SENATE FILE 2004 BY McCOY

A BILL FOR

- 1 An Act relating to parentage information included on a birth
 2 certificate.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5211XS (3) 84 pf/nh

1 Section 1. Section 144.13, Code 2011, is amended to read as
2 follows:

3 144.13 Birth certificates.

4 1. Certificates of births shall be filed as follows:

5 *a.* A certificate of birth for each live birth which occurs 6 in this state shall be filed as directed by the state registrar 7 within seven days after the birth and shall be registered by 8 the county registrar if it has been completed and filed in 9 accordance with this chapter.

b. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, shall obtain the personal data, prepare the certificate, and file the certificate as directed by the state registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth either by rsignature or as otherwise authorized by rule and provide the medical information required by the certificate within seven days after the birth.

c. When a birth occurs outside an institution and not en route to an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

24 (1) The physician in attendance at or immediately after the 25 birth.

26 (2) Any other person in attendance at or immediately after 27 the birth.

28 (3) The father or the mother A parent.

(4) The person in charge of the premises where the birth
30 occurred. The state registrar shall establish by rule the
31 evidence required to establish the facts of birth.

32 d. The state registrar may share information from birth
 33 certificates for the sole purpose of identifying those children
 34 in need of immunizations.

35 e. If an affidavit of paternity is obtained directly from

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LSB 5211XS (3) 84 pf/nh 1 the county registrar and is filed pursuant to section 252A.3A
2 the county registrar shall forward the original affidavit to
3 the state registrar.

4 2. If the birth mother was married at the time of 5 conception, birth, or at any time during the period between 6 conception and birth, the name of the husband birth mother's 7 spouse shall be entered on the certificate as the father other 8 parent of the child unless. However, if paternity has been 9 determined otherwise by a court of competent jurisdiction, in 10 which case the name of the father as determined by the court 11 shall be entered by the department as the other parent. If the birth mother was not married at the time of 12 3. 13 conception, birth, and at any time during the period between 14 conception and birth, the name of the father other parent 15 shall not be entered on the certificate of birth, unless. 16 However, if a determination of paternity has been made pursuant 17 to section 252A.3, in which case the name of the father as 18 established shall be entered by the department as the other If the father other parent is not named on the 19 parent. 20 certificate of birth, no other information about the father 21 other parent shall be entered on the certificate. 22 3A. The division shall provide birth certificate

23 <u>application forms that include a designation for each parent</u> 24 as mother, father, or parent.

25 4. The division shall make all of the following available to26 the child support recovery unit, upon request:

27 a. A copy of a child's birth certificate.

28 b. The social security numbers <u>number</u> of the mother and the 29 father each parent.

30 c. A copy of the affidavit of paternity if filed pursuant to 31 section 252A.3A and any subsequent recision form which rescinds 32 the affidavit.

d. Information, other than information for medical and
health use only, identified on a child's birth certificate or
on an affidavit of paternity filed pursuant to section 252A.3A.

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LSB 5211XS (3) 84 pf/nh The information may be provided as mutually agreed upon by the
 division and the child support recovery unit, including by
 automated exchange.

Sec. 2. TASK FORCE — ISSUES RELATIVE TO SPOUSES 4 5 AND PARENTS. The legislative council is requested to 6 establish an interim task force to review the legal rights 7 and responsibilities of spouses and parents including but 8 not limited to the determination of parentage, support of 9 dependents, property rights, access to the courts, inheritance, 10 health decisions, contract rights, workplace benefits, 11 insurance coverage, retirement benefits, and taxation, to 12 determine any necessary changes in law, rule, or practice 13 necessitated by recognition of changing familial patterns and 14 advances in reproductive technology. The task force shall 15 include representatives of the legal profession, the courts, 16 insurance, business and industry, labor, consumers, and others 17 with interest or expertise in this area. The task force shall 18 submit a report of recommendations concerning these issues and 19 recommendations for any necessary legislation to the general 20 assembly by December 31, 2012.

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EXPLANATION

This bill requires that if a birth mother was married at the time of conception, birth, or at any time during the period between conception and birth, the name of the birth mother's spouse shall be entered on the birth certificate as the other parent of the child. The bill provides, however, that if paternity has been determined otherwise by a court of competent jurisdiction, the name of the father as determined by the court shall be entered by the department as the other parent.

Additionally, if the birth mother was not married at the time al of conception, birth, and at any time during the period between conception and birth, the name of the other parent shall not be entered on the certificate of birth. The bill provides, however, that if a determination of paternity has been made, the name of the father as established shall be entered by the

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1 department as the other parent. If the other parent is not 2 named on the certificate of birth, no other information about 3 the other parent is to be entered on the certificate.

4 The bill also directs the division for records and 5 statistics within the department of public health to provide 6 birth certificate application forms that include a designation 7 for each parent as mother, father, or parent.

8 The bill also requests the legislative council to 9 establish an interim task force to review the legal rights 10 and responsibilities of spouses and parents to determine any 11 necessary changes in law, rule, or practice necessitated by 12 recognition of changing familial patterns and advances in 13 reproductive technology. The bill specifies the minimum 14 representation for the task force and directs the task force to 15 submit a report of recommendations concerning these issues and 16 recommendations for any necessary legislation to the general 17 assembly by December 31, 2012.

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