



U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Public Health Service
National Center for Health Statistics
Hyattsville, Maryland
May 1978

Model State Vital Statistics Act

AND

Model State Vital Statistics Regulations

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American Association for Vital Records and Public
Health Statistics

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These documents have also been submitted to the Council of State Governments for their consideration. At the time of publication, their endorsement is still pending.

These revisions replace the 1959 Revision of the Model State Vital Statistics Act (PHS:794) and the 1973 Revision of the Model State Vital Statistics Regulations (PHCRS Doc. #616.6)

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Revision of the Model State Vital Statistics Act
and
Model State Vital Statistics Regulations

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Model State Vital Statistics Act

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NOTE

Where the need for variation was apparent, parantheses,
" () ," have been placed around the word---()

In cases where recommendations were considered optional,
wording was placed in -----< >

MODEL STATE VITAL STATISTICS ACT

PREFACE

The Model State Vital Statistics Act is a document designed to be used by State Registrars of Vital Statistics and State Legislators when considering revision of the Vital Statistics laws. The main objectives of the 1977 Revision of the Model Act are: (1) To incorporate current social customs and practices and current technology into the policies and procedures of the vital statistics system in the various States; (2) to promote the uniformity of these policies and procedures to the end that all vital records will be readily acceptable in all places as prima facie evidence of the facts therein recorded; (3) to enhance the level of comparability of vital statistics data among the various States; and (4) to minimize duplication within the vital statistics system and thereby achieve maximum administrative economy.

The historical philosophy of the vital statistics systems in the United States is that vital events be registered only in the State in which they occur. This concept is maintained in this Revision of the Model Act. The jurisdiction of the State Registrar extends only to boundaries of his State and standards for registration may be set and enforced only for those events occurring within those boundaries. This is a very important concept in maintaining the validity of vital records in their use for legal purposes. If it is to be respected, the appropriate procedures for recording birth and death information for United States citizens born or dying in foreign countries and certification of birth information for aliens adopted by United States citizens must continue to be the responsibility of those Federal Agencies which retain jurisdiction over recording these events.

While this revision of the Model Act does not constitute an abrupt departure from earlier Model Vital Statistics Acts, there are several modifications that should be noted. The most significant change relates to the establishment of a centralized system for the collection, processing, registration and certification of vital records in each State, whereby all vital events are reported directly to the State Office of Vital Statistics. However, the Model Act contains authorization for local offices to perform those functions the State Registrar may direct, including the receipt and processing of vital records and the issuance of certified copies, when such offices can be shown to be an aid to efficient and effective operation of the system. The Model Act further provides for the options of allowing such local offices to work with records only for their designated geographic area or to be given access to the entire State file and allowing them to issue certified copies without regard to where the event occurred within the State. The important concept, however, is that these offices are part of the State Office of Vital Statistics and are under the direct control of the State Registrar.

The recommendation for a change from a locally-oriented vital statistics system to a centralized system is based on several considerations: (1) A centralized system produces more timely registration of the records, thereby improving the timeliness of all operations, including publication of statistical data as well as fulfillment of citizens' needs for vital records services; (2) it decreases duplication and cost since many activities presently performed at local vital records offices are repeated at the State Office; (3) it reduces the opportunity for fraudulent use of certified copies because amendments to the records will be easier to control and certified copies will be issued only from the original record and not from copies of the original record; and (4) due to the mobility of the population it frequently is of no benefit to maintain a file of records in the county or town of birth or death because many people do not reside in the place where they were born or where a family member dies.

This revision of the Model Act also makes a significant change in the registration of fetal deaths. Spontaneous fetal deaths of 20 completed weeks gestation or more and all induced terminations of pregnancy, irrespective of duration of gestation, will be reported as legally required statistical reports, which will not be incorporated into the official vital records file. This change recognizes the fact that spontaneous fetal death and induced abortion are not legal events in the sense that they neither create nor change a legal status.

This revision of the Model Act also recognizes concerns about invasion of privacy, confidentiality, and fraudulent use of vital records and includes specific provision concerning these matters. In particular, the penalty provisions of the Model Act have been strengthened to serve as a deterrent to illegal use of vital records and to provide adequate penalties when prosecution is necessary.

In addition to this Model Act, Model Regulations have been developed to standardize many of the administrative practices and procedures in effect in vital statistics offices. The Model Act and the Model Regulations should be considered jointly whenever vital statistics statutes are to be revised.

SECTION 1 Definitions

As used in this Act:

- (a) "Vital statistics" means the data derived from certificates and reports of birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, (divorce, dissolution of marriage, or annulment) and related reports.
- (b) "System of vital statistics" means the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by this Act; and activities related thereto including the tabulation, analysis and publication of vital statistics.
- (c) "Vital records" means certificates or reports of birth, death, marriage, (divorce, dissolution of marriage, or annulment) and data related thereto.
- (d) "File" means the presentation of a vital record provided for in this Act for registration by the (Office of Vital Statistics).
- (e) "Registration" means the acceptance by the (Office of Vital Statistics) and the incorporation of vital records provided for in this Act into its official records.
- (f) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (g) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
- (1) "Induced termination of pregnancy" means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.
- (2) "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.
- (h) "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred.

- (i) "Final disposition" means the burial, interment, cremation, removal from the State, or other authorized disposition of a dead body or fetus.
- (j) "Physician" means a person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.
- (k) "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care, or to which persons are committed by law.

SECTION 2. Office of Vital Statistics and Statewide System of Vital Statistics

There is hereby established in the (State public health administrative agency) an (Office of Vital Statistics) which shall install, maintain and operate the only system of vital statistics throughout this State. The (Office of Vital Statistics) shall be provided with sufficient staff, suitable offices, and other resources for the proper administration of the system of vital statistics and for the preservation of its official records.

SECTION 3. Rules and Regulations

The (State public health administrative agency), hereinafter referred to as "State Agency," is authorized to adopt, amend and repeal rules and regulations for the purpose of carrying out the provisions of this Act.

SECTION 4. Appointment of State Registrar of Vital Statistics

The (State Health Officer) shall appoint the State Registrar of Vital Statistics, hereinafter referred to as "State Registrar," in accordance with civil service laws and regulations.

