IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Public Health – Bureau of Vital Statistics

16.02.08 – Vital Statistics Rules

Who does this rule apply to?
Medical professionals, hospitals, midwives, coroners, families with births, marriages, divorces, stillbirths, and miscarriages, abortions, deaths, and adoptions, and the public with interest in these records.

What is the purpose of this rule?
To provide guidance to rules regarding vital records, forms, registration requirements, amendments, reporting guidelines, and associated fees.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

Health and Safety-
- Section 39-242, Idaho Code – Vital Statistics: Duties of the Director

Public Assistance and Welfare -
- Section 56-1006, Idaho Code – Department of Health and Welfare: Title superseded

Where can I find information on Administrative Appeals?
Administrative appeals and contested cases are governed by the provisions of the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code, and IDAPA 62.01.01, "Idaho Rules of Administrative Procedure."

How do I request public records?
Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."

Who do I contact for more information on this rule?

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Bureau of Vital Statistics
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Boise, ID 83702

P.O. Box 83720
Boise, ID 83720-0036
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Webpage: https://vitalrecords.dhw.idaho.gov

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Section 39-242, Idaho Code, authorizes the Board of Health and Welfare to adopt rules for Title 39, Chapter 2, Idaho Code, related to vital statistics. (3-15-22)

001. -- 049. (RESERVED)

050. DEFINITIONS.
For the purposes of this chapter, the following definitions apply: (3-15-22)

01. Attendant at Birth or Stillbirth. Any physician, midwife, or other person who assists in the delivery of a live born infant or stillborn fetus. (3-15-22)

02. Birth Out of Wedlock. A birth occurring when the mother was not married at the time of either conception or birth, or between conception and birth. (3-15-22)

03. Board. The Idaho Board of Health and Welfare. (3-15-22)

04. Confidential Registry. A file of all notices of putative fathers' claims to paternity for their child(ren) born out of wedlock and intent to support such child(ren), that is established in the office of the State Registrar of Vital Statistics. (3-15-22)

05. Current Registration. The filing of a certificate less than one (1) year after the event occurs. (3-15-22)

06. Delayed Registration. The filing of a certificate one (1) year or more after the event occurs. (3-15-22)

07. Department. The Idaho Department of Health and Welfare. (3-15-22)

08. Director. The Director of the Idaho Department of Health and Welfare or their designee. (3-15-22)

09. Expedited Certified Copy. A certified copy of a vital record that has been given priority status for processing and issuance. (3-15-22)

10. Local Registrar. The local registration officer identified in Section 39-247, Idaho Code, appointed by the State Registrar of Vital Statistics to carry out duties incidental to the operation of the vital statistics system within a specified area. (3-15-22)

11. Mortician or Funeral Director. Any person who makes a business of disposing of dead bodies. The term "mortician or person acting as such" refers to any person having charge of the burial, cremation, or other disposition of a dead body. This includes stillborn fetuses. (3-15-22)

12. Putative Father. The biological father of a child as identified by himself, the natural mother, an adoption agency, or a court. (3-15-22)

13. Relatives of Deceased Qualified Adult Adoptees. The adoptive parents or grandparents of the adult adoptee. (3-15-22)

14. Relatives of Deceased Qualified Birth Parents. The parents or grandparents of birth parents. (3-15-22)

051. -- 099. (RESERVED)

100. CERTIFICATES, RECORDS, AND FORMS.

01. Official Nature of Forms. Forms and reports may be prescribed and distributed by the State Registrar for reporting vital statistics. These forms and reports may be used only for official purposes. (3-15-22)

02. Requirements for Preparation of Certificates. Unless otherwise directed by the State Registrar, no certificate or record will be complete, correct, and acceptable for registration that: (3-15-22)

a. Has not been printed legibly in dark, unfading ink; (3-15-22)

b. Has signatures entered other than in dark, unfading ink; (3-15-22)

c. Does not have the certifier's name typed or printed legibly under the certifier's signature;(3-15-22)

d. Does not supply all items of information called for thereon or satisfactorily account for their omission; (3-15-22)

e. Contains alterations or erasures; (3-15-22)

f. Does not contain signatures as required; (3-15-22)

g. Is marked "copy" or "duplicate"; (3-15-22)

h. Is a copy; (3-15-22)

i. Is prepared on an improper form; (3-15-22)

j. Contains improper or inconsistent data; (3-15-22)

k. Contains an indefinite cause of death that denotes only symptoms of disease or conditions resulting from disease; and (3-15-22)

l. Is not prepared in conformity with statutes, regulations, or with instructions issued by the State Registrar. (3-15-22)

03. Certificates with Defects. Certificates with defects as cited in Subsection 100.02 of this rule may be withheld from certification until the defect is remedied by persons who have the knowledge and authority to do so. (3-15-22)

