

## **ISSUING DEATH CERTIFICATES**

The applicant must provide the decedent's name and date of death. Additional information about the decedent may be required by the local registrar. The letter or application form (DOH-294A) must be signed. Local registrars may require that the signature be notarized. If the request is made by someone other than the spouse, parent, child or sibling of the deceased, the application or letter must be accompanied by supporting documents establishing a legal right or claim to obtain a certified copy or transcript, or a judicial or other proper purpose to obtain a certification. Photo Identification is required for all requests.

**A certified copy or a certified transcript** of a death certificate may be issued:

1. To the spouse, parent, child or sibling of the deceased;
2. To the lawful representative of the spouse, parent, child or sibling of the deceased;
3. To a person with a New York State Court Order issued on a showing of necessity;
4. To a person requiring the record for a documented legal right or claim;
5. To a person requiring the record for a documented medical need; or
6. To a municipal, state, or federal agency when needed for official purposes.

**LEGAL RIGHT OR CLAIM** – A legal right or claim is established on the basis of documentation demonstrating that the requestor has a legal need requiring a copy of the death certificate. Some examples follow:

1. Letter from the bank to the surviving joint account owner requesting proof of the death of deceased account owner.
2. Letters Testamentary from a person claiming to be the executor or executrix of the estate.
3. Insurance policy showing that the requestor is a beneficiary.

**PROPER PURPOSE** – A list of proper purposes does not exist. However, a proper purpose does not exist when the record is requested for profit-making or to satisfy idle curiosity. Consult the Vital Records Section for guidance on determining proper purpose on an individual case basis.

**CONFIDENTIAL MEDICAL SECTION** – Commencing with death certificates filed on January 1, 1988, death certificate forms contain a confidential medical section, which includes the cause of death and circumstances of death. When a certified copy is issued, **do not include the confidential medical section.** **The confidential medical section may be included upon specific request to the following:**

1. The spouse, parent, child or sibling of the deceased;
2. The lawful representative of the spouse, parent, child or sibling of the deceased;
3. A person with a New York State Court Order issued on a showing of necessity for the confidential medical information;
4. A person requiring the confidential medical information to establish a legal right or claim;
5. A person requiring the confidential medical information for a documented medical need; and
6. A municipal, state or federal agency specifically requesting the confidential medical information for official purposes.

**FUNERAL DIRECTOR COPIES** – When the death certificate is filed, it is customary for the funeral director to request death certificate copies on behalf of the family. The funeral director should submit the request in writing (DOH-294A) or on the Electronic Death Registration System (EDRS), specifying the number of copies the family needs with the confidential medical information and the number of copies they need without the confidential medical information. Sometimes it is necessary for the funeral director

to request additional copies at a later time as the family discovers the need for more copies. This period should extend no longer than six months from the date of death. After this period, the request must be made by the person in need of the copy, including supporting documentation.

**ATTORNEY COPIES** – Requests for death certificate copies by lawyers must be submitted in writing on the attorney's letterhead or on an official application form. The request must include the decedent's name and date of death, who the attorney represents, how the person named on the death certificate relates to the legal matter and the reason the copy is required. The latter is required so that a determination of judicial or other proper purpose can be made.

**Note: the attorney must represent someone who is authorized to obtain a death certificate copy.**

If the request involves an estate, the attorney must state that he or she is the attorney for the estate, represents a potential heir or someone contesting the will, etc. If the exact date of death is unknown, a date range may be submitted.

# ISSUING BIRTH CERTIFICATES

A **certified copy** or a **certified transcript** of a birth certificate may be issued only:

1. To the person named on the birth certificate, if 18 years of age or older;
2. To the parents of the person named on the birth certificate;
3. To the lawful representative of the person named or the parents of the person named on the birth certificate (need notarized release from person entitled to birth record or provide a court document dated within 1 year. The same stands for an attorney);
4. To a person with a New York State Court Order;
5. To the Commissioner of Health; or
6. To a municipal, state, or federal agency when needed for official purposes (**If the Department of Social Services is requesting a copy of a Birth Certificate and does not submit custody papers, then the copy or transcript must be stamped "For Government Use Only"**).

A **certification** of birth can only be issued:

1. To the person named on the birth certificate, **if under 18 years of age**.

A **certification** of birth may be issued:

1. To a person over 18 years of age, if a certification is what they prefer; or
2. To a person who can demonstrate the record is required for a judicial or other proper purpose (attorney with notarized released, municipal, state, federal agency or court document dated within 1 year).

**PROPER PURPOSE** – A list of proper purposes does not exist. However, a proper purpose does not exist when the record is requested for profit-making or to satisfy idle curiosity. Consult the Vital Records Section for guidance on determining proper purpose on an individual case basis.

