

CHAPTER 210

HEALTH

HOUSE BILL 93-1227

BY REPRESENTATIVES Morrison, Epps, Fleming, George, Gordon, Greenwood, Kreutz, Lyle, Reeves, Snyder, Sullivan, and Tanner;
also SENATOR Mares.

AN ACT

CONCERNING THE DETERMINATION OF PARENTAGE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-2-112 (1), (2), (3), (5), and (6), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 25-2-112 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

25-2-112. Certificates of birth - filing - establishment of paternity. (1) A certificate of birth for each live birth which occurs in this state shall be filed with the state registrar or as otherwise directed by the state registrar within ten days after such birth and shall be registered if it has been completed and filed in accordance with this section. When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in Colorado, the birth shall be registered in Colorado, and the place where the child is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international air space or in a foreign country or its air space and the child is first removed from the conveyance in Colorado, the birth shall be registered in this state but the certificate shall show the actual place of birth insofar as can be determined. Either of the parents of the child shall ~~sign the certificate to attest to~~ **VERIFY** the accuracy of the personal data entered thereon in time to permit its filing within such ten-day period.

(2) When a birth occurs in an institution, or upon order of any court with proper jurisdiction, the person in charge of the institution or ~~his~~ **SUCH PERSON'S** designated representative shall obtain the personal data, prepare the certificate, ~~secure the signatures required by the certificate~~ **CERTIFY THE AUTHENTICITY OF THE BIRTH**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REGISTRATION EITHER BY SIGNATURE OR BY AN APPROVED ELECTRONIC PROCESS, and file it with the state registrar or as otherwise directed by the state registrar within the required ten days; the physician in attendance shall provide the medical information required by the certificate within five days after the birth. When the birth occurs outside an institution, the certificate shall be prepared and filed by the physician in attendance at or immediately after birth, or in the absence of such a physician by any person witnessing the birth, or in the absence of any such witness by the father or mother, or in the absence of the father and the inability of the mother by the person in charge of the premises where the birth occurred. The person who completes and files the certificate shall also be responsible for obtaining the social security account numbers of the parents and delivering those numbers to the state registrar along with the certificate.

(2.7) FOR THE PURPOSES OF A BIRTH REGISTRATION, THE MOTHER IS DEEMED TO BE THE WOMAN WHO HAS GIVEN BIRTH TO THE CHILD, UNLESS OTHERWISE PROVIDED BY LAW OR DETERMINED BY A COURT OF COMPETENT JURISDICTION PRIOR TO THE FILING OF THE BIRTH CERTIFICATE. THE INFORMATION ABOUT THE FATHER SHALL BE ENTERED AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(3) (a) If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless:

(I) Paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as so determined shall be entered; OR

(II) THE MOTHER AND THE MOTHER'S HUSBAND EXECUTE JOINT OR SEPARATE AFFIDAVITS REFLECTING THE MOTHER'S AND THE HUSBAND'S SIGNATURES INDIVIDUALLY NOTARIZED AND ATTESTING THAT THE HUSBAND IS NOT THE FATHER OF THE CHILD, IN WHICH CASE, INFORMATION ABOUT THE FATHER SHALL BE OMITTED FROM THE CERTIFICATE; OR

(III) THE MOTHER EXECUTES AN AFFIDAVIT ATTESTING THAT THE HUSBAND IS NOT THE FATHER AND THAT THE PUTATIVE FATHER IS THE FATHER, THE PUTATIVE FATHER EXECUTES AN AFFIDAVIT ATTESTING THAT HE IS THE FATHER, AND THE HUSBAND EXECUTES AN AFFIDAVIT ATTESTING THAT HE IS NOT THE FATHER. SUCH AFFIDAVITS MAY BE JOINT OR INDIVIDUAL OR A COMBINATION THEREOF, AND EACH SIGNATURE SHALL BE INDIVIDUALLY NOTARIZED. IN SUCH EVENT, THE PUTATIVE FATHER SHALL BE SHOWN AS THE FATHER ON THE CERTIFICATE.