04. Copies of Original Certificates. (3-15-22)

a. Copies from the original certificate will not be made or certified by any organization or person other than the State Registrar of Vital Statistics except as authorized by an agreement between the State Registrar and local registrar. (3-15-22)

b. If the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar has authority to withhold the issuance of a certified copy of such certificate until a determination of the facts has been made. (3-15-22)

101. -- 149. (RESERVED)

150. LOCAL REGISTRATION.

01. Determination. The State Registrar will determine whether additional offices other than the Vital Statistics Bureau are needed to aid the administration of the vital statistics system. (3-15-22)

a. Such determination will be based on the most efficient and effective method to operate the vital statistics system. (3-15-22)

b. If the State Registrar determines that additional offices are necessary, such offices will be designated with the approval of the Director. (3-15-22)

c. In all cases, the employees of such offices are subject to the control of the State Registrar when they are performing functions relating to the vital statistics system. The State Registrar will determine the specific

responsibilities and duties of each office. (3-15-22)

02. Local and Deputy Registrars. The State Registrar may contract for the services of qualified local registrars who will perform duties as assigned by the State Registrar. The State Registrar may summarily remove any local registrar for failing to perform their duties. The State Registrar may appoint deputy state registrars to fulfill duties on behalf of the State Registrar. (3-15-22)

151. -- 200. (RESERVED)

201. COMPLETION AND CORRECTION OF CERTIFICATES.

01. Correction of Minor Errors on Certificates During the First Year. (3-15-22)

a. Except as otherwise provided in these rules, correction of obvious errors or transposition of letters in words of common knowledge, may be made by the State Registrar or an authorized agent within the first year after the date of the event either upon individual observation, query, or upon request of any person listed in Subsection 201.07.d. of this rule. The method of correction will be determined by the State Registrar, and is not subject to the requirements of Subsection 201.09 of this rule. (3-15-22)

b. When such minor corrections are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change must be made on the certificate in such a way as not to become a part of any certification issued. The certificate will not be marked as amended. (3-15-22)

02. Amendment of Registrant's Given Names or Surname on Birth Certificates Within the First Year. (3-15-22)

a. Until the registrant’s first birthday, given names or surname may be amended upon written notarized request of: (3-15-22)

i. Both parents; (3-15-22)

ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (3-15-22)

iii. The father in the case of the death or incapacity of the mother; (3-15-22)

iv. The mother in the case of the death or incapacity of the father; or (3-15-22)

v. The legal guardian or agency having legal custody of the registrant. (3-15-22)

b. The certificate must be marked as amended. (3-15-22)

03. Amendment of Registrant's Given Name on Birth Certificate After the First Year. (3-15-22)

a. After one (1) year from the date of birth, the provisions of Subsection 201.07 of this rule must be followed to amend the given name if the name was entered in error at the time of the preparation of the birth certificate. (3-15-22)

b. A legal name change order from a court of competent jurisdiction must be submitted to change any part of a name after one (1) year unless there is verifiable documentation establishing the child legally assumed the desired name before the first birthday. (3-15-22)

04. Addition of Given Names on Birth Certificates. (3-15-22)

a. Until the registrant’s seventh birthday, given names, for a child whose birth was recorded without given names, may be added to the certificate upon written notarized request of: (3-15-22)

i. Both parents; (3-15-22)

ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (3-15-22)

iii. The father in the case of the death or incapacity of the mother; (3-15-22)

iv. The mother in the case of the death or incapacity of the father; or (3-15-22)

v. The legal guardian or agency having legal custody of the registrant. (3-15-22)

b. The certificate will be marked as amended. (3-15-22)

c. After the registrant's seventh birthday, the provisions of Subsection 201.07 of this rule must be followed to add a given name. (3-15-22)

05. Acknowledgment of Paternity. When paternity has already been established on the certificate by a Voluntary Acknowledgment of Paternity affidavit, a court determination of paternity is required to change the father's information. (3-15-22)

06. All Other Amendments. Unless otherwise provided in these rules or in Section 39-250, Idaho Code, all other amendments to vital records must be supported by: (3-15-22)

a. A notarized affidavit setting forth: (3-15-22)

i. Information to identify the certificate; (3-15-22)

ii. The incorrect data as it is listed on the certificate; and (3-15-22)

iii. The correct data as it should appear. (3-15-22)

b. If one (1) year has elapsed since the date the event occurred, one (1) or more items of documentary evidence which support the alleged facts, and which were established at least five (5) years prior to the date of application for amendment or within seven (7) years of the date of the event. (3-15-22)

c. Any item of a medical nature can be amended only upon receipt of a notarized affidavit from the person certifying such item, except that queries originating in the vital statistics office and subsequently completed and signed by the certifier may be used to complete or modify the reported cause of death. The State Registrar may require documentary evidence to substantiate the requested amendment. Requests for amendments for which a funeral home, birth facility, or certifier provides verifiable documentation of a data entry error will not be marked amended. (3-15-22)

