

HOUSE No. 4165

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to parent names on birth certificates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/17/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>4/16/2025</i>

HOUSE No. 4165

By Representative Sabadosa of Northampton, a petition (accompanied by bill, House, No. 4165) of Lindsay N. Sabadosa and Erika Uyterhoeven relative to parent names on birth certificates. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to parent names on birth certificates.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 46 of the General Laws is hereby amended by striking out section 1
2 and inserting in place thereof the following section:-

3 Section 1. Each town clerk shall receive or obtain and record the following facts, as well
4 as such additional information that may be required under federal statutes or contracts,
5 regulations promulgated pursuant to section 4 of chapter 17, or, as the commissioner of public
6 health may require, relative to births, marriage, acknowledgments and adjudications of parentage
7 and deaths which occurred in the town and for certificates of marriage issued by the town.

8 In the record of births, date of birth, place of birth, name, residence and sex of child; and
9 names, birth surnames, places of birth and dates of birth of both parents. In the record of birth of
10 a child born to parents not married to each other, the name of and other facts relating to the other
11 parent shall not be recorded except as provided in section 2 of chapter 209C where parentage has

12 been acknowledged or adjudicated under the laws of the commonwealth or under the law of any
13 other jurisdiction.

14 In the record of marriages, date of record, date and place of marriage, name, residence
15 and official station of the person by whom solemnized; for each of the parties to be married the
16 name, date and place of birth, residence, age, number of the marriage, as first or second, and if
17 previously married, whether widowed or divorced and the birth-given names of their parents.

18 In the record of death, date of death, names of deceased, including birth surname, social
19 security number, gender, race, marital status, education, name of spouse if ever married,
20 supposed age, residence, occupation, place of death, place of birth, names, birth surnames and
21 places of birth of the parents, disease or cause of death, defined so that it can be classified under
22 the international classification of causes of death, place and type of immediate disposition. The
23 word "residence", as used in this section, shall include the name of the street and number, if any,
24 of the house.

25 SECTION 2. Said chapter 46 is hereby further amended by striking out section 13 and
26 inserting in place thereof the following section:-

27 Section 13. (a) If the record relating to a birth, marriage, acknowledgment or adjudication
28 of parentage, or death does not contain all the required facts, or if it is claimed that the facts are
29 not correctly stated therein, the town clerk or state registrar shall receive from the person
30 required by law to furnish the information for the original record, or by credible persons having
31 knowledge of the case, an affidavit containing the missing or corrected facts required to correct
32 or complete the record, accompanied by documentary evidence substantiating such facts beyond
33 a reasonable doubt. Except as hereinafter provided, such amendments or additions can be made

34 only to reflect the correct information at the time of the event. The minimum documentary
35 evidence to be required shall be specified by regulations promulgated pursuant to section 4 of
36 chapter 17.

37 (b) Any record filed under this chapter may be amended, corrected or supplemented
38 within 1 year after the date of the event without such affidavit or documentary evidence if
39 allowed by regulations promulgated pursuant to the provisions of section 4 of chapter 17, except
40 such amendments, corrections, or supplements which are expressly provided for hereinafter.

41 (c) If a person shall have acquired the status of a marital child by the intermarriage of
42 their parents and the acknowledgment of the child's other parent or an adjudication of parentage
43 by a court or administrative agency of competent jurisdiction under the laws of the
44 commonwealth or any other law, the record of his birth shall be amended so as to read, in all
45 respects, as if such person had been reported at the time of birth as born to such parents in lawful
46 wedlock.

