



# SENATE BILL No. 751

November 7, 1995, Introduced by Senators GEAKE, V. SMITH, GAST, STEIL, EMMONS and GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 1104, 2805, 2824, 2831, 2832, 2882, and 21532 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

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 added by Act No. 116 of the Public Acts of 1993, being sections 333.1104, 333.2805, 333.2824, 333.2831, 333.2832, 333.2882, and 333.21532 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1104, 2805, 2824, 2831, 2832, 2882, and  
2 21532 of Act No. 368 of the Public Acts of 1978, section 2824 as  
3 amended by Act No. 115 of the Public Acts of 1993, sections 2832  
4 and 2882 as amended by Act No. 206 of the Public Acts of 1994,

1 and section 21532 as added by Act No. 116 of the Public Acts of  
2 1993, being sections 333.1104, 333.2805, 333.2824, 333.2831,  
3 333.2832, 333.2882, and 333.21532 of the Michigan Compiled Laws,  
4 are amended to read as follows:

5       Sec. 1104. (1) "ACKNOWLEDGMENT OF PARENTAGE" MEANS AN  
6 ACKNOWLEDGMENT EXECUTED AS PROVIDED IN THE ACKNOWLEDGMENT OF PAR-  
7 ENTAGE ACT.

8       (2) ~~(1)~~ "Administrative procedures act of 1969" means Act  
9 No. 306 of the Public Acts of 1969, ~~as amended,~~ being sections  
10 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws, or a  
11 successor act.

12       (3) ~~(2)~~ "Adult" means an individual 18 years of age or  
13 older.

14       (4) ~~(3)~~ "Code" means the public health code.

15       (5) ~~(4)~~ "Department", except as provided in article 15,  
16 means the state department of public health.

17       (6) ~~(5)~~ "Director", except as provided in article 15,  
18 means the state director of public health.

19       (7) ~~(6)~~ "Governmental entity" means a government, govern-  
20 mental subdivision or agency, or public corporation.

21       Sec. 2805. (1) "State registrar" means the official  
22 appointed ~~pursuant to~~ UNDER section 2813 or his or her autho-  
23 rized representative.

24       (2) "System of vital statistics" means the collection, cer-  
25 tification, compilation, amendment, coordination, and preserva-  
26 tion of vital records, including the tabulation, analysis, and  
27 publication of vital statistics.

1 (3) "Vital record" means a certificate or registration of  
 2 birth, death, marriage, OR divorce; ~~—~~ AN ACKNOWLEDGMENT OF  
 3 PARENTAGE; or related data.

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

6 Sec. 2824. (1) The name of the husband at the time of con-  
 7 ception or, if none, the husband at birth shall be registered as  
 8 the father of the child. The surname of the child shall be reg-  
 9 istered as designated by the child's parents.

10 (2) If the child's mother was not married at the time of  
 11 conception or birth, the name of the father shall not be entered  
 12 on the certificate of birth without the written consent of the  
 13 mother and without the completion, and filing ~~in the probate~~  
 14 ~~court~~ WITH THE STATE REGISTRAR, of an acknowledgment of  
 15 ~~paternity~~ PARENTAGE by the mother and the individual to be  
 16 named as the father. The acknowledgment of ~~paternity~~ PARENTAGE  
 17 shall be completed in the manner provided in ~~section 111(4)(a)~~  
 18 ~~of the revised probate code, Act No. 642 of the Public Acts of~~  
 19 ~~1970, being section 700.111 of the Michigan Compiled Laws, and,~~  
 20 ~~upon filing, has the same effect as an acknowledgment of pater-~~  
 21 ~~nity filed under section 111 of Act No. 642 of the Public Acts of~~  
 22 ~~1970~~ THE ACKNOWLEDGMENT OF PARENTAGE ACT. For a certificate of  
 23 birth completed under this subsection and upon the written  
 24 request of both parents, the surname of the child shall be desig-  
 25 nated by the child's parents.

