

**641—95.16(144) Cancellation of fraudulent records.**

**95.16(1)** When the state registrar determines that a certificate was registered through fraud or misrepresentation, the state registrar shall give to the registrant a notice in writing of the state registrar's intention to cancel said certificate.

**95.16(2)** The notice of cancellation shall give the registrant an opportunity to appear and show cause why the certificate shall not be canceled.

*a.* The notice may be served on the registrant, or, in the case of a minor or incompetent person, on the parent or guardian, by the forwarding of the notice by certified mail to the last-known address on file in the office of the state registrar.

*b.* The certificate shall not be available for certification unless the registrant, parent or guardian within 30 days after the date of mailing the notice shows cause satisfactory to the state registrar why the certificate shall not be canceled.

**95.16(3)** Upon presentation to the state registrar of a court order stating a marriage certificate was registered through fraud or misrepresentation, the state registrar shall remove said record from the vital statistics system. The state registrar shall order the county registrar to remove any record related to the marriage.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; ARC 6108C, IAB 12/12/12, effective 2/2/22; see Delay note at end of chapter; ARC 6849C, IAB 2/8/23, effective 3/15/23]