

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF THE STATE REGISTRAR

AMENDMENTS TO VITAL RECORDS

(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 325.3251 Definitions.

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

(a) "Addended record" means a replacement record containing the information as recorded on the registered record plus information added as an addendum to the record pursuant to section 2872 of the code.

(b) "Amended record" means a replacement record which is marked "amended," which contains the date of the amendment, and which identifies the items amended.

(c) "Applicant" means the individual who signs an application to correct a vital record document.

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

(e) "Date of application" means the date the application to correct a vital record document is received in the office of the state registrar.

(f) "New record" means a replacement record that is not marked to indicate changes made to the record.

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

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

(i) "Replacement record" means a record prepared by the department to replace an existing registered record.

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

History: 1981 AACCS.

R 325.3252 Certified copies of replacement records; requirements.

Rule 2. (1) A certified copy of an addended record shall show all of the following on its face:

(a) The information from the registered record.

(b) The addended information.

(c) The basis for the addendum.

(2) A certified copy of an amended record shall show on its face all amendment notations and shall be marked "amended."

(3) A certified copy of a new record shall not show on its face evidence of the changes made.

History: 1981 AACCS.

R 325.3253 Basis for preparing replacement records.

Rule 3. To protect the integrity and accuracy of the system of vital statistics, a certificate or record registered under sections 2821, 2827, 2829, 2841, 2846, or 2864 of the code may be replaced by an addended, an amended, or a new record only as prescribed by these rules.

History: 1981 AACCS.

R 325.3254 Replacement record request; content of application.

Rule 4. (1) Unless otherwise specified in these rules or statute, all requests for changes to vital records documents shall be made on an application to correct a vital record document as prescribed by the state registrar. The application shall set forth all of the following:

- (a) All the information necessary to identify the registered record.
- (b) The incorrect information as recorded on the registered record.
- (c) The information as it should appear on the replacement record.

(2) The completed application shall be accompanied by both of the following:

- (a) The proper fee prescribed by law.
- (b) The minimum supporting documentary evidence required by these rules.

(3) A request shall not be accepted which is not made on an application form prescribed by the state registrar and which is not accompanied by the required fee.

History: 1981 AACCS.

R 325.3255 Review of applications and evidence by state registrar; dismissals and denials of applications.

Rule 5. (1) The state registrar shall evaluate each application and the evidence submitted in support of the request to change a registered vital record document.

(2) The state registrar may in his discretion require the submission of additional documentary evidence to support a requested change.

(3) The state registrar shall dismiss an application when additional evidence requested is not received within 6 months of the request for the additional evidence. 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.

(4) The state registrar shall deny an application when the applicant is not eligible to apply, or when the applicant cannot provide satisfactory documentary evidence in support of the facts. When an application is denied, a written notice of denial shall be forwarded to the applicant which indicates the reason for the denial. All documentary

evidence shall be returned to the applicant. The application fee submitted shall be retained, except if the applicant is not eligible to apply.

(5) If, after review of the application and the evidence, the state registrar is satisfied that the evidence supports the requested change, the state registrar shall prepare the appropriate replacement record and place it in the active files of the system of vital statistics.

History: 1981 AACCS.

R 325.3256 Supporting evidence; erasures, alterations, or changes.

Rule 6. Documents submitted in support of a request to correct a vital record document which contain signs of erasure, alterations, or changes to the pertinent information shall not be accepted.

History: 1981 AACCS.

R 325.3257 Changes initiated by the state registrar.

Rule 7. (1) The state registrar may make changes to items on a registered record for the purpose of making all items on the record consistent with the known facts.

(2) The state registrar may make changes to a registered record if it is discovered that an error was made by the office of a local registrar or the state registrar in the filing or registration of the record.

History: 1981 AACCS.

R 325.3258 Sealing of record and evidence used to prepare replacement record.

Rule 8. (1) After preparation of a replacement record pursuant to sections 2831 and 2832 of the code, both of the following shall be complied with:

(a) The existing record, the existing copies of that record on file in the office of the state registrar and the offices of all local registrars, and the evidence used to prepare the replacement record shall be sealed.

