

LEGISLATIVE BILL 245

Approved by the Governor April 5, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 71-630 and 71-634, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to revise procedures and requirements for correcting and amending birth and death certificates; and to repeal the original sections, and also sections 71-632 and 71-633, Reissue Revised Statutes of Nebraska, 1943, and section 71-631, Revised Statutes Supplement, 1969.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-630. An erroneous--or--incomplete--birth--or death--record--filed--with--the--Bureau--of--Vital--Statistics in--the--Department--of--Health,--may--be--corrected--by--said bureau--within--ten--years--from--the--date--of--its--filing--upon such--proof,--supported--by--affidavit,--as--it--deems satisfactory,--Such--corrections--shall--be--made--with--red ink--on--the--face--of--the--certificate,--A--properly--dated reference--shall--be--placed--upon--the--face--of--the certificate--and--shall--state--whether--corrected--by approved--affidavit--or--court--order,--The--complete--record of--the--correction--and--supporting--proof--shall--be permanently--preserved--by--the--bureau,--Erroneous--or incomplete--birth--or--death--records--which--have--been--filed for--ten--years--or--longer--with--the--Bureau--of--Vital Statistics--may--be--corrected--when--a--decree--of--the--county judge--of--the--county--in--this--state--in--which--said--records originated--or--in--which--the--petitioners--reside--orders such--record--corrected--as--provided--by--sections--74-634--and 74-632-~~ (1) A birth or death certificate filed with the Bureau of Vital Statistics in the Department of Health may be amended only in accordance with this section and sections 2 to 11 of this act and rules and regulations adopted pursuant thereto by the Department of Health as necessary and proper to protect the integrity and accuracy of records of vital statistics.

(2) A certificate that is amended under this section shall have a properly dated reference placed on the face of the certificate and state that it is amended, except as provided in subsection (4) of this

Section.

(3) Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon request of such person or his parent, guardian, or legal representative, the Bureau of Vital Statistics, Department of Health, shall amend the certificate of birth to reflect the change in name.

(4) Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents, the Bureau of Vital Statistics, Department of Health, shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Such certificate shall not be marked amended.

Sec. 2. (1) To amend a birth certificate, application may be made by one of the parents, the guardian, the registrant if of legal age, or the individual responsible for filing the certificate.

(2) To amend a death or fetal death certificate, except the medical certification, application may be made by the next of kin or the funeral director or person acting as such. Amendments to the medical certification of cause of death section of the certificate shall be requested by the attending physician or person certifying such section.

Sec. 3. Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions on birth certificates may be made by the Bureau of Vital Statistics within the first year after the date of the birth, either upon its own observation, upon query, or upon request of a person with a direct and tangible interest in the certificate. When such additions or minor amendments are made by the Bureau of Vital Statistics, 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 reverse side of the certificate in such a way as not to become a part of the certificate. The certificate shall not be marked amended.

Sec. 4. All other amendments to vital records made during the first year, unless otherwise provided in this act, shall be supported by (1) an affidavit setting forth 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 item

of documentary evidence supporting the amendment. Certificates amended by this procedure shall be marked amended.

Sec. 5. Applications for amendments to vital records made one year or more after the event, unless otherwise provided in the regulations or by law, shall be supported by (1) an affidavit setting forth 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) two 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.

Sec. 6. The Bureau of Vital Statistics shall evaluate all evidence submitted for amendments to vital records and when it finds reason to question its validity or adequacy it may reject the amendment and shall advise the applicant of the reasons for this action.

Sec. 7. (1) Until the registrant's first birthday, given names may be changed upon written request of (a) both parents, (b) the mother in the case of a child born out of wedlock or the death or incapacity of the father, (c) the father in the case of the death or incapacity of the mother, or (d) the guardian or agency having legal custody of the registrant in the case of the death or incapacity of both parents.

(2) At any time after the registrant's first birthday and until the seventh birthday, given names may be changed upon written request as specified in subsection (1) of this section and submission of one or more items of documentary evidence to support the change.

(3) These procedures may be employed to change a given name only once. Thereafter, and at any time after the seventh birthday, given names may be changed only upon submission of a court order.

Sec. 8. (1) Until the registrant's seventh birthday, the given name, for a child whose birth was recorded without a given name, may be added based upon an affidavit signed by (a) both parents, (b) the mother in the case of a child born out of wedlock or the death or incapacity of the father, (c) the father in the case of the death or incapacity of the mother, or (d) the

guardian or agency having legal custody of the registrant in the case of the death or incapacity of both parents. A certificate amended in this manner prior to the first birthday shall not be marked amended.

(2) After the seventh birthday, one or more items of documentary evidence must be submitted to substantiate the name being added.

(3) For a legal change of name, a certified copy of the court order changing the name must be presented to the Bureau of Vital Statistics along with data to identify the birth certificate and a request that it be amended to show the new name.

Sec. 9. All items in the medical certification or of a medical nature in a vital record may be amended only upon receipt of a signed statement from those responsible for completion of the entries involved. The Bureau of Vital Statistics may, at its discretion, require documentary evidence to substantiate the requested amendment.

Sec. 10. When an entry on a vital record has been amended, that entry shall not be amended again unless (1) it can be shown that the first amendment was made through mistake, or (2) a court order is received from a court of competent jurisdiction.

Sec. 11. When a certificate is amended, the Bureau of Vital Statistics shall (1) complete the item in any case where the item was left blank on the existing certificate, or (2) draw a single line through the item to be amended and insert the correct data immediately above or to the side thereof. The line drawn through the original entry must not obliterate such entry.

Sec. 12. That section 71-634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-634. The Department of Health shall charge and collect a fee of one dollar for each proceeding had under the provisions of section 71-630 and sections 2 to 11 of this act. ~~7-whether-the-same-is-had-solely-in-the-bureau-or-after-a-decree-of-the-county-judge-is-made-and-a-certified-copy-thereof-and-of-the-abstract-ordering--a-change-of-a-record-in-the-Bureau-of-Vital-Statistics--is-filed-with-the-bureau,--as-provided--by--section--71-632.~~ The department shall collect a fee of two dollars for a certified copy of the corrected amended record. All

fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the General Fund.

Sec. 13. That original sections 71-630 and 71-634, Reissue Revised Statutes of Nebraska, 1943, and also sections 71-632 and 71-633, Reissue Revised Statutes of Nebraska, 1943, and section 71-631, Revised Statutes Supplement, 1969, are repealed.