SECTION 5. Duties of State Registrar

(a) The State Registrar shall:

- (1) Administer and enforce the provisions of this Act and the rules and regulations issued hereunder, and issue instructions for the efficient administration of the system of vital statistics.
- (2) Direct and supervise the system of vital statistics and the (Office of Vital Statistics) and be custodian of its records.
- (3) Direct, supervise and control the activities of all persons when they are engaged in activities pertaining to the operation of the system of vital statistics.

- (4) Conduct training programs to promote uniformity of policy and procedures throughout the State in matters pertaining to the system of vital statistics.
 - (5) Prescribe, with the approval of the State Agency, furnish and distribute such forms as are required by this Act and the rules and regulations issued hereunder, or prescribe such other means for transmission of data as will accomplish the purpose of complete and accurate reporting and registration.
 - (6) Prepare and publish reports of vital statistics of this State and such other reports as may be required by the State Agency.
 - (7) Provide to local health agencies copies of or data derived from certificates and reports required under this Act, as he or she shall determine are necessary for local health planning and program activities. The State Registrar shall establish a schedule with each local health agency for transmittal of the copies or data. The copies or data shall remain the property of the (Office of Vital Statistics), and the uses which may be made of them shall be governed by the State Registrar.
- (b) The State Registrar may establish or designate offices in the State to aid in the efficient administration of the system of vital statistics.
 - (c) The State Registrar may delegate such functions and duties vested in him or her to employees of the (Office of Vital Statistics) and to employees of any office established or designated under Section 5 (b).

SECTION 6. Content of Certificates and Reports

- (a) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports required by this Act, or by regulations adopted hereunder, shall include as a minimum the items recommended by the Federal agency responsible for national vital statistics.
- (b) Each certificate, report, and other document required by this Act shall be on a form or in a format prescribed by the State Registrar.
- (c) All vital records shall contain the date received for registration.
- (d) Information required in certificates or reports authorized by this Act may be filed and registered by photographic, electronic, or other means as prescribed by the State Registrar.

SECTION 7. Birth Registration

- (a) A certificate of birth for each live birth which occurs in this State shall be filed with the (Office of Vital Statistics), or as otherwise directed by the State Registrar, within five 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 designated representative shall obtain the personal data, prepare the certificate, secure the signatures required, and file the certificate as directed in Section 7(a) or as otherwise directed by the State Registrar within the required five days. The physician or other person in attendance shall provide the medical information required by the certificate and certify to the facts of birth within 72 hours after the birth. If the physician, or other person in attendance, does not certify to the facts of birth within the 72-hour period, the person in charge of the institution shall complete and sign the certificate.
- (c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:
 - (1) The physician in attendance at or immediately after the birth, or in the absence of such a person,
 - (2) Any other person in attendance at or immediately after the birth, or in the absence of such a person,
 - (3) 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.
- (d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this State, the birth shall be registered in this State 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 this State, the birth shall be registered in this State but the certificate shall show the actual place of birth insofar as can be determined.
- (e) (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 <and the surname of the child shall be entered on the certificate as that of the husband>, unless paternity has been determined otherwise by (a court of competent jurisdiction).

- (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 the written consent of the mother and the person to be named as the father, in which case, upon written request of both parents, the surname of the child shall be entered on the certificate as that of the father.
- (3) In any case in which paternity of a child is determined by (a court of competent jurisdiction), the name of the father and surname of the child 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) In all other cases, the surname of the child shall be the legal surname of the mother at the time of the birth.>
- (f) The birth certificate of a child born to a married woman as a result of artificial insemination, with consent of her husband, shall be completed in accordance with the provisions of Section 7 (e) (1).
- (g) Either of the parents of the child, or other informant, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within the five days prescribed in Section 7 (a).

SECTION 8. Infants of Unknown Parentage; Foundling Registration

- (a) Whoever assumes the custody of a live born infant of unknown parentage shall report on a form and in a manner prescribed by the State Registrar within five days to the (Office of Vital Statistics) the following information:
 - (1) The date and place of finding;
 - (2) Sex, color or race, and approximate birth date of child;
 - (3) Name and address of the person or institution with whom the child has been placed for care;
 - (4) Name given to the child by the custodian of the child;
 - (5) Other data required by the State Registrar.
- (b) The place where the child was found shall be entered as the place of birth.

- (c) A report registered under this section shall constitute the certificate of birth for the child.
- (d) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall be placed in a special file and shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation.

SECTION 9. Delayed Registration of Birth

- (a) When a certificate of birth of a person born in this State has not been filed within the time period provided in Section 7, a certificate of birth may be filed in accordance with regulations of the State Agency. The certificate shall be registered subject to such evidentiary requirements as the State Agency shall by regulation prescribe to substantiate the alleged facts of birth.
- (b) Certificates of birth registered one year or more after the date of birth shall be made on forms prescribed and furnished by the State Registrar, marked "Delayed," and shall show on their face the date of the delayed registration.
- (c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.
- (d) (1) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate of birth and shall advise the applicant of the reasons for this action, and shall further advise the applicant of his or her right of appeal to (a court of competent jurisdiction).
- (2) The State Agency may by regulation provide for the dismissal of an application which is not actively prosecuted.

SECTION 10. Judicial Procedure to Establish Facts of Birth

- (a) If a delayed certificate of birth is rejected under the provisions of Section 9, a petition signed and sworn to by the petitioner may be filed with (a court of competent jurisdiction) for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.
- (b) Such petition shall be made on a form prescribed and furnished by the State Registrar and shall allege:
 - (1) That the person for whom a delayed certificate of birth is sought was born in this State;

- (2) That no certificate of birth of such person can be found in the (Office of Vital Statistics) or (the office of any local custodian of birth certificates);
 - (3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Section 9 of this Act and Regulations adopted pursuant thereto;
 - (4) That the State Registrar has refused to register a delayed certificate of birth and;
 - (5) Such other allegations as may be required.
- (c) The petition shall be accompanied by a statement of the State Registrar made in accordance with Section 9 and all documentary evidence which was submitted to the State Registrar in support of such registration.
 - (d) The court shall fix a time and place for hearing the petition and shall give the State Registrar () days notice of said hearing. The State Registrar or his authorized representative may appear and testify in the proceeding.
 - (e) If the court finds, from the evidence presented, that the person for whom a delayed certificate of birth is sought was born in this State, it shall make findings as to the place and date of birth, parentage, and such other findings as may be required and shall issue an order, on a form prescribed and furnished by the State Registrar, to establish a certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.
 - (f) The clerk of court shall forward each such order to the State Registrar not later than the tenth day of the calendar month following the month in which it was entered. Such order shall be registered by the State Registrar and shall constitute the certificate of birth.

