

CHAPTER 96
VITAL RECORDS

[Prior to 7/29/87, Health Department[470] Ch 96]

641—96.1(144) Definitions. Record(s) shall be the following for the purposes of general public accessibility:

Record of death. Record of death shall be the compilation of those entries of death contained in docket books reflecting the recording of the death event.

Record of death shall also be the Certificate of Death excluding all entries indicating that they are “confidential information,” “for statistical purposes only,” or otherwise indicated as confidential or statistical in nature on the face of the record.

Record of dissolution or divorce. Record of dissolution or divorce shall be the Statistical Report of Dissolution and Report of Divorce excluding all entries under that “Confidential Statistical Section,” or indicating the “Information for Statistical Purposes Only,” or otherwise indicated as confidential or statistical in nature on the face of the record.

Record of live birth. Record of live birth shall be the compilation of those entries of live birth contained in docket books reflecting the recording of the live birth event.

Record of live birth shall also be the Certificate of Live Birth excluding all entries indicating that “they will not appear upon the certificate,” “for medical and health purposes only,” “for statistical purposes only,” “confidential information,” or otherwise indicated as confidential or statistical in nature on the face of the record.

Record of marriage. Record of marriage shall be the compilation of those entries contained in docket books reflecting the recording of the marriage event.

Record of marriage shall also be the Certificate of Marriage excluding all entries indicating “confidential information,” “for statistical purposes only,” or otherwise indicated as confidential or statistical in nature on the face of the record.

This rule is intended to implement Iowa Code section 144.43.

641—96.2(144) Specification. The state registrar may require that a person requesting a copy of a vital record, examination, or search for a vital record specify in writing the name of the person whose vital records are to be copied, examined, or searched; the purpose of such request; the relationship of the person making the request to the registrant; and the signature and address of the person making the request.

This rule is intended to implement Iowa Code section 144.43.

641—96.3(144) Handling. Equipment or vital records shall not be physically handled except by the state registrar, deputy or authorized personnel. This rule shall not prevent copying vital records.

641—96.4(144) Fees. Effective January 1, 2005, the following fees shall be charged for the various services provided by the state registrar or the county registrar.

96.4(1) A fee of \$15 shall be charged for the preparation of an adoption certificate, for amending a certificate, for amending a certificate of birth to reflect legal change of name, and for the preparation of a delayed certificate, for processing any other administrative or legal action, and for the preparation of copies of supporting documents on file in the state registrar’s office.

96.4(2) A fee of \$15 shall be charged by the state registrar and a fee of \$15 shall be charged by the county registrar for each record search conducted and shall include the issuance of a copy if the record is located. A fee of \$15 shall be charged for each additional certified copy issued. If following a search no record is found, the \$15 fee shall be retained.

96.4(3) A fee of \$15 shall be charged by the state registrar for amending an abstract or other legal documentation in support of the preparation of a new certificate.

96.4(4) Any overpayment of less than \$15 received by the state registrar for copying of or search for vital records, or for preparation or amending of a certificate, shall not be refunded.

96.4(5) When an individual is in possession of a previously issued certified copy of a vital record and the original record is subsequently changed or amended, the individual may request and receive a certified copy of the changed record without charge, if the uncorrected certified copy is relinquished.

96.4(6) When a search is conducted by the person requesting the copy, a fee based on the average administrative costs as established by the county shall be charged for an uncertified copy of a county record. The fee shall be retained by the county.

96.4(7) All fees collected by the county registrar and the state registrar, with the exception of the fee in subrule 96.4(6), shall be distributed as follows.

a. Fees collected by a county registrar. The county registrar shall retain \$4 of all fees collected by that office. The balance of fees collected by the county registrar shall be divided as follows:

(1) For birth and marriage certificates, the state registrar shall receive \$8, and \$3 shall be deposited in the general fund of the state.

(2) For death certificates, the state registrar shall receive \$6, the office of the state medical examiner shall receive \$3, and \$2 shall be deposited in the general fund of the state.

b. Fees collected by the state registrar. The state registrar shall retain \$9 of all fees collected by that office. The balance of fees collected by the state registrar shall be divided as follows:

(1) For birth and marriage certificates, \$6 shall be deposited in the general fund of the state.

(2) For death certificates, the office of the state medical examiner shall receive \$3, and \$3 shall be deposited in the general fund of the state.

All fees retained by the state registrar shall be added to the fund established by the department for the modernization of vital records.

All fees received by the office of the state medical examiner shall be added to the fund established for the operation of that office and the contribution it makes to the modernization of vital records.

This rule is intended to implement Iowa Code section 144.46; 1993 Iowa Acts, chapter 55; 1994 Iowa Acts, chapter 1068, section 8; and 2004 Iowa Acts, Senate File 2298, section 104.

