

LD4361264

HOUSE BILL NO. 1044

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 8, 1994)

(Patron Prior to Substitute—Delegate Hamilton)

A BILL to amend and reenact § 32.1-257 of the Code of Virginia, relating to electronic reporting of vital events of birth.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-257 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-257. Filing birth certificates; from whom required; signatures of parents.

A. A certificate of birth for each live birth which occurs in this Commonwealth shall be filed with the registrar of the district in which the birth occurs *State Registrar* within seven days after such birth ~~and. The certificate of birth shall be registered by such registrar the State Registrar~~ if it has been completed and filed in accordance with this section.

B. When a birth occurs in an institution or en route thereto, the person in charge of such institution or his designated representative ~~an authorized designee~~ shall obtain the personal data, and prepare the certificate *either on forms furnished by the State Registrar or by an electronic process as approved by the Board. Such person or designee shall, if submitting a form, secure the signatures required by the certificate and file it with the registrar.* The physician or other person in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth. *The person in charge of the institution or an authorized designee shall certify to the authenticity of the birth registration either by affixing his signature to the certificate or by an electronic process approved by the Board, and shall file the certificate of birth with the State Registrar within seven days after such birth.*

C. When a birth occurs outside an institution, the certificate shall be prepared *on forms furnished by the State Registrar* and filed by one of the following in the indicated order of priority, *in accordance with the regulations of the Board:*

1. The physician in attendance at or immediately after the birth, or in the absence of such physician,

2. Any other person in attendance at or immediately after the birth, or in the absence of such a person,

3. The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

C1. When a birth occurs on a moving conveyance within the United States of America and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth and the place where the child is first removed from the conveyance shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this Commonwealth although the certificate shall indicate the actual place of birth insofar as can be determined.

D. If the mother of a child is not married to the natural father of the child at the time of birth or was not married to the natural father at any time during the ten months next preceding such birth, the name of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity, executed subsequent to the birth of the child, of both the mother and of the person to be named as the father ~~unless. In any case in which a final determination of the paternity of a child has been made by a court of the Commonwealth competent jurisdiction pursuant to § 20-49.8, from which no appeal has been taken and for which the time allowed to perfect an appeal has expired, in which case the name of the father as determined by the court and the surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.~~

Children born of marriages prohibited by law, deemed null or void or dissolved by a court shall nevertheless be legitimate and the birth certificate for such children shall contain full information concerning the father.

A child born of a married woman who conceived the child with the written consent of the woman and her husband to (i) performance of reproductive technology and (ii) acceptance of parentage of any resulting child, where the child was conceived by means of artificial insemination, in vitro fertilization or other reproductive technology performed under the supervision of a licensed health care professional, which uses the sperm of a donor who is not her husband or an ovum from a donor other than herself, or both, shall be the legitimate natural child of the woman and her husband. *The For the purpose of birth registration in the case of a child resulting from assisted conception, pursuant to Chapter 9 (§ 20-156 et seq.) of Title 20, the birth certificate of such child shall contain full information concerning the mother's*

60 husband as the father of the child and the gestational mother as the mother of the child. Donors of
61 sperm or ova shall not have any parental rights or duties for any such child.

62 In the event any person desires to have the name of the father entered on the certificate of birth
63 based upon the judgment of paternity of a court of another state, such person shall apply to an
64 appropriate court of the Commonwealth for an order reflecting that such court has reviewed such
65 judgment of paternity and has determined that such judgment of paternity was amply supported in
66 evidence and legitimate for the purposes of Article IV, Section 1 of the United States Constitution.

67 If the order of paternity should be appealed, the registrar shall not enter the name of the alleged
68 father on the certificate of birth during the pendency of such appeal. *If the father is not named on the*
69 *certificate of birth, no other information concerning the father shall be entered on the certificate.*

70 E. Either of the parents of the child shall ~~sign the certificate of live birth to attest to verify the~~
71 ~~accuracy of the personal data to be entered thereon,~~ *on the certificate of birth* in time to permit the
72 filing within the seven days prescribed above.

73 **2. That the provisions of this act shall become effective January 1, 1995.**