

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF THE STATE REGISTRAR

COMPLETION, FILING, AND REGISTRATION OF VITAL RECORDS DOCUMENTS

(By authority conferred on the department of public health by section 2896 of Act No. 368 of the Public Acts of 1978, as amended, being S333.2896 of the Michigan Compiled Laws)

R 325.3201 Definitions.

Rule 1. (1) As used in these rules:

(a) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.

(b) "Date of application" means the date the application to establish a delayed registration of birth or a delayed registration of death is received in the office of the state registrar.

(c) "Date of filing" means the date the local registrar places on the document at the time the record is accepted for filing.

(d) "Live birth" means the complete expulsion or extraction from a pregnant woman of a product of human conception which, after such expulsion or extraction, shows any evidence of life, whether or not the umbilical cord has been cut or the placenta is attached.

(e) "Registered record" means a record accepted by the state registrar for incorporation into the permanent official records of the system of vital statistics.

(f) "Registrant" means the individual to whom the record pertains.

(2) The terms defined in part 28 of the code have the same meanings when used in these rules.

History: 1981 AACS.

R 325.3202 Instructions for completing and filing vital records.

Rule 2. The state registrar shall prepare and distribute instructions on the proper completion and filing of vital records.

History: 1981 AACS.

R 325.3203 Information designated as confidential or collected for statistical, health, or medical purposes.

Rule 3. (1) The state registrar shall identify on vital records forms all items which are confidential or collected only for statistical, health, or medical purposes.

(2) Information identified on vital records forms to be confidential or collected for a statistical, health, or medical purpose shall not be retained at the office of a local registrar beyond the time required by these rules to properly file and forward the vital record to the state registrar.

History: 1981 AACS.

R 325.3204 Forms.

Rule 4. (1) All vital records forms prepared and distributed by the state registrar for reporting vital events and vital statistics shall be surrendered to the state registrar upon demand.

(2) Only forms furnished or approved by the state registrar shall be used to report vital events and vital statistics or to make copies thereof.

(3) The forms prescribed and distributed by the state registrar shall be used only for official purposes.

History: 1981 AACS.

R 325.3205 Storage and distribution of blank forms.

Rule 5. (1) A person responsible for the preparation and filing of vital records shall do all of the following:

- (a) Store blank vital records forms in such a manner as to safeguard the forms against theft or misuse.
- (b) Distribute forms only to other persons when authorized to do so by a local registrar or the state registrar.
- (c) Report forms missing from their supply to the local registrar of the district or the state registrar. The report shall contain all of the following:
 - (i) The date the records were discovered missing.
 - (ii) The type of record.
 - (iii) The number of missing records.
 - (iv) The preprinted serial numbers of missing forms, if the forms contain a preprinted serial number.
 - (v) Information that may lead to the recovery of the forms.
- (2) A local registrar receiving a report of missing or stolen forms shall forward the report to the state registrar.

History: 1981 AACS.

R 325.3206 Vital records preparation; acceptability for filing.

Rule 6. (1) All forms used to record births, deaths, marriages, divorces, and other events designated by the state registrar shall be prepared on a typewriter with a black ribbon or shall be printed legibly in black, unfading ink. All signatures required shall be entered in black, unfading ink.

(2) All signatures shall be original signatures, except for the signatures of the local registrar, state registrar, or a judge of a circuit or probate court.

(3) The full name of each individual recorded on vital records shall be recorded in English alphabetic characters, except for surname suffixes which may be recorded in Roman or Arabic numerals.

(4) All references to time on vital records shall refer to the time in effect at the place and on the date the event occurred.

(5) Unless otherwise directed by the state registrar, a certificate is unacceptable for filing under any of the following circumstances:

- (a) It is not completed in conformance with instructions issued by the state registrar.
- (b) It contains alterations or erasures, except on portions required only for statistical, health, or medical use.
- (c) It does not contain handwritten signatures required by instructions issued by the state registrar.
- (d) It is marked "copy" or "duplicate."
- (e) It is a carbon copy.
- (f) It is prepared on an improper form.
- (g) It contains obvious improper, inconsistent, or incomplete information.
- (h) It has been folded, bent, stained, or otherwise damaged.
- (i) It is illegible.
- (j) It contains cause of death information not properly recorded in conformance with instructions issued by the state registrar.
- (k) It is not certified by a person authorized by law or by rule to certify to the facts of the event.
- (l) It occurred more than 1 year before the date the record is received by the local registrar.

History: 1981 AACS.

R 325.3207 Replacement of vital records not acceptable for filing.