d. Applications to amend a specific vital record will be accepted as follows: (3-15-22)

i. An application to amend a birth certificate may only be made by one (1) or both of the parents, the legal guardian, the registrant if eighteen (18) years of age or older, or the individual responsible for filing the certificate. (3-15-22)

ii. An application to amend a death certificate may only be made by the informant, the next of kin, the funeral director or person acting as such who signed the death certificate, or the certifying physician or coroner. (3-15-22)

iii. An application to amend a stillbirth or miscarriage certificate may only be made by one or both parents or the individuals responsible for filing the certificate. (3-15-22)

iv. An application to amend a marriage or divorce certificate may only be made by the custodian of the

official record from which the certificate was prepared, either of the parties to the marriage or divorce, or the individual responsible for filing the certificate. (3-15-22)

e. The State Registrar will evaluate the evidence submitted in support of any amendment, or require additional documentation. The State Registrar's decision and determination will be based upon serving the objectives of the vital statistics statutes and the best interests of the public. In the event the application is rejected or additional information is required, the State Registrar must advise the applicant of the reason for the action and the right to appeal pursuant to Section 39-250(5), Idaho Code. (3-15-22)

07. Amendment of the Same Item More Than Once. Once an item is amended on a vital record, that item can not be amended again except upon receipt of a court order from an Idaho court of competent jurisdiction. (3-15-22)

08. Methods of Amending Certificates. (3-15-22)

a. Certificates of birth, death, stillbirth, miscarriage, marriage, and divorce may only be amended by the State Registrar as follows: (3-15-22)

i. Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires. The new certificate may be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these rules, the item number of the entry that was amended must be identified on the new certificate. In every case, except as provided elsewhere in these rules or the Idaho Code, the new certificate must show the date the amendment was made and be given the same state file number as the existing certificate. Signatures appearing on the existing certificate must be typed on the new certificate. (3-15-22)

ii. Completing the item in any case where the item was left blank on the existing certificate. (3-15-22)

iii. Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side. The line drawn through the original entry must not obliterate such entry. (3-15-22)

iv. A birth certificate amended in accordance with the provisions of Section 39-250(4), Idaho Code, must be amended as prescribed in Subsection 201.09.a.iii. of this rule. The fact that the name was changed in accordance with a court order must be stated on the certificate. (3-15-22)

b. Unless prohibited by statute or rule, the date the amendment was made and the initials of the person making the change must be inserted on the face of the certificate and the certificate marked as amended. (3-15-22)

202. -- 250. (RESERVED)

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

01. Certified Copies. The fee for the issuance of a certified copy of a death certificate is sixteen dollars ($16) per copy. This fee incorporates the additional one dollar ($1) coroner training and education fund fee under Section 39-252(2), Idaho Code. The fee for the issuance of a certified copy of any other vital record is sixteen dollars ($16) per copy. (4-6-23)

02. Searches. The fee for a search of the files for a record of any vital event when no record is found, no copy is made, or a special document search is requested, is sixteen dollars ($16). (3-15-22)

03. Verifications. Except for Idaho state agencies and public health districts, the fee for manual or written data verification from a certificate is ten dollars ($10). (3-15-22)

04. Statistical, Research, or Public Health Services. The State Registrar assesses the fee for statistical, research, or public health services. The costs are calculated based upon the costs of retrieving the data and the costs of compiling, organizing, and printing the data. Cost may be reduced on a prorated basis to reflect the number of expected requests for the same information or service. (4-6-23)

05. Fees for Other Services. (3-15-22)

a. The fee for filing a report, certificate, or decree of adoption is twenty dollars ($20). (3-15-22)

b. The fee for establishing a delayed certificate of any vital event is twenty-five dollars ($25). (3-15-22)

c. For any vital event, the fee for establishing a new certificate due to a court order, a replacement certificate, or an amended certificate is twenty dollars ($20), except as specified under Subsection 251.05.f.ii. of this rule. (3-15-22)

d. A service fee may be established by the local registration area, in addition to the certified copy fee for each certified copy of a vital record. (3-15-22)

e. The fee for a copy of a certificate of any vital event provided upon written request to local, states other than Idaho, or federal government agencies under Section 39-270(b), Idaho Code, is sixteen dollars ($16) . (4-6-23)

f. Fees for correction of a certificate of any vital event. (3-15-22)

i. The fee for a replacement certified copy of a certificate of any vital event when the incorrect certified copy is returned for exchange within sixty (60) days of a correction of an error is five dollars ($5) per certified copy. (3-15-22)

ii. There is no charge for a correction of an error(s) on a certificate of any vital event when the required documentation is received within the first year after the date of the event. (3-15-22)

