

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health and Environmental Information and Statistics Division

VITAL STATISTICS

5 CCR 1006-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

SECTION 1. AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS

These regulations are being promulgated pursuant to CRS 25-2-103 which states that the "state board of health shall adopt, promulgate, amend, and repeal such rules and regulations and orders in accordance with the provisions of section 24-4-103, CRS as are necessary and proper for carrying out the provisions of the article."

The purpose of these regulations is to establish rules governing the administration of Colorado's vital statistics system.

SECTION 2. DUTIES OF STATE REGISTRAR (25-2-103 THROUGH 25-2-105)

Section 2.1 Forms

All forms, certificates, and reports used in the system of vital statistics are the property of the Office of the State Registrar of Vital Statistics and shall be surrendered to the State Registrar of Vital Statistics - hereinafter referred to as "State Registrar" - upon demand. The forms prescribed and distributed by the State Registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital statistics or in making copies thereof.

Section 2.2 Requirements for Preparation of Certificates

All certificates and records relating to vital statistics must be prepared on a typewriter with a black ribbon, on a letter - quality printer with black ink or printed legibly in black, unfading ink. 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;
- (j) That is not in English or contains non-English symbols;
- (k) That is not prepared in conformity with regulations or instructions issued by the State Registrar.

Section 2.3 Designation of Additional Offices

The State Registrar shall determine whether offices other than the office of the State Registrar and organized local health departments established pursuant to Part 5 or 7 of Article 1 of Title 25 are needed to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this state with respect to the establishment and operation of the system of vital statistics.

If the State Registrar determines that additional offices are necessary, such offices shall be designated or established by the State Registrar. The duties and responsibilities may be assigned to currently existing offices, or special branch offices of the State Registrar 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 adhere to the vital statistics law and regulations and shall meet performance and accounting standards detailed in Section 2.4.

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 statistics.

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

Section 2.4 Performance and Accounting Standards for Offices Established or Designated under 25-2-103.

Local vital records offices established or designated under section 25-2-103 shall:

- (a) Conform to the Colorado Vital Statistics Act and Regulations and follow instructions issued by the State Registrar;
- (b) Submit periodic financial and workload statistics as required by the State Registrar; and
- (c) Attend periodic meetings as required by the State Registrar.

SECTION 3. INFANTS OF UNKNOWN PARENTAGE (25-2-112)

The report for an infant of unknown parentage shall be registered on a regular certificate of live birth and shall:

- (a) Show the required facts as determined by approximation and have parentage data left blank;
- (b) Show the signature and title of the custodian in lieu of the attendant.

When a report has been placed in a special file as provided by 25-2-112 (4), the State Registrar may inspect such information for purposes of properly administering the vital statistics program.

SECTION 4. DELAYED REGISTRATION OF BIRTH (25-2-114)

Section 4.1 Registration - Ten Days to One Year

Certificates of birth filed after ten days, but within one year from the date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall not be marked "Delayed".

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 therefor must be submitted.

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.

Section 4.2 Registration - After First Birthday and Before Seventh Birthday

Certificates of birth filed after the child's first birthday but before his seventh birthday shall be registered on the standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall be marked "Delayed" on its face.

Section 4.3 Delayed Certificate of Birth Form

All certificates registered seven years or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the State Registrar.

Section 4.4 Who May Request the Registration of and Sign a Delayed Certificate of Birth

Any person born in the State whose birth is not recorded in this State, or his parent, guardian, or older person in his immediate family acting for the registrant 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.

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 18 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of the following in the indicated order of priority:

- (a) One of the parents of the registrant, or
- (b) The guardian of the registrant, or
- (c) Any older person in his immediate family having personal knowledge of the facts of birth.

Section 4.5 Facts to be Established for a Delayed Registration of Birth

The minimum facts which must be established by documentary evidence shall be the following:

- (a) The full name of the person at the time of birth;
- (b) The date of birth and place of birth;
- (c) The full maiden name of the mother;

- (d) 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 Section 5.