Rule 7. (1) When a vital record is not acceptable for filing, the person responsible for filing the original vital record shall prepare another record acceptable for filing and shall submit it to the local registrar within 5 days after receipt of notice that the record is not acceptable for filing, except for records not accepted pursuant to R 325.3206(5)(1).

(2) If, after receipt of notice that a vital record is not acceptable for filing, the person responsible for filing the original vital record cannot meet the required filing date, he or she shall submit a written notification to the local registrar stating the reason for the lateness and expected date of submission.

History: 1981 AACS.

R 325.3208 Recording false information.

Rule 8. A person responsible for filing a vital record which contains suspected false information shall file the vital record and shall report the suspicion to the local registrar.

History: 1981 AACS.

R 325.3209 Late filing of certificates of birth and certificates of death.

Rule 9. (1) Certificates of birth filed after 5 days, but within 1 year of the date of birth, or certificates of death filed after 72 hours, but within 1 year of the date of death, shall be filed on the standard form in the manner prescribed in section 2822 of the code. Each certificate so filed shall be accompanied by a written explanation for the lateness of the filing.

(2) When an individual is found dead and the date of death as determined by the medical examiner is at least 1 year before the date the body was found, the death shall be registered on the form in use at the time the body is found and the state registrar shall mark the certificate of death "delayed."

History: 1981 AACS.

R 325.3210 Filing of certificates of death with incomplete information.

Rule 10. (1) If all the information necessary to complete a certificate of death is not available within the time prescribed for filing of the certificate, the funeral director shall file the certificate completed with all information that is available. In all cases, the medical certification shall be signed by the person responsible for the certification. If the cause of death is not known or not yet determined, the cause of death shall be shown as "pending."

(2) A local registrar shall accept a certificate of death showing the cause of death as "pending" only if signed by a county medical examiner or a deputy medical examiner licensed to practice medicine in this state.

(3) A supplemental report providing the information missing from the original certificate shall be filed by the person responsible for obtaining the missing information with the state registrar as soon as possible, but in all cases within 60 days of the date the death occurred.

(4) If the supplemental report is filed before the certificate is registered, the missing information shall be added to the certificate. Otherwise the certificate shall be replaced.

(5) Supplemental reports filed more than 60 days after the date of death shall be considered an application to amend the record.

History: 1981 AACS.

R 325.3211 Original records; minor changes or alterations.

Rule 11. The person responsible for filing a vital record may make a minor change or alteration to the original record only through use of a lift-off process. Changes or alterations made by erasure, correcting fluids, or image overlay are not acceptable, except on portions designated as only for statistical, health, or medical use.

History: 1981 AACS.

R 325.3212 Errors in filing and registration.

Rule 12. The state registrar or a local registrar may make changes to the record where the change corrects an error made in the filing or registration of the record. All changes shall be done using procedures approved by the state registrar.

History: 1981 AACS.

R 325.3213 Local registrar to number, date, and affix signature.

Rule 13. A local registrar shall number, shall provide a date of filing for, and shall affix his or her signature on, each vital record accepted for filing in accordance with instructions issued by the state registrar.

History: 1981 AACS.

R 325.3214 Packaging and shipping vital records.

Rule 14. (1) A local registrar shall package and ship vital records in conformance with instructions issued by the state registrar.

(2) Records shall be shipped to the state registrar by the fourth of the month following the month the record was filed.

(3) The state registrar may require the immediate shipment of an individual record.

History: 1981 AACS.

R 325.3215 Hospitals or institutions; preparation of certificates of death.

Rule 15. When death occurs in a hospital or other institution and the death does not fall within the jurisdiction of the medical examiner, the person in charge of the institution, or his or her designated representative, may initiate the preparation of the certificate of death only as follows:

(a) Place the full name and sex of the deceased and the date and place of death on the certificate of death.

(b) Obtain from the attending physician the cause of death, other information required of the physician, and the attending physician's signature.

(c) Present the partially completed certificate of death to the funeral director or person acting as such.

History: 1981 AACS.

R 325.3216 Medical examiner; preparation of certificates of death.

Rule 16. If a death falls within the jurisdiction of a medical examiner, the medical examiner may initiate the preparation of the certificate of death as specified in these rules.

History: 1981 AACS.

R 325.3217 Proper presentation of certificates of death for physician signature.

Rule 17. (1) A physician responsible for completing the medical certification on a certificate of death shall provide the certification when a certificate of death is presented to him or her with, at a minimum, all of the following information:

(a) The name of the deceased.

(b) The sex of the deceased.

(c) The county, city, village, or township and address of the deceased.

(2) A record completed in this manner is considered properly presented for the purpose of obtaining the medical certification.

History: 1981 AACS.

R 325.3218 Foundling registration.