SECTION 11. Court Reports of Adoption

- (a) For each adoption decreed by (a court of competent jurisdiction) in this State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the State Registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted; shall provide information necessary to establish a new certificate of birth of the person adopted; and shall identify the order of adoption and be certified by the clerk of court.

- (b) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or his attorney. The (social, welfare agency) or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.
- (c) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.
- (d) Not later than the () day of each calendar month or more frequently, as directed by the State Registrar, the clerk of the court shall forward to the State Registrar reports of decrees of adoption, annulment of adoption and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the State Registrar shall require.
- (e) When the State Registrar shall receive a report of adoption, annulment of adoption, or amendment of a decree of adoption for a person born outside this State, he or she shall forward such report to the State Registrar in the State of birth. If the birth occurred in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate Federal agency.

SECTION 12. New Certificates of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgement

- (a) The State Registrar shall establish a new certificate of birth for a person born in this State when he or she receives the following:
 - (1) A report of adoption as provided in Section 11 or a report of adoption prepared and filed in accordance with the laws of another State or foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.
 - (2) A request that a new certificate be established as prescribed by regulation and such evidence as required by regulation proving that such person has been legitimated, or that (a

court of competent jurisdiction) has determined the paternity of such a person, or that both parents have acknowledged the paternity of such person and request that the surname be changed to that of the father.

- (b) When a new certificate of birth is established, the actual place and date of birth shall be shown. The new certificate shall be substituted for the original certificate of birth in the files, and the original certificate of birth and the evidence of adoption, legitimation, paternity determination, or paternity acknowledgement shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation.
- (c) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.
- (d) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation.
- (e) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or paternity proceedings, a delayed certificate of birth shall be filed with the State Registrar as provided in Section 9 or Section 10 of this Act before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.
- (f) When a new certificate of birth is established by the State Registrar, all copies of the original certificate of birth in the custody of any other custodian of vital records in this State shall be sealed from inspection or forwarded to the State Registrar, as he or she shall direct.

SECTION 13. Death Registration

- (a) A certificate of death for each death which occurs in this State shall be filed with the (Office of Vital Statistics), or as otherwise directed by the State Registrar, within five days after death and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.
 - (1) If the place of death is unknown but the dead body is found in this State, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

- (2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this State, the death shall be registered in this State and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this State, the death shall be registered in this State but the certificate shall show the actual place of death insofar as can be determined.
- (b) The funeral director or person acting as such who first assumes custody of the dead body shall file the certificate of death. He or she shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor.
- (c) The medical certification shall be completed, signed, and returned to the funeral director within 48 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the (Post-Mortem Examinations Act). In the absence of said physician or with his or her approval the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.
- (d) When death occurs more than (10) days after the decedent was last treated by a physician, the case shall be referred to the (medical examiner, coroner) for investigation to determine and certify the cause of death.
- (e) When inquiry is required by the (Post-Mortem Examinations Act), the (medical examiner, coroner) shall determine the cause of death and shall complete and sign the medical certification within 48 hours after taking charge of the case.
- (f) If the cause of death cannot be determined within 48 hours after death, the medical certification shall be completed as provided by regulation. The attending physician or (medical examiner, coroner) shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or (medical examiner, coroner).
- (g) When a death is presumed to have occurred within this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of (a court of competent jurisdiction), which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.

SECTION 14. Delayed Registration of Death

- (a) When a death occurring in this State has not been registered within the time period prescribed by Section 13, a certificate of death may be filed in accordance with regulations of the State Agency. Such certificate shall be registered subject to such evidentiary requirements as the State Agency shall by regulation prescribe to substantiate the alleged facts of death.
- (b) Certificates of death registered one year or more after the date of death shall be marked "Delayed" and shall show on their face the date of the delayed registration.

SECTION 15. Reports of Spontaneous Fetal Death

- (a) Each spontaneous fetal death of 20 completed weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, or a weight of 350 grams or more, which occurs in this State shall be reported within five days after delivery to the (Office of Vital Statistics) or as otherwise directed by the State Registrar. All induced terminations of pregnancy shall be reported in the manner prescribed in Section 16 and shall not be reported as spontaneous fetal deaths.
 - (1) When a dead fetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the report.
 - (2) When a dead fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the report.
 - (3) When a spontaneous fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery or when inquiry is required by the (Post-Mortem Examinations Act), the (medical examiner, coroner) shall investigate the cause of fetal death and shall prepare and file the report within five days.
 - (4) When a spontaneous fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this State or when a dead fetus is found in this State and the place of fetal death is unknown, the fetal death shall be reported in this State. The place where the fetus was first removed from the conveyance or the dead fetus was found shall be considered the place of fetal death.
- (b) The name of the father shall be entered on the spontaneous fetal death report in accordance with the provisions of Section 7.

SECTION 16. Reports of Induced Termination of Pregnancy

Each induced termination of pregnancy which occurs in this State, regardless of the length of gestation, shall be reported to the (Office of Vital Statistics) within five days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

SECTION 17. Statistical Reports

The reports required under Sections 15 and 16 are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital statistics. A schedule for the disposition of these reports may be provided by regulation.

SECTION 18. Authorization for Final Disposition

- (a) The funeral director or person acting as such who first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The physician or (medical examiner, coroner) when certifying the cause of death also shall authorize final disposition of the body on a form prescribed and furnished by the State Registrar. If the body is to be cremated, additional authorization for cremation must be obtained from the (medical examiner, coroner) on a form prescribed and furnished by the State Registrar.
- (b) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parents authorization for final disposition. Such authorization shall be on a form prescribed and furnished or approved by the State Registrar.
- (c) With the consent of the physician or (medical examiner, coroner) who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition.
- (d) An authorization for final disposition issued under the law of another State which accompanies a dead body or fetus brought into this State shall be authority for final disposition of the body or fetus in this State.
- (e) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

- (f) Each person in charge of any place for final disposition shall include in the authorization the date of disposition and shall sign and return all authorizations to the funeral director or person acting as such within 10 days after the date of disposition. When there is no person in charge of the place for final disposition, the funeral director or person acting as such shall endorse the authorization. At the close of each month the funeral director or person acting as such shall transmit to the State Registrar, in the State where death occurred, all endorsed authorizations received during the month.
- (g) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the State Registrar to a licensed funeral director or person acting as such, upon proper application.

