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BIRTHS

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## INTRODUCTION

A birth certificate is a permanent legal record of an individual's birth. The birth certificate is an individual's basic claim and proof of citizenship, identification, and relationship to his or her parent(s). It serves as the primary document for individuals to enter school, play little league sports, obtain a social security number and account, a driver's license, a marriage license, a passport, and to prove citizenship to be qualified to work in this country. In addition to being the primary document of identification for an individual, a birth certificate provides information used in a variety of medical and health-related research efforts. Birth statistics are used to assess the general health of Maine citizens. Birth statistics also help identify the adequacy of prenatal care, pregnancy outcome based on birth weight and length of gestation, abnormal conditions of mothers and babies, and specific geographic concerns. Because birth statistics are no more accurate than the information submitted on the birth certificate it is very important that all birth certificates be completed and filed with accuracy and promptness.

## REGISTRATION OF BIRTHS

<http://www.mainelegislature.org/legis/statutes/22/title22sec2761.html>

When a delivery results in a live birth, a birth record must be filed, even if the infant lives for only a very short period. A live birth is defined as the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as the beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

Each live birth, which occurs within a Maine hospital, institution, or birthing facility, or en route to the hospital, institution, or birthing facility, must be registered with the Department within 2 days following the date of the birth. Birth records submitted for registration beyond the 2-day mandate may be accepted by the Department, but they must be properly registered within one year of the date of birth (if received prior to the child's first birthday). Births not registered within one year must be filed on the Delayed Birth (VS-60) form prescribed and furnished by the Department. See pages 16-18 for more information related to delayed birth registration.

## WHO CAN ISSUE A BIRTH RECORD?

The municipality in which the birth occurred and the municipality in which the mother resides may access and issue copies of the birth record from the Electronic Birth Registration System (EBRS) any time after the birth has been registered. Births occurring prior to September of 1995 must be issued by copying the original paper-based birth record on file, when possible. Both electronic and paper-based records must be issued on blank safety paper (VS-31) when issuing certified copies.

- ✓ Birth records that indicated the mother was not married (formally known as born out of wedlock) between October 1967 through September 1985 were not always filed in the municipality where the mother resided at the time of birth. The municipal clerk where

the mother resided at the time of birth, or the parents listed on the birth record may request a copy of the birth record by contacting the Department at (207) 287-3771 or [VitalRecords.DHHS@maine.gov](mailto:VitalRecords.DHHS@maine.gov).

If your municipality is not listed as the place of birth or the mother's residence, it must not be issued by your municipality and must be sent to the correct municipality listed on the birth record (or the Department). The EBRS will prevent a municipality from issuing a birth record if that municipality is not listed as the place of birth or the mother's residence.

## **ELECTRONIC BIRTH REGISTRATION SYSTEM (EBRS)**

<https://legislature.maine.gov/statutes/22/title22sec2702.html>

The EBRS currently encompasses all births from September 1995 to the present. Municipal clerks must always issue birth records occurring after September of 1995 directly from the EBRS to ensure the most updated record is being issued. Corrections or amendments are completed electronically, and municipal clerks will not receive notification when a change has been made. Both electronic and paper-based records must be issued on blank safety paper (VS-31) when issuing certified copies.

If you do not have a username and password to access records in the EBRS, please complete the Database Application for Vital Events (DAVE) enrollment form which may be found on the Department's website at <https://www.mainetech.org/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html> under the "general" section.

## **HOW TO ISSUE A BIRTH RECORD FROM THE EBRS**

Before starting an order in DAVE, always check to see if the case is registered (has a state file number SFN) and make sure the event took place in your municipality (or the registrant(s) were a resident of your municipality when the event took place). The DAVE system will not allow a municipality to issue records for another municipality, unless there is no clerk in a municipality, or the location is an unorganized town.

All municipal clerks using the DAVE system must have their own username and password to access the system. If you do not have a username or password, please complete the DAVE enrollment form located on DRVS website for municipal clerks at <https://www.mainetech.org/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html>.

Make sure you have dedicated some safety paper for records issued from the DAVE system and assign the safety paper numbers in the system. Instructions on how to assign security/safety paper in DAVE may be found on DRVS website for municipal clerks at <https://www.mainetech.org/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html>.

Individuals requesting a vital record must complete an application, provide identification, and pay the required fee. If the individual is not listed on the record, they will need to prove lineage or provide you with a direct and legitimate interest in the record. To assist municipal clerks with

who may be eligible to obtain a vital record, an eligibility matrix was developed. Please visit DRVS website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html> to view the matrix.

Specific Instructions:

1. Login to DAVE [https://gateway.maine.gov/EVRS\\_PROD\\_WEB/Logon.aspx](https://gateway.maine.gov/EVRS_PROD_WEB/Logon.aspx)
2. Select the **Order Processing** tab located at the top of the screen.
3. Select the **Fast Order** event needed (birth, death, or marriage). Write the order number (located at the top of the order) on the paper application in case you need to go back to that order to complete it.)
4. Under **Applicant**: Input the name of the person applying for the record. (If a Facility/Agency select Organization. Select the magnifying glass to search and populate the applicant's name and address of the facility. The percent (%) sign is a wildcard for locating a facility i.e. Hall% will populate anything starting with Hall.)
5. **Eligibility**: Select the applicant's relationship to the registrant (record requested) from the drop-down menu.
6. **Event**: Search for the record by the SFN (state file number) or the first and last name. Select **Search**. Select the radio button next to the name and continue to the **Service** section. You may select **Preview** for more information about the record.
7. **Service**: Select from the dropdown menu for **Source, Priority, and Delivery**. Select the check box for the service being requested (certified copy etc.) More than one service may be selected if needed. Enter the **Quantity** needed for the service requested and indicate the **Request Reason** from the drop-down box.
8. Click on the **Calculate Fees** button. The fees will automatically calculate the amount due and the balance due will be indicated in red under the **Payment** section.
9. **Payments**: Select **Method of Payment** (cash or check/money order). If the applicant is paying by cash, upon selection of the cash check box, the amount due will populate to zero. If paying by check/money order, a check number and the amount of the check will need to be entered.
10. Review your order under **Event Requested** to ensure the order is complete and select the **Save and Validate** button in the bottom right-hand corner. Overrides: The save and validate button will run all validation and error rules. The error results will be displayed at the bottom of the order for your review. Please check the override box for the error listed, and then select **Save Overrides**. Select **Save and Validate** again. Please read the error messages and decide if the error (s) can be overridden. Please contact the DAVE help desk if needing assistance at 1-888-664-9491 option 7.
11. Select the blue **Issue** link. There are three final steps that municipal clerks must perform to ensure that the order is COMPLETE.
  - **Step One: Print Records**  
(Remember, always print the certificate(s) before entering the safety paper numbers.) Load your safety paper and select the blue All link (which will place a checkbox next to the orders displayed). Select the blue **Print** link located under Actions. Click **Open** to view the PDF of the case to be printed and select the printer icon located at the top left of the PDF certificate. No adjusting or minimizing is required. Close the PDF certificate after printing.

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- [Step Two: Enter Safety Paper Numbers](#)

DAVE tracks safety paper usage. Municipal clerks are required to input the safety paper numbers used into the DAVE system (numbers are located on the back of the safety paper). Select the blue [All](#) link which places a checkbox next to the orders displayed.

