

DIVISION OF HEALTH

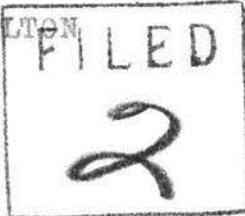
BIRTH CERTIFICATES:

Division of Health may not amend or alter a birth certificate except at request of person whose birth certificate it is sought to have altered or amended, then only upon submission of such proof as required by Div. or court.

XXXXXXXXXXXX

April 21, 1953

JOHN W. DALTON



J.C. Johnsen

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Honorable James R. Amos, M.D.  
Director  
Division of Health  
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request:

"We desire an opinion relating to whether or not we can change an original birth certificate by deleting information relating to the alleged father and declaring the child not legitimate. The case in question arises from the fact that the mother gave the information, stating that her husband was the father of her child and that certain personal particulars relating to the husband were added to the record. The husband appeared in court and secured a divorce by default. The judgment accepted the petition that there were no children born of the said marriage. This man has requested us by affidavit and divorce decree to remove all facts relating to him and to render the child illegitimate."

The law of this state relating to vital statistics, which includes birth certificates, is found in Chapter 193, RSMo 1949. The only provisions in that chapter which relate to the amendment or alteration of a birth certificate which has been previously filed, are found in Sections 193.200 and 193.210, RSMo 1949, which sections read:

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"193.200. -- A person born in this state, or a resident of Missouri born outside of this state whose birth is not recorded in any other state, may file, or amend a certificate after the time herein prescribed, upon submitting such proof as shall be required by the division, or by any court."

"193.210. -- 1. Certificates accepted subsequent to six months after the time prescribed for filing and certificates which have been altered after being filed with the state registrar shall contain the date of the delayed filing and the date of the alteration and be marked 'delayed' or 'altered.'

"2. A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate."

For a number of reasons we believe that these two sections must be read together, and that Section 193.210 modifies and explains Section 193.200. Both sections were enacted in 1947 as part of House Bill No. 65; what is now Section 193.200 was Section 20 of said bill, and what is now Section 193.210 was Section 21; both sections state, by their titles, that they relate to the same matter, and a reading of the sections seems to make this fact clear.

Section 193.200 was amplified by the Laws of Missouri, 1949, but was not changed in substance. We do not, therefore, believe that Section 193.210 can be read except in the light of the preceding Section 193.200.

It will be noted that Section 193.200 provides that the Division of Health may permit the filing of a birth certificate after the prescribed time by the person who desires to have his birth certificate filed, or may, upon the submission of satisfactory proof, allow a person to have his birth certificate amended.

The significant thing about Section 193.200, as we view

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it, is that amendment of a birth certificate can be made only when movant in the matter is the person whose birth certificate is sought to have amended. Section 193.200 certainly does not indicate that anybody else can do this. For this position there would appear to be good reason. If anybody could go before the Division of Health and have changed the birth certificate of anybody else, numerous people, unknown to themselves, might become officially illegitimate. In the instant case, the movant was not the one whose birth certificate was to be amended and we do not believe that the Division of Health can make the requested amendment.

#### CONCLUSION

It is the opinion of this department that the Division of Health may not amend or alter a birth certificate except at the request of the person whose birth certificate it is sought to have altered or amended, and then only upon the submission of such proof as shall be required by the division or by any court.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON  
Attorney General

HPW:MM