

2014 -- H 7515 SUBSTITUTE A

LC004497/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HEALTH AND SAFETY - VITAL RECORDS

Introduced By: Representatives Shekarchi, Ackerman, and Edwards

Date Introduced: February 13, 2014

Referred To: House Judiciary

(Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-3-10, 23-3-13 and 23-3-23 of the General Laws in Chapter 23-3  
2 entitled "Vital Records" are hereby amended to read as follows:

3 **23-3-10. Birth registration.** -- (a) A certificate of birth for each live birth which occurs  
4 in this state shall be filed with the state registrar of vital records or as otherwise directed by the  
5 state registrar within four (4) days after that birth ~~and shall be registered by the local registrar if it~~  
6 ~~has been completed and filed in accordance with this section; provided, that when a birth occurs~~  
7 ~~on a moving conveyance a birth certificate shall be filed in the city or town in which the child~~  
8 ~~was first removed from the conveyance.~~

9 (b) When a birth occurs in an institution, the person in charge of the institution or his or  
10 her designated representative shall obtain the personal data, prepare the certificate, secure the  
11 signatures required by the certificate, and file it with the state registrar of vital records or as  
12 otherwise directed by the state registrar. The physician and/or midwife in attendance, or their  
13 authorized designee as defined in department regulations, shall certify to the facts of birth and  
14 provide the medical information required by the certificate within three (3) days after the birth.

15 (c) When a birth occurs outside an institution, the certificate shall be prepared and filed  
16 by one of the following in the indicated order of priority:

17 (1) The physician in attendance at or immediately after the birth, or in the absence of a  
18 physician;

19 (2) Any other person in attendance at or immediately after the birth, or in the absence of

1 any person in attendance at or immediately after the birth;

2 (3) The father, the mother, or, in the absence of the father and the inability of the mother,  
3 the person in charge of the premises where the birth occurred.

4 (4) When a birth occurs in a moving conveyance, the place of birth shall be that address  
5 in the city or town where the child is first removed from the conveyance.

6 (d) (1) If the mother was married either at the time of conception or birth, the name of  
7 the husband shall be entered on the certificate as the father of the child unless paternity has been  
8 determined otherwise by a court of competent jurisdiction, in which case the name of the father as  
9 determined by the court shall be entered.

10 (2) If the mother was not married either at the time of conception or birth, the child shall  
11 bear the mother's surname and the name of the father shall not be entered on the certificate of  
12 birth without the written consent of the mother and the person to be named as the father unless a  
13 determination of paternity has been made by a court of competent jurisdiction, in which case the  
14 name of the father as determined by the court shall be entered on the birth certificate.

15 (e) ~~Neither the~~ The state registrar ~~nor any local official~~ shall not decline to register  
16 and/or issue any birth certificate or certified copy of any birth certificate on the grounds that  
17 medical or health information collected for statistical purposes has not been supplied.

18 **23-3-13. Judicial procedure to establish facts of birth.** -- (a) If ~~a~~ any certificate of birth  
19 is rejected by the state registrar of vital records, including a delayed certificate of birth under the  
20 provisions of § 23-3-12 ~~is rejected under the provisions of section 23-3-12,~~ the applicant may, in  
21 the absence of an order from the family court, acknowledging or establishing paternity, or change  
22 in parentage through adoption, a petition ~~may be filed in~~ the superior court for an order  
23 establishing a record of the date and place of the birth and the parentage of the person whose birth  
24 is to be registered. The superior court shall have sole jurisdiction over proceedings relating to  
25 certificates of birth rejected by the state registrar of vital records.

26 (b) The petition shall allege:

27 (1) That the person for whom a ~~delayed~~ certificate of birth is sought was born in this  
28 state ~~or was adopted by residents of this state;~~

29 (2) That no record of birth of the person can be found in the office of the state or local  
30 custodian of birth records;

31 ~~(3) That diligent efforts by the petitioner have failed to obtain the evidence required in~~  
32 ~~accordance with section 23-3-12;~~

33 ~~(4)~~ (3) That the state registrar of vital records has refused to register a delayed certificate  
34 of birth; and

1           ~~(5)~~ (4) Other allegations as may be required.

