

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 5-C

VITAL RECORDS ADMINISTRATION

Section 5-C:1

5-C:1 Definitions. –

I. "Advanced practice registered nurse" or "APRN" means a registered nurse currently licensed by the New Hampshire board of nursing under RSA 326-B:18.

I-a. "Ancestry" means the nationality, lineage, or country in which the person or his or her ancestors were born before their arrival in what is now the United States, and includes American Indians and native Alaskans, and reflects what the person considers himself or herself to be and is not based on percentages of ancestry.

II. "Attendant" means a person who is present during the process of delivering a child.

III. "Attending physician" or "APRN" means that physician or APRN, if any, who treated the patient during his or her last sickness.

IV. "Certifier" means the person attesting to the facts of a vital record event.

V. "Certifying physician" or "APRN" means the physician or APRN who determines and indicates the cause of death.

VI. "City or town of residence" means:

(a) The geographic location where the registrant resides at the time a vital event occurred; or

(b) The mother's usual place of residing, in the case of births and fetal deaths.

VII. "Delayed certificate" means a certificate completed after the statutory time period.

VIII. "Department" means the department of state.

IX. "Director" or "registrar" means the director of vital records administration, who shall also be known as the registrar of vital records.

X. "Division" means the division of vital records administration, department of state.

XI. "Entombment" means temporary disposition of a body.

XII. "Fetal death" means the expulsion or extraction of a product of human conception having completed at least 20 weeks gestation or weighing at least 350 grams and resulting in other than a live birth that is not a purposeful interruption of an intrauterine pregnancy.

XIII. "Final disposition" means the burial, interment, cremation, removal from the state of New Hampshire, or other authorized disposition of a dead body or fetus pursuant to RSA 290:11, II.

XIV. "Foundling" means a live born infant of unknown parentage.

XV. "Immediate family" means:

(a) Persons who are related either by blood or marriage and includes the following: mother; father; son; daughter; brother; sister; husband; wife; grandfather; grandmother;

grandson; granddaughter; great-grandchildren; step-parents; step-children; aunts; uncles; nephews; nieces; and

(b) In the case of divorce, legal separation, and civil annulment records, the person's former or separated spouse from a legal separation or a marriage ending in divorce or civil annulment.

XVI. ""Institution" means any establishment, either public or private, which provides inpatient medical or surgical care, diagnostic care or treatment, nursing or domiciliary care.

XVII. ""Legal representative" means an attorney, physician, funeral director or other representative, who through written authorization from the registrant is acting on behalf of the registrant or his or her family.

XVIII. ""Legitimation" means the legal process of establishing the paternity of a child born out of wedlock or whose paternity is being disputed pursuant to RSA 5-C:24 and RSA 460:29.

XIX. ""Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

XX. ""Marriage certificate" means the vital record document signed by a wedding officiant following the ceremony that is recorded and filed with the division.

XXI. ""Marriage intentions" means an application made with the clerk of a town or city to obtain a marriage license.

XXII. ""Marriage license" means the vital record document that is completed by the bride and groom and the clerk of the town or city showing that all legal requirements have been met and the couple is eligible to be married.

XXIII. ""Medical certification" means the providing of the cause of death and other medically related facts or data as related to a death certificate.

XXIV. ""Midwife" means a person who practices midwifery in the state of New Hampshire pursuant to RSA 326-D.

XXV. ""Natural father" means the biological father of a child.

XXVI. ""Next of kin" means ""next of kin" as defined in RSA 290:16.

XXVII. ""Nurse midwife" means a nurse licensed to practice in the state of New Hampshire and who is certified under the American College of Nurse-Midwives and registered with the New Hampshire Board of Nursing in accordance with RSA 326-B.

XXVIII. ""Officiant" means a person with the legal authority to perform a marriage ceremony within the state of New Hampshire pursuant to RSA 457:31, RSA 457:31-a, RSA 457:32, and RSA 457:32-a.

XXIX. ""Original informant" with regard to death records, means the individual who submitted the information to create the death registration.

XXX. ""Physician" means a person licensed to practice medicine or osteopathy pursuant to RSA 329.

XXXI. ""Pronouncing physician" means the physician who determines that the person is legally dead and who signs the death certificate certifying that the death has occurred at a specified time and date.

XXXII. ""Pronouncing registered nurse" means the registered nurse attending at the

last sickness who is authorized under the provisions of RSA 290:1-b to pronounce a person dead.

XXXIII. ""Safety paper" means unique paper with anti-fraud features that is used by the division and clerks of towns and cities to issue certified copies of vital records.

XXIV. ""State registrar" means the director of the division who is the person appointed by the secretary of state pursuant to RSA 5-C:2 or the director of the division's designated staff.

XXXV. ""3-party affidavit of paternity" means the voluntary acknowledgement of fatherhood by the natural father, the mother, and the mother's husband who is not the father, but was the mother's husband at the time of conception, during the pregnancy, or at the time of the child's birth.

XXXVI. ""Vital event" means any of the following occurrences:

- (a) Birth.
- (b) Adoption.
- (c) Death.
- (d) Fetal death.
- (e) Marriage.
- (f) Divorce.
- (g) Legal separation.
- (h) Civil annulment.

XXXVII. ""Vital record" means a certificate or report of a vital event.

XXXVIII. ""Vital statistics" means the data derived from certificates and reports of vital events.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:1, eff. July 21, 2006. 2007, 215:1, 2, eff. June 25, 2007. 2009, 54:4, 5, eff. July 21, 2009.

Section 5-C:2

5-C:2 Division of Vital Records Administration Established. –

I. There is established within the department of state a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the governor and council, shall appoint the director of vital records administration. In addition to the title of director, the director shall also be known as the state registrar. The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state or become a citizen of this state within one year of the director's appointment.

II. The director shall:

- (a) Be responsible for the day-to-day operations of the division.
- (b) Plan and provide operational resources as available, for the establishment and support of a statewide vital records registration, issuance, and dissemination program.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:3

5-C:3 Declaration of Policy, Purpose and Scope. –

I. The New Hampshire constitution identifies the office of the secretary of state as the keeper of the records of the state.

II. The division shall:

(a) Provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.

(b) Outline the confidentiality requirements for vital records.

(c) Set forth the procedures, conditions, and criteria for release of information regarding vital records data and statistics.

(d) Enforce the provisions of this chapter in regard to the collection, maintenance, and dissemination of vital records information.

(e) Provide guidance to data collectors pursuant to this chapter.

(f) Describe the informational requirements of the forms used by the division of vital records for the collection of vital records information.

(g) Establish, in conjunction with the department of health and human services, the procedures, conditions, and criteria for release of information regarding vital records data and statistics for health-related research pursuant to RSA 126:24-d.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:4

5-C:4 Registrar of Vital Records; Privacy; Duties. –

I. The secretary of state shall appoint the registrar of vital records for the state who, under the supervision of the secretary, shall have charge of the vital records of the state and shall enforce the provisions of law in relation to them.

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c.

III. The division is designated the vital statistics center for New Hampshire in accordance with section 306(e) of the Public Health Service Act, 42 U.S.C. section 242k(e). The division is authorized to collect, compile, coordinate, and disseminate all vital records information, while adhering to the privacy requirement of paragraph II. The division shall have the power to enter into contractual agreements to the end that costs related to the collection of information shall be defrayed for outside agencies to the extent that funds are available from any source for such purpose.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:5

5-C:5 Statistical Forms. –

I. Forms and data fields maintained electronically shall include all facts contained on the national standard certificate forms developed by the National Center for Health Statistics, United States Department of Health and Human Services. As revisions to the National Center for Health Statistics standard certificates are made, the secretary of state shall incorporate into forms and data fields new facts contained on the standard certificates.

II. In addition to the secretary of state, any interested state agency or individual may request that additional data fields be added to any of the vital records statistical forms. Such requests shall be granted upon meeting the following minimum requirements:

(a) Any individual and any state agency, with the exception of the department of health and human services, shall provide a description of need for the additional data fields.

(b) Any individual and any state agency, with the exception of the department of health and human services, shall provide a business plan describing how the additional data fields will be used.

(c) All individuals and all state agencies shall demonstrate that they have adequate resources to pay for software changes to the secretary of state's automated data collection system including development, testing, training of users, maintenance, and replacement of statistical forms.

(d) All individuals and all state agencies shall provide assurances that any statistical form changes shall not adversely affect any of the data contracts that the secretary of state maintains.

III. The secretary of state shall not remove or add any data fields used for purposes of protecting the public health or to conduct health-related research without prior notice and agreement of the department of health and human services.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:6

5-C:6 Seal of Registrar. – The registrar shall have an official seal which shall be like the seal of the state except that the device thereon shall be surrounded by the words "New Hampshire Department of State, Registrar of Vital Records" in the place of the words "Seal of the State of New Hampshire, 1776."

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:7

5-C:7 Authenticated Copies. – Every certificate or other official paper executed by the registrar under seal, in pursuance of authority conferred by law, shall be received as evidence, and may be recorded in the proper recording offices in the same manner and with like effect as a legally acknowledged deed; and copies of papers and records in his or her office, so authenticated, shall be received as evidence with the same effect as the originals.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:8

5-C:8 Preservation of Returns. – The registrar shall cause the returns made to him or her under this chapter and the returns of divorces made by the clerks of court to be arranged, alphabetical indexes of all the names contained in such returns to be made, and the whole to be bound in convenient volumes and preserved in his or her office. Records of births, marriages, deaths, and divorces shall be kept separately.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:9

5-C:9 Disclosure of Information From Vital Records. – In order to protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, the registrar or the custodian of permanent local 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 or she is satisfied that the applicant has a direct and tangible interest in such record.

I. Upon written application by an adult adoptee, who was born in this state and who has had an original birth certificate removed from vital statistics records due to an adoption, the registrar shall issue to such applicant a non-certified copy of the unaltered, original certificate of birth of the adoptee, with procedures, filing fees and waiting periods identical to those imposed upon non-adopted citizens of the state.

I-a. The registrar shall prescribe and, upon request, shall make available to each birth parent named on the original birth certificate, a contact preference form on which the birth parent may state a preference regarding contact by an adoptee who is the birth child of the birth parent. Upon such a request, the registrar shall also provide the birth parent with an updated medical history form, which shall be completed and returned, together with the completed contact preference form, by the birth parent to the registrar.

I-b. The contact preference form shall provide the birth parent with the following options from which the birth parent shall select one:

(a) I would like to be contacted. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

(b) I would prefer to be contacted only through an intermediary. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

(c) I would prefer not to be contacted at this time. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

I-c. When the registrar receives a complete contact preference form and a completed medical history form from a birth parent, the registrar shall match the contact preference form and the updated medical history form with the adoptee's sealed birth certificate. The contact preference form and the updated medical history form shall then be attached to

the adoptee's sealed certificate.

I-d. Only a person authorized by the registrar to process an application made under paragraph I may process a contact preference form and an updated medical history form.

I-e. The applicant, a member of his or her immediate family, his or her guardian, or respective legal representatives shall be considered to have a direct and tangible interest for purposes of this section. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

II. The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the applicant or his or her family.

III. Commercial firms or agencies requesting a listing of names and addresses shall not be considered to have a direct and tangible interest.

IV. Properly qualified members of the press, radio, television, and other news media shall be considered to have a direct and tangible interest in vital statistic records when the information requested by such media sources is of a public nature.

V. Disclosure of certain information and statistical data to federal, state, or local agencies and research for legitimate purposes other than requests for vital records information for the purposes of health-related research under RSA 126:24-c may be authorized by the registrar under RSA 5-C:102-111.

VI. The department of health and human services shall have a direct and tangible interest in vital records information in accordance with the provisions of RSA 126:24-c.

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:10

5-C:10 Fees for Copies, Verifications and Amendments to Vital Records. –

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of \$12 for making a search, which sum shall include payment for the issuance of such copy or verification, and \$8 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15 and shall retain the remaining \$4 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15, and the town clerk shall retain the remaining \$3 as the clerk's fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

III. Any correction or amendment to a record of any birth, marriage, or death shall be

made by the town clerk according to the procedures established in this chapter. The town clerk shall receive for amending or correcting any record the fee of \$10 to be paid by the person making application for such an amendment or correction. The town clerk shall retain the fee collected under this paragraph for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:11

5-C:11 Decorative Heirloom Certificates. –

I. The registrar shall, upon request and payment of the fee, supply to any applicant having a direct and tangible interest as provided in RSA 5-C:9 and RSA 5-C:102, a decorative heirloom certificate of any birth or marriage registered with him or her.

II. The decorative heirloom certificate shall be of a distinctive design and shall include the seal of the registrar and an original signature.

III. The fee for each decorative heirloom certificate shall be \$25. The registrar shall forward \$15 of each fee collected to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:12

5-C:12 Furnishing to Governmental Agencies. – Certified copies, certificates of partial facts, verifications, or search of the records may be made for any federal, state, or local governmental agency by special arrangement without regard to the provisions of RSA 5-C:10.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:13

5-C:13 Record as Evidence. – A certified copy issued by a town clerk of a record of a birth, marriage, or death, on file with the town clerk or division, shall be prima facie evidence of the fact, in any judicial proceeding.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:14

5-C:14 Duties and Responsibilities; Penalties. –

I. Any person having knowledge of and a direct and tangible interest in the facts shall furnish such information as he or she may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the registrar.

II. Any person shall be guilty of a class B felony if he or she:

(a) Willfully and knowingly makes any false statement in a certificate, record, or report required to be filed by statute or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(b) Without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed by statute or a certified copy of such certificate, record, or report; or

(c) Willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or

(d) With the intention to deceive willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(e) Willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or

(f) Without lawful authority possesses any certificate, record, or report, required by statute or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.

III. Except as otherwise provided, any person shall be guilty of a misdemeanor if he or she willfully and knowingly transports or accepts for transportation, interment or other disposition of a dead body without an accompanying permit when required pursuant to RSA 290.