SECTION 19. Marriage Registration

- (a) A record of each marriage performed in this State shall be filed with the (Office of Vital Statistics) and shall be registered if it has been completed and filed in accordance with this section.
- (b) The official who issues the marriage license shall prepare the record on the form prescribed and furnished by the State Registrar upon the basis of information obtained from (one of) the parties to be married.
- (c) Each person who performs a marriage shall certify the fact of marriage and return the record to the official who issued the license within () days after the ceremony. (This record shall be signed by the witnesses to the ceremony.) (A signed copy shall be given to the parties.)
- (d) Every official issuing marriage licenses shall complete and forward to the (Office of Vital Statistics) on or before the () day of each calendar month the records of marriages returned to such official during the preceding calendar month.
- (e) A marriage record not filed within the time prescribed by statute may be registered in accordance with regulations of the State Agency.
- <(f) Provision for a recording fee may be added here if desired.>

SECTION 20. (Divorce, Dissolution of Marriage, or Annulment)
Registration

- (a) A record of each (divorce, dissolution of marriage, or annulment) granted by any court in this State shall be filed by the (clerk of court) with the (Office of Vital Statistics) and shall be registered if it has been completed and filed in accordance with this section. The record shall be prepared by the petitioner or his or her legal representative on a form prescribed and furnished by the State Registrar and shall be presented to the (clerk of court) with the petition. In all cases the completed record shall be prerequisite to the granting of the final decree.
- (b) The (clerk of court) shall complete and forward to the (Office of Vital Statistics) on or before the () day of each calendar month the records of each (divorce, dissolution of marriage, or annulment) decree granted during the preceding calendar month.
- <(c) Provision for a recording fee may be added here if desired.>

SECTION 21. Amendment of Vital Records

- (a) A certificate or report registered under this Act may be amended only in accordance with this Act and regulations adopted by the State Agency to protect the integrity and accuracy of vital records.
- (b) A certificate or report that is amended under this section shall be marked "Amended," except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The State Agency shall prescribe by regulation the conditions under which additions or minor corrections may be made to certificates or records within one year after the date of the event without the certificate or record being marked "Amended."
- (c) Upon written request of both parents and receipt of a sworn acknowledgment of paternity signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not already shown on the certificate of birth. Such certificate shall not be marked "Amended."
- (d) Upon receipt of a certified copy of an order of (a court of competent jurisdiction) changing the name of a person born in this State and upon request of such person or his or her parents, guardian, or legal representative, the State Registrar shall amend the certificate of birth to show the new name.

- (e) Upon receipt of a certified copy of an order of (a court of competent jurisdiction) indicating the sex of an individual born in this State has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed in Regulation 10.8(e) to reflect such changes.
- (f) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the State Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal to (a court of competent jurisdiction).
- (g) When a certificate or report is amended under this section, the State Registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly.

SECTION 22. Reproduction of Vital Records

To preserve vital records, the State Registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of certificates or reports in the (Office of Vital Statistics). Such reproductions when certified by the State Registrar shall be accepted as the original records. The documents from which permanent reproductions have been made and verified may be disposed of as provided by regulation.

SECTION 23. Disclosure of Information from Vital Records

- (a) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such record except as authorized by this Act and by regulation or by order of (a court of competent jurisdiction.) Regulations adopted under this section shall provide for adequate standards of security and confidentiality of vital records.
- (b) The State Agency may authorize by regulation the disclosure of information contained in vital records for research purposes.
- (c) Appeals from decisions of custodians of vital records, as designated under authority of Section 5(b), who refuse to disclose information, or to permit inspection or copying of records as prescribed by this section and regulations issued hereunder, shall be made to the State Registrar whose decisions shall be binding upon such custodians.

- (d) When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or (divorce, dissolution of marriage, or annulment), the records of these events in the custody of the State Registrar shall become public records and information shall be made available in accordance with regulations which shall provide for the continued safekeeping of the records.

SECTION 24. Copies or Data from the System of Vital Statistics

In accordance with Section 23 of this Act and the regulations adopted pursuant thereto:

- (a) The State Registrar (and other custodian(s) of vital records authorized by the State Registrar to issue certified copies) shall upon receipt of a written application issue a certified copy of a vital record in his or her custody or a part thereof to any applicant having a direct and tangible interest in the vital record. Each copy issued shall show the date of registration and copies issued from records marked "Delayed" or "Amended" shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the State shall be provided or approved by the State Registrar.
- (b) A certified copy of a vital record or any part thereof, issued in accordance with subsection (a), shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.
- (c) The Federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital statistics as it may require for national statistics, provided such Federal agency share in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the Federal agency unless so authorized by the State Registrar.
- (d) Federal, State, local and other public or private agencies may, upon request, be furnished copies or data from the system of vital statistics for statistical or administrative purposes upon such terms or conditions as may be prescribed by regulation, provided that such copies or data shall not be used for purposes other than those for which they were requested unless so authorized by the State Registrar.

- (e) The State Registrar may, by agreement, transmit copies of records and other reports required by this Act to offices of vital statistics outside this State when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the copies be used for statistical and administrative purposes only and the agreement shall further provide for the retention and disposition of such copies. Copies received by the (Office of Vital Statistics) from offices of vital statistics in other States shall be handled in the same manner as prescribed in this section.
- (f) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in this Act or regulations adopted hereunder.

SECTION 25. Fees for Copies and Searches

- (a) The State Agency shall prescribe by regulation the fees to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes.
- (b) Fees collected under this section by the State Registrar shall be deposited in the (general fund, special vital statistics fund) of this State, according to the procedures established by (the laws governing collection, the State Treasurer).

SECTION 26. Persons Required to Keep Records

- (a) Every person in charge of an institution shall keep a record of personal data concerning each person admitted or confined to such institution. This record shall include such information as required for the certificates of birth and death and the reports of spontaneous fetal death and induced termination of pregnancy required by this Act. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.
- (b) When a dead body or dead fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be recorded.

- (c) A funeral director, embalmer, sexton, or other person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any certificate or other report required by this Act or regulations promulgated hereunder, shall keep a record which shall identify the body, and such information pertaining to his or her receipt, removal, delivery, burial, or cremation of such body as may be required by regulations adopted by the State Agency.
- (d) Records maintained under this section shall be retained for a period of not less than () years and shall be made available for inspection by the State Registrar or his or her representative upon demand.