**LEGAL GUARDIANS** – If a birth certificate is requested by the legal guardian of the person to whom the birth certificate relates, a certified transcript or certification may be issued only if the applicant produces court certified legal guardian papers (**must be dated within 1 year**). Proper identification is required. Ask the municipal attorney or contact the Vital Records Section for help determining if the papers submitted are acceptable.

**NON-LEGAL GUARDIANS AND RELATIVES** – If the request is made by a non-legal guardian or relative, the copy may not be issued directly to that person. In this case, the copy may be sent to the agency in need of the record (**must submit letter from agency**).

For example, a grandparent without legal custody may need a certified transcript for school enrollment of a grandchild in his or her care. Since the grandparent, in this case, does not have legal custody, it is permissible to send the record directly to the school district. Another situation that frequently arises is an adult child requesting a birth certificate for an elderly parent for the purpose of entering a nursing home or to establish Medicare or other eligibility. In this case, the copy may be sent directly to the agency in need of the birth certificate. With the signed, notarized consent of the parent authorizing the adult child to procure the birth certificate copy, the copy may be issued to the adult child.

**POWER OF ATTORNEY (POA)** – The POA must be an original and signed by the person named on the birth certificate and **dated within 1 year**. The language stated in the POA must be sufficient to allow the person given POA to obtain the birth certificate. Refer questions to the municipal attorney or to the Vital Records Section.

## **CORRECTING SPECIFIC BIRTH CERTIFICATE ITEMS**

The following are commonly corrected death certificate items and the types of documentation required:

**FIRST OR MIDDLE NAMES, AND GENDER** – To correct these items, one of the following supporting documents must be submitted:

1. Hospital record or delivering physician's office record of the birth;
2. Baptismal, church or synagogue record established within 12 years of the date of birth;
3. State or federal census record, taken prior to age 12; or
4. School record established within 12 years of the date of birth or letter signed by school official based on school record established within 12 years of the date of birth.

**Note: DOH-2757, Affidavit to Correct Child's Given Names Under Age of 5, is no longer in use.**

**Note: If none of the above documents are available, a court order is required to change the person's first or middle name.**

**LAST NAME** – To correct a minor misspelling of the child's last name or parent's last name on a birth certificate, one of the following documents must be submitted:

1. Naturalization Certificate or Immigration Card (issued prior to the child's date of birth);
2. Parents' marriage record (date of marriage must be before child's birth);
3. Older sibling's birth certificate; or
4. Hospital record of the birth (created at the time birth).

**Note: A minor misspelling would be characterized by the transposition of two letters, the deletion of a letter, etc.**

**Note: If none of the above documents are available, a court order is required to change the person's last name.**

**DATE AND TIME OF BIRTH** – To correct the date and time of birth, a hospital record created at the time of birth or the delivering physician's office record of the birth must be submitted. Date of birth can also be corrected using:

1. Baptismal, church or synagogue record established within 12 years of the date of birth; or
2. School record established within 12 years of the date of birth or a letter signed by a school official based on the school record established within 12 years of the date of birth.

**PARENTS' NAMES, DATES AND PLACES OF BIRTH** – To correct the parents' first, middle or last name on birth certificate, one of the following documents must be submitted:

1. Hospital record of the birth (workbook used to create certificate);
2. Naturalization Certificate or Immigration Card (issued prior to the child's date of birth);
3. Older sibling's birth certificate with the same parent(s) listed; or
4. Parent's marriage license (date of marriage must be before child's birth).

**PARENTS' CURRENT LAST NAME** – Historical Photo ID of the parent whose name is being corrected (ID must have been valid and issued prior to the child's date of birth).

**Note: Great care must be taken to ensure that the correction of parents' names does not involve a change of identity. For example, a mother who has registered in the hospital under one identity may not change her name on the birth certificate without a court order. See Public Health Law Section 4138(2)(b).**

**PARENTS' SOCIAL SECURITY NUMBERS** – Only minor errors are corrected. We do not completely change a social security number. To correct minor errors of the parents' Social Security Numbers, one of the following documents must be submitted:

1. Older sibling's birth certificate; or
2. Social Security Card or a statement on Social Security Administration letterhead.

# **BIRTH CERTIFICATE CORRECTIONS**

Public Health Law §4176 authorizes the correction of errors made in filed birth and death certificates. To correct an error, the applicant must submit a correction application and documentary proof supporting the correction. Local registrars are authorized to make corrections and may consult with Vital Records staff to determine if sufficient documentary proof supporting the correction has been submitted.

## **LOCAL REGISTRAR RESPONSIBILITIES**

1. Carefully review the correction application and supporting proof.
2. Contact the Vital Records Section Correction Unit, if necessary, for assistance reviewing the application and supporting proof.
3. If the application does not support the correction, notify the applicant that additional proof is required.
4. Correct the local certificate, through interlineation (see below), if the application and documentation supports the correction.
5. **Do not correct the state copy of the certificate.**
6. Sign the application to indicate the local certificate was corrected.
7. Submit the application and supporting proof to the Department of Health so that the state copy may be corrected.
8. Certify and submit copies of the supporting proof, if the applicant does not want to send the original documents to the State Department of Health.

