by Act No. 6 of the Public Acts of 1996, being sections 333.1104, 333.1106, 333.2805, 333.2824, 333.2831, 333.2832, 333.2882, and 333.21532 of the Michigan Compiled Laws; and to add section 2640.

The People of the State of Michigan enact:

Section 1. Sections 1104, 1106, 2805, 2824, 2831, 2832, 2882, and 21532 of Act No. 368 of the Public Acts of 1978, section 2824 as amended by Act No. 115 of the Public Acts of 1993, sections 2832 and 2882 as amended by Act No. 206 of the Public Acts of 1994, and section 21532 as amended by Act No. 6 of the Public Acts of 1996, being sections 333.1104, 333.1106, 333.2805, 333.2824, 333.2831, 333.2832, 333.2882, and 333.21532 of the Michigan Compiled Laws, are amended and section 2640 is added to read as follows:

Sec. 1104. (1) "Acknowledgment of parentage" means an acknowledgment executed as provided in the acknowledgment of parentage act.

(2) "Administrative procedures act of 1969" means Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, or a successor act.

(3) "Adult" means an individual 18 years of age or older.

(4) "Code" means the public health code.

(5) "Department", except as provided in article 15, means the state department of community health.

(6) "Director", except as provided in article 15, means the state director of community health.

(7) "Governmental entity" means a government, governmental subdivision or agency, or public corporation.

Sec. 1106. (1) "Parentage registry" means the department's compilation of data concerning children's parentage, which data the department receives from any source, including, but not limited to, receipt of copies of orders of filiation from the circuit court and acknowledgments of paternity or parentage under this act, under section 111 of the revised probate code, Act No. 642 of the Public Acts of 1978, being section 700.111 of the Michigan Compiled Laws, or under the acknowledgment of parentage act.

(2) "Person" means an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity. It does not include a governmental entity unless specifically provided.

Sec. 2640. The department shall give prompt access to the parentage registry to the family independence agency or its agent for the purpose of the family independence agency's duty to aid in the establishment or enforcement of child support obligations. The family independence agency or its agent may use or disclose the information from the parentage registry in carrying out that duty.

Sec. 2805. (1) "State registrar" means the official appointed under section 2813 or his or her authorized representative.

(2) "System of vital statistics" means the collection, certification, compilation, amendment, coordination, and preservation of vital records, including the tabulation, analysis, and publication of vital statistics.

(3) "Vital record" means a certificate or registration of birth, death, marriage, or divorce; an acknowledgment of parentage; or related data.

(4) "Vital statistics" means data derived from vital records and related reports.

Sec. 2824. (1) The name of the husband at the time of conception or, if none, the husband at birth shall be registered as the father of the child. The surname of the child shall be registered as designated by the child's parents.

(2) If the child's mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and without the completion, and filing with the state registrar, of an acknowledgment of parentage by the mother and the individual to be named as the father. The acknowledgment of parentage shall be completed in the manner provided in the acknowledgment of parentage act. For a certificate of birth completed under this subsection and upon the written request of both parents, the surname of the child shall be designated by the child's parents.

(3) If the name of the child's father cannot be shown under subsection (1) or (2), the child shall be given the surname designated by the mother.

(4) If the paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate of birth as found and ordered by the court. The surname of the child shall be entered on the certificate of birth as designated by the child's mother.

(5) If the child's father is not named on the birth registration, no other information about the father shall be entered on the registration.

(6) A child conceived by a married woman with consent of her husband following the utilization of assisted reproductive technology is considered to be the legitimate child of the husband and wife.

(7) After May 30, 1979, a birth certificate shall not contain a reference to the legitimacy or illegitimacy of a child.

Sec. 2831. The state registrar shall establish a new certificate of birth for an individual born in this state when the registrar receives the following:

(a) A report of adoption as provided in section 2829, a report of adoption prepared and filed under the laws of another state or foreign country, or a certified copy of the adoption order, together with the information necessary to identify the original certificate of birth and to establish a new certificate of live birth. However, a new certificate of live birth shall not be established if so requested by the court ordering the adoption; the adopting parent; or the adoptee, if the adoptee is an adult.

(b) A request that a new certificate be established and the evidence required by the department proving that the individual's paternity has been established.

(c) A request that a new certificate be established to show a sex designation other than that designated at birth. The request shall be accompanied by an affidavit of a physician certifying that sex-reassignment surgery has been performed.

