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ARCHIVE

**IDAPA 16
TITLE 02
CHAPTER 08**

16.02.08 - VITAL STATISTICS RULES

000. LEGAL AUTHORITY.

The Idaho Board of Health and Welfare is authorized under Section 39-242, Idaho Code, to adopt rules that carry out the provisions of Title 39, Chapter 2, Idaho Code, related to vital statistics. Under Section 39-5403, Idaho Code, the Board of Health and Welfare is authorized to promulgate rules for reporting and fees related to artificial insemination. (3-30-07)

001. TITLE.

The title of these rules is IDAPA 16.02.08, "Vital Statistics Rules." (3-30-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter of rules. (3-30-07)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

004. INCORPORATION BY REFERENCE.

There are no incorporations by reference in this chapter of rules. (3-30-07)

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-30-07)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (3-30-07)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (3-30-07)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (3-30-07)

05. Internet Website. The Department's internet website at <http://www.healthandwelfare.idaho.gov>. (3-30-07)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-30-07)

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-30-07)

007. -- 049. (RESERVED)

050. TERMS AND DEFINITIONS.

For the purpose of vital statistics administration, the following definitions are applicable to this chapter: (12-31-91)

01. Assistant Local Registrar. An individual, appointed by the State Registrar of Vital Statistics, who carries out the prescribed functions of the local registrar in the same location as the local registrar, either as an

assistant to, or in the absence of, the local registrar. (11-20-87)

02. Attendant At Birth or Stillbirth. Any physician, midwife, or other person who assists in the delivery of a live born infant or stillborn fetus. (12-26-83)

03. Birth Out of Wedlock. A birth occurring when the mother was not married at the time of either conception or birth, or between conception and birth. (12-26-83)

04. Confidential Registry. A file of all notices of putative fathers' claims to paternity for their child(ren) born out of wedlock and intent to support such child(ren), that is established in the office of the State Registrar of Vital Statistics. (1-10-86)

05. Current Registration. The filing of a certificate less than one (1) year after the event occurs. (12-26-83)

06. Delayed Registration. The filing of a certificate one (1) year or more after the event occurs. (12-26-83)

07. Department. The Idaho Department of Health and Welfare. (12-26-83)

08. Director. The Director of the Idaho Department of Health and Welfare or designated individual. (12-31-91)

09. Expedited Certified Copy. A certified copy of a vital record which has been transmitted via computer-assisted telecopier/printer or issued by a local deputy state registrar. (11-20-87)

10. Local Deputy State Registrar. The local registration officer designated by the Director to serve in a single health district for limited purposes. (11-20-87)

11. Local Registrar. The local registration officer identified in Section 39-247, Idaho Code, appointed by the State Registrar of Vital Statistics to collect certificates of birth, death, and stillbirth, and to carry out duties incidental to registration within a specified territory. (12-26-83)

12. Mortician or Funeral Director. Any person who makes a business of disposing of dead bodies. The term "mortician or person acting as such" refers to any person having charge of the burial, cremation, or other disposition of a dead body. This includes stillborn fetuses. (12-26-83)

13. Nurse Midwife. A nurse practitioner who is certified by the Idaho Board of Nursing to practice midwifery. (12-26-83)

14. Putative Father. The biological father of a child as identified by himself, the natural mother, an adoption agency, or a court. (1-10-86)

15. Registration District. The district (area of land) specified in the letter of appointment to the local registrar over which the local registrar exercises exclusive local control for the purpose of vital record registration. (12-26-83)

16. Relatives of Deceased Qualified Adult Adoptees. The adoptive parents or grandparents of the adult adoptee. (1-10-86)

17. Relatives of Deceased Qualified Birth Parents. The parents or grandparents of birth parents. (1-10-86)

051. -- 099. (RESERVED)

100. CERTIFICATES, RECORDS, AND FORMS.

01. Form and Content. The Director shall prescribe the form and content of official vital records and certificates. (12-26-83)

02. Official Nature of Forms. Other forms and reports may be prescribed and distributed by the State Registrar for reporting vital statistics, which forms and reports shall be used only for official purposes. (12-26-83)

03. 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 dark, unfading ink. All signatures required shall be entered in dark, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration: (12-26-83)

- a. That does not have the certifier's name typed or printed legibly under the certifier's signature; (12-26-83)
- b. That does not supply all items of information called for thereon or satisfactorily account for their omission; (12-26-83)
- c. That contains alterations or erasures; (12-26-83)
- d. That does not contain handwritten signatures as required; (12-26-83)
- e. That is marked "copy" or "duplicate"; (12-26-83)
- f. That is a photographic or a carbon copy; (12-26-83)
- g. That is prepared on an improper form; (12-26-83)
- h. That contains improper or inconsistent data; (12-26-83)
- i. That contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; (12-26-83)
- j. That is not prepared in conformity with statutes, regulations, or with instructions issued by the State Registrar. (12-26-83)

04. Certificates with Defects. Certificates with defects as cited in Subsections 100.03.a. through 100.03.j. may be withheld from certification until the defect is remedied by persons who have the knowledge and authority to do so. (12-31-91)

101. -- 149. (RESERVED)

150. ADDITIONAL OFFICES.

01. Determination. The State Registrar shall determine whether offices other than the Vital Statistics Unit are needed in this state to aid in the efficient administration of the system of vital statistics. Such determination shall be based on the identification 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 Director. The duties and responsibilities may be assigned to currently existing offices or special branch offices of the Vital Statistics Unit 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. (12-26-83)

