

# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## Center for Health and Environmental Data

### VITAL STATISTICS

#### 5 CCR 1006-1

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

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**Adopted by the Board of Health on September 18, 2019; Effective January 1, 2020.**

#### **SECTION 1 AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS**

These regulations are promulgated pursuant to Section 25-2-103, C.R.S. 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, C.R.S. 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 DEFINITIONS, DESIGNATION OF OFFICES, SUBMISSION, USE, AND DISTRIBUTIONS OF VITAL STATISTICS**

##### **SECTION 2.1 Definitions**

As used in this regulation, unless the context otherwise requires:

- A. "Certificate" means a printed, certified copy of the vital event record.
- B. "Legal representative" means an attorney, physician, funeral director, or other authorized agent, as determined by the State Registrar, acting on behalf of the registrant or his family.
- C. "Next of kin" means a person's closest living relative or relatives and those who, under Colorado law, have legal authority over the disposition of human remains, see Section 12-54-102(17), C.R.S.
- D. "Person with a direct and tangible interest" means the registrant, a member of the registrant's immediate family, as determined by the State Registrar, the registrant's legal guardian or legal custodian, or their respective legal representatives. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right, or for genealogical purposes. 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.
- E. "Record" means an electronic or paper vital event registered as reported, updated, and stored within the files of the office of the State Registrar of vital statistics and designated offices.
- F. "Report" means an electronic or paper document containing information related to a vital event submitted by a person or entity required to submit the information in accordance with this state statute and this regulation for the purpose of registering a vital event.

- G. "State Registrar" means the State Registrar of Vital Statistics or their designee.
- H. "Vital event" means an event recognized under Colorado law as statistically significant. These include but are not limited to birth, marriage, civil unions, adoption, dissolution or nullification of marriage, dissolution or nullification of civil unions, parentage determinations, change of name, change of sex, death, and any data related thereto which have been accepted for registration and incorporated into the official records and certificates.

## **SECTION 2.2 Designation of Additional Offices**

- A. 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.
- B. The State Registrar shall delegate such duties and responsibilities to such offices as the State Registrar deems necessary to insure the efficient 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. The State Registrar shall determine the responsibilities and duties of each office independently.
- C. Employees and individuals operating in the state or local offices will comply with the vital statistics law; this rule; and the policies, processes, and procedures directed by the State Registrar, including requirements to attend periodic meetings as required by the State Registrar. As needed, state and local offices may be asked to assess and document performance and costs associated with administration of vital statistics.

## **SECTION 2.3 Submission, Use and Distribution of Vital Statistics Information**

All electronic or paper forms, reports, records, certificates, and data 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 as required by law, submitted and distributed in the form and manner required, prescribed and distributed by the State Registrar, and only used for official purposes, including the reporting vital statistics, or as authorized by statute and this rule. Only software approved by the State Registrar shall be used in the electronic reporting of vital events.

## **SECTION 2.4 General Requirements for Preparing Certificates**

- A. Those registering vital events will use the current version of the electronic registration system approved by the State Registrar. The State Registrar, at their discretion, may grant waivers for not using the electronic registration system in unusual circumstances. If a waiver is granted, the report will be submitted on a typewriter with a black ribbon, on a letter-quality printer with black or blue ink, or printed legibly in black, unfading ink.
- B. Only those individuals authorized in state statute to register and certify vital event information to the State Registrar can submit a report. All signatures shall be entered in black, unfading ink or an electronically as authorized by Section 24-71-101, C.R.S.
- C. Unless otherwise directed by the State Registrar, no report shall be complete and correct and acceptable for registration if it:

1. Does not have the certifier's name typed or printed legibly under their signature;
  2. Does not supply all items of information called for thereon or satisfactorily account for their omission;
  3. Contains alterations or erasures;
  4. Does not contain handwritten or electronic signature as required;
  5. Is marked "copy" or "duplicate";
  6. Is a carbon copy;
  7. Contains improper or inconsistent data;
  8. Contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; or,
  9. Is not prepared in the form and manner prescribed by state statute, these rules and the State Registrar.
- D. 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. When a certified copy is issued, each certification shall be certified as a true copy by the State Registrar, and shall include the date issued, the name of the issuing officer, the State Registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.
- E. When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar has the 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 3 HEIRLOOM CERTIFICATES**

Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.