IV. Except as otherwise provided, any person shall be guilty of a violation if he or she:

(a) Willfully and knowingly refuses to provide information required by this chapter; or

(b) Willfully and knowingly neglects to comply with or intentionally violates any of the provisions of this section or refuses to perform any of the duties imposed upon him or her by this section.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:15

5-C:15 Vital Records Improvement Fund. – There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for the improvement of the registration, certification, preservation, and management of the state's vital records, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall

not be used for rent or electricity expenses or for general clerical or administrative personnel of the division. The secretary of state shall allocate moneys in the fund with the assistance of the advisory committee established under RSA 5-C:16. The fund shall accrue interest and shall be nonlapsing and continually appropriated to the secretary of state.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:16

5-C:16 Advisory Committee. –

I. There is established an advisory committee to assist the secretary of state in administering the fund established under RSA 5-C:15. The advisory committee shall also determine the need for improvement and automation of the processing of vital records upon recommendations from representatives of the department, the New Hampshire City and Town Clerks' Association, and the department of information technology. The members of the committee shall be appointed as follows:

- (a) Two town clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (b) Two city clerks, appointed by the New Hampshire City and Town Clerks' Association.
- (c) A funeral director, appointed by the New Hampshire Funeral Directors' Association.
- (d) A physician licensed under RSA 329 from the office of chief medical examiner, or designee.
- (e) A public member, who shall have a direct interest in the registration of vital records, appointed by the department.
- (f) The registrar of vital records, or designee.
- (g) A health information specialist, appointed by the New Hampshire Hospital Association.
- (h) The chief information officer, department of information technology, or designee.
- (i) The state archivist, or designee.
- (j) The commissioner of health and human services, or designee.
- (k) A representative of a local city public health agency, appointed by the commissioner of health and human services.
- (l) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner of health and human services.
- (m) The secretary of state, or designee.

II. The members of the committee shall choose a chairperson by majority vote. The chairperson shall serve for a term of one year, but may be confirmed by majority vote for as long as the chairperson remains a member. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:2, eff. July 21, 2006. 2008, 335:5, eff. Sept. 5, 2008.

Section 5-C:17

5-C:17 Quarterly Reports. – The department shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:18

5-C:18 Annual Report. – The department shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

- I. The gross revenue received by the fund.
- II. A summary of receipts and expenditures, according to uniform classifications.
- III. Accomplishments achieved pursuant to RSA 5-C during the preceding fiscal year.
- IV. An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.
- V. Any recommendations for additional legislation, and other relevant matters.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Birth Registration Forms and Procedures

Section 5-C:19

5-C:19 Completion of Birth Worksheet for Hospital or Institutional Births. –

I. A hospital, institution, birthing center, attendant, or parent shall file with the division a birth record for each live birth which occurs in the state of New Hampshire.

II. In the case of a hospital or institution live birth, a completed birth worksheet shall include the following, provided by personnel as indicated:

- (a) The hospital or institution birth registrar or designee shall provide:
 - (1) Information regarding the child, including name, date and time of birth, and sex.
 - (2) Information regarding the facility, including name, street address, city or town, and county.
 - (3) Information regarding the mother including:
 - (A) Current name and maiden name.
 - (B) Date of birth and birthplace.
 - (C) City or town, county, and state of residence.
 - (D) Residential address and complete mailing address if different from the

residential address, or, if the same as the residential address, her zip code only.

(E) Social security number.

(F) Usual occupation and the business or industry in which employed.

(G) Race.

(H) Level of education.

(I) Whether she was married at the time of the birth of child, or conception of child, or any time between.

(4) Information regarding the father including:

(A) Name.

(B) Date of birth and birthplace.

(C) City or town, county, and state of residence.

(D) Residential address and complete mailing address if different from the residential address, or, if the same as the residential address, his zip code only.

(E) Social security number.

(F) Usual occupation and the business or industry in which employed.

(G) Race.

(H) Level of education.

(5) The method of payment for prenatal care and for delivery.

(6) Statistical information from the mother, medical reports, and her physician regarding the mother and child including:

(A) Number of live births, not including this child, now living and now dead.

(B) Date of the last live birth.

(C) Other terminations of pregnancy, any time after conception.

(D) Date of the last other termination of pregnancy.

(E) Date last normal menses began.

(F) Month that prenatal care began.

(G) Total number of prenatal visits.

(H) Birth weight of the child.

(I) Clinical estimation of gestation in weeks.

(J) Plurality of the child, including but not limited to single, twin, or triplet.

(K) Birth order of the child.

(L) The Apgar score, which is an evaluation of a newborn infant's physical status, at one minute and at 5 minutes.

(7) If the mother is transferred to another facility before or after giving birth, transfer information for the mother and child including:

(A) Whether the mother was transferred prior to delivery or after delivery.

(B) Whether the infant was transferred after delivery.

(C) Whether the child was living or dead at the time of the report.

(8) Information regarding the medical aspects of the pregnancy including:

(A) Any medical risk factors for the pregnancy.

(B) Any other risk factors for the pregnancy.

(C) Any obstetric procedures performed during the course of the pregnancy.

(D) Any complications of labor and delivery.

(E) The method of delivery.

(F) Any abnormal conditions of the newborn.

(G) Any congenital anomalies of the child.

(9) Indication from one parent whether the division shall be authorized to provide the Social Security Administration with data from the birth record in order for the Social Security Administration to issue a social security number.

(10) Indication from one parent whether the division shall be authorized to release birth record information to the New Hampshire immunization registry.

(11) Signature of the individual who interviewed the parent or other informant certifying that the information has been recorded exactly as given by the parent or other informant or has been taken from medical records.

(b) A parent or other informant shall provide his or her signature certifying that the information supplied is a true and correct representation of the facts to the best of his or her knowledge; the date signed; and the informant's relationship to the child.

III. A physician member of the institution's obstetrics team or service, the chief of obstetrics, the chief of the medical staff or the hospital administrator shall, within 72 hours of the birth, certify that the child was born alive at the place and time and the date stated by providing:

(a) His or her signature as certifier.

(b) The date signed.

(c) His or her name and title.

(d) The name and title of the attendant if other than the certifier.

(e) The attendant's mailing address.

IV. The birth worksheet shall not be signed by a parent or informant until the child has been given a name or the mother is being discharged from the hospital, whichever is sooner.

V. When both a physician and a nurse midwife are present at a hospital birth, the physician shall sign the birth worksheet and be named as the certifier, and the name of the nurse midwife shall be entered as the attendant at birth.

VI. When a physician is not present and a nurse midwife is present at a hospital birth, the nurse midwife shall sign the birth worksheet and be named as the certifier.

VII. Any item of information not obtainable shall be indicated as: ""not known" when the information is not known; ""not available" when the information is known but not immediately available; or ""refused to provide" when the parent or informant refuses to provide the information.

VIII. In the case of an unwed mother, unless an affidavit of paternity has been executed, the notation ""not stated" shall be entered in the spaces provided for information concerning the father.

IX. When a child is born in a moving conveyance, the city or town of birth shall be that city or town where the child was first removed from said conveyance.

X. When a married mother refuses to give information concerning her husband as father of the child, the hospital shall enter ""not stated" on the birth record for all information pertaining to the father of the child.

XI. For a birth which occurred in a hospital or institution, the hospital or institution birth registrar or designee shall initially record information for the birth record on the birth worksheet and permanently retain the birth worksheet in the mother's medical record files at the hospital.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:20

5-C:20 Completion of the Birth Worksheet for Non-Hospital Births. –

I. If a child is born in New Hampshire at home or some place other than a facility that regularly prepares birth records and is brought to a New Hampshire hospital or birthing center with the mother within 24 hours of birth, the hospital or birthing center shall complete the birth record in accordance with RSA 5-C:19 except that the place of birth shall be entered as the city or town of the actual birth; the physician who attends the mother in the hospital shall be entered as the physician who attended the mother in the hospital or birthing center; and the certifying physician signature section shall be signed by the physician who attended the mother in the facility.

II. Birthing centers shall complete birth records for children born in their facilities in accordance with the reporting requirements for hospital and institution live births as provided in RSA 5-C:19.

III. In the case of a home birth, the record shall be completed as follows:

(a) If attended by a physician, midwife, or nurse midwife, then the physician, midwife or nurse midwife shall report the birth of the child to the division or to the registrar in the town where the birth occurred within one week of the birth. The physician, midwife or nurse midwife shall, within 2 weeks of the birth, complete the birth worksheet by completing the medical and statistical sections in accordance with RSA 5-C:19 by entering his or her name and title as the attendant; by signing the worksheet as the attendant; by providing his or her mailing address; and, by giving the signed worksheet to the parent to bring to the clerk of the town or city where the birth occurred. The clerk of the town or city shall report to the division by the next working day any home birth that takes place within his or her jurisdiction if such an occurrence is brought to his or her attention and, the division shall notify the appropriate clerk of the town or city of any home birth reported directly to the division.

(b) If a home birth is not attended by a physician or midwife, then the parent shall report the birth of the child to the division or to the registrar in the town where the birth occurred within one week of the birth. The clerk of the town or city shall report to the division by the next working day any home birth that takes place within his or her jurisdiction if such an occurrence is brought to his or her attention. The division shall notify the appropriate clerk of the town or city of any home birth reported directly to the division. Upon notice of a home birth, the clerk of the town or city shall prepare the birth worksheet completing as many items as possible, including the name and address of a birth attendant if a parent, friend, ambulance attendant, or other person attended the birth; sign the birth worksheet as certifier; and, if any of the original information on the worksheet was changed by a parent before presentation to the clerk of the town or city, the parent shall initial such changes and note the reason for the change in the margin of the birth worksheet. When a home birth occurs in the state of New Hampshire and the mother is taken with her child to a hospital outside the state, such a birth shall be registered by the division notifying the appropriate clerk of the town or city of any home birth reported directly to the division.

IV. If a birth occurs in an unincorporated town or a geographical area where there is no clerk of the town, the birth record shall be filed with the nearest clerk of a town or city or the state registrar. The actual place of birth shall be shown on the birth record along with

a notation stating why the birth record was filed in a city or town other than that of the birth occurrence.

V. In the case where the mother has refused to provide the name of her husband, and at a later date she provides the name of her husband to the clerk of the town or city or the division, the mother shall also provide to the clerk of the town or city the documentation necessary to process a correction to the birth record pursuant to RSA 5-C:85. When reviewed pursuant to RSA 5-C:85, the clerk of the town or city shall add the name of the husband to the birth record.

VI. Whenever the marital status on the birth record is disputed by the mother, she shall provide to the division a medical opinion in writing concerning the estimated date of conception in relation to the date of the divorce and a certified copy of the divorce decree to establish the exact date of divorce. The state registrar shall review the information provided and make the determination of marital status for the birth record. If the mother disputes the determination of the state registrar the mother may request an administrative hearing within 30 days of the registrar's decision.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:21

5-C:21 Distribution of the Birth Record. –

I. The hospital or institution birth registrar shall forward a completed birth record to the division and clerk of the town or city no later than 6 days from the date of birth, and provide to the parents upon discharge from the hospital or institution an exact copy of the information that will appear on the official birth record of the newborn child. If the mother has signed release papers for adoption, the hospital or institution birth registrar shall make the notation "Adoption Pending" on the face of the parent's notice, and forward the parent notice to the division instead of giving it to the mother.

II. Hospital and institution birth registrars shall not issue any document resembling a birth certificate or which appears to be an official birth record.

III. The clerk of the town or city where the birth occurred shall review the information on the parent notice presented by the parent, and, if the information is confirmed by the parent, the clerk shall issue a certified copy of the birth certificate to the parent after receipt of payment pursuant to RSA 5-C:10. If the parent states that the information is incorrect, the clerk shall follow the correction procedures in RSA 5-C:85. In the case of a home birth, the clerk shall forward a copy of the completed birth record with the birth worksheet to the division within 2 business days of its completion; mail the parent notice to the parent or personally present it to the parent; and exchange the parent notice for a certified copy after payment of the fee required by RSA 5-C:10.

IV. The division shall provide the following to the city or town of residence of the mother:

- (a) The child's name.
- (b) The child's date of birth.
- (c) The child's place of birth.
- (d) The father's name.
- (e) The mother's name.

(f) The state file number, which is a unique, sequential identifying number assigned by the division.

V. If corrections of misspellings or typographical errors are required, the clerk of the city or town where the birth occurred shall forward a notice of changes to the division and issue a certified copy of the birth record, as amended, to the parents.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:22

5-C:22 Legitimation of Child Form. –

I. Unless the legitimation is by court order, each parent shall complete a legitimation of child form with the following:

(a) Information regarding the child, mother, and natural father, including: the name of the child as originally recorded; date and place of birth; maiden name of the natural mother; mother's social security number; mother's city or town of residence; full name of the child, full name of the natural father; date of birth of the natural father; state or foreign country of birth of the natural father; natural father's social security number; and current mailing address of the parents.

(b) The signature of the natural father and the mother.

(c) The city or town and county where the affidavit was signed.

(d) The signature of the notary public or justice of the peace with the expiration date of commission, the date signed, and sealed if applicable.

(e) Indication as to whether the certificate of marriage was presented to the clerk of the town or city.

(f) The date received by the clerk of the town or city.

(g) The date the new record was made.

(h) The signature and city or town of the clerk.

II. When the mother or natural father or both are under the age of 18, each signature shall be accompanied by the notarized signature of a parent or guardian unless the legitimation is by court order.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:23

5-C:23 Birth Record Following Legitimation. –

I. An application for filing an amended birth record in the case of a legitimation shall be made by a parent on a legitimation of child form pursuant to RSA 5-C:22 and submitted to the clerk of the city or town where the birth occurred.

II. Upon receipt of a legitimation of child form and a certified copy of the parent's marriage record, or in accordance with procedures outlined in RSA 457:42 and RSA 460:29, the clerk of the city or town where the birth occurred shall prepare an amended birth record.

III. The following procedures shall be followed if a legitimation case is settled by the court pursuant to RSA 460:29:

(a) A certified copy of the court order shall be presented by the parents to the clerk of the city or town where the birth occurred.

