

Virginia Administrative Code

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CHAPTER 550

BOARD OF HEALTH REGULATIONS GOVERNING VITAL RECORDS

Part I

General Information

12VAC5-550-5. Definitions.

In addition to the words and terms defined in §32.1-249 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Department " means Virginia Department of Health.

"Immediate family" means a registrant mother, father (name must be shown on the certification), sibling, current spouse and adult children.

"Informant" means person providing information to complete the filing of a vital record in order to document a vital event.

"Midwife" means a registered nurse who has met the additional requirements of education and examination for licensure as a nurse practitioner in the Commonwealth.

"Primary evidence" means valid first-hand documentation established before the registrant's 18th birthday, such as school admission records, physician's records, immunization records, passport, federal census abstracts, baptismal records and insurance applications.

"Registrant" means the person whose personal information is registered and filed in the systems of vital records.

"Secondary evidence" means valid documentation established after the registrant's eighteenth birthday such as marriage records, child's birth certificate, school records, social security records, driver's records, work permit and employment records. Such evidence must be at least five years old.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-10. [Repealed]

Historical Notes

Derived from VR355-29-100 §1.1, eff. April 1, 1995; repealed, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-20. Purpose of chapter.

The board has promulgated this chapter to facilitate the vital record registration activities and health statistical services in a manner to ensure the uniform and efficient administration of the system. Required certificates, reports, and forms shall be prescribed, where feasible, to include data collected nationally for the benefit of all citizens. The protection of individual data from casual perusal is essential to the validity of the program as well as a desirable shield of sensitive personal information while providing health statistics for the protection of society as a whole.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §1.2, eff. April 1, 1995.

12VAC5-550-30. Administration of chapter.

This chapter is administered by the board, the commissioner, and the State Registrar of Vital Records and Health Statistics.

The State Registrar shall carry out the provisions of Chapter 7 (§32.1-249 et seq.) of Title 32.1 of the Code of Virginia and the regulations of the board.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §1.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-40. [Repealed]

Historical Notes

Derived from VR355-29-100 §1.4, eff. April 1, 1995; repealed, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-50. Application of Administrative Process Act.

Except where specifically provided otherwise by statute, the provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision, of this chapter, and the conduct of all proceedings hereunder.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §1.6, eff. April 1, 1995.

12VAC5-550-60. Powers and procedures of chapter not exclusive.

The board reserves the right to authorize any procedure for the enforcement of this chapter that is not inconsistent with the provisions set forth herein and the provisions of Chapter 7 of Title 32.1 of the Code of Virginia.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §1.7, eff. April 1, 1995.

Part II

Supplies and Forms

12VAC5-550-70. State Registrar.

The State Registrar shall prepare, print, and supply all blanks and forms to be used in registering, recording, and preserving data of vital records and health statistics or in otherwise carrying out the purpose of the statutes governing vital statistics. He shall prepare and issue such detailed instructions concerning use of all forms, approved electronic media and supplies as may be required to secure the uniform observance of the statutes and the maintenance of an adequate system for the collection, registration, and preservation of data of vital records and health statistics throughout the Commonwealth.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §2.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-80. County and city registrars.

County and city registrars shall maintain an adequate supply of all forms and blanks as furnished by the State Registrar in order to furnish required forms and blanks to all registrars and reporting sources within their jurisdiction.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §2.2, eff. April 1, 1995.

12VAC5-550-90. Use of forms.

No forms or electronic media other than those approved and supplied by the State Registrar shall be used for vital event registration. All such forms, records, and reports are property of the Commonwealth of Virginia. As such, they shall be protected from unauthorized use, access, and distribution and shall be surrendered to the State Registrar or his representative upon demand.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §2.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

Part III

Data Required on Vital Statistics Certificates

12VAC5-550-100. Birth certificate items.

A. Certificate of Live Birth, Commonwealth of Virginia, for registrations at time of birth, shall contain the following items: child's full name; place of birth; usual residence of mother; sex of child; single or plural birth, and birth order of plural

birth; date of birth; full name of father (except when mother is not married to the father); age of father (except when mother is not married to the father); birthplace of father (except when mother is not married to the father); full maiden name of mother; age of mother; birthplace of mother; certification of parent (if available); certification of attendant at the birth, including title, address and date signed; date the certificate was received by the registrar; registrar's signature; registration area and certificate numbers; state birth number; and supplemental confidential data to consist of the following items: medical record and social security numbers of the mother; medical record number of the child; hispanic origin, if any, and race of mother; education of mother; mother transferred prior to delivery; hispanic origin, if any, and race of father (except when mother is not married to the father); social security numbers of the father; education of father (except when mother is not married to the father); pregnancy history of mother, including date of last live birth and date of last other termination of pregnancy; date of last normal menses and physician's or midwife's estimate of gestation; month of pregnancy prenatal care began; source of prenatal care; number of prenatal visits; birthweight of child in grams; mother married to father of child; Apgar score of child at one minute and five minutes; obstetric procedures and method of delivery; newborn conditions and congenital malformations or anomalies of child, if any; infant transferred; medical history for this pregnancy; other history for this pregnancy; events of labor and delivery, and an optional item for the parent to request the State Registrar to report the birth to the Social Security Administration for account number issuance.

B. Delayed Certificate of Birth, Commonwealth of Virginia, for delayed registrations of birth, shall contain the following items: full name at time of birth; sex; place of birth; date of birth; name of father (except when mother was not

married to father at the time of birth or during the 10 months next preceding the birth); race of father (except when mother was not married to the father); birthplace of father (except when mother was not married to the father); full maiden name of mother; race of mother; birthplace of mother; certification and signature of applicant; address of applicant; relationship of applicant to registrant; statement and signature of notary public (or other official authorized to administer oaths); description of documentary evidence submitted; certification and authorized signature of the State Registrar; date certificate filed by the State Registrar; and number of certificate.

