November 18, 1966

OPINION NO. 391
Answered by Letter-Randolph

FILED
391

Honorable William W. Hoertel
Prosecuting Attorney
Phelps County
Rolla, Missouri 65401

Dear Mr. Hoertel:

This letter is in response to your request for an opinion of this office on the question whether a physician attending the birth of a child is required to answer Item 24 of the Missouri Standard Certificate of Live Birth. Said Item 24 reads: "Mother married to child's father? Yes ☐ No ☐."

You state that a local physician complains about filling in the information requested in Item 24 on the grounds that he is in no position to know the answer.

We enclose a copy of the opinion of the Attorney General dated May 1, 1953, to Honorable James R. Amos, which is relevant to your inquiry. As stated in the enclosed opinion, the information required in a birth certificate is governed by Section 193.160 RSMo. Many of the items in the certificate form are filled in by the attending physician on the basis of information given him by the mother of the child in question or some other informant, whose name appears in Item 17 of the form. The doctor could not be held responsible for false information given by the informant.

In most instances the doctor has full knowledge or information sufficient to answer Item 24. However it is possible that the doctor does not have such knowledge or the informant gives equivocal information or the doctor is unable for some reason to get information to enable him to answer this item. In this situation

it is appropriate for the doctor to indicate in Item 24 to see the back of the certificate and thereon give such information as he has or the reason for his lack of information on the subject.

The information given in Item 24, as well as any other information from whichillegitimacy of birth can be ascertained, is not a part of the official birth certificate issued to persons by the Division of Health. Such items of information are kept confidential in the files of the Division, to be disclosed only upon order of a court in proper cases; or upon the request of the individual whose birth registration is involved, when such information is necessary to the establishment of any claim against the Federal Government. Section 193.240 RSMo Cum. Supp 1965.

Section 193.100, RSMo, requires the physician in attendance at a birth to file a birth certificate (including Item 24) with the local registrar of vital statistics. Section 193.380 RSMo Cum. Supp. 1965, makes a violation of the preceding section subject to a fine of $100.

Therefore, it is our view that a physician who attends the birth of a child in Missouri is required to answer Item No. 24 of the Missouri Standard Certificate of Live Birth, provided that when inadequate information is supplied by the mother or other informant, he may answer it on the back of the certificate with a suitable explanation for not answering "yes" or "no".

Very truly yours,

NORMAN H. ANDERSON
Attorney General

DLR:db

Enclosure (opinion):

Dated 5/1/53, to Amos.