(b) The legitimation form shall be prepared pursuant to RSA 5-C:22 and filed by the clerk of the city or town with a notation on the form indicating that the court order has been the basis of the action under RSA 460:29.

(c) The birth record shall then be processed as specified in RSA 5-C:87, and amended by adding information to the record concerning the father.

IV. The clerk of the city or town shall prepare the amended birth record in accordance with RSA 5-C:89, adding the information concerning the father.

V. The court order and the legitimation of child form shall be retained permanently by the clerk of the city or town on the form appropriate for the year of birth pursuant to RSA 5-C:86.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:24

5-C:24 Affidavit of Paternity. –

I. In the case of a child born in the state of New Hampshire whose paternity has not been established by means of an affidavit of paternity, the mother or the natural father may initiate a request for an acknowledgment of paternity.

II. The affidavit of paternity shall be completed and filed in accordance with RSA 5-C:25.

III. A hospital shall attempt to have the affidavit of paternity completed in the hospital, but if an affidavit is not completed before the birth record is sent to the division and the paternity is not yet established, then the phrase ""not stated" shall be inserted for the father's name.

IV. If the affidavit of paternity is not completed in the hospital, the mother and natural father shall contact the clerk of the town or city to execute the affidavit of paternity.

V. The natural father's name, date of birth, and state of birth shall be added to the birth record by the clerk of the town or city upon the registrar's receipt of a sworn, notarized affidavit of paternity.

VI. A copy of the completed affidavit of paternity shall be forwarded by the hospital to the department of health and human services, division of child support services and the original to the division.

VII. If the mother or natural father is not of legal age, then each signature on the affidavit of paternity form of a person under the age of 18 shall be accompanied by the signature of his or her parent or legal guardian.

VIII. When an affidavit of paternity is executed after the death of a child, a notation shall be made on the affidavit indicating that the child is deceased and that the changes authorized on the birth record are also applicable to the death record.

IX. When the married mother of a child born in a hospital indicates that her husband is not the natural father of the child but because of time constraints a 3-party affidavit of paternity cannot be executed before she leaves the hospital, the surname of the child shall be any name chosen by the mother and the hospital shall enter ""not stated" on the birth record for all information pertaining to the father of the child. The mother, natural father,

and husband shall subsequently sign a 3-party affidavit of paternity form, with each signature notarized, and submit it to the clerk of the city or town where the birth occurred. Upon receipt of the signed and notarized 3-party affidavit of paternity, the clerk shall create a new birth record for the child, reflecting the new name of the child as well as the natural father's information. The natural father may sign the affidavit before the birth of the child has occurred, but the mother's signature shall not be affixed to the affidavit form until after the birth of the child.

X. When an unwed mother applies to the clerk of a town or city wishing to add the name of a father to her child's birth record the following shall apply: the affidavit of paternity shall be executed prior to the child's 18th birthday; the natural father to be named shall personally sign the affidavit; if signed separately, each signature shall be separately notarized; in those cases where the alleged natural father is deceased, the mother shall present her request in the form of petition to a court of competent jurisdiction; and, if the court approves the request, the resulting court order shall be processed by the clerk of the town or city in the same manner as a court determination of paternity and in accordance with RSA 5-C:26.

XI. Once the surname of the child has been established through an executed affidavit of paternity, any subsequent change shall be made upon receipt of a certified copy of a legal change of name issued by a court of competent jurisdiction.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:25

5-C:25 Informational Requirements for an Affidavit of Paternity. –

I. Parents shall include the following information when completing an affidavit of paternity:

(a) Information about the child including: the child's first, middle, and last names; the child's city or town and state of birth; the child's date of birth; the child's name as it appears on the birth record; the child's social security number, if known; whether the child is living; and, the child's date and place of death, if applicable.

(b) Information about, and signature of, the child's natural father, including: the natural father's full name and date of birth; the natural father's state of birth; the natural father's social security number; the natural father's address; and, the natural father's signature and date signed, unless the natural father is a minor in which case his parent or guardian's signature shall be obtained and the date signed.

(c) Information about, and signature of, the child's mother, including: the mother's maiden name; the mother's social security number; the mother's address; if the mother is a minor, her parent or guardian's signature; and, the mother's signature and date signed, unless the mother is a minor, in which case her parent or guardian's signature shall be obtained and the date signed.

(d) When the mother's husband agrees that he is not the child's natural father, the following information, and signature of, the mother's husband, including: the husband's name; the husband's social security number; the husband's address; and the husband's signature and date signed, unless the husband is a minor in which case his parent or guardian's signature shall be obtained and the date signed.

(e) The signatures of the child's natural father, mother, and, if he is not the child's father, her husband, shall be notarized and shall include the date signed and the date the notary's commission expires.

(f) Certification of hospital or birthing center, including the name and signature of the preparer and date signed, and the name and the address of the hospital or birthing facility.

II. In the case of a home birth, the midwife or attendant shall refer the mother to the clerk of the town or city to complete the affidavit of paternity.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:26

5-C:26 Preparation of New Birth Record Following Paternity Determination. –

I. Upon receipt of a certified copy of a court order regarding the paternity of a child born in New Hampshire, the clerk of the city or town where the birth occurred shall prepare a new birth record.

II. Acceptable documentation for preparing a new birth record shall include a certified court order that clearly states that the birth record shall be changed to reflect paternity or a photocopy of that court order and a letter from the division of child support services indicating that a paternity hearing has been initiated by that division.

III. The clerk of the town or city shall prepare the new birth record, retain its originally assigned file number, send the copy marked ""state" to the division; and retain the copy marked ""clerk."

IV. Upon receipt of the completed affidavit of paternity by the clerk of the city or town, the information concerning the father shall be added to the birth record, or in the case of an affidavit of paternity submitted after the filing of the birth record, a new record shall be completed by the clerk of the town or city and forwarded to the division in accordance with this section and RSA 5-C:21.

V. The surname of the child shall be recorded as shown on the affidavit of paternity and in accordance with RSA 5-C:24. If the mother is unwed, the surname given to the child shall be any name chosen by the mother and father. If the mother is married and a 3-party affidavit of paternity is being utilized, the surname of the child shall be any name chosen by the mother.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:27

5-C:27 Rescission of Paternity Form. –

I. A parent or legal guardian who is a signatory to the affidavit of paternity shall provide information to complete a rescission of paternity form as follows:

(a) Information about the child, including the child's first, middle, and last names as they appear on the birth record, the child's date of birth, the city or town of birth, the child's social security number, if known, and the child's sex.

(b) Information about the child's father and mother, and the mother's husband if a 3-

party affidavit of paternity was completed, including the father's full name, the father's date of birth, the father's mailing address, the mother's full name, the mother's mailing address, whether a completed 3-party affidavit of paternity was submitted and, if a 3-party affidavit was filed, the husband's full name and mailing address.

(c) The rescinder's signature and date.

II. The form shall be attested to by a notary public or justice of the peace. The city or town clerk shall sign and date the form.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:28

5-C:28 Rescission of Paternity Procedures. –

I. A parent or legal guardian may request to rescind an affidavit of paternity from the clerk of the city or town where the birth occurred within 60 days of the filing of an affidavit of paternity unless an administrative or judicial proceeding related to the child results in an earlier date.

II. Once the completed rescission of paternity form is filed, the clerk of the town or city shall remove the name of the father from the birth record and insert ""not stated" in the space provided for the father's name or, if the original birth record was filed prior to the completion of an affidavit of paternity, change the child's name on the birth record back to the name stated on the original record before the affidavit of paternity was filed.

III. After the 60-day rescission period has passed, any challenge to the affidavit shall be decided only by a court of competent jurisdiction.

IV. The fee for changing the birth record due to a rescission of paternity shall be in accordance with RSA 5-C:10.

V. The clerk of the city or town where the birth occurred shall distribute the rescission of paternity to the birth mother; the father named on the affidavit of paternity; the parent or legal guardian of minor signatory as stated on the affidavit of paternity; the division; the department of health and human services; the husband, if a 3-party affidavit of paternity was completed; and, the hospital that was the originator of the affidavit of paternity, if applicable.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:29

5-C:29 Surrogate Mother. – When it is known that a child has been born to a surrogate mother and it is intended that the child be adopted after birth by the natural father's wife, the preparation of the initial birth record shall be governed by the following:

I. If the surrogate mother is a married woman, a 3-party affidavit of paternity shall be prepared with the natural father shown as the child's father.

II. If the surrogate mother is not married, an affidavit of paternity shall be prepared with the natural father shown as the child's father; and only after an affidavit of paternity has been executed shall the name of the natural father appear on the birth record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:30

5-C:30 Birth Resulting From Artificial Insemination. –

I. When it is known that the birth of a child is the result of artificial insemination of sperm from a person who is not the mother's husband, the male parentage shall be indicated on the birth record as follows:

(a) If the mother is married, the husband's name shall be listed as the father of the child.

(b) If the mother is unwed, an affidavit of paternity shall be executed when the donor of the sperm can be identified and is willing to be identified on the birth record or, otherwise, the phrase ""not stated" shall be entered for the father's name.

II. In the case where the birth of a child is the result of artificial insemination of a surrogate mother, the preparation of the birth record shall be governed by the procedures in RSA 5-C:29.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:31

5-C:31 Notice of Adoption. – All information on an adoption shall be completed on a form prescribed by the division, in accordance with RSA 170-B:22. A parent or the court shall provide the following information in order to complete the form:

I. The child's information taken from a certified copy of the adoptee's original birth record, including the name of the child; the child's date and place of birth; the child's sex; the child's race; and the child's ancestry.

II. Facts about the child's birth, including:

(a) Whether there are siblings in substitute care, indicated as yes or no.

(b) Whether there are members of the sibling group adopted together, indicated as yes or no.

(c) Whether the child had a previous adoptive placement, indicated as yes or no.

(d) Whether the child is considered by the court to have special needs, such as a developmental or intellectual disability, learning disabilities, or a medical condition, indicated as yes or no.

(e) The date of adoptive placement.

(f) Sponsorship of adoption indicated as public, private or tribal, agency, independent person or other.

(g) Location of any sponsor of the adoption.

III. The natural father's information, including his full name if stated on the original birth record; his date of birth; his race and ancestry; his marital status; and whether his parental rights were terminated.

IV. The birth mother's information, including her full maiden name; her date of birth; her race and ancestry; her marital status at birth of child; and whether her parental rights were terminated.

V. Information from both adoptive parents, if a couple is adopting, or one parent in the

case where one parent is adopting, including his or her full name; date and state of birth; race and ancestry; marital status; residence at the time of the child's birth; and any prior relationship with the child.

VI. The names as they shall appear on the new birth record, including the adoptive parents' names, and the adoptee's name.

VII. The current mailing address and signature of the adoptive parent or parents.

VIII. The probate court information, including the date of the adoption decree; the name, county and state of the court and the name of the judge or justice presiding; the volume, page, and record number of the probate court filing; the signature and seal of the court and date signed; and the name of the city or town of birth and the date the report was sent by the probate court to the clerk of the town or city of birth occurrence, the department of health and human services, and the division.

IX. The city or town clerk information, including the date received by the clerk of the town or city of birth occurrence; the date the new birth record was made; the signature of the clerk of the town or city; and the city or town of the clerk.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:3, eff. July 21, 2006. 2008, 52:1, eff. July 11, 2008.

Section 5-C:32

5-C:32 Adoption Recording Procedures. –

I. Adoptions shall be recorded pursuant to this section and RSA 170-B:22.

II. In accordance with the reporting requirements cited in RSA 170-B:22, the register of the county probate court shall send a completed adoption form, as referenced in RSA 5-C:31, for each child adopted in the state of New Hampshire to the division within 7 days after the final decree is filed.

III. Upon receipt of a notice of adoption from the probate court, the clerk of the town or city of birth occurrence shall immediately process a new birth record and, within 2 weeks, forward a copy to the division.

IV. Upon receipt by the division of a notice of adoption in New Hampshire for a child born out-of-state the division shall send notice of the adoption to the vital records agency of the state of birth so that the birth record in that state can be amended and, if the adoption notice received by the division contains inaccurate or missing information, the state registrar shall return the notice to the court issuing the adoption decree via the applicable state's vital records agency asking for necessary corrections.

V. Upon the receipt of a notice of an out-of-state adoption of a child born in the state of New Hampshire, the division shall send notice of the adoption to the clerk of the town or city of birth occurrence. When the clerk receives the above notice, he or she shall follow the procedure outlined in RSA 5-C:33 for amending the birth record. When out-of-state adoptions are being processed, if the information provided to the clerk of birth occurrence does not contain sufficient information needed to complete the amended birth record pursuant to RSA 5-C:33, the clerk shall request the information from the adoptive parents. If a response has not been received within 30 days from the date of the request, the amended record shall be prepared and "not available" shall be entered for information that has not been provided. When a clerk of a town or city receives an

adoption notice from a New Hampshire court that contains inaccurate or missing information, the adoption notice shall be returned to the New Hampshire court with a letter asking the court to resolve the question involved.

VI. In the case of a private adoption, when requested by a court of competent jurisdiction, the division shall issue a copy of the original birth certificate.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:4, eff. July 21, 2006.

Section 5-C:33

5-C:33 Procedure for Amending the Birth Record Following Adoption. –

I. When the clerk of the town or city of birth occurrence receives a notice of adoption, a new birth record shall be prepared as specified in RSA 5-C:31.

II. The new birth record shall be substituted immediately for the original birth record by the clerk of the town or city.

III. The original birth record and the notice of adoption shall not be subject to inspection except pursuant to RSA 5-C:9 or upon order of a court of competent jurisdiction pursuant to RSA 170-B:23.

IV. The actual place and date of birth shall be shown on the new birth record.

V. If no original birth record is on file for the adoptee the clerk of the town or city shall prepare a new birth record.