C. Certificate of Live Home Birth, Commonwealth of Virginia, is required to be registered within 30 days after time of birth and shall be registered with the local health department in which the birth occurred. The local registrar or the deputy registrar shall forward such registration of Live Home Birth filed within 30 days to the State Registrar. The Certificate of Live Home Birth, Commonwealth of Virginia, for registrations at time of birth, shall contain the following items: child's full name; place of birth; usual residence of mother; sex of child; single or plural birth and birth order of plural birth; date of birth; full name of father (except when the mother is not married to the father); age of father (except when the mother is not married to the father); birthplace of father (except when the mother is not married to the father); full maiden name of mother; age of mother; birthplace of mother; certification of parent (if available); certification of attendant at birth, including title, address, and date signed; date the certificate was received by the registrar; registrar's signature; registration area and certificate numbers; state birth number; and supplemental confidential data to consist of the following items: medical record and social security numbers of the mother; hispanic origin, if any, and race of mother; education of mother; mother transferred prior to

delivery; hispanic origin, if any, and race of father (except when mother is not married to the father); social security number of the father; education of father (except when mother is not married to the father); pregnancy history of the mother, including date of last live birth and date of last other termination of pregnancy; date of last normal menses and physician's or midwife's estimate of gestation; month of pregnancy prenatal care began; source of prenatal care; number of prenatal visits; birth weight of child in grams; mother married to father of child; Apgar score of child at one minute and five minutes; obstetric procedures and method of delivery; newborn conditions and congenital malformations or anomalies of child, if any, infant transferred; medical history of this pregnancy; other history of this pregnancy; events of labor and delivery and an optional item for the parent to request the State Registrar to report the birth to the Social Security Administration for account number issuance. If the Certificate of Live Home Birth is not filed at the time of birth or within 30 days, supporting documents to establish a registration may be required and shall be as follows:

1. Evidence of pregnancy, such as but not limited to:
 - a. Prenatal record;
 - b. A statement from a physician or other health care provider qualified to determine pregnancy;
 - c. A home visit by a public health nurse or other health care provider;
 - or
 - d. Other evidence acceptable to the State Registrar.
2. Evidence that the infant was born alive, such as but not limited to:
 - a. A statement from the physician or other health care provider who saw or examined the infant;

b. An observation of the infant during a home visit by a public health nurse; or

c. Other evidence acceptable to the State Registrar.

3. Evidence of the mother's presence in the Commonwealth of Virginia on the date of the birth, such as but not limited to:

a. If the birth occurred in the mother's residence;

(1) A driver's license or state-issued identification card that includes the mother's current residence on the face of the license/card;

(2) A rent receipt that includes the mother's name and address;

(3) Any type of utility, telephone, or other bill that includes the mother's name and address; or

(4) Other evidence acceptable to the State Registrar.

b. If the birth occurred outside of the mother's place of residence and the mother is a resident of the Commonwealth of Virginia, such evidence shall consist of the following:

(1) An affidavit from the owner, supervisor, manager and tenant of the premises where the birth occurred stating that the mother was present on those premises at the time of the birth;

(2) Evidence of the affiants' residence similar to that required in subdivision 3 of this subsection; and

(3) Evidence of the mother's residence in the Commonwealth of Virginia similar to that required in subdivision 3 a of this subsection.

c. If the mother is not a resident of the Commonwealth of Virginia, evidence that the home birth took place in Virginia must consist of clear and convincing evidence acceptable to the State Registrar, such

as affidavits of the persons present at the time of the birth, proof of such affiants' residence as set out in subdivision 3 a of this subsection, ambulance records, police records, or the like.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §3.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-110. Death certificate items.

The certificate of death to be used shall be the Certificate of Death, Commonwealth of Virginia, and shall contain the following items: full name of decedent; place of death; usual residence; date of death; sex; hispanic origin, if any, and race; education; date of birth; age; birthplace; citizenship; usual occupation and industry; veteran status; social security number or control number issued by the Department of Motor Vehicles; father's name; mother's maiden name; marital status and name of spouse, if married or widowed; informant's name and relationship to decedent; medical certification of cause of death; autopsy; if female, was there a pregnancy during past three months; and supplementary data concerning death due to external causes; certification of attending physician or medical examiner, including title, address, and date signed; disposition of the body; signature of funeral service licensee; name and address of funeral home; date received by registrar; registrar's signature; registration area and certificate numbers; and state file number.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §3.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-120. Fetal death or induced termination of pregnancy report items.

A. The Report of Fetal Death Commonwealth of Virginia, and shall contain the following items for spontaneous fetal deaths: place of occurrence; usual residence of patient (mother); full maiden name of patient; medical record number and social security number of patient; hispanic origin, if any, and race of patient; age of patient; education of patient; sex of fetus; patient married to father; previous deliveries to patient; single or plural delivery and order of plural delivery; date of delivery; date of last normal menses and physician's estimate of gestation; weight of fetus in grams; month of pregnancy care began; number of prenatal visits; when fetus died; congenital malformations, if any; events of labor and delivery; medical history for this pregnancy; other history for this pregnancy; obstetric procedures and method of delivery; autopsy; medical certification of cause of spontaneous fetal death; signature of attending physician or medical examiner including title, address and date signed; method of disposal of fetus; signature and address of funeral service licensee or hospital representative; date received by registrar; registrar's signature; registration area and report numbers.

B. The Report of Induced Termination of Pregnancy, Commonwealth of Virginia, and shall contain the following items for induced terminations of pregnancy: place of occurrence; usual residence of patient; patient identification number; age of patient; hispanic origin, if any, and race of patient; education of patient; patient married to father; date of pregnancy termination; pregnancy history of patient; date of last normal menses and physician's estimate of

gestation; type of termination procedures; pregnancy terminated because of genetic defect; signature, title, and address of person completing this report; registration area and report numbers.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §3.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-125. Certificate of birth resulting in a stillbirth.

In accordance with §32.1-258.1 of the Code of Virginia, a certificate of birth resulting in a stillbirth shall be issued upon request from the parent for a fetal death of 20 weeks or more gestation and payment of the appropriate fee for a vital record. This certificate shall contain the following information; name (optional), mother's maiden name, father's name (if indicated), date of event, and hospital of occurrence. When no report of spontaneous fetal death is available to establish the event, documentation from the following sources is acceptable: physician or licensed nurse midwife who provided care to the mother, documentation from the medical record maintained at the hospital of occurrence, copy of the report of spontaneous fetal death or documentation from funeral service director (if such services were provided).

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-130. Marriage return and certificate items.

