

## HOUSE BILL No. 2377

Committee on Child Welfare and Foster Care

2-9

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1 AN ACT concerning records and recordation; related to the Kansas  
2 department of health and environment, office of vital statistics and  
3 Kansas department for children and families; exempting the Kansas  
4 department for children and families from fees for birth and death  
5 certificates required for an adoption proceeding; directing the office of  
6 vital statistics to provide birth or death certificates to the Kansas  
7 department for children and families or a court with jurisdiction upon  
8 receipt of the initial journal entry establishing custody; amending  
9 K.S.A. 65-2418 and 65-2422d and repealing the existing sections.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Sec. 1. K.S.A. 65-2418 is hereby amended to read as follows: 65-  
13 2418. (a) (1) The secretary shall ~~fix~~ set and charge by rules and regulations  
14 the fees to be paid for certified copies or abstracts of certificates or for  
15 search of the files for birth, death, fetal death, marriage or divorce records  
16 when no certified copy or abstract is made. Except as otherwise provided  
17 in this section, the secretary shall remit all moneys received by or for the  
18 secretary from fees, charges or penalties; under the uniform vital statistics  
19 act, ~~and amendments thereto~~; to the state treasurer in accordance with the  
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
21 each such remittance, the state treasurer shall deposit the entire amount in  
22 the state treasury to the credit of the civil registration and health statistics  
23 fee fund created by K.S.A. 65-2418e, and amendments thereto.

24 (2) The secretary shall not charge any fee for a certified copy of a  
25 certificate or abstract or for a search of the files or records if the certificate,  
26 abstract or search is requested by a person who exhibits correspondence  
27 from the United States department of veterans affairs or the Kansas  
28 commission on veterans affairs office which indicates that the person is  
29 applying for benefits from the United States department of veterans affairs  
30 and that such person needs the requested information to obtain such  
31 benefits, except that, for a second or subsequent certified copy of a  
32 certificate, abstract or search of the files requested by the person, the usual  
33 fee shall be charged. The secretary may provide by rules and regulations  
34 for exemptions from such fees.

35 (3) The secretary shall not charge or accept any fee for a certified  
36 copy of a birth certificate if the certificate is requested by any person who

1 is 17 years of age or older for purposes of voting if the applicant lacks the  
2 identification required by K.S.A. 25-2908(h), and amendments thereto, or  
3 to meet the voter registration requirements of K.S.A. 25-2309, and  
4 amendments thereto. For voter registration purposes, an applicant for  
5 registration shall swear under oath: ~~(+)~~(A) That such person plans to  
6 register to vote in Kansas; and ~~(2)~~(B) that such person does not possess  
7 any of the documents that constitute evidence of United States citizenship  
8 under K.S.A. 25-2309(1), and amendments thereto. The affidavit shall  
9 specifically list the documents that constitute evidence of United States  
10 citizenship under K.S.A. 25-2309(1), and amendments thereto. The  
11 secretary shall adopt rules and regulations in order to implement the  
12 provisions of this subsection.

13 (4) *The secretary shall not charge or accept any fee for a certified*  
14 *copy of a birth or death certificate of a child who is the subject of a child*  
15 *in need of care proceeding or party or alleged party to a child in need of*  
16 *care case if such certificate is requested by: (A) The secretary for children*  
17 *and families; or (B) a court with jurisdiction of such child in need of care*  
18 *proceeding.*

19 (5) Upon receipt of any such remittance of a fee for a certified copy  
20 of a birth certificate or abstract, \$3 of each such fee for the first copy of a  
21 birth certificate or abstract and \$1 of each such fee for each additional  
22 copy of the same birth certificate or abstract requested at the same time  
23 shall be remitted to the state treasurer in accordance with the provisions of  
24 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
25 remittance, the state treasurer shall deposit the entire amount in the state  
26 treasury to the credit of the permanent families account of the family and  
27 children investment fund created by K.S.A. 38-1808, and amendments  
28 thereto. The balance of the money received for a fee for a certified copy of  
29 a birth certificate or abstract shall be remitted to the state treasurer in  
30 accordance with the provisions of K.S.A. 75-4215, and amendments  
31 thereto. Upon receipt of each such remittance, the state treasurer shall  
32 deposit the entire amount in the state treasury to the credit of the civil  
33 registration and health statistics fee fund created under this act.