VI. If the date and place of birth have not been determined in the adoption proceedings, a delayed certificate of birth shall be filed with the state registrar as provided in RSA 5-C:38 through RSA 5-C:40 before a new certificate of birth is prepared and, if the required evidence cannot be obtained that would justify the creation of a delayed certificate of birth, the registrar shall authorize the preparation of a birth certificate for the adoptee using court records as the authority for approval.

VII. In the case of a single parent adoption, the information concerning the other parent shall be listed as ""not stated."

VIII. In the case of an adopting parent whose spouse is deceased, upon written request of the adopting parent, the clerk of the town or city shall include the information about the husband when his date of death is not more than 9 months prior to the adoptee's birth and information on the wife shall be included when her date of death is after the adoptee's date of birth.

IX. When a new birth record following an adoption is prepared by the clerk of the town or city of birth occurrence, no copy of the original birth certificate in the state of New Hampshire shall be disclosed except pursuant to RSA 5-C:9.

X. When the adoption concerns a child who had been born at home, the clerk of the town or city of birth occurrence shall minimize disclosure of information that would provide a possible connection with the natural mother by recording only the city or town of birth and not the street address on the new birth record; and, if the name of the natural mother is shown on the original birth record as the certifier, informant or attendant, replacing it with the adoptive mother's name on the new birth record.

XI. When it has been determined by the division that an adoption had previously been decreed by an authorized court, including out-of-state courts, but the amended birth record had not been prepared at the time of the adoption, then the clerk of the city or

town of birth occurrence shall immediately prepare a new birth record and the division shall contact the court that authorized the adoption and ask that a certified copy of the adoption decree be prepared and transmitted to the city or town of birth with a copy sent to the division.

XII. Upon receipt of a report of decree of annulment of adoption, the clerk of the town or city of birth occurrence shall replace the amended birth record with the original. The previous amended birth record and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction pursuant to RSA 170-B:23.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:5, 6, eff. July 21, 2006.

Section 5-C:34

5-C:34 Application for Certificate of Foreign Birth. –

I. The registrar shall establish a New Hampshire certificate of foreign birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of foreign birth shall be established and registered and a certified copy of such certificate issued when the registrar receives a request and a fee of \$25 from the adoptive parents or adopted person over 18 years of age for such a certificate and a report of the adoption as provided in RSA 170-B:22. Funds paid to the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

II. A completed application for certificate of foreign birth shall include:

- (a) The county of the probate court involved.
- (b) The name of the child prior to adoption.
- (c) The names of the adoptive parents.
- (d) The date the adoption was approved by the probate court.
- (e) The full name of the child after adoption.
- (f) The sex of the child.
- (g) The child's date of birth.

(h) The city or town, the state or local equivalent and the country of the child's place of birth.

(i) The child's alien registration card number.

(j) Information from both adoptive parents, if a couple is adopting, or one parent in the case where one parent is adopting, including each parent's full name, including the full maiden name of the adoptive mother, if applicable; each parent's date and place of birth; each parent's residence address; each parent's signature or the signature of the child's legal guardian or legal representative if a minor; and the date signed.

(k) The signature of a justice of the peace, or the signature and seal of a notary public.

III. The applicant shall attach the following documents to the completed application for a certificate of foreign birth:

- (a) A report of adoption as required by RSA 170-B:22.
- (b) A certified copy of the original adoption decree.
- (c) The child's alien registration card.
- (d) The documents used to establish the date and place of birth, such as an English

translation of the original birth certificate, a copy of an adoption report from the adoption agency, or any report issued by the government of the country of birth describing facts known regarding the origin of the child.

(e) Cash or a check made payable to ""The State of New Hampshire," in the amount specified in paragraph I.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:7, 8, eff. July 21, 2006.

Section 5-C:35

5-C:35 Certificate of Foreign Birth. –

I. Upon receipt of a completed application for certificate of foreign birth, the division shall prepare a certificate of foreign birth for the foreign born child pursuant to RSA 5-C:34.

II. A certificate of foreign birth shall include:

(a) A unique file locating number assigned by the division.

(b) The full name of the child after adoption.

(c) The sex of the child.

(d) The date and place of the child's birth, actual or probable.

(e) The full name of the adoptive parent, including maiden name if appropriate, and his or her dates and places of birth.

(f) The residence address of the adoptive parent.

(g) The county of probate court.

(h) The date of the adoption decree.

(i) The signature of the state registrar and the date the record was filed.

III. When a New Hampshire certificate of foreign birth is prepared it shall be on file only at the division.

IV. The birth certificate established according to this section shall show the true or probable foreign country of birth, and shall state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

V. The registrar shall not establish a New Hampshire certificate of birth if the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older requests that the certificate not be established.

VI. Any birth certificate established under this section shall not be deemed a record within the meaning of RSA 170-B:23, II.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:9, eff. July 21, 2006.

Section 5-C:36

5-C:36 Birth Record of a Foundling. – The department of health and human services shall record the following information for a ""foundling," which shall mean an infant of unknown parentage: the name given to the child, if available; the date and place of filing; the child's sex; the approximate birth date of the child; the signature and title of the custodian; the name and address of the person or institution with whom the child has been placed for care by the department of health and human services; other available data

regarding the physical condition of the child, as determined by approximation, in accordance with RSA 5-C:19; the notation ""foundling;" the city or town where the child was found, which shall be entered as the place of birth; and parentage data, which shall be shown as ""unknown."

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:37

5-C:37 Preparation of the Birth Record of a Foundling. – Whoever assumes the custody of a foundling shall report such within 6 days to the clerk of the custodian's city or town of residence. The clerk of the town or city shall assist in the completion of the birth record of a foundling, pursuant to RSA 5-C:36, and file the completed birth record with the division.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:38

5-C:38 Application for Delayed Certificate of Birth. –

I. When a birth record of a living person in the state of New Hampshire has not been filed within 6 months of birth, or 12 months if the birth occurred in a hospital, the registrant, parent, or legal guardian shall register the birth record with the clerk of the town or city in which the birth occurred.

II. The clerk of the town or city shall mark the birth record prepared under paragraph I ""Delayed."

III. In the case of a live person allegedly born in the state of New Hampshire whose birth is not registered in a New Hampshire city or town, at the division, or in a bordering state, the registrant, or his or her parent or legal guardian, may apply for a delayed certificate of birth in writing or in person with the clerk of the city or town where his or her birth allegedly occurred by submitting: the completed form established by the division for that purpose; the documentary evidence required under this section; and the fee established by RSA 5-C:10.

IV. An application for a delayed certificate of birth shall contain the registrant's full name at birth; the registrant's date of birth; the registrant's sex; the registrant's place of birth; the registrant's city or town and county of birth; the registrant's father's full name and state or country of birth; the registrant's mother's full maiden name and state or country of birth; the signature and present address of applicant, if such person is 18 years of age or over, except that a married female applicant shall use her maiden name for signature; and the signature of a justice of the peace, or the signature and seal of a notary public, the date signed and the date his or her commission expires.

V. If the applicant is under 18 years of age, the application shall be signed and sworn to by one of the following acting on behalf of a living registrant and having personal knowledge of the facts of birth: either of the parents of the proposed registrant, cosigned by one of the grandparents if the parents are not of legal age; the legal guardian of the proposed registrant; or the legal representative having power of attorney over the

proposed registrant.

VI. The applicant for delayed certificate of birth shall submit to the clerk of the town or city of birth occurrence the following documentary evidence to substantiate the name of the registrant and the date and place of birth entered on the application: at least 3 pieces of evidence as described in paragraph VIII, one of which shall be a record which was made before the first birthday of the registrant, or at least 4 pieces of evidence as described in paragraph VIII, all of which were made after the first birthday of the registrant.

VII. The facts of parentage of the registrant shall be supported by at least one of the documents in paragraph VIII other than an affidavit of personal knowledge.

VIII. Acceptable pieces of evidence to provide proof of the registrant's place and date of birth shall include but not be limited to, in order of priority:

(a) A notarized statement from the medical information department in the hospital of birth or from the clinical records where the registrant received treatments.

(b) A notarized statement from the physician, midwife, mother or father of the registrant.

(c) A baptismal certificate of the registrant.

(d) Elementary school records from the school district or equivalent stating the date and place of birth of the registrant and the name of at least one parent.

(e) A census report from the United States Department of Commerce, Bureau of the Census.

(f) The marriage record of the registrant stating the date and place of birth.

(g) A notarized affidavit of personal knowledge from the applicant or others attesting to the facts of the registrant's birth, limited to one per application.

(h) Birth records of siblings whose births surrounded that of the registrant.

(i) Insurance policies indicating the registrant's birth.

(j) Family bible records.

IX. An affidavit of personal knowledge, as described in paragraph VIII, shall be prepared by any person who has signed the affidavit before a notary public or a justice of the peace; is at least 10 years older than the applicant; is at least 18 years old; has personal knowledge of the facts of birth; and states in the affidavit why he or she knows and remembers the date of birth and states his or her relationship to the proposed registrant.

X. If the city or town of alleged birth borders on a neighboring state, the applicant shall provide a "no record" statement from the neighboring state, acknowledging that the birth record in question is not on file with that state. It shall not be considered a piece of evidence or part of the minimum documentation required under this section.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:39

5-C:39 Town and City Clerk Procedures for Delayed Certificate of Birth. –

I. The clerk of the town or city shall type a list on the delayed certificate of birth describing each document submitted to support the facts shown on the application for a delayed certificate of birth. The description required shall include: the title or description

of the document; the name of the affiant, if the document is an affidavit of personal knowledge; the name of the custodian of the record, if the document is an original or certified copy of a record of a signed statement from the custodian; the date of the original filing of the document being listed; and the date the copy of the document was issued. The description required shall also include information regarding the birth facts contained in the document, including: the registrant's date of birth or age; the registrant's birthplace; the full maiden name of the registrant's mother; the full name of the registrant's father; and information regarding the proposed registrant which is in addition to the minimum documentary evidence required by RSA 5-C:38.

II. The clerk of the town or city shall review an application for delayed certificate of birth in order to: verify that the application and documentary evidence is provided in accordance with paragraph I; verify that no prior birth record is on file in the local records for the person whose birth is to be recorded; verify that the documentary evidence submitted establishes the facts of birth and meets the requirements of RSA 5-C:38; and, prepare a list of the documentary evidence to accurately reflect the nature and content of the documents.

III. If the documentary evidence verifies the facts of birth, the clerk of the town or city shall approve the application, sign and date the application, and forward it, along with the documentary evidence, to the state registrar.

IV. If the clerk of the town or city is unable to approve an application due to its failure to comply with RSA 5-C:38, he or she shall return the application to the applicant for correction.

V. If the clerk of the town or city is unable to approve an application because a prior birth record is on file in the local records for the person whose birth is to be recorded, the clerk of the town or city shall notify the applicant in writing of the denial.

VI. The state registrar and clerks of towns and cities shall not issue a certified copy of a delayed certificate of birth in any short form or a wallet size version.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:40

5-C:40 State Registrar Approval, Denial, or Dismissal of Delayed Certificate of Birth. –

I. The state registrar shall review each application for a delayed certificate of birth received from a clerk of a town or city to determine that: the application meets the requirements of RSA 5-C:38; no prior birth record is on file at the division for the person whose birth is to be recorded; the evidence submitted establishes the facts of birth; and the list of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the documents.

II. If the application complies with the requirements of paragraph I, the state registrar shall approve the application by signing and dating it; file the application at the division; and, return the documentary evidence to the applicant along with a certified copy of the delayed certificate of birth.

III. If the state registrar is unable to approve an application because the documentary evidence is insufficient, he or she shall notify the applicant and the clerk of the town or

city of the denial within 10 days of receipt of the application and return the application to the clerk of the town or city.

IV. If the state registrar has denied the application, the clerk of the town or city shall contact the applicant to obtain the necessary evidence to meet the requirements. However, applications for delayed certificates that have not been completed within one year from the date of application shall be dismissed.

V. Upon dismissal or denial of an application, the state registrar shall advise the applicant in writing of the reasons for the action and the applicant's right to a hearing. The state registrar shall return all documents submitted in support of such registration to the applicant and send a copy of this letter to the clerk of the town or city.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Marriage Registration Forms and Procedures

Section 5-C:41

5-C:41 Marriage Registration Forms. –

I. There shall be 2 forms for the completion of a marriage registration. The marriage application worksheet, which shall be the form that is used to record marriage intentions, shall be completed by the prospective bride and groom and the clerk of the town or city and shall contain the information needed to complete the marriage license. The marriage license, which shall be the form that is used to record that the marriage ceremony has taken place and to record who solemnized the marriage, shall be completed by the bride, groom, the officiant and the clerk of the town or city in accordance with this section and RSA 5-C:42. The marriage license shall be the official copy of the certificate of marriage when the marriage is registered with the division.

II. The marriage application worksheet shall be completed by the prospective bride and groom in the office of the clerk of the town or city. The information supplied by the groom shall include his full name; his usual residence by street and number, city, town or location, county and state; his birthplace; his date of birth; his social security number; his father's full name; his father's birthplace; his mother's maiden name; and his mother's birthplace. The information supplied by the bride shall include her full name and maiden surname, if different; her usual residence by street and number, city, town or location, county and state; her birthplace; her date of birth; her social security number; her father's full name; her father's birthplace; her mother's maiden name; and, her mother's birthplace.

III. The clerk of the town or city shall complete the following statistical and legal information on the marriage application worksheet for both the bride and groom with information supplied by the bride and groom: the number which represents of the currently intended marriage; if previously married, whether a civil annulment occurred or the marriage ended by death or divorce; the date of civil annulment or that the last marriage ended; their race and ancestry; their level of education; any waivers presented by the groom or the bride, either for time or age pursuant to RSA 457:4 through RSA 457:9 or RSA 457:26 and RSA 457:27; whether proof of age of the bride and groom was demonstrated using identification with photograph; if applicable, the divorce decree; and, if applicable, the death record of the former spouse.