Rule 18. (1) When a person assumes custody of a child of unknown parentage, the facts as prescribed by section 2825 of the code shall be reported on the birth certificate form in use at the time the infant is found.

(2) All items on the form shall be completed in conformance with instructions issued by the state registrar. The completed certificate shall be forwarded to the state registrar.

(3) Before registration, the state registrar shall make a reference mark on the record to identify the record as that of a foundling child. The reference mark shall not disclose the fact that the record is for a foundling child.

(4) Following registration, the state registrar shall forward a copy of the certificate to the local registrar for the area where the infant was found.

History: 1981 AACCS.

R 325.3219 Registration of presumptive death.

Rule 19. (1) A certificate of death prepared on the basis of an order of a probate court which finds that a person is presumed to have died in this state as a result of a disaster or accident shall be prepared on the certificate of death form in use at the time the order is presented.

(2) All items on the certificate of death shall be prepared as fully as possible. If unknown, the items shall be completed as unknown, except that all information on the disposition of the body shall be left blank.

(3) A copy of the court order and the certificate of death shall be submitted to the state registrar.

(4) Before registration, the state registrar shall mark the certificate "presumptive" and shall record on the certificate the name of the probate court which issued the order and the date of the order.

(5) Following registration, the state registrar shall forward a copy of the certificate to the local registrar for the area where death was presumed to have occurred.

History: 1981 AACCS.

R 325.3220 Delayed registration of birth; application; establishment; evidence; review of application and evidence; dismissal or denial of application; preparation and filing of registration; rescission of registration.

Rule 20. (1) A living person born in Michigan who has received an official notice from the state registrar that the person's birth is not recorded in the office of the state registrar or that person's parent, guardian, legal representative, or an older person having knowledge of the facts of birth may apply for the establishment of a delayed registration of birth subject to these rules.

(2) Application shall be made on a form prescribed by the state registrar setting forth the facts prescribed in subrule (3) of this rule and sworn to, before an official authorized to administer oaths, by the person whose birth is to be registered if the registrant is 18 years of age or older and is competent to sign and swear to the accuracy of the facts stated therein; otherwise, the application shall be sworn to by 1 of the parents, the legal guardian, a legal representative, or an older person having knowledge of the facts of birth.

(3) The minimum facts to be established for a delayed registration of birth are as follows:

(a) The full name of the registrant at the time of birth.

(b) The date of birth and place of birth of the registrant.

(c) The full maiden name and birthplace of the registrant's mother.

(d) The full name and birthplace of the registrant's father, except that if the mother was not married to the father at the time of birth or within 10 months preceding the birth, the name of the father shall not be entered on the delayed registration of birth, unless there is filed with the department a properly executed affidavit of parentage, a true or certified copy of an acknowledgment of paternity filed in a court, or a true or certified copy of a court determination of paternity.

(4) The application shall be accompanied by the fee prescribed by law and documentary evidence as prescribed by these rules.

(5) The official notice of the state registrar that the birth cannot be located in the files of the state registrar shall accompany the application, except that this notice is not necessary for applications received within 1 year of the date the statement was issued.

(6) Each of the facts prescribed by subrule (3) of this rule shall be supported by any of the following:

(a) Two documents prepared within 5 years of the date of the event.

(b) One document prepared within 5 years of the date of the event and 1 document prepared not less than 5 years before the date of application.

(c) One document prepared within 5 years of the date of the event and an affidavit of personal knowledge of the birth from an older relative.

(d) Two documents prepared not less than 5 years before the date of application and an affidavit of personal knowledge of the birth from an older relative.

(e) Three documents prepared not less than 5 years before the date of application.

(7) Documents submitted in support of a request to establish a delayed birth certificate which contain signs of erasure, alterations, or changes to the pertinent information shall not be accepted.

(8) The state registrar shall review each application and the evidence submitted in support of the application. When the documentary evidence is insufficient to support the application, the state registrar may require the submission of additional documentary evidence. The state registrar shall dismiss an application when additional evidence requested or the required fee is not received within 6 months of the request for the additional evidence or the fee. When an application is dismissed, the state registrar shall send a written notice of dismissal to the applicant and shall return the documentary evidence. The application fee submitted shall be retained. The state registrar shall deny an application when the applicant refuses to submit the required fee or complete an application, when the applicant is not eligible to apply, or when the applicant cannot provide satisfactory documentary evidence in support of the application. When an application is denied, a written notice of denial shall be forwarded to the applicant indicating the reason for the denial. All documentary evidence shall be returned to the applicant. The application fee submitted shall be retained, except when the applicant is not eligible to apply.

