

RELATING TO THE POWERS OF REGISTRAR OF VITAL STATISTICS, AS
RELATES TO BIRTH CERTIFICATES.

February 12, 1934. 2-17-34



Hon. E. T. McCaugh
Chairman, State Board of Health
Jefferson City, Missouri

Dear Sir:

We acknowledge receipt of your letter as of date of
February 6, 1934, in which you state an inquiry as follows:

"Mr. H. C. Mesch of St. Louis
Missouri is desirous of adopting
this child, Mary Ellen Brown,
registered with State of Missouri
No. 25503, Randolph County, 1931.

Dr. H. C. Griffiths, Moberly, Missouri,
attended this birth and sent in said
certificate, same being filed June
20th, 1931. December 2, 1933, Dr.
Griffiths sent in this second certifi-
cate of birth with notation on side
that same was to clear up a previous
one on which the mother made a misstate-
ment as to her real name.

THE INFORMATION WE ARE DESIROUS OF OBTAINING IS:

1. Did Dr. Griffiths have the right
to issue this second certificate, in name
of Mary Ellen Conley, without sending with
same a sworn statement of mother in which
she made affidavit to the fact that she
used an assumed name at time of birth of
this child?

2. Since the Local Registrar where this birth occurred is unable to locate the mother of this child, is there any other way this record can be changed so that Mr. Mesch may go ahead with adoption proceedings?"

I.

The State Registrar of Vital Statistics has the power to require further information relative to certificates of birth as may be necessary and satisfactory.

Section 9057 R. S. Mo. 1929 provides in part as follows:

"The state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this article; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further in-

February 12, 1934.

formation to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants or undertakers connected with any case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any birth or death upon demand of the state registrar, in person, by mail, or through the local registrar."

We are of the opinion from the foregoing statutory provision that the State Registrar of Vital Statistics has the power to require additional information relative to any birth certificate received by him which is unsatisfactory, and all persons having knowledge of any fact or facts which would render said certificate complete and satisfactory to said registrar, are required to furnish such information as they may possess regarding any birth.

We are of the opinion that this information may come from any person having knowledge of the truth, whether parent, physician, midwife or any other person. If this be true, then it is a matter with the registrar as to what constitutes a satisfactory certificate within the meaning of the law.

Very truly yours,

W. W. BARNES
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

WEB:FE