

CHAPTER 96
BIRTH REGISTRATION

[Prior to 12/12/12, see [641] 95.1 to 95.4, Ch 99, 100.3]

641—96.1(144) Definitions. For the purpose of this chapter, the definitions in 641—Chapter 95 shall apply.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.2(144) Forms—property of department. All forms, certificates and reports pertaining to the registration of vital events are the property of the department and shall be surrendered to the state registrar upon demand.

96.2(1) The forms supplied or approved for reporting birth events shall be used for official purposes as provided for by law, rules and instructions of the state registrar.

96.2(2) No forms, except those furnished or approved by the state registrar, shall be used in the reporting of birth events or the making of copies of vital records.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.3(144) Standard birth registration—up to seven days.

96.3(1) A certificate of live birth for each live birth which occurs in this state shall be filed as directed by the state registrar within seven days after the birth.

96.3(2) The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144), 641—96.6(144) and 641—96.7(144) shall:

a. Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

b. Submit all required fees and reports with the birth registration.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.4(144) Standard birth registration—seven days to one year.

96.4(1) After seven days but within one year, a certificate of live birth for each live birth which occurs in this state shall be filed as directed by the state registrar.

96.4(2) The person responsible for registering the certificate of live birth pursuant to rules 641—96.5(144), 641—96.6(144) and 641—96.7(144) shall:

a. Utilize the official birth worksheet to report all information and any additional documentation as needed to complete the standard form for a certificate of live birth; and

b. Submit all required fees and reports with the birth registration.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.5(144) Birthing institutions.

96.5(1) When a live birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, utilizing the official birth worksheet, shall within seven days:

a. Obtain the personal data;

b. Obtain the signature of the mother or her legal husband or other signature as directed by the state registrar;

c. Provide the medical information required;

d. Certify that the child was born alive at the place, date, and time stated; and

e. File the certificate using the electronic birth registration system or as directed by the state registrar.

96.5(2) The birthing institution shall submit the fee report and remit the fees to the state registrar pursuant to rule 641—96.16(144).

96.5(3) The birthing institution shall maintain the birth worksheet for a minimum of ten years.

96.5(4) Upon demand of the state registrar, the birth worksheet and other information about the birth event shall be made available for inspection by the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.6(144) Non-birthing institutions.

96.6(1) Institutions that do not register birth records through the electronic birth registration system shall request instructions from the state registrar.

96.6(2) The person in charge of the non-birthing institution or the person's designee shall submit to the state registrar for registration of the live birth at a minimum the following:

a. A cover letter that is on business letterhead of the institution and that identifies the live birth submitted for registration, supports the facts of the live birth, and contains the original signature of the person responsible for registering the live birth;

b. A copy of the hospital delivery report, emergency department admittance, or physician notes;

c. The original Iowa official birth worksheet completed and signed by the mother, or her legal husband, or as directed by the state registrar; and

d. Payment of the fees, which shall be included with the birth worksheet.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.7(144) Non-institution birth.

96.7(1) In case of a non-institution Iowa live birth, the official non-institution birth worksheet shall be completed and filed with the state registrar by one of the following in the indicated order of priority:

a. The physician in attendance at or immediately after the live birth.

b. Any other person in attendance at or immediately after the live birth.

c. The father or the mother of the infant.

d. The person in charge of the premises where the live birth occurred.

96.7(2) Evidence in support of the facts of live birth shall be included in a cover letter, which shall contain the notarized signature of the person responsible for registering the birth. A certificate of live birth shall be completed and filed upon presentation of the following clear and convincing evidence by the individual responsible for filing the certificate:

a. Evidence of pregnancy including:

(1) Prenatal record;

(2) A statement from a physician, certified nurse midwife, or other health care provider qualified to determine pregnancy;

(3) A statement from a public health nurse or other health care provider documenting a prenatal home visit; or

(4) Other evidence acceptable to the state registrar.

b. Evidence the infant was born alive including:

(1) A statement from the physician, certified nurse midwife or other health care provider who saw or examined the infant;

(2) A statement from a public health nurse or other health care provider documenting a postnatal home visit; or

(3) Other evidence acceptable to the state registrar.

c. Clear and convincing evidence acceptable to the state registrar of the mother's presence in this state at the reported place and date of the live birth.