(b) All records, evidence, and associated documents used as a basis for creating a replacement record pursuant to sections 2831 and 2832 of the code shall not be subject to inspection or copying, except upon order of a court of competent jurisdiction or by the state registrar for the purposes of properly administering the system of vital statistics.

(2) After preparation of a replacement record in all other instances:

(a) The existing record and the existing copies of that record on file in local registrars' offices and the office of the state registrar shall be sealed.

(b) The sealed record shall not be subject to inspection, except upon order of a court of competent jurisdiction.

(c) The state registrar may provide a copy of the application used as the basis to prepare the replacement record to a person eligible to receive a copy, a certified

copy, or a certificate of registration of the record, as provided in section 2882 of the code, or to a person eligible under these rules to request preparation of a replacement record.

History: 1981 AACCS.

R 325.3259 Amendment of amended record.

Rule 9. Items on a record previously amended under these rules shall not be amended again by the state registrar, unless it can be documented that the amendment was made in error by the office of the state registrar or upon order of a court of competent jurisdiction.

History: 1981 AACCS.

R 325.3260 Retention of previous amendment notations.

Rule 10. Notations of amendments to items changed by the preparation of a replacement record shall be retained and shall appear on the subsequent preparation of a replacement record, unless the replacement record is prepared pursuant to sections 2831 and 2872(1) of the code.

History: 1981 AACCS.

R 325.3261 Rescission of replacement records.

Rule 11. (1) If the state registrar becomes aware that a replacement record is invalid or that the evidence received in support of the preparation of the replacement record is false or invalid, the replacement record shall be rescinded. The prior record shall be unsealed and placed in the active file.

(2) The state registrar shall forward notice of the rescission to the last known address of the applicant.

(3) The state registrar shall notify the local registrar of the rescission of the replacement record and instruct the local registrar to activate the prior record.

History: 1981 AACCS.

R 325.3262 Change to birth or death records; notification of local registrar; local registrar duties.

Rule 12. (1) When the state registrar makes a change to the official recording of a birth or death, he or she shall notify the local registrar who retains a record of the event of the change.

(2) Upon notification of a change to a registered record, the local registrar shall seal the existing record as directed by the state registrar.

(3) The local registrar shall properly record the change as directed by the state registrar.

History: 1981 AACCS.

R 325.3263 Preparation of replacement records.

Rule 13. (1) The department shall prepare a new record as a replacement for a registered record when the state registrar receives any of the following:

(a) Documents described in sections 2831 and 2872 of the code as evidence of:

(i) Adoption.

(ii) Paternity.

(iii) Legitimation.

(iv) Sex designation.

(v) Legal change of name of a minor.

(b) A request, within 12 months of the date of the event, for additions or minor amendments. These amendments shall be limited to the following:

(i) Obvious errors.

(ii) Transpositions of letters or numbers.

(iii) Omissions.

(iv) Changes to the registrant's given names or the addition of a surname suffix, for example: "Jr.," "II," or "III."

(c) A request received within 6 years of the date of the event and documentary evidence to add the registrant's given name to a birth record where the given name is missing on the registered record.

(d) An order issued by a court of competent jurisdiction requiring the department to prepare a new record.

(e) Documentation showing a change in an action of a court that is documented in the system of vital statistics.

(f) Evidence of an error in an entry made by the office of the state registrar or a local registrar.

(2) The department shall prepare an addended record as a replacement for a registered record when the state registrar receives documents described in section 2872(2) of the code as evidence of a legal change of name.

(3) An amended record shall be prepared when it is not appropriate under these rules or statute to prepare an addended record or a new record.

History: 1981 AACCS.

R 325.3264 Preservation of original information.

Rule 14. A change to the information initially recorded on an original record shall not be made to the face of the original vital record document after it is registered, unless changed pursuant to R 325.3212.

History: 1981 AACCS.

R 325.3265 Replacement records; form.

Rule 15. (1) A replacement record shall be on a form that conforms as closely as possible to the form in use at the time the replacement record is prepared.

(2) A record prepared pursuant to an adoption shall conform as closely as possible to the form in use at the time of preparation, except that only the name of the county of birth shall be shown as the place of birth.

History: 1981 AACCS.

R 325.3266 Requests for changes to vital records documents; eligible persons.

