



State of Kansas

Office of Judicial Administration

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House Judiciary Committee
Testimony in Support of HB 2457

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Chairman Patton and committee members, thank you for allowing me to present testimony in support of HB 2457. I'm Krisena Silva, District Court Clerk Specialist in the Office of Judicial Administration.

Currently when a parent wishes to add the name of a parent, correct the name of either parent or of the minor child, or change the child's last name to that of either parent, on the minor child's birth certificate, both parents appear before a judge of the district court and present the child's original birth certificate. The parents also fill out affidavits in front of the judge stating what correction is to be made to the birth certificate. If the judge grants their request, the court mails the original birth certificate and the affidavits to the Kansas Department of Health and Environment – Office of Vital Statistics (KDHE-OVS), and orders the documents sealed. Under the statutory language of K.S.A. 23-2223, the court is to make no record of this action and no court case can be opened by the court.

With the enactment of the federal REAL ID laws, when applying for a "REAL Driver's License" (DL) or a Passport, the person applying must provide a copy of their birth certificate. But if the birth certificate was amended the applying person needs additional documents. To get the documents retained by KDHE-OVS to show why the birth certificate was amended, KDHE-OVS requires that the person obtain a court order directing KDHE-OVAS to release the copies of the affidavits and underlying court order that the court relied upon to order KDHE-OVS to amend the original birth certificate. But because K.S.A. 23-2223 does not allow the court to open a case to begin with, and no documents under this procedure are kept by the court as a consequence, it is difficult for a judge to order disclosure of documents concerning a procedure the court has no record of.

We respectfully request that K.S.A. 23-2223 be amended to allow the court to open a sealed court case when parents seek to amend a birth certificate under this statute. This change would maintain the status quo concerning confidentiality of the proceeding, but allows the court to maintain a record of the procedure that has occurred before it. Additionally, if a party with an

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amended birth certificate ever needs to document why it has been amended under this statute, those records would be included in a court record and more easily accessed. For example, if a person is applying for a REAL DL or a Passport, they could more easily obtain a court order to obtain their records from KDHE-OVS because a court record allows all involved to verify the procedure that occurred before the court.

KDHE-OVS has reviewed and approved the language in this proposed amendment.

Thank you and I am happy to answer any questions you may have on this process.