Section 4.6 Documentary Evidence - Requirements

To be acceptable for filing, the name of the registrant, the date and place of birth and the parents entered on a delayed certificate of birth shall be supported by the following:

- (a) If the record is filed within seven years after the date of birth, one document showing name, birthdate, birthplace and parentage. If the birth occurred in a hospital or other institution, the administrator of the institution shall certify to the facts of birth. If the birth did not occur in an institution but was attended by a physician, the physician shall certify to the facts of birth. If the birth did not occur in an institution and was not attended by a physician any person witnessing the birth shall certify to the facts of birth, or in the absence of any such witness the father or mother shall certify to the facts of birth. Additional documentation of birthplace may be required.
- (b) If the record is filed seven years or more after the date of birth, two documents proving birthdate or age (at least one showing actual birthdate), two documents proving birthplace and one document proving parentage. At least one of the documents must be a record made during the first seven years of life. Additional documentation may be required.

Section 4.7 Documentary Evidence - Acceptability

The State Registrar may establish a priority of best evidence.

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. The documents must be internally consistent.

Section 4.8 Abstraction of Documentary Evidence

The State Registrar, or his designated representative, 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:

- (a) The title or description of the document;
- (b) The date of the original filing of the document being abstracted;
- (c) The information regarding the birth facts contained in the document.

All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

Section 4.9 Certification by the State Registrar

The State Registrar, or his designated representative, shall, by signature, certify:

- (a) That no prior birth certificate is on file for the person whose birth is to be recorded;
- (b) That he has reviewed the evidence submitted to establish the facts of birth;

- (c) That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Section 4.10 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 so advise the applicant and all documents submitted in support of such registration shall be returned to the applicant.

SECTION 5. NEW CERTIFICATES OF BIRTH FOLLOWING ADOPTION, LEGITIMATION, AND PATERNITY DETERMINATION (25-2-113)

Section 5.1 Legitimation

If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a sworn acknowledgement of paternity signed by the natural parents of said child together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original certificate, or if the mother was married to another man at the time of conception or birth of the child, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction or following adoption. A divorce decree is not acceptable evidence regarding paternity.

Section 5.2 Determination of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a certified copy of the court determination of paternity, together with a request from the natural mother, natural father, legal representative or person having legal custody of said child that such new certificate be prepared. If the surname of the child is not decreed by the court, the request for a new certificate shall specify the surname to be placed on the certificate.

Section 5.3 New Certificate

The new certificate of birth prepared after adoption, legitimation, or determination of paternity, shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the certificate:

- (a) The name of the child;
- (b) The date and place of birth as transcribed from the original certificate;
- (c) The names and personal particulars of the adoptive parents or of the natural parents, whichever is appropriate;
- (d) The birth number assigned to the original birth certificate;
- (e) The original filing date.

The information necessary to locate the existing certificate and to complete the new certificate shall be submitted to the State Registrar on forms prescribed by him.

Section 5.4 Existing Certificate to Be Placed in a Special File

After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. Such file shall not be subject to inspection except

as provided in 25-2-113.5, upon order of a court of competent jurisdiction or by the State Registrar for purposes of properly administering the vital statistics program.

SECTION 6. DEATH REGISTRATION (25-2-110)

Section 6.1 Acceptance of Incomplete Death Certificate

If all the 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 completed with all information that is available. In all cases the medical certification must be signed by the person responsible for such certification. If the cause of death is unknown or undetermined, the cause of death shall be shown as such on the certificate.

An amended death certificate providing the information missing from the original certificate, having all other items completed and containing all required original signatures shall be filed with the State Registrar or as otherwise directed by the State Registrar as soon as possible, but in all cases within 30 days of the date the death occurred. The death certificate shall be marked "Amended."

Section 6.2 Hospital or Institution May Assist in Preparation of Certificate

When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the coroner, the person in charge of such institution, or his designated representative, may initiate the preparation of the death certificate as follows:

- (a) Place the full name of the decedent and the date, time and place of death on the death certificate and obtain from the attending physician the medical certification of cause of death and the physician's signature;
- (b) Present the partially completed death certificate to the funeral director or person acting as such.

SECTION 7. DELAYED REGISTRATION OF DEATH (25-2-114)

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

- (a) If the attending physician or coroner 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. For those certificates filed one year or more after the date of death, the physician or coroner 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 coroner and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the decedent 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 decedent and his date and place of death.