The record of marriage to be used shall be the Marriage Return and Certificate, Commonwealth of Virginia, and shall contain the following items: city or county of the court of issuance; court clerk's number; for the groom: full name, age, date and place of birth, social security number or control number issued by the Department of Motor Vehicles, race, marital status if previously married, number of marriage, education, usual residence, the names of parents; for the bride: full name, maiden name, age, date and place of birth, social security number or control number issued by the Department of Motor Vehicles, race, marital status if previously married, number of marriage, education, usual residence, and names of parents; signature of clerk of court and date of license; date and place of marriage; whether civil or religious ceremony; certification and signature of officiant indicating title, address, and year and court of qualification; date received by clerk of court from officiant; and state file number.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §3.4, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-140. Report of divorce or annulment items.

The report of divorce or annulment to be used shall be the Report of Divorce or Annulment, Commonwealth of Virginia, and shall contain the following items: city or county of court of issuance; for the husband: full name, date and place of birth, social security number or control number issued by the Department of Motor Vehicles, education, number of marriage, usual residence; for the wife: full maiden name, date and place of birth, social security number or control number

issued by the Department of Motor Vehicles, education, number of the marriage, usual residence; date and place of marriage; identity of plaintiff and to whom divorce granted; number and custody of children under 18 in this family; date of separation; date of divorce; legal grounds or cause of divorce; signature of attorney or petitioner; certification and signature of clerk of court indicating type of decree; court file number; date final order entered; and state file number.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §3.5, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

Part IV

Preparation of Certificates

12VAC5-550-150. Requirements for completion.

All certificates and records provided for in the statutes governing vital event registration shall be prepared on a typewriter with a black ribbon whenever possible or shall be printed legibly in black ink or written legibly in black unfading ink or entered on electronic media approved by the State Registrar. All signatures required shall be entered in black ink. No certificate shall be considered as complete and correct and acceptable for filing that:

1. Does not supply all items of information called for thereon or satisfactorily account for their omission.
2. Contains alterations or erasures.
3. Does not contain original signatures.
4. Is marked "copy" or "duplicate."

5. Is a carbon copy or photocopy.
6. Is prepared on an improper form.
7. Contains obviously improper or inconsistent data.
8. Contains any data relative to the putative father of a child born out of wedlock without his written consent or unless determined by a court of competent jurisdiction as required by §32.1-257 of the Code of Virginia.
9. Contains an indefinite cause of death denoting only symptoms of disease or conditions resulting from disease.
10. Is not prepared in conformity with these regulations or instructions issued by the State Registrar.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §4.01, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

Part V

Registration Districts

12VAC5-550-160. Geographical areas.

For vital event registration purposes, the Commonwealth is hereby divided into registration districts as follows: Each independent city and each county shall constitute a registration district, provided that the State Registrar may designate special registration districts within cities and counties where necessary to facilitate registration.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §5.1, eff. April 1, 1995.

12VAC5-550-170. Registrars' representatives.

Each registrar for an independent city or county may appoint one or more representatives to act for the registrar after regular office hours. Such representatives may issue out-of-state transit permits as specified in Part X of this chapter.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §5.2, eff. April 1, 1995.

Part VI

Duties of Registrars

12VAC5-550-180. Acceptance of certificates.

Each registrar shall examine certificates as they are submitted for registration to determine whether they have been prepared in accordance with the provisions of the statutes, regulations, and instructions. If unsatisfactory, it shall be the duty of the registrar to notify the person responsible for the registration of its defects and to secure a complete and correct registration. Each registrar or his deputy shall note over his signature the date each certificate of birth, death, or report of fetal death was filed with him and shall number consecutively the certificates of birth, death, and fetal death in three separate series beginning with number 1 for the first certificate in each respective series in each calendar year.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §6.1, eff. April 1, 1995.

12VAC5-550-190. Local records.

On forms furnished by the State Registrar or on electronic media approved by the State Registrar, each registrar shall record the following information from the original records before forwarding such original records to the State Registrar:

1. For birth records: the full name of the child, sex and race of child, date of birth, place of birth, names of parents, residence of parents, date filed, and local certificate number.

2. For death records: the full name of the decedent, race and sex of decedent, date of death and place of death, date filed, and local certificate number.

3. For spontaneous fetal death records: surname of family, race and sex of fetus, date and place of delivery, date filed, and local report number.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §6.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-200. Reporting periods.

A. Special registrars shall, upon receiving all information on the properly completed forms, forward them to the State Registrar on the fifth day of the month. If no birth, death, or fetal death was registered in any month, that fact shall be reported on the fifth day of the following month on a form provided for that purpose.

B. City and county registrars shall transmit weekly to the State Registrar all complete original certificates filed with them or received by them from special registrars during the period preceding such dates. Each shipment of certificates sent by special registrars and by city and county registrars shall be accompanied by a transmittal form provided for that purpose.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §6.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-210. Promotion of registration.

Each registrar is to familiarize himself with the statutes, regulations, and instructions so that he may promote and stimulate complete and accurate registration. Lists of hospitals, physicians, medical examiners, funeral service licensee, and midwives should be maintained where necessary for reference purposes.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §6.4, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

Part VII

Foundling Registration

12VAC5-550-220. Procedure.

Whoever assumes custody of a living infant of unknown parentage shall on a blank certificate of live birth report the required facts. The certificate shall be plainly marked "foundling registration" in the top margin and data required will be determined by approximation. Parentage data shall be left blank, and the certification of the informant shall be signed by the custodian indicating title, if any. The item "Certification of the attendant," shall be signed by the physician who examines the foundling child. On the reverse of the form shall be listed the name and address of the persons or institution with whom such child has been placed for care and the date and place the child was found.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §7.1, eff. April 1, 1995.

Part VIII

Delayed Birth Registration

12VAC5-550-230. Late registration and delayed registration defined.

A. The registration of a nonrecorded birth after the statutory time prescribed for filing but within one year from the date of birth shall be a "late birth registration." As such, its filing shall be subject to the requirements of 12VAC5-550-250 but shall not be considered a "delayed registration." The registration of a nonrecorded birth after one year from the date of birth shall be a "delayed birth registration."

