

**CHAPTER 4600**  
**DEPARTMENT OF HEALTH**  
**VITAL STATISTICS**

4600.0100	DEFINITIONS.	4600.3400	AMENDMENTS.
4600.0200	PREPARATION OF BIRTH AND DEATH CERTIFICATES BY COURT ADMINISTRATOR.	4600.3500	REQUEST FOR ALTERATION.
4600.0300	MAINTENANCE OF LOCAL FILES AND TRANSFER TO THE STATE REGISTRAR.	4600.3600	CERTIFIED COPY REQUIRED.
4600.0400	DUTY OF STATE REGISTRAR TO MAINTAIN AGREEMENT OF RECORDS.	4600.3700	EVIDENCE REQUIRED.
4600.0500	TRANSFER OF RECORD CUSTODY.	4600.3800	DOCUMENTS.
4600.0600	FALSIFIED RECORDS.	4600.4000	ABSTRACT OF DOCUMENTATION REQUIRED.
4600.0700	CERTIFICATES.	4600.4100	REQUIREMENTS FOR AFFIDAVITS.
4600.0800	RECORDING OF INFORMATION.	4600.4200	DUTIES OF LOCAL REGISTRARS FOR ALTERATIONS AND AMENDMENTS.
4600.0900	FEES.	4600.4300	DUTIES OF THE STATE REGISTRAR.
	<b>BIRTH RECORDS</b>	4600.4400	LOCAL REFERRALS TO THE STATE REGISTRAR.
4600.1000	FILING REQUIREMENTS FOR BIRTH CERTIFICATES.	4600.4500	DUTIES OF LOCAL REGISTRAR OF A FEDERAL RESERVATION AND OF A CITY OTHER THAN ONE OF THE FIRST CLASS.
4600.1100	CONFIDENTIAL MEDICAL SUPPLEMENT.		<b>REPLACEMENT OF BIRTH RECORDS</b>
4600.1200	MONTHLY HOSPITAL REPORT.	4600.4600	REPLACEMENT CERTIFICATE.
4600.1300	INFORMATION CONFIDENTIAL.	4600.4700	ADOPTION.
4600.1400	DISPOSITION OF FETAL REMAINS.	4600.4800	LEGITIMATION.
4600.1500	LEGITIMACY.	4600.4900	ADJUDICATION.
4600.1600	FOUNDLING REGISTRATION.	4600.5000	DELAYED REGISTRATIONS.
	<b>DEATH RECORDS</b>	4600.5100	ALTERATION OF REPLACEMENT CERTIFICATE.
4600.1700	DEATH CERTIFICATE.	4600.5200	FOREIGN BIRTHS.
4600.1800	FETAL DEATH REPORT.		<b>CERTIFICATION OF ALTERED RECORDS</b>
4600.1900	COMPLETION OF DEATH CERTIFICATE.	4600.5300	CERTIFICATION OF ALTERED RECORDS.
4600.2000	REFERRALS TO CORONER OR MEDICAL EXAMINER.		<b>ABSTRACTS OF BIRTH</b>
4600.2100	PHYSICIAN IN ATTENDANCE.	4600.5400	ABSTRACT OF BIRTH IN STEPFATHER'S NAME.
4600.2200	MEDICAL CERTIFICATION.	4600.5500	ABSTRACT OF BIRTH IN FOSTER PARENTS' NAME.
4600.2300	DEATHS FROM UNDETERMINED CIRCUMSTANCES.		<b>EXCLUDED INFORMATION</b>
4600.2400	MONTHLY REPORT OF DEATHS.	4600.5600	RESTRICTED CERTIFICATION.
4600.2500	DEAD BODY NOT FOUND.		<b>USE AS EVIDENCE</b>
	<b>DELAYED REGISTRATIONS</b>	4600.5700	PRIMA FACIE EVIDENCE.
4600.2600	DELAYED REGISTRATION OF BIRTH.		<b>ACCESS TO RECORDS</b>
4600.2700	FILING DELAYED REGISTRATIONS WITHIN SEVEN YEARS OF BIRTH.	4600.5800	INFORMATION FOR COMMERCIAL USE.
4600.2800	FILING DELAYED BIRTH REGISTRATIONS SEVEN YEARS OR MORE AFTER BIRTH.	4600.5900	UNAUTHORIZED CERTIFICATION PROHIBITED.
4600.2900	CANCELLATION OF RECORDS.	4600.6000	COPYING OF RECORDS.
4600.3000	DELAYED REGISTRATIONS OF DEATH.		<b>BURIAL, TRANSIT, AND REMOVAL PERMITS</b>
4600.3100	FILING DELAYED DEATH REGISTRATION.	4600.6100	PERMIT FOR DISPOSITION.
4600.3200	PRESERVATION OF DELAYED REGISTRATION EVIDENCE.	4600.6200	NOTICE OF REMOVAL PERMIT.
	<b>ALTERATIONS AND AMENDMENTS OF VITAL RECORDS</b>	4600.6300	ASHES OF THE DEAD.
4600.3300	ALTERATION LIMITATIONS.	4600.6400	ISSUANCE OF A PERMIT.
		4600.6500	USE AND FILING PERMIT.
		4600.6600	CEMETERY OFFICIAL TO BE APPOINTED.
		4600.6700	DEATH OUTSIDE STATE, BURIAL PERMIT.

**4600.0100 DEFINITIONS.**

Subpart 1. **Date filed.** "Date filed" shall mean the date on which a certificate of birth or of death, acceptable for registration under the provisions of the Vital Statistics Act and the rules promulgated thereunder, is first received and subscribed by a local registrar of vital statistics.

Subp. 2. **Delayed registration.** "Delayed registration" shall mean a certificate of birth or of death which is filed one or more years after the date established by law for such filing.

Subp. 3. **Fetal death.** "Fetal death" shall mean death prior to the complete expulsion or extraction of a product of conception from the mother, irrespective of the duration of pregnancy. Death after such separation is indicated by the absence of any evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles.

Subp. 4. **Live birth.** "Live birth" shall mean the complete expulsion or extraction of a product of conception from the mother, irrespective of the duration of pregnancy, which after

this separation shows any evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether the umbilical cord has been cut or the placenta is attached. Each product of such a birth shall be considered live-born.

