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Rule ID(s): 5921
File Date: 3/30/15
Effective Date: 6/28/15

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Department of Health
Division:	Policy Planning and Assessment Division, Office of Vital Records
Contact Person:	Mary Kennedy
Address:	710 James Robertson Parkway, 5th Floor, Nashville, TN
Zip:	37243
Phone:	(615) 253-4878
Email:	Mary.Kennedy@tn.gov

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) Revised (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
1200-07-01	Vital Records
Rule Number	**Rule Title**
1200-07-01-.13	Fees for Copies and Searches

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Rule 1200-07-01-.13 Fees for Copies and Searches is amended by deleting subparagraphs (3)(a), (3)(b), (3)(d), (3)(e), (3)(f), (3)(r), and (3)(s) and substituting instead the following language, so that as amended, the new subparagraphs shall read:

(a) For a 3-year search of the files and issuance of one certified abstract of a birth record if found: $15.00

(b) For each additional certified abstract of the same birth record issued at the same time: $15.00

(d) For each additional copy of the same birth, marriage, or divorce record issued at the same time: $15.00

(e) For a 3-year search of the files and issuance of a certified or uncertified copy of a death record: $15.00

(f) For a 3-year search of the files of reports of fetal death and issuance of one certified copy if found: $15.00

(r) For a death record copy, certified or uncertified, issued to another government agency: $15.00

(s) For a certified birth abstract, issued to another government agency: $15.00

Authority: T.C.A. §§ 24-7-113, 68-3-103, 68-3-205, 68-3-206, 68-3-207, and 68-3-514.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
N/A					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Policy Planning and Assessment Division, Office of Vital Records (board/commission/ other authority) on 03/11/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: *01/15/15 (mm/dd/yy)*

Rulemaking Hearing(s) Conducted on: (add more dates). *03/11/15 (mm/dd/yy)*

MARK INGRAM STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

Date: 3/12/15

Signature: Mary Kennedy

Name of Officer: Mary Kennedy

Title of Officer: Deputy General Counsel Department of Health

Subscribed and sworn to before me on: 03/12/2015

Notary Public Signature: Mark Ingram

My commission expires on: My Commission Expires: July 6, 2015

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

3/24/2015
Date

Department of State Use Only

Filed with the Department of State on: 3/30/15

Effective on: 6/28/15

Tre Hargett
Secretary of State

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Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments, either written or oral.

Regulatory Flexibility Addendum
Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

These rules do not overlap, duplicate, or conflict with other federal, state, or local governmental rules.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

These rules exhibit clarity, conciseness, and lack of ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

These rules do not affect compliance or reporting requirements for small businesses.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

These rules do not affect schedules or reporting requirements for small businesses.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

These rules do not consolidate or simplify compliance or reporting requirements for small businesses.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

These rules do not establish performance standards for small businesses.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

These rules do not stifle entrepreneurial activity, curb innovation, or increase costs.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Tennessee Department of Health Policy Planning and Assessment, Division of Vital Records.

Rulemaking hearing date: March 11, 2015

1. **Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

   These rules affect all persons and departments accessing vital records.

2. **Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

   These rules amendments do not contain any new reporting, recordkeeping, or other administrative costs required for compliance with the proposed rule amendments.

3. **Statement of the probable effect on impacted small businesses and consumers:**

   Small business will be unaffected by the proposed rule amendments, consumers will be largely unaffected.

4. **Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

   There are no less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule amendments.

5. **Comparison of the proposed rule with any federal or state counterparts:**

   Federal: None.

   State: Texas charges $22.00 per birth certificate
   Kansas charges $15.00 per birth certificate
   North Carolina charges $24 for an original and $15.00 per copy of birth certificate
   Iowa charges $15.00 per birth certificate
   Maryland charges $24.00 per birth certificate
   Pennsylvania charges $20.00 per birth certificate
   West Virginia charges $12.00 per birth certificate

6. **Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

   These rule amendments do not contain any exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed changes omit the variation in costs for certain searches and issuance of certified (or uncertified) copies of records or abstracts ranging from $5 - $15 dollars to a uniform fee of $15.00 for all such copies or searches.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules affect all persons and departments accessing vital records.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

These rule amendments could result in a slight increase in state revenue as the fees for all certificates have increased eight dollars ($8.00) to ten dollars ($10.00).

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Mary Kennedy, Deputy General Counsel, Department of Health.

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Mary Kennedy, Deputy General Counsel, Department of Health.

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel, Department of Health, 710 James Robertson Parkway, 5th Floor, Nashville, TN, (615) 253-4878, Mary.Kennedy@tn.gov.

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
POLICY PLANNING AND ASSESSMENT
DIVISION OF VITAL RECORDS

CHAPTER 1200-07-01
VITAL RECORDS

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1200-07-01-.01 DUTIES OF STATE REGISTRAR.

(1) Forms. All forms, certificates, and reports used in the system of vital records are the property of the Department of Public Health and shall be surrendered to the State Registrar of Vital Records hereinafter referred to as "State Registrar" upon demand. The forms prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. No forms shall be used in the reporting of vital events or making copies thereof except those furnished or approved by the State Registrar.

(2) Requirements for Preparation of Certificates. All certificates and records relating to vital events must be prepared on a typewriter with a black ribbon. All signatures required shall be entered in black, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration:

(a) That does not have the certifier's name typed or printed legibly under his signature;

(b) That does not supply all items of information called for thereon or satisfactorily account for their omission;

(c) That contains alterations or erasures;

(d) That does not contain handwritten signatures as required;

(e) That is marked "copy" or "duplicate,"

(f) That is a carbon copy;

(g) That is prepared on an improper form;

(h) That contains improper or inconsistent data;

(i) That contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease;

(Rule 1200-07-01-.01, continued)

(j) That is not prepared in conformity with regulations or instructions issued by the State Registrar.

(3) Designation of Additional Offices.

(a) The State Registrar shall determine whether offices other than the Division of Vital Records are needed in this State to aid in the efficient administration of the system of vital records. Such determination shall be based on the most efficient method by which the needs of the people of this State can be met.

