

SENATE BILL 132

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 1 and Title 68, relative to birth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 1-3-105, is amended by adding the following language as a new, appropriately designated subdivision:

() "Birth certificate" and "certificate of birth" means:

(A) If issued by the office of vital records pursuant to § 68-3-301, an official certificate of birth;

(B) If issued by another state or territory of the United States, an official certificate of birth, which shall be treated by law as an official certificate of birth as defined in subdivision () (A); or

(C) If issued by any other entity, an unofficial certificate of live birth, which shall not be treated by law as an official certificate of birth as defined in subdivision () (A).

SECTION 2. Tennessee Code Annotated, Section 68-3-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Verification documentation" means the original of any of the following:

(A) A signed social security card;

(B) A permanent resident card or similar federal documentation that authorizes a natural person to work and live in the United States on a permanent basis;

(C) A Tennessee driver license; or

(D) A driver license from another state, provided that such other state requires at least the same level of proof of lawful presence in the United States before issuance of such driver license as is required for issuance of a Tennessee driver license.

SECTION 3. Tennessee Code Annotated, Section 68-3-301, is amended by deleting the section in its entirety and by substituting instead the following:

68-3-301.

(a) The data required for issuance of a certificate of birth shall be filed with the office of vital records for each live birth that occurs in this state, within ten (10) days after the birth, and a certificate of birth shall be issued if the requirements of this part, and any other requirements as determined by the state registrar, are met.

(b)

(1) Except as provided in subdivision (b)(2), before issuance of a certificate of birth by the office of vital records, the mother of the child shall provide her verification documentation and sign an attestation of the accuracy of any personal data that she provides.

(2) The mother of the child shall not have to provide her verification documentation if the father of the child:

(A) Provides his verification documentation;

(B) Signs an attestation of the accuracy of any personal data that he provides;

(C) Signs a sworn acknowledgement of paternity; and

(D) Signs a written agreement to provide financial support as required by law for such child until the child is eighteen (18) years of age.

(c) If the parent or legal guardian of a child fails to meet the requirements of subsection (b) within the ten-day period described in subsection (a), then the parent or legal guardian may apply for a delayed certificate of birth pursuant to § 68-3-308.

(d) The office of vital records is authorized to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in order to implement and administer this section.

SECTION 4. Tennessee Code Annotated, Section 68-3-302, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following language:

(a) When a birth occurs in an institution or en route to an institution, the person in charge of the institution, or that person's designated representative, shall obtain and compile the data required by the office of vital records for a certificate of birth, certify that the child was born alive at the place and time and on the date stated, either by signature or by an approved electronic process, and file the data in a manner prescribed by the office of vital records within the ten-day period described in § 68-3-301.

(b) The physician in attendance shall provide the medical information required by subsection (a) to the institution's designated representative within seventy-two (72) hours after the birth.

SECTION 5. Tennessee Code Annotated, Section 68-3-303, is amended by deleting the language "the certificate shall be prepared and filed" in its entirety and by substituting instead the language "the data required by the office of vital records for a certificate of birth shall be compiled and filed".

SECTION 6. Tennessee Code Annotated, Section 68-3-305(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(3) If a surname is not chosen by the parents within the ten-day period described in § 68-3-301, the father's surname shall be entered on the certificate as the surname of

the child. Within the ten-day period, the father may file and submit a sworn statement to the hospital that states that the parents do not agree on a surname, in which case the father's surname shall be entered on the certificate as the surname of the child.

SECTION 7. Tennessee Code Annotated, Section 68-3-305(a)(4), is amended by deleting the language "birth certificate" in its entirety and by substituting instead the word "certificate".

SECTION 8. Tennessee Code Annotated, Section 68-3-305(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(5) If, within the first year after the child's date of birth, the parents cannot mutually agree on a surname, either parent can submit a signed, sworn statement that acknowledges the disagreement, states the father was not available within the ten-day period described in § 68-3-301 to participate in the choice of his child's surname, and requesting that the name be changed to the father's surname, in which case the father's surname shall be entered on the amended certificate as the surname of the child.

SECTION 9. Tennessee Code Annotated, Section 68-3-307(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) If the child is subsequently identified and a certificate of birth is found, then:

(1) The report registered under this section shall not be subject to inspection, except upon order of a court of competent jurisdiction or as provided by regulation; and

(2) The report shall become void and the original certificate of birth shall remain the only valid certificate of birth.

SECTION 10. Tennessee Code Annotated, Section 68-3-308, is amended by adding the following language as a new, appropriately designated subsection:

(e) The office of vital records shall not issue a certificate of birth pursuant to this section unless the requirements of § 68-3-301(b) are met.

SECTION 11. Tennessee Code Annotated, Section 68-3-309, is amended by deleting subsections (e), (f) and (g), and by substituting instead the following language:

(e) If the court finds, from the evidence presented, that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage, and other findings the case may require, and shall issue an order to establish an unofficial file regarding the birth in the office of vital records. This order shall include the birth data to be included in the file, a description of the evidence presented, and the date of the court's action.

(f) The clerk of the court shall forward each order to the state registrar no later than forty (40) days from entry of the order. The state registrar shall comply with the requirements of the order as described in subsection (e).

(g)

(1) The order issued by the court shall only obligate the office of vital records to maintain the unofficial file described in subsection (e) and shall not require the office of vital records to issue a certificate of birth, delayed certificate of birth or other certificate unless the requirements of 68-3-301(b) are met.

(2) The office of vital records may disclose the information in the unofficial file pursuant to any applicable federal law.

SECTION 12. Tennessee Code Annotated, Title 68, Chapter 3, Part 2, is amended by adding the following language as a new, appropriately designated section:

68-3-210.

The office of vital records shall not issue any unofficial certificate of birth or otherwise disclose information in a manner inconsistent to § 68-3-309.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. For purposes of promulgating rules and regulations, this act shall take effect immediately, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to certificates of birth issued on or after July 1, 2011.