Subp. 5. **Subregistrars.** "Subregistrars" shall mean licensed morticians designated by the state registrar to receive death certificates for filing, to issue burial permits, and to issue permits for the transportation of dead bodies or dead fetuses within a territory designated by the state registrar shall be known for purposes of parts 4600.0100 to 4600.6700 as subregistrars. Subregistrars shall perform duties as prescribed by parts 4600.0100 to 4600.6700.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.0200 PREPARATION OF BIRTH AND DEATH CERTIFICATES BY COURT ADMINISTRATOR.**

The court administrator of each county and the local registrars of the cities of Minneapolis and Saint Paul shall prepare a transcript of birth and death certificates received for births and deaths occurring in that registration district on which the place of residence of the mother of a child or that of the decedent is shown to be in another registration district of the state and, upon being satisfied that they are correct, shall immediately transmit such certified transcripts to the local registrar of the registration district shown on the original birth and death certificates to be the place of the residence of the mother of the child or of the decedent. But, in any event, the person shall transmit such certified transcripts to the local registrar of the registration district of residence not later than the 11th day of the following month. All such certified transcripts shall be filed and indexed. The facts appearing thereon shall be recorded in the registration district birth and death record as provided for original certificates by the Vital Statistics Act and the rules promulgated thereunder, which shall constitute a legal birth and death record. A certified copy of the facts contained in such record shall be considered for all purposes the same as the original certificate.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *1Sp1986 c 3 art 1 s 82; 17 SR 1279*

#### **4600.0300 MAINTENANCE OF LOCAL FILES AND TRANSFER TO THE STATE REGISTRAR.**

The local registrar shall maintain files of birth and of death records in a form that permits the registrar to immediately locate any record required by the state registrar. The local registrar shall file and date all birth and all death certificates acceptable for registration immediately upon their receipt. Local registrars, other than clerks of district court and of the cities of Minneapolis and Saint Paul shall record them within three days in the manner prescribed by the state registrar, and transmit these certificates to the court administrator of the county in which the birth or death occurred.

On the 11th day of each month the local registrar of each county and of the cities of Minneapolis and Saint Paul shall transmit to the state registrar all original birth and death certificates received on or before the tenth day of that month for births and deaths which occurred during the previous month.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *1Sp1986 c 3 art 1 s 82; 17 SR 1279*

#### **4600.0400 DUTY OF STATE REGISTRAR TO MAINTAIN AGREEMENT OF RECORDS.**

It shall be the duty of the state registrar to ensure that the record on file with the local registrar of the district in which a birth or death occurred agrees with the original of the birth or the death certificate in the state registrar's office.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.0500 TRANSFER OF RECORD CUSTODY.**

Upon the written request of the state registrar, any local official, or other person having custody of any official birth, death, or fetal death records, except as required by the Vital Sta-

**4600.0500 VITAL STATISTICS**

304

tistics Act, shall transfer them to the state registrar, or to the court administrator, as appropriate.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *1Sp1986 c 3 art 1 s 82*

**4600.0600 FALSIFIED RECORDS.**

The state registrar may cancel a falsified record during the first 90 days after filing, provided that a correct certificate is filed in its place.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.0700 CERTIFICATES.**

Subpart 1. **Certificate forms.** The form of birth and death certificates shall be determined by the commissioner. The form and the use of such certificates shall be subject to the provisions of the Vital Statistics Act and parts 4600.0100 to 4600.6700.

Subp. 2. **Preparation of certificates.** Each birth and death certificate shall be legibly and neatly prepared, preferably typewritten, or if handwritten using a black permanent ink. Each form shall be as complete as possible. The registrar to whom a certificate is submitted shall examine the certificate and may refuse to accept for registration any birth or death certificate which is incomplete, inaccurate, illegible, or mutilated. When a certificate is unacceptable, the person responsible for the original filing shall prepare another certificate acceptable for filing, and submit it to the local registrar within 24 hours.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.0800 RECORDING OF INFORMATION.**

Subpart 1. **Time of birth or of death, procedure for recording.** All references to time on vital records shall refer to the time in effect when the event occurred.

Subp. 2. **Determination of place of occurrence.** Whenever a birth, a fetal death, or a death occurs in a moving conveyance, the event shall be considered to have occurred at the place where the child or the body is initially removed from the conveyance.

Subp. 3. **Providing information.** Anyone possessing information concerning a birth, death, or fetal death shall furnish this information when requested by the state or local registrar. No person shall furnish false information in the preparation or the alteration of any vital record or any record used with the burial or the disposition of a human body.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.0900 FEES.**

Subpart 1. **Certified copy.** Effective July 1, 1987, the fee for the issuance of either a certified copy of a birth, death, or marriage record or a certification that the record cannot be found shall be \$8. The fee for additional copies of the identical record requested at the same time shall be \$2 each. No fee shall be charged for a certified copy needed in connection with service in the armed forces or the Merchant Marine of the United States or in the presentation of claims to the United States Veterans Administration or the official veterans administration of any state or territory of the United States or for any copy needed by the commissioner of human services in connection with the needs of state wards. No fee shall be charged for verification of information requested by official agencies of this state, local governments in this state, or the federal government.

Subp. 2. **Replacement.** Effective December 1, 1991, the fee for the replacement of a birth certificate following adoption, legitimation, adjudication of paternity, or acknowledgment of paternity is \$20.

Subp. 3. **Filing delayed registration.** Effective December 1, 1991, the fee for the filing of a delayed registration of birth or death is \$20.

Subp. 4. **Alteration, correction, or completion.** Effective December 1, 1991, the fee for the alteration, correction, or completion of a birth or death certificate when requested more than one year after the filing of the certificate is \$20.

Subp. 5. **Fee for verification.** Effective December 1, 1991, the fee for the verification of information from or noncertified copies of a birth, death, or marriage record is \$8 when the

applicant furnishes specific information to locate the record. When the applicant does not furnish specific information the fee is \$20 per hour for staff time expended. Specific information shall include the correct date of the event and the correct name of the registrant.

Subp. 6. **Copies of other documents.** Effective December 1, 1991, the fee for issuance of a certified or noncertified copy of any document on file pertaining to a vital record or a certification that a document cannot be found is \$8.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1; 144.226*

**History:** *L 1985 c 654 art 5 s 58; 12 SR 58; 16 SR 1276*

## BIRTH RECORDS

### 4600.1000 FILING REQUIREMENTS FOR BIRTH CERTIFICATES.

A certificate of live birth must be filed for every live birth.

The physician or other person operating under the supervision of a physician in attendance at the birth, or if not so attended, one of the parents, shall within five days subscribe and file a certificate of birth on a form prescribed by the commissioner for that purpose, with the local registrar of the district within which the birth occurred.

The birth certificate shall be as complete as possible under the circumstances; however, in every case except for a foundling certain minimal information shall be required: date and place of birth; birth name of mother; full name of father (except for out of wedlock births); signature of certifier.