iii. The fee for correction of an error(s) on a certificate of any vital event, when the required documentation is received one (1) year or more after the date of the event, is twenty dollars ($20) per submitted correction request. (3-15-22)

g. Fees for priority processing or special handling. (3-15-22)

i. A service fee of ten dollars ($10) per certificate or document will be added for priority processing or special handling of a request for a certified copy or copies of a certificate of any vital event, a request for a disinterment permit, a request to file a registry form, or a request regarding another vital event related form or document, other than those under Subsection 251.05.g.ii. of this rule. This fee will be in addition to the current fee(s) for each certified copy, search, or filing requested, or any combination thereof. This fee is forfeited and a new service fee must be paid for priority processing or special handling in the event that the requester takes longer than ninety (90) days to respond to a request for additional information, or documentation, or both. (4-6-23)

ii. A service fee of twenty-five dollars ($25) per certificate will be added for priority processing to establish a new or amended certificate of any vital event due to a report, certificate or decree of adoption, delayed certificate filing, a court order, a paternity affidavit or rescission, a subsequent marriage affidavit or a correction of a certificate. This fee is in addition to the current fee(s) for the legal amendment processing or request for a certified copy or copies, or both. This fee is forfeited and a new legal amendment service fee must be paid for priority processing or special handling in the event that the requester takes longer than ninety (90) days to respond to a request for additional information or documentation or both. (4-6-23)

06. Waiver of Fee Requirement. (4-6-23)

a. Fees may be waived for Idaho state agency and public health district administrative use requests. Statistical information prepared for public health planning purposes may be published and distributed without charge whenever the Director determines that the publication and distribution is in the public interest. (4-6-23)

b. The fee for a birth certificate may be waived for an individual applying for the Idaho Department of

Transportation's no-fee identification available to an individual who is experiencing homelessness. The applicant must have direct and tangible interest, provide a completed vital statistics certificate request form with required identification, and provide a photocopy of the completed verification of homelessness form established and required by the Idaho Department of Transportation. One (1) free birth certificate may be issued for a registrant under this waiver. Subsequent copies will be subject to normal fees. (4-6-23)

252. -- 299. (RESERVED)

300. REGISTRATION OF BIRTHS.

01. Certifier's Signature. The certifier of the facts of birth according to Section 39-255, Idaho Code, must sign the birth certificate. No stamps or other types of facsimile signatures may be used. When a birth occurs in an institution, the signature of the certifier on the medical record of birth may satisfy the requirements of Section 39-255(a), Idaho Code. (3-15-22)

02. Signature of the Informant. When a birth occurs in an institution and the institution maintains a worksheet signed by either parent (named on the birth certificate) as informant, and the worksheet is part of the medical record, the signature of the informant on the worksheet may satisfy the requirements of Section 39-255(c), Idaho Code. (3-15-22)

03. Out-of-Institution Births. The State Registrar may require additional evidence of the birth when the birth did not occur in an institution and was not attended by a person who regularly attends births. If acceptable documentary evidence is not received, the State Registrar will inform the parent(s) of their right to petition an Idaho court of competent jurisdiction for an order establishing the facts as set forth on the birth certificate. (3-15-22)

301. REGISTRATION OF FOUNDLINGS.

01. Form of Certificate. A special foundling certificate must be filed for any infant of unknown parentage and include, as a minimum, the following items: (3-15-22)

a. The designated name; (3-15-22)

b. The estimated date of birth; (3-15-22)

c. The sex and race; (3-15-22)

d. The address where found; (3-15-22)

e. The name and address of the person or agency assuming custody; (3-15-22)

f. A short description of the circumstances surrounding the finding of the infant, including the date of the finding; and (3-15-22)

g. The signature of the informant and the date the certificate was signed. (3-15-22)

02. Responsibility for Filing. The person or authorized representative of the agency assuming custody of the infant must sign the certificate and file it within fifteen (15) days of the finding with the State Registrar. (3-15-22)

302. -- 399. (RESERVED)

400. NEW BIRTH CERTIFICATES FOLLOWING MARRIAGE OF NATURAL PARENTS.
If the natural parents marry after the birth of a child born in this state, a new birth certificate will be prepared for the child by the State Registrar upon receipt of an affidavit of paternity signed by the natural parents of said child, together with a certified copy of the parents' marriage record. When paternity has already been established on the certificate by a Voluntary Acknowledgment of Paternity affidavit, a court determination of paternity is required to change the father's information. (3-15-22)

401. ADOPTION OF PERSONS BORN IN IDAHO.

01. Examination of Adoptive Child Born in Idaho for Whom No Original Birth Certificate Can Be Located. (3-15-22)

a. The physician's report of the physical examination of the adoptive child, conducted under Section 39-258, Idaho Code, must indicate the sex, the estimated age, the race, and the existence or absence of obvious congenital malformations or anomalies of the child. (3-15-22)

b. The State Registrar may require the adoptive parents to furnish a court order that identifies natural parents, date of birth, place of birth, and those facts found by the physician's physical examination. (3-15-22)