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

4 (4) If the paternity of a child is determined by a court of  
5 competent jurisdiction, the name of the father shall be entered  
6 on the certificate of birth ~~pursuant to the finding and order~~  
7 ~~of~~ AS FOUND AND ORDERED BY the court. The surname of the child  
8 shall be entered on the certificate of birth ~~pursuant to the~~  
9 ~~designation of~~ AS DESIGNATED BY the child's mother.

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

13 (6) A child ~~born to~~ CONCEIVED BY a married woman ~~as a~~  
14 ~~result of artificial insemination,~~ with consent of her husband  
15 ~~,~~ FOLLOWING THE UTILIZATION OF ASSISTED REPRODUCTIVE TECHNOLOGY  
16 is considered to be the legitimate child of the husband and  
17 wife.

18 (7) After May 30, 1979, a birth certificate shall not con-  
19 tain a reference to the legitimacy or illegitimacy of a child.

20 Sec. 2831. The state registrar shall establish a new cer-  
21 tificate of birth for an individual born in this state when the  
22 registrar receives the following:

23 (a) A report of adoption as provided in section 2829, a  
24 report of adoption prepared and filed ~~in accordance with~~ UNDER  
25 the laws of another state or foreign country, or a certified copy  
26 of the adoption order, together with the information necessary to  
27 identify the original certificate of birth and to establish a new

1 certificate of live birth. However, a new certificate of live  
2 birth shall not be established if so requested by the court  
3 ordering the adoption; the adopting parent; or ~~the~~ the adoptee,  
4 if the adoptee is an adult.

5 (b) A request that a new certificate be established and the  
6 evidence required by the department proving that the ~~individual~~  
7 ~~has been legitimated or a court determination of the~~  
8 individual's paternity has been ~~made~~ ESTABLISHED.

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

13 Sec. 2832. (1) When a new certificate of live birth is  
14 established, the actual place and date of birth shall be shown.  
15 The new certificate shall be substituted for the original certifi-  
16 cate of live birth. Thereafter, the original certificate and  
17 the evidence of adoption ~~, paternity, legitimation,~~ or sex des-  
18 ignation are not subject to inspection except as otherwise pro-  
19 vided in section 2882(2) or (3) or upon a court order. EVIDENCE  
20 IN SUPPORT OF OTHER BIRTH RECORD CHANGES IS SUBJECT TO INSPECTION  
21 AS PROVIDED IN SECTIONS 2882 AND 2883.

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

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

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

11 Sec. 2882. (1) Except as otherwise provided in  
12 section 2890, upon written request and payment of the prescribed  
13 fee, the state registrar or local registrar shall issue THE  
14 APPROPRIATE 1 OF THE FOLLOWING:

15 (a) A certified copy of a live birth record, ~~or~~ a certifi-  
16 cate of registration containing the items indicated in section  
17 2881(2), OR A CERTIFIED COPY OF DOCUMENTARY EVIDENCE ON FILE IN  
18 THE OFFICE OF THE STATE REGISTRAR THAT IS NOT SEALED UNDER SEC-  
19 TION 2832 AND THAT SERVED AS THE BASIS FOR A CHANGE OF A LIVE  
20 BIRTH RECORD to the individual who is the subject of the live  
21 birth record, a parent named in the birth record, an heir, A  
22 legal representative ~~—~~ or legal guardian of the individual who  
23 is the subject of the live birth record, or a court of competent  
24 jurisdiction.

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

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

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

5 (2) Upon written request of an adult who has been adopted  
6 and payment of the prescribed fee, the state registrar shall  
7 issue to that individual a copy of his or her original certifi-  
8 cate of live birth, if the written request identifies the name of  
9 the adult adoptee and is accompanied by a copy of a central adop-  
10 tion registry clearance reply form that was completed by the  
11 department of social services and delivered to that individual  
12 ~~pursuant to~~ AS REQUIRED BY section 68(9) of the Michigan adop-  
13 tion code, chapter X of Act No. 288 of the Public Acts of 1939,  
14 being section 710.68 of the Michigan Compiled Laws.