### **SECTION 4 REGISTRATION OF BIRTH**

#### **SECTION 4.1 Sex Designation**

The record and certificate may identify the sex designation as female or male at the time of birth and may be amended pursuant to Section 5.5 to identify the sex designation as female, male or "X".

#### **SECTION 4.2 Delayed Registration of Birth**

Any birth registered 1 year or more after the date of birth, constitutes a delayed registration of birth.

- A.
  1. Any individual eighteen years of age or older or an emancipated minor, born in the state of Colorado whose birth is not registered in this state may request the registration of a delayed report of birth.
  2. If an individual is under 18 years of age, the request for registration of a delayed report of birth may be submitted by one of the following in the indicated order of priority:

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- a. One of the parents of the registrant,
  - b. The legal guardian of the registrant,
  - c. The legal custodian of the registrant, or
  - d. In the absence, inability or refusal of a parent, guardian or legal custodian, any next of kin who is eighteen years of age or older, at least ten years older than the registrant, and has personal knowledge of the facts of live birth.
- B. 1. An individual requesting registration of a delayed report of birth must provide a sworn, signed and notarized statement that establishes in the form and manner required by the State Registrar:
- a. The full name of the person at the time of live birth;
  - b. The date of birth and place of live birth;
  - c. The full name of the mother prior to first marriage;
  - d. The full name of the father unless parentage needs to be amended pursuant to Section 5.
2. To establish these facts, the requestor must submit the following documentation:
- a. One document showing name;
  - b. Two documents proving birthdate or age (at least one showing actual birthdate);
  - c. Two documents proving birthplace; and,
  - d. One document proving parentage.
- At least one of the documents identified above must have been created during the first 10 years of life. One document may be a sworn affidavit that is notarized.
3. The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why the report of birth was not registered within the required ten days.
- C. The State Registrar, or their designee, shall determine the acceptability of all documentary evidence submitted. All documents must be internally consistent. Each document must be verifiable and originate from separate sources and must 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. Documents may include, but are not limited to:
1. Census records;
  2. Hospital records;
  3. Military records;
  4. Social security records;
  5. Voter registration records;

6. School records; or
  7. Other documents as designated by the State Registrar.
- D. The submission and documentation shall be reviewed and upon approval, an abstract will be developed. The abstract will identify each document submitted to support the facts shown on the delayed birth certificate including, the title or description of the document, the date of the original filing of the document being abstracted, and the information regarding the birth facts contained in the document. The abstract will be attached to the delayed certificate of birth. Original documents submitted in support of the delayed birth registration shall be returned to the applicant after review and abstraction.
- E. 1. The State Registrar, or their designee, shall, by signature, certify that no prior birth certificate is on file for the person whose birth is to be recorded, that the evidence submitted has been reviewed and abstracted, and that the documentation establishes the facts of birth.
2. Births registered after ten days, but within one year from the date of birth, shall not be marked "delayed."
- F. Requests 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 original documents submitted in support of such registration shall be returned to the applicant

## **SECTION 5 AMENDING RECORD OR CERTIFICATES**

### **SECTION 5.1 General Requirements for Amending Certificates**

- A. 1. If the registrant is less than 18 years of age, an application to amend a birth certificate may be made by the following:
- a. one of the parents,
  - b. a legal guardian,
  - c. the individual responsible for filing the certificate,
  - d. an attorney acting on behalf of an person authorized under this rule, or
  - e. an authorized agent, as determined by the State Registrar.
2. If the registrant is 18 years of age or over, an application to amend a birth record must be made by one of the following:
- a. the registrant,
  - b. their attorney, or
  - c. their authorized agent, as determined by the State Registrar.
3. Unless expressly stated elsewhere in this rule, only a funeral director, coroner, physician, local registrar, health facility, next of kin, or legal representative may request to amend a death record. 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.