02. Assignment of Duties. The State Registrar, with the approval of the Director, shall determine the specific responsibilities and duties of each office. The State Registrar shall assign to such offices such duties and responsibilities as may be deemed necessary to ensure the efficient operation of the system of vital statistics. These may include any or all of the following: (12-26-83)

a. Receiving and processing birth, death, and stillbirth records. This would include the receipt of these records from the person responsible for filing the records, checking the records for accuracy and completeness, and forwarding them to the Vital Statistics Unit at intervals prescribed by the State Registrar. (12-26-83)

b. Issuing certified copies of birth, death, or stillbirth records. The records from which the certified copies are issued shall be maintained by the Vital Statistics Unit. 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, death, or stillbirth records filed in this state. (12-26-83)

c. Acting as the agent of the State Registrar in their designated area and providing assistance to physicians, coroners, hospitals, morticians, and others in matters related to the system of vital statistics. (12-26-83)

03. Copies of Original Certificates. (12-31-91)

a. Copies from the original certificate will not be made or certified by any firm or person other than the State Registrar of Vital Statistics except pursuant to Subsection 150.02.b. (12-31-91)

b. If the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar has authority to withhold the issuance of a certified copy of such certificate until a determination of the facts has been made. (12-26-83)

151. LOCAL REGISTRATION OFFICERS.

The State Registrar shall contract for the services of local registrars who shall collect certificates of birth, death, and stillbirth, carry out duties incidental to registration within a specified territory (registration district), and shall perform other duties as assigned by the State Registrar. (12-26-83)

01. Qualifications of Local Registrar. To be and remain eligible for the office of local registrar a person must meet the following minimum qualifications: (12-26-83)

a. Be sufficiently mature and responsible to carry out the duties of the office; and (12-26-83)

b. Be physically able to perform the duties of the office; and (12-26-83)

c. Be able to read, to comprehend what is read, and to write legibly; and (12-26-83)

d. Reside in the registration district and be readily accessible. (12-26-83)

02. Removal of Local Registrar. (12-26-83)

a. If a local registrar is no longer eligible for office by reason of not meeting all qualifications as listed in these rules or in the contract, the local registrar may be removed from office upon written notification by the State Registrar. (12-26-83)

b. When any local registrar fails or neglects to perform any of the duties imposed by law, rule or by the instructions of the State Registrar, the local registrar may be summarily removed from office by the State Registrar. (12-26-83)

03. Local Deputy State Registrars. The Director may officially deputize local registrars for the purpose of expediting certified copies of death or stillbirth certificates and other purposes as may be deemed necessary by the Director. (11-20-87)

152. -- 199. (RESERVED)

200. TRANSMITTAL OF CERTIFICATES AND LOCAL RECORDS -- REPORTS.

01. Transmittal of Certificates of Death and Stillbirth. Certificates of death and stillbirth must be

transmitted by the local registrar to the State Registrar of Vital Statistics within one (1) working day from the date they were received by the local registrar, except when certificates are to be used for expedited copies, in which case they must be transmitted to the State Registrar on the sixth working day from the date they were received by the local registrar. (3-30-07)

02. Expedited Certified Copies of Certificates of Death or Stillbirth. No certified copies of certificates of death or stillbirth can be issued by a local deputy state registrar until the registrar is satisfied that the requesting person(s) has "direct and tangible interest" in the certificate as defined in IDAPA 16.05.01, "Use and Disclosure of Department Records," Subsections 011.01 and 011.03 and Section 283. (3-30-07)

03. Transmittal of Certificates of Birth. All certificates of birth must be transmitted by the local registrar to the State Registrar of Vital Statistics within five (5) working days from the date they are received by the local registrar. (3-30-07)

04. Monthly Summary Report. The local registrar must submit a written report at least once each calendar month on the birth, death, and stillbirth certificates filed with the local registrar. (12-26-83)

- a.** Form of Monthly Summary Report. The summary report must include, if applicable: (12-26-83)
 - i.** A numerical listing of all original certificates of births, deaths, and stillbirths filed with the local registrar during the month for which the report is made; (12-26-83)
 - ii.** Requests for supplies; (12-26-83)
 - iii.** Violation reports; (12-26-83)
 - iv.** Any other matter the State Registrar of Vital Statistics may request, in writing; and (12-26-83)
 - v.** At a minimum, the fact that no birth, death, or stillbirth certificate was filed in a given month. (12-26-83)
- b.** Frequency of Reports. These reports must be sent to the Vital Statistics Unit by the fifteenth of the month succeeding the month of registration. (12-26-83)
- c.** Failure to Report. Failure of a local registrar to make a monthly report for any two (2) calendar months within a six (6) month period is grounds for immediate removal by the State Registrar. (12-26-83)

201. COMPLETION AND CORRECTION OF CERTIFICATES.

01. Correction of Minor Errors on Certificates During the First Year. Except as otherwise provided in these rules, correction of obvious errors or transposition of letters in words of common knowledge, may be made by the State Registrar or an authorized agent within the first year after the date of the event either upon individual observation or query or upon request of any person with a direct and tangible interest as defined in IDAPA 16.05.01, "Use and Disclosure of Department Records," Subsections 011.01 and 011.03, or any person listed in Subsection 201.06.d. of these rules. The method of correction will be determined by the State Registrar, and is not subject to the requirements of Subsection 201.08 of these rules. When such minor corrections 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 must be made on the certificate in such a way as not to become a part of any certification issued. The certificate must not be marked as amended. (3-30-07)

02. Amendment of Registrant's Given Names or Surname on Birth Certificates Within the First Year. (12-26-83)

- a.** Until the registrant's first birthday, given names or surname may be amended upon written notarized request of:
 - i.** Both parents; (12-26-83)

- ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (4-5-00)
- iii. The father in the case of the death or incapacity of the mother; (12-26-83)
- iv. The mother in the case of the death or incapacity of the father; or (12-26-83)
- v. The legal guardian or agency having legal custody of the registrant. (12-26-83)
- b. The certificate must be marked as amended. (3-30-07)
- 03. Amendment of Registrant's Given Name on Birth Certificate After the First Year.** (12-26-83)
 - a. After one (1) year from the date of birth, the provisions of Subsection 201.06 of these rules must be followed to amend the given name if the name was entered in error at the time of the preparation of the birth certificate. (3-30-07)
 - b. In all other cases, a legal change of name order from a court of competent jurisdiction must be submitted to change a given name after one (1) year. (12-26-83)
- 04. Addition of Given Names on Birth Certificates.** (12-26-83)
 - a. 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 notarized request of: (12-26-83)
 - i. Both parents; (12-26-83)
 - ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (4-5-00)
 - iii. The father in the case of the death or incapacity of the mother; (12-26-83)
 - iv. The mother in the case of the death or incapacity of the father; or (12-26-83)
 - v. The legal guardian or agency having legal custody of the registrant. (12-26-83)
 - b. The certificate shall be marked as amended. (12-26-83)
 - c. After the registrant's seventh birthday, the provisions of Subsection 201.06 of these rules must be followed to add a given name. (3-30-07)
- 05. Acknowledgment of Paternity.** (12-26-83)
 - a. Subject to the provisions of Subsection 201.05.b. of these rules, a new certificate of birth will be prepared by the State Registrar for a child born out of wedlock in this state upon receipt of an affidavit of paternity signed by both parents and a written request by both parents. The child's surname will be changed on the certificate to that of the father if both parents so request. (3-30-07)
 - b. 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. (12-26-83)
 - c. The certificate must not be marked as amended. (3-30-07)
- 06. All Other Amendments.** Unless otherwise provided in these rules or in Section 39-250, Idaho Code, all other amendments to vital records must be supported by: (3-30-07)

- a. An affidavit setting forth: (12-26-83)
 - i. Information to identify the certificate; (12-26-83)
 - ii. The incorrect data as it is listed on the certificate; and (3-30-07)
 - iii. The correct data as it should appear. (12-26-83)
 - b. If one (1) year has elapsed since the date the event occurred, one (1) or more items of documentary evidence which support the alleged facts and which were established at least five (5) years prior to the date of application for amendment or within seven (7) years of the date of the event. (12-26-83)
 - c. Any item of a medical nature can be amended only upon receipt of an affidavit from the person certifying such item, except that queries originating in the vital statistics office and subsequently completed and signed by the certifier may be used to complete or modify the reported cause of death. The State Registrar may require documentary evidence to substantiate the requested amendment. (3-30-07)
 - d. Applications to amend a specific vital record will be accepted as follows: (12-26-83)
 - i. An application to amend a birth certificate may only be made by one (1) or both of the parents, the legal guardian, the registrant if eighteen (18) years of age or older, or the individual responsible for filing the certificate. (12-26-83)
 - ii. An application to amend a death certificate may only be made by the informant, the next of kin, the funeral director or person acting as such who signed the death certificate, or the certifying physician or coroner. (12-26-83)
 - iii. An application to amend a stillbirth certificate may only be made by a person listed in Subsections 201.06.d.i. or 201.06.d.ii. of these rules. (3-30-07)
 - iv. An application to amend a marriage or divorce certificate may only be made by the custodian of the official record from which the certificate was prepared, either of the parties to the marriage or divorce, or the individual responsible for filing the certificate. (12-26-83)
 - e. The State Registrar will evaluate the evidence submitted in support of any amendment, or require additional documentation. The State Registrar's decision and determination will be based upon serving the objectives of the vital statistics statutes and the best interests of the public. In the event the application is rejected or additional information is required, the State Registrar must advise the applicant of the reason for the action and the right to appeal pursuant to Section 39-250(5), Idaho Code. (3-30-07)
- 07. Amendment of the Same Item More Than Once.** Once an item is amended on a vital record, that item can not be amended again except upon receipt of a court order from an Idaho court of competent jurisdiction. (3-30-07)
- 08. Methods of Amending Certificates.** (12-26-83)
- a. Certificates of birth, death, stillbirth, marriage, and divorce may only be amended by the State Registrar as follows: (12-26-83)
 - i. Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires. The new certificate may be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these rules, the item number of the entry that was amended must be identified on the new certificate. In every case, except as provided elsewhere in these rules or the Idaho Code, the new certificate must 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 must be typed on the new certificate. (3-30-07)

- ii. Completing the item in any case where the item was left blank on the existing certificate. (12-26-83)
- iii. Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side. The line drawn through the original entry must not obliterate such entry. (3-30-07)
- iv. A certificate of birth amended in accordance with the provisions of Section 39-250(4), Idaho Code, must be amended as prescribed in Subsection 201.08.a.iii. of these rules. The fact that the name was changed in accordance with a court order must be stated on the certificate. (3-30-07)
- b. Unless prohibited by statute or rule, there must be inserted on the face of the certificate the date the amendment was made and the initials of the person making the change; the certificate must be marked as amended. (3-30-07)

202. -- 249. (RESERVED)