Enter the beginning number of the safety paper located under [Numbering](#) (example: 0073552). Select the blue [Auto Number Ascending](#) link or [Auto Number Descending](#) link depending upon the order that the safety paper is in. The security paper number column will automatically populate with the safety paper numbers. Select the [Save](#) button.

- [Step Three: Complete the Order](#)

Select the blue [All](#) link places a checkbox next to the orders displayed. Select the blue [Complete](#) link located in the Actions section (bottom left of the screen). The screen will return to the [Order Summary page](#). Now, municipal clerks may choose to print a receipt, mailing envelope, or label from the Order Summary main screen under [Event Requested](#). The order will say [Completed](#) in the status bar.

## **ISSUANCE OF PAPER-BASED BIRTH RECORDS**

Births prior to September of 1995 must be issued from the original paper birth record on file, when possible. There have been many different formats and revisions of the certificates of live births over the years. In general, the upper part of the certificate contains information for the identification of the child, a description of when and where the birth occurred, items relating to the certifier or attendant at birth, and items identifying the mother/parent and father/parent. This information is routinely provided in certified copies of the birth record to be used for legal purposes. The lower portion of the certificate of live birth is designed only for medical and health uses. This information should never be included on certified copies unless specifically requested by the registrant (person named on record). Both electronic and paper-based records must be issued on blank safety paper (VS-31) when issuing certified copies.

The lower portion of the record contains other items of information relating to the parent(s); medical information about the pregnancy, labor, and delivery; and medical and health items relating to the mother and child, such as risk factors for the pregnancy, obstetric procedures, complications of labor and delivery, method of delivery, abnormal conditions of the newborn, and congenital anomalies of the child. This information is collected and used by public and private agencies, organizations, and businesses as well as school districts, universities, and the public. Much of the data is used for public health surveillance of diseases and problems prevalent in the population and for planning at the national, state, community, and program levels of government.

## **CONFIDENTIALITY / CERTIFIED COPIES**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2706.html>

It is unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except that a clerk of a municipality may cause to be printed in the annual town report the births reported within the year covered by the report, by number of births and location by city or town where the birth occurred.

Certified copies may be issued only to properly qualified applicants who have completed an application or request, submitted proof of their identification, and have fully identified the record requested. A birth certificate is a confidential record for the first 75 years after filing and may be released only to a properly qualified applicant.

A certified copy of a birth certificate includes only the upper “legal” portion down to and including the registrant’s signature. In addition to the demographic information, information held under the section entitled “Confidential Information for Medical and Public Health Use” are confidential and is not considered open records for the purpose of the open records law. That information is not included in a certified copy unless specifically requested by the registrant (person named on birth record).

Please visit the Department’s website for more information on who can obtain a certified or non-certified copy of a vital record at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/edrs/medical-certifiers.html> under the Access and Disclosure section. A matrix has been developed to assist municipal clerks in determining eligibility.

Chapter 4 of 10-146 Department rule relating to Disclosure of Vital Statistics Data, Reports and Records may be found on the Secretary of State’s website at <https://www.maine.gov/sos/cec/rules/10/chaps10.htm#146>.

**Non-Certified Copy** of a vital record is an informational copy of a vital record issued by a municipal clerk or the Department, containing all or part of the exact data contained on the original vital record and when issued, must be on white paper and be marked in a way to state the copy is “**NOT TO BE USED FOR LEGAL PURPOSES**”. Generally, non-certified copies are used for investigative research or genealogical purposes only.

**Certified Copy** of a vital record is a document created from paper or electronic format, issued by a municipal clerk or the Department, containing all or a part of the exact data contained on the original vital record, and when issued, has the full force and effect of the original vital record. Certified copies of a birth record must be issued on the blank VS-31 safety paper. The safety paper contains several security measures. The certified copy must be signed by the municipal clerk (or appointed clerk) and provide the title of the issuing clerk. It is recommended to print the name of the issuing clerk as well for verification purposes. The certified copy must be stamped with the municipal seal and provide the name of the municipality and the date the record was issued. Please try to avoid stamping the municipal seal over the issuing clerk’s name. When issuing a certified copy, it is always recommended to write the safety paper numbers (located in the back right-hand corner) on the application received for the issuance of a birth record.

**Abstracts** of a vital record are intended for paper birth records contained in ledger books and must be issued by using the form fillable abstracts (VS-10 form). The fillable form may be found in the DAVE/EBRS system under Print Forms tab. Pre-printed certified abstracts (half sheets) are no longer valid and must be shredded or sent to the Department.

## **HOSPITAL, INSTITUTION, OR BIRTHING FACILITIES RESPONSIBILITY**

The hospital, institution, or birthing facility, or the person authorized by the hospital, institution, or birthing facility, must obtain the personal and medical data, prepare the certificate, and certify by signature or by the electronic process that the child was born alive at the place and time and on the date stated and file the certificate. All physicians, informants, and other persons having knowledge of knowing the facts, must supply, upon the prescribed forms provided by the Department, any information they possess regarding any live birth. If the parents refuse to cooperate in the filing of the birth record, the hospital must still prepare a record for the child. If necessary, information to prepare the birth record may be obtained from the medical records file. In general, the hospital, institution, or birthing facility is responsible for the following:

- ✓ Collect and record the information about the parent(s) and the medical data required on the birth record. (The medical information should be obtained from the obstetric and pediatric records.)
- ✓ Assist parent(s) of children born in the hospital by completing any forms or statements needed to correct errors in the original certificates.
- ✓ Complete or verify the medical and health information and certifying to the date, time, and place of birth.
- ✓ Complete the certifier/attendant section, making certain that every item is completed.
- ✓ Secure all necessary signatures on the parent and medical worksheets. Mail copies of the worksheet to parents if not obtained at the time of birth.
- ✓ File the certificates and reports in the Electronic Birth Registrations System (EBRS) within two days as specified in the Department rule.
- ✓ Provide an opportunity for all unmarried parents to complete a voluntary acknowledgment of parentage form (AOP) and written information about the establishment of parentage provided by the department, forms needed to voluntarily acknowledge parentage, and the opportunity to speak with a person who is trained to clarify information and answer questions about any methods related to establishing parentage. Hospitals or institutions should have a notary on hand to notarize the AOP form as specified by 22 MRS §2761-B.  
<https://legislature.maine.gov/statutes/22/title22sec2761-B.html>
- ✓ Cooperate with the Department concerning queries on record entries.
- ✓ Be familiar with the State's vital statistics laws and related rules and regulations of the Department to determine the scope of a physician's responsibility in birth registration.
- ✓ Develop efficient procedures for prompt preparation, signing, and filing of certificates and reports.
- ✓ Provide a system for preparing and filing a birth record for an infant born en route to the hospital.
- ✓ Contact DRVS for advice and assistance, when necessary, at (207) 287-3771 or [VitalRecords.DHHS@maine.gov](mailto:VitalRecords.DHHS@maine.gov).

### **PARENT AND MEDICAL WORKSHEETS**

The personal, parental, and medical data must be obtained by the completion of the parent and medical worksheets prescribed and furnished by the Department to prepare the birth record. The VS1-C Parent Worksheet and the VS1-D Medical Worksheet may be found under the "Forms/Print Forms" tab in the Electronic Birth Registration System (EBRS).