96.7(3) An Iowa-licensed certified nurse midwife may preregister with the state registrar by submitting a dated statement on business letterhead identifying the midwife's business name, if applicable, printed full name and original signature of the midwife, professional title, license number, address and telephone number.

a. Certified nurse midwives who are preregistered shall submit to the state registrar for registration of the live birth at a minimum the following:

(1) A cover letter that is on the business letterhead, that identifies the live birth submitted for registration, that supports the facts of the live birth, and that contains the original signature of the person responsible for registering the live birth;

(2) The original official non-institution birth worksheet completed and signed pursuant to subrule 96.7(5) or as directed by the state registrar; and

(3) Payment of fees, which shall be included with the birth worksheet.

b. It is the responsibility of the individual preregistering to update any information provided in the individual's original registration.

96.7(4) Certified nurse midwives not preregistered prior to submitting a certificate of live birth for registration shall follow subrules 96.7(1), 96.7(2) and 96.7(5) for all live births the midwives attend outside a birthing institution.

96.7(5) The official non-institution birth worksheet shall include a notarized signature of the mother or her legal husband and shall be accompanied by a clear photocopy of that person's current government-issued photo identification. If photo identification is unavailable, other identifying documentation may be acceptable to the state registrar.

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641—96.8(144) Gestational surrogate arrangement birth registration. Establishment of a certificate of live birth for a child born of a gestational surrogate arrangement shall conform to the process established pursuant to rule 641—99.15(144).

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.9(144) Foundling birth registration.

96.9(1) The person assuming physical custody of a foundling shall, within one business day of finding the infant, contact the state registrar for specific directions and guidance for filing the certificate of live birth.

96.9(2) Foundling registration shall be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the foundling, the custodian of the foundling shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

- a.* The date when and the place where the child was found;
- b.* The sex, color or race, and approximate age of the child;
- c.* The name and address of the person or institution that has assumed physical custody of the child;
- d.* The name given to the child by the custodian;
- e.* The name, title, and license number, if any, of the person acting as the certifier to the facts of the foundling registration;
- f.* Parentage information, if the parent is known;
- g.* A cover letter with supporting documentation; and
- h.* Any additional information known.

96.9(3) The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation. The information provided on the official birth worksheet shall constitute the certificate of live birth.

96.9(4) The record shall be on file only at the state registrar's office, and all supporting documentation shall be placed in a sealed file, which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

96.9(5) Pursuant to Iowa Code section 144.14, if the child is properly identified after the registration, the certificate of live birth shall be reestablished as needed and all records pertaining to the foundling registration shall be sealed along with the original supporting documentation, which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.10(144) Newborn safe haven registration.

96.10(1) Newborn safe haven registration procedures shall apply to living infants who have been abandoned or left at an institutional health facility.

96.10(2) The person assuming physical custody of the living infant pursuant to Iowa Code section 233.2(2)“a” shall, within one business day of assuming custody, contact the state registrar for specific directions and guidance for registering the birth.

96.10(3) If the name of the parent is unknown, newborn safe haven registration shall be completed in the standard manner by the state registrar pursuant to Iowa Code section 144.14. Within five days after assuming physical custody of the infant, the custodian shall provide on the official birth worksheet the following minimum birth data and other data required by the state registrar:

- a.* The date when and the place where the child was found;
- b.* The sex, color or race, and approximate age of the child;
- c.* The name and address of the person or institution that has assumed physical custody of the child;
- d.* The name given to the child by the custodian;
- e.* The name, title, and license number, if any, of the person acting as the certifier to the facts of the newborn safe haven registration;
- f.* A cover letter with supporting documentation; and
- g.* Any additional information known.

96.10(4) If the name of the parent is disclosed to the institutional health facility, the facility shall file the certificate of live birth as required pursuant to Iowa Code sections 144.13 and 233.2(2) “c.”

96.10(5) Pursuant to Iowa Code section 144.14, if the child is properly identified after the newborn safe haven registration, the birth record shall be reestablished as needed and all records pertaining to the newborn safe haven registration shall be sealed along with the original supporting documentation, which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

96.10(6) The record shall be on file only at the state registrar’s office, and all supporting documentation shall be placed in a sealed file which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes. The confidentiality of the live birth certificate shall be maintained pursuant to Iowa Code sections 233.2(2) “c” and 144.43.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.11(144) Birth registration following a foreign-born adoption.