250. COMPENSATION OF LOCAL REGISTRARS.

01. Certificates Filed. The local registrars will be paid one dollar (\$1) for each properly completed birth, death, and stillbirth certificate filed and reported monthly pursuant to Subsection 200.03.a. with the State Registrar of Vital Statistics, except that when local registration services are provided by a public health district, the amount of compensation, not to exceed the sum of one dollar (\$1), shall be established by agreement between the health district and the respective county. (12-31-91)

02. Reports Filed. Local registrars will be paid one dollar (\$1) for reporting the fact that no birth, death or stillbirth certificates were filed with the local registrar in any calendar month. (12-31-91)

251. FEES FOR COPIES, SEARCHES, AND OTHER SERVICES.

01. Certified Copies. The fee for the issuance of a certified copy of a certificate of death is fourteen dollars (\$14). The fee for the issuance of a certified copy of any other vital record is thirteen dollars (\$13) per copy. (4-7-11)

02. Searches. The fee for each search of the files for a death record when no record is found or no copy is made is fourteen dollars (\$14). The fee for each search of the files for any other vital event when no record is found or no copy is made is thirteen dollars (\$13). (4-7-11)

03. Verifications. Except for Idaho state executive agencies and public health districts, the fee for verification of data from certificates is nine dollars (\$9). (4-7-11)

04. Statistical, Research, or Public Health Services. The State Registrar assesses the fee for statistical, research or public health services. The costs are calculated based upon the costs of retrieving the data and the costs of compiling, organizing, and printing the data. Cost may be reduced on a prorated basis to reflect the number of expected requests for the same information or service. (4-7-11)

05. Fees for Other Services. (4-7-11)

a. The fee for establishing a new birth certificate pursuant to a report of adoption is thirteen dollars (\$13). (4-7-11)

b. The fee for establishing a delayed certificate of any event is thirteen dollars (\$13). (4-7-11)

c. The fee for establishing a new or amended birth certificate pursuant to a court order, a paternity affidavit or rescission, or a subsequent marriage affidavit is thirteen dollars (\$13). (4-7-11)

d. A service fee of three dollars (\$3), in addition to the fourteen dollars (\$14) for a certified copy of a

death certificate and thirteen (\$13) dollars for a certified copy of a stillbirth certificate, must be paid to the local deputy state registrar for securing each expedited certified copy of a vital record. (4-7-11)

e. The fee for filing a copy of "Request and Consent for Artificial Insemination" as required by Section 39-5403, Idaho Code, is ten dollars (\$10). (4-7-11)

f. The fee for copies of death certificates provided upon written request to local, states other than Idaho, or federal government agencies in accordance with Section 39-270(b), Idaho Code, is fourteen dollars (\$14). The fee for any other vital event is thirteen dollars (\$13). (4-7-11)

g. Fees for correction of certificates of death or stillbirth. (4-7-11)

i. When a funeral director must correct an error on a certificate of death for which certified copies have been issued, and a replacement copy has been requested, the correction fee is fourteen dollars (\$14) and must include issuance of one (1) certified copy of the corrected death record. (4-7-11)

ii. When a funeral director must correct an error on a certificate of stillbirth for which certified copies have been issued, and a replacement copy has been requested, the correction fee is thirteen dollars (\$13) and must include issuance of one (1) certified copy of the corrected stillbirth record. (4-7-11)

iii. The fee for additional (replacement) copies of certificates of death or stillbirth issued at the time of correction is two dollars (\$2). (4-7-11)

iv. When a correction is requested for a certificate of death or stillbirth, but no replacement copy is requested, there is no charge to the requestor. (4-7-11)

h. A service fee of five dollars (\$5) will be added for priority mailing or special handling, including additional document requests. This fee will be in addition to the current fee(s) for the requested certified copy(ies) or search(es), or both. (4-7-11)

06. Waiver of Fee Requirement. Fees may be waived for Idaho state executive agency and public health district requests. Statistical information prepared for public health planning purposes may be published and distributed without charge whenever the Director determines that the publication and distribution is in the public interest. (12-26-83)

252. -- 299. (RESERVED)

300. REGISTRATION OF BIRTHS.

01. Certifier's Signature. The person certifying the facts of birth according to Section 39-255, Idaho Code, must sign the birth certificate. No stamps or other types of facsimile signatures may be used. The State Registrar may require additional evidence of the birth when the birth did not occur in an institution and was not attended by a person who regularly attends births. (11-20-87)

02. Local Registrar's Signature. The local registrar must sign the certificate. The registrar's signature must be the same as it appears in the notarized certificate of appointment. No stamps or other types of facsimile signatures may be used. (12-26-83)

03. Signature of Certifier. When a birth occurs in an institution, the signature of the certifier on the medical record of birth may satisfy the requirements of Section 39-255(a), Idaho Code. (11-20-87)

04. Signature of the Informant. When a birth occurs in an institution and the institution maintains a working paper (worksheet) signed by either parent (named on the birth certificate) as informant, and the working paper (worksheet) is part of the medical record, the signature of the informant on the working paper (worksheet) may satisfy the requirements of Section 39-255(c), Idaho Code. (11-20-87)

301. REGISTRATION OF FOUNDLINGS.

01. Form of Certificate. A special founding certificate shall be filed for any infant of unknown parentage. It shall include, as a minimum, the following items: (12-26-83)

- a.** The name designated for the infant; (12-26-83)
- b.** The estimated date of birth; (12-26-83)
- c.** The sex and race of the infant; (12-26-83)
- d.** The address where the infant was found; (12-26-83)
- e.** The name and address of the person or agency assuming custody of the infant; (12-26-83)
- f.** A short description of the circumstances surrounding the finding of the infant, including the date of the finding; and (12-26-83)
- g.** The signature of the informant and the date the certificate was signed. (12-26-83)