(b) If the State Registrar determines additional offices are necessary, such offices shall be designated with the approval of the Department. The duties and responsibilities may be assigned to currently existing offices or special branch offices of the Division of Vital Records may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. In all cases where existing offices are utilized, the employees of such offices shall be deemed to be employees of the Division of Vital Records and subject to the control of the State Registrar when they are performing functions relating to the system of Vital Records.

(c) The State Registrar shall delegate such duties and responsibilities to such offices as he deems necessary to insure the efficient operation of the system of vital records. These may include any or all of the following:

1. The receipt and processing of birth, death and fetal death records. This would include the receipt of these records from the person responsible for filing the record, checking them for accuracy and completeness, and forwarding them to the Division of Vital Records at intervals prescribed by the State Registrar.

2. Issuance of certified copies of birth and/or death records. The records from which the certified copies are issued shall be provided by the Division of Vital Records. All forms and procedures used to issue the copies shall be provided or approved by the State Registrar. If it is deemed appropriate and feasible, any such office may be authorized and provided copies of all birth and/or death records filed in this State.

3. Act as the agent of the State Registrar in their area and provide assistance to physicians, hospitals, funeral directors, and others in matters related to the system of vital records.

(d) The State Registrar shall determine the responsibilities and duties of each office independently.

Authority: *T.C.A. §§53-404 and 53-444.* ***Administrative History:*** *Original rule certified June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed April 16, 1981; effective June 1, 1981.*

1200-07-01-.02 INFANTS OF UNKNOWN PARENTAGE; FOUNDLING REGISTRATION.

(1) (a) The report for an infant of unknown parentage shall be registered on a Birth Report of Foundling form and shall:

1. Show the required facts as determined by approximation.

2. Show the signature and title of the custodian in lieu of the attendant.

(Rule 1200-07-01-.02, continued)

3. If a "Birth Report of Foundling" is not registered within one year of the date found, the report of foundling may be filed by order of a court in the county where the foundling was located, or in the county where the institution having custody is located.

(b) When a report has been sealed as provided by Chapter 4 of Title 53, T.C.A., the State Registrar may inspect such information for purposes of properly administering the vital records program.

Authority: *T.C.A. §§53-404 and 53-444.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978.*

1200-07-01-.03 DELAYED REGISTRATION OF BIRTH.

(1) Registration - Ten days to one year.

(a) Certificates of birth filed after ten days, but within six months from the date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in Section 6 of the Vital Records Act. Such certificate shall not be marked "Delayed."

(b) Certificates of birth filed after six months, but within one year from date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in T.C.A. §§68-3-301 through 68-3-306. Such certificates shall be marked "delayed" on the face of the certificate.

(c) In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where birth occurred, a notarized statement setting forth the reason therefore must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why the certificate of birth was not filed within the required ten days.

(2) Delayed Certificate of Birth Form. All certificates registered one year or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the State Registrar.

(3) Who May Request the Registration of and Sign a Delayed Certificate of Birth.

(a) Any person born in this State whose birth is not recorded in this State, or his parent, guardian, next of kin, and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State Registrar.

(b) 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 at least 12 years old 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 following in the indicated order of priority.

1. One of the parents of the registrant, or

2. The guardian of the registrant, or

3. The next of kin of the registrant.

(4) Facts to be Established for a Delayed Registration of Birth.

(Rule 1200-07-01-.03, continued)

(a) 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;

2. The date of birth and place of birth;

3. The full name of the mother;

4. The full name of the father; except that if the mother was not married either at the time of conception or birth the name of the father shall not be entered on the delayed certificate except as provided in Regulation 3.5.

(5) Delayed Registration Following a Legal Change of Status.

(a) When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination or acknowledgment, A new certificate of birth may be prepared on a form in current use to reflect such change.

(b) The existing certificate and the evidence upon which the new certificate was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction or by the State Registrar for purposes of properly administering the vital records program.

(6) Documentary Evidence - Requirements.

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

1. an affidavit of a parent or the attendant at birth and one piece of documentary evidence establishing the facts of birth, or

2. an affidavit of two persons, at least one of whom is not related to the registrant by blood or marriage, and one piece of documentary evidence establishing the facts of birth, or

3. two pieces of documentary evidence which establish the facts of birth.

(b) Facts of parentage shall be supported by at least one document which may be one of the documents above other than an affidavit of personal knowledge.

(7) Documentary Evidence - Acceptability.

(a) The State Registrar may establish a priority of best evidence.

(b) Documents presented, such as census, hospital, church, and school records, must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

(c) All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least five years prior to the date of application or have been established prior to the applicant's tenth birthday.

(d) An affidavit of personal knowledge, to be acceptable, must be prepared by one of the parents, the next of kin, or any older person and must be signed before an official

(Rule 1200-07-01-.03, continued)

authorized to administer oaths. In all cases, the affiant must be at least ten years older than the applicant and have personal knowledge of the facts of birth.

(8) Abstraction of Documentary Evidence.

(a) The State Registrar, or any Local Registrar shall abstract on the delayed certificate of birth a description of each document submitted to support the facts shown 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 a signed statement;

3. The date of the original filing of the document being abstracted;

4. The information regarding the birth facts contained in the document.

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

(9) Certification by the State Registrar.

(a) The State Registrar, or any Local Registrar, shall, by his signature, certify:

1. That no prior birth certificate is on file for the person whose birth is to be recorded;

2. That he has reviewed the evidence submitted to establish the facts of birth;

3. That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

(10) Dismissal After One Year. Applications for delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall advise the applicant of his decision and all documents submitted in support of such registration shall be returned to the applicant.

Authority: *T.C.A. §§4-5-202, 63-3-103, and 68-3-308.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendments filed March 27, 1989; effective May 11, 1989. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.04 NEW CERTIFICATES OF BIRTH FOLLOWING ADOPTION, LEGITIMATION, PATERNITY DETERMINATION AND PATERNITY ACKNOWLEDGMENT.