SECTION 27. Duties to Furnish Information

- (a) Any person having knowledge of the facts shall furnish such information as he or she may possess regarding any birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, or (divorce, dissolution of marriage, or annulment), upon demand of the State Registrar.
- <(b) Not later than the tenth day of the month following the month of occurrence, the administrator of each institution shall send to the (Office of Vital Statistics) a list showing all births and deaths occurring in that institution during the preceding month. Such lists shall be on forms provided by the State Registrar.>
- <(c) Not later than the tenth day of the month following the month of occurrence, each funeral director shall send to the (Office of Vital Statistics) a list showing all dead bodies embalmed or otherwise prepared for final disposition or dead bodies finally disposed of by the funeral director during the preceding month. Such list shall be made on forms provided by the State Registrar.>

SECTION 28. Matching of Birth and Death Certificates

To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar is hereby authorized to match birth and death certificates, in accordance with written standards promulgated by the State Registrar to prove beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked deceased shall be similarly marked.

SECTION 29. Penalties

- (a) A fine of not more than \$10,000 or imprisonment of not more than five years, or both, shall be imposed on:
- (1) Any person who willfully and knowingly makes any false statement in a certificate, record, or report required by this Act, or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or
 - (2) Any person who without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required by this Act or a certified copy of such certificate, record, or report; or
 - (3) Any person who willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, or report required by this Act or certified copy thereof so made, counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or
 - (4) Any employee of the (Office of Vital Statistics or any office designated under Section 5 (b)) who willfully and knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception; or
 - (5) Any person who without lawful authority possesses any certificate, record, or report, required by this Act or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.
- (b) A fine of not more than \$1,000 or imprisonment of not more than one year, or both, shall be imposed on:
- (1) Any person who willfully and knowingly refuses to provide information required by this Act or regulations adopted hereunder; or

- (2) Any person who willfully and knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this Act; or
- (3) Any person who willfully and knowingly neglects or violates any of the provisions of this Act or refuses to perform any of the duties imposed upon him or her by this Act.

SECTION 30. Applicability

The provisions of this Act also apply to all certificates of birth, death, marriage, and reports of (divorce, dissolution of marriage, or annulment), spontaneous fetal death, and induced termination of pregnancy previously received by the (Office of Vital Statistics) and in the custody of the State Registrar or any other (custodian of vital records).

SECTION 31. Severability

If any provision of this Act (or the application thereof to any person or circumstances) is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable.

SECTION 32. Uniformity of Interpretation

This Act shall be so construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

SECTION 33. Short Title

This Act may be cited as the "Vital Statistics Act."

SECTION 34. Repeal

(Section ___ and Section ___, ___ Laws of ___ are hereby repealed; and) all other laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 35. Time of Taking Effect

This Act shall take effect.



Model State Vital Statistics Regulations

To be used in conjunction with
the 1977 revision of the
Model State Vital Statistics Act

- 12. Disclosure of Records ----- 40
(Authorization: Section 23 of Model Act)
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(Authorization: Section 24 of Model Act)
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(Authorization: Section 25 of Model Act)
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(Authorization: Section 26 of Model Act)
- 16. Matching of Birth and Death Certificates ---- 43
(Authorization: Section 28 of Model Act)

NOTE

Where the need for variation was apparent, parantheses,
" () ," have been placed around the word----()

In cases where recommendations were considered optional,
wording was placed in -----< >

MODEL STATE VITAL STATISTICS REGULATIONS

REGULATION 1. Duties of State Registrar
(Authorization: Section 5 of the Model Act)

Regulation 1.1 Forms

All forms, certificates, and reports used in the system of vital statistics are the property of the (State public health administrative agency)-hereinafter referred to as "State Agency"-and shall be surrendered to the State Registrar of Vital Statistics-hereinafter referred to as "State Registrar"-upon demand. The forms prescribed and distributed by the State Registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital statistics or in making copies thereof.

Regulation 1.2 Requirements for Preparation of Certificates

All certificates and records relating to vital statistics must either be prepared on a typewriter with a black ribbon or printed legibly in black, unfading ink. All signatures required shall be entered in black, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration:

- (a) That does not have the certifier's name typed or printed legibly under his or her signature;
- (b) That does not supply all items of information called for thereon or satisfactorily account for their omission;
- (c) That contains alterations or erasures;
- (d) That does not contain handwritten signatures as required;
- (e) That is marked "copy" or "duplicate";
- (f) That is a carbon copy;
- (g) That is prepared on an improper form;
- (h) That contains improper or inconsistent data;
- (i) That contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease;
- (j) That is not prepared in conformity with regulations or instructions issued by the State Registrar.

Regulation 1.3 Designation of Additional Offices

The State Registrar shall determine whether offices other than the (Office of Vital Statistics) are needed in this State to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this State with respect to the establishment and operation of the system of vital statistics.

If the State Registrar determines that additional offices are necessary, such offices shall be designated with the approval of the State Agency. The duties and responsibilities may be assigned to currently existing offices or special branch offices of the (Office of Vital Statistics) may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. In all cases where existing offices are utilized, the employees of such offices shall be subject to the control of the State Registrar when they are performing functions relating to the system of vital statistics.

The State Registrar shall delegate such duties and responsibilities to such offices as he deems necessary to insure the efficient operation of the system of vital statistics. These may include any or all of the following:

- (a) The receipt and processing of birth, death, and spontaneous fetal death records. This would include the receipt of these records from the person responsible for filing the record, checking them for accuracy and completeness, and forwarding them to the (Office of Vital Statistics) at intervals prescribed by the State Registrar.
- (b) Issuance of certified copies of birth and/or death records. The records from which the certified copies are issued shall be provided by the (Office of Vital Statistics). All forms and procedures used to issue the copies shall be provided or approved by the State Registrar. If it is deemed appropriate and feasible, any such office may be provided access to all birth and/or death records filed in this State.
- (c) Acting as the agent of the State Registrar in their designated area and providing assistance to physicians, hospitals, funeral directors, and others in matters related to the system of vital statistics.

The State Registrar, with the approval of the State Agency, shall determine the responsibilities and duties of each office independently.