B. For those births occurring more than one year but less than seven years prior to the date of filing, the birth registrations shall be prepared and filed on the certificate of live birth form in use at the time of birth and shall be plainly marked in the upper margin "delayed registration." Such certificates shall be subject to the requirements of 12VAC5-550-250 and not subject to 12VAC5-550-260.

C. The registration of a nonrecorded birth seven or more years after the date of birth shall be a "delayed birth registration" and shall be registered by the State Registrar on special forms provided for such purposes and shall be subject to the requirements of 12VAC5-550-260.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §8.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-240. Who may file a late or delayed birth certificate and conditions.

A. A person born in the Commonwealth of Virginia whose birth is not recorded, or his parent or guardian, legal representative, or an older person having knowledge of the facts of birth, may file a certificate of birth after the time prescribed for filing subject to the procedures and requirements established by these regulations and instructions issued by the State Registrar.

B. No delayed Certificate of Birth shall be registered for a deceased person.

C. Application for delayed certificates that 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.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §8.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-250. Procedures and requirements for late birth registration and delayed birth registration within seven years of date of birth.

A. Late birth registrations and delayed birth registrations filed within seven years of the date of birth shall be prepared and filed on the certificate of live birth form in use at the time of birth. To be acceptable for filing, the certificate must be signed by the physician or other person who attended the birth; or if the birth occurred in a hospital, the hospital administrator, or his designated representative, may sign the certificate; or if the physician or other person who attended the birth is not available, and the birth did not occur in a hospital, the certificate may be signed by one of the parents, provided that a notarized statement is attached to the certificate outlining the reason why the certificate cannot be signed by the attendant.

B. The State Registrar or the city or county registrar may require the presentation of additional evidence in support of the facts of birth or an explanation for the delay in filing in any case where there appears to him reason to question the adequacy of the registration. Home birth records shall follow procedures in 12VAC5-550-100 C.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §8.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-260. Procedure and requirements for delayed birth registration seven or more years after date of birth.

A. Application for a delayed birth registration after seven years have elapsed since the date of birth shall be made to the State Registrar and shall be filed according to instructions issued by the State Registrar.

B. If a prior birth certificate is located for the registrant, a delayed birth certificate shall not be filed. The final acceptance of a delayed birth certificate for filing shall remain in a pending status until evidence is submitted in support thereof satisfactory to the State Registrar as outlined in subsection E of this section, or until one year from the date of application, in which event the application shall lapse.

C. The following facts concerning the person whose birth is to be registered must be established:

1. The full name of the person at the time of birth, except that the delayed certificate may reflect a name established by adoption or legitimation when such evidence is submitted;

2. The date and place of birth; and

3. The names of the parents, except that if the mother of the child was not married to the father of the child at the time of birth, or during the 10 months preceding such birth, the name of the father shall not be entered on the delayed certificate unless the child has been adopted or legitimated, or parentage has

been determined by a court of competent jurisdiction pursuant to §32.1-257 of the Code of Virginia, or both natural parents present a sworn acknowledgement of paternity.

D. Delayed birth certificates shall be prepared on forms supplied by the State Registrar. Each such delayed certificate 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 available and is competent to sign and swear to the accuracy of the facts stated therein; if not, the application shall be signed and sworn to by one of the parents, guardian, legal representative, or by an older person having knowledge of the facts of birth.

E. The birth facts entered on the delayed certificate shall be supported by at least three pieces of documentary evidence; except that:

1. If one of the documents was established before the registrant's seventh birthday, only two such documents shall be required.

2. If the person whose birth is being registered is 15 years of age or under, only two such documents shall be required.

F. All documents used shall be primary evidence, such as school admission records, physician's records, insurance applications, baptismal records, federal census abstracts, immunization records, or passports. Only one affidavit of personal knowledge shall be used as an additional supporting document.

G. Facts of parentage need only be supported by one such document described in subsection F of this section.

H. Documents shall be in the form of the original or certified or true copies of the original.

I. All documents, except the affidavit of personal knowledge, shall be returned to the applicant after review.

J. Whether delayed certificates and documentary evidence submitted conform with this chapter and are acceptable for filing shall be determined by the State Registrar. If, in his judgment, an applicant does not submit the documentation required in support of the facts of birth or if there appears reason to question the delayed registration, the delayed birth certificate shall not be accepted and the applicant shall be advised of its deficiencies.

1. If a delayed birth certificate is acceptable for filing, the State Registrar or his designated representative shall abstract on the delayed birth certificate form a description of each document submitted in support of the delayed registration, including the kind and title of the document; the name and relationship of the affiant if the document is an affidavit of personal knowledge; the date the document was originally established; and

2. The State Registrar or his designated representative shall then enter the date of filing of the delayed registration, and by his signature thereto shall certify:

- a. That no prior birth certificate is on file for the person whose birth is to be registered.
- b. That the documentary evidence submitted to establish the facts of birth has been reviewed and is in conformity with the stated facts.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §8.4, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-270. Cancellation records.

When the State Registrar shall be satisfied that a late or a delayed birth certificate was obtained through fraud or misrepresentation, he shall give to the person named in the certificate a notice in writing of his intention to cancel said certificate. The notice shall give such person an opportunity to appear to show cause why the certificate should not be cancelled. The notice may be served on such person or in the case of a minor or incompetent to his parent or guardian by forwarding the notice by certified mail to his last known address on file in the Division of Vital Records and Health Statistics. Any appeal shall be governed by the provisions of the Virginia Administrative Process Act pursuant to Title 9, Chapter 1.1:1 of the Code of Virginia.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §8.5, eff. April 1, 1995.

Part IX

New Birth Certificates After Adoption, Legitimation, Acknowledgement of
Paternity, or Court Determination of Paternity

12VAC5-550-280. Adoptions.

New birth certificates after adoption, legitimation, acknowledgment of paternity, or court determination of paternity shall be established under the following conditions:

1. A new certificate of birth may be prepared by the State Registrar for a child born in Virginia and subsequently adopted through the courts of Virginia, the several states of the United States, or in a foreign country. An adoption report or

certified copy of an adoption decree must be in the possession of the State Registrar together with a request that a new certificate be prepared.