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### **VS1-C Parent Worksheet**

The parent(s) of the child, or other informant, is responsible for the completion of the VS1-C Parent Worksheet. The parent(s) must verify the accuracy of the personal data and sign the parent worksheet. The Department highly recommends that each hospital, institution, or birthing facility attach the completed parent worksheet to the birth case in the EBRs to support any possible errors made upon entry of the personal and parental data.

#### **Child's Name at Birth**

There are no restrictions on the parents' privilege to name their child as they choose. They may use either their parent's last name or any other name of their choice. The provision of the law that once required children whose parents were not married at the time of birth (formally known as born out-of-wedlock) to obtain the mother's last name was repealed in 1977. Once the parent(s) have decided on the child's last name and the birth record has been registered (assigned a State File Number) in the EBRs, the last name may only be changed upon an adoption, legitimation, or a legal name change order from a court with competent jurisdiction.

Parents who do not name their child before they leave the hospital may do a completion to the birth record at any time upon application and the required fee. The VS-7 correction application to complete a vital record in Maine and instructions may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> or under "Forms/Print Forms" tab in the EBRs.

#### **Child's Gender at Birth**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2765.html>

The parents may designate "X" as the gender marker on the birth record. Both parents must demonstrate mutual consent by signing the birth worksheet unless the requirement that both parents sign the birth worksheet is waived upon a showing of good cause to the Department in writing. Good cause may be established by demonstrating that the other parent is deceased, cannot be located, or has abandoned the child as evidenced by legal documentation showing the applicant has sole parental rights and responsibilities or is otherwise unable to provide a signature. If the Department is satisfied that good cause has been shown, then the birth record may reflect X as the gender marker without the absent parent's signature.

#### **Social Security Number**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2761.html>

The parent(s) must be offered the opportunity to request a social security number to be issued for the child via the EBRs, known as the Enumeration at Birth Program. The parent worksheet was designed for this purpose and must be retained by the hospital, institution, or birth facility as a permanent record on paper, microfilm, or attached to the birth case in the EBRs.

#### **Mother's Marital Status**

<https://legislature.maine.gov/statutes/22/title22sec2761.html>

For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child, unless otherwise determined by a court of competent jurisdiction the filing of

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the birth record or unless an attested copy of a gestational carrier agreement is presented that provides otherwise. If the mother was married at the time of either conception or birth, or between conception and birth, the name of the spouse must be entered on the certificate as the parent of the child, unless parentage has been determined otherwise by a court of competent jurisdiction or unless an attested copy of a gestational carrier agreement is presented that provides otherwise.

### **Hospital-based Paternity Acknowledgement**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2761-B.html>

The hospital, institution, or birthing facility must provide an opportunity for all parents to complete a voluntary acknowledgment of parentage (AOP) form and provide written information to each parent about the establishment of parentage. The hospital, institution, or birthing facility must also be able to provide parents with the opportunity to speak with a person who is trained to clarify information and answer questions about the establishment of parentage and have a notary available to notarize the AOP form. The EBRS allows the hospital, institution, or birthing facility to complete all AOP forms electronically prior to the birth being registered. AOP forms completed after the birth record has been registered must be presented directly to the Department.

### **Hospital Errors**

The hospital, birthing facility, or institution may submit an electronic correction in the EBRS within 90 days from the date the birth record was filed and registered. Any errors or incorrect data noticed on the birth record after 90 days from the date the birth record was filed will require the parent(s) to submit a VS-7 correction application, two pieces of supporting documentation, and a \$60.00 fee. The fee includes a copy of the corrected record, and the correction process may take up to 4 to 6 weeks.

### **VS1-D Medical Worksheet**

The hospital, institution, or birthing facility generally has the overall responsibility for obtaining the personal data, securing the required signatures, and filing the certificate or report with the Department using the EBRS. In the State of Maine, the hospital, institution, or birthing facility is authorized under certain circumstances to certify the facts of birth. The physician is generally responsible for completing the medical and health information and certifying the date, time, and place of birth.

## **REGISTRATION OF BIRTHS OCCURRING IN TOGUS**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2704.html>

Births occurring at the federal facility known as Togus, operated by the United States Department of Veterans Affairs, must be filed directly with the Department using the EBRS. The Department will ensure such certificates of live birth are available to the clerk of the municipality where the parents of the child reside.

## BIRTH IN UNINCORPORATED PLACE

<http://www.mainelegislature.org/legis/statutes/22/title22sec2703.html>

When a birth occurs in an unincorporated place, the Department will determine the city or town in which the birth must be filed, and the birth must be registered in the EBRs. All such reports and records must be forwarded to the Department.

## BIRTH OCCURRING EN ROUTE

When a birth occurs en route to a hospital, institution or birthing facility or is attended in the facility immediately following the birth, must be completed by the hospital, institution, or birthing facility in the EBRs.

## BIRTH IN MOVING CONVEYANCE

The place of birth for a birth that occurs in a moving conveyance is determined as specified below:

- When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in Maine, the birth must be registered in Maine and the place where the child is first removed is considered the place of birth.
- When a birth occurs in a moving conveyance while in international waters, air space, or in a foreign country or its air space and the child is first removed from the conveyance in Maine, the birth must be registered in Maine although it is no evidence of United States citizenship. The birth record must show the actual place of birth to that extent as can be determined.

## BIRTHS OCCURRING OUTSIDE AN INSTITUTION

<http://www.mainelegislature.org/legis/statutes/22/title22sec2761.html>

If a child is delivered outside an institution, not in a moving conveyance, and unattended by a certified nurse midwife, professional or licensed midwife, or other attendant, the parents must request worksheets directly from the Department or the municipality in which they reside. The VS1-C Parent Worksheet and the VS1-D Medical Worksheet worksheets, described on pages 10-11, must be completed, signed, notarized, and the parents must verify the accuracy of the personal and medical data on the worksheets. In addition to the worksheets, at least two forms of documentary evidence must be provided to support proof of pregnancy and the fact that the mother gave birth in the State of Maine. Examples of acceptable documentation are provided below.

### Proof of Pregnancy

- ❖ An affidavit (notarized) presented from a licensed, registered, or certified health care provider who is qualified to determine pregnancy as part of the scope of his or her license or registration, or certification; or an affidavit (notarized) along with a photocopy of ID (for example, a driver's license, passport, or government ID, etc.) presented from one person, other than the parents, having knowledge that the infant was born alive, or
- ❖ A medical record or a letter from a licensed, registered, or certified health care provider or medical institution.
- ❖ Prenatal medical records for the mother.
- ❖ Newborn exam by a health professional.

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- ❖ Medical or immunization report for the newborn.
- ❖ Christening or baptismal records.
- ❖ A signed notarized personal affidavit by someone over age 5 who will affirm that they either saw the mother pregnant and then non-pregnant and with the new baby, visited the home shortly after the birth, or was present at the birth.

### **Proof of Place of Birth**

- ❖ If the birth occurred outside the mother's primary place of residence, proof shall consist of an affidavit (notarized) along with a photocopy of ID from a person having knowledge of the mother's presence in the State of Maine on the date of the birth.
- ❖ If the birth occurred in the mother's primary place of residence, proof of residence in the following order of preference:
  - A utility bill, telephone, or other bills, which include the mother's name and address.
  - A rent receipt that includes the mother's name, address, and signature of the mother's landlord.
  - A driver's license, or State-issued identification card, which includes the mother's current address on the face of the license or card.
  - An envelope addressed to the mother at her place of residence, and postmarked prior to the date of birth; or
  - An affidavit (notarized) attesting to the mother's place of residence along with a photocopy of ID from a person, other than the father, who was either living with the mother at the time of the alleged birth or has knowledge of the mother's residence.