- B. Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be submitted and documented in the form and manner prescribed by the State Register. The submission will include:
1. The information needed to identify the record, the incorrect item as it is listed on the certificate; and the correct item as it should appear, and;
  2. One or more items of documentary evidence which support the alleged facts and were established at least five years prior to the date of application for amendment or within seven years of the date of the event.
- C. The State Registrar shall evaluate the evidence submitted in support of any amendment. At the discretion of the State Registrar, the amendment may be rejected if the validity or adequacy of the documentary evidence is questionable, and the applicant advised of the reasons for the action.
- D. Once an amendment of an item is made on a vital event record, the item shall not be amended again, except upon determination of good cause by the State Registrar.
- E. 1. Amended certificates shall only be amended to the extent necessary to modify the information included in the report or court decree. The remainder of the information shown on the original certificate shall remain unchanged. The certificate will be identified as "amended" or "delayed" when required by law.
2. When a registrant's sex designation is amended pursuant to Section 5.5, a new certificate is issued. The new certificate will not be marked as amended or otherwise indicate that the gender designation or any name change accompanying the gender designation change, occurred.

**SECTION 5.2 New Certificates of Birth to Amend Parentage (Section 25-2-113, C.R.S.)**

- A. A new certificate of birth may be issued as to any person born in this state upon receipt of:
1. A request from an individual or, in the case of an individual under the age of eighteen, a request from parent, guardian or legal custodian and:
    - a. A certified copy of a court decree issued pursuant to Section 25-2-113, C.R.S., or
    - b. A report or certified copy of a decree concerning the adoption, or parentage of such a person from a court of competent jurisdiction outside this state.

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 record.
  2. A request from a birth mother and second parent who marry after the birth of a child, a certificate of marriage, and a sworn and notarized statement of parentage signed by the birth parents. If the existing certificate includes the names of both parents, a new record may only be prepared when a determination of parentage is made by a court of competent jurisdiction. A divorce decree that does not decree parentage cannot be used to establish parentage.
  3. A request from a birth mother and a second parent if, upon review of the original birth record, the State Registrar determines that the second parent's name may be added pursuant to Section 25-2-112(3), C.R.S. The surname of the child may be specified as part of the acknowledgement of parentage process.

- B. A new certificate of birth will not be prepared for an adoption if the court that has decreed the adoption, an adoptive parent, or the adopted person requests that no new certificate be prepared.
- C. In addition to the requirements of Section 5.1, the requesting party shall provide the information necessary to locate the existing record and such other information necessary to complete the certificate, such as:
  - 1. The name of the child;
  - 2. The date and place of birth as transcribed from the original record;
  - 3. The names and personal particulars of the adoptive parents or of the parents listed on the original birth record, whichever is appropriate;
  - 4. The birth number assigned to the original birth record;
  - 5. The original filing date.

**SECTION 5.3 Amendment of Minor Errors on Birth Certificates Within 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 their or their designee's own observation or query, or upon request of a person with a direct and tangible interest in the certificate, as defined in Section 2.1.D. 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 record in such a way as not to become a part of any certificate issued. The certificate shall not be marked "Amended".

**SECTION 5.4 Amendment of Registrant's Given Name(s) 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,
- B. The mother when no second parent is listed,
- C. The father in the case of the death or incapacity of the mother,
- D. The mother in the case of the death or incapacity of the father,
- E. The legal guardian or legal custodian of the registrant, or
- F. A parent in the absence of a second parent.

After one year from the date of birth, if the name was entered incorrectly on the birth certificate, the provisions of Section 5.2 must be followed to amend a given name. To change a given name after one year, a legal change of name order must be submitted from a court of competent jurisdiction.