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

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

SECTION 8. AUTHORIZATION FOR FINAL DISPOSITION (25-2-111)

Section 8.1 Authorization for Final Disposition of the Body

The office designated or established pursuant to 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner's designee in the county where the death occurred shall authorize final disposition of the body on a form prescribed and furnished by the State Registrar if:

- (a) The funeral director or person acting as such presents a death certificate which is fully and properly completed and includes all medical information and is signed by the physician or coroner; or
- (b) The funeral director or person acting as such presents a death certificate which lists the cause of death as "pending" but which is otherwise fully and properly completed and is signed by the physician or coroner; or
- (c) The coroner of the county where the death occurred authorizes final disposition and a copy of the completed final disposition permit is sent to the State Registrar or his designee; or
- (d) The State Registrar authorizes final disposition of the body.

SECTION 8.2 State Anatomical Board

Acceptance of a dead body by a representative of the State Anatomical Board shall be considered final disposition and shall be noted as "Removal-Donation" as the type of disposition on the death certificate. If there was no funeral director or person acting as such, the death certificate shall be filed and a final disposition permit shall be obtained by a representative of the State Anatomical Board from the State Registrar or as otherwise directed by the State Registrar within five days after such death occurs.

Section 8.3 Disposition of a Dead Fetus by a Hospital

Disposition by a licensed hospital of the remains of a dead fetus may be made without issuance of a final disposition permit but authorization of the parent(s) must be obtained.

Section 8.4 Handling of Dead Body

A dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly refrigerated. If a deceased person had a communicable disease at the time of death, the funeral director or person acting as such shall be so notified by the hospital or the attending physician, and the funeral director or person acting as such shall consult with the local or state health officer concerning disposition of the body and shall follow the precautions indicated by the health officer.

A dead body shipped by common carrier shall be enclosed in a strong, tightly sealed container which will prevent the leakage of fluids or odor.

Section 8.5 Permit to Accompany Remains

A final disposition permit shall accompany the remains to their destination. The funeral director or person acting as such also shall observe requirements of the common carrier pertaining to transportation of dead bodies.

Section 8.6 Disinterment and Reinterment

The disinterment and reinterment permit shall be authority for disinterment, transportation and reinterment, and no other permit need be obtained. This regulation shall not apply to movement of bodies within the boundaries of established cemeteries. Ashes of a dead body cremated by authorized means are not considered a dead body for the purposes of this paragraph.

SECTION 9. AMENDMENT OF VITAL RECORDS (25-2-115)

Section 9.1 Amendment of Minor Errors on Birth Certificates During the First Year

Amendment of obvious errors, omissions or transposition of letters in words of common knowledge may be made by the State Registrar within the first year after the date of birth either upon his own observation or query or upon request of a person with a direct and tangible interest in the certificate as defined in Section 11. 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 and the initials of the authorized agent making the change shall be made on the certificate in such a way as not to become a part of any certified copy issued. The certificate shall not be marked "Amended".

Section 9.2 Acknowledgement of Paternity

If the mother was not married at the time of conception or birth the name of the father shall be entered if the mother and the person to be named as the father so request in writing on a form prescribed and furnished by the State Registrar. The State Registrar shall first view the original birth certificate to determine if the father's name may be added in accordance with 25-2-112(3) and if so shall provide the proper form to the mother. The surname of the child may be specified as part of the acknowledgement of paternity process.

Section 9.3 All Other Amendments

Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be supported by:

- (a) An affidavit setting forth:
 - (1) Information to identify the certificate;
 - (2) The incorrect item as it is listed on the certificate; and
 - (3) The correct item as it should appear.
- (b) One or more items of documentary evidence which support the alleged facts and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reasons for the action.

Section 9.4 Who May Apply

- (a) To amend a birth certificate, application may be made by one of the parents, a legal guardian, the individual responsible for filing the certificate, or a legal representative if the registrant is less than 18 years of age. If the registrant is 18 years of age or over, the application must be made by the registrant or his legal representative.

- (b) To amend a death certificate, application may be made by the next of kin or the funeral director or person acting as such who signed the death certificate. Applications to amend the medical certification of cause of death shall be made only by the physician or coroner who signed the medical certification in which case an amended certificate must be filed.

Section 9.5 Amendment of Registrant's Given Names on Birth Certificates Within the First Year

Until the registrant's first birthday, given names may be amended upon written request of:

- (a) Both parents, or
- (b) The mother in the case of a child born out of wedlock, or
- (c) The father in the case of the death or incapacity of the mother, or
- (d) The mother in the case of the death or incapacity of the father, or
- (e) The guardian or agency having legal custody of the registrant.

