

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 26007. Birth Registration.

(a) A certificate of birth for each live birth which occurs in the CNMI shall be filed with the Health and Vital Statistics Office, or as otherwise directed by the Registrar, within 5 days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(b) When a birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and file the certificate as directed in subsection (a). The physician or other person in attendance shall provide the medical information required by the certificate within 72 hours after the birth.

(c) When a birth occurs outside an institution,

(1) The certificate shall be prepared and filed by one of the following in the indicated order of priority, in accordance with regulations promulgated by the State Agency;

(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.

(2) The State Agency shall by regulation determine what evidence may be required to establish the facts of birth.

(d) When a birth occurs on a moving conveyance within the CNMI and the child is first removed from the conveyance in the CNMI, the birth shall be registered in the CNMI and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in the CNMI, the birth shall be registered in the CNMI, but the certificate shall show the actual place of birth insofar as can be determined.

(e) For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child, unless otherwise provided by CNMI law or determined by CNMI courts prior to the filing of the birth certificate. The information about the father shall be entered as provided in subsection (f).

(f) (1) If the mother was married at the time of either conception or birth, or between conception and birth, the name of the husband shall be entered on the certificate as the father of the child, unless:

(A) Paternity has been determined otherwise by the CNMI Superior Court, or

(B) The mother and the mother's husband execute joint or separate affidavits attesting that the husband is not the father of the child. Affidavits shall be notarized, and signatures of the mother and of the husband shall be

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

individually notarized on any joint affidavit. In such event, information about the father shall be omitted from the certificate, or

(C) The mother executes an affidavit attesting that the husband is not the father and that the putative father is the father, and the putative father executes an affidavit attesting that he is the father, and the husband executes an affidavit attesting that he is not the father. Affidavits may be joint or individual or a combination hereof, and each signature shall be individually notarized. In such event, the putative father shall be shown as the father on the certificate.

(2) If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate without an affidavit of paternity signed by the mother and the person to be named as the father.

(3) In any case in which paternity of a child is determined by the CNMI Superior Court, the name of the father and surname shall be entered on the certificate of birth in accordance with the finding and order of the court.

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(5) Affidavits referenced in this section shall be filed with the Registrar.

(g) Either of the parents of the child, or other informant, shall verify the accuracy of the personal data to be entered on the certificate in time to permit the filing of the certificate within the 5 days prescribed in subsection (a).

(h) Certificates of birth filed after 5 days, but within one year from the date of birth shall be registered on the standard form of live birth certificate in the manner prescribed above. Such certificates shall not be marked "Delayed." The Registrar may require additional evidence in support of the facts of birth.

Source: PL 15-50, § 9, modified.

Commission Comment: The Commission changed the numbering scheme in the above section and also changed "Section 9(a)" in subsections (b) and (g) above to "subsection (a)" and "Section 9(f)" in subsection (e) above to "subsection (f)" pursuant to the authority granted by 1 CMC § 3806.