47 (d) If a person is born to parents not married to each other or if the person who gave birth
48 and their spouse at the time of the birth or conception of the child complete an affidavit denying
49 that the spouse is the parent of the child, or if there is an adjudication of the nonparentage of the
50 spouse, such person's birth record shall be amended to include the alleged genetic parent's
51 information required by section 1 provided that:

52 (1) the person who gave birth and the alleged genetic parent have signed and filed an
53 acknowledgment of parentage with the clerk in the city or town where the birth occurred, the
54 state registrar, or the probate and family court having jurisdiction over the parties or the child
55 pursuant to chapter 209C;

56 (2) there has been a judgment of parentage by a court or administrative agency of
57 competent jurisdiction under the laws of the commonwealth and the court presents to the state
58 registrar a certified copy of such judgment on a form provided by the state registrar to amend the
59 birth certificate;

60 (3) there has been an acknowledgment of parentage, or a judgment of parentage by a
61 court or administrative agency of competent jurisdiction under the laws of the commonwealth or
62 of another state or a foreign country, and 1 of the following persons requests an amendment and
63 presents to the state registrar a copy of such judgment: the parent who gave birth, the parent
64 named in such acknowledgment or judgment of parentage, the parent named currently on the
65 birth record, the subject of the record, the legal guardian of the subject or the legal representative
66 of any of the foregoing;

67 (4) there has been a judgment of parentage by a court or administrative agency of
68 competent jurisdiction in the commonwealth and the court orders the state registrar to amend the
69 birth certificate to include the information relating to the other parent. Such order may include an
70 order to amend information relating to the name of the child; or

71 (5) there has been a judgment of parentage by a court or administrative agency of
72 competent jurisdiction in the commonwealth approving or adopting a judgment establishing
73 parentage issued by a court or administrative agency of competent jurisdiction under the law of
74 another state or a foreign country, and the court presents to the state registrar a certified copy of
75 such judgment on a form provided by the state registrar to amend the birth certificate. The clerk
76 of the city or town where the child was born or the state registrar shall amend the birth certificate
77 consistent with the findings of the court and the certificate shall be required to read, in all

78 respects, as if such information had been reported at the time of such birth. The fact that
79 parentage was established after the child's birth shall not be ascertainable from the new
80 certificate but the actual place and date of birth shall be shown. The original certificate and the
81 evidence upon which the amended birth certificate was made and the original birth certificate
82 shall be subject to inspection by the person who gave birth, the other parent, the subject of the
83 record, any person presumed to be the parent under section 6 of chapter 209C, or government
84 officials requiring access for their official duties, including the IV-D agency as set forth in
85 chapter 119A or a legal representative of the subject of the record; an order of the probate and
86 family court in the county where the child was born is required for anyone else seeking access to
87 the original record or evidence.

88 (e) (1) A person who is 18 years of age or older, an emancipated minor or the parent or
89 guardian of a person who is a minor may request a change in the sex designation on the person's
90 birth record to a sex designation including, but not limited to, "female", "male" or "X". An "X"
91 designation may indicate that the person is another gender or an undesignated gender. A request
92 for a change in the sex designation on a birth record shall be accompanied by an affidavit
93 executed under the penalty of perjury by the person to whom the record relates or by the parent
94 or guardian of the person if the person is a minor attesting that the request is to conform the
95 person's birth record to the person's gender identity and is not made for any fraudulent purpose.
96 No medical or healthcare related documentation, court order or proof of change of name shall be
97 required by a town clerk or other official in connection with a request under this paragraph.

98 (2) A person who requests a change in the sex designation on the person's birth record
99 pursuant to paragraph (1) may request a change of name on the person's birth record. A request
100 for a change of name on a birth record shall be accompanied by a certified copy of the legal

101 change of name. No medical or healthcare related documentation shall be required by a town
102 clerk or other official in connection with a request under this paragraph.

103 (3) A person who has changed the sex designation on the person's birth record pursuant to
104 paragraph (1) but did not request a change of name on the person's birth record pursuant to
105 paragraph (2) may request a change of name on the person's birth record within 3 years from the
106 date of the change in the sex designation on the person's birth record pursuant to said paragraph
107 (1); provided, however, that a person whose sex designation on their birth record was changed
108 while the person was a minor shall have 3 years from the date of their eighteenth birthday to
109 request a change of name on the person's birth record; provided further, that the department may
110 waive the 3-year limitation for a person that demonstrates good cause, as determined by the
111 department. A request for a change of name on a birth record shall be accompanied by a certified
112 copy of the legal change of name. No medical or healthcare related documentation shall be
113 required by a town clerk or other official in connection with a request under this paragraph.

