

1 AN ACT concerning health.

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

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

6 (410 ILCS 535/12)

7 Sec. 12. Live births; place of registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) Provide an oral explanation of the documents and  
26 instructions set forth in subdivision (5) (b), including an

1 explanation of the implications of, alternatives to, legal  
2 consequences of, and the rights and responsibilities that  
3 arise from signing a voluntary ~~an~~ acknowledgment of  
4 paternity form ~~parentage~~ and, if necessary, a denial of  
5 parentage form ~~paternity~~. The oral explanation may be given  
6 in person or through the use of video or audio equipment.

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

1 Services. The rescission of voluntary acknowledgment of  
2 paternity or denial of parentage form shall contain the data  
3 elements required by federal law.

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

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

25 (9) In the event the parent-child relationship has been  
26 established in accordance with subdivision (a)(1) of Section 6

1 of the Parentage Act of 1984, the names of the biological  
2 mother and biological father so established shall be entered on  
3 the child's birth certificate, and the names of the surrogate  
4 mother and surrogate mother's husband, if any, shall not be on  
5 the birth certificate.

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