02. Corrections on Adoptive Certificates. (3-15-22)

a. Minor corrections may be made within one (1) year after the establishment of the adoptive birth certificate in accordance with Subsection 201.01 of these rules. (3-15-22)

b. Name change amendments may be made by a court order amending the original adoption order or by a new order of a court, according to Subsection 201.09 of these rules. (3-15-22)

c. All other amendments (except the registrant's name) will be made according to Subsections 201.07 through 201.09 of these rules. (3-15-22)

d. To protect the confidential nature of adoptive births, the State Registrar may elect not to mark the record amended when carrying out amendments under Section 401 of this rule, when the indication of amendment would not be in the best interest of the registrant. (3-15-22)

402. REGISTRATION SYSTEM FOR ADULT ADOPTEES.

01. Search for "the Other Birth Parent." The State Registrar will not participate in the search for "the other birth parent." The adoption service units of the Department may participate in such searches when requested to do so by a birth parent or the adult adoptee. Costs of the search will be provided by the birth parent or adult adoptee seeking the match. Such service costs will be set by the adoption service unit and are based upon the actual cost of the search and cost of notification of the registrant(s). (3-15-22)

02. Completion of Match. When dated evidence of a completed search is presented to the State Registrar and "the other birth parent" has not been found, then and only then will a match be completed as cited in Section 39-259A(e) and (f), Idaho Code. (3-15-22)

a. When one (1) of the birth parents cannot be found according to Section 39-259A(b)(3), Idaho Code, no information about the missing birth parent will be released to either registrant, except as provided for in Section 39-258(9)(b), Idaho Code. (4-6-23)

b. When one (1) birth parent is deceased, proof of death must be established by a certified copy of the death certificate or a verification of the fact of death from the Vital Statistics official of the state where death occurred. Such proof is the responsibility of the registered birth parent. (3-15-22)

03. Siblings of Adult Adoptee. When it appears that there is a match between siblings, the State Registrar may confirm the match from the sealed adoption record on file in the Vital Statistics Office and make appropriate notification to the siblings. However, if the birth parent(s) has not also voluntarily registered, no identifying information about the birth parent(s) will be provided to the adult adoptee or the sibling, except as provided for in Section 39-258(9)(b), Idaho Code, or where proof of death of the birth parent(s) is found. (4-6-23)

04. Notification. When it appears to the State Registrar that a match has occurred, the State Registrar will notify the registrants by certified mail of the opportunity to withdraw from the register prior to proceeding with full notification of the registrants. Such withdrawal must be made by written notarized request and be received by the

State Registrar within thirty (30) days of the date of registrant's receipt of notification from the State Registrar. Such withdrawal is exempt from the usual withdrawal fee. (3-15-22)

05. Registration Time. Birth parents or relatives of qualified birth parents may register at any time after an adoption has taken place, regardless of the adoptee's age. Adoptees may register after they have reached their eighteenth birthday. (3-15-22)

06. Fees. An initial filing fee of ten dollars ($10) is paid by or on behalf of each registrant and must be submitted with the registration form. An update fee of ten dollars ($10) is charged whenever a registrant requests in writing a revision, update, or withdrawal of a previous registration. (3-15-22)

07. Release of Information. When it appears there is a match between registered adult siblings and no birth parent information has been registered, before release of identifying information to any registered adult sibling, the State Registrar will require proof from the registrant(s) of the identity and the relationship of the registrant to other registrants. At least two (2) documents providing such proof must be viewed and recorded by the State Registrar. (3-15-22)

403. -- 449. (RESERVED)

450. REGISTRATION OF DEATHS AND STILLBIRTHS.

01. Acceptance of Incomplete Death Certificate. If all the information necessary to complete a death certificate is not available within five (5) days after the date the death occurred, the person in charge of interment or removal of the body from the district in which the death occurred must file the certificate as prescribed by the State Registrar with all information that is available, provided that the medical certification of the cause of death has been signed by the person responsible for such certification. If the cause of death is unknown or undetermined, the cause of death must be shown as unknown or undetermined on the certificate. The person responsible for the medical certification of the cause of death must also sign the authorization for final disposition of the body. If the body is to be cremated, the coroner must also give additional authorization. (3-15-22)

a. A supplemental report providing the cause of death and any other requested information missing from the original certificate must be filed by the person responsible for medical certification of the cause of death with the State Registrar within thirty (30) days of the State Registrar's request for supplemental information, or as otherwise authorized by the State Registrar, by means provided or approved by the State Registrar. (3-15-22)

b. The State Registrar will make the information on the supplemental report(s) a part of the existing death certificate and will file the supplemental report(s) with the death certificate. The State Registrar will also mark the death certificate to show that supplemental information was added. (3-15-22)

