EDWARD C. OKEKE *v.* COMMISSIONER OF PUBLIC HEALTH
(AC 31054)

Bishop, Alvord and Borden, Js.

Argued March 15—officially released July 6, 2010

(Appeal from Superior Court, judicial district of New Britain, Cohn, J.)

Edward C. Okeke, pro se, the appellant (plaintiff).

Daniel Shapiro, assistant attorney general, with whom, on the brief, was *Richard Blumenthal*, attorney general, for the appellee (defendant).

Opinion

BISHOP, J. The plaintiff, Edward C. Okeke, appeals from the judgment of the trial court dismissing his appeal from the decision of the commissioner of public health (commissioner) denying his request to amend his son's birth certificate. On appeal, the plaintiff contends that the court improperly determined that the commissioner correctly interpreted General Statutes § 19a-42 (d) (1). We conclude that the trial court properly dismissed the plaintiff's appeal and, therefore, we affirm the judgment.

The following undisputed facts and procedural history are relevant to the plaintiff's appeal. On May 25, 2000, a male child was born to the plaintiff and Tamara A. Shockley. The parties were not married at the time of the birth of the child and have never been married to each other. The parties executed an acknowledgment of paternity pursuant to General Statutes § 46b-172. Shockley affirmed the acknowledgement of paternity on May 26, 2000, and the plaintiff affirmed the acknowledgement on June 1, 2000. The name of the child on the paternity acknowledgement is stated as "Nnamdi Ikwunne Okeke."

While in the hospital, at some time after the child's birth, Shockley also completed a birth certificate worksheet. Initially, she entered the child's name on the worksheet as "Nnamdi Ikwunne Okeke." On May 30, 2000, however, Shockley called the hospital and requested that the child's name on the birth certificate worksheet be changed to "Nnamdi Okeke Shockley." In response, a hospital staff person changed the name on the acknowledgement of paternity form to "Nnamdi Okeke Shockley." On June 5, 2000, Shockley again called the hospital and requested that her son's name be changed on the birth certificate worksheet to "Nnamdi Ikwunne Shockley-Okeke." In response, a hospital staff person changed the name on the birth certificate worksheet to "Nnamdi Ikwanne Shockley-Okeke."[1] The acknowledgement of paternity indicating the child's name as "Nnamdi Okeke Shockley," and the certificate of live birth indicating the child's name as "Nnamdi Ikwanne Shockley-Okeke," were filed with the department of public health (department). The official birth certificate of the child lists his name as "Nnamdi Ikwanne Shockley-Okeke."

On April 13, 2007, the plaintiff filed with the department an "[a]pplication for [a]mendment of [m]y [s]on's [b]irth [c]ertificate." Pursuant to § 19a-42 (d) (1), the plaintiff sought to amend the name on his son's birth certificate by removing the mother's name, Shockley, in accordance with the previously executed acknowledgement of paternity.[2] Following an evidentiary hearing, the hearing officer denied the plaintiff's application, concluding that, pursuant to § 19a-41-9 (a) of the Regu-

lations of Connecticut State Agencies,[3] the plaintiff is permitted to ask a registrar of vital statistics to make a change to his son's name only if he has a certified court order allowing the change. Because the plaintiff did not present such a court order, he failed to meet this requirement. The hearing officer also concluded that the plaintiff did not meet the requirements of § 19a-41-9 (b) of the Regulations of Connecticut State Agencies because more than thirty days had passed since the child's birth, the plaintiff was not a custodial parent and he was not seeking to rectify a typographical or clerical error.[4]

In response to the plaintiff's motion for reconsideration, the hearing officer addressed the plaintiff's claim that he made pursuant to § 19a-42 (d) (1). The hearing officer concluded that the statute permits a change of a child's name on a birth certificate on the basis of an acknowledgement form only "if such paternity is not already shown on the birth certificate." Because paternity was already indicated on the birth certificate, the department's receipt of the acknowledgement of paternity form did not trigger an amendment to the birth certificate. The hearing officer accordingly denied the plaintiff's motion for reconsideration.

Thereafter, the plaintiff timely filed an administrative appeal with the Superior Court. The plaintiff did not take issue with any of the factual findings of the hearing officer but challenged the interpretation and application of § 19a-42 (d) (1), claiming that the commissioner must change the name on the birth certificate to the name indicated on the acknowledgement of paternity form.[5] Following a hearing, the court dismissed the plaintiff's appeal. This appeal followed.

Our standard of review is well established. "Ordinarily, [o]ur resolution of [administrative appeals] is guided by the limited scope of judicial review afforded by the Uniform Administrative Procedure Act; General Statutes § 4-166 et seq.; to the determinations made by an administrative agency. [W]e must decide, in view of all the evidence, whether the agency, in issuing its order, acted unreasonably, arbitrarily or illegally, or abused its discretion. . . . Conclusions of law reached by the administrative agency must stand if the court determines that they resulted from a correct application of the law to the facts found and could reasonably and logically follow from such facts. . . . Although the interpretation of statutes is ultimately a question of law . . . it is the well established practice of this court to accord great deference to the construction given [a] statute by the agency charged with its enforcement. . . .