2           (c) The petition shall be accompanied by ~~a statement of the registration official made in~~  
3 ~~accordance with section 23-3-12(d)(1) and~~ all documentary evidence which was submitted to the  
4 registration official in support of the registration. The petition shall be sworn to by the petitioner.

5           (d) The superior court shall fix a time and place for hearing the petition and shall give  
6 the ~~registration official who refused to register the petitioner's delayed certificate of birth~~ registrar  
7 of vital records ten (10) days notice of the hearing. The ~~official~~ registrar of vital records, or his or  
8 her authorized representative, may appear and testify in the proceeding.

9           (e) If the superior court from the evidence presented finds that the person for whom a  
10 delayed certificate of birth is sought was born in this state, it shall make findings as to the place  
11 and date of birth, parentage, and any other findings that the case may require and shall issue an  
12 order to establish a record of birth. The superior court may use a form prescribed and furnished  
13 by the state registrar of vital records. This order shall include the birth data to be registered, a  
14 description of the evidence presented in the manner prescribed by section 23-3-12, and the date of  
15 the superior court's action.

16           (f) The clerk of the superior court shall forward each order to establish a record of birth  
17 to the state registrar of vital records not later than the tenth (10th) day of the calendar month  
18 following the month in which it was entered. The order shall be registered by the state registrar of  
19 vital records and shall constitute the record of birth, from which copies may be issued in  
20 accordance with sections 23-3-24 and 23-3-25.

21           **23-3-23. Disclosure of records.** -- (a) To protect the integrity of vital ~~statistics~~ records, to  
22 insure their proper use, and to insure the efficient and proper administration of the vital records  
23 system, it shall be unlawful for any person to permit inspection of or to disclose information  
24 contained in vital ~~statistics~~ records, or to copy or issue a copy of all or part of any vital ~~statistics~~  
25 record except as authorized by regulation.

26           (b) The director of health may authorize under appropriate safeguards the disclosure of  
27 data contained in vital ~~statistics~~ records for research purposes.

28           (c) Information in vital ~~statistics~~ records indicating that a birth occurred out of wedlock  
29 shall not be disclosed except as provided by regulation, ~~or~~ upon order of a court of competent  
30 jurisdiction, or ~~in the case of persons born one hundred (100) years before the date of inspection~~  
31 until the record becomes a public record as defined by regulations.

32           (d) Appeals from decisions of the custodians of permanent local records refusing to  
33 disclose information, or to permit inspection of or copying of records, of persons born one  
34 hundred (100) years before the date of inspection, under the authority of this section and

1 regulation issued under this section, shall be made to the state registrar of vital records.  
2 Notwithstanding the provisions of this section, those records shall be open for research to any  
3 member of a legally incorporated genealogy society and those societies shall be permitted to  
4 incorporate statistics derived from those records in their publications, upon receipt of permission  
5 of the director of health; and provided, further, that ~~with the exception of attorneys at law, title~~  
6 ~~examiners and members of legally incorporated genealogical societies,~~ no person, except the  
7 person whose birth is recorded, ~~if over eighteen (18) years of age, or~~ his or her issue, parent or  
8 guardian ~~if a minor, or~~ , spouse, civil union and/or registered domestic partner, grandparent, or  
9 sibling; or attorneys at law, title examiners, or members of legally incorporated genealogical  
10 societies in the conduct of their official duties as defined in regulations shall have any access to or  
11 be permitted to examine the original or any copy of the birth certificate or birth record, of any  
12 person in the custody of any registrar of vital records or of the state department of health.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would make technical amendments, removing an obsolete reference to the local  
2 or municipal registry of birth records, and update the statute since births are now reported  
3 electronically. This act would allow a midwife, in addition to physicians, as well as designees to  
4 certify births to the department of health vital records registry. This act would require that the  
5 superior court hear petitions filed to certify births when an application, not limited to delayed  
6 applications as the law reads now, is rejected by the registrar of vital records. Also, this act would  
7 expand access to birth records to specifically designated family members.

8           This act would take effect upon passage.

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