

CHAPTER 57

AN ACT

[S. B. 69]

Amending Sec. 21-3-3 ACLA 1949 relating to legitimization of birth and substitute birth certificates; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Section 21-3-3 ACLA 1949 is hereby amended to read as follows:

Section 21-3-3. LEGITIMIZATION BY SUBSEQUENT MARRIAGE: SUBSTITUTE BIRTH CERTIFICATE: SEALING ORIGINAL RECORDS AND PAPERS AND RECORDING SUBSTITUTE CERTIFICATE. The birth of children born out of wedlock shall be legitimized by the subsequent marriage of their parents with each other. In case of the birth of any child out of wedlock, which has heretofore or may hereafter occur, where the record of the birth shows the child to be of illegitimate birth and the parents of said child have subsequently intermarried, upon receipt of evidence of said marriage and acknowledgment of such parenthood, and at the written request of the parents, or either of them, the Bureau of Vital Statistics shall prepare and issue a substitute birth certificate. This certificate shall contain all of the information required in an original certificate of birth; shall show the name of the father and shall make no reference to the original illegitimacy of birth. The date and place of birth, the attendant's name, and all dates of recording are to be left as on the original.

Legitimization
by subsequent
marriage.

Original
record
sealed.

The Bureau, upon issuance of such substitute certificate, shall seal the original record of the birth, together with the request and supporting papers and copy of the

letter of transmittal hereinafter mentioned, and file in its stead the substitute birth certificate, and thereafter said original record so sealed may be opened by the Bureau only upon order of a court of competent jurisdiction. Thereupon the Bureau shall send a copy of the substitute birth certificate to the U. S. Commissioner having on file a copy of the said child's original certificate of birth. The Bureau shall transmit said copy of the substitute certificate to said U. S. Commissioner with a letter setting forth that the substitute birth certificate was issued upon a showing of legitimization of the birth of the child by the subsequent intermarriage of his parents. Upon receipt thereof, said U. S. Commissioner shall forthwith enter the substitute copy in his files in the place and stead of the copy of the original certificate on file. Upon such filing of the substitute birth certificate, the U. S. Commissioner shall seal the copy of the original birth record, together with said letter of transmittal and said record may thereafter be opened only upon order of a court of competent jurisdiction. Upon later request for issuance of a certified copy of a birth certificate in cases of this kind, the U. S. Commissioner or Bureau of Vital Statistics, as the case may be, shall, as a matter of course, issue a certified copy of the substitute birth certificate, and such certified copy shall be accepted in all courts and places as prima facie evidence of the date and place of birth of the person therein named. The intent of this section is to enable the preparation of a birth certificate for the legitimized child as nearly as possible like that of other children.

Commissioner
to seal
record.

Intent.

Section 2. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Emergency
clause.

Approved March 22, 1951.