## **INTERLINEATION**

Interlineation is the method by which birth and death certificates are corrected and is applied as follows:

1. Line out the incorrect information so that it is still legible;
2. Enter by typing or neatly printing the correct information above or adjacent to the incorrect information;
3. Place an asterisk (\*) in the corrected item;
4. Place a corresponding asterisk (\*) in one of the margins, the letters CORR for correction or SUPP RPT for supplemental report of a given name as the case may be, the name or initials of the staff person correcting the record, and the date the correction was made; and
5. Keep a copy of the application for the correction and supporting proof so that they may be retrieved if required to document the authenticity of the correction.

## **CORRECTING A BIRTH CERTIFICATE CREATED ON STATEWIDE PERINATAL DATA SYSTEM (SPDS)**

Follow steps 1 through 3 listed above. On the bottom of the certificate, under Section 12, Information Added or Corrected, write the Item # which was corrected, Date of Correction, your initials under Authorization and list the Original Information listed on the birth certificate that was corrected.

## **BIRTH CERTIFICATE CORRECTIONS**

**Never correct a birth certificate amended under Public Health Law Section 4138** unless directed to do so by the New York State Department of Health. Amended birth certificates are new birth certificates prepared by the New York State Department of Health resulting from an adoption, legal name change or court determination of parentage. Refer all requests to correct an amended birth certificate to the Vital Records Section. **Refer all requests to correct the same item a second time to the Vital Records Section.**

# DEATH CERTIFICATE CORRECTIONS

## FORMS

Application for Correction of Certificate of Death, DOH-299 – This form is used for corrections of personal, demographic and local registration items.

Medical/Burial Death Correction Report, DOH-1999 – This form is used to correct the medical and burial sections of the death certificate. It is frequently used by attending physicians, coroners, and medical examiners who need to update the cause of death information. Funeral Directors also use this form to correct the disposition information.

List of Supporting Documents, DOH-299(I) – This form provides a list of supporting documents used to correct errors which are frequently made on death certificates.

## SUPPORTING DOCUMENTS – GENERAL REQUIREMENTS

1. Each document must support the correction and include sufficient information to identify the death certificate. Supporting documents must be the originals or certified copies of the original. Do not accept altered documents.
2. Foreign language documents must include a certified English translation. Acceptable translations are those produced by reputable organizations such as consulates, embassies, universities, etc., or an individual qualified to translate from the language of the document into English including any technical or legal terms used in the document.
3. The translation must be a full and complete translation of the entire document including the meaning of any titles, stamps or seals. The summary of the document is not acceptable. A translation of only portions of the document is not acceptable.
4. The translation must include a certification signed by the translator that must be printed legibly or typed. Such certification must include a statement that the translator is competent to translate the document; list title, position and qualification; and state that the translation is true, complete and accurate to the best of the translator's abilities. The statement must be signed and dated.

**Translations that do not meet all of the qualifications listed above cannot be accepted.**

## SUPPORTING DOCUMENTS – SPECIFIC REQUIREMENTS

**Funeral Director's Statement** – Typographical or transcription errors made by the funeral director in completing the death certificate may be made by a statement signed by the funeral director, identifying the item(s) in question, the correct information and the reason for the error. The local registrar and the Department of Health may require additional supporting documentation depending upon the circumstances. The funeral director cannot authorize corrections due to misinformation provided to him/her from the informant. **The funeral director cannot authorize corrections 6 months after date of death.**

**Hospital Record of the Death** – Certified by the attending physician or custodian of the hospital record.

**Attending Physician's Office Record of the Death** – Certified by the attending physician, the coroner or medical examiner.

**Baptismal, Church or Synagogue Record** – The record must bear the raised seal of the Church or Synagogue or must be made on Church or Synagogue stationery and signed by the present custodian of the records.

**Federal Census Record** – A Federal Census was taken on June 1, 1890; April 15, 1910; January 1, 1920; and April 1, 1930, 1940, 1950, 1960, 1970, 1980, 1990 and 2000. Federal census records may be obtained from the U.S. Census Bureau, Pittsburg, Kansas 66762. Provide the person's full name, parents' names, and exact address where the person lived on the date of the Census. Contact the Census Bureau for current fee and method of payment.

**School Record** – A certified copy of a school record or letter on school stationery signed by the present custodian of the record. The record must include the decedent's name, date of birth or age, date the record was made, and parents' names. Report cards and diplomas may not be accepted.