IV. The bride and groom shall record the following on the marriage application worksheet after the clerk of the town or city completes information on the application worksheet as described in paragraph III: the date and the city or town where the marriage is intended to take place, if known; the name and address of the officiant for the marriage ceremony, if known; the groom's mailing address and phone number; the bride's mailing address and phone number; the groom's signature and date signed; the bride's signature and date signed; and certification that the information provided is correct to the best of his or her knowledge and belief and that he or she is free to marry under the laws of New Hampshire.

V. Once all of the information on the marriage application worksheet has been obtained, the clerk of the town or city shall transfer the information as listed in paragraphs II and III from the marriage application worksheet to the marriage license as well as record the following information on the marriage license: the date that the marriage license is issued, the signature of the clerk, and the name of the city or town of issuance.

VI. Pursuant to RSA 457:26, the date that the marriage license is issued shall be not less than 3 days nor more than 90 days from the date that marriage intentions were filed.

VII. Upon request of the groom, the name of a legal guardian shall be substituted on the marriage license for a natural parent's name, regardless of whether the groom who makes the request is of legal age at the time when intentions are being filed.

VIII. Upon request of the bride, the name of a legal guardian shall be substituted on the marriage license for a natural parent's name, regardless of whether the bride who makes the request is of legal age at the time when intentions are being filed.

IX. The substitution of stepparents' names shall not be permitted.

X. Persons entering dates on the marriage license shall use the full or abbreviated name of the month rather than numerals.

XI. When listing the birthplace on the marriage license, if the person is known to have been born in the United States, but the state is unknown then ""U.S. - Unknown" shall be entered, and, if the person is known to have been born in a foreign country, but the country is unknown, ""Foreign Unknown" shall be entered.

XII. If no information is available regarding place of birth, ""Unknown" shall be entered.

XIII. The prospective bride and groom shall review the information on the marriage license for completeness and accuracy prior to signing the marriage license.

XIV. If a prospective bride or groom are not of legal age to marry, the co-signature of his or her parent shall be obtained, except when a court has issued a waiver authorizing the marriage in accordance with RSA 457:6.

XV. The officiant shall record the following on the marriage license after the marriage ceremony has taken place: certification that he or she is duly authorized to solemnize the marriage in accordance with RSA 457; the officiant's status, pursuant to RSA 457:31; the date of the marriage ceremony; the city, town or location and county where the couple were married; certification that the bride and groom were married by the officiant in conformance with RSA 457 and that the information noted is correct to the best of his or her knowledge; the signature of the officiant; the officiant's typed or printed name; the officiant's title and address; and an indication of whether the ceremony was religious or civil.

XVI. The date the marriage license is received by the clerk of the town or city from the officiant shall be recorded on the marriage certificate as the date the marriage registration is filed.

XVII. The marriage license shall include the signature of the clerk of the town or city and the name of the town or city.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:42

5-C:42 Marriage License and Registration. –

I. A marriage performed in the state of New Hampshire shall be registered when the marriage certificate is filed in accordance with this section and RSA 5-C:41, signed by the clerk of the town or city, and forwarded to the division.

II. An application for a marriage license may be made in any city or town in the state of New Hampshire and the marriage license shall be issued for a marriage ceremony to be performed in any city or town in the state of New Hampshire.

III. No marriage license or court-ordered waiver issued by any other state shall be acceptable for marriage in the state of New Hampshire.

IV. The prospective bride and groom shall appear in person to the clerk of the town or city to file the marriage intentions and to sign the application for the marriage license unless either party or both are members of the armed forces and unable to appear in person.

V. If either party or both is a member of the armed forces and is unable to appear in person, the following shall apply: the armed services' legal representative shall prepare the marriage application worksheet; the completed application worksheet shall be signed by the service person; the armed services' legal representative, company commander or other superior officer, shall sign a statement attesting that the information provided is correct; the service person, if unable to appear, shall submit a signed statement authorizing the non-service person to sign for both the bride and groom; the completed application, and signed release if applicable, shall then be forwarded to the clerk of the town or city who issued the application; when the application worksheet is received by the clerk of the town or city, it shall then be used as an acceptable substitute for the personal appearance of the service person; the license shall then be prepared pursuant to RSA 5-C:41 with the non-service applicant being permitted to sign the license for both the bride and groom; and the application worksheet received from the service person shall be retained permanently by the clerk of the town or city.

VI. One party may initiate the process of applying for a marriage license; however, the license shall not be issued until signatures have been obtained from both parties.

VII. An applicant for a marriage license shall provide positive identification consisting of a certified copy of a birth certificate or a driver's license or a passport or other license or identification that contains a photograph of the applicant and the applicant's name and date of birth.

VIII. When both applicants for a marriage license are nonresidents of New Hampshire, both applicants shall be at least 18 years of age and, in accordance with RSA 457, there shall be no provision for an age waiver and there shall be no time waiver of the 3-day

waiting period if both applicants and his or her parents are non-residents of New Hampshire.

IX. If either or both parties have been previously married, a certified copy of the final divorce decree or decrees, or a certified copy of the death record of each deceased spouse, shall be reviewed by the clerk of the town or city before the marriage license is issued. The clerk shall make notation upon the marriage license of such review.

X. If a civil annulment is declared as the means of dissolving a former marriage, the clerk of the town or city shall review a certified copy of the civil annulment decree before the marriage license is issued.

XI. A divorce decree in a foreign language shall not be acceptable for presentation as proof of final divorce, unless the divorce decree is translated into English and signed by the translator, with the signature certified by a justice of the peace or notary public. The cost of the translation, if any, shall be the responsibility of the applicant.

XII. If a divorce decree from a foreign country is not available, the applicant shall provide an affidavit stating that he or she was divorced and a statement from the embassy of the foreign country stating that the records are not available.

XIII. After the marriage application worksheet has been prepared and signed by the applicants, a license fee in accordance with RSA 457:29 shall be paid by the applicants to the clerk of the town or city. If the applicants do not use the marriage license for any reason, the fee shall not be refunded.

XIV. The date of the signing of the worksheet by either the bride or groom, or the earlier of 2 dates if applicable, shall be used by the clerk of the town or city to indicate when the intention of marriage was received and recorded and the date to be used to establish the beginning of the time period during which the license shall be valid. The marriage license shall be valid pursuant to RSA 457:26 for not less than 3 days nor more than 90 days from the date the marriage intentions were filed. When 90 days have elapsed from the date the marriage intentions were filed and a completed marriage certificate or a delayed certificate of marriage has not been processed, the clerk of the town or city shall make a notation on the marriage application worksheet stating the marriage presumably did not take place. In the case where the marriage certificate is received within 6 months of the end of the 90-day period, the clerk of the town or city shall remove the notation and issue the certificate. In the case where the marriage certificate is received more than 6 months after the end of the 90-day period, the clerk of the town or city shall follow the procedure for issuing a delayed certificate of marriage.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:43

5-C:43 Distribution of the Marriage License. – After the clerk of a town or city has forwarded the completed marriage license to the division, the registrar shall give the original to the prospective bride and groom. A marriage license may be mailed to the bride or groom if mailed via certified mail with return receipt requested and the cost for the certified mail handling shall be paid by the applicants. The bride and groom shall provide the marriage license to the officiant prior to the marriage ceremony.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:44

5-C:44 Offshore Marriages. –

I. A marriage license for an offshore marriage ceremony shall be obtained from the clerk of any town or city and certified only if the marriage ceremony was performed on the ocean off the New Hampshire coast within 3 miles of the shoreline, in the air anywhere over the state of New Hampshire, or, aboard ship on a lake in the state of New Hampshire.

II. The marriage ceremony for an offshore marriage shall be performed by an officiant identified in RSA 457:31 and the city or town of departure shall be the city or town of occurrence of the marriage.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:45

5-C:45 Marriage of Minors. – In accordance with RSA 457:4, a person may apply for a marriage license before reaching the age of consent, but the marriage license shall not be issued until both parties have reached the age of consent or age waivers have been obtained pursuant to RSA 457:6. All waivers due to age shall be obtained before the marriage and attached to the marriage application worksheet. If a waiver is not obtained, the clerk of the town or city or the division shall void the marriage certificate pursuant to RSA 457:4 and prepare and submit to the division the appropriate form to amend the vital record in accordance with RSA 5-C:85.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:46

5-C:46 Marriage of Step-Children and Adopted Children. –

I. The division shall issue a marriage certificate for step-siblings in a family if the natural parents of each child had no biological connection to each other closer than cousin.

II. The division shall issue a marriage certificate to an adopted brother and an adopted sister in the same family, unless they are also related biologically as specified in RSA 457:2.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2009, 59:8, eff. Jan. 1, 2010.

Section 5-C:47

5-C:47 Marriage of Prisoners. – If an inmate of a state prison or county jail receives permission from prison or jail officials to marry while still an inmate, the city or town in which the institution is located shall be considered as the residence of the inmate but the

marriage license may be obtained from the clerk of any town or city in the state of New Hampshire.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:48

5-C:48 Civil Annulments of Marriage. – A certified copy of the absolute or final court-ordered civil annulment decree shall be presented by the party to the clerk of the town or city who issues the marriage license. The clerk of the town or city shall make a notation on the marriage license indicating a civil annulment decree had been presented.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:49

5-C:49 Officiant Responsibilities. –

I. The person who performs a marriage shall certify the fact of marriage and within 6 days return the record by mail or in person to the clerk of the town or city of license issuance.

II. No person shall certify or sign the marriage certificate as the officiant at his or her own marriage ceremony.

III. An ordained deacon in the Roman Catholic Church shall be in the category of a "minister of the gospel in the state who has been ordained according to the usage of his denomination," pursuant to RSA 457:31, and be empowered to sign the marriage certificate in the state of New Hampshire with the same authority as an ordained priest of the Roman Catholic faith.

IV. Any out-of-state minister who wishes to perform a marriage in the state of New Hampshire shall obtain a special license from the secretary of state as required by RSA 457:32.

V. In the event a special license is not obtained by an out-of-state officiant, the division shall notify the officiant by written letter to pursue a special license or be subject to prosecution in accordance with RSA 457:35. The division shall recognize the marriage certificate in such cases as valid under the provisions of RSA 457:36.

VI. In accordance with paragraph I, the officiant shall report the fact that a marriage has taken place, even if the bride and groom have a change of mind after the ceremony and ask the officiant not to report the marriage to the clerk of the town or city. The date of the marriage shall be the date that the ceremony took place.

VII. Failure of the officiant to report a marriage shall be a violation.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:10, eff. July 21, 2006.

Section 5-C:50

5-C:50 Remarriage Permitted. – The clerk of the town or city shall refer to the state registrar all requests for a marriage license made by parties who are currently married but

the validity of the marriage is questioned by the court, law enforcement agencies or the state registrars outside of New Hampshire. If the validity of a marriage is questioned, the clerk of the town or city shall obtain from the licensees any documentation of their current marriage, including, but not limited to, a copy of a marriage license or the certified copy of a final divorce decree, and forward all the information to the division for a review by the state registrar. If a review of the documentation provides sufficient evidence that the marriage in question is subject to challenge, the state registrar shall notify in writing the married couple and the clerk of the town or city. The couple may petition the court for a review of the legal status of the marriage or the couple may initiate the application for a marriage license.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:51

5-C:51 Certificate of Remarriage. –

I. A marriage certificate shall not be issued to parties who are already lawfully married to each other except as provided in RSA 5-C:50. This shall also include issuing a marriage certificate for the renewal of marriage vows for religious or anniversary purposes.

II. In the case where the state registrar receives an affidavit challenging the legality of a marriage certificate, the state registrar shall send a certified letter to the married couple advising them that an allegation of violation of RSA 457 has been made that causes the legality of their marriage certificate to be subject to challenge and therefore might void the marriage certificate and advising them of the information necessary to respond to the alleged violation of RSA 457.

III. The state registrar shall send a copy of the certified letter described in paragraph II to the clerk of the town or city who issued the marriage license and to the officiant.

IV. The validity of a marriage certificate shall not be affected because of lack of legal authority or jurisdiction on the part of the officiant or as otherwise stated in RSA 457:36.

V. If the correction of an alleged violation requires another marriage ceremony to be conducted in conformance with New Hampshire statutes, it shall not be necessary for the clerk of the town or city to issue a new certificate.

VI. If another marriage ceremony is necessary in accordance with paragraph V, the date of marriage shall be noted on the marriage certificate as the date the original marriage ceremony took place or, if the alleged violation is due to lack of conformance to a statutory time limit, the date shall be the date of the second marriage ceremony.

VII. When a second marriage ceremony has taken place, the officiant shall notify the clerk of the town or city in writing.

VIII. Certified copies of the marriage certificate issued after the alleged violation of RSA 457 has been corrected shall not make reference in any way to the alleged violation.

IX. If the alleged violation is not corrected, all certified copies issued of such marriage record shall include a notation of the alleged violation.

X. If false information is provided pursuant to RSA 639:1 or RSA 5-C:14, the state registrar shall report such an offense to the county attorney where the event occurred.

XI. When a second marriage ceremony has taken place, the clerk of the town or city

shall make an appropriate notation on the face of the local certificate as described in paragraphs VI and VIII.

XII. The appropriate form shall be sent in accordance with RSA 5-C:85 to the state registrar to update the vital record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:52

5-C:52 Delayed Certificate of Marriage. –

I. The registration of a marriage after 6 months from the actual date of the marriage shall be accomplished using a regular certificate of marriage, completed in accordance with RSA 5-C:42.

II. Registration of marriage pursuant to paragraph I requires that an application for a delayed certificate of marriage be initiated by the bride, groom, or their legal representative with the clerk of the town or city where the marriage license was allegedly issued. To be acceptable for registration by the state registrar, the delayed certificate of marriage shall be supported by a copy of the marriage worksheet application, if available, obtained from the clerk of the town or city where the intentions were filed and at least 2 of the following:

(a) An affidavit from the officiant, if obtainable, stating that he or she had officiated at the wedding in question.

(b) A copy of the marriage certificate signed by the officiant and given to the married couple after the alleged ceremony.

(c) One or more copies of newspaper accounts of the wedding in question.

(d) A copy of a city or town report showing that the marriage in question was listed therein.

