

# MDH Vital Records Policy Bill

SF 4860

## Overview

This policy proposal contains four components to help provide clarity to the vital records process in Minnesota.

## Ensuring Timely Birth Registration for “Safe Place” Infants

To protect newborns, Minnesota allows birth parents to anonymously relinquish infants in identified safe places. However, current law doesn’t address how to establish a birth record for children surrendered under the Safe Place for Newborns statute. The lack of a birth record may delay adoption processes, and prompt a hurried, non-standardized process to collect data, register the birth, and issue a birth certificate. This will standardize that these births must also be registered within 5 days, consistent with all other Minnesota births. Closing this legal loophole would remove delays in the permanent placement of infants with their adoptive families. It would also standardize the process and prevent errors and duplication.

- Require surrendered newborns to be registered within five days of birth, consistent with other birth registrations in the state;
- Authorize replacement of any previously established record for the child, to prevent duplication and fraud;
- Waive the record replacement fee for “safe place” newborns.

## Clarifying How to Update Vital Records

Under the Minnesota Vital Records Act, the Minnesota Department of Health can correct, amend, or replace vital records. Corrections can happen soon after the birth or death before a certificate is issued. An amendment changes or completes information on the original record after a certificate has been issued. For adoptions, parentage adjudication, paternity establishment, or certain court orders, the original birth records are replaced. A replacement “seals” the underlying record and makes its information confidential. However, the term “replacement” is not defined in the relevant statute. Updating the statute language will provide clarity and specificity for the state program, the courts, and individuals. Judges will be able to use correct terminology when ordering changes to vital records.

- How changes to replaced birth records will be accessible;
- Difference between record amendments and replacements;
- What to expect from a corrected, amended, or replaced vital record.

## Removing Obsolete Reason for Replacing a Birth Record

Under current Minnesota law, unmarried birth parents who establish parentage and who marry after their child's birth can ask MDH to replace their child's birth record, so it indicates they were married at the time of birth. However, such a request has no actual effect because parents' marital status no longer appears on Minnesota birth certificates. When MDH moved from paper to electronic records in 2000, it ceased recording parent's marital status because it's not legally required to appear on the birth certificate.

- Eliminates "subsequent marriage" as a basis for changing the birth record via record replacement.

## Minnesota Fathers' Adoption Registry (MFAR)

In Minnesota, a man who believes he is the father of a child but is not married to the mother can register with the Minnesota Fathers' Adoption Registry (MFAR). The registry is for men who have not established paternity in court or with a voluntary acknowledgment form. Men registered in MFAR are notified if the child is in the process of being adopted.

Searching MFAR for putative fathers is a required part of every adoption in the state. Current law authorizes certain individuals to search the registry, including birth mothers and their attorneys, adoption supervisors, and child support and social service representatives. But the putative fathers registered in MFAR and stepfathers petitioning for adoption are not allowed to request a search.

This change would allow men who have registered to request an MFAR search for themselves, without requiring them to obtain a court order. With this search, men can check their registration, and fathers who are petitioners in stepparent adoptions involving their children can search the registry to provide the court proof of the required MFAR search, which is required to complete the adoption.

- Allows men enrolled in the registry to confirm that their registration is complete and up to date;
- Would also assist in some stepparent adoptions where a father has children whose mother is deceased or has lost her parental rights;
- Amending the statute would remove costs and delays in the adoption process for parents.