If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare, record, and file the certificate.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

### 4600.1100 CONFIDENTIAL MEDICAL SUPPLEMENT.

The confidential medical supplement to the birth certificate shall be completed and filed within five days after birth with the state Department of Health by the physician, or other person operating under the supervision of a physician in attendance at the birth. If not so attended, one of the parents shall within five days after birth complete and file the supplement.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

### 4600.1200 MONTHLY HOSPITAL REPORT.

On or before the tenth day of each month, the hospital administrator shall submit to the state registrar, on a blank provided by or approved by the commissioner for this purpose, a report of all births, deaths, and fetal deaths occurring in the institution during the previous month.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

### 4600.1300 INFORMATION CONFIDENTIAL.

No member of the hospital staff or employee of the hospital shall give information regarding a maternity patient or her child to anyone except an authorized representative of the commissioner or the commissioner of human services when the birth occurred out of wedlock.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1984 c 654 art 5 s 58*

### 4600.1400 DISPOSITION OF FETAL REMAINS.

When a fetal death occurs in a hospital and the remains are cremated or disposed of by some other means within the hospital, the hospital administrator or other person responsible for this disposition shall be responsible for the preparation and the filing of the fetal death report.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.1500 LEGITIMACY.**

When the biological father of a child was married to the biological mother at the time of birth or of conception, the birth of the child shall be recorded as legitimate, even when this marriage is established later to be null or bigamous. The birth of a child to a married woman shall be recorded as legitimate unless both the mother and her husband submit written statements to the contrary.

When the father's name is entered on the birth certificate of a child born out of wedlock before its official filing with the local registrar, an affidavit of paternity or a certified copy of the adjudication of paternity report must accompany the birth certificate.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1987 c 403 art 3 s 96*

**4600.1600 FOUNDLING REGISTRATION.**

Whoever assumes custody of a live-born infant of unknown parentage shall notify the local registrar immediately. A certificate of live birth shall be prepared and "foundling" shall be plainly marked in the top margin. Information on parentage, legitimacy, and other items not specifically required by statute shall be omitted. The certification of the attendant shall be amended to read "I certify that this child was found alive at the place and on the date stated above and that parentage is unknown." The certificate shall be signed by the child's custodian.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**DEATH RECORDS****4600.1700 DEATH CERTIFICATE.**

A death certificate must be filed for every known death by the mortician, funeral director, or other person in charge of the disposition of the body with the local registrar of the registration district within which the death occurred or with a subregistrar designated by the state registrar to receive death certificates for filing within that territory. If the place of death is not known the death certificate shall be filed with the local registrar of the registration district within which the body was found, or with a subregistrar, within 24 hours thereafter. The certificate shall be filed prior to interment or other disposition of the body or in any case within five days after the occurrence.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.1800 FETAL DEATH REPORT.**

A fetal death report must be filed for the death of each fetus for whom 20 or more weeks of gestation have elapsed. Each fetal death which occurs within the state shall be reported within five days to the state registrar on a blank provided by or approved by the state registrar for this purpose. The mortician, funeral director, hospital administrator, or other person in charge of the disposition of the remains, shall be responsible for making this report and shall secure personal data for the report from the best source available. This source may be the next of kin, hospital records, or the records of a coroner or medical examiner. The person reporting shall obtain the medical portion of the report from the physician or other person in attendance at the delivery of the fetus, or if not attended, from one of the parents or from the coroner or medical examiner.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.1900 COMPLETION OF DEATH CERTIFICATE.**

The mortician, funeral director, or other person in charge of the disposition of the body shall secure personal data from the best source available. This source may be the next of kin, hospital or institutional records, or the records of a coroner or medical examiner. The person in charge of the disposition shall secure the medical certification of cause of death from the physician last in attendance upon the deceased, or from the coroner or medical examiner having jurisdiction and shall notify the local registrar when it is impossible to obtain the medical

certification from the physician last in attendance or from the coroner or medical examiner. The local registrar shall immediately refer the case to the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 for investigation and certification of cause of death upon the basis of information from the most reliable source available.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1987 c 309 s 24; 17 SR 1279*

#### **4600.2000 REFERRALS TO CORONER OR MEDICAL EXAMINER.**

The mortician, funeral director, or other person in charge of the disposition of the body shall notify the coroner or medical examiner before moving a body from the site of death in any case where the person is unable to obtain firm assurance from the physician that the medical certification will be signed. In addition, the case shall be referred to the coroner or medical examiner whenever circumstances suggest that the death was caused by other than natural causes, or where the body is to be disposed of in some manner which prevents later examination, or when the decedent was an inmate of a public institution who was not hospitalized for organic disease.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.2100 PHYSICIAN IN ATTENDANCE.**

The term "physician in attendance upon the deceased" shall mean the physician who treated the deceased for the illness or condition which led to death. When the "physician in attendance" is unavailable to certify the cause of death, an associate or another physician shall be authorized to certify the cause of death when that person has access to the medical history of the case, provided that person views the deceased at or after death.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.2200 MEDICAL CERTIFICATION.**

The physician, coroner, or medical examiner shall certify the cause of death and return the certificate or report to the mortician or funeral director promptly, so that a reasonable amount of time is available for the mortician or funeral director to obtain the necessary permit for disposition prior to disposition. When the physician, the coroner, or the medical examiner cannot complete a study and certify the cause of death before burial, cremation, or removal, but the body is no longer required for diagnosis, the diagnosis may be deferred. When the diagnosis is to be deferred, the certifier must date and sign the medical certification portion and check the deferred diagnosis space on the death certificate or the fetal death report. The deferred diagnosis procedure shall apply only when there is a reasonable expectation that an autopsy, other diagnostic method, or investigation may significantly change the diagnosis. This procedure shall not apply when the cause of death is in doubt, but where no further diagnostic procedures can be carried out. In this case, the "probable" cause shall be entered on the basis of the facts available and the certification made in accordance with the best judgment of the certifier.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.2300 DEATHS FROM UNDETERMINED CIRCUMSTANCES.**

Deaths shall be classified as due to undetermined circumstances only when it is impossible to establish the circumstances of death.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

#### **4600.2400 MONTHLY REPORT OF DEATHS.**

Every person providing a casket for any final disposition of a dead human body shall maintain a record showing the name of the purchaser, the purchaser's post office address, the name of the deceased, the date of death, and the place at which the death occurred. This record shall be open to inspection by the state registrar at all times. On or before the tenth day of

**4600.2400 VITAL STATISTICS**

308

each month the establishment providing caskets shall report, on a blank provided for the purpose, to the state registrar those facts that the state registrar shall require for the preceding month. No person selling caskets solely to distributors, morticians, or funeral directors shall be required to keep this record.

