

DIVISION OF HEALTH: Birth certificate of illegitimate child adopted by husband of child's mother in
BIRTH CERTIFICATES: adoption proceeding in which natural mother did not join should contain information regarding adopting father and information contained in original birth certificate regarding the natural mother.



May 11, 1953

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

Dear Sir:

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

"The natural mother of an illegitimate child subsequently married. The husband of the child's mother has adopted the child, but the natural mother did not enter into the adoption. The child happens to be of legal age at the present time and her consent was obtained. The question is, in amending the birth certificate for the adopted child, does the natural mother's information appear on the amended certificate along with the adopting father, even though she did not enter her consent or otherwise enter into the adoption?"

"We need the opinion so that we will know how to prepare the amended certificate. This is the first instance that we have where the natural mother has not agreed in writing to the adoption of her child by her husband."

We would first call your attention to Section 193.100, RSMo 1949, which section 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

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birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents."

The certificate of birth which is provided for by the above section contains certain information regarding the parents of the child, if the parents, or either of them, are known, whether they are married or unmarried. In this instance the unmarried mother of the person in question was known. We assume that a birth certificate was made out, giving information regarding the natural mother, soon after the birth of the child, since you inquire whether the natural mother's information should appear on the amended birth certificate.

Section 453.100, RSMo 1949, states:

"After the entry of the decree of adoption the clerk of the court shall immediately send to the division of health of the state department of public health and welfare a certified copy of the adoption decree and upon the request of the petitioner or petitioners in the adoption proceeding, or of the adopted person, the division of health shall change the birth records to conform to said decree."

Section 193.250, RSMo 1949, provides as follows:

"In cases of adoption the state registrar upon receipt of a certified copy of an order or decree of adoption shall prepare a supplementary certificate for children born in this state in the new name of the adopted person, and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore

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the original certificate to its original place in the files."

The changing of the birth records to conform to the adoption decree can be accomplished in this case only by the showing on the new birth certificate of information regarding the adopting father and the showing on the new certificate of the information regarding the natural mother, since such information is officially on file in the Division of Health.

CONCLUSION

It is the opinion of this office that a birth certificate amended subsequent to the adoption of an illegitimate child by the husband of the child's mother, in which adoption the child's mother did not join, should contain in addition to the information regarding the adopting father the information contained in the original birth certificate regarding the natural mother.

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

Yours very truly,

JOHN M. DALTON
Attorney General

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