

SB 422 - AS INTRODUCED

2024 SESSION

24-2988

11/05

SENATE BILL **422**

AN ACT changing several references and modifying language in parentage and birth records.

SPONSORS: Sen. Carson, Dist 14; Sen. Perkins Kwoka, Dist 21; Rep. M. Smith, Straf. 10; Rep. McWilliams, Merr. 30

COMMITTEE: Judiciary

ANALYSIS

This bill changes several references and modifying language in parentage and birth records.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT changing several references and modifying language in parentage and birth records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Definitions; Changed Reference. Amend RSA 5-C:1, XVIII to read as follows:

2 XVIII. "Legitimation" means the legal process of establishing the ~~[paternity]~~ **parentage** of a
3 child born out of wedlock or whose ~~[paternity]~~ **parentage** is being disputed pursuant to RSA 5-C:24
4 and RSA 460:29.

5 2 New Paragraph; Definitions. Amend RSA 5-C:1 by inserting after paragraph XXVI the
6 following new paragraph:

7 XXVI-a. "Non-birth parent" means the genetic parent of a child or the intended parent of a
8 child born through assisted reproduction regardless of genetic connection. A non-birth parent shall
9 not mean a gamete donor.

10 3 Definitions; Changed Reference. Amend RSA 5-C:1, XXXV to read as follows:

11 XXXV. "3-party affidavit of ~~[paternity]~~ **parentage**" means the voluntary acknowledgement
12 of ~~[fatherhood]~~ parentage signed by the ~~[natural father]~~ **non-birth parent**, the ~~[mother]~~ **birth**
13 **parent**, and the ~~[mother's husband]~~ **birth parent's spouse** who is not the ~~[father]~~ **genetic or**
14 **intended parent**, but was the ~~[mother's husband]~~ **spouse** at the time of conception, during the
15 pregnancy, or at the time of the child's birth.

16 4 Disclosure of Information From Vital Records; Changed Reference. Amend RSA 5-C:9, VII to
17 read as follows:

18 VII. Disclosure of voluntary acknowledgments and adjudication of ~~[paternity]~~ **parentage** by
19 judicial or administrative processes shall be released for the purposes of the state case registry
20 pursuant to RSA 161-B:7.

21 5 Completion of Birth Worksheet for Hospital or Institutional Births; Changed Reference.
22 Amend RSA 5-C:19 to read as follows:

23 5-C:19 Completion of Birth Worksheet for Hospital or Institutional Births.

24 I. A hospital, institution, birthing center, attendant, or parent shall file with the division a
25 birth record for each live birth which occurs in the state of New Hampshire.

26 II. In the case of a hospital or institution live birth, a completed birth worksheet shall
27 include the following, provided by personnel as indicated:

28 (a) The hospital or institution birth registrar or designee shall provide:

29 (1) Information regarding the child, including name, date and time of birth, and sex.

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- 1 (2) Information regarding the facility, including name, street address, city or town,
2 and county.
- 3 (3) Information regarding the ~~[mother]~~ **birth parent** including:
- 4 (A) Current name and maiden name.
- 5 (B) Date of birth and birthplace.
- 6 (C) City or town, county, and state of residence.
- 7 (D) Residential address and complete mailing address if different from the
8 residential address, or, if the same as the residential address, her zip code only.
- 9 (E) Social security number.
- 10 (F) Usual occupation and the business or industry in which employed.
- 11 (G) Race.
- 12 (H) Level of education.
- 13 (I) Whether she was married at the time of the birth of child, or conception of
14 child, or any time between.
- 15 (4) Information regarding the ~~[father]~~ **non-birth parent** including:
- 16 (A) Name.
- 17 (B) Date of birth and birthplace.
- 18 (C) City or town, county, and state of residence.
- 19 (D) Residential address and complete mailing address if different from the
20 residential address, or, if the same as the residential address, ~~[his]~~ zip code only.
- 21 (E) Social security number.
- 22 (F) Usual occupation and the business or industry in which employed.
- 23 (G) Race.
- 24 (H) Level of education.
- 25 (5) The method of payment for prenatal care and for delivery.
- 26 (6) Statistical information from the ~~[mother]~~ **birth parent**, medical reports, and her
27 physician regarding the ~~[mother]~~ **birth parent** and child including:
- 28 (A) Number of live births, not including this child, now living and now dead.
- 29 (B) Date of the last live birth.
- 30 (C) Other terminations of pregnancy, any time after conception.
- 31 (D) Date of the last other termination of pregnancy.
- 32 (E) Date last normal menses began.
- 33 (F) Month that prenatal care began.
- 34 (G) Total number of prenatal visits.
- 35 (H) Birth weight of the child.
- 36 (I) Clinical estimation of gestation in weeks.
- 37 (J) Plurality of the child, including but not limited to single, twin, or triplet.

(K) Birth order of the child.

(L) The Apgar score, which is an evaluation of a newborn infant's physical status, at one minute and at 5 minutes.

(7) If the ~~[mother]~~ **birth parent** is transferred to another facility before or after giving birth, transfer information for the ~~[mother]~~ **birth parent** and child including:

(A) Whether the ~~[mother]~~ **birth parent** was transferred prior to delivery or after delivery.

