

CHAPTER 100
ESTABLISHMENT OF NEW CERTIFICATES OF BIRTH
[Prior to 7/29/87, Health Department[470] Ch 100]

641—100.1(144) Certificates, forms. The standard form of certificate of birth in use at the time of preparation of the new certificate of birth shall be used.

641—100.2(144) Data required. To establish a new certificate following legitimation or determination of paternity, the necessary data to locate the original record and appropriate parental data shall be on a form furnished or approved by the state registrar.

641—100.3(144) Certificate following adoption.

100.3(1) A new certificate of birth may be prepared by the state registrar for a child born in Iowa upon receipt of an adoption report or certified copy of an adoption decree from the courts of Iowa or the several states of the United States.

100.3(2) A new certificate of birth may be prepared by the state registrar for a child born in a foreign nation upon request of resident adoptive parent(s) and receipt of all of the following documents:

a. Authenticated adoption decree in both the foreign language and English containing the official signature of the translator or an adoption report or certified copy of an adoption decree from the courts of Iowa;

b. If the decree does not contain all required fields to establish the certificate of foreign birth, then an adoptee's authenticated birth certificate in the foreign language and the English translation containing the official signature of the translator;

c. Adoptee's original permanent residence card (green card) or passport containing the official stamped I-551 statement of temporary evidence of permanent residence;

d. Certified copy of the birth certificate of the adoptive parent(s); and

e. Notarized statement on letterhead from the licensed adoption agency or certified adoption investigator that establishes parental residency.

By the authority of Public Law 106-395, a foreign-born child adopted by a U.S. citizen after February 27, 2001, automatically becomes a U.S. citizen. A certificate of citizenship may be obtained from the Immigration and Naturalization Service, and a passport may be obtained from the Department of State.

100.3(3) The name reflected on the certificate shall be the child's name exactly as listed on the decree presented to the state registrar. A legal change of name issued pursuant to Iowa Code chapter 674 shall be required to change the name.

100.3(4) The state registrar shall collect the fee for processing and registering the birth.

641—100.4(144) Certificate following legitimation.

100.4(1) If the natural parents of a child intermarry after the birth of the child, a new certificate of birth may be prepared if the child was born in Iowa. However, if another man is shown as the father on the original certificate, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction.

100.4(2) An affidavit of paternity prepared and signed by the natural parents and a certified copy of the parents' marriage record or a certified copy of the court determination of paternity must be submitted to the state registrar in order that a new certificate may be prepared.

641—100.5(144) Certificate following determination of paternity. A certified copy of the court determination of paternity along with the request of the mother that a new certificate be prepared must be submitted to the state registrar in order that a new certificate may be prepared.

641—100.6(144) Minimum information required. In addition to the information required by law, the new certificate shall also contain as a minimum the following items:

1. The name of the child;
2. The date and place of birth as transcribed from the original certificate;

3. The names and personal particulars of the adoptive parents or of the natural father;
4. The name of the attendant, printed or typed;
5. The same birth number as was assigned to the original certificate;
6. The original filing date.

641—100.7(144) Original certificate to be sealed. After preparation of the new certificate, the original certificate and the evidence upon which it was based are to be sealed and placed in a special file. The state registrar may inspect such sealed information for purposes of properly administering the vital statistics program.

These rules are intended to implement Iowa Code section 144.3.

[Filed June 8, 1971]

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

[Filed emergency 8/28/02—published 9/18/02, effective 8/28/02]

[Filed 11/15/02, Notice 9/18/02—published 12/11/02, effective 1/15/03]