(9) If, after review of the application and the evidence, the state registrar is satisfied that the evidence supports the request, the state registrar shall prepare a delayed registration of birth on a form prescribed by the state registrar and shall place the record in the active files of the system of vital statistics. A delayed registration of birth shall show on its face a summary statement of the evidence submitted in support of the delayed registration of birth and shall be marked "delayed." A copy of the delayed registration of birth shall be forwarded to the local registrar for the area where the birth occurred. The documentary evidence shall be returned to the applicant.

(10) If the state registrar becomes aware that a delayed registration of birth prepared by the department is invalid or that the evidence received in support of the delayed birth certificate is false or invalid, the delayed registration of birth shall be rescinded. The state registrar shall forward a notice of the rescission to the last known address of the applicant. The state registrar shall notify the local registrar of the rescission of the record and shall instruct the local registrar to remove the record from the files.

History: 1981 AACs.

R 325.3221 Delayed registration of death; application; establishment; evidence; review of application and evidence; dismissal or denial of application; preparation and filing of registration; rescission of registration.

Rule 21. (1) A next of kin of a deceased person who has received an official notice from the state registrar that the death is not recorded in the office of a local registrar or the state registrar, the person responsible for the medical certification of death, or the person responsible for disposing of the deceased's body may apply for the establishment of a delayed registration of death if the date of application is more than 1 year after the date the person was pronounced dead.

(2) Application shall be made on a form prescribed by the state registrar, shall set forth the minimum facts prescribed in subrule (3) of this rule, and shall be sworn to by the applicant before an official authorized to administer oaths.

(3) The minimum facts to be established are as follows:

(a) The full name of the deceased at the time of death.

- (b) The sex of the deceased.
 - (c) The date and place of death.
 - (d) The manner and cause of death as determined by a physician licensed to practice medicine in this state and the name and address of the physician.
 - (e) The date, place, and method of disposition of the body as recorded by a person authorized by law to dispose of a dead body and the person's name and address.
- (4) The application shall be accompanied by the fee prescribed by law and documentary evidence prescribed by these rules.
- (5) Documents submitted in support of a request to establish a delayed registration of death which contain signs of erasure, alterations, or changes to the pertinent information shall not be accepted.
- (6) The facts prescribed in subrule (3) of this rule shall be supported by either of the following:
- (a) A copy of pertinent medical records for the deceased or an affidavit by a physician licensed to practice medicine in this state which sets forth all of the following:
 - (i) The full name of the deceased.
 - (ii) The date and place of death.
 - (iii) The manner of death.
 - (iv) The cause of death.
 - (v) The physician's address.
 - (b) An affidavit by a person authorized by law to dispose of a dead body which sets forth all of the following:
 - (i) The full name of the deceased.
 - (ii) The date, place, and method of disposal of the body.
 - (iii) The address of the person disposing of the body.
 - (iv) Other personal facts identified on the application form which may be known to the affiant or copies of documents which support the facts.
 - (c) In all cases the affiant shall swear that the facts provided are based on pertinent records concerning the deceased which are in the possession of the affiant.
- (7) The state registrar shall review each application and the evidence submitted in support of the application. When the documentary evidence is insufficient to support the requested change, the state registrar may require the submission of additional documentary evidence. The state registrar shall dismiss an application when additional evidence requested or the required fee is not received within 6 months of the request for the additional evidence or fee. When an application is dismissed, the state registrar shall send a written notice of dismissal to the applicant and return the documentary evidence. The application fee submitted shall be retained. The state registrar shall deny an application when the applicant refuses to submit the required fee or complete an application, when the applicant is not eligible to apply, or when the applicant cannot provide satisfactory documentary evidence in support of the application. When an application is denied, a written notice of denial shall be forwarded to the applicant indicating the reason for the denial. All documentary evidence shall be returned to the applicant. The application fee submitted shall be retained, except when the applicant is not eligible to apply.
- (8) If, after review of the application and the evidence, the state registrar is satisfied that the evidence supports the request, the state registrar shall prepare a delayed registration of death on a form prescribed by the state registrar and shall place the record in the active files of the system of vital statistics. A delayed registration of death shall show on its face a summary statement of the evidence submitted in support of the delayed registration of death and shall be marked "delayed." A copy of the delayed registration of death shall be forwarded to the local registrar for the area where the death occurred. The documentary evidence shall be returned to the applicant.
- (9) If the state registrar becomes aware that a delayed registration of death record prepared by the state registrar is invalid or that the evidence received in support of the delayed registration of death is false or invalid, the delayed registration of death shall be rescinded. The state registrar shall forward a notice of rescission of the record to the last known address of the applicant. The state registrar shall notify the local registrar of the rescission of the record and shall instruct the local registrar to remove the record from the files.

History: 1981 AACCS.