

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 10 – Office of the Director**  
**Chapter 10 – Vital Records**

**PROPOSED AMENDMENT**

**19 CSR 10-10.110 Amending or Correcting Vital Records.** The department is amending the rule title, purpose statement, sections (1) – (4), and the chart.

*PURPOSE: This amendment changes and/or updates procedural requirements for documenting changes made to vital records and clarifies supporting document requirements for correcting and/or amending vital records.*

*PURPOSE: This rule identifies when an affidavit is appropriate to amend or correct a vital record and when a court order is required.*

(1) A request for correction(s) of a certificate shall be made to the Bureau of Vital Records. The request shall identify the certificate to be corrected by stating whether it is a birth, death, or fetal death record; the name **and sex** of the registered person; the date *[and place]* of the event; which items are omitted or in error; and the correct information for the items. The Bureau of Vital Records shall *[send]* **make available** a correction *[form]* **affidavit** to the applicant with instructions regarding who should sign and what documentary proof is required to support the correction requested. **The correction affidavit process shall only be utilized to restore an item to its intended original value.**

(A) To correct an item(s) on a certificate, documentary evidence necessary to preserve the integrity of the certificate shall be required. Depending on the number of items to be corrected, more than one (1) document may be required. Corrections, other than those that are court ordered, require a notarized affidavit **or electronic submission in the Missouri Electronic Vital Records System by an approved professionally licensed or certified data provider or a person in charge of a licensed institution or such person's designated representative.** Documentary evidence which supports the alleged facts shall be a filed document which shows, as a minimum, the correct full name and correct age or date of birth, and, **when possible**, shall have been filed at least five (5) years prior to the date of application for the amendment. A filed document is defined as a record which is permanently maintained by an agency, organization, or business and is accessible for verification at a later date.

(2) Major deficiencies on individual vital records shall be corrected **or amended** by court order. The Bureau of Vital Records shall be furnished with a certified copy of an order from a court of competent jurisdiction *[directing them to make]* **indicating** the desired *[correction]* **change(s)**. The order shall identify the record(s) as presently filed and *[direct the bureau as to]* **indicate** the items to be corrected*[,]* **or amended** *[or changed]*.

(A) Major deficiencies specifically requiring a court order are those that—

1. *[Amend]* **Change** year of birth on a birth record;
2. *[Amend a previously amended birth record corrected]* **Change any birth, death, or fetal death record created or previously amended or corrected** by court order, adoption, or legitimation;
3. *[Amend]* **Change** an item previously amended **or corrected** by affidavit, **except when the cause or manner of death on a death record is being corrected from pending investigation;**
4. *[Amend the date of birth on a birth record when adequate documentation before the eleventh birthday is not available;]* **Change on a birth record the registrant's first name, middle name, last name, or suffix when different from the mother's birth certificate worksheet used to originally register the birth certificate (not including if first and middle names not yet chosen);**

5. Completely change the mother's name on a birth record. The mother's first, middle, and maiden name can be corrected by a notarized affidavit from the hospital's medical records department if the hospital prepared the original record in error. If the error was not made by the hospital, then one (1) of the recorded parents or the registrant, if of legal age, shall furnish a notarized affidavit requesting correction and a certified copy of the mother's birth record or a certified copy of the parent's marriage *[license or a certified statement of marriage]* **certificate** from the recorder of deeds' office **or a certified statement of marriage;**

6. Completely change, on the birth record, the name of the natural parent or add the name of a parent when deceased;

7. Change, on the birth record, the surname of the registrant, **last name of the mother**, or the *[surname]* **last name** of the father by changing three (3) or more letters, or by changing one (1) or two (2) letters which results in a different pronunciation of the *[surname]* **last name;**

8. Change, on the death record, the *[surname]* **last name** of the deceased by changing three (3) or more letters or by changing one (1) or two (2) letters which results in a different pronunciation of the *[surname]* **last name;**

9. Change both the sex and registrant's name when the name appears to be that typically used for the opposite sex;

10. *[Amend]* **Change** a written signature (*[amended]* **new** signature will be typed); or

11. Delete father's name on a *[legitimate]* birth record. To delete the father's name from a birth certificate, the court order shall find that he is not the natural father and then direct the Bureau of Vital Records to delete his name from the birth record. If the court also finds the natural father and the mother have been legally married, the birth certificate can be legitimated by the same court order. The order shall give the date and place of marriage. The order also shall give the natural father's full name, date of birth, state of birth, race, Social Security number, and the natural mother's date of birth and Social Security number to establish a new birth certificate by legitimation. If the child's name is to be changed *[to the father's name]*, the order also shall indicate the name change.

(3) The original certificate/office working copy of the birth, death, or fetal death shall have the **amendment or** correction entered on its face by interlineation with a line drawn through the incorrect *[entries]* **entry or, if possible, by electronic deletion of the incorrect entry and replacement with the updated item.** *[It shall be marked amended.]* The *[date of amendment]* **item name and/or number and date amended or corrected**, and a summary description of the **method and, if applicable**, evidence submitted in support of the *[amendment]* **change** shall be endorsed on or made part of the record.

(4) Depending on the item(s) to be amended **or corrected**, those qualified to make application to change a record are the informant, midwife, physician, coroner, medical examiner, and personnel from institutions, clinics, and funeral homes who were responsible for filing the certificate.