### **Other Supplemental Information Proving Home Birth**

At the discretion of the State Registrar, the above documents may be supplemented with any additional documents needed to verify the circumstances of the birth. Additional documents may include, but are not limited to, one or more of the following:

- ❖ An unannounced visit by a public health nurse, other health professionals, registrar staff, or other person including city, county, state, or federal law enforcement officers, prior to registering the birth. This paragraph does not permit nor give authority to enter these premises unless permission is obtained from the occupant at the time of the visit.
- ❖ Multiple forms of identifying documents, with or without photographs, when the documents described in this section are unavailable.
- ❖ Personal appearance of both parents, either together or separately; or
- ❖ Personal appearance of the infant whose birth certificate the parents are attempting to file.

The parent and medical worksheets must be sent to the Department for review and if approved, will be entered, and registered in the EBRs by the Department. The birth record will be available for issuance from the place of birth municipality as well as the mother's resident municipality once the birth is registered. The worksheets will be scanned and attached to the birth case in the EBRs.

### **Persons and/or Records Not Meeting Requirements for Filing**

If the Department does not feel the documentation requirements were met, the Department may query the parents or other person in attendance, for additional information. The documentation

#### **Birth**

submitted as proof will be returned to the person filing the record after the birth record is accepted.

The Department must notify the Fraud Prevention Program of any suspicious documents or records submitted to further verify or investigate as necessary to determine whether to accept or not accept the documentation sent. If the documentation is deemed unacceptable, the Department will send a letter referring the parent(s) to a court with competent jurisdiction for a determination of parentage and order to file the birth record. If the birth occurred more than a year before the parent(s) attempt to file, a delayed birth application must be completed. Please see pages 16-18 for more information related to the filing of a delayed birth certificate.

## **SAFE-HAVENS**

<http://www.mainelegislature.org/legis/statutes/22/title22sec4018.html>

The Department is responsible for the registration of all vital records, ensuring births reported as safe havens are properly recorded and registered. The below guidelines were developed to outline the DHHS and OCFS protocol to follow when a safe-haven provider reports that a child has been abandoned.

### **Safe-Haven Provider**

A safe-haven provider authorizes a law enforcement officer, staff at a medical emergency room, a medical services provider, or staff at a hospital to accept a child when a person voluntarily delivers a child less than 31 days old who has no intent to return for the child.

### **Safe Haven Procedure**

When a person delivers a baby, who appears to be less than 31 days old, to a safe-haven provider, the provider may request information from the person to assist in the completion of a birth record as well as the welfare of the child. If the person appears to be emotionally distressed or resistant to the request for information and the assurance that the information provided will be treated confidentially, then the provider will not further encourage the person to provide the requested information. The provider will reassure the person that the baby will be safe and will thank the person for bringing the infant to a safe place and will make no attempt to detain the person relinquishing the baby.

The provider will promptly contact the DHHS, Office of Child and Family Services (OCFS) to inform them of the delivery of the baby accepted into the provider's care and will share the information that may have been provided by the person delivering the baby (other than personally identifiable information). The information shared may include:

- ❖ Date of birth of the baby.
- ❖ Circumstances related to pregnancy and/or delivery.
- ❖ Any known information about Native American heritage.
- ❖ Any known medical and/or genetic information relating to the baby, parents, or extended family.
- ❖ Any history of substance uses by either parent.

The person(s) gathering the child's confidential medical and history information may share it with OCFS, to provide temporary care of the child until the child is transferred into DHHS

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custody. Information provided by the safe-haven provider must not be shared with others unless a court order has been obtained.

If the baby was not given a name, the Director of OCFS will need to provide the Department with a name for the baby's birth record. The name must not include "Safe Haven, Haven, Doe, Unknown" and the child's last name must not be the same as the resource family the child is placed in. OCFS will also provide the Department with the following information in writing:

- ❖ Date and place of finding (the date and place of finding or assumption of custody).
- ❖ Sex, color, age (based upon observation and approximate age of child).
- ❖ Name and address of Safe Haven Provider (the person or institution with whom the child has been placed for care).
- ❖ Name (the name given to the child by the Safe Haven Parent or OCFS).

### **Hospital Procedure**

If the child is delivered in a hospital and the parent(s) voluntarily gives up the child with no intent to return for the child, the birth registration staff must contact the Office of Child and Family Services (OCFS). The procedure for hospitals is very similar. The OCFS Director is responsible for naming the child and the hospital staff are encouraged to capture as much of the mother's medical information as possible in the EBRS, such as the mother's attributes, education, race, and ethnicity. The mother's first, last, and maiden name fields should be entered <<<<< >>>>> (6 left-facing chevrons, space, and 6 right-facing chevrons). Marital status must be checked as refused, so the father's page will not show, and the addresses will be left blank. The Social Security enumeration at birth checkbox should not be selected and no comment should be added to the record.

At any time within the first 90 days after the date of filing the birth record information, the first and middle name of the infant may be changed without obtaining a legal name change. A correction to the first and middle name may be done by the person or agency having legal custody of the baby by completing the VS-7 correction application which may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> or in the Form/Print Forms tab in the EBRS.

If the safe-haven child is named and the birth is registered before the mother relinquishes custody of the child, OCFS must obtain a court order to change the child's name and remove the parent's information. The Department has no authority to void a record for a safe-haven child. The record can be amended to remove the parent information but will not be treated as a sealed record. Only adoptions, legitimations, and gender changes are the amendment types that are sealed at this time.

### **FOUNDLINGS**

<https://legislature.maine.gov/statutes/22/title22sec2763.html>

Whoever assumes the custody of a child of unknown parentage shall immediately report to the Department in writing:

1. **Date and place of finding.** The date and place of finding or assumption of custody.
2. **Sex, color, age.** Sex; color or race; and approximate age of child.
3. **Name and address of custodian.** Name and address of the person or institution with whom the child has been placed for care.

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**4. Name.** Name given to the child by the finder or custodian.

The place where the child was found, or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation. The report shall constitute the certificate of birth. If the child is thereafter identified, the record of birth made in compliance herewith and any certificate issued thereon shall be null and void and so recorded.

When a child is found who cannot be identified, the person who assumes custody of the child must report to the Department where the child is found, and the Department must prepare a birth record. The birth record may be prepared using the VS1-C Parent Worksheet and the VS1-D Medical Worksheet with the word "Safe Haven" at the top of the worksheets. The worksheets must be completed as follows:

- ❖ The name is that given to the child by the finder or custodian.
- ❖ The date of birth is determined by approximation.
- ❖ The birthplace is the place where the child was found.
- ❖ The sex and race of the child are determined by observation.
- ❖ Parentage information is left blank.
- ❖ The name and address of the person or institution with whom the child has been placed for care are shown in lieu of the attendant.
- ❖ Record the date and exact place of finding, and any other pertinent information available.

If the child is later identified, notify the State Registrar, who will direct you in handling the foundling record.

