

BIRTH CERTIFICATES

Is a physician responsible for filling out and filing a newborn's birth certificate?

Yes. Washington requires that all births within the state be registered immediately.¹ So, within 10 days after a child's birth, the attending physician (or the physician's agent) must fill out a birth certificate and file it with the state registrar of vital statistics.² Along with the certificate, the physician must also provide the registrar with the mother's social security number. If the mother is married, or if there is a signed acknowledgement of paternity, or one has been filed with the state registrar of vital statistics, the birth certificate needs to include the father's name and date of birth, and the father's social security number.³

Are there certain birth certificate forms that physicians should fill out?

Yes. The Washington State Department of Health (DOH) has standard forms for use as birth certificates.⁴ These forms can be found on DOH's website, <http://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce/Forms.aspx>.

Are there penalties for failing to comply with birth certificate requirements?

Yes. Failure to comply with birth certificate requirements is a misdemeanor; repeated violations may subject a physician to a fine of up to \$250, imprisonment for up to 90 days, or both.⁵ Also, willfully providing false information for or making any false statement on a birth certificate is a gross misdemeanor.⁶

When a child is born to an unmarried mother, what must the attending physician do?

The attending physician (or the physician's agent) must provide the mother and natural father with written and oral information furnished by the Washington State Department of Social and Health Services (DSHS) regarding the benefits, responsibilities, and legal consequences of having the child's paternity established.⁷ The information the attending physician must provide can be found at: <http://www.dshs.wa.gov/dcs/services/providers.asp>.

The attending physician (or the physician's agent) must also provide an opportunity for the child's mother and the man claiming to be the father to complete an acknowledgement of paternity.⁸ The acknowledgement must:

¹ RCW 70.58.070.

² RCW 70.58.080(1)(a)-(b).

³ *Id.*

⁴ WAC 246-491-029(1); WAC 246-491-149(1)

⁵ RCW 70.58.280(1).

⁶ RCW 70.58.280(2).

⁷ RCW 70.58.080(4)(b). See also 45 CFR 303.5(g)(2)(i).

⁸ RCW 70.58.080(4)(a). See also 45 CFR 303.5(g)(2)(ii).

- Be signed under penalty of perjury by the mother and the man seeking to establish his paternity.⁹
- State that the child does not have a presumed father, or has a presumed father whose full name is stated, and that the child does not have any other acknowledged or legally determined father.¹⁰
- State whether genetic testing has been performed, and, if so, that the acknowledging man's claim of paternity is consistent with the results of that testing.¹¹
- State that the woman and man signing the acknowledgement understand that it is the legal equivalent of a judicial determination of paternity, and that a challenge to that acknowledgement is permitted only under limited circumstances and, with few exceptions, is barred after 2 years.¹²

The completed acknowledgment must be filed with the state registrar of vital statistics.¹³ Once the acknowledgment is filed, the physician is entitled to reimbursement for reasonable costs.¹⁴

⁹ RCW 26.26.305(1)(b).

¹⁰ RCW 26.26.305(1)(c).

¹¹ RCW 26.26.305(d).

¹² RCW 26.26.305(e).

¹³ RCW 70.58.080(4)(a).

¹⁴ RCW 70.58.080(5). See the DSHS website at <http://www.dshs.wa.gov/dcs/services/providers.asp> for information regarding how the "Washington State Division of Child Support (DCS) will pay [the provider who files the paternity acknowledgment] \$20 for each correctly completed and notarized acknowledgment."