(1) Adoption. A new certificate of birth shall be prepared by the State Registrar for a child born in Tennessee, if a certificate in the name at birth is on file and upon receipt of

(a) a certified Certificate of Adoption or

(b) a certified copy of an adoption decree and a completed application for a New Certificate of Birth by Adoption on a form prescribed or approved by the State Registrar.

(Rule 1200-07-01-.04, continued)

(2) If the court that granted the adoption, the adopting parent(s), or the adopted person requests that a new certificate is not to be prepared, then a new certificate shall not be prepared. For a child born in another state and adopted in a court of record in Tennessee, the adoption papers shall be forwarded to the state of birth.

(3) The clerk of the court of competent jurisdiction shall notify the State Registrar of each revocation of adoption. Upon receiving a certified copy of the court order revoking or annulling the adoption and if a new birth certificate based on adoption has been prepared, the new certificate will be removed and placed in a sealed file with other documents related to the adoption and the revocation or annulment. The birth certificate for the registrant prior to the adoption will be reinstated in the active files.

(4) Legitimation by Subsequent Marriage of the Parents. A new certificate of birth shall be prepared by the State Registrar for a child born in Tennessee, if a certificate in the name at birth is on file and upon receipt of

(a) an Application for a New Certificate of Birth by Subsequent Marriage of Parents, including affidavits of the mother and father;

(b) information for locating the original birth certificate and for preparing the new birth certificate on a form prescribed by the State Registrar; and

(c) a certified copy of the parents' marriage certificate or information for locating the parents' marriage certificate, if the certificate is filed in the Division of Vital Records.

(5) If either parent is deceased or unavailable to provide the affidavit required in (a), the State Registrar may accept a copy of an order, judgment, or decree whereby a court determined the husband to be the father of the child.

(6) However, if the husband is already shown as father on the child's birth certificate, a new certificate will not be prepared. If another man is shown as father of the child on the child's birth certificate, a new certificate may be prepared only when a certified copy of a court order specifically refuting the man listed as father or other indisputable legal evidence is provided to the State Registrar.

(7) Court Determination Parentage. A new certificate of birth shall be prepared by the State Registrar for a child born in Tennessee whose natural parents have never married if a certificate in the name at birth is on file and upon receipt of the following:

(a) a court order of parentage, regardless of whether the order was entered before or after the birth of the child, and

(b) a completed Application for a New Birth Certificate.

(8) However, a new birth certificate will not be prepared if the man determined to be the father is already shown as the father on the child's birth certificate.

(9) If an order of parentage is abrogated by a later judgment or order of the same or higher court, the clerk of the court which entered such order shall notify the State Registrar in writing. If a new birth certificate has been prepared, that certificate will be removed and placed in a sealed file with other information relating to the order of parentage, and the previous birth certificate will be reinstated in the active files.

(10) New Certificate. The new certificate of birth shall be on a form prescribed by the State Registrar and shall include the following items necessary to complete the certificate:

(Rule 1200-07-01-.04, continued)

(a) the full name of the child;

(b) the date and place of birth, sex, and date of filing as shown on the original or delayed certificate in the name at birth;

(c) the names and personal information of the parent(s); and

(d) the signature of the State Registrar in the space provided for the signature of the certifier of the birth.

(11) Report of Foreign Birth. A Report of Foreign Birth shall be prepared on a form prescribed by the State Registrar upon receipt of a certified copy of the final order of adoption and an Application for Report of Foreign Birth for Adopted Child. The Report shall include the following items:

(a) full adoptive name of the child;

(b) actual date and place of birth and sex of the child as provided by the Clerk of the Court;

(c) full names of the adoptive parents and their legal residence at the time the adoption was granted;

(d) date of filing of the Report;

(e) signature of the State Registrar; and

(f) statement that the Report is not evidence of United States citizenship.

(12) Sealing of documents. After preparation of a new certificate of birth or report of foreign birth, the certificate in the name at birth and/or the legal documents upon which the new certificate or report was prepared are to be placed in an envelope and sealed. Such sealed file may be opened by the State Registrar for the issuance of a copy of the certificate in the name at birth only upon order of a court of competent jurisdiction or upon receipt of a directive from the Tennessee Department of Children's Services.

Authority: *T.C.A. §§4-5-202, 36-1-120, 36-1-126, 36-1-127, 36-1-130, 36-1-138, 68-3-103, 68-3-310, 68-3-311, 68-3-312, and 68-3-313.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendments filed March 27, 1989; effective May 11, 1989. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.05 DEATH REGISTRATION, INCOMPLETE.

(1) If all information necessary to complete a death certificate is not available within the time prescribed for filing of the certificate, the funeral director or person acting as such shall file the certificate with all information that is available and satisfactorily account for all the items that are omitted. In all cases, the medical certification must be provided by the person responsible for such certification. If the cause of death is unknown or pending investigation, the cause of death shall be shown as such on the certificate. A supplemental report providing the personal information omitted from the original certificate shall be filed by the funeral director or person acting as such with the State Registrar as soon as possible, but in all cases within 30 days of the date the death occurred.

(2) The physician signing the medical certification of the certificate or the medical examiner who has assumed responsibility for the case shall report the cause of death on a form provided by the State Registrar as soon as possible, but in all cases within 6 months of the date the death occurred.

(Rule 1200-07-01-.05, continued)

Authority: *T.C.A. §§4-5-202, 68-3-103, and 68-3-502.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.06 DELAYED REGISTRATION OF DEATH.

(1) The registration of a death after the time prescribed by statute and regulations shall be registered on the standard certificate of death form in the manner prescribed below:

(a) 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 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 and the funeral director or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files.

(b) In the absence of the attending physician or medical examiner, and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the deceased and shall be accompanied by:

1. An affidavit of the person filing the certificate swearing to the accuracy of the information on the certificate;

2. Two documents which identify the deceased and his date and place of death.

(2) In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

(3) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

Authority: *T.C.A. §§53-404 and 53-444.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978.*

1200-07-01-.07 REPORTS OF FETAL DEATH AND INDUCED TERMINATION OF PREGNANCY.

