

CHAPTER 33-04-08
NEW RECORDS OF BIRTH FOLLOWING ADOPTION, LEGITIMATION, AND
PATERNITY DETERMINATION

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33-04-08-01. Adoption in other states or a foreign nation. A new record of birth may be prepared by the state registrar for a child born in this state upon receipt of an adoption report or certified copy of an adoption decree made by a court of competent jurisdiction.

History: Amended effective January 1, 2008.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-02. Legitimation. If the natural parents marry after the birth of a child, a new record of birth shall be prepared by the state registrar for a child born in this state upon receipt of an acknowledgment of paternity signed by the natural parents of the child or a certified copy of a court determination of paternity made by a court of competent jurisdiction, together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original record, a new record may be prepared only when a court determination of paternity has been made by a court of competent jurisdiction.

History: Amended effective January 1, 2008.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-03. Determination of paternity. A new record of birth may be prepared by the state registrar for a child born in this state upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of the child that such new record be prepared. The surname of the child shall remain unchanged unless the decree provides otherwise.

History: Amended effective January 1, 2008.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-04. New record. The new certificate of birth shall be on the form in use at the time of its preparation and shall include the following items of information and such other information necessary to complete the certificate:

1. The name of the child.

2. The date and place of birth as transcribed from the original certificate.
3. The names and personal particulars of the adoptive parents or of the natural parents.
4. The name of the attendant, printed or typed.
5. The same birth number as was assigned to the original certificate.
6. The original filing date.

The necessary data to locate the existing certificate and the data necessary to complete the new certificate shall be submitted to the state registrar on forms prescribed and approved by the state registrar.

History: Amended effective January 1, 2008.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18

33-04-08-05. Existing record to be placed in special file. After preparation of a new certificate of birth, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. The state registrar may inspect such information for purposes of properly administering the vital records registration program. No other inspection shall be permitted except as provided by order of a court of competent jurisdiction.

History: Amended effective January 1, 2008.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-18