## **DELAYED BIRTH REGISTRATION**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2764.html>

When a birth record does not exist at the municipal or State level, a Delayed Birth Registration application must be completed for births occurring one year after the date of birth. The delayed birth registration application (VS-60) and instructions (VS-61) may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> or under the Forms/Print Forms tab in the EBRSS.

The delayed birth registration form must provide the following information:

- ❖ A statement by the applicant including the name and sex of the person whose birth is to be registered, the place and date of birth, the name and birthplace of the father, and the maiden name and birthplace of the mother.
- ❖ The signature of the registrant, or a parent or guardian if the registrant is under 15 years of age or is mentally incompetent.
- ❖ The signature of the registrant must be acknowledged before an official authorized to take oaths.
- ❖ A description of each document submitted in support of the delayed birth registration, and
- ❖ The date of filing.

## **Description of Required Documentary Evidence**

The Department will complete the description of evidence required on the delayed registration of birth and accept and file the certificate, provided the following evidence is submitted in support of the facts of birth.

- ❖ If the birth occurred more than one year but less than 15 years prior to the date of filing, the facts of birth stated by the applicant must be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge, or
- ❖ If the birth occurred more than 15 years prior to the date of filing, the date and place of birth must be supported by at least 3 documents, only one of which may be an affidavit of personal knowledge, and the names of the parents must be supported by at least one document, which may be any one of the 3 submitted in evidence of the place and date of birth.
- ❖ Any document accepted as evidence, other than the affidavit of personal knowledge, must be at least 5 years old or must be a copy or abstract of a record made at least 5 years prior to the date of filing and certified as a true and correct copy by the custodian of the record.

A person making such an affidavit of personal knowledge must have first-hand knowledge of the facts, such as a parent or older sibling, relatives, neighbors, or friends of the family at the time of birth. Persons younger than the applicant may not present an affidavit.

## **Examples of Documentary Evidence to Support the Facts of Birth**

The facts may be established by any combination of acceptable documents which contain the necessary information. Examples of suggested documents to use as documentary evidence are:

- ❖ Hospital or physician's record of birth,
- ❖ Baptismal record or cradle roll certificate,
- ❖ School enrollment records,
- ❖ Marriage record (certified copy),
- ❖ Military record or selective service,
- ❖ Court record,
- ❖ Family Bible record,
- ❖ Newspaper birth announcement,
- ❖ U.S. Census enumeration record,
- ❖ Insurance application,
- ❖ Affidavit of personal knowledge,
- ❖ Institutional records,
- ❖ Voter's registration,
- ❖ Birth record of child

## **Municipal Clerk's Responsibility**

Municipal clerks have no specific responsibilities defined in the law for filing delayed birth registrations. The responsibility for furnishing the evidence of birth rests with the applicant and the responsibility for review and approval rests with the Department. However, applicants will appreciate any assistance in explaining the delayed birth registration filing requirements and in gathering documentary evidence to support the facts of birth.

## **Deficiencies**

When the applicant does not submit documentation as specified above in support of their statements, or when the state registrar finds reason to question the adequacy of the documentation, the delayed registration of birth will be rejected, and the Department will advise the applicant of its deficiencies and request that further documentation be submitted.

## **Department's Responsibility**

The Department will review all applications and evidence submitted for filing delayed birth registrations. If the evidence and application meet the evidentiary requirements of the laws, the Department will complete the description of documentary evidence on the Delayed Birth Registration VS-60 and file the record in the system of vital statistics. An attested copy of the completed and filed delayed birth registration will be sent to the place of birth and the mother's resident municipality. The registrant will receive a certified copy of the filed delayed birth registration along with the original documents sent to support the facts of birth.

## **Certified Copies of Delayed Birth Registration**

Certified copies of the Delayed Birth Registration may be done by photocopying the delayed birth registration form on the blank safety paper (VS-31). All documentation used in establishing the delayed birth registration must be displayed and it is highly recommended that the registrant keeps the original documents sent to create the delayed birth for some agencies are now requiring the documents in addition to the delayed birth certificate.

## **ESTABLISHMENT OF PARENTAGE**

<http://www.mainelegislature.org/legis/statutes/19-A/title19-Ach61sec0.html>

There are many types of parentage in the State of Maine, most of which are regulated by the Maine Parentage Act revised in the 128-130<sup>th</sup> legislative sessions. Below, you will find information regarding the different types of parentage, the appropriate forms to use and the standards developed for processing.

## **Mother's Marital Status**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1881.html>

Use the following guidelines in dealing with situations related to the definition of a mother's marital status:

- If the mother is married at the time of birth and/or the time of conception, the question on the birth record "Is mother married?" must be answered "yes" or "refused".
  - If answered "yes", her spouse must be entered on the child's birth record.
  - If answered "refused", no name will be entered on the child's birth record.
- If the mother is married and would like to replace the name of her spouse or parent listed on the child's birth record:
  - a court determination must be obtained from a court with competent jurisdiction and presented to DRVS for processing along with a \$60.00 fee, or

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- the mother and her spouse or the parent listed on the child's birth record may complete a Denial of Parentage form (VS-27B) in conjunction with an Acknowledgment of Parentage form (VS-27A) completed by the mother and the alleged genetic parent (who is not a donor). Both forms must be presented to DRVS together for processing. There is no fee related to the AOP or DOP, only the required fee for the replacement record.
- If the mother is not married at the time of birth and/or the time of conception, the question on the birth record "Is mother married?" must be answered "no". If the mother wishes to add the alleged genetic parent not listed on the child's birth record:
- an Acknowledgment of Parentage form (VS-27A) may be completed by the mother and the alleged genetic parent (who is not a donor) and presented to DRVS for processing. There is no fee related to the AOP, only the required fee for the replacement record, or
  - a court determination must be obtained from a court with competent jurisdiction and presented to DRVS for processing along with a \$60.00 fee.
- If the mother answered "no" or "refused" to the question on the child's birth record and the mother was married at the time of either conception or birth, or between conception and birth, the VS-7 Application to Correct a Vital Record in Maine must be completed by the mother to correct the marital status to add the spouse's name to the child's birth record. A copy of the marriage certificate and the personal affidavit on the VS-7 will need to be completed in support of the correction. If the correction is made to the record within 90 days from the date the birth record was filed there is no fee related to the correction, only the required fee for the replacement record. Corrections made after 90 days from the date the birth record was filed requires a \$60.00 processing fee and includes a certified copy of the corrected record.

### **AOP- ACKNOWLEDGMENT OF PARENTAGE (VS-27A)**

**(formerly paternity)**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1861-2.html>

A woman who gave birth to the child and who is not a gestational carrier and a person who is the alleged genetic parent of the child who is not a donor, a presumed parent (after 2 years), or an intended parent, may sign an Acknowledgment of Parentage form (VS-27A) to establish parentage of a child. The form may be completed at the hospital, institution, or birthing facility where the birth occurred or any time after birth. Both parents must sign the form before a notary public or other person qualified to take oaths, and they must file the completed AOP form directly with the Department. There is no fee related to the AOP, only the required fee for the replacement record.

There are certain requirements in Maine law related to the execution of the AOP. The AOP must be signed, or otherwise authenticated, under penalty of perjury by the woman who gave birth, other than the gestational carrier, and by the person seeking to establish parentage of the child.