(e) A copy of a divorce decree dissolving the marriage in question.

(f) Pictures of the wedding ceremony accompanied by a notarized affidavit by, but not limited to, the best man, maid of honor, mother or father of the bride or groom, or bridesmaids, testifying to the persons shown in the pictures.

(g) Notarized affidavits from other members of the wedding party including participants and witnesses.

(h) A census bureau report on the applicant's household demonstrating marital status.

III. When evidence as cited in paragraph II is presented to the clerk of the town or city, he or she shall initiate preparation of a new marriage certificate. The marriage certificate shall be a replica of the original when possible, showing all dates and related information, and signatures of the bride and groom shall be obtained by the clerk of the town or city on the new marriage record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:53

5-C:53 Delayed Certificate of Marriage Procedures. –

I. When the steps described in RSA 5-C:52 have been completed, the clerk of the town

or city shall prepare a delayed certificate of marriage as provided in this section.

II. If the actual date of marriage has been established but other entries for dates recorded on the marriage certificate are not obtainable, the missing dates shall be estimated from the marriage date by the clerk of the town or city. Those dates shall be noted on the certificate as ""approximate."

III. The clerk of the town or city shall send the completed form and all original supporting documentation to the division after his or her signature has been affixed. A copy of the completed form shall be retained by the clerk of the town or city and a copy shall be sent to the bride and groom.

IV. Upon receipt of the completed form from the clerk of the town or city, the state registrar shall review the documentation for completeness and approve or not approve the delayed certificate as described in RSA 5-C:54.

V. The delayed certificate of marriage shall be filed by the clerk of the town or city by adding the words ""DELAYED IN FILING MARRIAGE" on the face of the form.

VI. The entry for ""date received by clerk" on the delayed marriage certificate shall show the date when the application for the delayed marriage certificate was approved by the state registrar.

VII. Certified copies of a delayed marriage certificate issued by the clerk of the town or city or the division shall be stamped or suitably noted to indicate ""DELAYED IN FILING."

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:54

5-C:54 Approval, Denial, or Dismissal by the State Registrar for a Delayed Certificate of Marriage. –

I. The state registrar shall review each application certified by a clerk of a town or city to determine that the application meets the requirements of RSA 5-C:52 and the evidence submitted establishes the facts of the marriage.

II. If the application complies with the requirements of paragraph I, the state registrar shall approve the application by signing and dating it and shall file the application at the division. The registrar shall return the documentary evidence to the applicant along with a certified copy of the delayed certificate of marriage and send a copy of the documents and the delayed certificate of marriage to the clerk of the town or city.

III. When an applicant does not submit the minimum acceptable documentation required for a delayed registration, or when the state registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, the state registrar shall deny the application by not registering the delayed certificate. The registrar shall notify the applicant of the denial in writing and request the additional documentary evidence to prove the facts of marriage. The registrar shall advise the applicant of the reason for this action and of his or her right to appeal within 30 days to the secretary of state.

IV. If the state registrar is unable to approve an application because the documentary evidence does not comply paragraph I, the registrar shall notify the applicant and the clerk of the town or city of the denial within 10 days of receipt of the application and

return the application to the clerk of the town or city.

V. If the state registrar has denied the application, a clerk of the town or city shall contact the applicant to obtain the necessary evidence to meet the requirements, except that the state registrar shall dismiss an application for a delayed certificate of marriage that has not been completed within one year from the date of application.

VI. The state registrar shall send a copy of the letter of dismissal or denial to the clerk of the town or city where the alleged marriage license was issued.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:55

5-C:55 Investigation of Bigamous Marriage. –

I. If an individual believes a bigamous marriage has taken place and such individual wishes to challenge the validity of the marriage certificate, the individual making the accusation shall provide to the clerk of the town or city a notarized statement of the alleged facts; a copy of the marriage certificate from the accused individual's previous marriage that was allegedly not dissolved; and a notarized affidavit from the spouse in the previous marriage attesting that the marriage was not dissolved. The clerk of the town or city shall prepare the appropriate form and have the person making the accusation sign the form in accordance with RSA 5-C:85. The clerk of the town or city shall forward the notarized statement and all other related documents to the state registrar.

II. The state registrar shall send a letter via certified mail to the accused stating the alleged facts and requesting documentation to prove the marriage certificate in question is valid and dispute the claim of bigamy such as, but not limited to a certified copy of a final divorce or civil annulment of the previous marriage or a death certificate of the spouse from the previous marriage. If the division does not receive a response to the certified letter within 30 days of the signed receipt of the letter, the state registrar shall inform the person making the initial allegation of the lack of response and the need to refer the matter to a court of competent jurisdiction. Upon receipt of the evidence submitted by the accused, the state registrar shall determine whether the validity of the marriage certificate is in question. If the evidence submitted shows that the validity of the marriage certificate is not in question, then the state registrar shall send a certified letter to the accused with the results of the investigation and a copy of the letter to the person making the allegation and the clerk of the town or city. If the evidence submitted shows that the validity of the marriage certificate is in question, then the state registrar shall send a certified letter, indicating the results of the investigation and that the marriage certificate shall be voided, to the accused, the person making the allegation, and the clerk, and the county attorney. In the case where the accused disputes the determination of the state registrar, the accused may request, within 30 days, an administrative hearing. All material forwarded by the clerk of the town or city including the affidavit of the information and any pertinent documents shall be retained by the division.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:56

5-C:56 Voiding a Marriage Certificate Due to Bigamy. –

I. Pursuant to RSA 458:1, a marriage certificate shall be voided if an individual accused of bigamy fails to respond to a certified letter or a founded claim of bigamy has been referred to the county attorney by the state registrar as provided in RSA 5-C:55.

II. If the marriage certificate has already been filed with the division, the state registrar shall mark the record ""VOID" on the face of the marriage certificate. If the charge of bigamy has been substantiated, the appropriate form as described in RSA 5-C:85 shall be returned by the state registrar to the clerk of the town or city. If a copy of the marriage certificate is also on file at the clerk's office, the clerk shall make a notation to the face of the local record indicating the marriage certificate has been declared ""VOID" by the state registrar and the date.

III. A copy of the document that voided the previous marriage certificate shall be presented to the clerk of the town or city in the event that either of the parties wishes to marry in the future and he or she completes a new marriage license in the state of New Hampshire. The new marriage license shall not make reference to the voided marriage certificate.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:57

5-C:57 Application for and Preparation of a Certified Copy of a Marriage Certificate. –

I. The following information shall be provided on an application for certified copy of marriage record, before a certified copy is issued:

- (a) The groom's full name and the bride's full maiden name.
- (b) The date of marriage.
- (c) The place of marriage.
- (d) The purpose for which the certificate is requested.
- (e) The applicant's signature.
- (f) The applicant's relationship to the bride and groom.
- (g) The applicant's name, address, and telephone number.

II. The applicant shall demonstrate a direct and tangible interest in the record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Divorce, Legal Separation, Civil Annulment Forms and Procedures

Section 5-C:58

5-C:58 Divorce, Legal Separation, and Civil Annulment Forms. –

I. The petitioner or his or her legal representative shall provide the following information, in writing, for both the husband and the wife in order to complete a petition of divorce, legal separation, or civil annulment:

- (a) Their full names and usual residences by city, town or location, county, and state.
- (b) Their birthplaces by state or foreign country.
- (c) Their dates of birth.
- (d) Whether the most recent marriage is the first, second, and so forth for each.
- (e) If previously married, the number of marriages ended by death or divorces, and prior civil annulments, if any.
- (f) Their social security numbers.
- (g) Their educational level specifying only the highest grade completed.

II. The petitioner, or his or her legal representative, shall provide the following information, in writing, about the marriage:

- (a) The place of the marriage in question by city or town, county, and state or foreign country.
- (b) The date of the marriage in question by month, day, and year.
- (c) The date the couple last resided in the same household.
- (d) The number of children ever born alive to or adopted by the couple.

III. The petitioner or his or her legal representative shall provide the following information, in writing, about the filing:

- (a) The number of children under 18 years of age in the household, as of the date couple last resided in same household.
- (b) The petitioner, identified as husband, wife, both, or other, including but not limited to legal guardian.
- (c) The name of the attorney for the petitioner, or the petitioner's name if the petition is a pro se filing.
- (d) The legal representative's business address or pro se petitioner's address by building number, street, city or town, state and zip code.
- (e) The date the report was completed by the legal representative or pro se petitioner.

IV. The petitioner, or his or her legal representative, shall provide the following information in writing, about the action in superior court:

- (a) The docket number.
- (b) The cause for filing, stating irreconcilable differences or specifying other cause.
- (c) The decree, entered as an uncontested hearing, a contested hearing, or a defaulted hearing.
- (d) The type of decree, specifying divorce, legal separation, or civil annulment.
- (e) The date the decree becomes final.
- (f) The first and last name of the hearing official and an indication of whether the hearing official is a judge or master.
- (g) The name to be used by the wife after divorce.
- (h) Whether legal custody of the children was awarded jointly to the mother and father, to the mother, to the father, to other as specified, or not applicable.
- (i) The number of children under 18 whose physical custody was awarded to the mother, to the father, split between the mother and the father, to other as specified, or not applicable.
- (j) Whether the physical custody award was uncontested, contested, defaulted, or not applicable.
- (k) The signature of the clerk of the superior court; the county of the court's location; and the date signed.

V. The division shall promulgate a divorce, legal separation, and civil annulment form to record the information specified in paragraphs I-IV.

VI. The clerk of court shall forward the original certificates of divorce, legal separation, or civil annulment granted during the preceding calendar month to the division on or before the 12th day of each calendar month in accordance with RSA 458:15.

VII. Only an original form obtained from a court shall be accepted by the division.

VIII. In the event that a clerk of a town or city issuing a marriage certificate is presented with a court decree showing that a marriage performed in the state of New Hampshire has been annulled, a copy of the civil annulment attached to the form to amend a vital record shall be forwarded by the clerk to the division. The state registrar shall mark the state copy of the affected marriage certificate as ""VOID."

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:59

5-C:59 Divorce, Legal Separation, or Civil Annulment Registration Procedures. –

I. Only one record of divorce, legal separation, or civil annulment shall be prepared by the clerk of the court and forwarded to the division for each marriage dissolved by the superior court.

II. Queries to the division concerning any entry on the report of divorce, legal separation, or civil annulment shall be forwarded by the division to the clerk of court or legal representative.

III. Upon receipt from the clerk of superior court of a decree of the resumption of marital relations in accordance with RSA 458:30, the division shall mark the report of divorce, legal separation, or civil annulment with notice of such resumption.

IV. In the case of a court-ordered civil annulment of marriage that occurred in the state of New Hampshire, the following procedures shall apply:

(a) Upon receipt of a report of civil annulment from the clerk of court, the word ""VOID" shall be stamped across the face of the marriage certificate by the division to indicate that the marriage has been annulled.

(b) A notation shall be made by the state registrar on the face of the marriage certificate to show that a court-ordered civil annulment was the authority used to void the marriage record and to indicate the name of the authorizing court and the date of the authorization.

V. If a copy of the marriage certificate for which the marriage was annulled is also on file at the office of clerk of the town or city, the division shall send notice of such civil annulment to that clerk. Upon receipt of the notice, the clerk shall stamp, or print with a pen, the word ""VOID" across the face of the marriage certificate; note that a court ordered civil annulment was the authority used to void the marriage record; and indicate the name of the authorizing court and the date of such authorization.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:60

5-C:60 Application for and Preparation of a Certified Copy of a Divorce, Legal Separation, or Civil Annulment. –

I. An applicant for a copy of a divorce, legal separation, or civil annulment certificate shall provide the following information, in writing, to the division:

- (a) The husband's first and last name.
- (b) The wife's first and maiden name.
- (c) The date of decree.
- (d) The place of decree by county.
- (e) The purpose for which the certificate is requested, in order to establish direct and tangible interest in the record.
- (f) The signature of the applicant.
- (g) The applicant's relationship to the husband or wife.
- (h) The applicant's name, address, and telephone number.

II. If the applicant is determined by the state registrar to have a direct and tangible interest in the record, a certified copy of a divorce, legal separation, or civil annulment record shall be issued by the division, for any year of occurrence.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:61

5-C:61 Divorce, Legal Separation, or Civil Annulment Record Copies and Fees. –

I. Written application for a copy of a divorce, legal separation, or civil annulment record, shall be made to the division or to the New Hampshire court granting such divorce, legal separation, or civil annulment.

II. The state registrar, upon receipt of a written application, shall issue a certified copy of a divorce, legal separation, or civil annulment record in his or her custody, or a part thereof to any applicant having a direct and tangible interest in the record.

III. Clerks of towns and cities shall not issue certified copies of divorce, legal separation, or civil annulment.

IV. Copies issued from records marked with a notice of resumptive marital relations shall be similarly marked and show the effective date.

V. If needed, an apostille record shall be prepared in the same manner as described in RSA 5-C:99, except that the procedures may be done by the clerk of the court.

VI. A search fee shall be charged for making a record search in accordance with RSA 5-C:10. The search fee shall be payable regardless of whether the record is found. The search fee shall include one certified copy of the record if a copy is desired. The search fee shall apply to certified copies issued by the division, which may differ from fees established by the superior court.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Death Registration Forms and Procedures

Section 5-C:62

5-C:62 Death Registration Forms. –

I. For every death that occurs in the state of New Hampshire, a death record shall be filed electronically by a funeral director, certifying physician or APRN, next of kin, designated agent, or clerk of the town or city with the division within 36 hours of death and prior to final disposition or entombment.

II. The funeral director, next of kin, or designated agent pursuant to RSA 290:1 shall provide the following information for the death record:

(a) The decedent's full name, sex, date of death, and social security number.

(b) The decedent's age on his or her last birthday in years or, if under one year old, the person's age in months or days lived and, if under one day old, the number of hours or minutes lived. The date of the person's birth by month, day and year.

(c) The person's place of birth, by city or town and state or foreign country.

(d) Whether the decedent was ever in the United States Armed Forces, indicated as yes or no.