02. Signatures Required on Death Certificates. (3-15-22)

a. The mortician, or person acting as such, must sign the death certificate. No stamps or other types of facsimile signatures may be used. (3-15-22)

b. The responsible person must sign the medical certification of the cause of death. Failure to do so will invalidate the record as a legal document. No stamps or other types of facsimile signatures may be used. (3-15-22)

03. Signatures Required on Stillbirth Certificates. (3-15-22)

a. The mortician, or person acting as such, must sign the certificate. No stamps or other types of facsimile signatures may be used. (3-15-22)

b. When a hospital disposes of a stillborn fetus, in accordance with Section 39-268(3), Idaho Code, the hospital authority must complete and sign the certificate as mortician. (3-15-22)

c. The person responsible according to Section 39-260, Idaho Code, for the attendant or medical

certification, must sign the certificate. No stamps or other types of facsimile signatures may be used. (3-15-22)

451. INDUCED ABORTION REPORTING FORMS -- COMPILATIONS.

01. Nature of Reports. The completed forms submitted to the Vital Statistics Unit are statistical reports, not certificates. Copies of the reports will not be issued. (3-15-22)

02. Compilations. No compilations will be released for public use that identify the institution where the induced abortion was performed, the physician who performed the induced abortion procedure, or the person completing the report of induced abortion. (3-15-22)

452. -- 500. (RESERVED)

501. MARRIAGE LICENSE RECORDING FEES.
The county recorders will charge a recording fee of two dollars ($2) for each marriage certificate. (3-15-22)

502. -- 599. (RESERVED)

600. DIVORCE CERTIFICATE FILING FEE.
Effective July 1, 1985, the Clerk of the Court will charge a fee of one dollar ($1) for each divorce certificate filed in accordance with Section 39-266, Idaho Code. (3-15-22)

601. -- 649. (RESERVED)

650. LATE OR DELAYED REGISTRATION OF BIRTH.

01. Late Registration -- Fifteen Days to One Year. (3-15-22)

a. Birth certificates filed after fifteen (15) days, but within one (1) year from the date of birth, will be registered on the standard form of live birth certificate in the manner prescribed in Section 39-255, Idaho Code. Such certificate will not be marked as delayed. (3-15-22)

b. In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where birth occurred, a notarized statement setting forth the reason must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth. (3-15-22)

02. Form of Delayed Birth Certificate. All certificates registered one (1) year or more after the date of birth will be registered on a delayed birth certificate form. (3-15-22)

03. Who May Request the Registration of and Sign a Delayed Birth Certificate. (3-15-22)

a. Any person born in this state whose birth is not recorded in this state, or the parent, guardian, next of kin of that person, or older person acting for the registrant and having personal knowledge of the facts of birth, may request the registration of a delayed birth certificate, subject to these rules and instructions issued by the State Registrar. (3-15-22)

b. Each delayed birth certificate must be signed and sworn to before a notary public by the person whose birth is to be registered if such person is eighteen (18) years of age or older and is competent to sign and swear to the accuracy of the facts stated therein; otherwise, the certificate must be signed and sworn to by one (1) of the following in the indicated order of priority: (3-15-22)

i. One (1) of the parents of the registrant; or (3-15-22)

ii. The guardian of the registrant; or (3-15-22)

iii. The next of kin of the registrant; or (3-15-22)

iv. Any older person over eighteen (18) years of age having personal knowledge of the facts of birth. (3-15-22)

04. Facts to be Established for a Delayed Registration of Birth. The minimum facts that must be established by documentary evidence are the following: (3-15-22)

a. The original full name of the registrant; (3-15-22)

b. The date of birth and place of birth; (3-15-22)

c. The full maiden name of the mother; and (3-15-22)

d. The full name of the father, unless the registrant was born out of wedlock, in which case the name of the father will not be entered on the delayed certificate except as provided in Sections 39-250, 39-255, or 39-257, Idaho Code, and rules adopted in accordance with these statutes. (3-15-22)

05. Delayed Registration Following a Legal Change of Status. (3-15-22)

a. When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, acknowledgment of paternity, or a court-ordered name change, a new delayed certificate may be established to reflect such change. (3-15-22)

b. In such cases changing legal status, when no birth certificate is found, the delayed certificate may be filed reflecting the information established by the legal change. (3-15-22)

06. Documentary Evidence -- Requirements. (3-15-22)

a. To be acceptable for filing, the name of the registrant and the date and place of birth entered on a delayed birth certificate must be supported by at least: (3-15-22)

i. Two (2) pieces of documentary evidence, only one (1) of which may be an affidavit of personal knowledge, if the record is filed within seven (7) years after the date of birth. (3-15-22)

ii. Three (3) pieces of documentary evidence, only one (1) of which may be an affidavit of personal knowledge, if the record is filed seven (7) years or more after the date of birth. One (1) document must be dated within seven (7) years after the date of birth. (3-15-22)

b. Facts of parentage must be supported by at least one (1) document. This document may be one (1) of the documents above other than an affidavit of personal knowledge. (3-15-22)