REGULATION 2. Infants of Unknown Parentage; Foundling Registration
(Authorization: Section 8 of the Model Act)

The report for an infant of unknown parentage shall be registered on a regular certificate of live birth and shall:

- (a) Have "foundling" plainly marked in the top margin of the certificate;
- (b) Show the required facts as determined by approximation and have parentage data left blank;
- (c) Show the signature and title of the custodian in lieu of the attendant.

When a report has been placed in a special file as provided by (Section 8(d) of the Model Act), the State Registrar may inspect such information for purposes of properly administering the vital statistics program.

REGULATION 3. Delayed Registration of Birth
(Authorization: Section 9 of the Model Act)

Regulation 3.1 Registraticn - Five Days to One Year

Certificates of birth filed after five 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 in (Section 7 of the Model Act). Such certificate shall not be marked "Delayed."

In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where birth occurred, a notarized statement setting forth the reason therefor must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why the certificate of birth was not filed within the required five days.

Regulation 3.2 Delayed Certificate of Birth Form

All certificates registered one year or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the State Registrar.

Regulation 3.3 Who May Request the Registration of and Sign a Delayed Certificate of Birth

Any person born in this State whose birth is not recorded in this State, or his parent, guardian, next of kin, or older person acting for the registrant and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State Registrar.

Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is 18 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of the following in the indicated order of priority:

- (a) One of the parents of the registrant, or
- (b) The guardian of the registrant, or
- (c) The next of kin of the registrant, or
- (d) Any older person having personal knowledge of the facts of birth.

Regulation 3.4 Facts to be Established for a Delayed Registration of Birth

The minimum facts which must be established by documentary evidence shall be the following:

- (a) The full name of the person at the time of birth;
- (b) The date of birth and place of birth;
- (c) The full maiden name of the mother;
- (d) The full name of the father; except that if the mother was not married either at the time of conception or birth the name of the father shall not be entered on the delayed certificate except as provided in Regulation 3.5.

Regulation 3.5 Delayed Registration Following a Legal Change of Status

When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, or acknowledgment of paternity, a new delayed certificate may be established to reflect such change.

The existing certificate and the evidence upon which the new certificate was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of (a court of competent jurisdiction) or by the State Registrar for purposes of properly administering the vital statistics program.

Regulation 3.6 Documentary Evidence - Requirements

To be acceptable for filing, the name of the registrant and the date and place of birth entered on a delayed certificate of birth shall be supported by at least:

- (a) Two pieces of documentary evidence, only one of which may be an affidavit of personal knowledge, if the record is filed within seven years after the date of birth.
- (b) Three pieces of documentary evidence, only one of which may be an affidavit of personal knowledge, if the record is filed seven years or more after the date of birth.

Facts of parentage shall be supported by at least one document which may be one of the documents above other than an affidavit of personal knowledge.

Regulation 3.7 Documentary Evidence - Acceptability

The State Registrar may establish a priority of best evidence.

Documents presented, such as census, hospital, church, and school records, must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least ten years prior to the date of application or have been established prior to the applicant's tenth birthday.

An affidavit of personal knowledge, to be acceptable, must be prepared by one of the parents, other relative, or any older person and must be signed before an official authorized to administer oaths. In all cases, the affiant must be at least ten years older than the applicant and have personal knowledge of the facts of birth.

Regulation 3.8 Abstraction of Documentary Evidence

The State Registrar, or his or her designated representative, shall abstract on the delayed certificate of birth a description of each document submitted to support the facts shown on the delayed birth certificate. This description shall include:

- (a) The title or description of the document;
- (b) The name and address of the affiant, if the document is an affidavit of personal knowledge, or of the custodian, if the document is an original or certified copy of a record or a signed statement from the custodian;
- (c) The date of the original filing of the document being abstracted;
- (d) The information regarding the birth facts contained in the document.

All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

Regulation 3.9 Certification by the State Registrar

The State Registrar, or his or her designated representative, shall, by signature, certify:

- (a) That no prior birth certificate is on file for the person whose birth is to be recorded;
- (b) That he or she has reviewed the evidence submitted to establish the facts of birth;
- (c) That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Regulation 3.10 Dismissal After One Year

Applications for delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and all documents submitted in support of such registration shall be returned to the applicant.

REGULATION 4. New Certificates of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgement
(Authorization: Section 12 of the Model Act)

Regulation 4.1 Legitimation

If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a sworn acknowledgement of paternity signed by the natural parents of said child together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by (a court of competent jurisdiction), or following adoption.

Regulation 4.2 Determination of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of said child that such new certificate be prepared. If the surname of the child is not decreed by the court, the request for the new certificate shall specify the surname to be placed on the certificate.

Regulation 4.3 Acknowledgement of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born out of wedlock in this State upon receipt of a sworn acknowledgement of paternity signed by both parents and a written request by both parents that the child's surname be changed on the certificate to that of the father. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by (a court of competent jurisdiction), or following adoption.

Regulation 4.4 New Certificate

The new certificate of birth prepared after adoption, legitimation, determination of paternity, or acknowledgement of paternity shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the certificate:

- (a) The name of the child;
- (b) The date and place of birth as transcribed from the original certificate;
- (c) The names and personal particulars of the adoptive parents or of the natural parents whichever is appropriate;
- (d) The name of the attendant, printed or typed;
- (e) The birth number assigned to the original birth certificate;
- (f) The original filing date.

The information necessary to locate the existing certificate and to complete the new certificate shall be submitted to the State Registrar on forms prescribed or approved by him or her.

Regulation 4.5 Existing Certificate to Be Placed in a Special File

After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. Such file shall not be subject to inspection except upon order of (a court of competent jurisdiction) or by the State Registrar for purposes of properly administering the vital statistics program.

REGULATION 5. Death Registration
(Authorization: Section 13 of the Model Act)

Regulation 5.1 Acceptance of Incomplete Death Certificate

If all the information necessary to complete a death certificate is not available within the time prescribed for filing of the

certificate, the funeral director shall file the certificate completed with all information that is available. In all cases the medical certification must be signed by the person responsible for such certification. If the cause of death is unknown or undetermined, the cause of death shall be shown as such on the certificate. The person signing the medical certification of cause of death also shall sign the authorization for final disposition of the body.

A supplemental report providing the information missing from the original certificate shall be filed with the State Registrar as soon as possible, but in all cases within 30 days of the date the death occurred.

The supplemental report shall be made a part of the existing death certificate. Such report shall be considered an amendment, and the death certificate shall be marked "Amended."