(B) Whether the infant was transferred after delivery.

(C) Whether the child was living or dead at the time of the report.

(8) Information regarding the medical aspects of the pregnancy including:

(A) Any medical risk factors for the pregnancy.

(B) Any other risk factors for the pregnancy.

(C) Any obstetric procedures performed during the course of the pregnancy.

(D) Any complications of labor and delivery.

(E) The method of delivery.

(F) Any abnormal conditions of the newborn.

(G) Any congenital anomalies of the child.

(9) Indication from one parent whether the division shall be authorized to provide the Social Security Administration with data from the birth record in order for the Social Security Administration to issue a social security number.

(10) Indication from one parent whether the division shall be authorized to release birth record information to the New Hampshire immunization registry.

(11) Signature of the individual who interviewed the parent or other informant certifying that the information has been recorded exactly as given by the parent or other informant or has been taken from medical records.

(b) A parent or other informant shall provide his or her signature certifying that the information supplied is a true and correct representation of the facts to the best of his or her knowledge; the date signed; and the informant's relationship to the child.

III. A physician member of the institution's obstetrics team or service, the chief of obstetrics, the chief of the medical staff or the hospital administrator shall, within 72 hours of the birth, certify that the child was born alive at the place and time and the date stated by providing:

(a) His or her signature as certifier.

(b) The date signed.

(c) His or her name and title.

(d) The name and title of the attendant if other than the certifier.

(e) The attendant's mailing address.

IV. The birth worksheet shall not be signed by a parent or informant until the child has been given a name or the ~~[mother]~~ **birth parent** is being discharged from the hospital, whichever is sooner.

V. When both a physician and a nurse midwife are present at a hospital birth, the physician shall sign the birth worksheet and be named as the certifier, and the name of the nurse midwife shall be entered as the attendant at birth.

VI. When a physician is not present and a nurse midwife is present at a hospital birth, the nurse midwife shall sign the birth worksheet and be named as the certifier.

VII. Any item of information not obtainable shall be indicated as: "not known" when the information is not known; "not available" when the information is known but not immediately available; or "refused to provide" when the parent or informant refuses to provide the information.

VIII. In the case of an ~~[unwed mother]~~ **unmarried birth parent**, unless an affidavit of ~~[paternity]~~ **parentage** has been executed, the notation "not stated" shall be entered in the spaces provided for information concerning the ~~[father]~~ **non-birth parent**.

IX. When a child is born in a moving conveyance, the city or town of birth shall be that city or town where the child was first removed from said conveyance.

X. When a married ~~[mother]~~ **birth parent** refuses to give information concerning her ~~[husband]~~ **spouse** as ~~[father]~~ **parent** of the child, the hospital shall enter "not stated" on the birth record for all information pertaining to the ~~[father]~~ **non-birth parent** of the child.

XI. For a birth which occurred in a hospital or institution, the hospital or institution birth registrar or designee shall initially record information for the birth record on the birth worksheet and permanently retain the birth worksheet in the ~~[mother's]~~ **birth parent's** medical record files at the hospital.

6 Completion of the Birth Worksheet for Non-Hospital Births; Changed Reference. Amend RSA 5-C:20 to read as follows:

5-C:20 Completion of the Birth Worksheet for Non-Hospital Births.

I. If a child is born in New Hampshire at home or some place other than a facility that regularly prepares birth records and is brought to a New Hampshire hospital or birthing center with the ~~[mother]~~ **birth parent** within 24 hours of birth, the hospital or birthing center shall complete the birth record in accordance with RSA 5-C:19 except that the place of birth shall be entered as the city or town of the actual birth; the physician who attends the ~~[mother]~~ **birth parent** in the hospital shall be entered as the physician who attended the ~~[mother]~~ **birth parent** in the hospital or birthing center; and the certifying physician signature section shall be signed by the physician who attended the ~~[mother]~~ **birth parent** in the facility.

II. Birthing centers shall complete birth records for children born in their facilities in accordance with the reporting requirements for hospital and institution live births as provided in RSA 5-C:19.

1 III. In the case of a home birth, the record shall be completed as follows:

2 (a) If attended by a physician, midwife, or nurse midwife, then the physician, midwife or
3 nurse midwife shall report the birth of the child to the division or to the registrar in the town where
4 the birth occurred within one week of the birth. The physician, midwife or nurse midwife shall,
5 within 2 weeks of the birth, complete the birth worksheet by completing the medical and statistical
6 sections in accordance with RSA 5-C:19 by entering his or her name and title as the attendant; by
7 signing the worksheet as the attendant; by providing his or her mailing address; and, by giving the
8 signed worksheet to the parent to bring to the clerk of the town or city where the birth occurred.
9 The clerk of the town or city shall report to the division by the next working day any home birth that
10 takes place within his or her jurisdiction if such an occurrence is brought to his or her attention and,
11 the division shall notify the appropriate clerk of the town or city of any home birth reported directly
12 to the division.