(1) Reports of induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the Division of Vital Records. The reports are to be forwarded directly to the Department of Health within ten (10) days after the procedure by the person in charge of the institution in which the procedure was performed or by the physician in attendance, if the induced termination did not occur in an institution. The State Registrar is authorized to dispose of such reports when all statistical processing of the reports has been accomplished. However, the State Registrar may establish an electronic file of such records, so that they will be available for future statistical and research projects; provided, however, such file shall not be made a part of the official records and the reports shall not be made available for the issuance of certified copies. Such file shall be retained for as long as the State Registrar deems necessary and it shall then be destroyed consistent with laws and rules pertaining to record retention.

(2) A report of fetal death shall be submitted for each fetal death of a fetus weighing three hundred fifty (350) grams or more or for each fetal death of twenty (20) completed weeks gestation or more. The State Registrar shall not maintain any report of fetal death for a fetus weighing less than three hundred fifty (350) grams or, if weight is not reported, that shows less than twenty (20) completed weeks of gestation.

(Rule 1200-07-01-.07, continued)

(3) The report of fetal death is to be submitted within ten (10) days after delivery to the State Registrar by the person in charge of the institution in which the fetus was delivered; or by the physician in attendance, if the fetal death did not occur in an institution; or by the appropriate medical examiner, if the fetal death occurred without medical attendance.

(4) Except as noted in 1200-07-01-.07(3), reports of fetal death are not copied, issued, or otherwise released, except for statistical or research purposes approved by the State Registrar.

Authority: *T.C.A. §§4-5-202, 68-3-103, 68-3-504, and 68-3-505.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed August 6, 2002; effective October 20, 2002. Emergency rule filed July 26, 2010; effective through January 22, 2011. Emergency rule filed July 26, 2010; expired effective January 23, 2011; rule reverted to its prior status. Amendments filed November 10, 2010; effective February 8, 2011.*

1200-07-01-.08 AUTHORIZATION FOR FINAL DISPOSITION.

(1) Removal of Body.

(a) Before removing a dead body or fetus from the place of death, the funeral director or person acting as such shall:

1. Obtain assurance from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death and receive permission to remove the body from the place of death; or

2. Notify the medical examiner if the case comes within his jurisdiction and receive authorization from him to remove the body;

(b) The funeral director or person acting as such shall secure and file a death certificate with the local registrar within five (5) days.

(2) Disinterment Permits.

(a) A disinterment permit shall be issued by the State Registrar or Local Registrar upon receipt of a written affidavit signed by the next of kin and the person who is in charge of the disinterment or upon receipt of an order of a court of competent jurisdiction directing such disinterment.

(b) Upon receipt of a court order or signed affidavit of the next of kin the State Registrar may issue one permit to authorize disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The disinterment permit shall be authorization for disentombment, disinterment, transportation and reentombment or reinterment.

(c) A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

Authority: *T.C.A. §§4-5-202, 53-404, 53-444, 68-3-103, 68-3-502 and 68-3-507.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 17, 1978; effective February 17, 1978. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.09 DELAYED REGISTRATION OF MARRIAGE.

(1) The registration of a marriage after the time prescribed by statute shall be made on the standard certificate of marriage form in the manner prescribed below:

(a) The certificate must be filed with the County Court Clerk where the marriage license was originally issued;

(b) To be acceptable for registration by the State Registrar the delayed certificate of marriage must be supported by:

1. A copy of the license or of the application for license if the license was granted.

2. A signed statement from the officiant or the custodian of the official record and from one witness to the wedding ceremony proving that there was a marriage and the date and place of the marriage.

(2) In all cases, the State Registrar may require additional documentary evidence to prove the facts of marriage.

Authority: *T.C.A. §§53-404 and 53-444.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 17, 1978; effective February 17, 1978.*

1200-07-01-.10 AMENDMENT OF VITAL RECORDS.

(1) Amendment of Minor Errors on Certificates During the First Year.

(a) Amendment of obvious errors, transposition of letters in words of common knowledge, or the addition of omitted information may be made by the State Registrar within the first year after the date of the event either upon his own observation or query or upon request of the person defined in 1200-07-01-.10(3). When such additions or minor amendments are made by the State Registrar, a notation as to the source of the information together with the date the change was made shall be maintained in such a way as not to become a part of any certification issued. The certificate is not to be marked "Amended".

(b) The State Registrar may at his discretion accept an affidavit only to correct inaccurate information recorded on a certificate within the first year after the date of the event. The affidavit must be signed and sworn to by the individual, institutional representative, clerk or funeral director who originally provided the information for the certificate or prepared the certificate. If the requested correction compromises the integrity of the record, the State Registrar may require supporting documentation or a court order to amend the certificate. The certificate will be marked "Amended".

(2) All Other Amendments.

(a) Unless otherwise provided in these rules or by statute, all other amendments to vital records shall be supported by:

1. an affidavit signed by one of the persons defined in 1200-07-01-.10(3) setting forth the information to identify the certificate, the incorrect data as it is listed on the certificate, and the correct data as it should appear; and

2. one or more items of documentary evidence which support the alleged facts and which were created at least five years prior to the date of the application for

(Rule 1200-07-01-.10, continued)

amendment or within seven years of the date of the event, i.e., birth, death, marriage or divorce related to the record.

3. The date of birth on a birth certificate cannot be changed to a date which is after the date of filing. The date of birth can be corrected by an affidavit required in (2) (a) (1) and either of the following:

   (i) one item of documentary evidence which was created before the registrant's tenth birthday which supports the correct date of birth, or

   (ii) a transcript of the Federal Census which next followed the registrant's birth to establish the year of birth and a document which was made prior to the registrant's twenty-first birthday which supports the correct date of birth, or

   (iii) to amend only a day of birth (with month and year to remain as originally recorded) documentary evidence established before the registrant's twenty-first birthday that supports the correct date of birth.

4. To amend the records for births that occurred more than seventy years prior to the application, the State Registrar may at his discretion require documentary evidence only. The documents must be at least five years old at the time of amendment.

