

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-7-1-.09

Rule Title New Certificates of Birth Following Adoption, Legitimation, Paternity
Determination, or Paternity Acknowledgement

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer



Date

8/18/22

REC'D & FILED

AUG 18 2022

LEGISLATIVE SVC AGENCY

**FORM APA2
10/17**

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-7-1-.09, New Certificates of Birth Following Adoption, Legitimation, Paternity Determination, or Paternity Acknowledgement

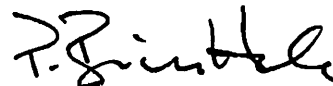
INTENDED ACTION: To amend the current rule.

SUBSTANCE OF PROPOSED ACTION: To remove and replace outdated text in the existing rule and provide more specific standards and clarification regarding the creation of new birth certificates following adoption, legitimation or parentage determination.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on September 15, 2022, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on October 5, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Nicole H. Rushing, Center for Health Statistics, Alabama Department of Public Health, P.O. Box 5625, Montgomery, Alabama 36103-5625, Telephone Number: (334) 206-2679.



P. Brian Hale, Agency Secretary

420-7-1-.09 New Certificates of Birth Following Adoption, Legitimation, Paternity Parentage Determination, or Paternity Acknowledgement

(1) When a new certificate of birth shall be prepared:

(a) A new certificate of birth shall be prepared upon request for a child under 19 years of age following adoption, legitimation, or paternity parentage determination as specified in Code of Alabama 1975, § 22-9A-12.

(b) A new certificate of birth shall be prepared upon request for a child under 19 years of age upon receipt of an ~~Affidavit~~ Acknowledgment of Paternity that has been completed as specified in Code of Alabama 1975, § 26-17-22.

(c) A new certificate of birth shall be prepared upon request for a child under 19 years of age following legitimation by marriage as specified in Code of Alabama 1975, § 26-11-1, provided no father's name is shown on the original birth certificate and no father has been legally acknowledged or adjudicated.

1. The following documents must be provided to establish the new certificate of birth following a legitimation by marriage:

a. A certified copy of the parents' marriage certificate or information for locating the parents' marriage certificate if the certificate is filed in the Center for Health Statistics; and

b. A sworn declaration signed by both parents of the child stating the husband is the natural father of the child.

2. The documents presented along with the original certificate of birth shall be handled in the same manner as specified for legitimations and paternity parentage determinations in Code of Alabama 1975, § 22-9A-12.

(d) A new certificate of birth shall be prepared upon request for a child under 19 years of age upon receipt of order from the judge of probate upon legitimation of a child as specified in Code of Alabama 1975, § 26-11-2,

provided no father's name is shown on the original birth certificate.

(2) Format for the new certificate of birth following adoption, legitimation, ~~paternity~~ parentage determination, or paternity acknowledgement:

(a) A new certificate of birth prepared prior to the child's nineteenth birthday may be prepared in alternate formats at the parents' request.

1. Unless the amendment format is requested by the parent(s), the new certificate of birth will be prepared on the form or in the format in use at the time the new certificate is prepared.

2. The parent(s) may choose to have the new certificate of birth prepared in the alternate format in use for an amended birth certificate at the time of its preparation.

3. If the name the child is to bear after a legitimation, ~~paternity~~ parentage determination, or paternity acknowledgement is not specified in a court order, the parent(s) of a child under 19 years of age may request that the name of the child be changed at the time of preparation of the new certificate of birth. Additional documentation may be required to support the name change for the child.

4. A certificate of birth shall be prepared in compliance with Code of Alabama 1975, §§ 26-9A-11 and -12, and these Rules following an adoption, legitimation, or parentage determination ordered in another state or country.

(b) A new certificate of birth prepared after the child's nineteenth birthday shall be on the form or in the format in use for an amended birth certificate at the time of its preparation and shall follow the requirements for preparing an amended birth certificate as specified in Code of Alabama 1975, § 22-9A-19, and these Rules.

Author: Dorothy Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Alabama, 1975, §22-9A-2, §22-9A-6, §22-9A-12, §22-9A-19, §26-11-1, §26-11-2, §26-17-22.

History: Repealed and Replaced: Filed June 20, 2007;
effective July 25, 2007. Amended: Filed XX-XX-XXXX;
effective XX-XX-XXXX.