07. Documentary Evidence -- Acceptability. (3-15-22)

a. The State Registrar may establish a priority of best evidence. (3-15-22)

b. Documents presented, such as census, hospital, church, and school records, must be from independent sources and be in the form of the original record or a certified copy of the original or a notarized statement and copy from the custodian of the record or document. (3-15-22)

c. All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least ten (10) years prior to the date of application or have been established prior to the applicant's seventh birthday. (3-15-22)

d. An affidavit of personal knowledge, to be acceptable, must be made by a parent of the applicant or an older person other than a parent, who is over eighteen (18) years of age and be signed before a notary public. In all cases, the affiant must be at least ten (10) years older than the applicant and have personal knowledge of the facts of birth. (3-15-22)

08. Abstraction of Documentary Evidence. (3-15-22)

a. The State Registrar, or a designated representative, will abstract on the delayed birth certificate a description of each document submitted to support the facts shown on the delayed birth certificate. This description will include: (3-15-22)

i. The title or description of the document; (3-15-22)

ii. The name and address of the affiant, if the document is an affidavit of personal knowledge, or of the custodian, if the document is an original or certified copy of a record or a notarized statement from the custodian; (3-15-22)

iii. The date of the original filing of the document being abstracted; and (3-15-22)

iv. The information regarding the birth facts contained in the document. (3-15-22)

b. All documents submitted in support of the delayed birth registration will be returned to the applicant after review, provided, however, that the State Registrar may make and keep on file abstracts or photocopies of any such documents. (3-15-22)

09. Certification by the State Registrar. The State Registrar, or a designated representative, will by signature certify: (3-15-22)

a. That no prior birth certificate is on file for the person whose birth is to be recorded; (3-15-22)

b. That the State Registrar or a designated representative has reviewed the evidence submitted to establish the facts of birth; and (3-15-22)

c. That the abstract of the evidence appearing on the delayed birth certificate accurately reflects the nature and content of the documents. (3-15-22)

10. Dismissal After One Year. Applications for delayed certificates that have not been completed within one (1) year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar will so advise the applicant, and all documents submitted in support of such registration will be returned to the applicant. (3-15-22)

651. LATE OR DELAYED REGISTRATION OF DEATHS.

The registration of death after the time prescribed by statute or rule must be made on the standard death certificate form. (3-15-22)

01. Minimum Evidence Required. (3-15-22)

a. If the person responsible for the medical certification of death, according to Section 39-260, Idaho Code, and the attending mortician or person who acted as such are available and they do complete and sign the death certificate; and (3-15-22)

i. If the certificate is filed within one (1) year after the date of death or finding of the body, the death certificate may be completed without additional evidence and filed with the State Registrar; or (3-15-22)

ii. If the certificate is filed one (1) year or more after the date of death or finding of the body, the medical certifier and the mortician or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files. (3-15-22)

b. If either the medical certifier or the attending mortician, or person acting as such (or both), is unavailable, the certificate may be filed by the next of kin of the deceased and must be accompanied by: (3-15-22)

i. An affidavit of the person filing the certificate, swearing to the accuracy of the information on the

certificate; and (3-15-22)

ii. Two (2) documents that identify the name of the deceased and the date and place of death. (3-15-22)

02. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of death. (3-15-22)

03. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration will be entered on the certificate, and the certificate will be marked as delayed. (3-15-22)

652. -- 699. (RESERVED)

700. LATE AND DELAYED REGISTRATION OF MARRIAGE.

01. Late Registration. Until one (1) year has elapsed from the date of the ceremony, marriage certificates will be accepted for filing by the State Registrar in accordance with Section 39-262, Idaho Code, and will not be marked as delayed. (3-15-22)

02. Delayed Registration. The registration of a marriage after one (1) year must be made on the regular marriage certificate form. (3-15-22)

a. The certificate must be filed with the county recorder where the marriage license was originally issued. (3-15-22)

b. To be acceptable for registration by the State Registrar, the delayed marriage certificate must be supported by a notarized statement from two (2) people other than the bride and groom who know that a marriage ceremony was performed and the date and place of the marriage ceremony. One (1) of these statements must be from an actual witness to the marriage ceremony. (3-15-22)

c. When the officiant is not available to sign the delayed marriage certificate, the delayed marriage certificate must be signed by an actual witness to the marriage ceremony, other than the bride and groom. (3-15-22)

03. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of marriage. (3-15-22)

04. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration will be entered on the certificate, and the certificate will be marked as delayed. (3-15-22)