2. A certificate of birth may be prepared by the State Registrar for a child born in a foreign country and subsequently adopted through a court in Virginia. An adoption report must be in the possession of the State Registrar together with a request that a Virginia registration of the birth be prepared. Such certificates shall not confer citizenship upon the child or the adoptive parents.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-290. Legitimation.

If the biological parents of a child shall marry after the birth of a child, a new certificate of birth may be prepared by the State Registrar for a child born in Virginia provided that the name of another man is not shown as the father on the original certificate. An affidavit of paternity, executed subsequent to the birth of the child, by both biological parents and a certified copy of the parents' marriage record must be in the possession of the State Registrar together with a request that a new certificate be prepared. If another man is so listed, a new certificate may be prepared only if a determination of paternity shall be ordered by a court of competent jurisdiction or pursuant to §20-49.8 of the Code of Virginia. If the mother was married at the time of the child's birth or in the 10 months next preceding, the State Registrar will not accept the acknowledgment of paternity form. A new certificate may be prepared only if a determination of paternity shall

be ordered by a court of competent jurisdiction or pursuant to §20-49.8 of the Code of Virginia.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-300. Acknowledgement of paternity.

A new certificate of birth may be prepared by the State Registrar for a child born out of wedlock in this Commonwealth upon receipt of a sworn acknowledgement of paternity, executed subsequent to the birth of the child, signed by both parents and a written request by both parents that the child's surname be changed or not be changed on the certificate to that of the father. If the mother was married at time of the child's birth or in the 10 months next preceding or 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 pursuant to §20-49.8 of the Code of Virginia.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-310. Court determination of paternity.

A. If no appeal has been taken from the final order and the time allowed to perfect an appeal has expired, a new certificate of birth may be prepared by the State Registrar for a child born in this Commonwealth upon receipt of a certified copy of a court determination of paternity.

B. A new certificate of birth may be prepared by the State Registrar for a child born in the Commonwealth upon receipt of the certified copies of a document signed by a man indicating his consent to submit to scientifically reliable genetic tests, including blood tests, to determine paternity and the genetic test results affirming at least a 98% probability of paternity from an ABBA-approved laboratory, together with a request from the biological mother, biological father or person having legal custody of the child that such new certificate be prepared. Changing the child's surname to the biological father's surname requires the signatures of both parents or (i) the father in the case of death or incapacity of the mother or (ii) the mother in the case of the death or incapacity of the father.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.4, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-320. Change of sex.

Except as provided in subdivision 3 of 12VAC5-550-450, upon presentation of acceptable evidence (preoperative diagnosis, postoperative diagnosis and description of procedure) and a notarized affidavit from the physician performing the surgery, a new certificate of birth may be prepared by the State Registrar for a person born in this Commonwealth whose sex has been changed by surgical

gender reassignment procedure. A certified copy of the court order changing the name of the registrant as well as designating the sex of the registrant must be in the possession of the State Registrar together with a request that a new certificate be prepared.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.5, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-330. New certificate.

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

1. The name of the child;
2. The date and place of birth as transcribed from the original certificate;
3. The names and personal particulars of the adoptive parents or of the natural parents, whichever is appropriate;
4. The name of the attendant, printed or typed;
5. The birth number assigned to the original birth certificate;
6. The original filing date. The information necessary to locate the existing certificate and to complete the new certificate shall be submitted on forms prescribed by the State Registrar.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.6, eff. April 1, 1995.

12VAC5-550-340. Sealed files.

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 circuit court of this Commonwealth or by the State Registrar for purposes of properly administering the system of vital records and health statistics.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §9.7, eff. April 1, 1995.

Part X

Procedures for Filing Death Certificates

12VAC5-550-350. A proper and complete medical certification of cause of death defined.

A complete and properly executed medical certification of cause of death shall mean the entry by a physician or medical examiner of a definite medical diagnosis of the underlying cause of death and related conditions following the instructions indicated on the death certificate. This may be variously:

1. Supported by clinical findings of the physician who attended the deceased for the illness or condition that resulted in death;
2. Supported by tentative clinical findings that may or may not be supported by the gross findings of an autopsy; or

3. Supported by autopsy findings where necessary to establish a definite medical diagnosis of cause of death.

In cases where an autopsy is to be performed, the physician or medical examiner shall not defer the entry of the cause of death pending a full report of microscopic and toxicological studies. In any case where the autopsy findings significantly change the medical diagnosis of cause of death, a supplemental report of the cause of death shall be made by the physician or medical examiner to the registrar as soon as the findings are available. (As examples: If it is clear that a patient dies of "cancer of the stomach," report the cause while a determination of the histological type is being carried out. Similarly, if it is clear that a death is from "influenza," do not delay the medical certification while a laboratory test is being carried out to determine the strain).

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.1, eff. April 1, 1995.

12VAC5-550-360. Responsibility of the attending physician.

When a patient dies, the physician in charge of the patient's care for the illness or condition shall be responsible for executing and signing the medical certification of cause of death as follows:

1. The physician shall execute and sign the medical certification of cause of death on the death certificate form prescribed by the State Registrar.

2. In an case where an autopsy is scheduled and the physician wishes to await its gross finding to confirm a tentative clinical finding, he shall give the funeral service licensee notice that he attended the patient and when he expects

to have the medical data necessary for the certification of cause of death. If the provisions of 12VAC5-550-350 cannot be adhered to, he shall indicate that the cause is pending and sign the certification. Immediately after the medical data necessary for determining the cause of death have been made known, the physician shall, over his signature, forward the cause of death to the registrar.

3. If the physician is unable to establish the cause of death or if a death is within the jurisdiction of the medical examiner, he shall immediately report the case to the local medical examiner and advise the funeral service licensee of this fact. If the medical examiner does not assume jurisdiction, the physician shall sign the medical certification noting special circumstances and exception.

4. An associate physician who relieves the attending physician while he is on vacation or otherwise temporarily unavailable may certify to the cause of death in any case where he has access to the medical history of the case, provided that he views the deceased at or after death occurs and that death is from natural causes. In all other cases in which a physician is unavailable, the funeral service licensee shall contact the medical examiner.

5. When the attending physician shall have given the person in charge of an institution authorization in writing, the person in charge of such institution, or his designated representative, may prepare the medical certification of cause of death in cases where all pertinent aspects of the medical history are a part of the official medical records and the death is due to natural causes. In such instances, the signature shall be that of a physician.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-370. Responsibility of the medical examiner.

