

HOUSE BILL NO. 1302

Introduced by

Representatives D. Johnston, Koppelman

1 A BILL for an Act to amend and reenact section 23-02.1-15 of the North Dakota Century Code,
2 relating to registration of birth by judicial determination.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-02.1-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-02.1-15. Delayed registration of birth.**

- 7 1. If the birth of an individual born in this state has not been registered, a birth record
8 may be filed in accordance with the regulations of the department of health and human
9 services. The birth record must be registered subject to such evidentiary requirements
10 as prescribed by the department of health and human services ~~shall prescribe~~ to
11 substantiate the alleged facts of birth.
- 12 2. A birth record registered one year or more after the date of occurrence must be
13 marked "delayed" and show on the face of the birth record the date of delayed
14 registration.
- 15 3. A summary statement of the evidence submitted in support of the delayed registration
16 must be endorsed on the birth record.
- 17 4. a. If an applicant does not submit the minimum documentation required in the
18 regulations for delayed registration or when the state registrar finds reason to
19 question the validity or adequacy of the birth record or documentary evidence,
20 the state registrar may not register the delayed birth record and shall advise the
21 applicant of the reasons for this action.
- 22 b. If the deficiencies are not corrected, the state registrar shall advise the applicant
23 of the right of appeal to a court of competent jurisdiction for a judicial
24 determination of the birth facts.

- 1 c. A birth record issued by judicial determination may not specify the record was
2 issued by judicial determination.
- 3 ~~b.d.~~ The department of health and human services by ~~regulation~~rule may provide for
4 the dismissal of an application that is more than one year old and is not being
5 actively pursued.
- 6 5. A report of live birth may not be registered for a deceased individual one year or more
7 after that individual's date of birth.