13 (b) If a home birth is not attended by a physician or midwife, then the parent shall
14 report the birth of the child to the division or to the registrar in the town where the birth occurred
15 within one week of the birth. The clerk of the town or city shall report to the division by the next
16 working day any home birth that takes place within his or her jurisdiction if such an occurrence is
17 brought to his or her attention. The division shall notify the appropriate clerk of the town or city of
18 any home birth reported directly to the division. Upon notice of a home birth, the clerk of the town
19 or city shall prepare the birth worksheet completing as many items as possible, including the name
20 and address of a birth attendant if a parent, friend, ambulance attendant, or other person attended
21 the birth; sign the birth worksheet as certifier; and, if any of the original information on the
22 worksheet was changed by a parent before presentation to the clerk of the town or city, the parent
23 shall initial such changes and note the reason for the change in the margin of the birth worksheet.
24 When a home birth occurs in the state of New Hampshire and the ~~[mother]~~ **birth parent** is taken
25 with her child to a hospital outside the state, such a birth shall be registered by the division
26 notifying the appropriate clerk of the town or city of any home birth reported directly to the division.

27 IV. If a birth occurs in an unincorporated town or a geographical area where there is no
28 clerk of the town, the birth record shall be filed with the nearest clerk of a town or city or the state
29 registrar. The actual place of birth shall be shown on the birth record along with a notation stating
30 why the birth record was filed in a city or town other than that of the birth occurrence.

31 V. In the case where the ~~[mother]~~ **birth parent** has refused to provide the name of her
32 ~~[husband]~~ **spouse**, and at a later date she provides the name of her ~~[husband]~~ **spouse** to the clerk of
33 the town or city or the division, the ~~[mother]~~ **birth parent** shall also provide to the clerk of the town
34 or city the documentation necessary to process a correction to the birth record pursuant to RSA 5-
35 C:85. When reviewed pursuant to RSA 5-C:85, the clerk of the town or city shall add the name of the
36 ~~[husband]~~ **spouse** to the birth record.

VI. Whenever the marital status on the birth record is disputed by the ~~[mother]~~ **birth parent**, she shall provide to the division a medical opinion in writing concerning the estimated date of conception in relation to the date of the divorce and a certified copy of the divorce decree to establish the exact date of divorce. The state registrar shall review the information provided and make the determination of marital status for the birth record. If the ~~[mother]~~ **birth parent** disputes the determination of the state registrar, the ~~[mother]~~ **birth parent** may request an administrative hearing within 30 days of the registrar's decision.

7 Distribution of the Birth Record; Changed Reference. Amend RSA 5-C:21 to read as follows:

5-C:21 Distribution of the Birth Record.

I. The hospital or institution birth registrar shall forward a completed birth record to the division and clerk of the town or city no later than 6 days from the date of birth and provide to the parents upon discharge from the hospital or institution an exact copy of the information that will appear on the official birth record of the newborn child. If the ~~[mother]~~ **birth parent** has signed release papers for adoption, the hospital or institution birth registrar shall make the notation "Adoption Pending" on the face of the parent's notice and forward the parent notice to the division instead of giving it to the ~~[mother]~~ **birth parent**.

II. Hospital and institution birth registrars shall not issue any document resembling a birth certificate or which appears to be an official birth record.

III. The clerk of the town or city where the birth occurred shall review the information on the parent notice presented by the parent, and, if the information is confirmed by the parent, the clerk shall issue a certified copy of the birth certificate to the parent after receipt of payment pursuant to RSA 5-C:10. If the parent states that the information is incorrect, the clerk shall follow the correction procedures in RSA 5-C:85. In the case of a home birth, the clerk shall forward a copy of the completed birth record with the birth worksheet to the division within 2 business days of its completion; mail the parent notice to the parent or personally present it to the parent; and exchange the parent notice for a certified copy after payment of the fee required by RSA 5-C:10.

IV. The division shall provide the following to the city or town of residence of the ~~[mother]~~ **birth parent**:

- (a) The child's name.
- (b) The child's date of birth.
- (c) The child's place of birth.
- (d) The ~~[father's]~~ **non-birth** parent's name.
- (e) The ~~[mother's]~~ **birth parent's** name.
- (f) The state file number, which is a unique, sequential identifying number assigned by the division.

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V. If corrections of misspellings or typographical errors are required, the clerk of the city or town where the birth occurred shall forward a notice of changes to the division and issue a certified copy of the birth record, as amended, to the parents.

8 Legitimation of Child Form; Changed Reference. Amend RSA 5-C:22 as follows:

5-C:22 Legitimation of Child Form.

I. Unless the legitimation is by court order, each parent shall complete a legitimation of child form with the following:

(a) Information regarding the child, ~~[mother]~~ **birth parent**, and ~~[natural father]~~ **non-birth parent**, including: the name of the child as originally recorded; date and place of birth; maiden name of the ~~[mother]~~ **birth parent**; ~~[mother's]~~ **birth parent's** social security number; ~~[mother's]~~ **birth parent's** city or town of residence; full name of the child, full name of the ~~[natural father]~~ **non-birth parent**; date of birth of the ~~[natural father]~~ **non-birth parent**; state or foreign country of birth of the ~~[natural father]~~ **non-birth parent**; ~~[natural father's]~~ **non-birth parent's** social security number; and current mailing address of the parents.