The AOP must state that there is no other presumed parent of the child, or if there is another presumed parent, state that parent's full name and the AOP must also state there is no other acknowledged parent, adjudicated parent, or intended parent other than the woman who gave birth to the child. If there has been genetic testing, the acknowledging person's claim of parentage must be consistent with the results of testing and state the signatories (parents) understand that the acknowledgment is the equivalent of a court determination of parentage of the child. A challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.

The AOP form (VS-27A) was revised in October of 2021 to accommodate the new language in Maine statute and may be found in the EBR斯 under the Forms/Print forms tab or on DRVS public website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>. The AOP form is three pages. The parents are to complete pages 1 and 2. The third page is the instructions.

It is the Departments, hospitals, and municipal clerk's responsibility to provide oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the AOP. The AOP is voidable if the completed AOP states another person is a presumed or an acknowledged parent or falsely denies the existence of a parent with rights of parentage.

In summary, a completed AOP will not be processed if there is another parent already listed on the birth record unless a Denial of Parentage form (VS-27B) is submitted at the same time as the AOP is presented, or a court determination stating the parent listed is not the genetic parent.

### **Filing and Retention of AOP**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1862-2.html>

The AOP form must be retained permanently and filed with the child's birth record. The EBR斯 encompasses births from September 1995 to the present. Any AOP presented for processing within this period will be scanned and attached to the birth case in the EBR斯 by the hospital, institution, or birthing facility in which the child was born, or by the Department. Births from January of 1892 to September of 1995 will be processed as paper-based records and will be filed directly behind the child's birth record. The Department will send the place of birth municipality and the place of mother's residence municipality instructions along with a copy of the approved AOP and a true attested copy of the birth record with the added parent.

### **DOP – DENIAL OF PARENTAGE (VS-27B)**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1863.html>

A person presumed to be a parent may execute a denial of parentage after the birth of a child only if an acknowledgment of paternity was signed or otherwise authenticated by another person and the presumed parent has not previously acknowledged parentage (unless the previous acknowledgment has been rescinded or challenged) or been adjudicated to be the parent of the child (court order).

An example of this would be the spouse of the woman giving birth (presumed parent) may complete a DOP form acknowledging that they are not the legal parent of the child, only if the woman giving birth and the person executing the AOP form is the alleged genetic parent of the child

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(who is not a donor), a presumed parent (after 2 years), or an intended parent. Both the DOP and AOP must be presented together to the Department for processing.

There are certain requirements in Maine law related to the execution of the DOP. The DOP must be signed, or otherwise authenticated, under penalty of perjury by the presumed parent. An AOP and related DOP must be filed with the Department and may be contained in a single document or may be signed in counterparts and may be filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are filed. An AOP or DOP signed by a minor is valid if it is otherwise in compliance with the Maine Parentage Act.

The DOP form (VS-27B) was revised in October of 2021 to accommodate the new language in Maine statute and may be found in the EBRS under the Forms/Print forms tab or on DRVS public website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>. The DOP form is two pages. The presumed parent completes page 1. The second page is instructions.

It is the Departments, hospitals, and municipal clerk's responsibility to provide oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the DOP. The DOP is voidable if the conclusion of a proceeding to adjudicate parentage or to rescind or challenge an AOP or DOP, the court will order the Department to amend the birth record of the child, if appropriate.

### **Filing and Retention of DOP and AOP**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1864-2.html>

The DOP form must be retained permanently and filed with the AOP and child's birth record. The EBRS encompasses births from September 1995 to the present. Any DOP and AOP presented for processing within this time will be scanned and attached to the birth case in the EBRS by the hospital, institution, or birthing facility in which the child was born, or by the Department. Births from January of 1892 to September of 1995 will be processed as paper-based records and will be filed directly behind the child's birth record. The Department will send the place of birth municipality and the place of mother's residence municipality instructions along with a copy of the approved DOP/AOP and a true attested copy of the birth record with the added parent.

### **ASSISTED REPRODUCTION**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1924.html>

Consent by a person who intends to be a parent of a child born through assisted reproduction must be set forth in a signed record that is executed by each intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.

### **Consent to Parentage to Assisted Reproduction Form (VS-40)**

The Consent to Parentage form may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> under the birth forms and information section. The form must be signed by each intended parent consenting to the use of assisted reproduction to conceive a child

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with the intent to parent the child and provide the method of assisted reproduction used to conceive the child.

- ❖ If the form is completed after the birth of the child, the information pertaining to the child and parent(s) must match the birth certificate on file. Any changes to the child's name or parent information must be provided on the form.
- ❖ If this form is completed prior to the birth of the child and a birth record has not been filed with the Department, the top portion of the form does not need to be completed.

This form must be presented to the Department in conjunction with any written agreements, if applicable, to create a birth record.

### **Lack of written consent; parentage**

Failure of a person to sign a consent required before or after the birth of the child does not prevent a finding of parentage if consent can be proved by other means and the consenting individual resided with the child after birth and undertook to develop a parental relationship with the child.

### **Alternative consent**

Parents may also provide consent to assisted reproduction by completing an Acknowledgment of Parentage (AOP) form and checking the box on the AOP form that indicates "The child was conceived through assisted reproduction with the consent of both of us with the intent to parent the child." Consent by the completion of the AOP will not provide the parents with the option to change the child's given name on the birth record.

## **DE FACTO PARENTAGE**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1891.html>

Adjudication of a person as a de facto parent establishes parentage, and the court will determine parental rights and responsibilities and make appropriate orders for the financial support of the child in accordance with child support guidelines. An order requiring the payment of support to or from a de facto parent does not relieve any other parent of the obligation to pay child support unless otherwise ordered by a court and the adjudication of a person under as a de facto parent does not disestablish the parentage of any other parent.

The court order establishing parentage must name the child and the parents listed on the birth record. Many times, the court order will name a third parent as a De Facto parent. The Department will amend the birth record and name the third parent in the marginal note at the bottom of the record. The Department will scan and attach the court order to the birth record in the EBRs. If an order for De Facto parentage is received for a paper-based record, the Department will make the change to the birth record on file and will send instructions and attested copies to the place of birth and residence municipality.

## **GESTATIONAL CARRIER AGREEMENT**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1934.html>

An increasing number of births are occurring because of a surrogate agreement. In these situations, the question usually arises as to what parents' names are to be shown on the original birth record. A gestational agreement is an agreement between the woman giving birth, known as the "gestational carrier," and the intended parents of a child. The woman giving birth relinquishes all rights as a parent of a child conceived by means of assisted reproduction and that

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provides that the intended parents become the parents of the child. In other words, if a woman giving birth, who has signed a gestational agreement, is implanted with a fertilized egg and delivers an infant, her name should not appear on the record of birth as the mother/parent of the child. Instead, the name of the intended parent(s) should appear as the parent or parents of the child. Note that if both intended parents are married to each other, they must both sign the gestational agreement. In the case of a married gestation carrier, the spouse of the gestational carrier is not presumed to be a parent of the child. The marriage does not affect the validity of a gestational carrier agreement. The consent of the spouse of the gestational carrier to the agreement is not required.

The creation or amendment of a birth record to a gestational carrier agreement must:

- ❖ Be issued by a Maine District Court as specified in Title 19-A §1934, either pre-birth or post-birth, depending on the circumstances of the gestational carrier agreement between the parties involved. Court orders received from another jurisdiction must be presented to a Maine District Court for the final order.
- ❖ Include the contents of the birth certificate in accordance with Title 22 §2761, which must state the intended parent or parents are the parent or parents of the child and declare that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child.

