

CHAPTER 99
DELAYED BIRTH, DEATH AND MARRIAGE REGISTRATION
[Prior to 7/29/87, Health Department[470] Ch 99]

641—99.1(144) Foundling registration. The certificate for a living infant of unknown parentage is to be filed on a regular live birth certificate and shall:

1. Have “foundling registration” plainly marked in the left top margin of the certificate;
2. Show the required facts as determined by approximation and have parentage data left blank;
3. Have the certification of the attendant changed to read “signature of custodian” indicating title, if any.

641—99.2(144) Birth registration—five days to one year. The registration of a birth after the statutory time prescribed for filing but within one year from the date of birth shall be registered on the standard form of live birth certificate. Such certificate shall not be marked delayed. In any case where the certificate is signed by one of the parents, a statement giving the reason why the certificate cannot be signed by the attendant must appear on the reverse side of the certificate. The state registrar may require additional evidence in support of the facts of birth or an explanation for the delay in filing in any case where there appears to be reason to question the adequacy of the registration.

641—99.3(144) Delayed birth registration—after one year. All births registered one year or more after the date of birth are to be registered on a special “delayed certificate of birth” form adopted by the state registrar.

641—99.4(144) Who may file delayed certificate. Any person born in Iowa and whose birth is not recorded in Iowa, or the person’s parent, guardian, next of kin or other person acting for the registrant and having personal knowledge of the facts of birth, may file a delayed certificate of birth with the state registrar.

641—99.5(144) Delayed certificate to be signed. Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is 16 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise, the certificate shall be signed and sworn to by one of the parents, the guardian, the next of kin, or if none of these exist, any other older person. In all cases when someone other than the applicant signs the certificate, such person must be older than the applicant and have personal knowledge of the facts of birth.

641—99.6(144) Facts to be established for delayed registration of birth. The minimum facts which must be established by documentary evidence shall be the following:

1. The full name of the person at the time of birth, except that an additional delayed certificate may reflect a name established by adoption or legitimation when such evidence is submitted;
2. The date of birth and place of birth;
3. The name of the mother;
4. The full name of the father, except that if the mother was not married to the father of the child at the time of birth or during the ten months preceding such birth, the name of the father shall not be entered on the delayed certificate unless the child has been adopted or legitimated or parentage has been determined by a court of competent jurisdiction or there is evidence of acknowledgment of paternity by both parents.

641—99.7(144) Documentary evidence.

99.7(1) To be acceptable for filing, the name of registrant and the date and place of birth entered on a delayed birth certificate shall be supported by at least:

- a. Two pieces of documentary evidence if filed within seven years after the date of birth; or
- b. Three pieces of documentary evidence if filed seven years or more after the date of birth.

99.7(2) Each document must be from an independent source. Facts of parentage need be supported by only one document which may be one of the documents above. Documents presented shall be in the form of the original record or a duly certified copy thereof or a certification statement from the custodian of the record or document.

99.7(3) All documents submitted in evidence must have been executed at least ten years prior to the date of application or have been established prior to the applicant's tenth birthday.

99.7(4) Rescinded IAB 8/4/93, effective 7/16/93.

641—99.8(144) Abstraction and certification by state registrar. The state registrar or the registrar's designated representative shall abstract on the delayed certificate of birth a description of each document submitted to support the facts on the delayed birth certificate. This description shall include:

1. The title or description of the document;
2. The name and address of the affiant if the document is an affidavit of personal knowledge or of the custodian if the document is an original or certified copy of a record or certification statement;
3. The date of the original filing of the document being abstracted;
4. The information regarding the birth and parentage contained in the document.

641—99.9(144) Documents returned.

99.9(1) The state registrar or authorized agent shall by signature certify:

- a.* That no prior birth certificate is on file for the person whose birth is to be recorded;
- b.* That the state registrar or authorized agent has reviewed the evidence submitted to establish the facts of birth;
- c.* That the abstract of the evidence appearing on the delayed birth certificate accurately reflects the nature and content of the document.

99.9(2) All documents submitted in support of the delayed birth registration shall be returned to the applicant after review and abstraction.

641—99.10(144) Cancellation after one year. Delayed certificates not completed within one year may be canceled at the discretion of the state registrar. Upon cancellation, the state registrar shall return to the applicant all documents that have been submitted.

641—99.11(144) Duties of county registrar. Documentary evidence may be presented to the county registrar for review. If presented to the county registrar, the county registrar shall prepare an abstract for each document on a separate form provided by the state registrar. The abstracts along with the partially completed delayed certificate form and any affidavits that are being presented in evidence shall be transmitted to the state registrar for final determination of acceptability.

641—99.12(144) Delayed registration of death records.

99.12(1) The registration of a death after the statutory time prescribed for filing shall be registered on the standard form of death certificate in use at the time of registration.

99.12(2) If the attending physician or medical examiner at the time of death and the attending funeral director or person who acted as such are available to complete and sign the certificate of death, it may be completed without additional documentary evidence and filed with the state registrar. However, for those certificates filed one year or more after the date of death, the physician or medical examiner must state on the reverse side of the certificate that the information on the certificate is based on records kept in the files.

99.12(3) In the absence of the attending physician or medical examiner or the funeral director or person who acted as such, the certificate may be filed by a member of the immediate family of the deceased and shall be accompanied by:

- a.* An affidavit of the person filing the certificate swearing to the accuracy of the information in the certificates;
- b.* Two documents which identify the deceased and the date and place of death.

99.12(4) In all cases, the state registrar may require additional documentary evidence to prove the facts of death.

641—99.13(144) Delayed registration of marriage records.

99.13(1) A delayed certificate of marriage may be filed by the husband or wife or survivor if either party has died, or an adult son or daughter for any marriage performed in Iowa and not recorded within the statutory time prescribed for filing.

99.13(2) To be acceptable for registration by the state registrar, the delayed certificate of marriage must be supported by:

- a.* A copy of the license or the application for the license; and
- b.* A statement transcribed from the official records where the marriage was performed or of the person who performed the ceremony proving that there was a marriage and the date and place of such marriage. Such statements must be prepared and sworn to by the custodian of such records; or
- c.* An affidavit from one witness to the wedding ceremony swearing to the facts of the marriage.

99.13(3) The delayed certificate of marriage shall be the form of marriage certificate in use at the time of registration.

These rules are intended to implement Iowa Code sections 144.3, 144.15, 144.16, and 144.17.

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