



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**BIRTH CERTIFICATES IN  
STEPPARENT ADOPTIONS**

**House Bill 5129 as introduced  
First Analysis (1-9-02)**

**Sponsor: Rep. Larry Julian  
Committee: Family and Children  
Services**

***THE APPARENT PROBLEM:***

Under current law, if a person is adopted, his or her original Michigan birth record is sealed, based on an order of the court that approved the adoption. The state issues a copy of the amended birth certificate that indicates a person's adopted name and the name of his or her adoptive parents. However, a new birth certificate may not be issued if the court ordering the adoption, the adopting parent, or an adult adoptee, requests that a new certificate not be issued.

In one case, a child whose birth mother had died wanted to be adopted by his stepmother. The child's parents wished that the new birth certificate issued contain both the birth mother's name and the adoptive mother's name. However, state law requires that the birth certificate contain only the birth mother's name or adoptive mother's name, but not both. Legislation has been introduced to address this situation.

***THE CONTENT OF THE BILL:***

House Bill 5129 would amend the Probate Code to allow for a new birth certificate to be issued, at the request of a child's birth parent when the child is adopted by his or her stepparent, to identify both birth parents and the adoptive stepparent, in instances when the child's other birth parent is deceased.

MCL 710.67 and 710.68

***BACKGROUND INFORMATION:***

Birth certificates are maintained and issued by the Department of Community Health's Division for Vital Records and Health Statistics. Nationally, the National Center for Health Statistics (NCHS) within the Centers for Disease Control and Prevention (CDC) collaborates with states to develop standards for birth, death, and marriage certificates. Revision of these standards take place every ten to 15 years to ensure that the data contained in them continues to

meet health information and administrative needs. Current standards have been in place since 1989, with the next revision scheduled to be implemented in 2003. The standards resulting from the revision process are developed into recommended laws and regulations regarding vital statistics. If the state were to change the contents of birth certificates, it would only be effective for state-issued certificates. The bill would not change the contents of birth certificates of Michigan residents not born in the state.

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the fiscal impact of incorporating a new birth certificate variation into the vital records system should be negligible. (12-12-01)

***ARGUMENTS:***

***For:***

Generally speaking, current requirements for issuing a new birth certificate are for instances when a birth parent's parental rights are terminated. Removing any reference to an adoption is a means to protect the privacy of all of the parties involved. This bill seeks to alleviate an unintended problem with the current statute. By replacing a child's deceased birth parent with an adoptive stepparent on a birth certificate, there is concern that the child's memories and ties to his or her birth parent would be "erased". Essentially, the child has no record of his or her deceased birth parent. Allowing for the inclusion of a deceased birth parent and adoptive stepparent helps a child retain the memories of a deceased birth parent and foster a loving relationship with his or her adoptive stepparent.

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***Against:***

There are uniform federal standards regarding the contents of birth certificates issued by states. These uniform standards are developed by the federal government and the states to ensure that these records meet the legal requirements for individuals and their families at the local, state, and national levels, and to enhance the collection of quality and reliable data. Deviating from these uniform standards could be problematic. Birth certificates are a vital source of information for several public agencies, including schools, the INS, the Social Security Administration, and welfare agencies. Changing the content may lead many to question the validity of these records, and could result in a delay or denial of benefits. Any changes in content of birth records should be done in conjunction with the federal government.

***POSITIONS:***

The Department of Community Health has no position on the bill. (12-13-01)

Analyst: M. Wolf

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.