

4601.0900 DELAYED BIRTH REGISTRATION.

Subpart 1. **Delayed registration.** For a person born in Minnesota whose birth is not recorded, the registrant age 18 or older, parent, guardian, or legal representative who demonstrates tangible interest may file with a registrar documentation of birth for a delayed registration of birth. The person filing the documentation of birth must use a form prescribed by the state registrar and provide a certified statement that a birth record is not on file in Minnesota. In addition to meeting the requirements of part 4601.0600, subpart 4, documentation of birth for a delayed registration must meet the requirements of this part.

Subp. 2. **Verification by registrar.** Before registering the birth record, the registrar must ensure that no prior birth record is registered for the person whose birth is to be registered.

Subp. 3. **Delayed registration within seven years of birth.** To file documentation of birth for a delayed registration of birth within seven years of the birth:

A. A person filing the documentation must provide the information required under part 4601.0600, subpart 4.

B. For a birth that occurred in or en route to an institution, the person filing the documentation must provide:

(1) a notarized statement from the person in charge of the institution where the birth occurred or that person's designee responsible for filing documentation of birth for the institution, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth; or

(2) a notarized statement from the physician, certified nurse midwife, or other person who attended the birth, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth.

C. For a birth that did not occur in or en route to an institution or if the institution cannot substantiate the fact of birth information, documentation must include:

(1) the additional evidence required under part 4601.0600, subpart 6;

(2) a document substantiating the registrant's name, date of birth, name of the mother, and name of the father if the parents were married or if paternity is legally established; and

(3) a notarized statement as described in part 4601.0600, subpart 6, item B, subitem (1).

D. A document submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.217, subdivision 2.

Subp. 4. **Delayed registration seven or more years after birth.** To file documentation of birth for a delayed registration of birth seven or more years after the birth:

A. A person filing documentation of birth must provide the information required under part 4601.0600, subpart 4.

B. The person filing documentation of birth must provide evidence of:

- (1) the name of the person at the time of birth;
- (2) the date and place of birth;
- (3) the name of the mother; and
- (4) the name of the father if the parents were married or if paternity is legally established.

C. The following documentation is required:

- (1) at least two documents to support the registrant's name, date, and place of birth. If the earliest document presented to substantiate the date or place of birth was established more than seven years after birth, one additional document is required; and
- (2) a document to support the facts of parentage.

D. All documents submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented

the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.217, subdivision 2.

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

History: *25 SR 487*

Published Electronically: *July 26, 2007*