5. Any item on a certificate may be corrected by an order of a court of record with the exception of the date of filing, the signature of the certifier, and changing the date of birth to a date which is after the date of filing. A certified copy of the order must be submitted to the State Registrar.

6. An item that was established by court order on a certificate can only be amended by an order of a court of competent jurisdiction, preferably the court which granted the original decree. A certified copy of the order signed by the clerk of the court must be submitted to the State Registrar.

7. A legal change of name order from a court of competent jurisdiction is required to change the name as shown on the certificate, unless the registrant presents documentary evidence that the name was incorrectly recorded at the time of registration of birth. In order to prove incorrect recording, the documentary evidence should be the oldest document available, preferably a hospital birth worksheet or other record created very soon after birth, that proves the correct name.

8. A certified copy of a court order from a court of competent jurisdiction will be required to amend any items on the birth certificate that were based upon a Voluntary Acknowledgment of Paternity signed and sworn to by the parents.

(b) The State Registrar shall evaluate the evidence submitted in support of any amendment and, when he finds reason to doubt its validity or adequacy, he may reject the amendment and in writing shall advise the applicant of the reasons for this action.

(3) Who May Apply.

(a) To amend a birth certificate, application may be made by one of the parents named on the birth certificate, the guardian, the registrant (if 18 years of age or older), or the individual or institution responsible for filing the certificate.

(Rule 1200-07-01-.10, continued)

(b) To amend a death certificate, application may be made by the next of kin, the informant listed on the death certificate, or the funeral director or person acting as such who submitted the death certificate. Applications to amend the date of death or the medical certification of cause of death shall be made by the physician who signed the medical certification or the medical examiner.

(c) Applications for amendment of a certificate of marriage shall be made jointly by both parties to the marriage or by the survivor. In the event the marriage to which the application relates was terminated by divorce or annulment on or before the date of application for amendment, the applicant may request amendment only of those items on the certificate of marriage which relate to the applicant.

(d) Applicants for amendment of matters contained in a certificate of divorce or annulment which are not part of the decree may be made by either party to the marriage so terminated. Applications for amendment of matters contained in a certificate of divorce or annulment which are part of the decree may only be made by the court which ordered the divorce or annulment upon which the report was made.

(4) Amendment of Registrant's Given Name on Birth Certificates Within the First Year.

(a) Until the registrant's first birthday, given names may be amended upon receipt of an affidavit signed by the parent(s) named on the certificate or the guardian, person, or agency having legal custody of the registrant.

(b) After one year from the date of birth, the provisions of Rule 1200-07-01-.10(2) must be followed to amend a given name, if the name was entered incorrectly on the birth certificate. A legal change of name order must be submitted from a court of competent jurisdiction to change a given name after one year and the order must be certified.

(5) Addition of Given Name.

(a) Given names, for a child whose birth was recorded without a given name, may be added to the certificate upon affidavit of the parent(s) named on the certificate or the guardian, person, or agency having legal custody of the registrant.

(b) If a birth was recorded without a given name and the registrant is age 18 years or older, he may sign the affidavit to add given names only when supported by documentary evidence at least five years old which establishes the name.

(6) Addition of Father's Name to Birth Certificate.

(a) A birth certificate may be amended to show the father's name and personal information in a case in which the parents were married at the time of their child's birth, if the father's name was omitted from the birth certificate or another man was shown as the father on the birth certificate.

1. If another man is listed on the birth certificate as the father, a certified copy of a court order specifically refuting the man listed as father must be submitted to the State Registrar before the certificate can be amended to show the correct information. The original entries concerning the father will be blocked. If the child's surname is to be changed, the original entry will be blocked.

2. The father's name and personal information may be added, if those items on the original certificate are blank, upon submission of the following to the State Registrar:

(Rule 1200-07-01-.10, continued)

(i) an affidavit of both natural parents attesting to the fact that the man is the natural father and stating the surname to be given to the child, and

(ii) a certified copy of the marriage certificate of the father and mother showing that the marriage occurred before the child's birth, or information for locating the marriage certificate if the certificate is filed in the Division of Vital Records.

(iii) The State Registrar shall evaluate the evidence and affidavits submitted in support of this amendment, and, when he finds reason to doubt its validity or adequacy, he may reject the amendment and shall advise the applicant in writing of the reasons for this action.

(iv) In all cases the fact of amendment will be noted on the certificate and on all certified copies issued.

(b) In cases in which the mother was not married at the time of the child's birth and no information about the father is shown on the child's birth certificate, the father's name and personal information may be entered on the birth certificate, if prior to the child's nineteenth birthday both natural parents submit a voluntary acknowledgment of paternity form attesting to the fact that the man is the natural father and stating the surname to be given to the child.

1. If the parents elect to change the child's surname, the original surname will be blocked.

2. The record will be marked as amended, but certified copies will not bear the amendment notation.

(7) Removal of Father's Name and Personal Information. The originally shown father's name and personal data may be removed from a birth certificate only upon receipt of either

(a) a properly completed Rescission of Voluntary Acknowledgment of Paternity received by the State Registrar within 60 days of the date on which the Voluntary Acknowledgment of Paternity was completed, or

(b) a certified copy of an order from a court of competent jurisdiction which determines that the named man is not the father.

(8) All information concerning the originally named father will be obliterated from the birth certificate. If a Rescission of Voluntary Acknowledgment of Paternity is accepted to make the amendment, the child's surname will be changed to the mother's legal surname at the time of birth. If a court order to remove the father is received, the child's name will be changed only if so ordered by the court.

(9) Medical Items. All items in the medical certification or of a medical nature may be amended only upon receipt of an affidavit from those persons responsible for the completion of such items or the medical examiner. The State Registrar may require documentary evidence to substantiate the requested amendment.

(10) Amendment of the Same Item More than Once. Once an amendment of an item is made on a vital record, that item shall not be amended again, except upon receipt of an order from a court of competent jurisdiction, and the order must be certified.

(11) Methods of Amending Certificates.