When a medical examiner assumes jurisdiction in a death or when a medically unattended death occurs without medical attendance a known medical history or information, the medical examiner shall be responsible for executing and signing the medical certification of cause of death as follows:

1. The medical examiner shall, at the time of releasing a body to a funeral service licensee or person who first assumes custody of a dead body, or as soon as practicable thereafter, execute and sign the medical certification of cause of death on the death certificate form prescribed by the State Registrar.

2. In any case where an autopsy is scheduled and the medical examiner wishes to await its gross findings to confirm a tentative clinical finding, he shall give the funeral service licensee notice as to when he expects to have the medical data necessary for the certification of cause of death. If the provisions of 12VAC5-550-350 cannot be adhered to, he shall indicate that the cause is pending and sign the certification. Immediately after the medical data necessary for determining the cause of death have been made known, the medical examiner shall, over his signature, forward the cause of death to the registrar.

3. In any case where a death has been referred to the medical examiner because a physician in attendance is deceased or physically incapacitated and there was no associate physician, the medical examiner shall prepare and sign the medical certification of cause of death.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.3, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-380. Responsibility of the hospital or institution.

When a patient shall die in a hospital or institution, and the death is not under the jurisdiction of the medical examiner, the person in charge of such institution, or his designated representative, shall where feasible and where the cause of death is known, aid in the preparation of the death certificate as follows:

1. Place the full name of the deceased on the death certificate form and obtain from the attending physician the medical certification of cause of death.

2. If authorized in writing by the attending physician, the person in charge, or his designated representative, may prepare the medical certification of cause of death in cases where all pertinent aspects of the medical history are a part of the official hospital records and the death is due to natural causes. The signature shall be that of a physician.

3. Present the partially completed death certificate identified by the name and the complete medical certification to the funeral service licensee.

4. In a case of long-term residence by a patient in a state institution, a death certificate including personal particulars of the deceased may be prepared for presentation to the funeral service licensee.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.4, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-390. Responsibility of the funeral service licensee.

Each funeral service licensee who has been authorized to take custody of a dead human body shall exercise the following responsibilities with respect to the preparation and filing of the death certificate:

1. When he arrives to take custody of the body, he shall first ascertain whether an attending physician or local medical examiner has established the cause of death as follows:

a. The funeral service licensee shall obtain the medical certification of cause of death from the physician if the death is from natural causes. An associate physician or person in charge of an institution may prepare the medical certification as outlined in 12VAC5-550-360.

b. If a physician attended the deceased but did not complete the medical certification of cause of death, the funeral service licensee shall immediately contact such physician in person or by telephone to be certain that he was the attending physician and to ascertain whether the physician is to assume responsibility for the medical certification or to refer the case to the medical examiner.

c. When a medical examiner assumes jurisdiction in a death, or when a physician in attendance is incapacitated, the funeral service licensee shall obtain the signed medical certification of cause of death from the medical examiner as required by subdivision 3 of 12VAC5-550-370.

2. The personal history of the deceased and the facts of the death shall be obtained from the best source possible. This source may be variously: a member of the immediate family of the deceased who possesses the necessary information; a hospital records custodian whose records contain the necessary information; or the local medical examiner having jurisdiction over a case. The

name of the informant, his address and relationship to the decedent shall be entered on the death certificate. The facts required as to the manner and place of disposal of the body or its removal from the Commonwealth shall be entered over the signature of the funeral service licensee. He shall personally sign the certificate and print or type the name of his firm.

3. Except as outlined in 12VAC5-550-410, a satisfactory death certificate shall be filed with the city, county, or special registrar in the city or county where death occurred, or a dead body is found, prior to final disposal of the body or its removal from the Commonwealth, and within three days. In cases where a completed medical certification is not available when the funeral service licensee takes possession of a body, he shall not move the body from the place of death until so authorized by the local medical examiner or until the attending physician has advised him that death is from natural causes and the physician is able to prepare the medical certification of cause of death. In every case, the removal of a dead human body from the city or county of death is unlawful unless notice is given to the city, county, or special registrar by telephone or in person. Such notice shall consist of the name of the deceased, date and place of death, and the name of the attending physician or of the medical examiner, as the case may be, and, if the body is to be removed, the destination within the Commonwealth. Such notification shall be made during the next available business hours of the registrar following the time of death. After business hours, in independent cities and in designated counties, such notification shall be made immediately on assumption of custody of the deceased to the registrar's representative.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.5, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-400. Out-of-state transit permits.

A. The body of any person whose death occurs in Virginia or whose body shall be found dead therein shall not be removed from the Commonwealth unless an out-of-state transit permit on a form prescribed by the State Registrar has been issued by the city, county, or special registrar of the city or county where the death occurred or the body was found except as outlined in 12VAC5-550-410.

B. No out-of-state transit permit shall be issued until a proper certificate of death is filed except as outlined in 12VAC5-550-410.

C. A certificate of death shall be considered to be properly filed:

1. When all items thereon have been answered in the manner prescribed by the State Registrar; and

2. When the certificate has been presented for filing with the city, county, or special registrar of the city or county where the death occurred or the body was found, or, in emergency cases, with the city or county registrar of the area to which removal was made within the Commonwealth.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.6, eff. April 1, 1995.

12VAC5-550-410. Emergency cases: Filing of death certificates elsewhere.

A. Under the conditions of §32.1-266 of the Code of Virginia, the following situations are declared to be proper reasons for emergency extensions of time periods for filing a completed death certificate:

1. A completed or pending medical certification is unavailable.
2. Personal data concerning the deceased is temporarily unavailable.
3. The body must be moved immediately out of the Commonwealth.

B. If one or more of the above situations exists and the conditions of subdivision 3 of 12VAC5-550-390 have been complied with by the funeral service licensee when the body is to be moved, any authorized registrar, or registrar's representative, may issue an out-of-state transit permit. Such permit shall be issued upon application by a funeral service licensee and the presentation by the funeral service licensee, over his signature only, of a death certificate form complete in as many known details as possible.