Rule 16. (1) A change to a registered birth record may be requested by any of the following:

(a) The parents named on the record.

(b) A parent not named on the record who can establish that he or she may be named pursuant to section 2824 of the code for the purpose of having his or her name added to the record.

(c) The legal guardian of the registrant.

(d) The registrant, if 18 years of age or older.

(e) An heir to the registrant, if the registrant and the parents of the registrant are deceased.

(f) The individual or facility administrator responsible for filing the original certificate.

(g) A legal representative of any individual listed in subdivisions (a) to (f) of this subrule.

(2) A change to a registered death record may be requested by any of the following:

(a) The next of kin of the deceased.

(b) The funeral director or the person responsible for the disposition of the deceased.

(c) The physician who certified to the cause of death, as follows:

(i) The physician who certified to the cause of death may only request a change to the following:

(A) The date of death.

(B) The place of death.

(C) The medical facts of death.

(ii) In cases where a physician has certified to the cause and manner of death in his or her capacity as a medical examiner or deputy medical examiner, requests to amend the cause or manner of death on the death record may be made by any of the following:

(A) The physician who certified to the cause of death.

(B) The chief medical examiner.

(C) A deputy medical examiner, other than the original certifier, who is authorized by the chief medical examiner to request a change to a registered record.

The chief medical examiner shall provide the state registrar with a listing of the names of deputy medical examiners authorized to request amendments to records for which they are not the certifier. The chief medical examiner shall notify the state registrar when there are changes

to the list of authorized deputy medical examiners.

(iii) In cases where the certifying physician is now deceased, requests may be made by a physician who attests to having knowledge of the facts of death.

(iv) In all cases where the physician who makes the request is not the certifying physician named on the registered record, the name of the certifying physician on the replacement record shall be changed to reflect the name of the new certifying physician.

(3) Requests to change a registered marriage record shall be made pursuant to Act No. 128 of the Public Acts of 1887, as amended, being S551.101 et seq. of the Michigan Compiled Laws.

(4) A change to a registered report of divorce or annulment may be requested by any of the following:

(a) The custodian of the official record from which the report was prepared when the items to be changed are part of the divorce or annulment decree.

(b) Query by the state registrar when the items to be changed are not part of the divorce or annulment decree.

(c) Either of the parties to the divorce or annulment when the items to be changed are not part of the divorce or annulment decree.

(d) The legal representative of either of the parties of the divorce or annulment when the items to be changed are not part of the divorce or annulment decree.

History: 1981 AACCS.

R 325.3267 Correction of vital record information; evidence required.

Rule 17. (1) Documentary evidence is not required to correct the spelling of the registrant's first or middle name on a registered birth record if the request is made by either parent named on the birth record before the sixth birthday of the registrant.

(2) To delete the name of a father recorded on a registered birth record, a true or certified copy of a court determination of non-paternity, which contains an explicit statement to the effect that, based on the evidence presented to the court, the man named on the registered birth record as the father is not the father of the registrant, is required.

(3) To change the cause or mode of death on a registered death record, a certified copy of a court determination of the facts or the affidavit of a person named in R 325.3266(2)(c) is required.

(4) Except as specified in subrule (1), (2), or (3) of this rule, or except as specified by law or rule, a request to amend a vital record shall be accompanied by a certified copy of a court order specifying the correct facts or 1 or more pieces of the following documentary evidence:

(a) Records of regularly conducted activity as specified in rule 803(6) of the Michigan rules of evidence.

(b) Public records and reports as specified in rule 803(8) of the Michigan rules of evidence.

(c) Records of vital statistics as specified in rule 803(9) of the Michigan rules of evidence.

(d) Records of religious organizations as specified in rule 803(11) of the Michigan rules of evidence.

(e) Marriage, baptismal, and similar certificates as specified in rule 803(12) of the Michigan rules of evidence.

(f) Family records as specified in rule 803(13) of the Michigan rules of evidence.

(g) Records of documents affecting an interest in property as specified in rule 803(14) of the Michigan rules of evidence.

(h) Statements in ancient documents as specified in rule 803(16) of the Michigan rules of evidence.

History: 1981 AACCS.