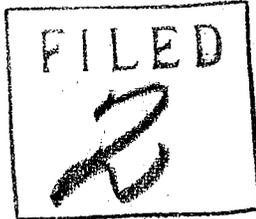


VITAL STATISTICS: Division to record births proven under provisions of Section 193.200, RSMo 1949, and upon payment of statutory fees to issue certified copies of such records.



March 16, 1954

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

Dear Sir:

Reference is made to your request for an official opinion of this department reading as follows:

"Section 193.200, Missouri Revised Statutes 1949 provides that a person under certain conditions can file a certificate either with us under our procedure or may follow the procedure set forth by any court. We have received some Circuit Court orders setting forth the date and place of birth of individuals who have used this Section without using our procedure. The attorney presenting these orders believes that Section 193.220 does give him the privilege to file such orders with us in spite of the fact that the procedure outlined in it refers to another matter. Our question is, does the law provide for us to file the orders as result from Section 193.200 and to issue certified copies therefrom?"

Section 193.200, RSMo 1949, referred to in your letter of inquiry reads as follows:

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"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." (Emphasis ours).

Your inquiry is directed to the underscored portion of this statute. The language is definite and unambiguous and by its terms authorizes the filing of certificates of birth upon proving to the satisfaction of any court the truth of the facts alleged with respect to such births. Under these circumstances no occasion arises for construction of the statute nor for the application of the rules of interpretation which are customarily invoked in arriving at the intent of the lawmakers. We direct your attention to *Norberg County Clerk v. Montgomery*, 173 S.W. (2d) 387, wherein it was said by the Supreme Court of Missouri En Banc, l.c. 390:

"We think the language of the Statute is plain and unambiguous, and the intent of the Legislature is clear, as we have already found. 'Rules for the interpretation of statutes are only intended to aid in ascertaining the legislative intent, "and not for the purpose of controlling the intention or of confining the operation of the statute within narrower limits than was intended by the lawmaker." Sutherland on Statutory Const., Sec. 279. If the intention is clearly expressed, and the language used is without ambiguity, all technical rules of interpretation should be rejected.' State ex rel. Wabash Ry. Co. et al. v. Shain, 341 Mo. 19, 106 S.W. 2d 898, loc. cit. 899, 900."

From the foregoing it is apparent that the division is required to record certified copies of judgments entered by courts acting upon petitions for the establishment of the facts of the births of registrants.

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Your further question is directed to the necessity of the division supplying certified copies of such orders or judgments after recordation. In this regard your attention is directed to the provisions of Section 193.190, RSMo 1949, reading in part, as follows:

"The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this law, for the making and certification of which a fee of fifty cents shall be paid by the applicant to the state department of revenue. * * *"

This statute discloses that a duty has been enjoined upon the division to supply certified copies of records upon payment of the fee prescribed in the statute.

CONCLUSION

In the premises we are of the opinion that the Division of Health, Bureau of Vital Statistics, is required to accept for recordation certified copies of judgments entered by courts establishing the facts relating to the birth of persons desiring to register such births in the manner provided by Section 193.200, RSMo 1949.

We are further of the opinion that certified copies of such records must be supplied to persons tendering the statutory fees prescribed by Section 193.190.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

JOHN M. DALTON
Attorney General

WFB:vlw