C. The incomplete death certificate form originally furnished to the registrar as outlined in subsection B of this section is to be placed by the funeral service licensee with a completed death certificate as soon as the missing data become known or the medical certification is obtained, or within 10 days, whichever occurs first.

D. Under emergency provisions and the conditions of subdivision 1 c of 12VAC12-550-390, the death certificate may be filed with a registrar other than the registrar at the place of death. When a registrar of an area other than the place of death receives a completed death certificate, he shall not sign nor number the certificate, but shall make a notation in the left-hand margin indicating his name and whether or not an out-of-state permit has been issued.

The registrar receiving the death certificate shall immediately forward the death certificate to the city or county registrar at the place of death.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.7, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-420. Forwarding "pending cause" death certificates.

A death certificate received by a city or county registrar which contains a signed medical certification of cause of death, but the cause is not complete by reason of a pending inquest, investigation, or autopsy should be sent to the State Registrar on the regular reporting date with completed records. If the cause of death is completed by the presentation of a second and complete certificate before the original certificate is sent to the State Registrar, the original incomplete certificate should be marked "VOID." The completed death certificate should be processed as a current certificate and should be forwarded to the State Registrar. If the cause of death is completed by a properly signed query form or other statement, the cause of death information may be added to the incomplete death certificate by the State Registrar.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.8, eff. April 1, 1995.

12VAC5-550-430. Disinterment permits.

A. Unless so ordered by a court of competent jurisdiction, a body shall not be disinterred for removal or transportation until an application for disinterment has been submitted to the city or county registrar or to the State Registrar.

B. The city or county registrar at the place from which disinterment is to be made shall issue a disinterment permit in triplicate. One copy shall be retained by the funeral service licensee to whom issued, one copy filed with the sexton or person in charge of the cemetery in which disinterment is to be made, and one copy to be used during transportation and filed with the sexton or person in charge of the cemetery of reinterment. The State Registrar may issue a letter of authorization in lieu of individual permits when numbers of bodies are to be moved in one operation from the same place of disinterment to the same place of reinterment.

C. A disinterment permit shall not be required if a body is to be disinterred and reinterred in the same cemetery; however, the sexton or other person in charge of the cemetery shall establish a record relative to the facts of disinterment and reinterment within the cemetery.

D. A body kept in a receiving vault shall not be regarded as a disinterred body until after expiration of 30 days.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §10.9, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

Part XI

Correction and Amendment

12VAC5-550-440. Applications for correction.

A. After 30 days from the date of filing, no change or alteration in any birth or death certificate on file with the State Registrar or on file in any city or county of this Commonwealth shall be made except upon application to the State Registrar.

1. To change or alter a birth certificate, such application shall be made by the reporting source, one of the parents, guardian, or legal representative of the child, or, if the person whose certificate is involved is 18 years of age or over, by the person himself.

2. To change or alter a death certificate, such application shall be made by the surviving spouse or the next of kin of the deceased, attending funeral service licensee, or other reporting source, such as hospital medical records.

3. Changes or alterations of the medical certification of cause of death may be requested only by the attending physician or by the medical examiner.

B. Within 30 days from the date of filing, missing data or corrected information may be entered on a birth or death certificate by the State Registrar or by the city or county registrar when the original record is in his possession.

1. Applications for changes or alterations may be made by persons outlined in subdivision A 1 or A 2 of this section.

2. Missing or corrected data may be obtained at the initiative of the city or county registrar by personal call, telephone, or query form from the reporting source responsible for filing the birth or death certificate. Data so obtained by the registrar shall not be deemed an amendment.

C. Marriage and divorce or annulment records on file with the State Registrar may be amended only by notification from the clerk of court in which the original record is filed. Such notification to the State Registrar shall indicate what items have been amended on the original record and shall indicate that the State Registrar's copy should be amended accordingly. Evidence required for amending marriage and divorce or annulment records shall be determined by the court in which the original record is filed.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §11.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-450. Evidence required for corrections or amendments.

Every application for a correction or amendment of a birth or death certificate shall be accompanied by appropriate documentary evidence as follows:

1. Except as provided in subdivisions 2 and 3 of this section, name changes, other than minor corrections in spelling involving the given names or surname of a registrant, or the given names or surnames of the parents or of a spouse as listed on a certificate, shall require that a certified or attested copy of a court order changing the name be obtained.

a. In cases where the mother's married surname is listed instead of her maiden name, a correction can be made administratively with a correction affidavit and copy of her birth record.

b. In cases where the given name shown on a birth certificate was not used or known to the registrant and this fact can be proven by the

registrant, the birth certificate can be amended administratively with primary evidence showing the name at birth and a correction affidavit.

2. Within one year of birth, the given names listed on a birth certificate may be changed by the affidavit of:

- a. Both parents;
- b. The mother in the case of a child born out of wedlock;
- c. The father in the case of the death or incapacity of the mother;
- 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.

3. In cases of hermaphroditism or pseudo-hermaphroditism, given names of a registrant may be changed on a birth certificate by affidavit of the parents or guardian as listed in subdivision 2 of this section, or by affidavit of the registrant if 18 years of age or older. Additionally, a statement from a physician must be submitted which certified the birth record of the registrant contains an incorrect designation of sex because of congenital hermaphroditism, pseudo-hermaphroditism, or ambiguous genitalia which has since been medically clarified.

4. Except as otherwise provided in the Code of Virginia or this chapter, after one year from the date of birth, any change of name shall be made only by court order, and any second change of name within one year shall be made only by court order.

5. Within seven years after birth, given names may be added to a birth certificate where such information has been left blank by use of an affidavit only prepared by the parent, guardian, or legal representative of the child.

6. If the date of birth on a birth certificate is to be changed more than one year, a certified copy of a court order changing the date of birth shall be submitted. Evidence to be supplied to the court in support of such change should include a federal census transcript from the Bureau of the Census.

7. If the date of birth on a birth certificate is to be changed to one year or less from the date of birth, a federal census transcript from the Bureau of the Census shall be required as documentary evidence.

8. If a federal census transcript cannot be obtained, an affidavit shall be obtained which sets forth: the identity of the incorrect record, the incorrect data as it is listed, the correct data as it should be listed, and the documentary evidence supporting the facts. In addition to the affidavit, a document or certified or true copy of such document must be obtained which was written before the registrants' eighth birth date and will establish the identity of the certificate to be altered or corrected and will support the true and correct facts. Any item of a vital record which has been previously corrected may only be changed again by court order.