**SECTION 5.5 Amendment of the Sex Designation**

Before changing the sex designation on the birth certificate, the State Registrar must:

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- A. Confirm the registrant is eighteen years of age or older, or an emancipated minor, or, if the registrant is under the age of eighteen, confirm that the person requesting the amendment is a parent on the birth record, a legal guardian, or an attorney or other authorized agent, as determined by the State Registrar.
  - B. Confirm the name on the birth certificate and the name of the individual for whom the amendment is requested match, or can be linked through the submitted documentation in instances such as where the registrant is changing their name and sex designation at the same time, and
  - C.
    - 1. Receive: a certified copy of an order of a court of competent jurisdiction changing the sex of the applicant, or
    - 2.
      - a. A written request from the person, or from the person's parent, if the person is a minor, or from the person's guardian or legal representative, signed under penalty of law, to issue a new birth certificate with a gender designation that differs from the sex designated on the person's original birth certificate; and,
      - b. A statement, in a form or format designated by the State Registrar, from the person or from the person's parent, if the person is a minor, or from the person's guardian or legal representative, signed under penalty of law, confirming the sex designation on the person's birth certificate does not align with the person's gender identity; and,
      - c. If the person is a minor under the age of eighteen, a statement, in a form or format designated by the State Registrar, signed under penalty of law, from a professional medical or mental health care provider licensed in good standing in Colorado or an equivalent license in good standing from another jurisdiction, stating that:
        - I. The minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly; or,
        - II. The minor has an intersex condition, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly.
    - 3. The State Registrar shall change the sex designation pursuant to a request made under Section 5.5(C)(2) only once during an individual's lifetime. Any further amendment to the sex designation on a birth record or certificate requires a court order pursuant to Section 5.5(C)(1).
    - 4. Pursuant to Section 25-2-113.8(7), C.R.S., if a new birth certificate is issued pursuant to this Section 5.5, the certificate will also be amended to reflect any legal name change made before or simultaneous with the change in gender designation, as long as appropriate documentation of the name change is submitted.

**SECTION 5.6 OTHER AMENDMENTS TO ANY VITAL EVENT RECORD OR CERTIFICATE**

- A. All information of a medical nature may be amended only upon receipt of a signed statement from the person(s) responsible for providing such information. The State Registrar may require documentary evidence to substantiate the requested amendment.

- B. The State Register may authorize other amendments not expressly stated herein, when such amendments are authorized by statute, do not conflict with the requirements herein, and can be accomplished in the form and manner necessary to maintain the integrity of the vital event record.

## **SECTION 6 DEATH REGISTRATION AND RECORDS**

### **SECTION 6.1 Acceptance of Incomplete Record**

Pursuant to Section 25-2-110, C.R.S., a certificate of death for each death, including a stillborn death, that occurs in Colorado, must be filed with the State Registrar, or as otherwise directed by the State Registrar, within five days after the death occurs, and prior to final disposition. Pursuant to Section 25-48-109(2), C.R.S., when a death has occurred pursuant to the End of Life Options Act, the cause of death shall be listed as the underlying terminal illness and the death does not constitute grounds for post-mortem inquiry under Section 30-10-606 (1), C.R.S.

If all the information necessary to complete a report of death is not available within the time prescribed for filing the report, the funeral director, or person acting as such, shall register the report 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, undetermined, or under investigation, this information will be recorded under cause of death in the report.

An amended report of death that provides the information missing from the original certificate, shall be signed and registered directed by the State Registrar within 90 days of the date the death occurred, unless otherwise authorized by the State Registrar. 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 their designated representative, may initiate the report as follows:

- A. By placing the full name of the decedent and the date, time and place of death on the death certificate and obtaining from the attending physician the medical certification of cause of death and the physician's signature; and,
- B. By presenting the partially completed death certificate to the funeral director or person acting as such.

### **SECTION 6.3 Persons Required to Keep Death Records**

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.