641—96.5(144) Additional statistical data. Additional statistical data desired by the state registrar may be gathered on a separate sheet which may be attached to the marriage certificate. The statistical information sheet shall be clearly labeled, and data which is not required shall be clearly identified as optional. The statistical data sheet may be removed and forwarded to the department separate from the marriage certificate. Data collected by this means shall be considered as subject to Iowa Code section 144.43.

This rule is intended to implement Iowa Code chapter 144.

¹ Objection, see filed rules published IAC Supp. 6/14/76, 8/9/76

641—96.6(144) General public accessibility. At county level the general public shall have complete uncensored access and right to inspect all vital statistics records and information contained therein, except for that information specifically excluded by statute or definition for purposes of confidentiality.

96.6(1) There shall be complete uncensored access and a right to inspect all vital record docket books at the county level, when these dockets are purged of information categorized as confidential or private.

96.6(2) Access and the right to inspect all other vital records, nondocket, shall be on a document-by-document basis.

96.6(3) Upon request certified copies of vital records may be issued or made at county level, upon the payment of the required fee and demonstration of a verifiable direct and tangible interest. Uncertified copies of all vital records may be issued or made at county level, upon payment of a reasonable charge and demonstration of a verifiable direct and tangible interest.

96.6(4) Out-of-wedlock birth records prior to July 1, 1995. Accessibility: Records of out-of-wedlock births shall not be accessible to the public as of right under Iowa Code chapter 22 when they are in the custody of a county registrar.

For purposes of general public access and confidentiality, “out-of-wedlock” birth records shall be determined as follows:

a. Any record of birth where there is a reference or statement on the certificate or entry which directly indicates or specifies illegitimate or specified “no” regarding “born in wedlock” or “legitimate,” or

b. Any record of birth where there is reference or statement on the certificate or entry that either parent is “unknown,” “anonymous,” or there was a refusal to give parents’ name, or

c. Any certificate or entry which reflects the omission or absence of the name of the father of the child.

However, in all of the above paragraphs “a,” “b,” and “c” where the registrar has evidence from the record itself that the birth is a legitimate birth, the record of birth shall be accessible.

For out-of-wedlock births after July 1, 1995, filed at the county, accessibility will be as described in subrules 96.6(1), (2), and (3).

96.6(5) The state registrar may transmit to the appropriate local boards of health information from birth certificates for the sole purpose of identifying those children in need of immunizations. The state registrar may impose conditions to ensure that the use of the data is limited to official purposes.

This rule is intended to implement Iowa Code section 144.43.

641—96.7(144) Direct tangible interest accessibility. Certified copies of vital records may be issued or made at county level, upon the payment of the required fee for certification and demonstration of a verifiable direct and tangible interest. Uncertified copies of all vital records may be issued or made at county level, upon payment of a reasonable charge and demonstration of a verifiable direct and tangible interest.

The following persons shall be considered to have a direct tangible interest in requested records:

1. The registrant, a member of the registrant’s immediate family, legal representative or agent. Other persons may demonstrate a direct and tangible interest when it is shown the information needed is for the determination or protection of a personal or property interest.

“Legal representative” shall include an attorney, physician, funeral director, abstractor, insurance agent or an agent acting on behalf of the registrant or the registrant’s immediate family.

2. Applicants or their agents conducting family research satisfactorily demonstrating to the local custodian the existence of a direct and tangible interest. This is accomplished by substantiating a line of direct lineal consanguinity.

Direct lineal consanguinity is the existence of a line of descent in which one person is descended in a direct lineal relationship to another; as between a particular person and the person’s parent, grandparent, great-grandparent, and so upward, in the direct ascending line; or between a particular person and the person’s child, grandchild, great-grandchild and so downward in the direct descending line and any siblings of those persons. The county custodian shall require sufficient identification, such as name, address and relationship of all applicants requesting access under the criteria of direct and tangible interest. A written attestation by the applicant as to the applicant’s right to uncensored access may be required by the county custodian.

This rule is intended to implement Iowa Code section 144.3.

641—96.8(144) County custodians’ responsibility for maintenance of confidentiality. The state and county registrars shall maintain the confidentiality of all excluded material and information. Where records are such that this confidential information is included with accessible information, only accessible material and information shall be made available to the general public.

County custodians of vital records shall take all necessary steps to ensure the confidentiality of that information reflected on vital records that has been excluded from general public access. The county custodians must employ one or all of the following methods to ensure confidentiality:

1. Temporarily cover, by appropriate means, confidential material or information in such a manner as to allow access if needed at a later time.

2. If vital records are microfilmed, make a copy of the records from existing microfilm, eliminating the confidential material and information or cover the copy as above.

3. The county custodian will reproduce all vital records at county level eliminating the confidential material and information.

The county registrar may adopt reasonable charges to reflect the expenses for efforts required to allow general public access, examination and the assurance of confidentiality of this material and information pursuant to the authority of Iowa Code chapter 22. This fee is to be paid by those requesting these services as provided by the county custodian for supervising, copying or providing a suitable place for such work.

These rules are intended to implement Iowa Code sections 144.13 and 144.43.

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