

FIRST REGULAR SESSION

HOUSE BILL NO. 793

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRILL.

1969L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 193.087 and 193.215, RSMo, and to enact in lieu thereof two new sections relating to acknowledgments of paternity.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 193.087 and 193.215, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 193.087 and 193.215, to read as follows:

2 193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a
2 birth occurs to an unmarried mother, whether in an institution or en route to an institution, the
3 person in charge of the institution or a designated representative shall:

4 (1) Provide a form or affidavit prescribed by the state registrar that may be completed
5 by the child's mother and father to voluntarily acknowledge paternity of the child pursuant to
6 section 193.215;

7 (2) File the form, when completed, along with the certificate required by this section.
8 **Such completed form for the voluntary acknowledgment of paternity shall be a public**
9 **record and upon request and payment of the fee established by rule by the department, a**
10 **copy of such voluntary acknowledgment of paternity shall be provided by the state**
11 **registrar; and**

12 (3) Provide oral and written notice to the affiant required by section 193.215.

13 2. Any institution, the person in charge or a designated representative shall be immune
14 from civil or criminal liability for providing the form or affidavit required by subsection 1 of this
15 section, the information developed pursuant to that subsection, or otherwise fulfilling the duties
16 required by subsection 1 of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. The family support division may contract with the department of health and senior
18 services to provide assistance and training to the hospital staff assigned responsibility for
19 providing the information, as appropriate, to carry out duties pursuant to this section. The family
20 support division shall develop and distribute free of charge the information on the rights and
21 responsibilities of parents that is required to be distributed pursuant to this section. The
22 department of health and senior services shall provide free of charge to hospitals the
23 acknowledgment of paternity affidavit, and instructions on the completion of the affidavit.

24 4. If no contract is developed with the department of health and senior services, then the
25 family support division shall provide the assistance and training activities to hospitals pursuant
26 to subsection 3 of this section.

27 5. Any affiant who intentionally misidentifies another person as a parent may be
28 prosecuted for perjury, pursuant to section 575.040, RSMo.

29 6. Due to lack of cooperation by public assistance recipients, the family support division
30 shall either suspend the entire public assistance cash grant, or remove the needs of the adult
31 recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to
32 federal law or regulations.

 193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325
2 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations
3 adopted by the department.

4 2. A certificate or report that is amended pursuant to this section shall be marked
5 "Amended" except as otherwise provided in this section. The date of amendment and a summary
6 description of the evidence submitted in support of the amendment shall be endorsed on or made
7 part of the record.

8 3. Upon receipt of a certified copy of an order of a court of competent jurisdiction
9 changing the name of a person born in this state and upon request of such person or such person's
10 parents, guardian, or legal representative, the state registrar shall amend the certificate of birth
11 to show the new name. The court order shall include such facts as are necessary to locate and
12 identify the certificate of birth of the person whose name is being changed.

13 4. When an applicant does not submit the minimum documentation required in the
14 regulations for amending a vital record or when the state registrar has reasonable cause to
15 question the validity or adequacy of the applicant's sworn statements or the documentary
16 evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital
17 record and shall advise the applicant of the reason for this action and the applicant's right of
18 appeal to a court of competent jurisdiction.

19 5. When a certificate or report is amended pursuant to this section, the state registrar
20 shall report the amendment to any other custodians of the vital record and their record shall be
21 amended accordingly.

22 6. Upon written request of both parents and receipt of a sworn acknowledgment of
23 paternity notarized and signed by both parents of a child born out of wedlock, the state registrar
24 shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form
25 shall be developed by the state registrar and shall include the minimum requirements prescribed
26 by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section
27 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the
28 surname of the child and such surname shall be changed on the birth record if the parents elect
29 to change the child's surname. The signature of the parents shall be notarized or the signature
30 shall be witnessed by at least two disinterested adults whose signatures and addresses shall be
31 plainly written thereon. The form shall be accompanied by oral notice, which may be provided
32 through the use of video or audio equipment, and written notice to the mother and putative father
33 of:

34 (1) The alternatives to, the legal consequences of, and the rights and responsibilities that
35 arise from signing the acknowledgment;

36 (2) The benefits of having the child's paternity established; and

37 (3) The availability of paternity establishment and child support enforcement services.

38 A rescission of acknowledgment form shall be filed with the bureau of vital records pursuant to
39 section 210.823, RSMo, to vacate the legal finding of paternity. The bureau shall file all
40 rescissions and forward a copy of each to the division of child support enforcement. The birth
41 record shall only be changed pursuant to this subsection upon an order of the court or the
42 division of child support enforcement.

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44 **The completed voluntary acknowledgment of paternity shall be a public record and upon**
45 **request and payment of the fee established by rule by the department, a copy of such**
46 **acknowledgment shall be provided by the state registrar.**

47 7. The department shall offer voluntary paternity establishment services.

48 8. Upon receipt of a certified copy of an order of a court of competent jurisdiction
49 changing the name of a person born in this state and upon request of such person or such person's
50 parents, guardian or legal representative, the state registrar shall amend the certificate of birth
51 to show the new name.

52 9. Upon receipt of a certified copy of an order of a court of competent jurisdiction
53 indicating the sex of an individual born in this state has been changed by surgical procedure and

54 that such individual's name has been changed, the certificate of birth of such individual shall be
55 amended.

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