15 (3) Upon written request of a confidential intermediary  
16 appointed ~~pursuant to~~ UNDER section 68b of chapter X of Act No.  
17 288 of the Public Acts of 1939, being section 710.68b of the  
18 Michigan Compiled Laws, presentation of a certified copy of the  
19 order of appointment, identification of the name of the adult  
20 adoptee, and payment of the required fee, the state registrar  
21 shall issue to the confidential intermediary a copy of the origi-  
22 nal certificate of live birth of the adult adoptee on whose  
23 behalf the intermediary was appointed.

24 (4) A copy of the original certificate of live birth pro-  
25 vided under subsection (2) or (3) shall have the following phrase  
26 marked on the face of the copy: "This document is a copy of a

1 sealed record and is not the active birth certificate of the  
2 individual whose name appears on this document".

3       Sec. 21532. (1) A hospital shall provide to an unmarried  
4 mother of a live child born in that hospital ~~a~~ AN ACKNOWLEDG-  
5 MENT OF PARENTAGE form that can be completed by the child's  
6 mother and father to acknowledge paternity of the child as pro-  
7 vided in ~~section 111(4)(a) of the revised probate code, Act~~  
8 ~~No. 642 of the Public Acts of 1978, being section 700.111 of the~~  
9 ~~Michigan Compiled Laws~~ THE ACKNOWLEDGMENT OF PARENTAGE ACT. The  
10 hospital shall provide TO THE PARENTS the information developed  
11 ~~pursuant to~~ AS REQUIRED BY subsection (2) on the purpose and  
12 completion of the form and on the rights and responsibilities of  
13 the parents. EXECUTION OF AN ACKNOWLEDGMENT OF PARENTAGE AS PRO-  
14 VIDED IN THE ACKNOWLEDGMENT OF PARENTAGE ACT ESTABLISHES THE  
15 CHILD'S LEGAL PATERNITY. The hospital shall ~~do both of the~~  
16 ~~following:~~ (a) ~~File the~~ FORWARD A completed acknowledgment of  
17 ~~paternity with the probate court of the mother's county of~~  
18 ~~residence~~ PARENTAGE TO THE STATE REGISTRAR for recording. ~~Upon~~  
19 ~~filing with the probate court, the acknowledgment establishes~~  
20 ~~legal paternity as provided in section 111 of Act No. 642 of the~~  
21 ~~Public Acts of 1978.~~

22       ~~(b) Provide the department with a copy of the completed~~  
23 ~~acknowledgment of paternity.~~

24       (2) The department shall develop and distribute free of  
25 charge to hospitals the acknowledgment of ~~paternity~~ PARENTAGE  
26 form, the information on the purpose and completion of the form,  
27 and the information on the rights and responsibilities of the



1 parents. ~~, and~~ THE HOSPITAL shall provide assistance and  
 2 training to hospital staff assigned responsibility for ~~providing~~  
 3 ~~the information~~ OBTAINING THE FORMS, as appropriate. The  
 4 acknowledgment of ~~paternity~~ PARENTAGE form and information  
 5 shall clearly state that completion of the form is voluntary on  
 6 the part of the mother and father. ~~Information on the rights~~  
 7 ~~and responsibilities of parents shall include at least all of the~~  
 8 following:

9 ~~(a) The parents' right to assert a claim for visitation or~~  
 10 ~~custody after acknowledgment of paternity.~~

11 ~~(b) The parents' right to notice and a hearing regarding the~~  
 12 ~~adoption of the child after acknowledgment of paternity.~~

13 ~~(c) The parents' responsibility for compliance with a child~~  
 14 ~~support order if such an order is issued after acknowledgment of~~  
 15 ~~paternity.~~

16 (3) A hospital is immune from civil or criminal liability  
 17 for providing the form required by this section, the information  
 18 developed ~~pursuant to~~ AS REQUIRED BY this section, or otherwise  
 19 fulfilling its duties ~~pursuant to~~ UNDER this section.

20 Section 2. This amendatory act shall not take effect unless  
 21 Senate Bill No. 749

22 of the 88th Legislature is enacted into law.

23 Section 3. This amendatory act shall take effect October 1,  
 24 1996.