

(p.499) 3-9-94 House - Human Res.
(P.927) 3/28/94 House - Human Res.
(P.1297) 4-8-94 - Motion to R/C W/H-5720
FILED FEB 9 1994 - motion book

SENATE FILE 2108
BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN

(SUCCESSOR TO SSB 2071)

Passed Senate, Date 3/8/94 (p.572)

(P.1295)
Passed House, Date 4-8-94

Vote: Ayes 50 Nays 0

Vote: Ayes 96 Nays 0

Approved _____

A BILL FOR

1 An Act relating to vital statistics information relating to
2 births based upon the marital status of the parents of a
3 child.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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WITHDRAWN
4-15-94
(P.1294)

SF 2108

1 Section 1. Section 144.13, subsection 1, paragraphs d and
2 e, Code Supplement 1993, are amended to read as follows:

3 ~~d. In the case of a child born out of wedlock, the~~
4 ~~certificate shall be filed directly with the state registrar.~~
5 On a monthly basis, the state county registrar shall transmit
6 make available to the appropriate county local boards of
7 health such information from birth certificates for the sole
8 purpose of identifying those children in need of inoculations.

9 e. ~~In the case of a child born out of wedlock, if an~~
10 affidavit of paternity is obtained directly from the county
11 registrar and is filed pursuant to section 252A.3A shall be
12 filed directly with, subsection 4, the county registrar shall
13 forward a copy of the affidavit to the state registrar.

14 Sec. 2. Section 144.43, subsection 1, Code 1993, is
15 amended to read as follows:

16 1. A record of birth ~~if that birth did not occur out of~~
17 ~~wedlock.~~

18 Sec. 3. Section 144.44, Code 1993, is amended to read as
19 follows:

20 144.44 PERMITS FOR RESEARCH.

21 The department may permit access to vital statistics by
22 professional genealogists and historians, and may authorize
23 the disclosure of data contained in vital statistics records
24 when deemed essential for bona fide research purposes which
25 are not for private gain. ~~Information in vital statistics~~
26 ~~records indicating that a birth occurred out of wedlock shall~~
27 ~~not be disclosed except as provided by regulation or upon~~
28 ~~order of a district court.~~

29 Sec. 4. Section 252A.3A, subsection 4, Code Supplement
30 1993, is amended to read as follows:

31 4. The mother and the individual admitting paternity of a
32 child born out of wedlock may directly obtain an affidavit of
33 paternity from the Iowa department of public health, or the
34 child support recovery unit, or the county registrar and
35 complete and file the affidavit of paternity with the state or

1 county registrar, as appropriate, without utilizing the
2 services of an institution, provided that all other
3 requirements under this section are met. If the affidavit is
4 filed with the county registrar, the county registrar shall
5 forward the affidavit to the state registrar. Upon the
6 request for an affidavit of paternity from the Iowa department
7 of public health or child support recovery unit, the Iowa
8 department of public health or child support recovery unit
9 shall also make available the information provided pursuant to
10 subsection 1.

11

EXPLANATION

12 This bill provides that birth certificates of children born
13 out of wedlock are filed in the same way as all other birth
14 certificates, with the county registrar unless an affidavit of
15 paternity is obtained directly from and filed with the county
16 registrar. The bill provides for conforming provisions
17 related to vital statistics records which distinguish between
18 births depending upon the marital status of the parents and
19 related to the establishment of paternity by affidavit.

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SENATE FILE 2108

H-5720

1 Amend Senate File 2108, as passed by the Senate as
2 follows:

3 1. Page 1, by striking line 13 and inserting the
4 following: "forward the original affidavit to the
5 state registrar."

6 2. Page 1, line 28, by inserting after the word
7 "court-" the following: "The department shall adopt
8 rules which establish the parameters for access to and
9 authorized disclosure of vital statistics and data
10 contained in vital statistics records relating to
11 birth and adoption records under this section."

12 3. Page 1, by inserting before line 29 the
13 following:

14 "Sec. ____ . Section 252A.3, subsection 9, paragraph
15 b, Code Supplement 1993, is amended to read as
16 follows:

17 b. By the statement of the person-admitting
18 paternity putative father in court and upon
19 concurrence of the mother. If the mother was married,
20 at the time of birth or conception of the child, to an
21 individual other than the person-admitting-paternity
22 putative father, the individual to whom the mother was
23 married at the time of birth or conception must deny
24 paternity in order to establish the paternity of the
25 person-admitting-paternity putative father upon the
26 sole basis of the admission.

27 Sec. ____ . Section 252A.3A, subsection 1,
28 unnumbered paragraph 1, Code Supplement 1993, is
29 amended to read as follows:

30 Upon the birth of a child to a woman who was
31 unmarried at the time of birth and conception of the
32 child, the institution where the birth occurred shall
33 provide the mother and the ~~individual-alleged-to-be~~
34 the putative father all of the following:

35 Sec. ____ . Section 252A.3A, subsection 2,
36 unnumbered paragraph 1, Code Supplement 1993, is
37 amended to read as follows:

38 An institution may either voluntarily, or under an
39 agreement with the child support recovery unit, assist
40 the mother and the ~~individual-alleged-to-be-the~~
41 putative father in completing an affidavit of
42 paternity and submitting a completed affidavit of
43 paternity to the state registrar accompanied by a copy
44 of the birth certificate. A completed affidavit of
45 paternity shall contain or have attached all of the
46 following:

47 Sec. ____ . Section 252A.3A, subsection 2, paragraph
48 c, Code Supplement 1993, is amended to read as
49 follows:

50 c. A statement by the ~~individual-admitting~~

H-5720

H-5720

Page 2

1 paternity putative father that the individual is the
2 father of the child."

3 4. Page 1, line 31, by striking the words
4 "individual admitting paternity" and inserting the
5 following: "individual admitting-paternity putative
6 father".

7 5. Page 2, line 5, by inserting after the words
8 "forward the" the following: "original".

9 6. Title page, by striking lines 1 through 3 and
10 inserting the following: "An Act providing for
11 consistency in references to the parents of children
12 in the context of treatment of birth certificate and
13 affidavit of paternity information."

BY COMMITTEE ON HUMAN RESOURCES
BLASIER of Sioux, Chairperson

H-5720 FILED MARCH 28, 1994

Adopted 4-8-94

(P. 1294)

HOUSE AMENDMENT TO
SENATE FILE 2108

S-5555

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RECEIVED FROM THE HOUSE

S-5555 FILED APRIL 11, 1994

Kramer. Chair
Judge
Lloyd Jones

SSB-2071
Human Resources

SENATE/HOUSE FILE 2108
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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18 births depending upon the marital status of the parents and
19 related to the establishment of paternity by affidavit.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

22 This bill provides that the county and state registrars
23 would not discriminate on the basis of marital status when
24 filing birth certificates. Currently, county registrars are
25 not allowed to keep copies of birth certificates when the
26 mother is unwed. Current law allows for these birth
27 certificates to be transmitted by the state registrar to the
28 county board of health for the purposes of child inoculation.
29 This bill removes the codification of the stigma of out-of-
30 wedlock births, eliminates unnecessary encumbrances on the
31 county registrar, and allows for the expedient sharing of
32 birth certificate information with the boards of health at the
33 local level.

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