34 ~~(5)~~(6) Upon receipt of any such remittance of a fee for a certified  
35 copy of a death certificate or abstract, \$4 of each such fee for the first  
36 certified copy of a death certificate or abstract and \$2 of each such fee for  
37 each additional copy of the same death certificate or abstract requested at  
38 the same time shall be remitted to the state treasurer in accordance with the  
39 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
40 each such remittance, the state treasurer shall deposit the entire amount in  
41 the state treasury to the credit of the district coroners fund created by  
42 K.S.A. 22a-245, and amendments thereto. The balance of the money  
43 received for a fee for a certified copy of a death certificate or abstract shall

1 be remitted to the state treasurer in accordance with the provisions of  
2 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
3 remittance, the state treasurer shall deposit the entire amount in the state  
4 treasury to the credit of the civil registration and health statistics fee fund  
5 created by K.S.A. 65-2418e, and amendments thereto.

6 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national  
7 office of vital statistics may be furnished copies or data it requires for  
8 national statistics. The state shall be reimbursed for the cost of furnishing  
9 the data. The data shall not be used for other than statistical purposes by  
10 the national office of vital statistics unless so authorized by the state  
11 registrar of vital statistics.

12 Sec. 2. K.S.A. 65-2422d is hereby amended to read as follows: 65-  
13 2422d. (a) The records and files of the division of public health pertaining  
14 to vital statistics shall be open to inspection, subject to the provisions of  
15 the uniform vital statistics act and rules and regulations of the secretary. It  
16 shall be unlawful for any officer or employee of the state to disclose data  
17 contained in vital statistical records, except as authorized by the uniform  
18 vital statistics act and the secretary, and it shall be unlawful for anyone  
19 who possesses, stores or in any way handles vital statistics records under  
20 contract with the state to disclose any data contained in the records, except  
21 as authorized by law.

22 (b) No information concerning the birth of a child shall be disclosed  
23 in a manner that enables determination that the child was born out of  
24 wedlock, except upon order of a court in a case where the information is  
25 necessary for the determination of personal or property rights and then  
26 only for that purpose, or except that employees of the office of child  
27 support enforcement of the federal department of health and human  
28 services shall be provided information when the information is necessary  
29 to ensure compliance with federal reporting and audit requirements  
30 pursuant to title IV-D of the federal social security act or except that the  
31 secretary for children and families or the secretary's designee performing  
32 child support enforcement functions pursuant to title IV-D of the federal  
33 social security act shall be provided information and copies of birth  
34 certificates when the information is necessary to establish parentage in  
35 legal actions or to ensure compliance with federal reporting and audit  
36 requirements pursuant to title IV-D of the federal social security act.  
37 Nothing in this subsection shall be construed as exempting such  
38 employees of the ~~federal~~ *United States* department of health and human  
39 services or the secretary for children and families or the secretary's  
40 designee from the fees prescribed by K.S.A. 65-2418, and amendments  
41 thereto.