Every person providing a casket at retail, and not having charge of the disposition of the body, shall enclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death, and the statutes and rules of the commissioner for the disposition of a dead body.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.2500 DEAD BODY NOT FOUND.**

When circumstances suggest that a death has occurred although a dead body cannot be produced to confirm the fact of death, a death certificate shall not be filed until a court having jurisdiction has adjudged the fact of death. A certified copy of the court finding must be attached to the death certificate when it is presented for filing.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**DELAYED REGISTRATIONS****4600.2600 DELAYED REGISTRATION OF BIRTH.**

The registration of a birth later than the time prescribed for filing but within one year after the time prescribed for filing shall be considered a late birth registration. Filing shall be subject to the requirements of part 4600.2700, but shall not be labeled a delayed registration. The registration of a birth subsequent to one year after the time prescribed for filing shall be considered a delayed birth registration. Any person born in the state of Minnesota whose birth is not recorded, or a parent, guardian, or legal representative may apply for the establishment of a delayed registration.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.2700 FILING DELAYED REGISTRATIONS WITHIN SEVEN YEARS OF BIRTH.**

A delayed birth registration filed within seven years of birth shall be completed and filed in the same manner as birth certificates filed on time except that it shall be plainly marked "delayed." Delayed birth registrations filed within seven years of birth shall be prepared and filed on the certificate of live birth form being used at the time of filing. To be acceptable for filing, the certificate must be signed by the physician, or other person operating under the supervision of a physician in attendance at the birth; or when the birth occurred in a hospital, by the hospital administrator or by a designated representative. When the physician or other person who attended the birth is not available, or when the birth occurred outside a hospital, it may be signed by one of the parents or the guardian, if accompanied by an affidavit explaining why the certificate could not be signed by the attendant. The state registrar or the local registrar may require additional substantiation of the facts of birth or an explanation of the delay in filing when there appears to be adequate justification.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.2800 FILING DELAYED BIRTH REGISTRATIONS SEVEN YEARS OR MORE AFTER BIRTH.**

Subpart 1. **Application.** An application for an establishment of a delayed birth registration seven years or more after birth shall be made to the local registrar district in which the birth occurred, except that applications for births which occurred out of wedlock and for cases where the names have been established by adoption or legitimation shall be made to the state registrar. The application shall be accompanied by evidence that the record is not on file. For births occurring in 1900 or later, the application shall be made in duplicate.

Subp. 2. **Facts to be established.** These facts concerning the person whose birth is to be registered must be established:

A. the name of the person at the time of birth; however, the delayed registration may reflect a name established by adoption or legitimation when this evidence is submitted to the state registrar;

B. the date and the place of birth; and

C. the names of the parents; except when the birth occurred out of wedlock, the name of the father shall not be entered on the delayed birth registration unless the paternity has been determined.

Subp. 3. **Forms for registration.** Delayed birth registration seven years or more after birth shall be prepared and filed on a form prescribed by the state registrar. The form shall include an affidavit signed by the parent, guardian, or the nearest lineal relative who has personal knowledge of the facts of birth. When there are no lineal relatives having personal knowledge of the facts and the registrant is 18 years of age or older, the registrant may write "no known living kin" on the affidavit and sign it.

Subp. 4. **Documentation required to support affidavit.** Documentation required to support the affidavit shall consist of the physician's record of the birth, or if the child was born in a hospital or ambulance service, a statement from the hospital administrator certifying the hospital record of birth. Either of these completed documents shall constitute sufficient evidence to establish a delayed birth registration when the record contains information on all the facts which must be established. When neither of these documents is available, other documentation may suffice. In addition to the affidavit, the date and the place of birth shall be authenticated by a minimum of two supporting documents. In addition to the affidavit, the facts of parentage shall be supported by documentation.

Subp. 5. **Documentation should be earliest documents available.** The documents used to substantiate the facts for the establishment of a delayed registration shall be the earliest documents available. When the earliest document supporting the establishment of birth-date or birthplace was established more than seven years after birth, additional documentation shall be required. Additionally, the documents shall: be without any sign of erasure, alteration, or any change of the pertinent information; indicate the date and by whom the original document was made; be at least five years old, except that when filing a birth certificate for a young child, this requirement may be waived.

Subp. 6. **Abstract of documentation required.** When convinced that the requirements for establishing a delayed birth registration have been met, the registrar shall abstract on the delayed registration form the facts of birth recorded in the document and shall also list the name and type of document, including by whom issued and signed, and the date of issue along with the date the original document was established. In addition, the registrar shall certify that this is the only birth registration on file for this person and that the documentary evidence submitted to determine the facts of birth has been reviewed, and that it confirms the facts as cited.

Subp. 7. **Filing delayed registrations.** After the registrar has made the abstract and certification of documentation, the registrar shall sign, date, and file the duplicate copy and immediately transmit the original copy to the state registrar. Delayed registrations of birth occurring prior to 1900 shall be filed only with the local registrar. The state registrar shall review the delayed registration certificate and when acceptable, shall sign, date, and file the certificate and shall also notify the local registrar of this action. When the state registrar finds a delayed registration certificate to be unacceptable for filing, the state registrar shall notify the local registrar within ten days, giving a clear explanation for the rejection. Upon receipt of a notice of rejection, the local registrar shall not issue any certification or certified copy of the certificate until the cause for rejection has been removed.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.2900 CANCELLATION OF RECORDS.**

When the state registrar contends that a delayed registration was established through fraud, the state registrar shall notify in writing the person named in the certificate of intention



**4600.2900 VITAL STATISTICS**

310

to cancel the certificate. The notice may be sent by registered mail to the person whom the record purports to certify, or in the case of a minor or incompetent, to the person's parent or guardian at the last known address. The notice shall permit the person to appear and dispute the cancellation. Unless this person responds within 30 days after the date of mailing, the state registrar shall cancel the certificate.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.3000 DELAYED REGISTRATIONS OF DEATH.**

The registration of a death after the time prescribed for filing but within one year after the time prescribed for filing shall be considered a late death registration. Its filing shall be subject to the requirements of part 4600.3100, but it shall not be labeled a "delayed registration." The registration of a death subsequent to one year after the time prescribed for filing shall be considered a delayed death registration.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.3100 FILING DELAYED DEATH REGISTRATION.**

Delayed registrations shall be completed and filed in the same manner as death certificates filed on time. To be acceptable for filing, the death certificate must be signed by the physician, the coroner, or the medical examiner and, if possible, by the funeral director, mortician, or by the other person responsible for the disposition of the body. When statements cannot be obtained from both the person responsible for the medical certification and the person in charge of the disposition, the case shall be referred directly to the state registrar for determination of other confirmatory evidence which may suffice. When neither the physician's, coroner's, or medical examiner's statement nor the statement of the person in charge of the disposition is available only a court finding as to the fact of death will suffice to establish a delayed death registration. The state registrar or the local registrar may require additional substantiation of the facts of death or an explanation of the delay in filing when there appears to be adequate justification.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.3200 PRESERVATION OF DELAYED REGISTRATION EVIDENCE.**