Sec. 2832. (1) When a new certificate of live birth is established, the actual place and date of birth shall be shown. The new certificate shall be substituted for the original certificate of live birth. Thereafter, the original certificate and the evidence of adoption or sex designation are not subject to inspection except as otherwise provided in section 2882(2) or (3) or upon a court order. Evidence in support of other birth record changes is subject to inspection as provided in sections 2882 and 2883.

(2) Upon receipt of notice of annulment of adoption or a copy of an order of rescission, the original certificate of live birth shall be restored to its place in the files. The certificate created under subsection (1) is not subject to inspection except upon a court order.

(3) If a certificate of live birth is not on file for the individual for whom a new live birth certificate is to be established under section 2831, a new live birth certificate may be prepared on the delayed birth certificate form in use at the time of adoption, legitimation, or paternity determination.

(4) When a new certificate of live birth is established by the state registrar, all copies of the original certificate of birth in the custody of a custodian of permanent records in this state shall be sealed from inspection or forwarded to the state registrar, as the state registrar directs.

Sec. 2882. (1) Except as otherwise provided in section 2890, upon written request and payment of the prescribed fee, the state registrar or local registrar shall issue the appropriate 1 of the following:

(a) A certified copy of a live birth record, a certificate of registration containing the items indicated in section 2881(2), or a certified copy of documentary evidence on file in the office of the state registrar that is not sealed under section 2832 and that served as the basis for a change of a live birth record to the individual who is the subject of the live birth record, a parent named in the birth record, an heir, a legal representative or legal guardian of the individual who is the subject of the live birth record, or a court of competent jurisdiction.

(b) A certified copy of a death record, including the cause of death, to any applicant.

(c) A certified copy of a marriage or divorce record to any applicant, except as provided by rule.

(d) A certified copy of a fetal death record that was filed before September 30, 1978, to any applicant.

(e) A certified copy of an acknowledgment of parentage that was filed after January 1, 1997, to any applicant.

(2) Upon written request of an adult who has been adopted and payment of the prescribed fee, the state registrar shall issue to that individual a copy of his or her original certificate of live birth, if the written request identifies the name of the adult adoptee and is accompanied by a copy of a central adoption registry clearance reply form that was completed by the family independence agency and delivered to that individual as required by section 68(9) of the Michigan adoption code, chapter X of Act No. 288 of the Public Acts of 1939, being section 710.68 of the Michigan Compiled Laws.

(3) Upon written request of a confidential intermediary appointed under section 68b of chapter X of Act No. 288 of the Public Acts of 1939, being section 710.68b of the Michigan Compiled Laws, presentation of a certified copy of the order of appointment, identification of the name of the adult adoptee, and payment of the required fee, the state registrar shall issue to the confidential intermediary a copy of the original certificate of live birth of the adult adoptee on whose behalf the intermediary was appointed.

(4) A copy of the original certificate of live birth provided under subsection (2) or (3) shall have the following phrase marked on the face of the copy: "This document is a copy of a sealed record and is not the active birth certificate of the individual whose name appears on this document".

Sec. 21532. (1) A hospital shall provide to an unmarried mother of a live child born in that hospital an acknowledgment of parentage form that can be completed by the child's mother and father to acknowledge paternity of the child as provided in the acknowledgment of parentage act. The hospital shall provide to the parents the information developed as required by subsection (2) on the purpose and completion of the form and on the rights and responsibilities of the parents. Execution of an acknowledgment of parentage as provided in the acknowledgment of parentage act establishes the child's legal paternity. The hospital shall forward a completed acknowledgment of parentage to the state register for recording.

(2) The department shall develop and distribute free of charge to hospitals the acknowledgment of parentage form, the information on the purpose and completion of the form, and the information on the rights and responsibilities of the parents. The hospital shall provide assistance and training to hospital staff assigned responsibility for obtaining the forms, as appropriate. The acknowledgment of parentage form and information shall clearly state that completion of the form is voluntary on the part of the mother and father, and shall include all of the notices as provided in section 7 of the acknowledgment of parentage act. The hospital shall provide each parent with a copy of the completed form.

(3) A hospital is immune from civil or criminal liability for providing the form required by this section, the information developed as required by this section, or otherwise fulfilling its duties under this section.

Section 2. Sections 1104, 2805, 2824, 2831, 2832, 2882, and 21532 of Act No. 368 of the Public Acts of 1978, as amended by this amendatory act, shall take effect June 1, 1997.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 749 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.