

Legislative Analysis



BIRTH REGISTRATIONS

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House Bill 5420 as enrolled

Public Act 567 of 2006

Sponsor: Rep. Bruce Caswell

House Committee: Health Policy

Senate Committee: Health Policy

First Analysis (1-24-07)

BRIEF SUMMARY: The bill would set birth registration protocols to be followed by the Department of Community Health in instances where a certificate of birth had not originally been registered due to a conflict of information regarding the name of the husband/father.

FISCAL IMPACT: The bill does not have any state fiscal implications.

THE APPARENT PROBLEM:

The Public Health Code requires that a record of a child's birth be filed at the office of the local registrar within five days after the birth. The name of the mother's husband at the time of conception must be registered as the child's father. If the woman has no husband at the time of conception, then her husband at the time of the child's birth must be registered as the child's father. That surname is the name then registered, as designated by the child's parents.

Generally, if a birth is not registered within the prescribed time period, a birth certificate may be filed following procedures established by Department of Community Health rules. Under those rules, a birth certificate registered one year or more after the date of birth is marked "delayed," and the date of the delayed registration shows on its face.

However, according to the Department of Community Health, a birth certificate cannot be filed if the child's mother is married at the time of conception or birth, but refuses to provide her husband's name as that of the child's father. This is the case, even if the department receives a birth certificate from the hospital where the child was born. Under these circumstances, the birth certificate is, in effect, put on hold until the matter is settled.

According to committee testimony, there are fewer than 100 such cases in Michigan. Further, the Department of Community Health has a process to resolve the problem that requires mothers to provide pertinent documentation (such as divorce decrees or marriage licenses) to the authorities. However, some mothers never provide the proper documentation, and the birth certificate is never registered.

Legislation has been introduced that would allow the department to register a certificate of birth when a child reached the age of 18 (the age of majority).

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to address cases where a certificate of birth was not originally registered due to a conflict of information regarding the name of the husband/father. Under the bill, a certificate of birth could be registered (1) upon the resolution of the conflict, or (2) upon the child reaching the age of 18. A certificate registered under this provision would be considered to have been filed and registered on the date the Department of Community Health originally received the birth information and would not be marked "delayed."

MCL 333.2827

ARGUMENTS:

For:

When a birth certificate cannot be filed because a child's mother refuses to provide her husband's name as that of the child's father, it can create problems for the child, especially as he or she grows older. For example, a birth certificate is necessary to get a Social Security card, apply for a passport, get a driver's license or state identification card, and (sometimes) register to vote, among other things. This bill would allow for the registration of a birth certificate when a child turned 18 years of age, if his or her mother had not provided the Department of Community Health with the proper documentation necessary to register the birth.

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