**Naturalization Certificate or Immigration Record** – The original is required because it is illegal to photocopy a Naturalization Certificate. Registered mail is recommended.

**Decedent's Marriage Record** – A certified copy is required.

**Decedent's Birth Certificate** – A certified copy is required.

**Social Security Card** – A statement on Social Security Administration letterhead is also acceptable.

**Employment Record** – The record must show dates of employment and be signed by an officer of the company.

**Voter Registration Card** – This record may be obtained from the County Board of Elections where the decedent resided at the time of death. A Certificate of Domicile may also be accepted. The Certificate of Domicile must state that the person listed on the death record physically resided in the named State less than 1 year before the date of death.

**Armed Forces Discharge Papers** – Original discharge papers are required.

## **CORRECTING SPECIFIC DEATH CERTIFICATE ITEMS**

The following are commonly corrected death certificate items and the types of documentation required:

**DECEDENT'S NAME, DATE OF BIRTH, PLACE OF BIRTH, PARENTS' NAMES** – To correct these items, one of the following documents must be submitted:

1. Certified copy of decedent's birth certificate;
2. Baptismal, church or synagogue record;
3. Armed Forces Discharge;
4. Naturalization Certificate or Alien Registration Card;
5. Hospital record or physician office record of death;
6. Federal Census report;
7. Early school record.

**MISSPELLING OF SURVIVING SPOUSE'S NAME** – To correct a misspelling, a certified copy of the marriage license must be submitted.

**CHANGING THE SURVIVING SPOUSE** – If another person claims to be the decedent's surviving spouse, the following supporting documents must be provided before the spouse listed on the certificate is lined-out and the grievant's name is added to the death certificate:

1. Certified copy of grievant's marriage record to the decedent;
2. Affidavit from grievant indicating they are the legal surviving spouse, setting forth the date and place of the marriage and stating the marriage was never legally dissolved;
3. Affidavit from the surviving spouse, if listed on the death certificate, indicating that they are not the surviving spouse; and
4. Affidavit from the informant of record indicating error.

Neither the local registrar nor the New York State Department of Health have the authority to decide if a marriage is valid or not. Therefore, if there is any controversy, it must be decided by the courts.

**DATE, PLACE, OR TIME OF DEATH** – To correct the date, place, or time of death, one of the following documents must be submitted:

1. Hospital or nursing home admission record of decedent;
2. Statement signed by custodian of hospital or nursing home admission record;
3. Attending physician's office record;
4. Statement signed by custodian of attending physician's office record; or
5. Statement signed by coroner or medical examiner.

**USUAL OCCUPATION** – To correct the decedent's usual occupation, an employment record listing the decedent's occupation or title and the dates of employment must be submitted. The record or letter must be signed by the officer in charge of the employment records.

**RESIDENCE** – To correct the decedent's residence, a voter registration card or a certificate of domicile issued by the State of residence must be submitted.

**SOCIAL SECURITY NUMBER** – To correct the decedent's Social Security Number, the decedent's Social Security Card or letter from the Social Security Administration must be submitted.

**RACE** – To correct the decedent's race, an official record such as an American Indian Tribal record or copies of the parent's birth certificates must be submitted.

**EDUCATION** – To correct the decedent's education, a copy of the decedent's diploma or a letter from the educational institution indicating the last completed year must be submitted.

**INFORMANT'S NAME** – To correct minor misspellings of the informant's name, a copy of the informant's driver's license, or other photo identification must be submitted. Do not replace the name of the listed informant with someone else's name without a court order.

**SERVED IN THE U.S. ARMED FORCES** – DD-214 Armed Forces Discharge Papers.

## **GRATIS COPY**

If a gratis copy is requested, the local registrar is advised to require the applicant to provide an official letter from the appropriate agency documenting the stated need. This documentation may be helpful for auditing purposes. If the applicant is not directly entitled to receive the record, send the record directly to the agency requesting the copy.

Local registrars may as a matter of policy, provide gratis copies to local, state, and federal agencies when requested for official purposes **(If the Department of Social Services is requesting a copy of a Birth Certificate and does not submit custody papers, then the copy or transcript must be stamped "For Government Use Only")**.

**Note: The fee is not waived for persons applying for Social Security retirement benefits. It is waived only for those applying for Supplemental Security Income (SSI) Disability.**

Public Health Law § 4173(3) requires the fee to be waived under certain circumstances. A free copy must be issued if requested for the following:

1. School Entrance - For kindergarten/pre-k registration and not for subsequent school transfers or admissions;
2. Public Relief - Involves applications for or determination of eligibility for welfare, food stamps, Supplemental Security Income (SSI), county job training, etc.;
3. Employment Certificate - Involves the application for working papers by a minor; and
4. Veterans Benefits – Involves the determination of eligibility for veteran's benefits by the veteran or persons related to the veteran.