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BILL CREATES SPECIAL DEATH CERTIFICATE FOR STILLBORN INFANTS

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STATE HOUSE, BOSTON, JULY 25, 2002....Minutes before Lynn Barberian gave birth in April 2000, doctors detected a heartbeat coming from her soon-to-be-born daughter. But then something tragic happened and Barbarian's first child was delivered stillborn.

Later, when she was putting together a small scrapbook and went to get a copy of her daughter's birth certificate from the local clerk, the Medford resident was stunned and hurt to find out there wouldn't be one because her baby hadn't lived for an hour outside of the womb.

"I carried her full term, for 40 weeks like any other woman, spent hours in labor pushing, went through the whole delivery just like a regular birth, except I didn't bring a baby home alive," she said. "I gave birth and they were saying, 'No you didn't.'" Barberian said the news set her back in recovering from the tragedy, but she used the event to spark legislation that could ensure hundreds of other Massachusetts parents don't experience the same shock.

The House is poised to adopt a bill Barberian proposed creating a birth certificate for stillborns. It is based on similar laws passed in Arizona, Utah and Indiana. Under the so-called "Missing Angels" bill, parents who lose a child after 20 weeks of gestation could receive a "Certificate of Birth Resulting in Stillborn Birth" from the state Registry of Vital Records, and have the option of naming their child. The bill has a retroactivity clause, but certificates issued more than a year after the death will be marked with the word "delayed."

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The bill, sponsored by Sen. Charles Shannon (D-Winchester), has already passed the Senate, and was initially approval by the House on Wednesday. Supporters say it will help parents in their recovery by giving them something other than a fetal death report, which is the current formal record for stillbirths. "A woman goes through the entire process of birth, the contractions and everything...By giving a report of fetal death to the family, and no birth certificate, you're not recognizing the process of birth the woman went through for nine months," said Rep. Garrett Bradley (D-Hingham), the lead House sponsor.

The bill originally raised some origin of life questions, but Bradley said the bill contains language defining fetal death that makes aborted fetuses ineligible for a certificate. "It does not change the definition of fetal death at all," he said. "It has absolutely nothing to do with abortion."

Neither the pro-life Massachusetts Catholic Conference nor the pro-choice state

chapter of the National Abortion Rights Action League oppose the bill. "This appropriately responds to the needs of these parents," said MCC lobbyist Gerry D'Avolio. The bill passed the Senate via a voice vote, and House Republican leaders said they don't anticipate a floor battle. "It doesn't seem to be that unreasonable," said Assistant Minority Leader Rep. Bradley Jones (R-North Reading). A spokeswoman for Acting Gov. Jane Swift said the governor would consider the bill when it reaches her desk, but had no immediate comment.