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**SECTION 7 DELAYED REGISTRATION OF DEATH**

The registration of a death after the time prescribed by statutes and regulations shall be registered in the form and 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 record 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 report may be filed by the next of kin of the decedent and shall be accompanied by:
  - 1. A signed and notarized affidavit of the person filing the report affirming the accuracy of the information in the report, and;
  - 2. Two documents that identify the decedent, and the decedent's 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 FINAL DISPOSITION OF A BODY OR DEAD FETUS**

**SECTION 8.1 Authorization for Final Disposition of the Body**

The office designated or established pursuant to Section 25-2-103, C.R.S. in the county where the death occurred shall authorize final disposition of the body in the form and manner prescribed by the State Registrar if:

- A. The funeral director, or person acting as such, presents a report of death that is fully and properly completed, includes all medical information, and is signed by the physician or coroner, or
- B. The funeral director, or person acting as such, presents a report of death that lists the cause of death as "pending investigation" but which is otherwise fully and properly completed, and is signed by the physician or coroner.

**SECTION 8.2 State Anatomical Board**

The State Anatomical Board's acceptance of a dead body shall be considered final disposition. In such cases, "Donation" shall be recorded in the report as the type of disposition. If no funeral director, or person acting as such, is responsible for reporting the death of the person whose body is accepted, a State Anatomical Board representative must register the death within 5 days from the date of death and obtain authorization for final disposition of the body as required by Section 25-2-111(1), C.R.S.

**SECTION 8.3 Disposition of a Dead Fetus by a Hospital**

Disposition by a licensed hospital, including those with a subcontract with a funeral home or crematory, 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.

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## **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 hospital or the attending physician shall notify the funeral director or person acting as such, 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 permit shall be authorization for the disinterment, transportation and reinterment of the body. The State Registrar shall issue a permit upon proper application.

No dead body or fetus may be disinterred without first obtaining a permit from the State Registrar, unless

- A. a coroner is disinterring a body for purposes of examination, and the body will be reinterred within the boundaries of the original cemetery after examination; or
- B. the disinterment is for the purpose moving a body within the boundaries of an established cemetery.

Ashes of a body cremated by authorized means are not considered a dead body for the purposes of this paragraph.

## **SECTION 9 RECORD PRESERVATION AND RELEASE**

### **SECTION 9.1 Record preservation and destruction**

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 ensure 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.

### **SECTION 9.2 Disclosure of 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.
- 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 may disclose data from a vital statistics record to federal, state, county, or municipal agencies of government, or designees of such agencies of government, that request such data in the conduct of their official duties, or any other agency that demonstrates it is acting in the interest of the registrant.
- D. The State Registrar may disclose data from vital statistics records to the extent necessary for the treatment, control, investigation, and prevention of diseases and conditions dangerous to the public health. Every effort shall be made to limit disclosure of protected health information or personal identifying information to the minimal amount necessary to accomplish the public health purpose.
- 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 10 STATISTICAL REPORTS REQUIRED**

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 10 are considered to be vital statistics records subject to the confidentiality provisions of Section 25-2-117 C.R.S. and Section 9.2 of these rules.

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## SECTION 11 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.

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

## Section 12 SEARCH PROCEDURES TO LOCATE A SECOND BIRTH PARENT

The search shall be conducted by the State Registrar. To maintain confidentiality, the State Registrar 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 check the following records for a match with the second birth parent:

- A. If the second birth parent is presumed dead, death records in those state(s) where the death may have occurred.
- B. Colorado motor vehicle records.
- C. Birth records in the state where the second birth parent was born.
- D. The Index of Marriages and Divorces in the Colorado State Registrar's office and the county clerk's office.

Efforts to locate the second birth parent will occur 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 birth parent. If the second parent is located, they will be advised of the adoptee's request for identifying information. If the birth parent does not consent, the Department of Public Health and Environment shall not exchange current identifying information between the adult adoptee and the seeking birth parent through the voluntary adoption registry.

### Section 12.1 Fees

The birth parent seeking the match shall reimburse the Department the full cost of performing the search, including phone charges and fees.

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### Editor's Notes

#### History

Sections 2.1-2.2, 2.5 eff. 09/14/2015.

Entire rule eff. 02/14/2019.

Sections 4.1, 5.1 E, 5.5 eff. 01/01/2020.