(A) To *[amend]* **correct** a death certificate by affidavit, application may be made by the informant or the funeral director or a person acting for the funeral director, **upon written authorization**, on the following items: decedent's first name, decedent's middle name, decedent's sex, decedent's date of death (affidavit of funeral home representative or certifier only), decedent's Social Security number, decedent's age, decedent's month of birth, decedent's day of birth, was decedent ever in United States armed forces?, place of death, marital status, surviving spouse's name (see paragraph (2)(A)8. of this rule), decedent's usual occupation and kind of business or industry, decedent's residence, decedent's origin and race, decedent's education, father's first name, father's middle name, mother's first name, mother's middle name. Informant's name, informant's mailing address, disposition information, name and address of funeral home, and funeral establishment license number can be *[amended]* **corrected** only by affidavit of funeral home representative. The medical information can be *[amended]* **corrected** only by the medical certifier, coroner, or medical examiner who certified the cause of death.

1. An affidavit **and supporting documentation** is required to correct the spelling of a last name(s) except as provided in paragraph (2)(A)8. of this rule. Age, date of birth, and *[surnames]* **last names** of mother, father, and surviving spouse require **an affidavit and** one (1) document other than an insurance policy which gives the correct information. *[An affidavit is required to correct the age if the year is correct.]*

2. To correct all other items on a death certificate through the *[amendment]* **correction** process, documentary evidence considered necessary to preserve the integrity of the certificate shall be required.

(B) To *[amend]* **correct** a fetal death certificate, application may be made by informant, coroner, medical examiner or personnel from the hospital, clinic, or funeral home who prepared the certificate.

1. Except for medical information, the *[amendment]* **correction** process is the same as for a birth or death certificate.

2. The medical information can be *[changed]* **corrected** only by the medical certifier, coroner, medical examiner, or personnel of the institution responsible for filing the certificate. Cause of death information can be *[amended]* **corrected** only by the medical certifier, coroner, or medical examiner.

3. To correct all other items on a fetal death certificate, documentary evidence considered necessary to preserve the integrity of the certificate shall be required.

(C) To *[amend]* **correct** a birth certificate, application may be made by one (1) of the parents, the legal guardian, the registrant, if of legal age, or, the individual **or individual representing the institution** responsible for the filing of the certificate. An affidavit and any required supporting document shall be filed according to the requirements of the following chart:

*AUTHORITY: sections 193.035 and 193.215, RSMo [1986] 2016.\* This rule was previously filed as 19 CSR 30-10.110. Original rule filed Jan. 24, 1992, effective June 25, 1992. Changed to 19 CSR 10-10.110 July 30, 1998.*

*\*Original authority: 193.215, RSMo 1984.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed amendment with the Missouri Department of Health and Senior Services, Bureau of*

*Vital Records, Dylan Bryant, State Registrar, PO Box 570, Jefferson City, MO 65102, or email: [Dylan.Bryant@health.mo.gov](mailto:Dylan.Bryant@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Items Corrected or Inserted	Affidavit of Registrant or Parent if <18 yrs.	Affidavit of Hospital or Attendant	Supporting Documentation	Other
<i>If an item on this chart is marked with an "X", an affidavit and/or document is required as indicated. When both affidavit columns are marked with an "X", an affidavit will be accepted by either (1) registrant or parent if &lt;18 yrs. or (2) hospital or attendant (only one affidavit is required).</i>				
<b>CHILD'S NAME</b>				
First, Middle	X	X	X See paragraph (2)(A)4. of this rule.	
Last	X	X	X See paragraphs (2)(A)4. and (2)(A) 7. of this rule.	Affidavit not required if court ordered.
Suffix	X	X	X See paragraph (2)(A)4. of this rule.	
No Name	X	X	X	Document must show mother's name prior to first marriage (maiden) or father's name on record.
<b>CHILD'S DATE OF BIRTH</b>				
Day, Month	X	X	X	
Year				X See paragraph (2)(A)1. of this rule.
<b>CHILD'S TIME OF BIRTH</b>				
		X	X	
<b>CHILD'S SEX</b>				
	X	X	X See paragraph (2)(A)9. of this rule.	Affidavit not required if court ordered. Court order if (1) sex changed by surgical procedure or (2) see paragraph (2)(A)9. of this rule.
<b>MOTHER'S NAME</b>				
First, Middle	X	X	X See paragraph (2)(A)5. of this rule.	
Last (Legal)	X	X	X See paragraph (2)(A)7. of this rule.	Affidavit not required if court ordered.
Prior to First Marriage (Maiden)	X	X	X See paragraph (2)(A)5. of this rule.	Affidavit not required if court ordered.
<b>MOTHER'S AGE/ DATE OF BIRTH</b>				
	X	X	X	
<b>MOTHER'S RACE</b>				
	X	X	X	
<b>MOTHER'S STATE OF BIRTH</b>				
	X	X	X	

Items Corrected or Inserted	Affidavit of Registrant or Parent if <18 yrs.	Affidavit of Hospital or Attendant	Supporting Documentation	Other
<b>FATHER'S NAME</b>				
First, Middle	X	X	X	
Last	X	X	X See paragraphs (2)(A)6. and (2)(A)7. of this rule.	
<b>FATHER'S AGE/ DATE OF BIRTH</b>	X	X	X	
<b>FATHER'S RACE</b>	X	X	X	
<b>FATHER'S STATE OF BIRTH</b>	X	X	X	
<p>NOTE:</p> <ol style="list-style-type: none"> <li>1. The medical information can be changed only by the medical certifier or personnel of the institution responsible for filing the certificate.</li> <li>2. To correct other items on a birth certificate, documentary evidence shall be required as is considered necessary to preserve the integrity of the certificate.</li> <li>3. Original documents for amending or correcting certificates are not required unless otherwise specified; copies of most documents are acceptable as supplemental proof.</li> </ol>				