**R436. Health and Human Services, Data, Systems and Evaluation, Vital Records and Statistics.**

**R436-3. Amendments and Corrections to Vital Records.**

**R436-3-1. Authority and Purpose.**

(1) Sections 26B-8-107 and 26B-8-111 authorize this rule.

(2) This rule sets forth the process for correcting and amending vital records.

**R436-3-2. Definitions.**

(1) "Amendment to a vital record" means a change made to a field that appears on the printed birth certificate or a change, other than a scrivener's error, made a year or more after the event.

(2)(a) "Correction to a vital record" means a change made to a field that does not appear on the printed birth certificate, such as birth weight or residence, or a change to information that was entered incorrectly.

(b) Any correction, other than for a scrivener's error, must occur within one year of the event or before the issuance of a certificate.

(3)(a) "Court order" means an order from a court of competent jurisdiction; and

(b) includes a civil petition invoking the jurisdiction of a court of record.

(4) "Delayed birth certificate" means the certificate from a delayed birth registration as defined in Section 26B-8-108.

(5) "Department" means the Department of Health and Human Services.

(6) "Scrivener's error" means an error or omission made by an individual entering information into a Vital Records system or while creating a record.

**R436-3-3. Role of the State Registrar.**

(1) The state registrar shall determine if a change to a certificate item may be corrected or if an amendment is required.

(2)(a) The state registrar may initiate a correction to a record if the state registrar becomes aware of incorrect information on a record.

(b) The state registrar may contact any facility or individual responsible for the original submission of data to assist in the collection of evidence of the error and correct information.

(3)(a) The state registrar may require documentary evidence as outlined in Section R436-3-5 to substantiate any requested correction or amendment.

(b)(i) If there is reason to doubt the validity or adequacy of the documentary evidence, the Office of Vital Records may reject the change.

(ii) If the Office of Vital Records rejects the change, the Office of Vital Records shall advise the applicant of the reasons for the rejection.

(4)(a) If the state registrar makes a correction, the state registrar shall make a notation recording the source of the corrected information, the date the change was made, and the identity of the authorized individual making the change on the record in such a way as to not become a part of any certificate issued.

(b) The previous information shall be preserved in the electronic or paper record for tracking and audit purposes.

(5)(a) If an amendment is made, the Office of Vital Records shall print a notation showing the record was amended on the face of the certificate of record.

(b) The exact changes made or specifics of the amendment may be printed on further pages of the certificate.

**R436-3-4. Amend a Record.**

A person requesting any amendment to a vital record shall submit a notarized affidavit asserting that the error exists that is signed by the asserting person and one other credible person having knowledge of the facts. The affidavit shall set forth:

(1) information to identify the record;

(2) any item to be amended;

(3) the incorrect information as it appears; and

(4) the correct information as it should appear.

**R436-3-5. Documentary Evidence Required for Corrections or Amendments.**

(1) With the exception of a correction initiated by the state registrar, as outlined in Section R436-3-2, or an amendment to the medical certification, at least one item of documentary evidence may be required that supports an alleged fact.

(2) Each document presented shall contain sufficient information to clearly show that they pertain to the registrant on the record for which the amendment or correction has been requested.

(3) Each document shall clearly establish any fact pertaining to the amendment sought.

(4) An acceptable document includes:

(a) a certified copy of a live birth record of the registrant's child;

(b) a certified copy of a marriage record;

(c) a copy of any official record prepared by a state or federal agency that has maintained case files on the applying individual;

(d) a federal government census record;

(e) a government agency record for benefit establishment, including social services, Medicaid, clinical services, or similar services;

(f) a passport or visa;

(g) a tax record such as a W-2 form;

(h) an insurance policy naming the married couple;

(i) any court order clearly establishing any fact to be amended;

(j) any medical record pertaining to the vital event;

(k) any medical treatment record, which may include official medical history, a patient information sheet, or immunization records that list birth information and show dates the patient was seen;

(l) any military record;

(m) any Social Security record;

(n) the most recent joint tax return of the married couple;

(o) the original voter registration; or

(p) any other document considered valid and adequate by the state registrar to support the requested change.

(5) Only one document of each type listed in Subsections (4)(a) through (p) may be used in a case where more than one document is required to support a fact.

(6) Any document presented shall be from an independent source.

(7) A family document, such as records from bibles or personal genealogical records, is not acceptable.

(8) Each document shall be in the form of:

(a) the original record; or

(b) a certified copy or excerpt from the original custodian of the record.

(9) If a vital record was issued with information that was entered incorrectly, a corrected version of the vital record, as outlined in Section R436-3-2, may be issued for no additional fee if the incorrect vital record is returned to the department.

**R436-3-6. Amend or Correct a Live Birth Record, Stillbirth Record, or Fetal Death Record.**

(1) A stillbirth record or fetal death record may be amended or corrected after registration.

(2) A live birth record may not be amended or corrected after death, except that omission of a child's name may be amended after death within one year of birth.