The commissioner prescribes that written evidence used for establishing delayed registrations of birth or of death, or used in the alteration of certificates of birth or of death, shall be preserved in one of the following forms: abstracts, certified copies, microfilm images, or photographic copies. These forms shall be completed by the officers empowered to issue delayed certificates of birth or of death or to make material alterations on certificates of birth or of death. When acceptable to all parties concerned, the original evidence may be preserved in lieu of a certified copy or an abstract.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**ALTERATIONS AND AMENDMENTS OF VITAL RECORDS****4600.3300 ALTERATION LIMITATIONS.**

To protect the integrity and accuracy of vital statistics records a certificate or record registered under the Vital Statistics Act may be altered or amended only in accordance with parts 4600.0100 to 4600.6700.

An alteration of a vital record shall be made whenever a court having jurisdiction specifically orders that an alteration be made.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.3400 AMENDMENTS.**

Upon the receipt of a verification query within one year following birth, which contains information to correct or complete a record, the local registrar shall amend the local record when the facts appear to be true. During the first year following a birth or a death, the person

responsible for completing or filing the certificate in the first instance may request that the record be corrected or completed. Upon receipt of such a request in writing the registrar shall amend the local record when the facts appear to be true.

During the first year following birth, the given names of a child may be added to the birth certificate by the registrar, upon receipt of a supplemental report from a parent or the guardian of the child.

During the first year following a birth or death, the state registrar may initiate queries and correct the state record on the basis of a written response, when the facts appear to be true. After amending the state record, the state registrar shall immediately notify the local registrar, who shall amend the local record.

Corrections and completions of records under the provisions of part 4600.3400 shall not be considered as alterations but rather shall be considered as amendments. The information shall be entered on the record in red ink, dated and initialed by the person making the amendment, and the record shall be marked "amended."

When a local registrar amends the local record under the provisions of parts 4600.3300 to 4600.4500, the local registrar shall transmit the written basis for the amendment to the state registrar on or before the tenth of the following month. Upon receipt of the basis for the amendment, the state registrar shall amend the state record, when the facts appear to be true. However, when the state registrar believes that the record should not have been amended, the state registrar shall immediately notify the local registrar who shall then reamend the local record so that it agrees with the original record.

The provisions of part 4600.3400 shall not be used to correct or complete information on paternity, legitimacy, or age of decedent, (except that an inconsistency between age and birthdate may be corrected under these provisions) or to make a complete change in family surname without the approval of the state registrar. The state registrar shall consider any request for the correction or completion of a death certificate by a coroner or medical examiner as a request for an amendment and shall also consider the receipt of an adjudication of paternity report as a request for an amendment.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.3500 REQUEST FOR ALTERATION.**

To alter a vital record a written application must be made, or an order from a court having jurisdiction must be submitted, to the state registrar or local registrar of the district where the event occurred.

To alter a birth certificate, the application shall be made by the registrant when 18 years of age or older. When the registrant is less than 18 years of age, or otherwise unable to sign the application, it may be signed by one of the parents, the guardian, or legal representative.

To alter a fetal death certificate, the application shall be made by one of the parents.

To alter a death certificate, the application shall be made by the informant, or the nearest lineal relative to the decedent. Amendments of the medical certification may be requested by the attending physician, by the coroner, or by the medical examiner.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

#### **4600.3600 CERTIFIED COPY REQUIRED.**

Every application to alter a vital record shall be accompanied by a certified copy of the record to be altered. When the alteration is made, a certified copy of the altered certificate shall be issued to the applicant without additional charge. The registrar may waive the requirement for submitting a certified copy for individuals appearing in person or in other cases where the registrar feels it is unnecessary.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.3700 EVIDENCE REQUIRED.**

Subpart 1. **Application and supporting documentation.** Every application to alter a vital record shall be accompanied by the appropriate affidavit or statement and the supporting documentation as follows.

**Subp. 2. Place of birth or of death.** A minor geographical error which does not involve a change in the registration district, may be altered on the authority of an affidavit. Any substantial change of the place of birth or of death shall be supported by a minimum of two documents in addition to an affidavit.

**Subp. 3. Date of birth or of death.** No alteration of the date of birth or of death shall be made which conflicts with the filing date of the record. All alterations of the date shall be substantiated with documentation in addition to an affidavit. Alterations of the date of birth or of death of 30 days or more shall be supported by a minimum of two documents in addition to an affidavit unless the date of birth or of death is in conflict with the filing date.

**Subp. 4. Sex.** To alter the sex designation, a statement from the medical attendant or the hospital administrator shall be required. When this statement cannot be obtained or is not based on records made at the time of birth, other documents, such as baptismal, circumcision, census, or school record, may be accepted. When the applicant requests a change in sex designation that conflicts with the gender implied by the given names on the record, additional documentation may be required. When a sex designation change is requested following surgery, e.g., pseudo-hermaphroditism or transsexualism, the sex designation may be altered by the state registrar to conform with a written statement from the surgeon who performed the operation.

**Subp. 5. Name of child.** When the name has been omitted on the birth certificate, it may be added during the first seven years on the authority of an affidavit signed by a parent or the guardian. After the first seven years, documentation shall be required, in addition to an affidavit. When the name has previously been recorded on the birth certificate, minor spelling errors may be corrected on the basis of an affidavit. However, any substantial or complete change in the names shall be supported by documentation, in addition to an affidavit. This documentation for a complete change of name must prove that the original entry was erroneous or that the change in name was made prior to the registrant's seventh birthday. Otherwise, the change cannot be made without a court order or a legal change of name. A reversal of given names or a change where the replacement word is a nickname, a foreign equivalent or is similar in pronunciation shall not be considered a complete change but shall be supported by documentation in addition to an affidavit. The surname shall be altered only to conform with the parent's surname unless specified otherwise in parts 4600.0100 to 4600.6700.

**Subp. 6. Legal change of name.** Upon receipt of a certified copy of a court order changing the name of the registrant and upon request of such person or a parent, guardian, or legal representative, the birth certificate shall be altered to show the new name. Upon receipt of a certified copy of a court order changing the name of a parent, the birth certificate may be altered to show the new name when it is necessary to establish agreement with the surname of the child or when the legal change of name was made prior to the birth.