42 (c) *The state registrar shall issue a certified copy of a birth or death*  
43 *certificate of a child who is the subject of a child in need of care*

1 *proceeding or party or alleged party to a child in need of care case if such*  
2 *certificate is requested by: (1) The secretary for children and families; or*  
3 *(2) a court with jurisdiction of such child in need of care proceeding.*  
4 *Upon receipt of the initial journal entry establishing that the child is in the*  
5 *custody of the secretary for children and families, the state registrar shall*  
6 *provide the certified copy within 48 hours after the request.*

7 (d) Except as provided in subsection (b), and amendments thereto, the  
8 state registrar shall not permit inspection of the records or issue a certified  
9 copy or abstract of a certificate or part thereof unless the state registrar is  
10 satisfied the applicant therefor has a direct interest in the matter recorded  
11 and the information contained in the record is necessary for the  
12 determination of personal or property rights. The state registrar's decision  
13 shall be subject, however, to review by the secretary or by a court in  
14 accordance with the Kansas judicial review act, subject to the limitations  
15 of this section.

16 ~~(d)~~(e) The secretary shall permit the use of data contained in vital  
17 statistical records for research purposes only, but no identifying use of  
18 them shall be made. The secretary shall permit the use of birth, death and  
19 stillbirth certificates as identifiable data for purposes of maternal and child  
20 health surveillance and monitoring. The secretary or the secretary's  
21 designee may interview individuals for purposes of maternal and child  
22 health surveillance and monitoring only with an approval of the health and  
23 environmental institutional review board as provided in title 45, part 46 of  
24 the code of federal regulations. The secretary shall inform such individuals  
25 that the participation in such surveillance and monitoring is voluntary and  
26 may only be conducted with the written consent of the person who is the  
27 subject of the information or with the informed consent of a parent or legal  
28 guardian if the person is under 18 years of age. Informed consent is not  
29 required if the person who is the subject of the information is deceased.

30 ~~(e)~~(f) Subject to the provisions of this section the secretary may direct  
31 the state registrar to release birth, death and stillbirth certificate data to  
32 federal, state or municipal agencies.

33 ~~(f)~~(g) On or before the 20<sup>th</sup> day of each month, the state registrar shall  
34 furnish to the county election officer of each county and the clerk of the  
35 district court in each county, without charge, a list of deceased residents of  
36 the county who were at least 18 years of age and for whom death  
37 certificates have been filed in the office of the state registrar during the  
38 preceding calendar month. The list shall include the name, age or date of  
39 birth, address and date of death of each of the deceased persons and shall  
40 be used solely by the election officer for the purpose of correcting records  
41 of their offices and by the clerk of the district court in each county for the  
42 purpose of correcting juror information for such county. Information  
43 provided under this subsection to the clerk of the district court shall be

1 considered confidential and shall not be disclosed to the public. The  
2 provisions of subsection (b) of K.S.A. 45-229, and amendments thereto,  
3 shall not apply to the provisions of this subsection.

4 ~~(g)~~(h) No person shall prepare or issue any certificate which purports  
5 to be an original, certified copy or abstract or copy of a certificate of birth,  
6 death or fetal death, except as authorized in this act or rules and  
7 regulations adopted under this act.

8 ~~(h)~~(i) Records of births, deaths or marriages which are not in the  
9 custody of the secretary of health and environment and which were created  
10 before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of  
11 Kansas, and any copies of such records, shall be open to inspection by any  
12 person and the provisions of this section shall not apply to such records.

13 ~~(i)~~(j) Social security numbers furnished pursuant to K.S.A. 65-2409a,  
14 and amendments thereto, shall only be used as permitted by title IV-D of  
15 the federal social security act, and amendments thereto, or as permitted by  
16 section 7(a) of the federal privacy act of 1974, and amendments thereto.  
17 The secretary shall make social security numbers furnished pursuant to  
18 K.S.A. 65-2409a, and amendments thereto, available to the Kansas  
19 department for children and families for purposes permitted under title IV-  
20 D of the federal social security act.

21 ~~(j)~~(k) Fact of death information may be disseminated to state and  
22 federal agencies administering benefit programs. Such information shall be  
23 used for file clearance purposes only.

24 Sec. 3. K.S.A. 65-2418 and 65-2422d are hereby repealed.

25 Sec. 4. This act shall take effect and be in force from and after its  
26 publication in the statute book.