

By: Senator(s) Hill

To: Public Health and
Welfare

SENATE BILL NO. 2700

1 AN ACT TO CREATE NEW SECTION 41-57-8, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THAT A BIRTH CERTIFICATE MUST INCLUDE, BUT NOT BE
3 LIMITED TO, THE CHILD'S NAME, THE CHILD'S PARENTS' NAMES, IF
4 KNOWN, THE BIRTHPLACE OF THE CHILD, THE SEX OF THE CHILD,
5 IDENTIFIED AS MALE OR FEMALE, AS APPLICABLE; TO PROVIDE THAT THE
6 DESIGNATION OF THE SEX OF AN INDIVIDUAL ON A BIRTH CERTIFICATION
7 SHALL NOT BE CHANGED UNLESS A MISTAKE WAS MADE AT THE TIME THE
8 BIRTH CERTIFICATE WAS ISSUED; TO AMEND SECTIONS 41-57-21,
9 41-57-23, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
10 OF THE ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section
13 41-57-8, Mississippi Code of 1972:

14 41-57-8. (1) A birth certificate shall include, but not be
15 limited to, the following information:

16 (a) The child's full name and surname;

17 (b) The child's parents' full names and surnames, if
18 known;

19 (c) The birthplace of the child; and

20 (d) The sex of the child, identified as male or female
21 as applicable.



(2) A birth certificate shall not be altered except in accordance with Section 41-57-23.

(3) The designation of the sex of an individual on a birth certification shall not be changed unless a mistake was made at the time the birth certificate was issued.

SECTION 2. Section 41-57-21, Mississippi Code of 1972, is amended as follows:

41-57-21. (1) Where there has been a bona fide effort to register a birth and the certificate thereof on file with the office of vital records does not divulge all of the information required by said certificate, or such certificate contains an incorrect first name, middle name, or sex, then the State Registrar of Vital Records may, in his discretion, correct such certificate upon affidavit of at least two (2) reputable persons having personal knowledge of the facts in relation thereto. All other alterations shall be made as provided in Section 41-57-23. Anyone giving false information in such affidavit shall be subject to the penalties of perjury.

(2) The designation of the sex of an individual on a birth certification shall not be changed unless a mistake was made at the time the birth certificate was issued.

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 section shall not apply to adoption proceedings. 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) (a) If a petition, bill of complaint or other proceeding is filed in the Tribal Court of the Mississippi Band of Choctaw Indians for any of the purposes described in paragraphs (a) through (e) of subsection (1) with regard to the birth certificate of a person of Mississippi Choctaw descent, the tribal



72 court shall have the same authority as the chancery court would
73 have to make any of those changes described in those paragraphs in
74 subsection (1), and the State Board of Health shall comply with a
75 decree from the tribal court in the same manner as if the decree
76 was issued by the chancery court. In all those proceedings in the
77 tribal court, the State Board of Health shall be made a respondent
78 therein, and a certified copy of the petition, bill of complaint
79 or other proceeding shall be forwarded to the State Board of
80 Health.

81 (b) The Tribal Court of the Mississippi Band of Choctaw
82 Indians is not the exclusive venue for making changes to the birth
83 certificates of persons of Mississippi Choctaw descent, and
84 changes to the birth certificates of persons of Mississippi
85 Choctaw descent may also be made in proceedings in the chancery
86 court.

87 (c) Nothing in this subsection shall be construed to
88 enlarge the subject matter jurisdiction of the Tribal Court of the
89 Mississippi Band of Choctaw Indians.

90 (3) If a child is born to a mother who was not married at
91 the time of conception or birth, or at any time between conception
92 and birth, and the natural father acknowledges paternity, the name
93 of the father shall be added to the birth certificate if a
94 notarized affidavit by both parents acknowledging paternity is
95 received on the form prescribed or as provided in Section 93-9-9.
96 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 Section 41-57-23(1) to add or change the name of the father.

(4) (a) A signed voluntary acknowledgment of paternity is subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(i) One (1) year; or
(ii) The date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

(b) After the expiration of the one-year period specified in paragraph (a)(i) of this subsection, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger; the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the pendency of the challenge, except for good cause shown.

(5) The designation of the sex of an individual on a birth certification shall not be changed unless a mistake was made at the time the birth certificate was issued.



121 **SECTION 4.** This act shall take effect and be in force from
122 and after July 1, 2025.