(e) If the place of death is a hospital, the record shall indicate: whether the person was an in-patient or whether the person was an outpatient or emergency room patient, in which case the person shall have arrived alive at the hospital's emergency room and died while in the emergency room as an outpatient. The record shall also indicate whether the person was transported while alive to the hospital but determined by a physician or APRN to be dead at the time the hospital received the body. The city or town where the hospital is located shall be shown as the city or town of death occurrence.

(f) If the place of death is a facility other than a hospital, the record shall indicate: whether the facility is a nursing home, residential, or other facility, the exact location of the facility, and the name of the facility.

(g) If the place of death is not a facility, the record shall indicate: the street name and number; the city, town, or location and the county.

(h) In the case of deaths as described in RSA 611-B:11, when the deceased had died at the scene but was transported on the instructions of the medical examiner to another place for viewing and pronouncement of death, the city or town of death shall be shown as that place where the death actually occurred. If the place of death is unknown but the body is found in the state of New Hampshire, the city or town where the body is found shall be shown as the place of death. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the state of New Hampshire, the death shall be registered in New Hampshire, and the city or town where the body is first removed shall be considered the place of death.

(i) When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the state of New Hampshire, the death shall be registered in the state of New Hampshire, and the certificate shall show the actual place of death insofar as can be determined.

(j) The decedent's marital status.

(k) The name of the decedent's spouse and wife's maiden name, if applicable.

(l) Vocational information, including the decedent's usual occupation, which shall mean the kind of work done during most of the decedent's working life. The type of business or industry, if applicable, such as manufacturing, wholesale or retail and the name of the employer.

(m) Decedent's residence, as identified by the informant, which shall be identified by state; county; city, town or other location; street number; and zip code.

(n) The facility if the decedent has been living in a facility where an individual usually resides for a long period of time, such as a group home, a mental institution, a nursing home, a penitentiary, a hospital for the chronically ill, or another location otherwise identified by the informant.

(o) The decedent's ancestry and race, educational level, and the father's full name and the mother's full maiden name.

(p) The informant's full name and mailing address by street, city or town, state and zip code.

(q) How the body is to be disposed of, to be specified as: burial, cremation, temporary entombment, mausoleum, donation, or other.

(r) Information regarding the place of burial or place cremated, including the name of the cemetery or crematory, the location of cemetery or crematory by city or town and state and the date of disposition; the location of final burial; and information regarding the funeral director, next of kin or designated agent, and the individual issuing the burial permit.

III. The pronouncing physician or pronouncing registered nurse, pursuant to RSA 290:1 and RSA 290:1-b, shall register the following information:

(a) The name of the deceased person.

(b) The date and time of death. If the exact date of death is unknown, it shall be approximated by the person completing the medical certification and noted as approximated or estimated on the death record. If the exact time of death is unknown, it shall be approximated by the person who pronounces the body dead and noted as approximated or estimated on the death record. If it is not possible to make an estimation of the time of death, the time shall be indicated as ""unknown." ""Unknown a.m." or ""unknown p.m." shall not be an acceptable entry.

(c) The official capacity of the registered nurse or physician, which shall be: attending/associate physician or APRN; non-attending physician or APRN; pronouncing registered nurse; medical examiner/deputy medical examiner; temporary/assistant medical examiner; or assistant deputy medical examiner, non-physician.

(d) The date pronounced.

(e) Certification that the above information provided is true, which shall include but not be limited to the pronouncing person's signature; the name and title of the individual who pronounced death; the New Hampshire license number of the physician or APRN, if applicable; whether the death was referred to the medical examiner; and the name and address of the physician or APRN responsible for determining the cause of death. The individuals listed above shall provide or verify for the death record whether or not the death was referred to the medical examiner.

IV. The individuals listed in paragraph III, except the pronouncing registered nurse, shall provide the following information:

(a) The immediate cause of death and the interval between onset and death; other factors or conditions of which death was a consequence, when applicable, and the interval between onset and death; other significant conditions contributing to death but not related to the immediate cause of death.

(b) Whether or not an autopsy was performed and whether or not autopsy findings

were available prior to the determination of the cause of death.

(c) The manner of death, indicated as natural, accidental, suicidal, homicidal, pending investigation, or undetermined.

(d) If the death involved an injury, the month, day, year, and time of injury shall be provided. If the exact date of injury is unknown, it shall be approximated by the person completing the medical certification, noted as approximated or estimated on the death record, and, if it is not possible for the physician or APRN to make an estimation, the date of injury shall be indicated as ""unknown". If the exact time of injury is unknown, it shall be approximated by the person completing the medical certification and noted as approximated or estimated on the death record. If it is not possible for the physician or APRN to make an estimation, the time shall be indicated as ""unknown." ""Unknown a.m." or ""unknown p.m." shall not be an acceptable entry. The record shall also indicate whether the injury occurred while at work, a description of how the injury occurred, and the physical location or place of injury.

(e) The name, address, title, and license number of the certifier and the date certified.

V. The certifying physician or APRN shall indicate whether he or she is or is not the same individual who pronounced the death. The certifying physician or APRN shall indicate whether he or she is the medical examiner. He or she shall sign the form, attesting to the veracity of the information as follows:

(a) A certifying physician or APRN shall attest to the veracity of the stated time, date, and place that the death occurred.

(b) A medical examiner shall attest to the veracity of the stated time, date, place, cause, and manner of the death.

VI. The attending or certifying physician or APRN shall provide the following information for a supplemental death certificate: the deceased's name; the date of death; the time of death; the place of death; the name of the pronouncer; the New Hampshire license number of the pronouncer; the official capacity of the pronouncer; the date pronounced dead; the signature of the pronouncer; the date signed; whether this death was referred to the medical examiner; the cause of death; the performance of autopsy, indicated as yes or no; the availability of autopsy findings prior to determination of cause of death, indicated as yes or no; the manner of death; the time, date, and place of injury; whether or not the injury occurred at work; the description of how the injury occurred; the location specified as street and number or rural route number, city or town, and state; the name of the certifier; the signature and title of the certifier; the New Hampshire license number of the certifier; the date signed; and the name and address of the person who determined the cause of death.

VII. The original paper death certificate shall be the official certificate and shall be filed with the division within 10 days from the date of death.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:3 to 6, eff. June 25, 2007; 324:2, eff. Sept. 14, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:63

5-C:63 Initiation of the Death Record. –

I. When a death occurs in a hospital or health care facility and the death is not reported

to the medical examiner pursuant to RSA 611-B:12, the person in charge of such facility, or his or her designated representative, shall provide the funeral director, next of kin, or designated agent with: a partially completed death record and the name and address the physician or APRN who will be responsible for supplying the cause of death information before the body is removed.

II. The funeral director, next of kin, or designated agent shall, pursuant to RSA 290:12, leave with the hospital or health care facility, or with the person from whom the body is received, a receipt showing the name of the decedent, the name and license number of the funeral director, if applicable, the name and address of the person to whom the body is released, and the date and hour of removal from the facility.

III. No hospital or other health care facility shall give a partially completed death record which includes medical certification or which is awaiting medical certification to anyone other than a funeral director, next of kin, or designated agent.

IV. When a death occurs some place other than an institution, the funeral director, next of kin, or designated agent, who first assumes custody of the dead body, shall initiate the death record if the attending physician or APRN has not done so.

V. The funeral director, next of kin, or designated agent shall obtain the information on the deceased for completion of the death record from the next of kin or the best qualified person or source available and shall obtain the medical certification from the attending physician or APRN or medical examiner if not already provided.

VI. If additional information becomes known regarding the death, an additional death record marked ""supplemental" shall be sent to the division and shall include information listed in RSA 5-C:62, VI.

VII. Upon receipt and inspection of a paper death certificate the state registrar shall return an incomplete certificate to the appropriate persons for completion or verify that the certificate is complete by signing and dating the certificate.

VIII. The reverse side of the death certificate shall contain a notice to the physician or APRN regarding the release of a body in accordance with RSA 290:2-a, the necessity of a pronouncement in accordance with RSA 290:1-b and indication of who can provide alternate signatures in the absence of the attending physician or APRN, in accordance with RSA 290:1-b. The reverse side of the certificate shall also contain a reference to those categories of death that fall under the jurisdiction of the medical examiner as specified in RSA 611-B:11.

IX. If the date of death is unknown, it shall be determined by approximation.

X. When completing information regarding the decedent's marital status and spouse, the funeral director shall only record the name of a surviving or deceased spouse of the decedent.

XI. In the case of an infant death when the child is less than one year of age and the mother is not married, the name of the father shall not be provided unless the father's name appears on the birth record or an affidavit of paternity has been executed relating to both the birth and death certificate of the child. The name of the child on the death record shall be the same as the name of the child as shown on the child's birth record.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 141:11, eff. July 21, 2006. 2007, 215:7, eff. June 25, 2007; 324:3, 4, eff. Sept. 14, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:64

5-C:64 Medical Certification of the Death Record. –

I. Medical certification shall consist of the pronouncement of death and the medical certification of the cause of death.

II. The medical certification on the death record shall be completed by the attending physician or APRN or certifying physician or APRN and made available to the funeral director, next of kin, or designated agent as soon as possible but no later than 36 hours after the time of death.

III. Medical certification of the death record shall be the direct responsibility of the attending physician or APRN unless the death is referred to the medical examiner pursuant to RSA 611-B:12.

IV. For cases where a death is not within the jurisdiction of the medical examiner, the attending physician's or APRN's responsibility to complete the death certificate shall be as follows:

(a) For deaths occurring in a hospital, the attending physician or APRN shall be that physician or APRN who had been responsible for the treatment of the patient while the deceased had been hospitalized.

(b) For deaths occurring in a nursing home or in a similar non-acute care hospital or institution, the attending physician or APRN shall be the physician or APRN who regularly attends to the medical needs of the nursing home residents or the resident's personal physician or APRN if the resident was under the care of such physician or APRN.

(c) For deaths occurring at home, the attending physician or APRN shall be the deceased's own physician or APRN.

V. In all instances, medical certification shall include the cause of death information and contain the pronouncement of death.

VI. In the absence of the deceased's attending physician or APRN, or with the attending physician's or APRN's approval, the medical certification of a death due to natural causes shall be completed by one of the following individuals: the attending physician's or APRN's associate physician or APRN in medical practice, the chairperson of the applicable clinical department, the chief medical officer of the hospital, the physician or APRN or designee who performed an autopsy upon the decedent, or the physician or APRN on duty if the death occurred in the hospital emergency room. The person determining the cause of death shall attest to its accuracy. The person determining the cause of death shall have viewed the deceased within 24 hours after death.

VII. In the absence of the attending physician or APRN, a physician or a registered nurse in accordance with RSA 290:1-b, shall pronounce that death has occurred without any reference to the cause of the death by indicating his or her official status as the pronouncing physician or as pronouncing registered nurse; attesting to the accuracy of the time, date, and place of death either by signature or by an electronic process as outlined in RSA 290:1; and providing the name and address of the physician or APRN who will complete the medical certification.

VIII. When the death has not occurred in a hospital and circumstances require the death certificate to be certified by a medical examiner as provided by RSA 611-B, the following procedure shall be followed:

(a) When the cause of death cannot be determined within 36 hours, the medical examiner shall indicate the word ""pending" in the cause of death section.

(b) When the manner of death cannot be determined within 36 hours, the medical examiner shall be authorized to show ""pending investigation" in the manner of death section of the medical certification.

(c) If the procedure in subparagraphs (a) or (b) is followed, then the medical examiner shall provide to the division updated information on the cause of death and manner of death, as applicable, within 90 days of the date of death, or as soon as practicable in cases of missing persons, accidental deaths, or homicides.

IX. In cases where an autopsy is to be performed, the cause of death shall not be deferred pending a full report of microscopic and toxicological studies. Supplemental death certificate information shall be submitted by the medical examiner to the division as additional information becomes available and when autopsy results or other investigation indicates a need to correct the original cause of death information.

X. Pursuant to RSA 290:1, the funeral director, next of kin, or designated agent shall ensure the medical certification has been completed prior to filing the death record with the state registrar.

XI. In cases where the result of an autopsy, police investigation, laboratory report, or a similar source is needed before a final determination of the cause of death can be made, the attending physician or APRN or the medical examiner shall utilize the term ""pending" for the applicable items on the death record. The physician or APRN shall file a statement of findings with the division within 90 days of the date of death, or as soon as practicable. The findings shall be in writing and submitted to the division on a supplemental death certificate information form supplied by the division or on the physician's or APRN's letterhead and include information necessary for the completion of a supplemental death certificate.

XII. The division shall follow up with the certifying physician or APRN or the medical examiner on any death record where cause of death was shown as ""pending". The division shall attempt to obtain the missing information by initiating a written query to the certifying physician or APRN or the medical examiner 90 days from the date of death to determine current status of the investigation and shall initiate monthly contact thereafter until the final determination of death has been made.

XIII. When an autopsy finding differs from the original cause of death reported on the death record, the attending physician or APRN who was responsible for the original death record shall send the division a supplemental death certificate information form to reflect the revised cause of death. The supplemental report shall be made part of the existing death record, and the division shall amend the death record with the cause of death as reported on the autopsy.

XIV. If there is any question on the part of the physician or APRN as to whether he or she qualifies as the attending physician or APRN under RSA 290:1, a determination shall be made by the medical examiner.

XV. If it is not possible to determine who is the attending physician or APRN for purposes of preparing the death certificate, the matter shall be brought to the attention of the state registrar who shall make a request to the state medical examiner, or designee, to determine who the attending physician or APRN is upon review of the facts submitted.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:8, eff. June 25, 2007; 324:5, 6, eff. Sept. 14, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:65

5-C:65 Presumptive Death. – When a death is presumed to have occurred within the state of New Hampshire but the body cannot be located, a death record shall be prepared by the state registrar upon receipt of a certified copy of an order of a court of competent jurisdiction, indicating the finding of facts. Such death record shall be noted "presumptive," shall include the date of registration, and shall indicate the court and the date of decree.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:66

5-C:66 Responsibility of Funeral Director, Next of Kin, or Designated Agent Relative to Completion and Filing of the Death Record. –

I. When a funeral director, next of kin, or designated agent is requested to take custody of a body, he or she shall first ascertain whether a pronouncing physician, pronouncing registered nurse, APRN, or a medical examiner has established the cause of death and released the body for final disposition.