(b) The signature of the ~~[natural father]~~ **non-birth parent** and the ~~[mother]~~ **birth parent**.

(c) The city or town and county where the affidavit was signed.

(d) The signature of the notary public or justice of the peace with the expiration date of commission, the date signed, and sealed if applicable.

(e) Indication as to whether the certificate of marriage was presented to the clerk of the town or city.

(f) The date received by the clerk of the town or city.

(g) The date the new record was made.

(h) The signature and city or town of the clerk.

II. When the ~~[mother]~~ **birth parent** or ~~[natural father]~~ **non-birth parent** or both are under the age of 18, each signature shall be accompanied by the notarized signature of a parent or guardian unless the legitimation is by court order.

9 Birth Record Following Legitimation; Changed Reference. Amend RSA 5-C:23 as follows:

5-C:23 Birth Record Following Legitimation.

I. An application for filing an amended birth record in the case of a legitimation shall be made by a parent on a legitimation of child form pursuant to RSA 5-C:22 and submitted to the clerk of the city or town where the birth occurred.

II. Upon receipt of a legitimation of child form and a certified copy of the parent's marriage record, or in accordance with procedures outlined in RSA 457:42 and RSA 460:29, the clerk of the city or town where the birth occurred shall prepare an amended birth record.

III. The following procedures shall be followed if a legitimation case is settled by the court pursuant to RSA 460:29:

1 (a) A certified copy of the court order shall be presented by the parents to the clerk of the
2 city or town where the birth occurred.

3 (b) The legitimation form shall be prepared pursuant to RSA 5-C:22 and filed by the
4 clerk of the city or town with a notation on the form indicating that the court order has been the
5 basis of the action under RSA 460:29.

6 (c) The birth record shall then be processed as specified in RSA 5-C:87, and amended by
7 adding information to the record concerning the ~~[father]~~ **non-birth parent**.

8 IV. The clerk of the city or town shall prepare the amended birth record in accordance with
9 RSA 5-C:89, adding the information concerning the ~~[father]~~ **non-birth parent**.

10 V. The court order and the legitimation of child form shall be retained permanently by the
11 clerk of the city or town on the form appropriate for the year of birth pursuant to RSA 5-C:86.

12 10 Affidavit of Paternity; Changed Reference. Amend RSA 5-C:24 to read as follows:

13 5-C:24 Affidavit of ~~[Paternity]~~ **Parentage**.

14 I. In the case of a child born in the state of New Hampshire whose ~~[paternity]~~ **parentage**
15 has not been established by means of an affidavit of ~~[paternity]~~ **parentage**, the ~~[mother or the~~
16 ~~natural father]~~ **birth parent or the non-birth parent** may initiate a request for an
17 acknowledgment of ~~[paternity]~~ **parentage**.

18 II. The affidavit of ~~[paternity]~~ **parentage** shall be completed and filed in accordance with
19 RSA 5-C:25. **A genetic parent or a person who is a parent pursuant to RSA 168-B:2, II,**
20 **without the assistance of a gestational carrier (as gestational carrier arrangements are**
21 **governed by RSA 168-B:12), married or unmarried, may establish parentage by signing an**
22 **affidavit of parentage.**

23 III. A hospital shall attempt to have the affidavit of ~~[paternity]~~ **parentage** completed in the
24 hospital, but if an affidavit is not completed before the birth record is sent to the division and the
25 ~~[paternity]~~ **parentage** is not yet established, then the phrase "not stated" shall be inserted for the
26 ~~[father's]~~ **non-birth parent** name.

27 IV. If the affidavit of ~~[paternity]~~ **parentage** is not completed in the hospital, the ~~[mother~~
28 ~~and natural father]~~ **birth parent and non-birth parent** shall contact the clerk of the town or city
29 to execute the affidavit of ~~[paternity]~~ **parentage**.

30 V. The ~~[natural father's]~~ **non-birth parent's** name, date of birth, and state of birth shall be
31 added to the birth record by the clerk of the town or city upon the registrar's receipt of a sworn,
32 notarized affidavit of ~~[paternity]~~ **parentage**.

33 VI. A copy of the completed affidavit of ~~[paternity]~~ **parentage** shall be forwarded by the
34 hospital to the department of health and human services, division of child support services and the
35 original to the division.

VII. If the ~~[mother or natural father]~~ **birth parent or non-birth parent** is not of legal age, then each signature on the affidavit of ~~[paternity]~~ **parentage** form of a person under the age of 18 shall be accompanied by the signature of his or her parent or legal guardian.

VIII. When an affidavit of ~~[paternity]~~ **parentage** is executed after the death of a child, a notation shall be made on the affidavit indicating that the child is deceased and that the changes authorized on the birth record are also applicable to the death record.