After one year from the date of birth the provisions of Section 9.2 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.

Section 9.6 Medical Items

All items of a medical nature may be amended only upon receipt of a signed statement from those persons responsible for the completion of such items. The State Registrar may require documentary evidence to substantiate the requested amendment.

Section 9.7 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 determination of good cause by the State Registrar.

Section 9.8 Methods of Amending Certificates

Certificates of birth and death may be amended by the State registrar in the following manner:

- (a) Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires. The new certificate shall be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these regulations, the item number of the entry that was amended shall be identified on the new certificate. In all cases, the new certificate shall show the date the amendment was made and be given the same state file number as the existing certificate. Signatures appearing on the existing certificate shall be typed on the new certificate.
- (b) Completing the item in any case where the item was left blank on the existing certificate.
- (c) 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 shall not obliterate such entry.

- (d) A certificate of birth amended pursuant to the provisions of 25-2-115(4) shall be amended by preparing a new certificate. The item number relating to the sex of the registrant that was amended shall not be identified on the new certificate or on any certified copies of the certificate that may be issued.

In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person making the change. As required by statute or regulation, the certificate shall be marked "Amended".

SECTION 10. RECORD PRESERVATION (25-2-117(3))

When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all steps have been taken to insure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to insure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.

The State Registrar shall offer the original documents from which the authorized reproductions are made to the State Archives. The State Archives may be allowed to retain permanently such records provided they adhere to the restrictions in the vital statistics law related to access to such records. If the State Archivist does not wish to place such records in his files, the State Registrar shall be authorized to destroy the documents. Such destruction shall be by approved methods for disposition of confidential or sensitive documents.

SECTION 11. DISCLOSURE OF RECORDS (25-2-117(1))

To protect the integrity of vital records:

- (a) The State Registrar or other custodians of vital records shall not permit inspection of, or disclose information contained in, vital statistics records, or copy or issue a copy of all or part of any such record unless he is satisfied that the applicant has a direct and tangible interest in such record.
 - (1) The registrant, a member of his immediate family, his legal guardian, or their respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.
 - (2) The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting on behalf of the registrant or his family.
 - (3) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.
- (b) The State Registrar may permit the use of data from vital statistics records for statistical or research purposes, subject to such conditions as the State Registrar may impose. 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 received an agreement signed by a responsible agent of the research organization agreeing to conform to such conditions.

- (c) The State Registrar or the local custodian may disclose data from vital statistics records to federal, state, county, or municipal agencies of government which request such data in the conduct of their official duties.
- (d) Information from vital statistics records indicating a birth out of wedlock may be disclosed only if it can be shown that disclosure of the information will be of benefit to the registrant.
- (e) The State Registrar or local custodian shall not issue a certified copy of a record until a signed application has been received from the applicant. Whenever it shall be deemed necessary to establish an applicant's right to information from a vital record, the State Registrar or local custodian may also require identification of the applicant or a sworn statement. Other procedures may be established by the State Registrar.
- (f) Nothing in this Section shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate unless specifically authorized by the State Registrar for statistical or research purposes or if authorized by a court of competent jurisdiction.

SECTION 12. COPIES OF DATA FROM VITAL RECORDS (25-2-117(1))

- (a) Full or short form certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the "Information for Medical and Health Use Only" section of the birth certificate shall not be included.
- (b) When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.
- (c) Confidential verification of the facts contained in a vital record may be furnished by the State Registrar to any federal, state, county, or municipal government agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in (a) above. Such confidential 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.
- (d) 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 additional evidence satisfactory to the State Registrar has been obtained or until a court determination of the facts has been made.

SECTION 13. PERSONS REQUIRED TO KEEP RECORDS (25-2-111)

Each funeral director shall keep a record containing, at a minimum, the following information about each dead body or fetus the funeral director handles:

- (a) The date, place, and time of receipt;
- (b) The date, place, and manner of disposition;
- (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; and

- (d) The items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.

