

CHAPTER 102
CORRECTION AND AMENDMENT OF VITAL RECORDS
[Prior to 7/29/87, Health Department[470] Ch 102]

641—102.1(144) Application to amend records.

102.1(1) To amend a birth certificate, application may be made only by one of the parents, the guardian, or the registrant if of legal age.

102.1(2) To amend a death or fetal death certificate, application shall be made by the next of kin or the funeral director or person acting as such. Corrections or amendments to the medical certification of cause of death shall be requested by the attending physician or the medical examiner. The physician or medical examiner may by affidavit amend the cause of death within 90 days following the date of death or fetal death. Any amendment after 90 days following death or fetal death can be made only by court order. Provided, however, that the cause of death may be amended at any point upon submission of a report of autopsy findings.

102.1(3) To amend a marriage record, application shall be made by the parties married, the officiant, or by the next of kin.

102.1(4) To amend a divorce record, a certification must be received from the clerk of court maintaining the record from which the report was prepared stating in what manner such record has been amended. Those items appearing on the divorce record which are not a part of the divorce decree may be corrected or amended either by query or upon application of the parties to the divorce or their legal representatives.

641—102.2(144) Correction of minor errors within first year. Corrections of obvious errors, transposition of letters in words of common knowledge, or omissions, may be made by the state registrar within the first year after the date of the event, either upon observation, upon query, or upon request of a person with a direct and tangible interest in the record. If such additions or 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, shall be made on the record. Certificates corrected under this section are not to be marked amended.

641—102.3(144) Amendments or major corrections.

102.3(1) All other corrections or amendments unless covered elsewhere in these rules or in the law, shall be supported by:

a. An affidavit setting forth

- (1) Information to identify the certificate;
- (2) The incorrect data as it is listed on the certificate;
- (3) The correct data as it should appear.

b. One or more pieces of documentary evidence supporting the correction or amendment. If the application for correction or amendment is made one year or more after the event, the documentary evidence must be established at least five years prior to the date the correction or amendment is requested or within seven years of the date of event.

102.3(2) The state registrar may determine a priority of best evidence and may, upon discretion, require additional documentary evidence to support the requested correction or amendment. The state registrar shall evaluate the evidence submitted in support of any amendment, and when there is reason to question its validity or adequacy, the state registrar may reject the amendment and shall advise the applicant of the reasons for this action.

641—102.4(144) Correction of same item more than once. Once a correction of an entry is made on a vital record, that entry shall not be corrected again unless:

1. It can be shown that the first correction was made through mistake; or
2. A court order is received from a court of competent jurisdiction.

641—102.5(144) Methods of amending certificates. Corrections or amendments shall be made by drawing a single line through the incorrect item, if listed, and inserting the correct or missing data immediately above it or to the side of it, or by completing the blank item, as the case may be. In all cases where a line must be drawn through an original entry, it must not obliterate the original entry. In addition, there shall be inserted on the certificate, or in a separate file, a statement identifying the affidavit and documentary evidence used as proof of the correct facts and the date the correction was made. The word “amended” shall be placed on the certificate. In every case where the word “amended” is required to appear on the certificate, it shall appear on all copies of such certificates.

641—102.6(144) Amendment of birth certificate by paternity affidavit. A certificate of birth may be amended to show paternity, if paternity is not shown on the certificate, by submission of a sworn acknowledgment or affidavit signed by both parents. Where there is a legal finding of fact that the husband of the mother at time of conception or birth is not the biological father of the child, the husband’s name shall be removed. Subsequent to the removal of the husband’s name a sworn acknowledgment or affidavit may be used to establish paternity. The certificate shall not be marked as “amended.”

641—102.7(144) Change of given names within first year.

102.7(1) Until the registrant’s first birthday, given names may be added or changed upon written request of:

- a.* Both parents; or
- b.* The mother in the case of a child born out of wedlock or the death or incapacity of the father; or
- c.* The father in the case of the death or incapacity of the mother; or
- d.* The guardian in the case of the death or incapacity of both parents.

102.7(2) This procedure may be employed to change a given name only once. Thereafter, and at any time after the first year, the given name may be changed only upon submission of a court order.

641—102.8(144) Addition of given names until seventh birthday.

102.8(1) Until the registrant’s seventh birthday, the given name for a child whose birth was reported without a given name may be added based upon an affidavit signed by:

- a.* Both parents; or
- b.* The mother in the case of a child born out of wedlock or the death or incapacity of the father; or
- c.* The father in the case of the death or incapacity of the mother; or
- d.* The guardian or agency having legal custody of the registrant in the case of death or incapacity of both parents.

102.8(2) A certificate amended in this manner is not to be marked “amended.”

641—102.9(144) Addition of given name after seventh birthday. After the seventh birthday one or more pieces of documentary evidence must be submitted to substantiate the given name being added.

641—102.10(144) Legal change of name. For a legal change of name, a certified copy of the court order changing the name must be presented to the state registrar along with data to identify the birth certificate and a request that it be amended to show the new name.

These rules are intended to implement Iowa Code section 144.3.

[Filed June 8, 1971]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]