

**4601.1000 BIRTH RECORD AMENDMENTS.**

Subpart 1. **Requesting amendment.** A registrant age 18 or older or the registrant's parent, legal guardian, or legal representative may request a registrar to amend the civil registration information in a birth record. The person requesting the amendment must demonstrate tangible interest in the birth record to be amended according to part 4601.2600 and Minnesota Statutes, section 144.225, subdivision 7.

Subp. 2. **Amending within 45 days and before issuance.**

A. A parent of the registrant or the person who filed the documentation of birth according to part 4601.0600 or 4601.0900 may request an amendment of the registrant's birth record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified birth record; and

(2) be limited to changes to the registrant's name, correction of information originally recorded in error, or the provision of missing information. Changes to the registrant's name are limited to spelling corrections if a document that established the legal name of the child has been processed by a registrar.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the registrant's birth record made under this subpart must not be noted on a certified birth record.

Subp. 3. **Amending after 45 days or issuance.**

A. If a request to amend a birth record is made more than 45 days after the date filed, if a certified birth record has been issued, or if the requested amendment does not meet the requirements of subpart 2, item A, subitem (2), the person requesting the amendment must provide the following documentation:

(1) at least two documents to support the amendment of an item that appears on the standardized format for a certified birth record as described in parts 4601.2500 and 4601.2525; or

(2) a document to support the amendment of any other item on the civil registration information of the birth record.

B. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 4. **Adding information after 45 days or issuance.** A document to support the addition of an item on the civil registration information of a birth record is required to add missing information to a birth record if the request is made more than 45 days after the date

filed or if a certified birth record has been issued. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 5. **Amending information previously amended.** A person must contact the state registrar with a written request for an amendment if the amendment requested is to information that has been previously amended.

Subp. 6. **Verification by registrar.** Before amending a birth record, a registrar must review the documents submitted. If the registrar determines that the documents presented meet the requirements of this part, the registrar must amend the record. If the requested amendment is to information that has been previously amended or if a local registrar determines that the documents presented do not meet the requirements of this part, the local registrar must notify the person of the option to request the amendment through the state registrar. If the state registrar determines that the documents presented do not meet the requirements of this part, the state registrar must notify the person of the right to appeal to a court of competent jurisdiction.

Subp. 7. **Court order.** If a court order is presented by a person requesting an amendment according to subpart 1, a registrar must add or change information that the court order specifically directs the registrar to add or change. To add or change information that the court order does not specifically direct, the person must present the evidence required under subpart 3 or 4.

Subp. 8. **Establishment of paternity.** To change the father recorded on a birth record because of establishment or revocation of paternity:

A. if the request is made within 45 days after the date filed and before the issuance of a certified birth record and documentation of paternity is provided according to part 4601.1300, subpart 1, items B to D, the registrar must change the father recorded on the birth record; or

B. if the request is made more than 45 days after the date filed or if a certified birth record has been issued, the person must request a replacement record under part 4601.1300.

Subp. 9. **Amending health information.** A person who filed the documentation of birth under part 4601.0600 or 4601.0900 or the biological mother of the registrant may request the state registrar to amend the health information of a birth record according to items A and B.

A. Requests to amend health information on the birth record must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the entity that originally filed the documentation of birth. Upon receipt of a request and a notarized statement, the state registrar must amend the health information on the birth record.

B. If a request to amend health information on the birth record is received directly from the entity that originally filed the documentation of birth, the state registrar must waive the requirement for the notarized statement.

Subp. 10. **Corrections and amendments by state registrar.** If a birth occurs in Minnesota and the state registrar finds that the information provided in the documentation of birth is not accurate, the state registrar must contact the person who filed the documentation of birth to request correction of the information. If the person who filed the documentation of birth cannot be located, the state registrar must consider the record in error and must not issue a certified birth record until corrections are made.

Subp. 11. **Amending replaced record.** A request for an amendment to a record that has been replaced under part 4601.1300 must be made to the state registrar and must include a notarized statement agreeing to the amendment from the registrant and each parent whose name appears on the birth record or whose name is requested to be added to the birth record through the amendment.

**Statutory Authority:** *MS s 144.12; 144.213; 144.215*

**History:** *25 SR 487; L 2001 1Sp9 art 15 s 32*

**Published Electronically:** *July 26, 2007*