SECTION 14. STATISTICAL REPORTS REQUIRED (25-2-116)

Spontaneous fetal death means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

Induced termination of pregnancy means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

Each spontaneous fetal death of 20 completed weeks gestation or more which occurs in this State, shall be reported directly to the State Registrar on the form prescribed and furnished by the State Registrar. The funeral director or person acting as such or a licensed hospital, if the dead fetus was delivered and final disposition occurred in a hospital, shall complete and file a Certificate of Fetal Death within five days after delivery.

Spontaneous fetal deaths of less than 20 completed weeks gestation and each induced termination of pregnancy which occurs in this State, regardless of the length of gestation, shall be reported directly to the State Registrar on the prescribed Report of Spontaneous or Induced Abortion within five days by the person in charge of the institution in which the event occurred. If the induced termination of pregnancy was performed outside an institution, the attending physician or his designee shall prepare and file the report.

Reports of spontaneous fetal deaths of less than 20 completed weeks gestation and all reports of induced termination of pregnancy are to be used only for compilation of statistical reports and are not to be incorporated into the official records of the office of the State Registrar. The State Registrar is authorized to dispose of such reports when all statistical processing of the records has been accomplished.

All reports required under this Section 14 are considered to be vital statistics records subject to the confidentiality provisions of 25-2-117 CRS and Section 11 of these rules.

SECTION 15. MATCHING OF BIRTH AND DEATH CERTIFICATES

To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar shall establish a program to match death certificates with the corresponding birth certificates. This will be done for all deaths occurring in Colorado within the first year of life, at a minimum. Records will be matched for Colorado residents and births occurring in Colorado to the extent possible upon receipt of appropriate records from other states where the deaths occurred. Written guidelines shall be established which provide the standards for determining that a match does exist.

The date of death, the state where the death occurred and the death certificate number shall be posted to the birth certificate.

SECTION 16. COLORADO VOLUNTARY ADOPTION REGISTRY (25-2-113.5)

Section 16.1 Authority and Purpose for Establishing Rules and Regulations

These regulations are being promulgated pursuant to CRS 1973, 25-2-113.5 which states:

“A birth parent shall not be matched with the qualified adult adoptee without the consent of the other birth parent unless:

- (a) There is only one birth parent listed on the birth certificate; or

- (b) The other birth parent is deceased; or
- (c) The other birth parent is unable to be located by the Department of Health after an exhaustive search, the cost of said search to be fully funded by the birth parent seeking a match, said search to be in accordance with the rules and regulations promulgated by the department.” (Emphasis added.)

The purpose of these regulations is to establish rules governing the conduct of searches. If the second birth parent is located, he will be advised of the adoptee’s request for identifying information. If the birth parent does not consent, the Department of Health shall not exchange current identifying information between the adult adoptee and the seeking birth parent.

Section 16.2 Procedures

The search shall be conducted by the State Registrar of Vital Statistics or his agent. To maintain confidentiality, the State Registrar or his agent shall not divulge the reason for the inquiry to any person except the second birth parent.

Based on information from the birth parent seeking a match as well as information in the State Registrar’s sealed file, the State Registrar shall perform, at a minimum, the following procedures to locate the second birth parent:

- (a) If the birth parent is presumed dead, death records in those state(s) where the death may have occurred must be checked.
- (b) Motor vehicle records, e.g., car registration and driver’s license records, in states where the birth parent was presumed to have resided must be checked.
- (c) Birth records in the state where the birth parent was born must be checked.
- (d) Directories of towns where the birth parent was presumed to have resided must be checked.
- (e) The Index of Marriages and Divorces in the Colorado State Registrar’s office and the county clerk’s office must be checked.
- (f) The Social Security Administration and Veteran’s Administration must be contacted.
- (g) The adoption agency that placed the adoptee must be contacted,
- (h) The Colorado court that handled the adoption must be contacted.
- (i) The hospital where the adoptee was born must be contacted.

The referenced agencies will be contacted by the State Registrar within 30 days of the initial match between the adult adoptee and seeking birth parent. The State Registrar will await responses to inquiries for at least 60 days. If the second birth parent has not been located within 90 days of the initial match, the State Registrar shall exchange the current identifying information between the adult adoptee and the seeking birthparent.

Section 16.3 Fee Schedule

The birth parent seeking the match shall be charged the full cost of the employee doing said search plus actual expenses including long distance phone charges and fees charged by other states for vital records and searches.

Editor's Notes

History