IX. When the married ~~[mother]~~ **birth parent** of a child born in a hospital indicates that her ~~[husband]~~ **spouse** is not the ~~[natural father]~~ **non-birth parent** of the child but because of time constraints a 3-party affidavit of ~~[paternity]~~ **parentage** cannot be executed before she leaves the hospital, the surname of the child shall be any name chosen by the ~~[mother]~~ **birth parent** and the hospital shall enter "not stated" on the birth record for all information pertaining to the ~~[father]~~ **non-birth parent** of the child. The ~~[mother, natural father, and husband]~~ **birth parent, non-birth parent, and spouse** shall subsequently sign a 3-party affidavit of ~~[paternity]~~ **parentage** form, with each signature notarized, and submit it to the clerk of the city or town where the birth occurred. Upon receipt of the signed and notarized 3-party affidavit of ~~[paternity]~~ **parentage**, the clerk shall create a new birth record for the child, reflecting the new name of the child as well as the ~~[natural father's]~~ **non-birth parent's** information. The ~~[natural father]~~ **non-birth parent** may sign the affidavit before the birth of the child has occurred, but the ~~[mother]~~ **birth parent's** signature shall not be affixed to the affidavit form until after the birth of the child.

X. When ~~[an unwed mother]~~ **unmarried birth parent** applies to the clerk of a town or city wishing to add the name of a ~~[father]~~ **non-birth parent** to ~~[her]~~ **the** child's birth record the following shall apply: the affidavit of ~~[paternity]~~ **parentage** shall be executed prior to the child's 18th birthday; the ~~[natural father]~~ **non-birth parent** to be named shall personally sign the affidavit; if signed separately, each signature shall be separately notarized; in those cases where the ~~[alleged natural father]~~ **non-birth parent** is deceased, the ~~[mother]~~ **birth parent** shall present ~~[her]~~ **the** request in the form of petition to a court of competent jurisdiction; and, if the court approves the request, the resulting court order shall be processed by the clerk of the town or city in the same manner as a court determination of ~~[paternity]~~ **parentage** and in accordance with RSA 5-C:26.

XI. Once the surname of the child has been established through an executed affidavit of ~~[paternity]~~ **parentage**, any subsequent change shall be made upon receipt of a certified copy of a legal change of name issued by a court of competent jurisdiction.

11 Informational Requirements for an Affidavit of Paternity; Changed Reference. Amend RSA 5-C:25 as follows:

5-C:25 Informational Requirements for an Affidavit of ~~[Paternity]~~ **Parentage**.

I. Parents shall include the following information when completing an affidavit of ~~[paternity]~~ **parentage**:

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(a) Information about the child including: the child's first, middle, and last names; the child's city or town and state of birth; the child's date of birth; the child's name as it appears on the birth record; the child's social security number, if known; whether the child is living; and, the child's date and place of death, if applicable.

(b) Information about, and signature of, the child's ~~[natural father]~~ **non-birth parent**, including: the ~~[natural father's]~~ **non-birth parent's** full name and date of birth; the ~~[natural father's]~~ **non-birth parent's** state of birth; the ~~[natural father's]~~ **non-birth parent's** social security number; the ~~[natural father's]~~ **non-birth parent's** address; and, the ~~[natural father's]~~ **non-birth parent's** signature and date signed, unless the ~~[natural father]~~ **non-birth parent** is a minor in which case ~~[his]~~ **that person's** parent or guardian's signature shall be obtained and the date signed.

(c) Information about, and signature of, the child's ~~[mother]~~ **birth parent**, including: the ~~[mother's]~~ **birth parent's** maiden name; the ~~[mother's]~~ **birth parent's** social security number; ~~[the mother's]~~ **birth parent's** address; if the ~~[mother]~~ **birth parent** is a minor, ~~[her]~~ **that person's** parent or guardian's signature; and, the ~~[mother's]~~ **birth parent's** signature and date signed, unless the ~~[mother]~~ **birth parent** is a minor, in which case ~~[her]~~ **that person's** parent or guardian's signature shall be obtained and the date signed.

(d) When the ~~[mother's husband]~~ **birth parent's spouse** agrees that ~~[he is]~~ **they** are not the child's ~~[natural father]~~ **non-birth parent**, the following information, and signature of, the ~~[mother's husband]~~ **spouse**, including: the ~~[husband's]~~ **spouse's** name; the ~~[husband's]~~ **spouse's** social security number; the ~~[husband's]~~ **spouse's** address; and the ~~[husband's]~~ **spouse's** signature and date signed, unless the ~~[husband]~~ **spouse** is a minor in which case his parent or guardian's signature shall be obtained and the date signed.

(e) The signatures of the child's ~~[natural father, mother]~~ **non-birth parent, birth parent**, and, if ~~[he is]~~ **they are** not the child's ~~[father, her husband]~~ **non-birth parent, the spouse**, shall be notarized and shall include the date signed and the date the notary's commission expires.

(f) Certification of hospital or birthing center, including the name and signature of the preparer and date signed, and the name and the address of the hospital or birthing facility.

II. In the case of a home birth, the midwife or attendant shall refer the ~~[mother]~~ **birth parent** to the clerk of the town or city to complete the affidavit of ~~[paternity]~~ **parentage**.