"A reviewing court, however, is not required to defer to an improper application of the law. . . . It is the function of the courts to expound and apply governing principles of law. . . . We previously have recognized

that the construction and interpretation of a statute is a question of law for the courts, where the administrative decision is not entitled to special deference. . . . Questions of law [invoke] a broader standard of review than is ordinarily involved in deciding whether, in light of the evidence, the agency has acted unreasonably, arbitrarily, illegally or in abuse of its discretion. . . . Because this case forces us to examine a question of law, namely, the construction and interpretation of [statutes] as well as the standard to be applied, our review is de novo." (Internal quotation marks omitted.) *Groton Police Dept.* v. *Freedom of Information Commission*, 104 Conn. App. 150, 156, 931 A.2d 989 (2007).

"The process of statutory interpretation involves the determination of the meaning of the statutory language as applied to the facts of the case, including the question of whether the language does so apply." (Internal quotation marks omitted.) *Renaissance Management Co.* v. *Connecticut Housing Finance Authority*, 281 Conn. 227, 231, 915 A.2d 290 (2007). "When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . The test to determine ambiguity is whether the statute, when read in context, is susceptible to more than one reasonable interpretation." (Internal quotation marks omitted.) *Fairchild Heights, Inc.* v. *Amaro*, 293 Conn. 1, 8–9, 976 A.2d 668 (2009).

Accordingly, our interpretation of § 19a-42 (d) (1) begins with an examination of the relevant language of the statute. Section 19a-42 (d) (1) provides: "Upon receipt of (A) an acknowledgment of paternity executed in accordance with the provisions of subsection (a) of section 46b-172 by both parents of a child born out of wedlock, or (B) a certified copy of an order of a court of competent jurisdiction establishing the paternity of a child born out of wedlock, the commissioner shall include on or amend, as appropriate, such child's birth certificate to show such paternity *if paternity is not already shown on such birth certificate* and to change the name of the child if so indicated on the acknowledgment of paternity form or within the certified court order as part of the paternity action." (Emphasis added.)

The plaintiff contends that the phrase "to change the

name of the child if so indicated on the acknowledgement of paternity form" essentially directs the commissioner to ensure that the name on the birth certificate corresponds to the name on the acknowledgement of paternity form. When read in its entirety, however, we conclude that the plaintiff's contention is misplaced because the plaintiff ignores the triggering language that allows the commissioner to amend a birth certificate pursuant to § 19a-42 (d) (1): "*if paternity is not already shown on such birth certificate* . . . ." (Emphasis added.) General Statutes § 19a-42 (d) (1). The unambiguous language of the statute involves determinations of paternity and changing a child's name when it is determined that the biological father of the child is not listed, or is incorrectly listed, on the birth certificate. Here, paternity is already shown on the birth certificate and there has never been a question regarding the identity of the biological father. The plaintiff's argument is further belied by the acknowledgement of paternity form itself, which provides for changing the child's birth certificate in accordance with an acknowledgement of paternity. The acknowledgement form has a line that asks: "Change Child's Last Name On Birth Certificate." The form then has a block for "yes" and a block for "no." In this case, because neither box is checked, there is no indication that the name on the birth certificate should be changed to correspond with the name on the acknowledgement form.

Additionally, General Statutes § 7-36 (10) defines " '[a]mendment' " to mean to "(A) change or enter new information on a certificate of birth, marriage, death or fetal death, more than one year after the date of the vital event recorded in such certificate, in order to accurately reflect the facts existing at the time of the recording of the event, (B) create a replacement certificate of birth for matters pertaining to parentage and gender change, or (C) change a certificate of birth, marriage, death or fetal death to reflect facts that have changed since the time the certificate was prepared, including, but not limited to, a legal name change or a modification to a cause of death . . . ." Here, because the plaintiff and Shockley are accurately listed as the biological parents of the child, there is no new information that needs to be added to the birth certificate to accurately reflect the facts existing at the time of the child's birth.

On the basis of the foregoing, we conclude that the court properly determined that the commissioner properly denied the plaintiff's application to amend his son's birth certificate.

The judgment is affirmed.

In this opinion ALVORD, J., concurred.

[1] Shockley testified that the different spelling of the child's middle name, "Ikwanne," was a clerical error. The child's correct middle name is not an issue in this appeal.

[2] According to the plaintiff, he did not learn of the name on his son's birth certificate until May, 2001, when Shockley filed an application with the

Probate Court to change the child's first name.

[3] Section 19a-41-9 (a) of the Regulations of Connecticut State Agencies provides in relevant part: "The local registrar of the town where a birth occurred or the Department shall amend a name on a birth certificate when the request for the amendment is accompanied by a certified copy of a court order granting the legal name change. . . ."

[4] Section 19a-41-9 (b) of the Regulations of Connecticut State Agencies provides in relevant part: "For up to 30 days following a registrant's birth, a parent may request that the registrant's name be changed to correct an obvious typographical or clerical error, by signing and presenting to the local registrar of the town in which the birth occurred, the Parent Notice issued by the birthing hospital. After said thirty-day period, a registrant, if over eighteen years old, or a custodial parent or legal guardian of the registrant, if the registrant is a minor, may request that the registrant's name be changed to correct or amend obvious typographical or clerical errors . . . ."

[5] The plaintiff did not take issue, in his appeal to the trial court, with the commissioner's determinations that he failed to comply with the requirements of § 19a-41-9 (a) and (b) of the Regulations of Connecticut State Agencies.