**Subp. 7. Other names.** The following alterations may be made on the authority of an affidavit:

A. correction of minor spelling errors; and

B. on a birth certificate, the addition of parents' middle names; on a death certificate, the addition of decedent's middle name, or the addition of parents' or spouse's name.

Documentation in addition to an affidavit shall be required for any substantial or complete change in names, or for the addition of the mother's birth surname on a birth certificate.

A minimum of two supporting documents in addition to an affidavit shall be required for a complete change of the father's given name on a birth certificate.

A certified copy of a court order from a court having jurisdiction shall be required for a complete change of the family surname on a birth certificate, or for a complete change of the decedent's name on a death certificate.

**Subp. 8. Paternity.** Paternity information for a child born out of wedlock shall be entered on the birth or the death certificate by the registrar only when the father has acknowledged his paternity by affidavit or has been adjudged the father by a court having jurisdiction. Upon receipt of an adjudication of paternity report along with information necessary to identify and amend the birth certificate the registrar shall record the father's name in accordance with the report. Whenever any district court shall determine that the man designated on a birth certificate or on a death certificate as the father of a child born out of wedlock is not, in

fact, the father of that child, the court administrator shall forward to the state registrar a certified copy of that court's judgment. The state registrar shall then correct the paternity designation of the birth certificate or the death certificate and permanently file a copy of this judgment.

**Subp. 9. Alias.** When a person has established a second name through usage (this shall not include married names) or has used two different names interchangeably over a period of years, and when this additional information shall contribute to personal identification, the second name may be added to the birth or the death record with the notation "also known as." The original name shall not be lined out or obliterated. Entries of this nature shall be supported by documentation in addition to an affidavit. Upon receipt of proof of marriage the state registrar or local registrar may add the surname of the stepfather after the surname of a child born out of wedlock when the stepfather and the mother have given their consent in affidavit form and have indicated that the child is also known under the new surname. The requirement for the mother's consent may be waived when the mother is dead. Upon the recommendation of the commissioner of human services, the state registrar or local registrar may add the surname of the foster parent to the birth certificate of a state ward when the foster parent has given consent in affidavit form, and has indicated that the child is also known under the new surname.

**Subp. 10. Identification of an unnamed person.** The death certificate of a person for whom the name is unknown at the time of its filing may be amended to record the name and personal particulars when the coroner or the medical examiner has identified the person. The amendment shall be made on the authority of a statement from the coroner or the medical examiner that identifies the record to be amended and states that the identity of this previously unknown person has been established.

**Subp. 11. Legitimacy.** Upon receipt of proof that a birth has been erroneously recorded as legitimate, the state registrar or local registrar shall alter or amend the birth certificate to reflect the true facts. Sufficient proof shall be: an adjudication of paternity document showing that the father is someone other than the man recorded as the father on the birth certificate; an affidavit of nonpaternity from the man recorded as the father accompanied by an affidavit from the mother that corroborates this affidavit.

Upon receipt of proof that a birth has been erroneously recorded as illegitimate, the state registrar shall replace the birth certificate as in the case of a legitimation.

**Subp. 12. Color or race.** Documentation shall be required to alter the color or race designation in addition to an affidavit.

**Subp. 13. Cause of death.** The cause of death or any related items of the medical certification may be altered or amended on the basis of a statement from the attending physician, coroner, or medical examiner who signed the original certificate. However, for any case in which the coroner or medical examiner has assumed jurisdiction, an amendment may be made on the basis of that person's statement even when that person did not sign the certificate originally.

**Subp. 14. Age of the deceased.** Documentation shall be required for an alteration in the age listed for the deceased, except that when the age and the birthdate shown on the record are inconsistent, either item may be altered to conform with the other on the basis of an affidavit.

**Subp. 15. Signatures.** Signatures shall not be altered or obliterated.

**Subp. 16. Filing date.** A filing date shall not be altered under any circumstances. However, when the presence of an error can be documented, the state registrar may authorize the addition of a note to the record which summarizes the available facts related to the error.

**Subp. 17. Information previously altered.** Any alteration of a delayed registration or a previously altered item of information (except for a cause of death information) shall be supported by a minimum of two documents, in addition to an affidavit, unless it can be shown that the previous alteration was made in error.

**Subp. 18. Other items.** An alteration of information for which specific written evidence has not been prescribed may be altered by the authority of an affidavit.

## 4600.3700 VITAL STATISTICS

314

Subp. 19. **Additional written evidence required.** The state registrar shall require additional documentation in support of any alteration the implementation of which would appear to threaten the integrity of the vital statistics system.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1985 c 654 art 5 s 58; 1Sp1986 c 3 art 1 s 82; 17 SR 1279*

## 4600.3800 DOCUMENTS.

The documents used to substantiate the facts for an alteration of a birth certificate shall be the earliest documents available. When the earliest document supporting an alteration of birthdate or birthplace was established more than seven years after birth, additional documentation shall be required. Additionally, the documents shall:

A. be without any sign of erasure, alteration, or any change of the pertinent information;

B. indicate the date and by whom the original document was made; and

C. be at least five years old, except when altering the birth certificate of a young child, this requirement may be waived.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

4600.3900 [Repealed, L 1997 c 205 s 40]

## 4600.4000 ABSTRACT OF DOCUMENTATION REQUIRED.

When convinced that the requirements for alteration have been met, the registrar shall abstract the facts of birth or of death, recorded in the documents and shall also list the name and type of document, including by whom issued and signed, and the date of issue along with the date the original document was established. In addition, the registrar shall certify that the documentation reviewed confirms the facts as cited.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

## 4600.4100 REQUIREMENTS FOR AFFIDAVITS.

The affidavit supporting an application for alteration shall be submitted in duplicate, except when the birth or death occurred before 1900, the duplicate copy is not required. Unless otherwise specified, it shall be signed, when possible, by the nearest lineal relative. When there are no lineal relatives having personal knowledge of the facts, the registrant when 18 years of age or older may write "no known living kin" on the affidavit and sign it. However, in these instances, additional documentation may be required to support the alteration.

Both the original and the duplicate copy of the affidavit shall bear the signatures of each attester. After the alteration has been made, the duplicate copy of the affidavit and the required abstract of documentation shall be filed by the local registrar. The original affidavit and the abstract of documentation shall be filed by the state registrar.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

## 4600.4200 DUTIES OF LOCAL REGISTRARS FOR ALTERATIONS AND AMENDMENTS.

The local registrar shall ensure agreement of the records on file in that office and the records on file with any other local registrar within the registration district. When an alteration or amendment has been approved by the state registrar, the local registrar shall notify any local registrar within the registration district and direct the local registrar to alter the record.

