

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Vital Records Act is amended by changing Section 12 as follows:

(410 ILCS 535/12)

Sec. 12. Live births; place of registration.

(1) Each live birth which occurs in this State shall be registered with the local or subregistrar of the district in which the birth occurred as provided in this Section, within 7 days after the birth. When a birth occurs on a moving conveyance, the city, village, township, or road district in which the child is first removed from the conveyance shall be considered the place of birth and a birth certificate shall be filed in the registration district in which the place is located.

(2) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain and record all the personal and statistical particulars relative to the parents of the child that are required to properly complete the live birth certificate; shall secure the required personal signatures on the hospital worksheet; shall prepare the certificate from this worksheet;

and shall file the certificate with the local registrar. The institution shall retain the hospital worksheet permanently or as otherwise specified by rule. The physician in attendance shall verify or provide the date of birth and medical information required by the certificate, within 24 hours after the birth occurs.

(3) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(a) The physician in attendance at or immediately after the birth, or in the absence of such a person,

(b) Any other person in attendance at or immediately after the birth, or in the absence of such a person,

(c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(4) Unless otherwise provided in this Act, if the mother was not married to the father of the child at either the time of conception or the time of birth, the name of the father shall be entered on the child's birth certificate only if the mother and the person to be named as the father have signed a voluntary ~~an~~ acknowledgment of paternity form ~~parentage~~ in accordance with subsection (5).

Unless otherwise provided in this Act, if the mother was married at the time of conception or birth and the presumed father (that is, the mother's husband) is not the biological

father of the child, the name of the biological father shall be entered on the child's birth certificate only if, in accordance with subsection (5), (i) the mother and the person to be named as the father have signed a voluntary ~~an~~ acknowledgment of paternity form ~~parentage~~ and (ii) the mother and presumed father have signed a denial of parentage form ~~paternity~~.

(5) Upon the birth of a child to an unmarried woman, or upon the birth of a child to a woman who was married at the time of conception or birth and whose husband is not the biological father of the child, the institution at the time of birth and the local registrar or county clerk after the birth shall do the following:

(a) Provide (i) an opportunity for the child's mother and father to sign a voluntary ~~an~~ acknowledgment of paternity form ~~parentage~~ and (ii) if the presumed father is not the biological father, an opportunity for the mother and presumed father to sign a denial of parentage form ~~paternity~~. The signing and witnessing of the voluntary acknowledgment of paternity form ~~parentage~~ or, if the presumed father of the child is not the biological father, the voluntary acknowledgment of paternity ~~parentage~~ and denial of parentage forms ~~paternity~~ conclusively establish ~~establishes~~ a parent and child relationship in accordance with Sections 5 and 6 of the Illinois Parentage Act of 1984 and with the Illinois Parentage Act of 2015 on and after the effective date of that Act.

The Department of Healthcare and Family Services shall furnish the voluntary acknowledgment of paternity and denial of parentage forms ~~acknowledgment of parentage and denial of paternity form~~ to institutions, county clerks, and State and local registrars' offices. The forms ~~form~~ shall include instructions to send the original signed and witnessed voluntary acknowledgment of paternity ~~parentage~~ and denial of parentage ~~paternity~~ to the Department of Healthcare and Family Services. The voluntary acknowledgement of paternity and denial of parentage forms ~~paternity form~~ shall also include a statement informing the mother, the alleged father, and the presumed father, if any, that they have the right to request deoxyribonucleic acid (DNA) tests regarding the issue of the child's paternity and that by signing the form, they expressly waive such tests. The voluntary acknowledgment of paternity and denial of parentage forms shall contain the data elements required by federal law. ~~The statement shall be set forth in bold face capital letters not less than 0.25 inches in height.~~

(b) Provide the following documents, furnished by the Department of Healthcare and Family Services, to the child's mother, biological father, and (if the person presumed to be the child's father is not the biological father) presumed father for their review at the time the opportunity is provided to establish a parent and child

relationship:

(i) An explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing a voluntary ~~an~~ acknowledgment of paternity form parentage and, if necessary, a denial of parentage form paternity, including an explanation of the parental rights and responsibilities of child support, visitation, custody, retroactive support, health insurance coverage, and payment of birth expenses.

(ii) An explanation of the benefits of having a child's parentage established and the availability of parentage establishment and child support enforcement services.

(iii) A request for an application for child support enforcement services from the Department of Healthcare and Family Services.

(iv) Instructions concerning the opportunity to speak, either by telephone or in person, with staff of the Department of Healthcare and Family Services who are trained to clarify information and answer questions about paternity establishment.

(v) Instructions for completing and signing the voluntary acknowledgment of paternity parentage and denial of parentage forms paternity.

(c) Provide an oral explanation of the documents and

instructions set forth in subdivision (5) (b), including an explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing a voluntary ~~an~~ acknowledgment of paternity form ~~parentage~~ and, if necessary, a denial of parentage form ~~paternity~~. The oral explanation may be given in person or through the use of video or audio equipment.

(6) The institution, State or local registrar, or county clerk shall provide an opportunity for the child's father or mother to sign a rescission of voluntary acknowledgment of paternity or denial of parentage form ~~parentage~~. The signing and witnessing of the rescission of voluntary acknowledgment of paternity or denial of parentage form ~~parentage~~ voids the voluntary acknowledgment of paternity form ~~parentage~~ and nullifies the presumption of paternity if executed and filed with the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) within the time frame contained in Section 5 of the Illinois Parentage Act of 1984 or Section 307 of the Illinois Parentage Act of 2015 on and after the effective date of that Act. The Department of Healthcare and Family Services shall furnish the rescission of voluntary acknowledgment of paternity or denial of parentage form ~~parentage form~~ to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed rescission of voluntary acknowledgment of paternity or denial of parentage

form parentage to the Department of Healthcare and Family Services. The rescission of voluntary acknowledgment of paternity or denial of parentage form shall contain the data elements required by federal law.

(7) A voluntary ~~An~~ acknowledgment of paternity form signed pursuant to Section 6 of the Illinois Parentage Act of 1984 or Section 302 of the Illinois Parentage Act of 2015 on and after the effective date of that Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of a challenge to the voluntary acknowledgment of paternity form, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(8) When the process for acknowledgment of parentage as provided for under subsection (5) establishes the paternity of a child whose certificate of birth is on file in another state, the Department of Healthcare and Family Services shall forward a copy of the voluntary acknowledgment of paternity, denial of parentage, and ~~acknowledgment of parentage, the denial of paternity,~~ if applicable, rescission of voluntary acknowledgment of paternity or denial of parentage forms ~~and the rescission of parentage, if applicable,~~ to the birth record agency of the state where the child's certificate of birth is on file.

(9) In the event the parent-child relationship has been

established in accordance with subdivision (a)(1) of Section 6 of the Parentage Act of 1984, the names of the biological mother and biological father so established shall be entered on the child's birth certificate, and the names of the surrogate mother and surrogate mother's husband, if any, shall not be on the birth certificate.

(10) In the event new data elements are included in the voluntary acknowledgment of paternity form, denial of parentage form, or rescission of voluntary acknowledgment of paternity or denial of parentage form, the Department of Healthcare and Family Services, in conjunction with the Department of Public Health, shall provide instructions that have been prescribed by the Department of Healthcare and Family Services about the new data elements to the hospital personnel responsible for assisting the child's mother, biological father, or presumed father with completing the forms.

(Source: P.A. 99-85, eff. 1-1-16.)