

**Committee on Public Health
Bill Summary**

Bill No. H4165
Title: *An Act relative to parent names on birth certificates*
Sponsor: Representative Lindsay N. Sabadosa
Committee: Public Health
Hearing Date: July 10, 2025
Similar Matters: None
Prior History: New file
Reporting Deadline: September 8, 2025

Current Law:

- **M.G.L. Chapter 17** pertains to the Department of Public Health.
- **M.G.L. Chapter 17 § 4** pertains to other divisions under the Department of Public Health, including the Registry of Vital Records and Statistics.
- **M.G.L. Chapter 46** pertains to the return and registry of births, marriages and deaths.
- **M.G.L. Chapter 46 § 1** pertains to certificates of birth, marriage, death and acknowledgments and adjudications of paternity.
- **M.G.L. Chapter 46 § 13** pertains to the correction of records.

Summary:

This bill updates gendered language in those sections of the General Laws that refer to certificates of birth, marriage, death and acknowledgments and adjudications of parentage in addition to the correction of such records. This legislation also permits the removal of the sex and/or names of either or both parties to a marriage on a record of marriage.

SECTION 1 amends M.G.L. Chapter 46 § 1 by adding the child's residence to the information required to be listed on birth records. This section also strikes the requirement that the residence and birth surname of the child's mother be listed on birth records and instead requires that such records include the names and birth surnames of both parents.

SECTION 2 amends M.G.L. Chapter 46 § 13 in its entirety and substitutes a new § 13.

Section 13

Subsection (a) requires an affidavit containing missing or corrected facts required to correct or complete a record of birth, marriage, acknowledgment or adjudication of parentage, or death to be submitted to the applicable town clerk or state registrar. The affidavit must be submitted by either the person required by law to provide such information for the original record or a credible person with knowledge of the specific case. The affidavit must provide any documentary evidence to support the added or corrected facts beyond a reasonable doubt. Amendments or additions can be made only to reflect the correct information at the time of the event.

Subsection (b) permits records filed under Chapter 46 to be amended, corrected or supplemented without an affidavit or documentary evidence within 1 year after the date of the event if the registry of vital records and statistics within DPH promulgates regulations to allow such amendments, corrections or supplements. This section does not apply to those amendments, corrections or supplements that are expressly provided for below.

Subsection (c) permits birth records to be amended to show that a child was born to married parents when the child's parents are later married. The child's other parent must acknowledge parentage or there must be an adjudication of parentage for the record to be amended.

Subsection (d) requires that, if a person is born to unmarried parents or if the birthing parent and their spouse at the time of birth or conception complete an affidavit denying that the spouse is the parent of the child, birth records may be amended to include an alleged genetic parent's information. Such amendment may also be made if there is an adjudication of the nonparentage of the spouse. However, the alleged genetic parent's information will only be included on the birth record if one of the identified circumstances is met:

- Both the person who gave birth and the alleged genetic parent have signed and filed an acknowledgement of parentage with the appropriate state or local office
- There has been a judgment of parentage and a certified copy of such judgment is presented to the state registrar
- There has been an acknowledgment of parentage, or a judgment of parentage, and one of the following people requests an amendment from the state registrar:
 - The parent who gave birth
 - The parent named in such acknowledgment or judgment
 - The parent named currently on the birth record
 - The subject of the record
 - The legal guardian of the subject
 - Legal representative of any of the above
- There has been a judgment of parentage and the court orders the state registrar to amend the birth certificate to include the information relating to the other parent
- There has been a judgment of parentage approving or adopting a judgment establishing parentage issued by a court or administrative agency of another state or foreign country

Subsection (e) permits people 18 years or over, emancipated minors or parents/guardians of a minor to request a change in the sex designation on the person's birth record to a designation including, but not limited to, "female," "male" or "X" and outlines the documentary requirements for such change. A request for a change of the subject's name on the birth record may be made at the same time. A person who has changed the sex designation on the subject's birth record but did not request a change of name on the subject's birth record at the same time may request a name change within 3 years from the date of the change in the sex designation on the subject's birth record. However a minor who has changed their sex designation will have 3 years from the date of their 18th birthday to request a name change. Parents may change their names on the birth record of a minor upon joint application by the parents.

Subsection (f) requires that, if a birth is recorded as that of a marital child and the nonparentage of the spouse has been legally determined, the birth record in question be amended. This subsection outlines the criteria that must be met in order for the birth record to be amended.

Subsection (g) requires that the clerk of the town of birth or the state registrar receives a certificate of adoption and outlines the procedures for correcting adoption certificates.

Subsection (h) outlines the procedures the clerk or state registrar must follow in order to amend, correct or supplement records of birth, death, acknowledgment or adjudication of parentage, or marriage.

Subsection (i) permits affidavits, certified copies of records, and written statements made by a person who has died since completing such documents to be used to complete records of birth, marriage or death. A delayed birth record may not be established for any person who has been deceased for 5 years, and a delayed marriage record may not be established if both spouses are deceased.

Subsection (j) outlines the procedures for correcting the records of any abandoned child or foundling upon adoption.

Subsection (k) requires that the person applying for the correction or amendment of a record is responsible for paying any fees as determined by the Secretary of Administration and Finance.

Subsection (l) permits the removal of the sex and/or names of either or both parties to a marriage on a record of marriage. The application must be submitted by both parties and include both an affidavit attesting to their agreement to the change and, in the case of a name change, evidence of the party's legal change of name.