The local registrar shall ensure agreement of the records on file in that office and the records on file with another local registrar to whom a certified resident transcript has been sent. The local registrar shall notify the local registrar in the district of residence where the certified resident transcript was sent whenever an alteration or amendment has been approved by the state registrar. Upon receipt of this notice, the local registrar in the district of residence shall alter or amend that record.

Upon the direction of the state registrar, the local registrar shall alter the records on file in that office to conform with the records on file with the state registrar.

The local registrar shall review applications for alterations of vital records, and alter the records when it appears that the legal requirements have been met. When the birth or the death occurred in 1900 or later, the local registrar shall transmit the appropriate statements or affidavits and the abstract of documentation to the state registrar for approval.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.4300 DUTIES OF THE STATE REGISTRAR.**

It shall be the duty of the state registrar to ensure agreement of the records on file in the state registrar's office with the record on file with the registrar in the district where the event occurred. Whenever an application for an alteration is approved, and whenever a record is amended as a result of the amendment procedure under part 4600.3400, the state registrar shall notify the local registrar where the event occurred and approve the alteration of the local record. Except as the state registrar shall otherwise authorize, only the state registrar shall make alterations or amendments of the original birth, death, and fetal death records.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.4400 LOCAL REFERRALS TO THE STATE REGISTRAR.**

Whenever a local registrar is uncertain of the acceptability of the information presented in support of an alteration, the case shall be referred to the state registrar for review prior to the actual altering of the local record. When an alteration of paternity, legitimacy, cause of death, or sex designation resulting from surgery is requested, the local registrar shall immediately submit the request to the state registrar unless the state registrar has specifically authorized the local registrar to make these alterations without referral.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.4500 DUTIES OF LOCAL REGISTRAR OF A FEDERAL RESERVATION AND OF A CITY OTHER THAN ONE OF THE FIRST CLASS.**

When directed by the court administrator, the local registrar of a federal reservation and of a city other than the first class shall alter or amend the records on file in that office in the manner provided by parts 4600.0100 to 4600.6700. The local registrar shall apprise the court administrator of any inaccuracies in the records on file in that office and refer each application for alteration to the court administrator or to the state registrar, as the case may require.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *1Sp1986 c 3 art 1 s 82; 17 SR 1279*

### **REPLACEMENT OF BIRTH RECORDS**

#### **4600.4600 REPLACEMENT CERTIFICATE.**

A replacement certificate shall be made and filed only as prescribed in parts 4600.4600 to 4600.5200. The fact of replacement shall not be shown on the replacement certificate. The date and the place of birth shall be transcribed from the original birth certificate. The original filing date, certificate number, and any information that is consistent with information appearing on the documents that serve as the basis for the replacement, shall also be transcribed. Following the replacement of a birth certificate, the original birth certificate and its related documents, which are on file with the state registrar, shall be placed in an envelope and sealed. The local registrar shall file a copy of the replacement certificate and seal any previously filed local record, as directed by the state registrar.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

#### **4600.4700 ADOPTION.**

Upon the receipt of a certificate of adoption, or a certified copy of a decree of adoption accompanied by the information necessary to identify the original birth certificate, the state

**4600.4700 VITAL STATISTICS**

316

registrar shall prepare and file a replacement certificate. This replacement certificate shall include the new name of the child and the names and the personal particulars of the adopting parents.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.4800 LEGITIMATION.**

When the birth parents of a child born out of wedlock marry each other subsequent to the birth of their child, and upon receipt of proof of paternity and of their marriage, the state registrar shall prepare and file a replacement certificate. This replacement certificate shall include the new name of the child and the name and the personal particulars of the biological father. A certified copy of the marriage record shall constitute proof of marriage. An adjudication of paternity report shall constitute proof of paternity, or an affidavit of paternity shall constitute proof of paternity when no other man has been recorded as father on the birth certificate. When some other man has been recorded as father on the basis of a paternity affidavit, the new affidavit of paternity can be accepted only with an affidavit of nonpaternity signed by the man originally named as father, and an affidavit from the mother agreeing with the legitimation.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1987 c 403 art 3 s 96; L 1994 c 465 art 1 s 62; L 1994 c 631 s 31*

**4600.4900 ADJUDICATION.**

After a court having jurisdiction adjudicates the facts of birth under the provisions of Minnesota Statutes, section 144.218, subdivision 4, and upon receipt of a certified copy of the court judgment, the state registrar shall prepare and file a replacement certificate to show these findings. After a court having jurisdiction adjudicates the facts of birth without reference to Minnesota Statutes, section 144.218, subdivision 4, and upon receipt of a certified copy of the court judgment and a court order to replace the original birth certificate, the state registrar shall prepare and file a replacement certificate in accordance with these findings.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.5000 DELAYED REGISTRATIONS.**

When no certificate of birth is on file for the person for whom a replacement certificate is to be made, a delayed registration of birth shall be filed with the state registrar as provided in parts 4600.2600 to 4600.3200, before a replacement certificate is filed, except that when the date and place of birth and parentage have been established in court proceedings, a delayed registration shall not be required. However, the replacement certificate shall be marked "delayed," and shall show the abstract of documentation, as provided in parts 4600.2600 to 4600.3200.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.5100 ALTERATION OF REPLACEMENT CERTIFICATE.**

A replacement certificate shall not be altered except on the basis of a legal change of name. When it can be shown that the replacement was erroneously completed, another replacement certificate shall be prepared and filed.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.5200 FOREIGN BIRTHS.**

Each certificate prepared under the provision of Minnesota Statutes, section 144.218, subdivision 2, shall be plainly marked "This certificate was filed by the state registrar under the provisions of Minnesota Statutes, section 144.218, subdivision 2, and is not evidence of United States citizenship." Each certified copy or certification of such a certificate shall be similarly marked.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**CERTIFICATION OF ALTERED RECORDS****4600.5300 CERTIFICATION OF ALTERED RECORDS.**

Certified copies and certifications of altered records which are certified to be "full and complete" or "true and correct" copies shall show the alteration and the statement, "any alter-

ations shown were made under the authority of the Vital Statistics Act and the rules of the commissioner" shall be printed or typed on the certified copy or the certification. Certifications of altered records which are not certified to be "full and complete" or "true and correct" copies need not show the alteration. Certified copies and certifications of delayed registration records which are certified to be "full and complete" or "true and correct" copies shall include the basis for the establishment of the delayed registration including an abstract of the documentation supporting the establishment of the delayed registration. All certifications of delayed registration records shall include the statement, "This delayed registration was established under the authority of the Vital Statistics Act and the rules of the commissioner."