114 (4) Upon joint application by parents, the birth record of their minor child shall be
115 amended to change a parent or parents' names upon receipt of the following by the state registrar
116 or town clerk: a request by a parent for a change of name along with certified copy of the legal
117 change of name or names. A request shall be accompanied by an affidavit executed under the
118 penalty of perjury that the request is to conform the record to a change of name pursuant to
119 paragraph (2) or (3) and is not made for any fraudulent purpose.

120 (f) If the birth of a child is recorded as that of a marital child, and the nonparentage of the
121 spouse has been legally determined by a court of competent jurisdiction pursuant to the laws of
122 the commonwealth or by a court or administrative agency of competent jurisdiction under the

123 laws of another state or foreign country, or if the birth of a child is recorded as that of a child
124 whose parentage has been acknowledged by the person who gave birth and the other parent and
125 either parent rescinds the acknowledgment as provided in section 11 of chapter 209C or under
126 similar law of another state or foreign country, the birth record shall be amended to remove the
127 other parent's information provided that:

128 (1) there has been a notarized rescission filed with the department of public health or a
129 judgment of nonparentage or judgment of divorce by a court under the laws of the
130 commonwealth and the court presents to the state registrar a certified copy of such judgment,
131 together with a form provided by the state registrar to amend the birth certificate; or

132 (2) there has been a judgment of nonparentage or judgment of divorce by a court or
133 administrative agency of competent jurisdiction under the laws of another state or foreign
134 country and one of the following persons requests an amendment and presents to the state
135 registrar a certified copy of such judgment: the person who gave birth, the parent named in such
136 judgment of nonparentage or judgment of divorce, the subject of the record, the legal guardian of
137 the subject of the record, or the legal representative of any of the foregoing

138 (g) If a person shall have been adopted by judicial decree, the clerk of the town where
139 such person was born or the state registrar shall receive the certificate of such adoption issued
140 under the authority of section 6A of chapter 210 or a certified copy of the decree for such
141 adoption, whether issued by a probate court for the commonwealth or by the appropriate court of
142 any other state or country. Except as hereinafter provided, said clerk or state registrar, after
143 receiving such certificate of adoption or any such certified copy, shall forthwith correct the
144 record of birth of the person so adopted. If such certificate or certified copy does not contain the

145 facts relative to the adopting parents hereinafter required for correcting such record, the clerk or
146 state registrar shall not correct such record until they have received an affidavit, signed and
147 sworn to by the adopting parents, or by the person adopted, furnishing such facts. If a person
148 who was in the custody of the department of children and families is adopted and the adopting
149 parents surrender the person back to the department, that person shall have the right to change
150 the birth certificate back to that person's birth name.

151 (h) The clerk or state registrar shall on forms provided by the state registrar complete an
152 amended, corrected, or supplemented record of birth, death, acknowledgment or adjudication of
153 parentage, or marriage. The original record of birth, death, acknowledgment or adjudication of
154 parentage, or marriage and all returns and index entries in whatever format they are maintained
155 shall be identified as corrected, amended, or supplemented. Effective January 1, 2000, all
156 documentary evidence, including certificates of adoption or certified copies thereof, shall be sent
157 to the state registrar for permanent filing. Until that date, the clerk shall transmit to the state
158 registrar a certified copy of the corrected, amended or supplemented record, noting the
159 documentary evidence to substantiate the affidavit. If the affidavit is initially submitted to the
160 state registrar, the state registrar shall forward to the town clerk where the birth or death
161 occurred, a certified copy of the corrected, amended or supplemented record, noting the
162 documentary evidence to substantiate the affidavit, and the town clerk shall thereupon correct,
163 amend or supplement the record in his office. If a copy of the record had been sent to the town
164 clerk of the residence of the parents at the time of birth or where the deceased lived at the time of
165 death, the state registrar shall forward to such city or town clerk a certified copy of the corrected,
166 amended or supplemented record, noting the documentary evidence to substantiate the affidavit,
167 and the town clerk shall thereupon correct, amend or supplement the record in his office.

