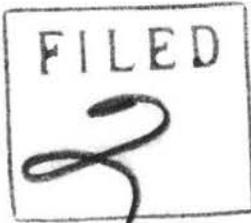


DIVISION OF HEALTH: The Division of Health may accept for filing, after the time prescribed for filing, the birth certificate of one whose birth certificate is on file in another state, upon the submission of proof by such person sufficient to convince the Division of Health that he was born in this state.

XXXXXXXXXX

March 26, 1953

JOHN M. DALTON



XXXXXXX

J.C. Johnson

Honorable James R. Amos, M.D.  
Director  
Division of Health  
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request.

"We would like to have an opinion from your office as to whether we can file a birth certificate for a person who claims he was actually born in Missouri, yet who actually has on file for him a birth certificate in a neighboring state. The specific case in question involves a person living in Missouri with an Arkansas postoffice address. An Arkansas physician attended the birth and filed the certificate with the State Board of Health, Little Rock, Arkansas."

We note that the person in question claims to have been born in Missouri, but that his birth certificate is on file in Arkansas. A photostatic copy of this birth certificate, which you have forwarded to us, shows the birth to have occurred in Leachville, Arkansas. ✓

We would now direct attention to Section 193.100, RSMo 1949, which reads:

"Within the time prescribed by the division a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person

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in attendance at the birth; or if not so attended, by one of the parents."

Also, to Section 193.200, RSMo 1949, which reads:

"A person born in this state, or a resident of Missouri born outside of this state whose birth is not recorded in any other state, may file, or amend a certificate after the time herein prescribed, upon submitting such proof as shall be required by the division, or by any court."

Also, to Section 193.210, RSMo 1949, which reads:

"1. Certificates accepted subsequent to six months after the time prescribed for filing and certificates which have been altered after being filed with the state registrar shall contain the date of the delayed filing and the date of the alteration and be marked 'delayed' or 'altered.'

"2. A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate."

Section 193.100, supra, provides that within a certain time after a birth a certificate of such birth shall be filed, with the local registrar. That was not done in the instant case. However, Section 193.210, supra, permits the filing of such delayed certificate after the prescribed time upon the submission of evidence sufficient to satisfy the Division of Health that such certificate should be accepted for filing.

Under the provisions of Section 193.200, supra, a person born in this state, but whose birth, for some reason, has not been recorded in this state, but who submits to the Division of Health proof sufficient to satisfy the Division that such person was born in this state, should have his

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birth certificate filed by the division.

CONCLUSION

It is the opinion of this department that the Division of Health may accept for filing, after the time prescribed for filing, the birth certificate of one whose birth certificate is on file in another state, upon the submission of proof by such person sufficient to convince the Division of Health that he was born in this state.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Hugh P. Williamson.

Very truly yours,

JOHN M. DALTON  
Attorney General

HPW:mm