

By: Representative Bourdeaux

To: Judiciary A

HOUSE BILL NO. 421

1 AN ACT TO AMEND SECTION 41-57-14, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ANY UNMARRIED MOTHER OF A CHILD FOR WHICH THE NATURAL
3 FATHER DOES NOT ACKNOWLEDGE PATERNITY TO PROVIDE THE NAME AND
4 SOCIAL SECURITY NUMBER OF THE CHILD'S ALLEGED FATHER TO THE PERSON
5 WHO PREPARES THE BIRTH CERTIFICATE; TO PROVIDE A PENALTY FOR ANY
6 PERSON WHO WILLFULLY FAILS TO PROVIDE A SOCIAL SECURITY NUMBER AS
7 REQUIRED BY THAT SECTION OR WHO WILLFULLY AND KNOWINGLY PROVIDES A
8 FALSE NUMBER; TO AMEND SECTION 41-57-27, MISSISSIPPI CODE OF 1972,
9 IN CONFORMITY WITH THE PRECEDING PROVISION; TO AMEND SECTION
10 41-57-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MAN IS
11 LISTED ON A BIRTH CERTIFICATE AS THE FATHER OF A CHILD AND HE IS
12 DETERMINED BY A COURT NOT TO BE THE FATHER, HIS NAME SHALL BE
13 DELETED FROM THE BIRTH CERTIFICATE UPON PRESENTATION OF THE COURT
14 JUDGMENT, WITHOUT FURTHER COURT PROCEEDINGS AND AT NO CHARGE; AND
15 FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 SECTION 1. Section 41-57-14, Mississippi Code of 1972, is
18 amended as follows:

19 41-57-14. (1) * * * The social security number of each
20 parent of a child born within this state shall be furnished to the
21 local registrar of vital records at the time of filing the birth
22 certificate, * * * but such information shall not appear on the
23 portion of the certificate to be issued as a certified copy. Such
24 information shall be sent to the Office of Vital Records
25 Registration of the State Department of Health along with the
26 birth certificate * * * and shall be retained by the office. The
27 information shall not be disclosed to any person except as
28 authorized by paragraph (3) of this section or as allowed by
29 Section 41-57-2.

30 (2) If the mother of the child was married at the time of
31 either conception or birth or anytime between conception and
32 birth, the name of the husband shall be entered on the birth

certificate as the father of the child. If the mother of the
child was not married at the time of either conception or birth or
anytime between conception and birth, and the natural father does
not acknowledge paternity of the child, the mother shall provide
to the person who prepares the birth certificate the name and
social security number of the person or persons alleged to be the
father of the child, if such information is known. Such
information shall be furnished to the local registrar of vital
records on a form other than the birth certificate, and shall be
treated in the same manner as the information furnished under
subsection (1) of this section. An allegation of paternity by the
mother in providing the information required by this subsection
does not create a presumption of paternity against any person
alleged to be the father of the child.

(3) The Office of Vital Records Registration shall make
available to the Office of Child Support Enforcement of the
Mississippi Department of Human Services information concerning
the names and social security numbers of the parents and alleged
parents obtained under the requirements of subsections (1) and (2)
of this section for the use in establishing paternity or enforcing
child support obligations. Information obtained by the Office of
Child Support Enforcement under this section may be used in any
action or proceeding before any court, administrative tribunal, or
other proceeding for the purpose of establishing paternity,
establishing a child support obligation, collecting child support
or locating persons owing such and obligation.

(4) Any person required to provide a social security number
or numbers to the local registrar of vital records under
subsection (1) or (2) of this section who willfully fails or
refuses to provide the social security number or numbers as
required, or who willfully and knowingly provides a false number
or numbers, shall be guilty of a misdemeanor and, upon conviction
thereof, shall be sentenced to not less than ninety (90) days of
community service. As used in this subsection, the term
"community service" means work projects or services for the
benefit of the community assigned, supervised and recorded by
appropriate public officials.

SECTION 2. Section 41-57-27, Mississippi Code of 1972, is amended as follows:

41-57-27. Any person or persons who shall violate any rule, regulation or order of the State Board of Health relative to recording, reporting or filing information for the Bureau of Vital Statistics, or who shall willfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, or who shall willfully furnish false information to said bureau for the purpose of establishing a false identity, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or suffer both such fine and imprisonment, in the discretion of the court. This section shall not apply to persons who are subject to the provisions of subsection (4) of Section 41-57-14.

SECTION 3. Section 41-57-23, Mississippi Code of 1972, is amended as follows:

41-57-23. (1) Any petition, bill of complaint or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of a child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint or other proceeding shall be forwarded to the State Board of

Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this subsection shall not apply to adoption proceedings or to any deletion of the name of the father on a birth certificate under the provisions of subsection (3) of this section. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.

(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if a notarized affidavit by both parents acknowledging paternity is received on the form prescribed or as provided in Section 93-9-9. The surname of the child shall be that of the father except that an affidavit filed at birth by both listed mother and father may alter this rule. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under subsection (1) of this section to add or change the name of the father.

(3) If a man is listed on a birth certificate as the father of a child and the man is lawfully determined by a court of competent jurisdiction not to be the father of that child, the State Registrar of Vital Records shall have the man's name deleted from the birth certificate as the father of that child upon presentation of a certified copy of the court judgment, without further court proceedings and at no charge.

SECTION 4. This act shall take effect and be in force from and after July 1, 1999.