9. All documents, except the affidavit, shall be returned to the applicant after review.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §11.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-460. Methods of correcting or altering certificates.

A. A new name authorized by court order shall be recorded by drawing a single line through the name appearing on the certificate and inserting above it or to the side of it the new name. In addition, there shall be inserted on the certificate a statement that the name was changed by court order and the date and place of such order. The word "Amended" shall be written in the top margin of the certificate. Certificates on which given names are added within seven years after birth or on which given names have been changed at any time pursuant to subdivision 3 of 12VAC5-550-450 shall not be considered as amended.

B. In all other cases, corrections or alterations shall be made by drawing a single line through the incorrect item, if listed, and by inserting the correct or missing data immediately above it or to the side of it, or by completing the blank item, as the case may be. In addition, there shall be inserted on the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts and the date the correction was made. If three months have elapsed from the date of filing, the word "Amended" shall be written in the top margin of the certificate unless otherwise stated in this chapter.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §11.3, eff. April 1, 1995.

Part XII

Inspection of Records and Disclosure of Information

12VAC5-550-470. Individual requests.

A. Upon request, the State Registrar or the city or county registrar shall disclose data or issue certified copies of birth or death records or information when satisfied that the applicant therefor has a direct and tangible interest in the content of the record and that the information contained therein is necessary for the determination or protection of personal or property rights.

B. A direct and tangible interest may be evidenced by requests from the registrant, members of his immediate family, his guardian, or their respective legal representatives in the case of birth records. Such direct and tangible interest may be evidenced by requests from surviving relatives or their legal representatives in the case of death records.

C. For the purposes of securing information or obtaining certified copies of birth records, the term "legal representative" shall include a registrant's attorney; a person with power of attorney for affairs of registrant; an attending physician; or a federal, state or local governmental agency acting in behalf of the registrant or his family.

D. For the purposes of obtaining information of certified copies of death certificates, the term "legal representative" shall include the registrant's funeral service licensee; attorney; person with power of attorney for the affairs of the registrant; insurance company insuring the registrant; a federal, state or local governmental agency acting in behalf of the registrant or his family; a court appointed guardian; or a court appointed administrator.

E. A direct and tangible interest shall not be evidenced by the biological parents of an adopted child; nor by commercial firms, agencies, nonprofit or religious organizations requesting listings of names or addresses.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §12.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-480. Research requests.

The State Registrar or the city or county registrar may permit use of data from vital records for bona fide research purposes subject to reasonable conditions the State Registrar may impose to ensure that the use of the data is limited to such research purposes.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §12.2, eff. April 1, 1995.

12VAC5-550-490. Official requests.

The State Registrar or the city or county registrar may disclose data from vital records to federal, state, county, or municipal agencies of government which request such data in the conduct of their official duties; except that records governed by §§32.1-261 and 32.1-274 D and E of the Code of Virginia, may be made available only by the State Registrar for official purposes to federal, state, county, or municipal agencies charged by law with the duty of detecting or

prosecuting crime, preserving the internal security of the United States, or for the determination of citizenship.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §12.3, eff. April 1, 1995.

12VAC5-550-500. Application for records.

The State Registrar or the city or county registrar may require written applications for data; the identification of an applicant; or a sworn statement, when it shall seem necessary to establish an applicant's right to information from vital records.

Statutory Authority

§32.1-273 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §12.4, eff. April 1, 1995.

Part XIII

Certifications of Data; Fees

12VAC5-550-510. Certified copies; how prepared.

A. Under the provision of §32.1-272 of the Code of Virginia and Part XII (12VAC5-550-470 et seq.) of this chapter, certifications of vital records may be prepared and issued by the State Registrar and, where applicable, by the city or county registrar.

B. Certifications may be made by photostat or other reproduction process, typewriter, or electronic print except that medical and health data on the birth certificate shall not be so certified.

C. The statement to appear on each certification of a vital record is to read as follows:

"This is to certify that this is a true and correct reproduction or abstract of the official record filed with the.....Department of Health,....., Virginia.

Date issued.....

..... Registrar"

The registrar will enter the appropriate city or county name in the spaces provided, date and sign the certification, and enter his official title.

D. The seal of the issuing office is to be impressed on the certification.

E. Short form certifications of birth records that make no reference to parentage may be issued by the State Registrar.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §13.1, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

12VAC5-550-520. Fees.

A. The fee to be charged by the State Registrar or by the city or county registrar shall be \$10 for each full certification or short form certification of a vital record, or for a search of the files or records when no copy is made.

B. When documents are amended or delayed birth registration is requested, the requester shall be charged an administrative fee of \$10.

Statutory Authority

§§32.1-12 and 32.1-250 of the Code of Virginia.

Historical Notes

Derived from VR355-29-100 §13.2, eff. April 1, 1995; amended, Virginia Register Volume 19, Issue 26, eff. October 8, 2003.

FORMS

Certificate of Live Birth, VS1 (eff. 1/93).

Certificate of Death, VS2 (eff. 1/89).

Certificate of Death (Medical Examiner's Certificate), VS2A (eff. 1/89).

Marriage Register, VS3 (eff. 1/90).

Report of Divorce or Annulment, VS4 (eff. 1/90).

Report of Spontaneous Fetal Death, VS5 (eff. 1/93).

Report of Induced Termination of Pregnancy, VS5A (eff. 1/90).

Application for Certification of a Vital Record, VS6 (eff. 7/02).

Out-of-State Transit Permit, VS10 (eff. 7/85).

Permit for Disinterment, Transit, and Reinterment, VS11 (eff. 7/85).

Delayed Certificate of Birth, VS12 (eff. 4/85).

Report of Adoption, VS21 (eff. 7/85).

Acknowledgement of Paternity, VS22 (eff. 9/93).

Affidavit for Correction of a Record, VS32 (eff. 1/87).

Hospital Monthly Vital Statistics Report, VS33 (eff. 7/89).

Funeral Director's Monthly Vital Statistics Report, VS33-A (eff. 3/90).

Court Order Establishing Record of Birth, VS40 (eff. 10/88).