701. LATE AND DELAYED REGISTRATION OF DIVORCE.

01. Late Registration. Until one (1) year has elapsed from the date of the divorce decree, divorce certificates will be accepted for filing by the State Registrar in accordance with Section 39-265, Idaho Code, and will not be marked as delayed. (3-15-22)

02. Delayed Registration. The registration of a divorce after one (1) year must be made on the regular divorce certificate form that is: (3-15-22)

a. Filed by the court directly with the State Registrar; and (3-15-22)

b. Accompanied by a certified copy of the final decree of divorce. (3-15-22)

03. Additional Evidence. In all cases, the State Registrar may require additional documentary evidence to prove the facts of divorce. (3-15-22)

04. Summary Statement. A summary statement of the evidence submitted in support of the delayed registration will be entered on the certificate, and the certificate will be marked as delayed. (3-15-22)

702. -- 799. (RESERVED)

800. DELAYED REGISTRATION OF STILLBIRTH AND MISCARRIAGE.
The requirements for filing delayed stillbirth and miscarriage certificates are the same as those for a delayed death certificate, except that the Section on paternity is governed by Section 39-260, Idaho Code. (3-15-22)

801. -- 849. (RESERVED)

850. REMOVAL OF DEAD BODY OR FETUS FROM PLACE OF DEATH OR STILLBIRTH.
Before removing a dead body or fetus from the place of death or stillbirth, the funeral director, or person acting as such, must, under Section 39-268, Idaho Code: (3-15-22)

01. Obtain Assurance That Death Is from Natural Causes. Obtain assurance from the attending physician, physician assistant, advanced practice registered nurse, or their designated associate, responsible for medical certification of the cause of death or stillbirth: (3-15-22)

a. That the death or stillbirth is from natural causes; and (3-15-22)

b. That the attending physician, physician assistant, advanced practice registered nurse, or their designated associate, will assume responsibility for certification of the cause of death or stillbirth; or (3-15-22)

02. Notify the Coroner. Notify the coroner when: (3-15-22)

a. The case falls within the jurisdiction of the coroner in accordance with Section 39-260, Idaho Code; or (3-15-22)

b. The death or stillbirth is due to natural causes; and (3-15-22)

i. There was no attending physician, physician assistant, or advanced practice registered nurse during the last illness; or (3-15-22)

ii. There was no physician, physician assistant, or advanced practice registered nurse in attendance at the stillbirth; or (3-15-22)

iii. When the attending physician, physician assistant, advanced practice registered nurse, or their designated associate, is not available or is physically incapable of providing assurance that the death or stillbirth is from natural causes or providing permission to remove the dead body or fetus from the place of death or stillbirth. (3-15-22)

03. Receive Permission to Remove the Dead Body or Fetus. Receive permission to remove the dead body or fetus from the place of death or stillbirth from: (3-15-22)

a. The attending physician, physician assistant, advanced practice registered nurse, or their designated associate, if the death is from natural causes and all assurances in Subsection 850.01 of this rule have been met; or (3-15-22)

b. The coroner, if the case falls within the jurisdiction of the coroner, in accordance with Section 39-260, Idaho Code, or if the death or stillbirth is due to natural causes and one (1) of the conditions listed in Subsections 850.02.b.i. through 850.02.b.iii. of this rule has been met. (3-15-22)

851. AUTHORIZATION FOR DISINTERMENT AND REINTERMENT.

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

the applicant and the mortician in charge of the disinterment. The applicant for the permit must be either: (3-15-22)

a. The person or persons who have the highest authority under the provisions of Section 54-1142, Idaho Code; or (3-15-22)

b. A person authorized by Section 39-269, Idaho Code, to request a special disinterment for legal purposes, in which case the application must state facts showing that the ends of justice require disinterment. (3-15-22)

02. Mass Disinterment and Reinterment. Upon receipt of a notarized application, or an order of a court of record of this state, the State Registrar may issue a single permit for the disinterment and reinterment of all remains included in a mass disinterment. The permit will be issued only to the mortician who is identified on the application or order as the mortician in charge of the disinterment. The application or order for the permit must identify the remains of each body to the extent possible and specify the place of disinterment and reinterment. The application for the permit must be signed by the applicant and the mortician in charge of the disinterment. The applicant for the permit must be either: (3-15-22)

a. The person or persons who have the highest authority under the provisions of Section 54-1142, Idaho Code, for each of the deceased; or (3-15-22)

b. A person authorized by Section 39-269, Idaho Code, to request a special disinterment for legal purposes, in which case the application must state facts showing that the ends of justice require disinterment. (3-15-22)

03. Nature of Permit. The authorization issued in accordance with the statutes and rules governing disinterment is permission for disinterment, transportation and reinterment. (3-15-22)

852. -- 999. (RESERVED)