96.11(1) A certificate of foreign birth shall be established by the state registrar for a child born in a foreign nation upon the state registrar’s receipt of a completed Certificate of Adoption Report form from an Iowa court of competent jurisdiction or upon request of the resident adoptive parent or parents and the state registrar’s receipt of all of the following documents:

- a.* The authenticated adoption decree in both the foreign language and the English translation, which shall contain the official signature of the translator, or a certified copy of an adoption decree from an Iowa court of competent jurisdiction;
- b.* If the decree does not contain information to establish the certificate of foreign birth, the adoptee’s authenticated birth certificate in both the foreign language and the English translation, which shall contain the official signature of the translator;
- c.* Evidence of the adoptee’s permanent residence such as a passport or citizenship papers;
- d.* A certified copy of the certificate of live birth of each adoptive parent; and
- e.* A notarized statement that is on letterhead from the licensed adoption agency or certified adoption investigator and that establishes the parent or parents were residents of Iowa at the time the adoption was final in the foreign nation. The statement will not be required if the parent’s or parents’ Iowa address is shown in the adoption documents.

96.11(2) The certificate of foreign birth shall not constitute U.S. citizenship.

96.11(3) The state registrar shall charge the adoptive parent or parents the appropriate fee for the registration of a certificate of foreign birth for a foreign-born child adopted by a parent who resided in Iowa at the time of adoption pursuant to Iowa Code section 144.13A.

96.11(4) Administrative and certified copy fees shall be charged and remitted as provided in rule 641—95.6(144).

96.11(5) The evidence presented shall be on file only at the state registrar's office, and all supporting documentation shall be placed in a sealed file which shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.12(144) Birth registration fees. A fee is required for each birth registered pursuant to Iowa Code sections 144.13, 144.13A, 144.15, 144.18, 144.23, 144.25A, and 600.15.

96.12(1) The parents shall be charged and the person responsible for filing the certificate of live birth shall remit to the state registrar the \$20 fee for the standard registration of a certificate of live birth and the \$15 fee for a certified copy of the birth certificate pursuant to Iowa Code section 144.13A.

96.12(2) The individual filing a delayed certificate of live birth shall be charged and shall remit to the state registrar the \$20 fee for the registration of a delayed certificate of live birth for a registrant 17 years of age or younger pursuant to Iowa Code sections 144.13A, 144.15, and 144.18.

96.12(3) The adoptive parents shall be charged and shall remit to the state registrar the \$20 fee for the registration of a certificate of foreign birth pursuant to Iowa Code sections 144.13A and 144.25A.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.13(144) Fee collection. If a person responsible for the registration of a certificate of live birth under Iowa Code section 144.13 is not the parent, the person shall collect the fees from the parent and remit the fees to the state registrar.

96.13(1) The person collecting the fee on behalf of the state registrar shall not charge an administrative fee for collection of the registration and certified copy fees pursuant to Iowa Code section 144.13A(3).

96.13(2) A person is discharged from the duty to collect and remit the fees when the person has made a good-faith effort to collect the fees from the parent or has established that the fees are to be waived pursuant to Iowa Code section 144.13A(3).

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.14(144) Waivers. The registration fee and certified copy fee are waived if the expenses of the birth are reimbursed under the medical assistance program established by Iowa Code chapter 249A or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.15(144) Fee deposit. Birth registration and certified copy fees collected on behalf of the state registrar and forwarded to the state registrar shall be remitted to the treasurer of state for deposit in the appropriate state fund.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.16(144) Responsibilities of institutions. Institutions responsible for filing certificates of live birth shall collect both the registration fee and the certified copy fee from the parent.

96.16(1) The institution shall complete the Summary of Fee Report for Birth Registration and Certified Copy form. The institution shall submit the completed form and the total fee amount by check or money order, to the state registrar, within seven days of the live birth or as directed by the state registrar. All live births shall be reported and indicate for each birth that:

- a. The fee was collected for the registration and certified copy;
- b. The fee was waived, as applicable, and the reason for waiver; or
- c. No fee was collected after a good-faith effort was made.

96.16(2) If a late birth registration fee is received, it shall be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

96.16(3) The institution shall maintain copies of the submitted Summary of Fee Report for Birth Registration and Certified Copy form for three state fiscal years.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.17(144) Responsibility for births occurring in non-institutions and non-birthing institutions.

96.17(1) The state registrar shall collect the registration and certified copy fees and complete a Summary of Fee Report for Birth Registration and Certified Copy form.

96.17(2) If a late birth registration fee is received, it shall be noted on the original Summary of Fee Report for Birth Registration and Certified Copy form.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

641—96.18(144) Delayed birth registration—one year or more after event. All Iowa births registered one year or more after the date of the birth shall be prepared on a Delayed Certificate of Live Birth form. The state registrar shall require documentary evidence to prove the facts of the birth pursuant to subrule 96.18(2). The delayed birth record shall be registered and maintained solely at the state registrar's office.