(Rule 1200-07-01-.10, continued)

(a) Certificates of birth, death, marriage, and divorce or annulment may be amended by the State Registrar in the following manner upon receipt of the required documentation:

1. completing the item in any case where the item was left blank on the existing certificate or

2. drawing a single line through the item to be amended and inserting the correct data immediately above or to the side thereof. The line drawn through the original entry must not obliterate such entry. The original entry will be blocked out only if the court so orders or blocking is required by statute.

(b) In all cases, there shall be inserted on or filed with the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts and the date the amendment was made. As required by statute or rule, the certificate shall be marked "Amended".

(12) Old Records That Will Not Be Amended. When one hundred years have elapsed after the date of birth or fifty years have elapsed after the date of death, marriage or divorce, the record of the event will not be amended.

Authority: *T.C.A. §§4-5-202, 24-7-118, 68-3-101, 68-3-102, 68-3-103, 68-3-202, 68-3-203, 68-3-301, 68-3-302, 68-3-303, 68-3-304, 68-3-305, 68-3-308, 68-3-309, 68-3-310, 68-3-311, 68-3-312, 68-3-401, 68-3-402, 68-3-501, and 68-3-502.* ***Administrative History:*** *Original rule filed June 7, 1974. Repeal and new rule filed January 18, 1989; effective February 17, 1978. Amendment filed March 27, 1989; effective May 11, 1989. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.11 DISCLOSURE OF RECORDS.

(1) Vital records are public records and information from a record may be provided and verified upon request except that

(a) Information from the "Information for Medical and Health Use Only" section of the birth certificate and information from the "Confidential Information" section of the certificate of marriage or the certificate of divorce or annulment may not be provided except for statistical or research purposes.

(b) Information concerning the cause of death from the death certificate may be provided only to the spouse, children, parents, or other next of kin of the decedent or their respective authorized representative or for one of the following reasons:

1. when a documented need for the cause of death to establish a legal right or claim has been demonstrated;

2. when the request for the information is made by or on behalf of an organization that provides benefits to the decedent's survivors or beneficiaries;

3. when needed for research purposes approved by the State Registrar;

4. when requested by local, state or federal agencies for research or administrative purposes approved by the State Registrar; or

5. upon the order of a court of competent jurisdiction ordering such release.

(c) Information from birth records which have been sealed pursuant to T.C.A. 68-3-313 will not be verified. The sealed records are subject to opening only pursuant to T.C.A. 68-3-313, 36-1-126, 36-1-127 and 36-1-138.

(Rule 1200-07-01-.11, continued)

(d) To be consistent with the purpose of protecting persons in the federal witness protection program, verified information concerning such person will not be provided to anyone other then the subject person or that person's supervising federal marshal.

(e) In order to protect the personal, identifying information of children who are adopted or legitimated within the first year after birth, requests for listings or copies of the database of birth records that are not for research purposes and are received from non-governmental agencies will not be filled until eighteen (18) months past the end of the calendar year in which the birth occurred.

(2) To maintain the physical security of the documents, the records in the custody of the State Registrar or Local Registrars are not available for hands-on public inspection.

(3) A search for the record will be conducted when the applicant provides sufficient information to locate the record in question, including, but not limited to, the year of the event; for births, the name of the registrant or the father, if named on the record, or the mother, if the father is not named on the record; for deaths, the name of the decedent; for marriages, the name of the groom; and for divorces, the name of the husband.

(4) Both the request and the response may be verbal or written; however, in all cases, the required fee must be paid at the time of inquiry, pursuant to Rule 1200-7-.13.

(5) The State Registrar may respond to an inquiry seeking verification in any of the following ways:

(a) Provision of the requested verified information.

(b) Notification that no record matching the requested information could be located.

(c) Notification that information submitted by the requestor is insufficient and more information is needed in order to locate the record in question.

(d) Notification that more than one record matches the information submitted so that the requestor may either submit additional information to identify the exact record in question or purchase information from all records matching the requested information.

(6) The term "authorized representative" shall include the attorney, physician, funeral director, or other such authorized agent acting in behalf of the registrant or his family.

(7) The natural parents of adopted children or natural parents whose parental rights have been otherwise terminated shall not be considered to have a direct and tangible interest, as required in T.C.A. 68-3-206.

(8) The State Registrar may permit the use of data from vital records for research purposes. No data shall be furnished from records for research purposes until the State Registrar has prepared, in writing, the conditions under which the records or data will be used and has received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to such conditions.

(9) The State Registrar may disclose data which is not confidential from vital records to any federal, state, county or municipal agencies, courts, or law enforcement agencies which request such data in the conduct of their official duties. The Social Security numbers of the parent(s) as listed on the child's birth certificate may be disclosed for the purpose of child support enforcement.

(Rule 1200-07-01-.11, continued)

(10) The State Registrar or Local Registrar shall not issue a certified copy of a record until the applicant has provided sufficient information so that the record can be located. Whenever it shall be deemed necessary to establish an applicant's right to a certified copy of a vital record, the State Registrar or Local Registrar may also require identification of the applicant or a sworn statement as to the identity of the applicant and the applicant's relationship to the registrant.

(11) When 100 years have elapsed after the date of birth or 50 years have elapsed after the date of death, marriage or divorce or annulment of marriage, the records of these events in the custody of the State Registrar may be transferred to the state Library and Archives, if procedures of the State Library and Archives will allow for continued safekeeping of the records and for public access to the information from the records.

(12) Records which have been sealed pursuant to T.C.A. 68-3-313 may be disclosed only pursuant to T.C.A. 68-3-313, 36-1-126, 36-1-127 and 36-1-138.

(a) The requestor must present the original letter of authorization bearing the embossed State Seal from the Tennessee Department of Children's Services or a certified copy of a court order from a court of competent jurisdiction, must identify the record by either name at birth or adopted name, must provide the full date of birth, and must pay the required fee.

(b) The requestor will be provided copies of all documents in the sealed file, except that information from the "Information for Medical and Health Use Only" section of the birth certificate and information from the "Confidential Information" section of the certificate of marriage or the certificate of divorce or annulment shall not be provided.