02. Responsibility for Filing. The person or authorized representative of the agency assuming custody of the infant shall sign the certificate and file it within fifteen (15) days of the finding with the local registrar of the district in which the infant was found. (12-26-83)

302. -- 399. (RESERVED)

400. NEW CERTIFICATES OF BIRTH FOLLOWING MARRIAGE OF NATURAL PARENTS.

01. Requirements. If the natural parents marry after the birth of a child born in this state, a new certificate of birth shall be prepared for the child by the State Registrar upon receipt of an affidavit 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 shall be prepared only when a determination of paternity is made by a court of competent jurisdiction, or following adoption. (12-26-83)

02. Common-Law Marriage. If the natural parents establish a marriage by common law after the birth of a child, an affidavit of common-law marriage, provided by the Vital Statistics Unit and signed by the natural parents, may be substituted for the certified copy of the parents' marriage record required in Subsection 400.01. (12-31-91)

401. ADOPTION OF PERSONS BORN IN IDAHO.

01. Examination of Adoptive Child Born in Idaho for Whom No Original Certificate of Birth Can Be Located. (12-26-83)

a. The physician's report of the physical examination of the adoptive child, conducted pursuant to Section 39-258, Idaho Code, shall indicate the sex, the estimated age, the race, and the existence or absence of obvious congenital malformations or anomalies of the child. (12-26-83)

b. The State Registrar may require the adoptive parents to furnish a court order which identifies natural parents, date of birth, place of birth, and those facts found by the physician's physical examination. (12-26-83)

02. Corrections on Adoptive Certificates. (12-26-83)

a. Minor corrections may be made within one (1) year after the establishment of the adoptive birth certificate in accordance with Subsection 201.01. (12-31-91)

b. Change of name amendments may be made by a court order amending the original adoption order

or by a new order of a court, according to Subsection 201.08. (12-31-91)

c. All other amendments (except the registrant's name) will be made according to Subsections 201.06 through 201.08. (12-31-91)

d. In order to protect the confidential nature of adoptive births, the State Registrar may elect not to mark the record amended when carrying out amendments under Section 401, when the indication of amendment would not be in the best interest of the registrant. (12-26-83)

402. REGISTRATION SYSTEM FOR ADULT ADOPTES.

01. Search for "the Other Birth Parent." The State Registrar shall not participate in the search for "the other birth parent." The adoption service units of the Department may participate in such searches when requested to do so by a birth parent or the adult adoptee. Costs of the search will be provided by the birth parent or adult adoptee seeking the match. Such service costs will be set by the adoption service unit and shall be based upon the actual cost of the search and cost of notification of the registrant(s). (1-10-86)

02. Completion of Match. When dated evidence of a completed search is presented to the State Registrar and "the other birth parent" has not been found, then and only then shall a match be completed as cited in Section 39-259A(e) and (f), Idaho Code. (1-10-86)

a. When one (1) of the birth parents cannot be found according to Section 39-259A(b)(3), Idaho Code, no information about the missing birth parent shall be released to either registrant. (1-10-86)

b. When one (1) birth parent is deceased, proof of death must be established by a certified copy of the death certificate or a verification of the fact of death from the Vital Statistics official of the state where death occurred. Such proof is the responsibility of the registered birth parent. (1-10-86)

03. Siblings of Adult Adoptee. When it appears that there is a match between siblings, the State Registrar may confirm the match from the sealed adoption record on file in the Vital Statistics Office and make appropriate notification to the siblings. However, if the birth parent(s) has not also voluntarily registered, no identifying information about the birth parent(s) shall be provided to the adult adoptee or the sibling, except where proof of death of the birth parent(s) is found. (1-10-86)

04. Notification. When it appears to the State Registrar that a match has occurred, the State Registrar shall notify the registrants by certified mail of the opportunity to withdraw from the register prior to proceeding with full notification of the registrants. Such withdrawal must be made by written notarized request and must be received by the State Registrar within thirty (30) days of the date of registrant's receipt of notification from the State Registrar. Such withdrawal is exempt from the usual withdrawal fee. (1-10-86)

05. Registration Time. Birth parents or relatives of qualified birth parents may register at any time after an adoption has taken place, whether prior to or after the adoptive person reaches the age of eighteen (18). Adopted persons may register after they have reached their eighteenth birthday. (1-10-86)

06. Fees. An initial filing fee of ten dollars (\$10) is paid by or on behalf of each registrant and must be submitted with the registration form. An update fee of ten dollars (\$10) is charged whenever a registrant requests in writing a revision, update, or withdrawal of a previous registration. (12-31-91)

07. Release of Information. When it appears there is a match between registered adult siblings and no birth parent information has been registered, before release of identifying information to any registered adult sibling, the State Registrar shall require proof from the registrant(s) of the identity and the relationship of the registrant to other registrants. At least two (2) documents providing such proof shall be viewed and recorded by the State Registrar. Such documents may include, but not be limited to, sworn statements, court decrees, copies of birth certificates, marriage licenses, school records, and voter registration cards. (1-10-86)

403. -- 449. (RESERVED)

