

# HOUSE BILL No. 5420

November 10, 2005, Introduced by Reps. Caswell, Taub, Vander Veen, Huizenga, Tobocman, Hoogendyk, Hildenbrand and Meisner and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2828 (MCL 333.2828).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2828. (1) ~~—If—~~ **EXCEPT AS OTHERWISE PROVIDED UNDER THIS**  
2 **SUBSECTION, IF** an applicant does not submit the minimum  
3 documentation required by rules for delayed registration of a  
4 birth, or if the state registrar has reasonable cause to question  
5 the validity or adequacy of the applicant's sworn statement or the  
6 documentary evidence **FOR DELAYED REGISTRATION OF A BIRTH**, the state  
7 registrar shall not register the delayed certificate of birth and  
8 shall advise the applicant of the reasons for this action and of  
9 the applicant's right of appeal to the probate court of the county

1 of residence or birth. NOTWITHSTANDING R 325.3220(3) OF THE  
2 MICHIGAN ADMINISTRATIVE CODE, IF AN APPLICANT IS SEEKING TO  
3 REGISTER HIS OR HER OWN BIRTH AND HE OR SHE IS 18 YEARS OF AGE OR  
4 OLDER, THEN THE FULL NAME AND BIRTHPLACE OF THE APPLICANT'S FATHER  
5 IS NOT NECESSARY, REGARDLESS OF WHETHER THE APPLICANT'S MOTHER WAS  
6 MARRIED AT THE TIME OF THE BIRTH OR WITHIN THE 10 MONTHS PRECEDING  
7 THE BIRTH, UNLESS THERE IS FILED WITH THE DEPARTMENT A PROPERLY  
8 EXECUTED AFFIDAVIT OF PARENTAGE, A TRUE OR CERTIFIED COPY OF AN  
9 ACKNOWLEDGMENT OF PATERNITY FILED IN A COURT, OR A TRUE OR  
10 CERTIFIED COPY OF A COURT DETERMINATION OF PATERNITY.

11 (2) The department may provide for the dismissal of an  
12 application which is not actively prosecuted.

13 (3) If, on the basis of the evidence presented, the court  
14 finds that the individual for whom a delayed certificate of birth  
15 is sought was born in this state, the court shall make findings as  
16 to the place and date of birth, parentage, and other findings  
17 required by the case and shall issue an order on a form prescribed  
18 and furnished by the state registrar to establish a certificate of  
19 birth. The order shall include the birth data to be registered, a  
20 description of the evidence presented, and the date of the court's  
21 action.

22 (4) The clerk of the court shall forward the order to the  
23 state registrar not later than the tenth day of the calendar month  
24 following the month in which the order was entered. The order shall  
25 be registered by the state registrar and shall constitute the  
26 certificate of birth.

27 (5) The state registrar shall forward a copy of a delayed

- 1 registration to the local registrar of the district where the birth
- 2 occurred.