(c) If, after opening the sealed file, a review of the contents demonstrates to the State Registrar that the file contains records of siblings or other records that do not pertain to the adoption, legitimation or paternity of the individual case being requested, such records will not be copied and released. Such records will be removed and placed in the correct sealed file or in a separate file as appropriate.

Authority: *T.C.A. §§4-5-202, 36-1-126, 36-1-127, 36-1-138, 68-3-103, 68-3-104, 68-3-205, 68-3-206, and 68-3-313.* ***Administrative History:*** *Original rule certified June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1987. Amendment filed May 19, 1978; effective June 19, 1978. Amendment filed July 3, 1984; effective August 1, 1984. Amendment filed October 27, 1988; effective December 11, 1988. Amendment filed June 30, 1994; effective September 13, 1994. Amendment filed August 12, 1999; effective October 26, 1999. Amendment filed August 6, 2002; effective October 20, 2002.*

1200-07-01-.12 COPIES OF DATA FROM VITAL RECORDS.

(1) Full or short form certified copies of vital records may be made by mechanical, electronic or other reproductive processes. Certified copies may be issued only to the registrant or the registrant's spouse, children, parents or guardian or their respective authorized representative. Others who demonstrate that records are required for determination or protection of their personal or property right may be authorized to obtain certified copies. Information contained in the "Information for Medical and Health Use Only" section of the birth certificate and information contained in the "Confidential Information" section of the certificate of marriage or certificate of divorce or annulment shall not be included.

(2) A certified copy or other copy of a death certificate will not be issued containing the cause of death unless

(Rule 1200-07-01-.12, continued)

(a) Specifically requested by the spouse, children, parents or other next of kin of the decedent or their respective authorized representatives, or

(b) For one of the following reasons: when a documented need for the cause of death to establish a legal right or claim has been demonstrated; when the request for the copy is made by or on behalf of an organization that provides benefits to the decedent's survivors or beneficiaries; upon specific request by local, state or federal agencies for research or administrative purposes approved by the State Registrar; when needed for research activities approved by the State Registrar; or upon receipt of an order from a court of competent jurisdiction ordering such release.

(3) When a certified copy is issued, each certification shall be signed and certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office shall be affixed thereon.

(4) Verification of the facts contained in a vital record may be furnished by the State Registrar to any federal or state court or law enforcement agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in (1) and (2) above. Such verifications shall be on forms prescribed and furnished by the State Registrar or on forms furnished by the requesting agency and acceptable to the State Registrar; or, the State Registrar may authorize the verification in other ways when it shall prove in the best interests of his office.

(5) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, he shall have authority to withhold the issuance of a certified copy of such certificate until a court determination of the facts has been made.

(6) The given name of a child shall be entered on the face of the original certificate of birth prior to the issuance of a certified copy in full (or part). Verified information from the record may be provided prior to entering the given name on the face of the certificate.

Authority: *T.C.A. §§4-5-202, 68-3-103, 68-3-104, 68-3-105, 68-3-205, and 68-3-206.* ***Administrative History:*** *Original rule certified June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendment filed June 30, 1994; effective September 13, 1994. Amendment filed August 12, 1999; effective October 26, 1999.*

1200-07-01-.13 FEES FOR COPIES AND SEARCHES.

(1) No certified or uncertified copy or service shall be provided until the current fee for such copy or service is received, unless specific approval has been obtained from the State Registrar or otherwise provided for by statute or regulation. If an applicant claims that he did not receive a certificate that was purchased from the Office of Vital Records, he may use his receipt or cancelled check to purchase another copy within forty-five (45) days; after forty-five (45) days, he must remit the fee in order to obtain another copy.

(2) The State Registrar shall determine the cost, including staff time, computer time, copying cost, and supplies, for handling any non-routine statistical or research project or any other non-routine service other than those described below. The person requesting any such non-routine service will be responsible for paying the cost associated with completing the service.

(3) Fees for services from the Office of Vital Records.

~~(a) For a 3-year search of the files and issuance of one certified abstract of a birth record if found: ..... $8.00~~

(Rule 1200-07-01-.13, continued)

(a) For a 3-year search of the files and issuance of one certified abstract of a birth record if found: $15.00

~~(b) For each additional certified abstract of the same birth record issued at the same time..... $5.00~~

(b) For each additional certified abstract of the same birth record issued at the same time..... $15.00

(c) For a 3-year search of the files and issuance of one certified or uncertified copy of birth, marriage, or divorce record if found: $15.00

~~(d) For each additional copy of the same birth, marriage, or divorce record issued at the same time: ..... $5.00~~

(d) For each additional copy of the same birth, marriage, or divorce record issued at the same time: $15.00

~~(e) For a 3-year search of the files and issuance of a certified or uncertified copy of a death record: ..... $7.00~~

(e) For a 3-year search of the files and issuance of a certified or uncertified copy of a death record: $15.00

~~(f) For a 3-year search of the files of reports of fetal death andissuance of one certified copy if found..... $7.00~~

(f) For a 3-year search of the files of reports of fetal death and issuance of one certified copy if found..... $15.00

(g) For preparing a new certificate of birth by adoption, legitimation, or order of parentage: $15.00

(h) For amending a birth, death, marriage, or divorce certificate one year or more after the date of the event: $15.00

(i) For preparing and filing a report of an adoption for aforeign-born person adopted in Tennessee: $15.00

(j) For preparing and filing a delayed certificate of birth, death, marriage, or divorce: $15.00

(k) For amending a birth certificate to remove the named father based on a Rescission of Voluntary Acknowledgment of Paternity, unless the requestor submits an Affidavit of Indigency to waive the fee entirely: $15.00

(l) For a certified or uncertified copy of the supporting documentation used to file or amend a record, which must be requested at the same time as the copy of the record is requested, per document: $5.00

(m) For opening a sealed file and providing one copy of the contents of the sealed file:..... $30.00

(n) For a search in a specified year designated by the requestor of the birth, death, marriage, or divorce files for the purpose of providing verified information on a

(Rule 1200-07-01-.13, continued)

requested record, even if the record is not found and no information from it can be provided: $15.00

(o) Additional handling charge for non-routine, expedited service and all special delivery mail that requires special attention: $5.00

