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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **4857**

1.1 A bill for an act

1.2 relating to state government; modifying vital records provisions; amending

1.3 Minnesota Statutes 2022, sections 144.212, by adding a subdivision; 144.216,

1.4 subdivision 2, by adding subdivisions; 144.218, by adding a subdivision; 259.52,

1.5 subdivisions 2, 4; repealing Minnesota Statutes 2022, section 144.218, subdivision

1.6 3.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 144.212, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 5a. **Replacement.** "Replacement" means a completion, addition, removal, or

1.11 change made to certification items on a vital record after a vital event is registered and a

1.12 record is established that has no notation of a change on a certificate, and seals the prior

1.13 vital record.

1.14 Sec. 2. Minnesota Statutes 2022, section 144.216, subdivision 2, is amended to read:

1.15 Subd. 2. **Status of foundling reports.** A report registered under subdivision 1 shall

1.16 constitute the record of birth for the child. Information about the newborn shall be registered

1.17 by the state registrar in accordance with Minnesota Rules, part 4601.0600, subpart 4, item

1.18 C. If the child is identified and a record of birth is found or obtained, the report registered

1.19 under subdivision 1 shall be confidential pursuant to section 13.02, subdivision 3, and shall

1.20 not be disclosed except pursuant to court order.

2.1 Sec. 3. Minnesota Statutes 2022, section 144.216, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 3. **Reporting safe place newborns.** Hospitals that receive a newborn under section  
2.4 145.902 shall report the birth of the newborn to the Office of Vital Records within five days  
2.5 after receiving the newborn. Information about the newborn shall be registered by the state  
2.6 registrar in accordance with Minnesota Rules, part 4601.0600, subpart 4, item C.

2.7 Sec. 4. Minnesota Statutes 2022, section 144.216, is amended by adding a subdivision to  
2.8 read:

2.9 Subd. 4. **Status of safe place birth reports and registrations.** (a) Information about a  
2.10 safe place newborn registered under subdivision 3 shall constitute the record of birth for  
2.11 the child. The record shall be confidential pursuant to section 13.02, subdivision 3.  
2.12 Information on the birth record or a birth certificate issued from the birth record shall be  
2.13 disclosed only to the responsible social services agency or pursuant to a court order.

2.14 (b) Information about a safe place newborn registered under subdivision 3, shall constitute  
2.15 the record of birth for the child. If the safe place newborn was born in a hospital and it is  
2.16 known that a record of birth was registered, filed, or amended, the original birth record  
2.17 registered under section 144.215 shall be replaced pursuant to section 144.218, subdivision  
2.18 6.

2.19 Sec. 5. Minnesota Statutes 2022, section 144.218, is amended by adding a subdivision to  
2.20 read:

2.21 Subd. 6. **Safe place newborn; birth record.** If a safe place infant birth is registered  
2.22 pursuant to section 144.216, subdivision 4, paragraph (b), the state registrar shall issue a  
2.23 replacement birth record free of information which identifies a parent. The prior vital record  
2.24 shall be confidential pursuant to section 13.02, subdivision 3, and shall not be disclosed  
2.25 except pursuant to a court order.

2.26 Sec. 6. Minnesota Statutes 2022, section 259.52, subdivision 2, is amended to read:

2.27 **Subd. 2. Requirement to search registry before adoption petition can be granted;**  
2.28 **proof of search.** No petition for adoption may be granted unless the agency supervising  
2.29 the adoptive placement, the birth mother of the child, the putative father who registered or  
2.30 the legal father, or, in the case of a stepparent or relative adoption, the county agency  
2.31 responsible for the report required under section 259.53, subdivision 1, requests that the  
2.32 commissioner of health search the registry to determine whether a putative father is registered

3.1 in relation to a child who is or may be the subject of an adoption petition. The search required  
 3.2 by this subdivision must be conducted no sooner than 31 days following the birth of the  
 3.3 child. A search of the registry may be proven by the production of a certified copy of the  
 3.4 registration form or by a certified statement of the commissioner of health that after a search  
 3.5 no registration of a putative father in relation to a child who is or may be the subject of an  
 3.6 adoption petition could be located. The filing of a certified copy of an order from a juvenile  
 3.7 protection matter under chapter 260C containing a finding that certification of the requisite  
 3.8 search of the Minnesota Fathers' Adoption Registry was filed with the court in that matter  
 3.9 shall also constitute proof of search. Certification that the Minnesota Fathers' Adoption  
 3.10 Registry has been searched must be filed with the court prior to entry of any final order of  
 3.11 adoption. In addition to the search required by this subdivision, the agency supervising the  
 3.12 adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative  
 3.13 adoption, the social services agency responsible for the report under section 259.53,  
 3.14 subdivision 1, or the responsible social services agency that is a petitioner in a juvenile  
 3.15 protection matter under chapter 260C may request that the commissioner of health search  
 3.16 the registry at any time. Search requirements of this section do not apply when the responsible  
 3.17 social services agency is proceeding under Safe Place for Newborns, section 260C.139.

3.18 Sec. 7. Minnesota Statutes 2022, section 259.52, subdivision 4, is amended to read:

3.19 Subd. 4. **Classification of registry data.** (a) Data in the fathers' adoption registry,  
 3.20 including all data provided in requesting the search of the registry, are private data on  
 3.21 individuals, as defined in section 13.02, subdivision 2, and are nonpublic data with respect  
 3.22 to data not on individuals, as defined in section 13.02, subdivision 9. Data in the registry  
 3.23 may be released to:

3.24 (1) a person who is required to search the registry under subdivision 2, if the data relate  
 3.25 to the child who is or may be the subject of the adoption petition;

3.26 (2) the mother of the child listed on the putative father's registration form who the  
 3.27 commissioner of health is required to notify under subdivision 1, paragraph (c);

3.28 (3) the putative father who registered himself or the legal father;

3.29 (4) a public authority as provided in subdivision 3; or

3.30 ~~(4)~~ (5) an attorney who has signed an affidavit from the commissioner of health attesting  
 3.31 that the attorney represents the birth mother, the putative or legal father, or the prospective  
 3.32 adoptive parents.

4.1 (b) A person who receives data under this subdivision may use the data only for purposes  
4.2 authorized under this section or other law.

4.3 Sec. 8. **REPEALER.**

4.4 Minnesota Statutes 2022, section 144.218, subdivision 3, is repealed.

**144.218 REPLACEMENT BIRTH RECORDS.**

Subd. 3. **Subsequent marriage of birth parents.** If, in cases in which a record of birth has been registered pursuant to section 144.215 and the birth parents of the child marry after the birth of the child, a replacement record of birth shall be registered upon presentation of a certified copy of the marriage certificate of the birth parents, and either a recognition of parentage or court adjudication of paternity. The original record of birth is confidential, pursuant to section 13.02, subdivision 3, and shall not be disclosed except pursuant to court order.