

Introduction

When a baby is born, the person who gave birth must give the hospital all the information needed to complete the baby's birth record. This is required by Michigan Public Health Code MCL 333.2867.

If the parent does not give the needed information, the hospital must send an incomplete birth record to the State of Michigan's Vital Records Division.

Incomplete birth records may happen when:

- A parent does not complete the Parent Information Worksheet provided by the hospital staff before the record is filed. Michigan law makes sure hospitals file this paperwork quickly.
- A parent is married and does not want to list their spouse on the birth record.
- In rare cases, when a parent cannot physically complete the Parent Information Worksheet and there is no one else who can help them complete it.

Until the birth record is completed and fully registered, it is important to understand the following:

- The parent will **not** be able to get a birth certificate, which is often needed for insurance, travel, taxes, school, housing and more.
- The parent **cannot** get a social security card for this child.

Listing the Second Parent on the Birth Record

Michigan law says that if the birth parent is married, or was divorced after the child was conceived, the spouse at the time of conception and/or birth is to be listed as the father or second parent. This is stated in Michigan Public Health Code MCL 333.2824.

If the birth parent refuses to provide the spouse's information, the hospital will send an incomplete birth record to the State Vital Records Division (Vital Records). The birth record will **not** be fully registered until the birth parent either:

- Shares court documents that meet state requirements; or
- Decides to add the spouse to the record.

Parents **should not** complete an Affidavit of Parentage (AOP) at the time and place of birth, until Vital Records approves the court documentation.

After Vital Records is notified that there is a parent who decides **not** to name their spouse on the birth record, Vital Records will mail a letter with forms to the parent who gave birth.

If you have questions, call the Vital Records registration team at 517-335-6506. We're here to help.

Commonly Asked Questions About Deciding Not to Name a Spouse on the Birth Record

I have court documents that say my spouse is not the parent. Can I give these to the hospital?

- Yes. If the parent who gave birth has court documents that clearly say the spouse is not the parent, give the documents to the hospital before the record is sent to Vital Records.
- The documents will be reviewed by Vital Records.
- If the documents are acceptable, the parent may complete an AOP to add a second parent.

Who can I contact to get the court document I need to leave the spouse's name off the birth record?

- Your attorney.
- The Circuit Court in the county where you live.
- The county Prosecutor's Office or the Office of Child Support.

What type of court document do I need?

- The spouse must be listed as a party on the court document.
- The child must be named.
- The court document must state that the spouse or ex-spouse is not the parent.

You must share **one** of the following documents:

- A copy of your final divorce judgment that states your ex-spouse is not the parent;
- If you are recently divorced, you may be able to update the divorce paperwork at the same Circuit Court to say the ex-spouse is not the parent;
- A certified copy of a court transcript stating your current or ex-spouse is not the parent; **or**
- A court order of non-paternity, such as "Child Out of Wedlock," "Order of Non-Paternity", or "Order of Filiation."

I have a DNA test, can I use that instead of the court documents?

No, a DNA test by itself is **not** enough to prove that the spouse is not the legal parent.

How long do I have to register the record?

- If the record is completed before the child's first birthday, there is no fee.
- Once all documents are received and approved, the process for fully registering your child's birth record is taken care of as soon as possible.
- **If the child is 1 year of age or older**, you must work with the Vital Records Changes Unit to remove or add a second parent. There is a fee. Their phone number is 517-335-8660.

I really need the birth certificate as soon as possible. Is there anything else I can do?

- You can choose to list your spouse on the birth certificate.
- Later, you can work with the Vital Records Changes Unit to take the spouse off the record. You will need court documents, an application and will pay a fee.
- After the spouse is removed, another parent can be added with an AOP or court order.