12 Birth Record Following Paternity Determination; Changed Reference. Amend RSA 5-C:26 to read as follows:

5-C:26 Preparation of New Birth Record Following ~~[Paternity]~~ **Parentage** Determination.

I. Upon receipt of a certified copy of a court order regarding the ~~[paternity]~~ **parentage** of a child born in New Hampshire, the clerk of the city or town where the birth occurred shall prepare a new birth record.

II. Acceptable documentation for preparing a new birth record shall include a certified court order that clearly states that the birth record shall be changed to reflect ~~[paternity]~~ **parentage** or a

1 photocopy of that court order and a letter from the division of child support services indicating that a
2 ~~[paternity]~~ **parentage** hearing has been initiated by that division.

3 III. The clerk of the town or city shall prepare the new birth record, retain its originally
4 assigned file number, send the copy marked "state" to the division; and retain the copy marked
5 "clerk."

6 IV. Upon receipt of the completed affidavit of ~~[paternity]~~ **parentage** by the clerk of the city
7 or town, the information concerning the ~~[father]~~ **non-birth parent** shall be added to the birth
8 record, or in the case of an affidavit of ~~[paternity]~~ **parentage** submitted after the filing of the birth
9 record, a new record shall be completed by the clerk of the town or city and forwarded to the division
10 in accordance with this section and RSA 5-C:21.

11 V. The surname of the child shall be recorded as shown on the affidavit of ~~[paternity]~~
12 **parentage** and in accordance with RSA 5-C:24. If the ~~[mother]~~ **birth parent** is ~~[unwed]~~
13 **unmarried**, the surname given to the child shall be any name chosen by the ~~[mother and father]~~
14 **parents**. If the ~~[mother]~~ **birth parent** is married and a 3-party affidavit of ~~[paternity]~~ **parentage**
15 is being utilized, the surname of the child shall be any name chosen by the ~~[mother]~~ **birth parent**.

16 13 Rescission of Paternity Form; Changed Reference. Amend RSA 5-C:27 to read as follows:
17 RSA 5-C:27 Rescission of ~~[Paternity]~~ **Parentage** Form.

18 I. A parent or legal guardian who is a signatory to the affidavit of ~~[paternity]~~ **parentage**
19 shall provide information to complete a rescission of ~~[paternity]~~ **parentage** form as follows:

20 (a) Information about the child, including the child's first, middle, and last names as
21 they appear on the birth record, the child's date of birth, the city or town of birth, the child's social
22 security number, if known, and the child's sex.

23 (b) Information about the child's ~~[father and mother]~~ **parents**, and the ~~[mother's]~~
24 ~~husband]~~ **birth parent's** spouse if a 3-party affidavit of ~~[paternity]~~ **parentage** was completed,
25 including the ~~[father's]~~ **non-birth parent's** full name, the ~~[father's]~~ **non-birth parent's** date of
26 birth, the ~~[father's]~~ **non-birth parent's** mailing address, the ~~[mother's]~~ **birth parent's** full name,
27 the ~~[mother's]~~ **birth parent's** mailing address, whether a completed 3-party affidavit of ~~[paternity]~~
28 **parentage** was submitted and, if a 3-party affidavit was filed, the ~~[husband's]~~ **spouse's** full name
29 and mailing address.

30 (c) The rescinder's signature and date.

31 II. The form shall be attested to by a notary public or justice of the peace. The city or town
32 clerk shall sign and date the form.

33 14 Rescission of Paternity Procedures; Changed Reference. Amend RSA 5-C:28 to read as
34 follows:

35 5-C:28 Rescission of ~~[Paternity]~~ **Parentage** Procedures.

36 I. A parent or legal guardian may request to rescind an affidavit of ~~[paternity]~~ **parentage**
37 from the clerk of the city or town where the birth occurred within 60 days of the filing of an affidavit

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1 of ~~[paternity]~~ **parentage** unless an administrative or judicial proceeding related to the child results
2 in an earlier date.

3 II. Once the completed rescission of ~~[paternity]~~ **parentage** form is filed, the clerk of the
4 town or city shall remove the name of the ~~[father]~~ **non-birth parent** from the birth record and
5 insert "not stated" in the space provided for the ~~[father's]~~ **non-birth parent's** name or, if the
6 original birth record was filed prior to the completion of an affidavit of ~~[paternity]~~ **parentage**,
7 change the child's name on the birth record back to the name stated on the original record before the
8 affidavit of ~~[paternity]~~ **parentage** was filed.

9 III. After the 60-day rescission period has passed, any challenge to the affidavit shall be
10 decided only by a court of competent jurisdiction.

11 IV. The fee for changing the birth record due to a rescission of ~~[paternity]~~ **parentage** shall
12 be in accordance with RSA 5-C:10.