(b) If the mother was not married at the time of conception or birth, the name of the father shall be entered if, but only if, the mother and the person to be named as the father so request in writing on a form prescribed and furnished by the state registrar or if paternity has been determined by a court of competent jurisdiction, in which case the name of the father as so determined shall be entered.

(3.5) UPON THE BIRTH OF A CHILD TO AN UNMARRIED WOMAN IN AN INSTITUTION, THE PERSON IN CHARGE OF THE INSTITUTION OR THAT PERSON'S DESIGNATED REPRESENTATIVE SHALL PROVIDE AN OPPORTUNITY FOR THE CHILD'S MOTHER AND NATURAL FATHER TO COMPLETE AN AFFIDAVIT ACKNOWLEDGING PATERNITY ON THE FORM PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR.

~~(5) Each parent shall furnish the social security account number or numbers, if the parent has more than one such number, issued to that parent, and the other parent's social security account number, if known, at the time of the child's birth to the person authorized under this section to obtain them for the state registrar, unless the state, in accordance with federal regulations, finds good cause for not requiring the parent to furnish the number to the state.~~

~~(6) The department shall make social security account numbers furnished under this section available to the state agency responsible for enforcing child support under Title IV of the federal "Social Security Act" upon request of that agency. These numbers shall not be recorded on the birth certificate and may not be used for any purpose other than for the establishment and enforcement of child support orders.~~

SECTION 2. Part 1 of article 2 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-2-112.5. Social security account numbers - affidavits acknowledging paternity - to be furnished. (1) REGARDLESS OF THE MARITAL STATUS OF THE MOTHER, EACH PARENT SHALL FURNISH THE SOCIAL SECURITY ACCOUNT NUMBER OR NUMBERS, IF THE PARENT HAS MORE THAN ONE SUCH NUMBER, ISSUED TO THAT PARENT, AND THE OTHER PARENT'S SOCIAL SECURITY ACCOUNT NUMBER, IF KNOWN, AT THE TIME OF THE CHILD'S BIRTH TO THE PERSON AUTHORIZED UNDER SECTION 25-2-112 TO OBTAIN THEM FOR THE STATE REGISTRAR, UNLESS THE STATE, IN ACCORDANCE WITH FEDERAL REGULATIONS, FINDS GOOD CAUSE FOR NOT REQUIRING THE PARENT TO FURNISH SUCH NUMBERS TO THE STATE.

(2) THE DEPARTMENT OF HEALTH SHALL MAKE THE BIRTH CERTIFICATE, THE MOTHER'S AND FATHER'S SOCIAL SECURITY ACCOUNT NUMBERS, AND THE NOTARIZED AFFIDAVITS ACKNOWLEDGING PATERNITY FURNISHED UNDER THIS SECTION AND SECTION 25-2-112, AVAILABLE TO THE STATE AGENCY RESPONSIBLE FOR ENFORCING CHILD SUPPORT UNDER TITLE IV-D OF THE FEDERAL "SOCIAL SECURITY ACT" UPON REQUEST OF THAT AGENCY. THE SOCIAL SECURITY ACCOUNT NUMBERS SHALL NOT BE RECORDED ON THE BIRTH CERTIFICATE AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN FOR THE ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT ORDERS.

SECTION 3. 19-4-110, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-4-110. Parties. The child ~~shall~~ MAY be made a party to the action. If ~~he~~ THE CHILD is a minor, the court may appoint a guardian ad litem. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 19-4-105, and each man alleged to be the natural father shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health for allocation to the division of vital statistics and records, for the fiscal year beginning July 1, 1993, the sum of one thousand seven hundred twenty-six dollars (\$1,726), or so much thereof as may be

necessary, for the implementation of this act. Of said sum, five hundred eighty-seven dollars (\$587) shall be from cash funds, and one thousand one hundred thirty-nine dollars (\$1,139) shall be from federal funds.

SECTION 5. Effective date. Sections 3, 5, and 6 of this act shall take effect upon passage, and the remainder of this act shall take effect September 1, 1993.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 1993