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

### ABSTRACTS OF BIRTH

#### 4600.5400 ABSTRACT OF BIRTH IN STEPFATHER'S NAME.

The state registrar may issue an abstract of birth under the surname of the stepfather for a child born out of wedlock, if the stepfather has given his consent in affidavit form. His wife shall join in the affidavit. Information of parentage and of legitimacy status shall not appear on the birth abstract.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

#### 4600.5500 ABSTRACT OF BIRTH IN FOSTER PARENTS' NAME.

Upon recommendation of the commissioner of human services, the state registrar may issue an abstract of birth under the surname of the foster parents for a state ward when they have given their consent in affidavit form. Information of parentage and of legitimacy status shall not appear on the birth abstract.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1984 c 654 art 5 s 58*

### EXCLUDED INFORMATION

#### 4600.5600 RESTRICTED CERTIFICATION.

Sections of the birth and fetal death record entitled "for medical and health use only" or "supplementary information" shall be excluded from certified copies, unless specifically requested by the applicant.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

### USE AS EVIDENCE

#### 4600.5700 PRIMA FACIE EVIDENCE.

Birth and death certificates filed within one year of the event shall be prima facie evidence of the facts stated therein. Data pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees, or other successors in interest, if the paternity is controverted.

A copy of a birth or death certificate when certified by the state registrar or a local registrar shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein provided that the evidentiary value of a certificate filed more than one year after the event shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

### ACCESS TO RECORDS

#### 4600.5800 INFORMATION FOR COMMERCIAL USE.

The state registrar and local registrars shall not furnish gratis or for purchase information identifying persons recorded in a birth or death certificate to be used for commercial pur-



**4600.5800 VITAL STATISTICS**

318

poses. Publication in official newspapers shall not be considered as a commercial purpose. Neither shall hospital administrators nor funeral directors or morticians use or furnish vital statistics for such purposes.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.5900 UNAUTHORIZED CERTIFICATION PROHIBITED.**

No person shall prepare or issue any certificate which purports to be an original, certified copy, certification or certificate of birth, death, or fetal death, except as authorized by the Vital Statistics Act.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.6000 COPYING OF RECORDS.**

Upon receipt of a written request or completed application, the state registrar or local registrar shall issue a copy of or verify information from a vital record. In determining whether or not to allow an applicant to search the records, the registrar shall consider the physical condition of the records to be searched and whether or not a file contains private or confidential data. The state registrar may permit persons performing medical research access to information pertaining to out of wedlock births if those persons agree in writing not to disclose private data on individuals.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**BURIAL, TRANSIT, AND REMOVAL PERMITS****4600.6100 PERMIT FOR DISPOSITION.**

A permit for disposition shall be required for burial, cremation, transportation by common carrier, removal out of state, removal from a registration district, for disinterment and reinterment, or for the retention of a dead human body more than five days. It shall be issued by the local registrar or a subregistrar of the place of death, or if necessary to avoid delay, by the state registrar. The permit shall contain the information required on the form supplied by the commissioner and shall be signed by the following persons: the local registrar or the subregistrar, the mortician or funeral director, and the person in charge of the conveyance. When a communicable disease is the cause of death, the permit shall be signed by the mortician who prepared the body. When a firm name is subscribed on the permit for disposition, it shall be accompanied by the personal signature of a licensed member of that firm.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.6200 NOTICE OF REMOVAL PERMIT.**

Whenever it is impossible to secure a proper certificate or permit for disposition without great delay, the dead human body may be moved by private conveyance from its present registration district to another registration district within the state for burial preparation using the notice of removal provided by the state registrar. Before removing the body, the attending mortician, or when death is not from a communicable disease the funeral director, shall obtain assurance that the cause of death will be certified prior to final disposition of the body and, within 18 hours following the removal, shall mail or hand the notice of removal to the local registrar. The notice shall explain the failure to obtain the usual permit for disposition and include the date and time of removal and place to which the body shall be moved.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

**4600.6300 ASHES OF THE DEAD.**

Cremation of a dead human body shall be considered as a final disposition of that body. No additional permit is required for transportation or disposition of the ashes of cremation.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**4600.6400 ISSUANCE OF A PERMIT.**

The permit for disposition may be issued by a local registrar, a subregistrar, or if necessary to avoid delay, by the state registrar; however, no permit shall be issued until the death

certificate or the fetal death report has been filed. Each certificate or report shall be as complete as possible under the circumstances. However, in every case certain minimal information shall be required: the name and age of the deceased or the coroner's identification, the date and place of death or the place where the body was found, the medical certification. See part 4600.2200.

No permit shall be issued without receiving an assurance of compliance with the rules governing disposition of the dead.

The subregistrar shall write upon each death certificate filed the date of the filing, the subregistrar's name, and forward it to the local registrar of the proper district within three days after receipt.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.6500 USE AND FILING PERMIT.**

Until the time of the final disposition, the permit shall be in the possession of the person in charge of the body, or attached to its shipping container. In localities requiring local issuance of disposition permits, the original permit shall be presented to the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 with the request for the reissuance of a permit. At this time, the permit shall be filed with the person in charge of the cemetery or crematory. Where there is no person or corporation responsible for the maintenance of a cemetery, the mortician or funeral director in charge of interment in this cemetery shall write above his or her signature upon the permit(s) issued "no association, person, or corporation responsible for this cemetery" with the name of the cemetery and the city, village, or township and county in which it is located. This permit shall then be mailed to the state registrar.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *L 1987 c 309 s 24; 17 SR 1279*

#### **4600.6600 CEMETERY OFFICIAL TO BE APPOINTED.**

Individuals, associations, or corporations owning or operating cemeteries shall appoint some person to be responsible both for receiving and filing, and preserving permits for disposition. The sexton or other person acting as such shall not permit the interment or cremation of a dead human body until a burial permit issued under the provisions of the Vital Statistics Act and parts 4600.0100 to 4600.6700 has been filed with that person. The sexton shall keep a record of all interments and cremations stating the name of the deceased, place of death, date of burial or cremation, and name and address of the attending mortician or funeral director.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*

**History:** *17 SR 1279*

#### **4600.6700 DEATH OUTSIDE STATE, BURIAL PERMIT.**

When a death or fetal death occurs outside this state and the body is accompanied by a permit for burial, removal, or other disposition issued in accordance with the laws and rules in force where the death or fetal death occurred, the permit shall authorize the transportation of the body into or through this state, but before the burial, cremation, or other disposition of the body within this state a local burial permit shall be issued by the local registrar of the district where disposal is to be made, or by a subregistrar or, if necessary to avoid delay, by the state registrar. The permit accompanying the body into this state shall, together with the local burial permit, be filed with the sexton who shall keep a record thereof as provided in part 4600.6600.

**Statutory Authority:** *MS s 16A.128; 144.12 subd 1; 144.213 subd 1*