13 V. The clerk of the city or town where the birth occurred shall distribute the rescission of
14 ~~[paternity]~~ **parentage** to the birth ~~[mother]~~ **parent**; the ~~[father]~~ **non-birth** parent named on the
15 affidavit of ~~[paternity]~~ **parentage**; the parent or legal guardian of minor signatory as stated on the
16 affidavit of ~~[paternity]~~ **parentage**; the division; the department of health and human services; the
17 ~~[husband]~~ **spouse**, if a 3-party affidavit of ~~[paternity]~~ **parentage** was completed; and, the hospital
18 that was the originator of the affidavit of ~~[paternity]~~ **parentage**, if applicable.

19 15 Surrogate Mother; Changed Reference. RSA 5-C:29 is repealed and reenacted to read as
20 follows:

21 5-C:29 Gestational Carrier.

22 When a child is born to a gestational carrier as defined in RSA 168-B:1, IX, if there is a
23 parentage order issued prior to birth, the birth record shall list parentage as reflected in the order.
24 If a parentage order is issued post birth, the birth record shall list parentage consistent with the
25 order as either an original birth record or as an amended birth record as requested by the party or
26 parties.

27 16 Birth Resulting from Artificial Insemination; Changed Reference. Amend RSA 5-C:30 to
28 read as follows:

29 5-C:30 Birth Resulting from Artificial Insemination.

30 I. When it is known that the birth of a child is the result of artificial insemination as defined
31 in 168-B:1 of sperm from a person who is not the ~~[mother's husband]~~ **birth parent's spouse**, ~~[the~~
32 ~~male]~~ **parentage** shall be indicated on the birth record as follows:

33 (a) If the ~~[mother]~~ **birth parent** is married, the ~~[husband's]~~ **spouse's** name shall be
34 listed as the ~~[father]~~ **parent** of the child.

35 (b) If the ~~[mother]~~ **birth parent** is ~~[unwed]~~ **unmarried**, an affidavit of ~~[paternity]~~
36 **parentage** ~~[shall]~~ **may** be executed by the intended parents as defined in 168-B ~~[when the donor of~~

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1 ~~the sperm can be identified and is willing to be identified on the birth record or, otherwise, the~~
2 ~~phrase "not stated" shall be entered for the father's name].~~

3 II. In the case where the birth of a child is the result of artificial insemination of a
4 ~~[surrogate mother]~~ **person acting as a gestational carrier**, the preparation of the birth record
5 shall be governed by the procedures in RSA 5-C:29.

6 17 Initiation of the Death Record; Changed Reference. Amend RSA 5-C:63, XI to read as
7 follows:

8 XI. In the case of an infant death when the child is less than one year of age and the
9 ~~[mother]~~ **birth parent** is not married, the name of the ~~[father]~~ **non-birth parent** shall not be
10 provided unless the ~~[father's]~~ **non-birth parent's** name appears on the birth record or an affidavit
11 of ~~[paternity]~~ **parentage** has been executed relating to both the birth and death certificate of the
12 child. The name of the child on the death record shall be the same as the name of the child as shown
13 on the child's birth record.

14 18 Fetal Death Paternity Affidavit; Changed Reference. Amend RSA 5-C:76 to read as follows:
15 5-C:76 Fetal Death ~~[Paternity]~~ **Parentage** Affidavit.

16 The information and signature requirements for a fetal death ~~[paternity]~~ **parentage** affidavit
17 shall be as follows: the ~~[father's]~~ **non-birth parent's** full name; the ~~[father's]~~ **non-birth parent's**
18 city or town, county, and state of residence; ~~[the father's]~~ **the non-birth parent's** date of birth; the
19 ~~[father's]~~ **non-birth parent's** social security number; the date and place of delivery of the fetus; the
20 ~~[mother's]~~ **birth parent's** full maiden name; ~~[mother's]~~ **birth parent's** social security number; the
21 ~~[mother's]~~ **birth parent's** resident address; the name of the fetus if it appears on the report of fetal
22 death; ~~[the father's]~~ **both parents'** signature and the date signed; ~~[the mother's signature and the~~
23 ~~date signed;]~~ the ~~[mother's husband's]~~ **birth parent's spouse's** signature in the case where the
24 child's ~~[father]~~ **non-birth parent** is not the ~~[mother's husband]~~ **birth parent's spouse**; the
25 signature of a parent or guardian if the ~~[natural father]~~ **non-birth parent**, the ~~[mother]~~ **birth**
26 **parent**, or the ~~[mother's husband]~~ **birth parent's spouse** is not of legal age, and the date signed;
27 and the signature and seal of a notary public or justice of the peace and the date signed.

28 19 Procedures for Completion of the Fetal Death Paternity Affidavit; Changed Reference.
29 Amend RSA 5-C:77 to read as follows:

30 5-C:77 Procedures for Completion of the Fetal Death ~~[Paternity]~~ **Parentage** Affidavit.

31 The name and information concerning the ~~[father]~~ **non-birth parent** shall be included in the
32 report of fetal death for a child delivered out of wedlock in the state of New Hampshire upon receipt
33 of a sworn affidavit of ~~[paternity]~~ **parentage** signed by both parents as described in RSA 5-C:76.
34 The hospital or institution's designated staff shall prepare the fetal death ~~[paternity]~~ **parentage**
35 affidavit and attach it to the report of fetal death that is forwarded to the division. Upon receipt of
36 the fetal death ~~[paternity]~~ **parentage** affidavit, the information concerning the ~~[father]~~ **non-birth**
37 **parent** shall be added by the division to the report of fetal death. The fetal death ~~[paternity]~~

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1 **parentage** affidavit form shall be retained by the division with the report of fetal death in
2 accordance with the record retention schedule listed in RSA 5-C:96.