When the birth order is received from the attorney, the gestational carrier is removed from the birth record and the intended parents are added. The original record is sealed in a restricted file.

#### **Procedure- Pre-Birth Order**

When a certified birth order has been established prior to the delivery of the child, a certified or attested copy of the birth order from a Maine District Court may be presented directly to the hospital. The hospital will enter the child's birth information in the EBRS with the intended parent's information. A medical confidential comment will be added to the birth record. No fees are involved with pre-birth registration orders because the birth certificate is created at the hospital and no amendments are required. However, there is a \$15.00 fee for a certified copy of the birth certificate. The attorney involved may include a check for copies of the birth certificate.

#### **Procedure- Post-Birth Order**

When a certified birth order has **not** been received prior to the delivery of the child, a certified or attested copy of the birth order from a Maine District Court must be presented directly to the Department. The Department will amend the birth record on file with the gestational carrier's information with the intended parent's information. A fee of \$60.00 is required for the amendment for post-birth orders received and includes one certified copy of the amended birth certificate. Additional copies may be purchased for \$6.00.

## **ADJUDICATION OF PARENTAGE**

<https://legislature.maine.gov/statutes/19-A/title19-Asec1915.html>

If genetic testing results identify a person as the genetic parent of a child, the court will find that person to be the genetic parent and may determine the person as the child's parent by court order. The court will issue a final order adjudicating whether a person alleged or claiming to be a parent is the parent of a child and must identify the child by name, date of birth, and name the adjudicated parent(s). The court order may contain any name changes of the child or parents during this time. If the final order is at variance with the child's birth record, the Department will issue an amended birth record. Below is an example of the content that will appear in the comment section of a birth record in the EBRs or on the back of paper-based records:

- ❖ CT DET DIST CT DCKT FM-14-180 10/23/2021 DUE TO COURT ACTION REMOVED HUSBAND AND ADDED BIO FATHER
- ❖ CT DET LEWISTON DIST CT DCKT #LEWDC-FM-2012-742 7-26-21 DUE TO COURT ACTION ADDED/REMOVED FATHER/PARENT TO/FROM BIRTH RECORD

If a determination of parentage has been made by a court of competent jurisdiction, either as separate action or as a part of a divorce decree or child protective order, the father/parent's name will be entered on or deleted from the birth record without the consent of either or both parents.

## **AMENDMENT OF BIRTH RECORD OF AN ADULT**

<http://www.mainelegislature.org/legis/statutes/22/title22sec2767-A.html>

LD 83 was passed during the 128<sup>th</sup> legislation session creating a new process in statute to amend an adult's birth certificate when genetic testing has been done to identify a parent who was not known or listed at the time of the adult's birth. Below, the Department has provided a step-by-step process for individuals to follow when requesting a change to the designation of a parent on their birth record.

To identify a biological parent on a birth record for a person who is 18 years of age, the person applying to amend/complete their birth certificate must:

- ❖ Complete the VS-7 correction form and have it notarized or provide a signed notarized request. (The VS-7 form and instructions may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> or under Forms/Print Forms in the EBRs.)
- ❖ Have the biological parent complete the personal affidavit portion (specifying relationship) on the VS- 7 and have it notarized or have the biological parent provide a signed notarized request; or
- ❖ Provide a certified copy of the death certificate if the biological parent is deceased.
- ❖ Provide a notarized report of the results of DNA testing and the notarized documentation of the chain of custody of the blood and tissue samples examined in the testing; and
- ❖ Pay the \$60.00 processing fee which includes a copy of the amended record.

The completed VS-7 and documentation specified above must be presented directly to the Department. A birth certificate amended without the written, notarized consent of the genetic parent to be named on the amended birth certificate must contain the following language on the Birth

birth certificate; “This birth certificate has been amended to identify a genetic parent not known or listed at the time of birth. This amendment does not affect the rights of inheritance or descent of the subject of the birth certificate.”

Due to the length of the language not properly fitting on paper-based birth records, the amended birth will be entered in the EBRS and certified and non-certified copies must be issued from the system going forward. Municipal clerks will receive instructions from the Department to mark the original paper birth record or ledger to state “ISSUE FROM DAVE ONLY” to ensure the language specified in statute is included on any certified or non-certified copy issued.

## LEGITIMATIONS

<http://www.mainelegislature.org/legis/statutes/22/title22sec2765.html>

Legitimation is a process that allows unwed parents who had a child together and were later married, a chance to legitimize the child by correcting the mother’s marital status from single to married. This process will add the genetic father/parent to the birth record and will allow the parents to change the name of their child at the same time. The original records on file with the place of birth and mother’s resident municipality will be retrieved, sealed, and the new certificate established will be substituted for the original.

### **Form and Required Fee**

The parents must complete the Application for an Amended Birth Record Following Legitimation Affidavit (VS-8) form, provide a certified copy of their marriage certificate, evidence of parentage by prior completion of an Acknowledgment of Parentage (AOP) form (VS-27) as described on pages 19-20, or evidence that a court of competent jurisdiction has determined parentage and pay the \$60.00 fee. Unless parentage has been determined by a court, both the legitimation and AOP forms require the parents to sign in the presence of a notary or their signatures must be witnessed by a municipal clerk. Other documents acknowledging parentage signed by the parents may be accepted only at the discretion of the State Registrar.

The form and instructions may be found on the Department’s website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> under the Birth Forms and Information section or in the EBRS under the Forms/Print forms tab. The fee includes an attested copy of the accepted legitimation application filed with the Department and a certified copy of the new birth record.

An attested copy of the application for legitimation may be released to persons listed on the original birth certificate upon completion of the written application to the Department any time after the new birth record has been established if needed, and the cost is \$50.00.

## ADOPTIONS

<http://www.mainelegislature.org/legis/statutes/18-C/title18-Csec9-304.html>

After an adoption has been decreed, the court must file a certificate of adoption with the Department on the Certificate of Adoption (VS-9) form prescribed and furnished by the State Registrar. Access to the form is restricted and is only accessible by the courts on the Department’s website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>. A certified copy of the birth certificate of the child proposed for adoption must be presented with the petition for adoption to the court to ensure a Birth

birth record exists with the Department, otherwise a delayed birth registration (see pages 16-18) must be completed prior to filing the certificate of adoption.

### **Form and Required Fee**

The Certificate of Adoption (VS-9) form includes all the information necessary for the Department to prepare a new certificate of birth for the child unless the certificate of adoption indicates the parents would not like to establish a new one. The adoptive parents also have the option to request that all items on the new certificate that are to be revised by the adoption decree, be identified, with the notation of "court action" and the date of the adoption decree be shown on the new certificate. The \$60.00 fee for preparation and one certified copy of a new birth certificate as a result of the adoption must be paid at the time the certificate of adoption is presented to the Department.

### **Replacement Record**

<https://legislature.maine.gov/statutes/22/title22sec2765.html>

The Department will prepare a new birth record so that it will appear as though the child had been born to the adopted parents; the original birth record is sealed and replaced with a new birth record. All copies of the original certificate in the custody of any municipal clerk must be sealed from inspection or surrendered to the Department as the state registrar directs. The Department will send copies of the new birth record with a transmittal letter to the municipal clerk at the place of birth and the place of residence only if the birth occurred prior to September of 1995, requesting that the old birth record be replaced with the new birth record. (Adoptions to birth records after September of 1995 will be done in the EBRS and municipal clerks will not receive notification that a new birth record has been established.) Each municipal clerk must return the original birth record with the transmittal letter to the Department to be placed in the sealed file along with the certificate of adoption and any medical history and/or contact preferences.

