

**4601.0600 FILING DOCUMENTATION OF BIRTH WITHIN FIRST YEAR OF BIRTH.**

Subpart 1. **Births occurring in institution.** According to Minnesota Statutes, section 144.215, subdivision 5, the person in charge of an institution or that person's authorized designee must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to parts 4601.0100 to 4601.2600 for each birth that occurs in the institution and for each birth that occurs en route to the institution.

Subp. 2. **Births occurring outside institution.** According to Minnesota Statutes, section 144.215, subdivision 6, when a birth occurs outside of an institution, one of the following persons, in the indicated order of preference, must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to subpart 6:

A. the physician or certified nurse midwife present at the time of the birth or immediately thereafter;

B. in the absence of a physician or certified nurse midwife, a person present at the time of the birth or immediately thereafter;

C. the father or mother of the child; or

D. in the absence or inability of the father or the mother, the person with primary responsibility for the premises where the child was born.

Subp. 3. **Infants of unknown parentage.** According to Minnesota Statutes, section 144.216, subdivision 1, whoever finds a live born infant of unknown parentage must file documentation of the birth with a registrar according to parts 4601.0100 to 4601.2600. Whoever assumes custody of a live born infant of unknown parentage must contact the state registrar and provide any information required that was not provided by the person who found the infant.

Subp. 4. **Birth information required.** The person filing the documentation of birth must include the following birth information in items A to C:

A. For a birth filed under subpart 1 or 2 or part 4601.0900, fact of birth, demographic, and health information associated with the birth as prescribed on an input birth record form supplied by the state registrar. A registrar may waive a birth information requirement if the person filing the documentation of birth can demonstrate that:

- (1) the information is not available through reasonable inquiries;
- (2) providing the information endangers the safety of the mother or child;
- (3) the mother of the child refuses to provide the information; or

(4) the services of a health care provider were not used for prenatal care or delivery.

B. If birth information requirements are waived according to item A, at least the following information must be provided:

- (1) date and county of birth;
- (2) child's sex;
- (3) birth order if multiple birth; and
- (4) first name, middle name, and maiden surname of mother.

C. For infants of unknown parentage, the persons identified in subpart 3 must provide as much fact of birth information as possible. A registrar must register a birth record according to the following:

- (1) if the actual date of birth cannot be determined, the date found must be recorded as the date of birth;
- (2) if the actual place of birth cannot be determined, the place found must be recorded as the place of birth;
- (3) the name given to the child by the custodian of the child must be recorded as the child's legal name; and
- (4) the name and address of the custodian must be recorded as the name and address of the attendant.

Subp. 5. **Recognition of parentage.** If the mother and father of a child are not married at the time of birth and there is no presumption of paternity according to Minnesota Statutes, section 257.55, the father's name must not be entered on the birth record unless, at the time of filing, a recognition of parentage prepared according to Minnesota Statutes, section 257.75, accompanies the filing of birth documentation.

Subp. 6. **Additional evidence required.** To file documentation of birth with a registrar for a birth occurring outside an institution according to subpart 2:

A. The person filing documentation of birth must include the information required in subpart 4 and must present evidence that:

- (1) the mother was pregnant;
- (2) the child was born alive; and
- (3) the mother was present in Minnesota on the date of the birth.

B. The registrar must determine if the evidence presented verifies the facts listed in item A. A document listed in subitems (1) to (3), if it meets the requirements of part 4601.1100, subpart 1, may be submitted:

- (1) a notarized statement from a person who attended the birth that attests to item A, subitems (1) to (3);
- (2) a postnatal medical record from a clinic or a hospital; or
- (3) a prenatal medical record from a clinic or other health care provider that verifies that the mother was pregnant.

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

D. 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 of this part. The local registrar must notify the person of the option to file the documentation of birth with the state registrar.

E. If the state registrar determines that the documentation of birth presented 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 of this part and must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.215, subdivision 7.

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

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