Regulation 5.2 Hospital or Institution May Assist in Preparation of Certificate

When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the (medical examiner, coroner), the person in charge of such institution, or his or her designated representative, may initiate the preparation of the death certificate as follows:

- (a) Place the full name of the decedent and the date and place of death on the death certificate and obtain from the attending physician the medical certification of cause of death and the physician's signature;
- (b) Present the partially completed death certificate to the funeral director or person acting as such.

REGULATION 6. Delayed Registration of Death
(Authorization: Section 14 of the Model Act)

The registration of a death after the time prescribed by statute and regulations shall be registered on the regular certificate of death form in the manner prescribed below:

- (a) If the attending physician or (medical examiner, coroner) at the time of death and the attending funeral director or person who acted as such are available to complete and sign the certificate of death, it may be completed without additional evidence and filed with the State Registrar. For those certificates filed one year or more after the date of death, the physician or (medical examiner, coroner) and the funeral director or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files.

(b) In the absence of the attending physician or (medical examiner, coroner) and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the decedent and shall be accompanied by:

- (1) An affidavit of the person filing the certificate swearing to the accuracy of the information on the certificate;
- (2) Two documents which identify the decedent and his or her date and place of death.

In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

REGULATION 7. Disposition of Reports of Spontaneous Fetal Death and Induced Termination of Pregnancy
(Authorization: Section 17 of the Model Act)

Reports of spontaneous fetal death and reports of induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the (Office of Vital Statistics). The State Registrar is authorized to dispose of such reports when all statistical processing of the records has been accomplished. However, the State Registrar may establish a file of such records so they will be available for future statistical and research projects provided such file is not made a part of the official records and the reports are not made available for the issuance of certified copies. Such file shall be retained for as long as the State Registrar deems necessary and it shall then be destroyed. The file may be maintained by photographic, electronic, or other means as determined by the State Registrar, in which case the original report from which the photographic, electronic, or other file was made shall be destroyed.

The provisions of this regulation shall also apply to all records of spontaneous fetal death or induced termination of pregnancy filed prior to the adoption of this regulation.

REGULATION 8. Authorization for Final Disposition
(Authorization: Section 18 of the Model Act)

Regulation 8.1 Removal of Body

Before removing a dead body or fetus from the place of death, the funeral director or person acting as such shall:

- (a) Obtain assurance from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death and receive permission to remove the body from the place of death; or
- (b) Notify the (medical examiner, coroner) if the case comes within his or her jurisdiction and obtain authorization to remove the body.

Regulation 8.2 Authorization for Disinterment and Reinterment

An authorization for disinterment and reinterment of a dead body shall be issued by the State Registrar upon receipt of a written application signed by the next of kin and the person who is in charge of the disinterment or upon receipt of an order of (a court of competent jurisdiction) directing such disinterment.

Upon receipt of a court order or signed permission of the next of kin, the State Registrar may issue one authorization to permit disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The authorization shall be permission for disinterment, transportation, and reinterment.

A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

REGULATION 9. Delayed Registration of Marriage
(Authorization: Section 19 of the Model Act)

The registration of a marriage after the time prescribed by statute shall be made on the regular certificate of marriage form in the manner prescribed below:

- (a) The certificate must be filed with the (appropriate official) where the marriage license was originally issued;

(b) To be acceptable for registration by the State Registrar the delayed certificate of marriage must be supported by:

- (1) A copy of the license or of the application for license if the license was granted.
- (2) A signed statement from the officiant or the custodian of the official record and from one witness to the wedding ceremony proving that a marriage ceremony was performed and the date and place of the marriage.

In all cases, the State Registrar may require additional documentary evidence to prove the facts of marriage.

REGULATION 10. Amendment of Vital Records
(Authorizator: Section 21 of the Model Act)

Regulation 10.1 Amendment of Minor Errors on Birth Certificates
During the First Year

Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions may be made by the State Registrar within the first year after the date of birth either upon his or her own observation or query or upon request of a person with a direct and tangible interest in the certificate as defined in Regulation 12. When such additions or minor amendments are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change shall be made on the certificate in such a way as not to become a part of any certification issued. The certificate shall not be marked "Amended."

Regulation 10.2 All Other Amendments

Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be supported by:

- (a) An affidavit setting forth:
 - (1) Information to identify the certificate;
 - (2) the incorrect data as it is listed on the certificate;
 - (3) the correct data as it should appear.
- (b) One or more items of documentary evidence which support the alleged facts and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy the amendment may be rejected and the applicant advised of the reasons for this action.

Regulation 10.3 Who May Apply

- (a) To amend a birth certificate, application may be made by one of the parents, the guardian, the registrant if 18 years of age or over, or the individual responsible for filing the certificate.
- (b) To amend a death certificate, application may be made by the next of kin or the funeral director or person acting as such who signed the death certificate. Applications to amend the medical certification of cause of death shall be made only by the physician who signed the medical certification or the (medical examiner, coroner).
- (c) To amend certificates of marriage and reports of (divorce, dissolution of marriage, or annulment), a signed statement must be received from the custodian of the official record from which the report or certificate was prepared, stating in what manner such record has been amended. Those items appearing on the (divorce, dissolution of marriage, or annulment) record which are not a part of the (divorce, dissolution of marriage, or annulment) decree may be amended either upon query by the State Registrar or application of the parties to the (divorce, dissolution of marriage, or annulment), or their legal representatives.

Regulation 10.4 Amendment of Registrant's Given Names on Birth Certificates Within the First Year

Until the registrant's first birthday, given names may be amended upon written request of:

- (a) Both parents, or
- (b) The mother in the case of a child born out of wedlock, or
- (c) The father in the case of the death or incapacity of the mother, or
- (d) The mother in the case of the death or incapacity of the father, or
- (e) The guardian or agency having legal custody of the registrant.

After one year from the date of birth the provisions of Regulation 10.2 must be followed to amend a given name if the name was entered incorrectly on the birth certificate. A legal change of name order must be submitted from (a court of competent jurisdiction) to change a given name after one year.

Regulation 10.5 Addition of Given Names on Birth Certificates

Until the registrant's seventh birthday, given names, for a child whose birth was recorded without given names, may be added to the certificate upon written request of:

- (a) Both parents, or
- (b) The mother in the case of a child born out of wedlock, or
- (c) The father in the case of the death or incapacity of the mother, or
- (d) The mother in the case of the death or incapacity of the father, or
- (e) The guardian or agency having legal custody of the registrant.