### **Court Records**

<https://legislature.maine.gov/legis/statutes/18-C/title18-Csec9-310.html>

All court records relating to an adoption decreed on or after August 8, 1953, are confidential. The court keeps records of those adoptions segregated from all other court records. If a court determines that the examination of records about a particular adoption is proper, the court may authorize that examination by specified persons, and authorize the State Register to disclose to specified persons any information contained in the records by letter, certificate, or copy of the record or authorize a combination of both examination and disclosure. Any medical or genetic information in the court records relating to an adoption must be made available to the adopted child when the adopted child attains 18 years of age and to the adopted child's descendants, adoptive parents, or legal guardians on petition of the court.

### **ACCESS TO ORIGINAL BIRTH RECORD FOR AN ADOPTED PERSON**

<https://legislature.maine.gov/legis/statutes/22/title22sec2768.html>

An adopted person, the adopted person's attorney or, if the adopted person is deceased, the adopted person's descendants may obtain a copy of that person's original certificate of birth from the Department provided the adopted person is at least 18 years of age and was born in this State.

### **Form and Required Fee**

The application must be made on the Application for Copy of Non-Certified Original Birth Certificate form prescribed and furnished by the State Registrar. The form and instructions may be found on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml> or in the EBRS under the Forms/Print form tab. The form must be fully completed and notarized.

The Department prefers those individuals applying for a non-certified copy of the sealed birth record make an appointment with the Department; but will process applications received at the window on a case-by-case basis upon completion of the written application, proof of identification and a \$15.00 processing fee which includes a non-certified copy of the original birth record. If the contact preference or medical history form is included in the sealed file, the Department will also provide that information.

### **OUT-OF-STATE ADOPTIONS**

If a child was born in Maine and adopted in another State, that State in which the adoption took place will notify the Department. Similarly, the Department will forward the report of adoption to other states when children are born outside of Maine and adopted in Maine.

Municipal clerks may house records of adoptions from the mid-1950s back. If you house these adoption records, you should contact the Department to ensure the adoption has been processed. Prior to the automatic preparation of a new birth record process implemented in the mid-1950's, parents could have the adoption at the municipal level. Oftentimes, these adoptions were not forwarded to the Department for processing, therefore, adoption records on file at the municipal level may not have been processed at the State level. Please forward all adoption decrees housed in your municipality to the Department to be sealed.

Corrections to an adoption must be made through the court, and an amended VS-9 specifying the correction must be forwarded to the Department. The courts also notify the Department when any adoption in the State is revoked or annulled. The Department will then restore the original birth record (before adoption) and notify each municipal clerk to restore the original record as well.

### **FOREIGN-BORN ADOPTIONS**

<https://legislature.maine.gov/statutes/22/title22sec2765.html>

The Department will prepare certificates of birth for recognition of the adoption of foreign-born children who are adopted in Maine. The law (which became effective in 1979), which authorized the filing of these records is a response to the need for such records expressed by people who adopted war orphans born in countries where records are not easily available. It is the parent's responsibility to petition the Maine Probate Court, in the county where they reside, to approve the creation of a Certificate of Birth for Foreign Born Child.

### **Form and Required Fee**

The birth record is based upon the Foreign-Born Adoption record (VS-9A) completed by the court that handled the adoption. The Department enters data from the VS-9A onto the Certificate of Birth for a Foreign-Born Child form (VS-10) for a child who was born prior to September of 1995. After September of 1995, the Department will enter the data from the VS-9A into the Birth

Electronic Birth Registration System (EBRS). The \$60.00 fee for preparation and one certified copy of a new birth certificate because of the foreign-born adoption must be paid at the time the certificate of adoption is presented to the Department.

The original VS-9A and a certified copy of the Foreign-Born Certificate of Live Birth (whether issued by paper or the EBR斯) are mailed to the parents, *who file them with the U.S. Immigration and Naturalization Service*. All certified copies issued for a Foreign-Born child must be issued by photocopying onto the VS-31 (blank safety paper) and must show the true or probable foreign country of birth. Any copy issued must also indicate that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

A copy of the VS-9A and the VS-101 are filed with DRVS, and a copy of the VS-101 is sent to the municipal clerk at the parents' place of residence for filing with other birth records. If the record was created in the EBR斯, municipal clerks will not receive notification that a new birth record has been established.

The U.S. Immigration and Naturalization Service will issue an updated Certification of Birth Facts, Form G-350, in the new name of an adopted child. Application is made using INS Form G-641; there is a fee for this service. Application is made to:

U.S. Immigration and Naturalization Service  
Portland District  
207 Gannett Drive  
South Portland, ME 04106  
1 (800) 375-5283

Copies of the Certificate of Birth for a Foreign-Born Child Effective March 2000, this birth record establishes U.S. citizenship for the child. Children who were 18 or older as of March 1, 2000, still need to process through Immigration and Naturalization to establish U.S. Citizenship. If the child was not 18 years of age as of March 1, 2000, the birth record established U.S. citizenship.

Adoptions of foreign-born children who were U.S. citizens at birth (i.e., one or both biological parents were U.S. citizens) are handled similarly, except that the parents file the VS-9A with the Passport Services Office at the U.S. Department of State. Passport Services will issue an updated Certification of Birth, Form DS-1350, in the new name of an adopted child. Such individuals must prove their U.S. citizenship with a valid U.S. passport or the Consular Report of Birth, federal form FS-240. Application for copies of the FS-240 or the DS-1350 is made to:

Passport Services  
PPT/PS/PC RM386  
1425 K St., NW  
Washington, D.C. 20522-1705

## **ADOPTION REUNION REGISTRY**

<https://legislature.maine.gov/statutes/22/title22sec2769.html>

When a child is adopted, the Department prepares a certificate of birth, which appears in all aspects as if the child had been born to the adopting parents, unless they specifically request that this not be done. All copies of the original birth record are removed from municipal and State files and are placed in a sealed file along with any health and medical information (if completed by the parents). The sealed file is available only upon receipt of a court order from a Probate Court or Superior Court until the child reaches the age of 18. Municipal clerks must never disclose adoption information on birth records from 1892 to the present.

In 1979, the legislature established a procedure to allow adopted children and biological parents to contact each other if both apply to the Department. This was expanded in 1990 to include siblings, half-siblings, and in cases of a deceased biological parent, grandparents, aunts, uncles, and first cousins. The Department maintains a file of all such applications and when matches are made, the Department provides each applicant with the contact information on file. The Department will also contact any persons registered (i.e., the adoptee, the adoptive parent, the biological parent, siblings, etc.) if the person being sought has died in Maine.

### **Forms and Required Fee**

Information about the Adoption Reunion Registry, as well as the application forms, are available on the Department's website at <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>. There is a \$50.00 fee for filing the application(s) and applicant(s) may update their contact information if it changes at any point in time by contacting the Department. Counseling services, if desired, may be obtained through other offices in the Department of Health and Human Services or through outside organizations.