

REFERENCE TITLE: birth certificates; delayed registration

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1205

Introduced by
Senator Allen

AN ACT

AMENDING SECTION 36-333.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-333.03; RELATING TO BIRTH REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-333.02, Arizona Revised Statutes, is amended to
3 read:

4 36-333.02. Delayed birth certificate registration

5 A. If a birth certificate of a person who is born in this state is not
6 registered within one year after the date of birth, a person authorized by
7 this chapter may submit to the state registrar information and evidentiary
8 documents that support the creation and registration of a delayed birth
9 certificate.

10 B. The state registrar may waive the information and evidentiary
11 document requirements in subsection A **OF THIS SECTION** for a birth that
12 occurred before ~~1950~~ 1970.

13 C. The state registrar shall create a delayed birth certificate that
14 includes a listing of the information and evidentiary documents submitted
15 pursuant to subsection A **OF THIS SECTION**.

16 D. The state registrar shall register a delayed birth certificate if
17 the information and evidentiary documents are accurate and complete, support
18 the **CREATION AND** registration of the delayed birth certificate and are
19 submitted pursuant to this chapter and rules adopted pursuant to this
20 chapter.

21 **E. IF THE STATE REGISTRAR DETERMINES THAT THE INFORMATION AND**
22 **EVIDENTIARY DOCUMENTS ARE NOT ACCURATE AND COMPLETE OR DO NOT SUPPORT THE**
23 **CREATION AND REGISTRATION OF THE DELAYED BIRTH CERTIFICATE, THE STATE**
24 **REGISTRAR SHALL NOT CREATE AND REGISTER THE DELAYED BIRTH CERTIFICATE, SHALL**
25 **NOTIFY THE PERSON REQUESTING A DELAYED BIRTH CERTIFICATE OF THE REASONS FOR**
26 **NOT CREATING AND REGISTERING THE DELAYED BIRTH CERTIFICATE AND SHALL ADVISE**
27 **THE PERSON REQUESTING A DELAYED BIRTH CERTIFICATE OF THAT PERSON'S RIGHT TO**
28 **PETITION FOR A COURT ORDER PURSUANT TO SECTION 36-333.03.**

29 Sec. 2. Title 36, chapter 3, article 3, Arizona Revised Statutes, is
30 amended by adding section 36-333.03, to read:

31 36-333.03. Record of birth; petition; requirements; notice;
32 court order; definition

33 A. **IF A DELAYED BIRTH CERTIFICATE FOR A PERSON WHO IS BORN IN THIS**
34 **STATE IS NOT CREATED AND REGISTERED PURSUANT TO SECTION 36-333.02, THAT**
35 **PERSON OR, IF THE PERSON IS UNDER EIGHTEEN YEARS OF AGE, THE PERSON'S PARENT**
36 **OR LEGAL GUARDIAN MAY PETITION THE COURT FOR AN ORDER TO ESTABLISH A RECORD**
37 **OF THE PERSON'S DATE OF BIRTH, PLACE OF BIRTH AND PARENTAGE.**

38 B. **THE PETITION MUST ALLEGE:**

39 1. **THAT THE PERSON FOR WHOM A DELAYED BIRTH CERTIFICATE IS REQUESTED**
40 **WAS BORN IN THIS STATE.**

41 2. **THAT THE PERSON'S BIRTH IS NOT REGISTERED IN ANOTHER STATE OR**
42 **COUNTRY.**

43 3. **THAT A RECORD OF BIRTH FOR THE PERSON CANNOT BE FOUND IN THIS**
44 **STATE'S VITAL RECORDS.**

1 4. THAT DESPITE DILIGENT EFFORTS THE PETITIONER WAS UNABLE TO OBTAIN
2 THE INFORMATION AND EVIDENTIARY DOCUMENTS REQUIRED FOR THE CREATION AND
3 REGISTRATION OF A DELAYED BIRTH CERTIFICATE.

4 5. THAT THE STATE REGISTRAR HAS REFUSED TO CREATE AND REGISTER A
5 DELAYED BIRTH CERTIFICATE.

6 6. ANY OTHER ALLEGATIONS THE PETITIONER BELIEVES WOULD BE USEFUL TO
7 THE COURT.

8 B. THE PETITIONER SHALL SUBMIT TO THE COURT A COPY OF THE NOTIFICATION
9 PROVIDED PURSUANT TO SECTION 36-333.02, SUBSECTION E AND ALL INFORMATION AND
10 EVIDENTIARY DOCUMENTS THAT WERE SUBMITTED TO THE STATE REGISTRAR TO SUPPORT
11 THE REQUEST FOR THE REGISTRATION OF A DELAYED BIRTH CERTIFICATE.

12 C. THE COURT SHALL SET A DATE, TIME AND PLACE FOR A HEARING ON THE
13 PETITION AND SHALL PROVIDE NOTICE OF THE DATE, TIME AND PLACE TO THE STATE
14 REGISTRAR AND THE PETITIONER AT LEAST TEN DAYS BEFORE THE HEARING. THE STATE
15 REGISTRAR MAY APPEAR AND TESTIFY AT THE HEARING.

16 D. IF THE COURT FINDS THAT THE EVIDENCE PRESENTED FOR THE PETITIONER
17 SUPPORTS THE CREATION AND REGISTRATION OF A DELAYED BIRTH CERTIFICATE, THE
18 COURT SHALL ESTABLISH THE FACTS OF BIRTH, INCLUDING PARENTAGE AND ANY OTHER
19 FINDINGS THAT MAY BE REQUIRED, AND SHALL ISSUE AN ORDER TO CREATE AND
20 REGISTER A DELAYED BIRTH CERTIFICATE ON A FORM THAT IS PROVIDED BY THE STATE
21 REGISTRAR AND THAT INCLUDES THE FACTS OF BIRTH, A DESCRIPTION OF THE
22 INFORMATION AND EVIDENTIARY DOCUMENTS SUBMITTED TO THE COURT AND THE DATE OF
23 THE COURT'S ACTION.

24 E. THE CLERK OF THE COURT SHALL FORWARD AN ORDER ISSUED PURSUANT TO
25 SUBSECTION D OF THIS SECTION TO THE STATE REGISTRAR NOT LATER THAN THE TENTH
26 DAY OF THE CALENDAR MONTH FOLLOWING THE MONTH IN WHICH THE COURT ISSUED ITS
27 ORDER. BASED ON THE INFORMATION CONTAINED IN THE ORDER, THE STATE REGISTRAR
28 SHALL CREATE AND REGISTER A DELAYED BIRTH CERTIFICATE THAT INCLUDES A LIST OF
29 THE INFORMATION AND EVIDENTIARY DOCUMENTS AS STATED IN THE ORDER.

30 F. FOR THE PURPOSES OF THIS SECTION, "COURT" MEANS THE SUPERIOR COURT.