96.18(1) Application—certificate form. A completed Delayed Certificate of Live Birth form shall be signed before a notary and filed with the state registrar by the following applicants in the indicated order of priority:

a. The registrant, if 18 years of age or older, whose birth occurred in Iowa but was not recorded within one year of the birth;

b. The registrant's parent or current legal court-appointed guardian; or

c. If no parent or legal guardian exists, a member of the registrant's family who has direct tangible interest and entitlement and who is competent to affirm to the accuracy of the information.

96.18(2) Facts to be established.

a. The applicant shall submit a notification of record search certified by the state registrar, which shall indicate that no prior certificate of live birth is on file for the person whose delayed birth record is to be filed. The notification of record search shall be returned to the applicant and shall not be exchanged for a certified copy of delayed certificate of live birth.

b. The applicant shall substantiate the following with documentary evidence:

(1) The full name of the registrant at the time of the birth, except that the delayed certificate may reflect the name established by adoption or legitimation when such evidence is submitted;

(2) The date and place of the birth;

(3) The full name of the mother prior to any marriage as it is listed on her birth certificate;

(4) The full name of the mother at the time of the birth; and

(5) The full name of the father. However, if the mother was not married to the father of the child at the time of conception or birth or at any time during the period between conception and 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.

96.18(3) Documentary evidence.

a. To be acceptable for purposes of registration, the name of the registrant and the date and place of birth entered on a Delayed Certificate of Live Birth form shall be supported at a minimum by the following documentary evidence:

(1) Two pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed within seven years after the registrant's date of birth; or

(2) Three pieces of dated documentary evidence if the Delayed Certificate of Live Birth form is filed seven years or more after the registrant's date of birth.

b. Each piece of documentary evidence must be from an independent source. Facts of parentage shall be supported by at least one of the documents.

c. Documentary evidence shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead.

d. All documentary evidence submitted shall consistently support the facts of birth to be established.

e. All documentary evidence shall have been executed at least five years prior to the date of filing or shall have been established prior to the registrant's seventh birthday.

f. Documents not acceptable to establish a delayed certificate of live birth include, but are not limited to:

- (1) Baptismal record,
- (2) Confirmation record,
- (3) Family bible entries,
- (4) Hospital commemorative birth certificate,
- (5) Crib card,
- (6) Cradle roll,
- (7) Baby book memento, and
- (8) Personal affidavit.

96.18(4) *Abstraction and certification by the state registrar.* The state registrar shall abstract on the Delayed Certificate of Live Birth form a description of each document submitted to support the facts of birth. This description shall include:

- a.* The title or description of the document;
- b.* The name and address of the custodian who has attested to the fact on the original documents in the custodian's custody;
- c.* The date of the original filing of the document being abstracted; and
- d.* The information regarding the registrant's birth and parentage.

96.18(5) *Acceptance of documentary evidence for registration.*

- a.* The state registrar shall by signature certify that:
 - (1) No prior certificate of live birth is on file for the person whose birth is to be recorded;
 - (2) The evidence has been reviewed and substantiates the alleged facts of the birth; and
 - (3) The abstract of the evidence appearing on the Delayed Certificate of Live Birth form accurately reflects the nature and content of the documents.

b. All documents submitted in support of the delayed registration of live birth shall be returned to the applicant after review, abstraction, and registration.

96.18(6) *Denial of registration.*

a. When the applicant does not submit substantiating evidence or the state registrar finds reason to question the validity or adequacy of the evidence submitted to establish a delayed certificate of live birth, the state registrar shall not register the delayed certificate of live birth. The written notice of refusal from the state registrar shall include:

- (1) The rejected form;
- (2) The Delayed Birth Evidence Refusal form; and
- (3) Information related to the applicant's right of appeal to the district court pursuant to Iowa Code sections 144.17 and 144.18.

b. The application to establish a delayed certificate of live birth shall be dismissed if not actively pursued within six months of the date the notice of refusal was sent to the applicant.

96.18(7) *Duties of the county registrar.* The county registrar may assist the registrant, registrant's parent, or current court-appointed guardian in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the form, documents and fees to the state registrar for final review and possible acceptance.

96.18(8) *Fees.* Administrative and certified copy fees shall be charged as provided in rule 641—95.6(144).

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 144.12, 144.13, 144.13A, 144.14, 144.15, 144.17, 144.18, 233.2(2) "c" and 600.15.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]¹

¹ January 16, 2013, effective date of the rescission of Chapter 96 and the adoption of new Chapter 96 [ARC 0483C] delayed until adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.