(p) Up to three free copies of the death certificate of a veteran of the United States Armed Services may be provided. The person requesting such copy must be related to the deceased within two (2) degrees of collateral or lineal kinship. (q)For a birth, marriage, or divorce record copy, certified or uncertified, issued to another government agency: $12.00

(q) For a birth, marriage, or divorce record copy, certified or uncertified, issued to another government agency: $15.00

~~(r) For a death record copy, certified or uncertified, issued to another government agency: ..... $7.00~~

(r) For a death record copy, certified or uncertified, issued to another government agency: $15.00

~~(s) For a certified birth abstract, issued to another government agency: ..... $8.00~~

(s) For a certified birth abstract, issued to another government agency: $15.00

(t) For a permit to cremate a dead body: $25.00

(u) For preparing and filing a certificate of birth resulting in stillbirth $15.00

(v) For amending a certificate of birth resulting in stillbirth $15.00

(w) For a 3 year search of the files of certificates of birth resulting in stillbirth and issuance of a copy 15.00

(x) For each additional copy of the same certificate of birth resulting in stillbirth issued at the same time $5.00

Authority: *T.C.A. §§4-5-202, 4-5-203, 4-5-404, 24-7-118, 68-3-103, 68-3-205, 68-3-206, 68-3-207 and 63-3-504..* ***Administrative History:*** *Original rule certified June 7, 1974. Repeal and new rule filed January 18, 1978; effective February 17, 1978. Amendment filed May 17, 1979; effective July 2, 1979. Amendment filed July 1, 1982; effective August 2, 1982. Amendment filed July 3, 1984; effective August 1, 1984. Amendment filed May 29, 1987; effective July 13, 1987. Amendment filed February 19, 1988; effective April 4, 1988. Amendment filed October 27, 1988; effective December 11, 1988. Amendment filed June 30, 1994; effective September 13, 1994. Amendment filed August 12, 1999; effective October 26, 1999. Amendment filed August 6, 2002; effective October 20, 2002. Amendment filed August 20, 2008; effective November 3, 2008. Emergency rule filed July 26, 2010; effective through January 22, 2011. Emergency rule filed July 26, 2010 expired effect January 23, 2011; rule reverted to its previous status. Amendment filed November 10, 2010; effective February 8, 2011.*

1200-07-01-.14 PERSONS REQUIRED TO KEEP RECORDS AND FILE REPORTS.

(1) Each funeral director shall keep a record containing, as a minimum, the following information about each dead body or fetus he handles:

(a) The date, place, and time of receipt;

(b) The date, place, and manner of disposition;

(Rule 1200-07-01-.14, continued)

(c) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered;

(d) The items required by the certificate of death in use when the event occurs for those events for which he is required to file the certificate.

(2) Each funeral director shall file a report with the Local Registrar by the third day of each month of each body and fetus for which he has been responsible during the preceding month. The report shall be on a form provided by the State Registrar and shall contain:

(a) full name of deceased

(b) date of death

(c) place of death

(d) name and address of funeral director

(c) name and address of physician last in attendance

(3) All superintendents, managers, administrators or other persons in charge of hospitals, public or private nursing homes, or clinics, or other institutions, including penal institutions to which persons resort for treatment of disease, injury or childbirth or are committed by process of law shall report each birth, death, or fetal death occurring to the inmates of their institutions to the Local Registrar by the third day of the month after the event occurred. The report shall be made on a form furnished by the State Registrar and shall include all of the statistical information required by the State Registrar.

Authority: *T.C.A. §§53-404 and 53-444.* ***Administrative History:*** *Original rule certified June 7, 1974. Repeal and new rule filed January 17, 1978; effective February 17, 1978.*

1200-07-01-.15 CERTIFICATES OF BIRTH RESULTING IN STILLBIRTH.

(1) "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks or with a weight of three hundred fifty (350) grams or more.

(2) The state registrar shall prepare a certificate of birth resulting in stillbirth when the following conditions are met:

(a) A parent named in the report of fetal death (stillbirth) has submitted a request for a certificate of birth resulting in stillbirth; and

(b) The stillborn had attained a weight of three hundred fifty (350) grams or more or a gestational age of at least twenty (20) completed weeks.

(c) In the case of a stillbirth which occurred on or before July 1, 2010, or in the case in which no report of fetal death (stillbirth) is available, evidence that the stillborn met the gestational weight and/or age requirements set forth in (b) above may be proved by the notarized statement of the physician in attendance, birthing institution, nurse-midwife or other knowledgeable informant.

(d) The request for the certificate of birth resulting in stillbirth shall be made on the form provided by the department, which shall include

(Rule 1200-07-01-.15, continued)

1. The date of the stillbirth;
2. The county in which the stillbirth occurred;
3. The state file number of the report of fetal death (stillbirth), if known;
4. The sex of the stillborn, if known;
5. The name if any, selected by the requesting parent;
6. The name of the mother who delivered the stillborn;
7. The name of the father of the stillborn;
8. In the case of a stillbirth to an unmarried mother, the father may submit the request upon submission of a voluntary acknowledgment of paternity; or a finding of parentage by a court.

(3) In any case in which no given name is provided to the registrar on the report of fetal death (stillbirth), or the requestor does not provide a name to the registrar, the first name shall be left blank on the certificate, and the last name of the parent or parents shall be entered as provided in T.C.A §68-3-301 et seq.

(4) A certificate of birth resulting in stillbirth may be amended upon the request of the original requestor(s).

(5) A certificate of birth resulting in stillbirth shall not be proof of a live birth for any purpose, nor shall it be used by the Department to calculate live birth statistics. Each certificate of birth resulting in stillbirth shall state "this certificate is not proof of live birth."

Authority: *T.C.A. §§ 68-3-102 and 68-3-514.* ***Administrative History:*** *Emergency rule filed July 26, 2010; effective through January 22, 2011. Emergency rule filed July 26, 2010 expired effective January 23, 2011; rule reverted to its previous status. .Original rule filed November 10, 2010; effective February 8, 2011.*

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