168 Reference to the record of the affidavit or such decree shall be made on the margin of the
169 original record. If the clerk or state registrar furnishes a copy of such a record, they shall certify
170 to the facts contained therein as corrected, amended or supplemented. Except as provided in the
171 following two sentences, said clerk or other official responsible for the keeping of such records
172 shall not release said information contained in such original record except upon proper judicial
173 order, or when requested by a person seeking their own birth or marriage record, or by a person
174 whose official duties, in the opinion of the state registrar or town clerk, entitle them to the
175 information contained in the original record. Death records which are corrected, amended or
176 supplemented after January 1, 1996, as well as the affidavit of the party seeking the correction,
177 amendment, or supplementation of the death record and all documentary evidence or related
178 records submitted in support of such affidavit shall not be restricted, except for records or other
179 items of documentary evidence submitted in support of the affidavit which are considered
180 medical records for purposes of paragraph (c) of clause twenty-sixth of section 7 of chapter 4 are
181 restricted by section 2A of this chapter, or are restricted by judicial order. If the original record
182 has been amended following adoption in accordance with this section, the clerk or state registrar
183 shall issue information contained in the original record only upon receipt of an order of the
184 probate court for the county in which said adoption was granted or in accordance with section
185 2B, or in the case of an adoption granted outside the commonwealth, upon order of the probate
186 court for the county in which said birth occurred or in accordance with said section 2B,
187 instructing said clerk or state registrar to release the information contained in such original
188 record. Evidence contained in the adoption record of a parent's willingness to provide
189 information about their identity to the adopted person shall, except in extraordinary
190 circumstances, be considered sufficient evidence to warrant the granting of an order for release

191 of the information contained in the birth certificate registered prior to adoption. If the corrected,
192 amended or supplemented record is that of a person who has acquired the status of a marital
193 child, or whose record has been amended through an adoption decree, or whose record has been
194 amended through addition of a named parent, or whose record has been amended pursuant to
195 subsection (e), the clerk or state registrar shall not indicate on such copy that the record has been
196 corrected, amended or supplemented.

197 (i) Such affidavit, or a certified copy of the record of any other town or of a written
198 statement made at the time by any person since deceased required by law to furnish evidence
199 thereof, may be made the basis for completing the record of a birth, marriage or death not
200 containing all the facts required by section 1 of this chapter. No delayed record of birth shall be
201 established for any deceased person more than 5 years after the date of death nor shall any
202 delayed record of marriage be established if both spouses are deceased, except as provided by
203 sections 13A, 13B and 13C.

204 (j) Upon the adoption of any abandoned child or foundling within the commonwealth and
205 adopted according to the laws thereof and as to whose birth the facts required by section 1 or
206 section 1A to be recorded have not been recorded, or, if recorded, cannot be identified, the state
207 registrar upon receipt of an affidavit executed by the adopting parents, setting forth all the
208 material facts known to him or them concerning said child or foundling, and of an order issued
209 by the commissioner of children and families determining the date of birth of such child or
210 foundling as nearly as may be, shall receive and record the facts relative to such births as
211 provided in section 1 or section 1A. In addition to any other certificates or copies of such records
212 authorized by law, said commissioner may, upon application, issue certificates setting forth the
213 facts concerning said abandoned child or foundling appearing in any records of the department of

214 children and families if no certificate of birth is recorded in the city or town where the child was
215 born or the state registry.

216 (k) The person upon whose application a record of a birth, marriage or death is corrected
217 or amended, or a delayed record of a birth, marriage or death is entered shall pay the fee as
218 determined by the secretary of administration and finance.

219 (l) Upon application of both parties to a marriage, the record of marriage shall be
220 amended to remove the sex of either or both parties to the marriage and change either or both
221 parties' names upon receipt of the following by the state registrar or town clerk: (i) an affidavit
222 executed by the parties to the marriage on a form provided by the registrar attesting to their
223 concurrence that the record be amended to reflect or remove the gender identity or sex of the any
224 such party; and (ii) a request by a party for a change of name along with evidence of the party's
225 legal change of name.