



SPONSOR: Rep. Bentz & Sen. Townsend
Reps. Baumbach, Heffernan, Osienski; Sens. Hansen,
Sokola

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 82

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RELATING TO HEALTH AND
SAFETY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 3121, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3121 Registration of births.

4 (a) A certificate of birth for each live birth which occurs in this State shall be filed with the Office of Vital
5 Statistics, or as otherwise directed by the State Registrar, within 10 days after such birth and shall be registered if it has
6 been completed and filed in accordance with this section.

7 (b) When a birth occurs in an institution or en route thereto, the person in charge of the institution or the person's
8 designated representative shall obtain the personal data, prepare the certificate, secure the signatures required, and file the
9 certificate as directed in subsection (a) of this section or as otherwise directed by the State Registrar within the required 10
10 days. The physician or other person in attendance shall provide the medical information required by the certificate and
11 certify to the facts of birth within 72 hours after the birth. If the physician, or other person in attendance, does not certify to
12 the facts of birth within the 72-hour period, the person in charge of the institution shall complete and sign the certificate.

13 (c) When a child is born to an unmarried woman in an institution, the person responsible for completing the birth
14 certificate, or the person's designated representative, shall:

15 (1) Provide written information prepared by the Division of Child Support Services to the mother and the
16 putative father, if he is present, explaining the rights and responsibilities of acknowledging paternity;

17 (2) Provide the mother and the putative father the opportunity to sign an acknowledgment of paternity as
18 described in subsection (d) of this section ~~and provide notary public services for this purpose;~~

19 (3) Provide the mother and the putative father with a copy of the signed and ~~notarized~~ witnessed
20 acknowledgment; and

(4) File the signed and ~~notarized-witnessed~~ acknowledgment with the Office of Vital Statistics within 10 days after execution. The Office of Vital Statistics shall send a copy of the acknowledgment to the Division of Child Support Services within 7 days after it receives the acknowledgment.

(d) The acknowledgment provided for in subsection (c) of this section shall contain:

(1) The mother's address and Social Security number, her statement that the putative father is the only possible father and her consent to the acknowledgment of paternity;

(2) The putative father's address and Social Security number and his statement that he is the biological father of the child;

(3) Subject to the provisions of subchapter III of Chapter 8 of Title 13, their acknowledgment of a right to blood, tissue or other genetic testing to determine paternity or non-paternity and of the right to otherwise dispute paternity in any civil or criminal action in which the paternity of the child by the putative father is an element of the claim for relief or a defense;

(4) A statement of the presumptive effect of the acknowledgment of paternity under § 8-305 of Title 13;

(5) A statement of the rights and responsibilities of acknowledging paternity, including that the acknowledgment of paternity establishes the duty of both parties to support the child, is the basis for the entry of a child support order without further proceedings to establish paternity, may be the basis for the putative father establishing custody and visitation rights, establishes inheritance rights and may be the basis for requiring notice to the putative father prior to an adoption; and

(6) Instructions for filing the acknowledgment with the Office of Vital Statistics; and

(7) The acknowledgment of both the putative father and the mother that they have been notified, orally and in writing of each of the items listed in paragraphs (d)(1) through (6) of this section before signing the acknowledgment of paternity.

(e) When a birth occurs outside an institution, the certificate shall note whether such a birth was preplanned to occur outside of an institution, the type of license held by any midwife in attendance, and the certificate shall be prepared and filed by 1 of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the birth, or in the absence of such a person;

(2) The midwife in attendance at or immediately after the birth; or in the absence of such a person;

(3) Any other person in attendance at or immediately after the birth, or in the absence of such a person;

(4) The father, the mother, or, in the absence of the father and the inability of the mother, the State Registrar or a duly authorized representative.

51 (f) When a birth occurs on a moving conveyance within the United States and the child is first removed from the
52 conveyance in this State, the birth shall be registered in this State and the place where it is first removed shall be considered
53 the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign
54 country or its air space and the child is first removed from the conveyance in this State, the birth shall be registered in this
55 State but the certificate shall show the actual place of birth insofar as can be determined.

56 (g)(1) If the mother was married at the time of either conception or birth, or between conception and birth, the
57 name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined
58 otherwise by Family Court.

59 (2) If the mother was not married at the time of either conception or birth or between conception and birth,
60 the name of the father shall not be entered on the certificate without a court order from Family Court or an
61 acknowledgment of paternity which is signed by both parents and their signatures ~~notarized~~ witnessed.

62 a. Birth parents and relatives of the birth parents, including the parents, siblings, aunts, uncles, first cousins
63 and children of the mother and the father, are prohibited from witnessing the acknowledgment of paternity.

64 (3) In any case in which paternity of a child is determined by Family Court, the name of the father and
65 surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

66 (4) If the father is not named on the certificate of birth, no other information about the father shall be entered
67 on the certificate.

68 (h) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on
69 the certificate in time to permit the filing of the certificate within 10 days prescribed in this section.

70 (i) The time within which a supplementary report furnishing information omitted from the original certificate may
71 be returned for the purpose of completing the certificate shall not be more than 6 months from the date of birth. Certificates
72 of birth completed by a supplementary report shall not be considered delayed or altered.

SYNOPSIS

The bills eliminates the requirement that an institution provide notary services to parents of new born children for the purpose of executing an acknowledgment of paternity. This bill also eliminates the requirement that an acknowledgment of paternity be notarized and that it only be witnessed by someone who is not a parent or relative of either parent.