After seven years the provisions of Regulation 10.2 must be followed to add a given name.

Regulation 10.6 Medical Items

All items of a medical nature may be amended only upon receipt of a signed statement from those persons responsible for the completion of such items. The State Registrar may require documentary evidence to substantiate the requested amendment.

Regulation 10.7 Amendment of the Same Item More than Once

Once an amendment of an item is made on a vital record, that item shall not be amended again except upon receipt of a court order from (a court of competent jurisdiction).

Regulation 10.8 Methods of Amending Certificates

Certificates of birth, death, and marriage and reports of (divorce, dissolution of marriage, or annulment) may be amended by the State Registrar in the following manner:

- (a) Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires.

The new certificate shall be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these regulations, the item number of the entry that was amended shall be identified on the new certificate.

In all cases, the new certificate shall show the date the amendment was made and be given the same State file number as the existing certificate. Signatures appearing on the existing certificate shall be typed on the new certificate.

- (b) Completing the item in any case where the item was left blank on the existing certificate.
- (c) Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate such entry.
- (d) Completing a special form for attachment to the original record. Such form shall include the incorrect information as it appears on the original certificate, the correct information as it should appear, an abstract of the documentation used to support the amendment, and sufficient information about the registrant to link the special form to the original record. When a copy of the original record is issued, a copy of the amendment must be attached.
- (e) A certificate of birth amended pursuant to the provisions of (Section 21(e) of the Model Act) shall be amended by preparing a new certificate. The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate.

In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person making the change. As required by statute or regulation, the certificate shall be marked "Amended."

REGULATION 11. Record Preservation
(Authorizator: Section 22 of the Model Act)

When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all steps have been taken to insure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to insure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.

The State Registrar shall offer the original documents from which the authorized reproductions are made to the (State Archival Authority). The (State Archival Authority) may be allowed to retain permanently such records provided they adhere to the restrictions in the vital statistics law related to access to such records. If the (State Archival Authority) does not wish to place such records in their files the State Registrar shall be authorized to destroy the documents. Such destruction shall be by approved methods for disposition of confidential or sensitive documents.

REGULATION 12. Disclosure of Records
(Authorizator: Section 23 of the Model Act)

To protect the integrity of vital records:

- (a) The State Registrar or other custodians of vital records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant has a direct and tangible interest in such record.
 - (1) The registrant, a member of his or her immediate family, his or her guardian, or their respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.
 - (2) The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or his or her family.
 - (3) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.
- (b) The State Registrar may permit the use of data from vital statistics records for statistical or research purposes, subject to such conditions as the State Registrar may impose. No data shall be furnished from records for research purposes until the State Registrar has prepared, in writing, the conditions under which the records or data will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to such conditions.

- (c) The State Registrar or the local custodian may disclose data from vital statistics records to Federal, State, county, or municipal agencies of government which request such data in the conduct of their official duties.
- (d) Information from vital statistics records indicating a birth occurred out of wedlock may be disclosed only if it can be shown that disclosure of the information will be of benefit to the registrant.
- (e) The State Registrar or local custodian shall not issue a certified copy of a record until a signed application has been received from the applicant. Whenever it shall be deemed necessary to establish an applicants right to information from a vital record, the State Registrar or local custodian may also require identification of the applicant or a sworn statement.
- (f) Nothing in this Regulation shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Information for Statistical Purposes Only" section of the certificate of marriage or report of (divorce, dissolution of marriage, or annulment) unless specifically authorized by the State Registrar for statistical or research purposes or if authorized by (a court of competent jurisdiction).
- (g) When 100 years have elapsed after the date of birth or 50 years have elapsed after the date of death, marriage, or (divorce, dissolution of marriage, or annulment), such records in the custody of the State Registrar shall become public records and any person may obtain copies of such records, upon submission of an application containing sufficient information to locate the record. For each copy issued or search of the files made, the State Registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his or her possession.

<The State Registrar shall establish a public room where copies of these public records will be made available for viewing. Such records will be made available in photographic or other suitable format and adequate facilities for viewing will be provided. Each person using this facility will be charged a fee of _____ per hour or fraction thereof.>

REGULATION 13. Copies of Data from Vital Records
(Authorization: Section 24 of the Model Act)

- (a) Full or short form certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Information for Statistical Purposes Only" section of the certificate of marriage and report of (divorce, dissolution of marriage, or annulment) shall not be included.
- (b) When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.
- (c) Confidential verification of the facts contained in a vital record may be furnished by the State Registrar to any Federal, State, County, or municipal government agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in (a) above. Such confidential verifications shall be on forms prescribed and furnished by the State Registrar or on forms furnished by the requesting agency and acceptable to the State Registrar; or, the State Registrar may authorize the verification in other ways when it shall prove in the best interests of his or her office.
- (d) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, he or she shall have authority to withhold the issuance of a certified copy of such certificate until a court determination of the facts has been made.

REGULATION 14. Fees for Copies and Searches
(Authorization: Section 25 of the Model Act)

No certified copy shall be issued until the fee for such copy is received unless specific approval has been obtained from the State Registrar or otherwise provided for by statute or regulation.

For the issuance of a full certified copy or short form or birth card certification of a vital record, the fee shall be _____ per copy. For each search of the files when no record is found or no copy is made, the fee shall be _____. For statistical research purposes, the State Registrar shall determine the fee for such services on the basis of the costs of providing such services and determine the manner in which such costs must be paid.

REGULATION 15. Persons Required to Keep Records
(Authorization: Section 26 of the Model Act)

Each funeral director shall keep a record containing, as a minimum, the following information about each dead body or fetus the funeral director handles:

- (a) The date, place, and time of receipt;
- (b) The date, place, and manner of disposition;
- (c) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered;
- (d) The items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.

REGULATION 16. Matching of Birth and Death Certificates
(Authorization: Section 28 of the Model Act)

When carrying out the birth and death matching program, the State Registrar shall establish written guidelines which provide the standards for determining a match does exist. These standards shall specify the information about the decedent which must be available and which must be compared to the information on the birth certificate before a match can be made. These items shall include as a minimum: name of decedent; name of father and maiden name of mother; date of birth or age of decedent; State of birth of decedent; and marital status of decedent. No match shall be made unless there is documented proof of the fact of death.

The date of death, the State where death occurred, and the death certificate number shall be posted to the birth certificate.