3 20 Retention Schedule for Forms and Other Documents; Changed Reference. Amend RSA 5-
4 C:96 to read as follows:

5 5-C:96 Retention Schedule for Forms and Other Documents.

6 I. "Vital event record," for the purpose of the retention schedule established in this section,
7 means all of the following records:

8 (a) All birth records and any related documents used in the preparation of new records,
9 including completed affidavits of ~~[paternity]~~ **parentage** legitimization forms, court-ordered ~~[paternity]~~
10 **parentage** decisions, court-authorized decisions related to change of gender, and all records relating
11 to adoptions.

12 (b) All death records, including changes affecting medical certification, submitted by the
13 physician, APRN, or physician assistant to either the clerk of the town or city or the division.

14 (c) All marriage records, including any documents and related material used in the
15 process of voiding any marriage certificate.

16 (d) Divorce, civil annulment, and legal separation records that are on file at the division.

17 II. For the purpose of preservation of facts in relation to births, marriages, deaths, and
18 divorces, vital event records shall be retained by the city or town clerks and hospitals as follows:

19 (a) Application forms used to apply for certified copies: retained for one year.

20 (b) Marriage application worksheet when the clerk of the town or city has received the
21 license from the officiant: retained for one year.

22 (c) Marriage application worksheet when the marriage license has not been returned by
23 the officiant or it has been determined that the marriage had never taken place: retained for 50
24 years.

25 (d) Birth worksheet, hospital birth: retained permanently.

26 (e) Birth worksheet, home birth: retained permanently.

27 (f) In-state burial permit: retained for 6 years.

28 (g) Out-of-state burial permit: retained for 10 years.

29 (h) Disinterment and reinterment permit; in-state disposition: retained for 6 years.

30 (i) Disinterment and reinterment permit; out-of-state disposition: retained for 10 years.

31 (j) Medical examiner's cremation certificate: retained for 6 years.

32 (k) Amendment or correction form: retained permanently.

33 (l) Clerk of the town or city's copy of marriage certificate: retained permanently.

34 (m) Fetal death report: retained permanently.

35 (n) Funeral director receipt: retained for one year.

36 (o) Vital event records, including birth, marriages, and deaths, not specifically listed in
37 this paragraph: retained permanently.

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21 Handling of Special Records; Changed Reference. Amend RSA 5-C:107, II to read as follows:

II. Access to non-certified copies of records involving ~~[paternity]~~ **parentage** judgments, affidavits of ~~[paternity]~~ **parentage**, legitimation, and change of sex which require the preparation of a new birth certificate shall be handled as provided by this paragraph. Any New Hampshire state agency shall be granted access when a specific legal authority is presented. The registrant and parents, legal guardians, or legal representatives of the registrant shall have access to the record, and any order from a court of competent jurisdiction requesting access shall be honored. To indicate that the document is a non-certified copy, a copy of the document shall be marked "informational copy only."

22 New Paragraph; Parent-Child Relationship. Amend RSA 168-B:2 by inserting after paragraph VII the following new paragraph:

VIII. Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (gestational carrier arrangements are governed by RSA 168-B:12), married or unmarried, may establish parentage by signing an affidavit of parentage pursuant to RSA 5-C:24.

23 Special Rules of Evidence and Procedure; Changed Reference. Amend RSA 546-B:27, X to read as follows:

X. A voluntary acknowledgment of ~~[paternity]~~ **parentage**, certified as a true copy, is admissible to establish parentage of the child.

24 Inheritance of Children Born of Unwed Parents; Changed Reference. Amend RSA 561:4 to read as follows:

561:4 Inheritance of Children Born of Unwed Parents.

I. A child born of unwed parents shall inherit from or through his ~~[mother]~~ **birth parent** as if born in lawful wedlock. The estate of a person born of unwed parents dying intestate and leaving no issue, nor ~~[husband, nor wife]~~ **spouse** shall descend to the ~~[mother]~~ **birth parent**, and, if the ~~[mother]~~ **birth parent** is dead, through the line of the ~~[mother]~~ **birth parent** as if the person so dying were born in lawful wedlock.

II. A child born of unwed parents shall inherit from or through his **or her** ~~[father]~~ **non-birth parent** as if born in lawful wedlock, under any of the following conditions:

(a) Intermarriage of the parents after the birth of the child.

(b) Acknowledgment of ~~[paternity]~~ **parentage** or legitimation ~~[by the father]~~.

(c) A court decree adjudges the decedent to be the ~~[father]~~ **parent** before his death.

(d) ~~[Paternity]~~ **Parentage** is established after the death of the ~~[father]~~ **parent** by clear and convincing evidence.

(e) The decedent had adopted the child.

25 Effective Date. This act shall take effect on July 1, 2025.