450. REGISTRATION OF DEATHS AND STILLBIRTHS.

01. Acceptance of Incomplete Death Certificate. If all the information necessary to complete a death certificate is not available within five (5) days after the date the death occurred, the person in charge of interment or removal of the body from the district in which the death occurred must file the certificate as prescribed by the State Registrar with all information that is available, provided that the medical certification of the cause of death has been signed by the person responsible for such certification. If the cause of death is unknown or undetermined, the cause of death must be shown as unknown or undetermined on the certificate. The person responsible for the medical certification of the cause of death must also sign the authorization for final disposition of the body. If the body is to be cremated, the coroner must also give additional authorization. (4-2-08)

a. A supplemental report providing the cause of death information missing from the original certificate must be filed by the person responsible for medical certification of the cause of death with the State Registrar within fifteen (15) days of the filing of the death certificate on a form provided or approved by the State Registrar. (4-2-08)

b. A supplemental report providing all other information missing from the original certificate must be filed with the State Registrar by the person responsible for filing the certificate within thirty (30) days of the date the death occurred or as otherwise authorized by the State Registrar on a form provided or approved by the State Registrar. (4-2-08)

c. The State Registrar will make the information on the supplemental report(s) a part of the existing death certificate and will file the supplemental report(s) with the death certificate. The State Registrar will also mark the death certificate to show that supplemental information was added. (4-2-08)

02. Signatures Required on Death Certificates. (12-26-83)

a. The mortician, or person acting as such, must sign the death certificate. No stamps or other types of facsimile signatures may be used. (4-2-08)

b. The responsible person must sign the medical certification of the cause of death. Failure to do so will invalidate the record as a legal document. No stamps or other types of facsimile signatures may be used. (4-2-08)

c. The local registrar must sign the certificate. The registrar's signature must be the same as it appears in the notarized certificate of appointment. No stamps or other types of facsimile signatures may be used. (12-26-83)

03. Signatures Required on Stillbirth Certificates. (12-26-83)

a. The mortician's signature must meet the following criteria: (12-26-83)

i. The mortician, or person acting as such, must sign the certificate. No stamps or other types of facsimile signatures may be used. (4-2-08)

ii. When a hospital disposes of a stillborn fetus, in accordance with Section 39-268(3), Idaho Code, the hospital authority must complete and sign the certificate as mortician. (4-2-08)

b. The person responsible according to Section 39-260, Idaho Code, for the attendant or medical certification, must sign the certificate. No stamps or other types of facsimile signatures may be used. (12-26-83)

c. The local registrar must sign the certificate. The registrar's signature must be the same as it appears in the notarized certificate of appointment. No stamps or other types of facsimile signatures may be used. (12-26-83)

451. INDUCED ABORTION REPORTING FORMS -- COMPILATIONS.

01. Form of Report. The contents of the report of induced abortion must comply with Section 39-261, Idaho Code. (12-26-83)

02. Nature of Reports. The completed forms submitted to the Vital Statistics Unit are statistical reports, not certificates. Copies of the reports will not be issued. (12-26-83)

03. Patient Identification. No information will be collected which would identify the woman who had the abortion. (12-26-83)

04. Compilations. No compilations shall be released for public use which identify the institution in which the induced abortion was performed, the physician who performed the induced abortion procedure, or the person completing the report of induced abortion. (12-26-83)

452. -- 499. (RESERVED)

500. FORM, CONTENT, AND FILING OF THE MARRIAGE CERTIFICATE.

01. Form and Content. The form and content of the certificate shall be as prescribed by Sections 32-401 and 32-402, Idaho Code. (12-26-83)

02. Filing. The procedure for filing a marriage certificate shall be as prescribed in Section 39-262, Idaho Code. (12-26-83)

501. MARRIAGE LICENSE RECORDING FEES.
The county recorders shall charge a recording fee of two dollars (\$2) for each marriage certificate. (12-31-91)

502. -- 599. (RESERVED)

600. DIVORCE CERTIFICATE FILING FEE.
Effective July 1, 1985, the Clerk of the Court shall charge a fee of one dollar (\$1) for each divorce certificate filed in accordance with Section 39-266, Idaho Code. (12-31-91)

601. -- 649. (RESERVED)

650. LATE OR DELAYED REGISTRATION OF BIRTH.

01. Late Registration -- Fifteen Days to One Year. (12-26-83)

a. Certificates of birth filed after fifteen (15) days, but within one (1) year from the date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in Section 39-255, Idaho Code. Such certificate shall not be marked as delayed. (12-26-83)

b. 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 must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth. (12-26-83)

02. Form of Delayed Certificate of Birth. All certificates registered one (1) year or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the Director. (12-26-83)

03. Who May Request the Registration of and Sign a Delayed Certificate of Birth. (12-26-83)

a. Any person born in this state whose birth is not recorded in this state, or the parent, guardian, next of kin of that person, 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 rules and instructions issued by the State Registrar. (12-26-83)

b. Each delayed certificate of birth shall be signed and sworn to before a notary public by the person whose birth is to be registered if such person is eighteen (18) years of age or older 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 (1) of the following in the indicated order of priority: (12-26-83)

- i. One (1) of the parents of the registrant; or (12-26-83)
- ii. The guardian of the registrant; or (12-26-83)
- iii. The next of kin of the registrant; or (12-26-83)
- iv. Any older person over eighteen (18) years of age having personal knowledge of the facts of birth. (12-26-83)

04. Facts to be Established for a Delayed Registration of Birth. The minimum facts which must be established by documentary evidence shall be the following: (12-26-83)

- a. The original full name of the registrant; (12-26-83)
- b. The date of birth and place of birth; (12-26-83)
- c. The full maiden name of the mother; and (12-26-83)
- d. The full name of the father, unless the registrant was born out of wedlock, in which case the name of the father shall not be entered on the delayed certificate except as provided in Sections 39-250, 39-255, or 39-257, Idaho Code, and rules adopted pursuant thereto. (12-26-83)

