

4601.1300 REPLACEMENT BIRTH RECORD.

Subpart 1. **Registering replacement record.** The state registrar must register a replacement record. The state registrar may delegate the responsibility to register a replacement to a local registrar if the state registrar determines that a local registrar has the training and resources to register the replacement records. A replacement record must be registered:

A. upon receipt of a certified copy of an order, decree, or certificate of adoption according to Minnesota Statutes, section 144.218, subdivision 1;

B. if a birth record of a child has been registered and the birth parents of the child marry after the birth of the child according to Minnesota Statutes, section 144.218, subdivision 3. The state registrar must register the replacement record upon receipt of a certified copy of the marriage certificate of the birth parents and either a recognition of parentage or court adjudication of paternity;

C. upon receipt of a court order according to Minnesota Statutes, section 144.218, subdivision 4;

D. upon receipt of a declaration of parentage, a recognition of parentage, or a court order according to Minnesota Statutes, section 257.73; or

E. according to any other applicable state or federal statutes or regulations.

Subp. 2. **Changing original birth record.**

A. A replacement record must contain all of the information from the original record except:

(1) a registrar must change information that a court order specifically directs the registrar to change;

(2) a registrar must change parent and registrant information provided to a registrar on a certificate of adoption. If the birth mother is not named as a parent on the replacement birth record, health information and any civil registration information that would identify the birth mother will not be included on the replacement record; and

(3) in the case of a paternity adjudication, recognition of parentage, or declaration of parentage, a registrar must add the father's information when creating a replacement record. According to Minnesota Statutes, section 144.215, subdivision 3, if the court order does not declare the name of the child, a registrar must change the surname of the child to the surname of the father if both parents request the change in writing.

B. Changes to the replacement record other than those permitted under item A must be requested as an amendment under part 4601.1000.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

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