(3)(a) A person may apply for an amendment or correction of a live birth record, stillbirth record, or fetal death record if that person is:

(i) the registrant, if the registrant is least 18 years old or has the status of emancipated minor;

(ii) the parent of the registrant, if the registrant is under 18;

(iii) the legal guardian of the registrant; or

(iv) the legal representative acting on behalf of the registrant.

(b) The licensed facility, licensed provider, or health care provider responsible for submitting the report of live birth within one year of the date of the birth may also apply.

(4) Until one year from the date of birth, a child's name may be changed or added upon receipt of an affidavit signed by both parents named on the record or the legal guardian of the registrant.

(5)(a) The state registrar requires a court order to change or amend:

(i) a child's name after one year from the date of birth; or

(ii) the child's sex or gender.

(b) The state registrar does not require a court order to correct a scrivener's error.

(6) A court order is required for any change to a delayed birth certificate.

(7) A facility of birth or midwife attending a birth may correct a date of birth.

(8) If the facility of birth or midwife cannot make the correction to the date of birth, the Office of Vital Records may make a correction if:

(a)(i) two supporting documents are submitted demonstrating the registrant has consistently used the corrected date of birth from childhood; and

(ii) at least one of these documents was created within seven years of the alleged date of birth; and

(b) the corrected date of birth is before the date the birth record was registered.

(9) To amend parent information for a child under 18 years old:

(a) the parent whose information is being changed must sign the amendment request form;

(b) if the parent is deceased, a death certificate must be provided and another immediate family member of that parent must sign the amendment request form;

(c) if the parents are married and the amendment request is to add the father, a marriage certificate must be provided and both parents must sign the form; or

(d) if the parents are not married, a voluntary declaration of paternity or court order establishing paternity must be submitted for the father to be added to the child's birth certificate.

(10) To amend a live birth record, stillbirth record, or fetal death record for a registrant at least 18 years old:

(a) the registrant, or legal guardian, must sign as one of the witnesses on the amendment request form; and

(b) the second witness shall be an immediate family member to the registrant.

(11) If only one parent is listed, the second witness shall be an immediate family member of the listed parent.

(12)(a) For a live birth record, any document submitted shall have been established before the registrant's 18th birthday or at least ten years before the date of the application for the amendment or correction.

(b) The state registrar may make exceptions for other documents, including a court order, passport, or other evidence that clearly supports a fact of live birth.

**R436-3-7. Amend or Correct a Death Record.**

(1) A funeral home director may amend a death record through the electronic death registration system for up to one year after a death.

(2) The following persons may apply to amend or correct personal information on a death record:

(a) the informant listed on the death record and an immediate family member of the decedent;

(b) two immediate family members of the decedent; or

(c) the funeral director, or person acting as the funeral director, who submitted the information for the death record.

(3) The following persons may apply to amend or correct the marital status on a death record:

(a) the spouse with a marriage certificate and the informant listed on the death record;

(b) the spouse with a marriage certificate and a witness with personal knowledge of the marriage;

(c) two family members with the marriage certificate or acceptable evidence of marriage;

(d) a family member with evidence of divorce, dissolution, death, or annulment before the death of the decedent; or

(e) a common-law spouse with a court order issued in a legal action indicating that the person was in a common-law marriage with the decedent at the time of the decedent's death.

(4) Other changes to marital status and recorded surviving spouse may be made only upon a court order that determines the marital status of the decedent and identifies the surviving spouse.

(5) If there is conflict, the state registrar may elect to require a court order before a change is made to the marital status.

(6) If there are conflicting requests with no clear documentary evidence, an informant who is in concurrence with one other witness with personal knowledge of a fact shall be considered in the following order of precedence:

(a) a surviving spouse;

(b) a child, if at least 18 years old, otherwise the legal guardian of the child;

(c) a parent;

(d) a grandparent;

(e) a sibling;

(f) an uncle or aunt;

(g) a nephew or niece; and

(h) a cousin.

(7)(a) The cause of death on a death record may only be amended upon receipt of a signed statement or approved electronic notification from the medical certifier or medical examiner who originally certified the cause of death.

(b) In the absence or inability of that physician, an individual may request the change if that individual is:

(a) the authorized medical associate of the original certifier;

(b) the chief medical officer of the institution in which the death occurred; or

(c) a medical examiner who assumes jurisdiction of the case if that medical examiner has access to the medical history of the case.

(8) The funeral director may correct the date or time of death.

**R436-3-8. Amendment of the Same Item More Than Once.**

Once an item is amended through a signed affidavit, that item may not be amended again, except upon receipt of a court order.

**KEY: vital statistics, amendments, fathers, mothers**

**Date of Last Change: July 1, 2025**

**Notice of Continuation: March 20, 2023**

**Authorizing, and Implemented or Interpreted Law: 26B-8-107; 26B-8-111; 78B-15-302**