05. Delayed Registration Following a Legal Change of Status. (12-26-83)

- a. When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, acknowledgement of paternity, or a court-ordered change of name, a new delayed certificate may be established to reflect such change. (1-10-86)
- b. In such cases changing legal status, when no birth certificate is found, the delayed certificate may be filed reflecting the information established by the legal change. (12-26-83)

06. Documentary Evidence -- Requirements. (12-26-83)

- a. 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: (12-26-83)
 - i. Two (2) pieces of documentary evidence, only one (1) of which may be an affidavit of personal knowledge, if the record is filed within seven (7) years after the date of birth. (12-26-83)
 - ii. Three (3) pieces of documentary evidence, only one (1) of which may be an affidavit of personal knowledge, if the record is filed seven (7) years or more after the date of birth. One (1) document must be dated within seven (7) years after the date of birth. (11-20-87)
- b. Facts of parentage shall be supported by at least one (1) document. This document may be one (1) of the documents above other than an affidavit of personal knowledge. (12-26-83)

07. Documentary Evidence -- Acceptability. (12-26-83)

- a. The State Registrar may establish a priority of best evidence. (12-26-83)
- b. 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 certified copy of the original or a notarized statement from the custodian of the record or document. (12-26-83)
- c. All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least ten (10) years prior to the date of application or have been established prior to the applicant's

seventh birthday. (11-20-87)

d. An affidavit of personal knowledge, to be acceptable, must be made by a parent of the applicant or an older person other than a parent, who is over eighteen (18) years of age and must be signed before a notary public. In all cases, the affiant must be at least ten (10) years older than the applicant and have personal knowledge of the facts of birth. (11-20-87)

08. Abstraction of Documentary Evidence. (12-26-83)

a. The State Registrar, or a 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: (12-26-83)

- i. The title or description of the document; (12-26-83)
- ii. 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 notarized statement from the custodian; (12-26-83)
- iii. The date of the original filing of the document being abstracted; and (12-26-83)
- iv. The information regarding the birth facts contained in the document. (12-26-83)

b. All documents submitted in support of the delayed birth registration shall be returned to the applicant after review, provided, however, that the State Registrar may make and keep on file abstracts or photocopies of any such documents. (12-26-83)

09. Certification by the State Registrar. The State Registrar, or a designated representative, shall by signature certify: (12-26-83)

- a.** That no prior birth certificate is on file for the person whose birth is to be recorded; (12-26-83)
- b.** That the State Registrar or a designated representative has reviewed the evidence submitted to establish the facts of birth; and (12-26-83)
- c.** That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the documents. (12-26-83)

10. Dismissal After One Year. Applications for delayed certificates which have not been completed within one (1) 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. (12-26-83)

651. LATE OR DELAYED REGISTRATION OF DEATHS.

The registration of death after the time prescribed by statute or rule must be made on the standard certificate of death form in the following manner: (12-26-83)

01. Minimum Evidence Required. (7-1-93)

a. If the person responsible for the medical certification of death, according to Section 39-260, Idaho Code, and the attending mortician or person who acted as such are available and they do complete and sign the certificate of death; and (12-26-83)

- i. If the certificate is filed within one (1) year after the date of death or finding of the body, the certificate of death may be completed without additional evidence and filed with the State Registrar; or (12-26-83)
- ii. If the certificate is filed one (1) year or more after the date of death or finding of the body, the

medical certifier and the mortician 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. (12-26-83)

b. If either the medical certifier or the attending mortician, or person acting as such (or both), is unavailable, the certificate may be filed by the next of kin of the deceased and must be accompanied by: (12-26-83)

i. An affidavit of the person filing the certificate, swearing to the accuracy of the information on the certificate; and (12-26-83)

ii. Two (2) documents which identify the name of the deceased and the date and place of death. (12-26-83)

02. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of death. (12-26-83)

03. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration shall be entered on the certificate, and the certificate shall be marked as delayed. (12-26-83)

652. -- 699. (RESERVED)

700. LATE AND DELAYED REGISTRATION OF MARRIAGE.

01. Late Registration. Until one (1) year has elapsed from the date of the ceremony, marriage certificates shall be accepted for filing by the State Registrar in accordance with Section 39-262, Idaho Code, and shall not be marked as delayed. (12-26-83)

02. Delayed Registration. The registration of a marriage after one (1) year shall be made on the regular certificate of marriage form in the following manner: (12-26-83)

a. The certificate must be filed with the county recorder where the marriage license was originally issued. (12-26-83)

b. To be acceptable for registration by the State Registrar, the delayed certificate of marriage must be supported by a notarized statement from two (2) people other than the bride and groom who know that a marriage ceremony was performed and the date and place of the marriage ceremony. One (1) of these statements must be from an actual witness to the marriage ceremony. (1-10-86)

c. When the officiant is not available to sign the delayed certificate of marriage, the delayed certificate of marriage must be signed by an actual witness to the marriage ceremony, other than the bride and groom. (1-10-86)

03. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of marriage. (12-26-83)

04. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration shall be entered on the certificate, and the certificate shall be marked as delayed. (12-26-83)

701. LATE AND DELAYED REGISTRATION OF DIVORCE.

01. Late Registration. Until one (1) year has elapsed from the date of the divorce decree, divorce certificates shall be accepted for filing by the State Registrar in accordance with Section 39-265, Idaho Code, and shall not be marked as delayed. (12-26-83)

02. Delayed Registration. The registration of a divorce after one (1) year shall be made on the regular certificate of divorce form in the following manner: (12-26-83)

a. The divorce certificate must be filed by the court directly with the State Registrar; and (12-26-83)

b. The certificate must be accompanied by a certified copy of the final decree of divorce. (12-26-83)

03. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of divorce. (12-26-83)

04. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration shall be entered on the certificate, and the certificate shall be marked as delayed. (12-26-83)

702. -- 799. (RESERVED)

800. DELAYED REGISTRATION OF STILLBIRTH.

The requirements for filing a delayed certificate of stillbirth shall be the same as those for a delayed certificate of death, except that the section on paternity shall be governed by Section 39-260, Idaho Code. (12-26-83)

801. -- 849. (RESERVED)

850. REMOVAL OF DEAD BODY OR FETUS FROM PLACE OF DEATH OR STILLBIRTH.

Before removing a dead body or fetus from the place of death or stillbirth, the funeral director, or person acting as such, must, in accordance with Section 39-268, Idaho Code: (4-2-08)

01. Obtain Assurance That Death Is from Natural Causes. Obtain assurance from the attending physician, physician assistant, advanced practice professional nurse, or his designated associate, responsible for medical certification of the cause of death or stillbirth: (5-8-09)

a. That the death or stillbirth is from natural causes; and (4-2-08)

b. That the attending physician, physician assistant, advanced practice professional nurse, or his designated associate, will assume responsibility for certification of the cause of death or stillbirth; or (5-8-09)

02. Notify the Coroner. Notify the coroner when: (4-2-08)

a. The case falls within the jurisdiction of the coroner in accordance with Section 39-260, Idaho Code; (4-2-08)
or

b. The death or stillbirth is due to natural causes; and (4-2-08)

i. There was no attending physician, physician assistant, or advanced practice professional nurse during the last illness; or (4-2-08)

ii. There was no physician, physician assistant, or advanced practice professional nurse in attendance at the stillbirth; or (4-2-08)

iii. When the attending physician, physician assistant, advanced practice professional nurse, or his designated associate, is not available or is physically incapable of providing assurance that the death or stillbirth is from natural causes or providing permission to remove the dead body or fetus from the place of death or stillbirth. (5-8-09)

03. Receive Permission to Remove the Dead Body or Fetus. Receive permission to remove the dead body or fetus from the place of death or stillbirth from: (4-2-08)

a. The attending physician, physician assistant, advanced practice professional nurse, or his designated associate, if the death is from natural causes and all assurances in Subsection 850.01 of this rule have been met; or (5-8-09)

b. The coroner, if the case falls within the jurisdiction of the coroner, in accordance with Section 39-260, Idaho Code, or if the death or stillbirth is due to natural causes and one (1) of the conditions listed in Subsections

850.02.b.i. through 850.02.b.iii. of this rule has been met.

(4-2-08)

851. AUTHORIZATION FOR DISINTERMENT AND REINTERMENT.

01. Disinterment and Reinterment of a Dead Body or Fetus. Upon receipt of a notarized application, or an order of a court of record of this state, the State Registrar will issue a permit for the disinterment and reinterment of a dead body or fetus. The permit will be issued only to the mortician who is identified on the application or order as the mortician in charge of the disinterment. The application for the permit must be signed by the applicant and the mortician in charge of the disinterment. The applicant for the permit must be either: (3-30-07)

a. The person or persons who have the highest authority under the provisions of Section 54-1142, Idaho Code; or (3-30-07)

b. A person authorized by Section 39-269, Idaho Code, to request a special disinterment for legal purposes, in which case the application must state facts showing that the ends of justice require disinterment. (3-30-07)

02. Mass Disinterment and Reinterment. Upon receipt of a notarized application, or an order of a court of record of this state, the State Registrar may issue a single permit for the disinterment and reinterment of all remains included in a mass disinterment. The permit will be issued only to the mortician who is identified on the application or order as the mortician in charge of the disinterment. The application or order for the permit must identify the remains of each body to the extent possible and specify the place of disinterment and reinterment. The application for the permit must be signed by the applicant and the mortician in charge of the disinterment. The applicant for the permit must be either: (3-30-07)

a. The person or persons who have the highest authority under the provisions of Section 54-1142, Idaho Code, for each of the deceased; or (3-30-07)

b. A person authorized by Section 39-269, Idaho Code, to request a special disinterment for legal purposes, in which case the application must state facts showing that the ends of justice require disinterment. (3-30-07)

03. Nature of Permit. The authorization issued in accordance with the statutes and rules governing disinterment is permission for disinterment, transportation and reinterment. (3-30-07)

852. -- 899. (RESERVED)

900. REQUESTS AND CONSENT FOR ARTIFICIAL INSEMINATION.

01. Form Content. The form for reporting the birth of a child who may have been conceived by artificial insemination shall be known as "Request and Consent for Artificial Insemination." The form shall be signed and dated by the wife, husband, and the physician who participates in the procedure of artificial insemination. The form shall include the statement:

"The undersigned husband and wife do hereby consent of their own free will and choice to said artificial insemination.

The undersigned have been advised of, and understand the provisions of Title 39, Chapter 54, Idaho Code, including, but not limited to, the provision that if the physician who performs the artificial insemination does not deliver the child conceived as a result of the artificial insemination, it is the duty of the mother and her husband to give that physician notice of the child's birth. We do hereby agree to be bound by such provision.

Dated this day of _____ 20__." (12-26-83)

02. Filing of the Form. Within fifteen (15) days of the birth of the child who may have been conceived by artificial insemination, or within fifteen (15) days of receiving notice of the birth of such child, the physician who performed the artificial insemination will file the original copy of the "Request and Consent for Artificial Insemination" form with the State Registrar of Vital Statistics. (12-26-83)

901. -- 999. (RESERVED)

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