II. If a physician or APRN was present at or immediately after the death, the funeral director, next of kin, or designated agent shall obtain medical certification for the death record in accordance with RSA 5-C:64.

III. The personal history of the deceased and the facts of the death shall be obtained by the funeral director, next of kin, or designated agent from a member of the immediate family of the deceased, or another person possessing the necessary information; medical records from the hospital or institution; or the medical examiner having jurisdiction over the investigation or final determination of the cause of death.

IV. The funeral director, next of kin, or designated agent shall identify the deceased by more than one name, if it is known that the deceased used more than one name during his or her lifetime, by entering the name by which the deceased was most commonly known first on the death record and also indicating any additional name or names, other than maiden name, with the abbreviation "A.K.A."

V. In the case where an additional name becomes known after a death record has been registered with the division, the added name with the notation "A.K.A." shall be filed with the division on the appropriate form to amend a vital record.

VI. The funeral director, next of kin, or designated agent shall file all death record information, including the medical certification, within 36 hours of receiving the body and prior to final disposal of the body.

VII. The state registrar shall inform the state board of registration of funeral directors and embalmers in writing of any violation of RSA 290:11 or RSA 290:12.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:9, eff. June 25, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:67

5-C:67 Burial Permit. –

I. A clerk of a town or city or a funeral director shall provide the following information for a burial permit:

- (a) The full name of the deceased.
- (b) The date of death.
- (c) The city or town, county, and state of death.
- (d) The sex, date of birth, and age of the deceased.
- (e) The method, date and place of initial and final disposition, such as, a cemetery or crematory.

- (f) The name of the funeral home.
- (g) The city or town of the funeral home.
- (h) The date that the burial permit is issued.
- (i) The lot number, section, and grave number.

(j) If stored, the name of the storage vault; the date of storage; the location of the vault, by city or town and state; the signature of the cemetery sexton or person in charge of the storage vault or, if none, the funeral director; and, the date that the body or cremains are released from the storage vault.

(k) The signature of the cemetery sexton or person in charge of the cemetery or crematory or, if none, the funeral director.

(l) The signature of the city or town board of health official, the city or town local health officer, or the funeral director.

II. Upon receipt of the completed death record, the division shall issue a burial permit or emergency burial permit in accordance with RSA 290:3, RSA 290:3-a, RSA 290:3-b, RSA 5-C:68 and RSA 5-C:69.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:68

5-C:68 Burial Permit Procedures. – When a body is to be stored, the burial permit shall be completed by the cemetery sexton where the body is entombed and sent to the clerk of the town or city where the storage vault is located. When the body is to be moved from entombment for final disposition, the funeral director, next of kin, or designated agent shall obtain the permit from the clerk of the town or city to use as the permit for final disposition. When the body is to be cremated, at least 48 hours shall elapse before cremation can take place in accordance with RSA 325-A and a separate cremation certificate shall be obtained from the medical examiner and submitted to the crematory with the burial permit pursuant to RSA 325-A. No separate permit shall be required when transporting a body by common carrier or remains to his or her final disposition.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 288:3, eff. July 1, 2006.

Section 5-C:69

5-C:69 Filing of the Burial Permit and the Emergency Burial Permit With the Cemetery or Crematory Authority and the Clerk of the Town or City. – The division shall issue emergency burial permits only when the death record is incomplete. The number of emergency burial permits shall be 2 per funeral home at one time, except that, if a New Hampshire funeral home has requested an emergency burial permit on behalf of an out-of-state funeral home, the New Hampshire funeral home shall be allowed to have an additional burial permit. Burial permits and emergency burial permits shall be completed and signed by the cemetery sexton or person in charge of the cemetery, crematory, or other place of disposition of a body or, if none, by the funeral director, next of kin, or designated agent following such disposition. The permit shall be filed with the clerk of the town or city within 6 days after the burial pursuant to RSA 290:6. The cemetery sexton, crematory authority, funeral director, next of kin, or designated agent shall provide the information required for a burial permit or for a permit for disinterment. Burial permits and emergency burial permits shall be retained on file by the clerk of the town or city of the town or city of burial in accordance with the retention schedule established in this chapter.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:70

5-C:70 Emergency Burial Permits; Extensions on Time Periods for Filing a Completed Death Record. –

I. In those cases in which personal data concerning the deceased is not available or it is not possible to obtain the cause of death information within the 36 hours stipulated for obtaining the burial permit, the funeral director, next of kin, or designated agent shall request that an emergency burial permit be issued. The request shall be submitted to the division and accompanied by the incomplete death record. The request shall include, at a minimum, the following information:

- (a) The full name of the deceased.
- (b) The date and place of death.
- (c) The place the body will be stored, if applicable.
- (d) The method and place of final disposition.
- (e) An explanation of the emergency condition.
- (f) The name of the funeral director, next of kin, or designated agent.
- (g) The license number of the funeral director, if applicable.
- (h) The current date.

II. The funeral director, next of kin, or designated agent shall supply the missing data to the division within 6 calendar days of the date of death. If the funeral director, next of kin, or designated agent is unable to supply the missing information within 6 calendar days, he or she shall request a further extension. The request for a further extension shall be in writing and contain an explanation as to why a further extension is necessary. An additional 6 calendar day extension may be granted by the state registrar.

III. The use of the emergency process for obtaining a burial permit shall be restricted to New Hampshire licensed funeral directors, the next of kin, or the designated agent of the deceased. If a New Hampshire licensed funeral director is acting to assist an out-of-state

funeral director in obtaining a burial permit that will involve removal of the body from the state of New Hampshire, the New Hampshire funeral director shall process a burial permit as outlined in RSA 5-C:67 through RSA 5-C:73.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:71

5-C:71 Cremation. –

I. When the body of a deceased person is to be disposed of by cremation, the crematory operator, the funeral director, next of kin, or designated agent in charge of the final disposition arrangements shall present a copy of the death certificate and the burial permit or emergency burial permit with the body to a medical examiner in order to obtain the medical examiner's certificate.

II. A crematory authority shall not cremate the body until the cremation authority has received the medical examiner's certificate for cremation and the burial permit or emergency burial permit.

III. After cremation, the crematory shall forward one copy of the medical examiner's certificate for cremation, along with the burial permit or emergency burial permit, to the clerk of the city or town of cremation. The crematory shall also forward one copy of the medical examiner's certificate to the office of the chief medical examiner, as required by RSA 325-A:18, II, and keep one copy on file.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2006, 288:4, eff. July 1, 2006. 2007, 324:7, eff. Sept. 14, 2007.

Section 5-C:72

5-C:72 Disinterment and Reinterment Forms. –

I. A permit for disinterment, transit, and reinterment shall be obtained from the division prior to disinterment of a dead body, except as exempted by RSA 290:5. An application for disinterment and reinterment shall not be processed by the division unless it includes the following:

- (a) The applicant's relationship to the deceased.
- (b) The name of the deceased.
- (c) The date, place, and cause of death.
- (d) The name and location of the cemetery where the body is presently buried.
- (e) The name and location of the cemetery for reinterment.
- (f) The name and address of the funeral director.
- (g) The applicant's signature and address.
- (h) Identification of the applicant as either the next of kin or a person authorized by the next of kin to the deceased.

II. The application shall become the permit for disinterment and reinterment upon completion of the following:

- (a) Submission of the application form to the state registrar by the funeral director.
- (b) Signature of the state registrar.

(c) Countersignature of the application and entry of the date signed and the city, town or state of the signing official by the chairman or secretary by the local board of health where the body is presently buried, by the local health officer when there is no local board of health for that city or town, or by another local official in the event that the local health officer is a part time officer and cannot be reached.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:73

5-C:73 Disinterment and Reinterment Procedures. –

I. The division shall retain a copy of the disinterment and reinterment permit and return the original to the applicant.

II. When the body is reinterred, the disinterment and reinterment permit shall be signed by the cemetery sexton or person in charge of the cemetery, or by the funeral director where there is no cemetery sexton, and forwarded within 6 days to the clerk of the city or town in which the reinterment takes place.

III. The clerk of the city or town of reinterment shall retain the copy of the disinterment and reinterment permit.

IV. A dead body deposited in a receiving vault awaiting spring burial shall not be considered a disinterment when removed from the vault for final disposition.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:74

5-C:74 Reporting Fetal Deaths. –

I. A copy of the fetal death report prepared pursuant to RSA 290:1-a and RSA 5-C:75, shall be forwarded to the division by either the person in charge of the hospital or institution where the fetal death occurred, or the physician or APRN in attendance at or after delivery when a fetal death occurs outside a hospital or institution.

II. In the case of an unwed mother, unless a report of fetal death paternity affidavit has been executed, the notation ""not stated" shall be entered for information concerning the father.

III. When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in New Hampshire, or when a dead fetus is found in New Hampshire and the place of fetal death is unknown, the fetal death shall be reported to the division. The place where the fetus was first removed from the conveyance or the dead fetus was found shall be considered the place of fetal death.

IV. Upon request, the division shall issue a non-certified copy of the fetal death report to the parents.

V. Upon request of a parent, the division shall complete and issue to the parent or parents a certificate of stillbirth for a fetal death, as defined in RSA 5-C:1, XII, on the form established pursuant to RSA 5-C:75-a.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:10, eff. June 25, 2007. 2008, 239:2, eff. Aug. 23, 2008. 2009, 54:4, eff. July 21, 2009.

Section 5-C:75

5-C:75 Death Report Forms. – A completed fetal death report shall consist of the following:

- I. The name of the fetus, if named.
- II. If not named, the first and middle names shall be listed as given names or as ""baby girl" or ""baby boy."
- III. The name of the hospital or the street and number of the location of delivery.
- IV. The city, town, or location, and county of delivery.
- V. The date of delivery.
- VI. The sex of the fetus.
- VII. Information regarding the mother including her: full name, maiden surname, date of birth, residence, race, ancestry, education, occupation, and social security number.
- VIII. If available, the same information regarding the father as that provided in paragraph VII regarding the mother.
- IX. Statistical information regarding the pregnancy including:
 - (a) The number of live births of children now living and now dead.
 - (b) The date of the last live birth by month and year.
 - (c) The number of other terminations, spontaneous or induced, at any time after conception.
 - (d) The date of the last other termination by month and year.
 - (e) Whether the mother was married at the time of delivery, conception, or any time between.
 - (f) The date that the last normal menses began by month, day, and year.
 - (g) The month of pregnancy in which prenatal care began, such as first, second, or third.
 - (h) The total number of prenatal visits.
 - (i) The weight of the fetus.
 - (j) The clinical estimate of gestation, in weeks.
 - (k) Whether the fetus was single, twin, triplet or more.
 - (l) The birth order, if not a single birth.
- X. Medical information regarding the pregnancy including:
 - (a) The medical risk factors for the pregnancy.
 - (b) Any other risk factors, such as, but not limited to, tobacco or alcohol use.
 - (c) The obstetrical procedures employed.
 - (d) Any complications of labor or delivery.
 - (e) The method of delivery.
 - (f) Any congenital anomalies.
- XI. Information regarding the fetal death, including:
 - (a) The fetal or maternal condition directly causing death.
 - (b) Any condition of which death was a consequence or to which it was due, either fetal or maternal.
 - (c) The conditions giving rise to the immediate cause of death.

(d) Any other significant conditions of fetus or mother contributing to fetal death but not related to immediate cause.

(e) Whether the fetus died before labor or during labor or delivery.

(f) Whether an autopsy was performed.

(g) Whether autopsy findings were considered in determining the cause of death.

(h) The delivery attendant's name and title.

(i) The name and title of the individual completing the report.

XII. Any other applicable information regarding the fetus including: the manner of final disposition or, if disposition is outside of the hospital, the name of the cemetery or crematory and location by city or town and state.

XIII. The name and address of the funeral home, next of kin, or designated agent and the signature of the funeral director, next of kin, or designated agent, the license number of the funeral director, if applicable, and the date signed.

XIV. The signature of the hospital administrator, or designee, and the date signed.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:75-a

5-C:75-a Certificate of Stillbirth. – The director shall establish a certificate of stillbirth for a fetal death, as defined in RSA 5-C:1, XII, occurring in this state on the following form:

New Hampshire Certificate of Stillbirth

Name of Parents: _____

Date of Stillbirth: _____

Place of Stillbirth: _____

Name parents choose: _____

(optional)

Issued by New Hampshire division of vital records administration

Director of vital records Date

Source. 2008, 239:1, eff. Aug. 23, 2008.

Section 5-C:76

5-C:76 Fetal Death Paternity Affidavit. – The information and signature requirements for a fetal death paternity affidavit shall be as follows: the father's full name; the father's city or town, county, and state of residence; the father's date of birth; the father's social security number; the date and place of delivery of the fetus; the mother's full maiden name; the mother's social security number; the mother's resident address; the name of the fetus if it appears on the report of fetal death; the father's signature and the date signed; the mother's signature and the date signed; the mother's husband's signature in the case where the child's father is not the mother's husband; the

signature of a parent or guardian if the natural father, the mother, or the mother's husband is not of legal age, and the date signed; and the signature and seal of a notary public or justice of the peace and the date signed.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:77

5-C:77 Procedures for Completion of the Fetal Death Paternity Affidavit. – The name and information concerning the father shall be included in the report of fetal death for a child delivered out of wedlock in the state of New Hampshire upon receipt of a sworn affidavit of paternity signed by both parents as described in RSA 5-C:76. The hospital or institution's designated staff shall prepare the fetal death paternity affidavit and attach it to the report of fetal death that is forwarded to the division. Upon receipt of the fetal death paternity affidavit, the information concerning the father shall be added by the division to the report of fetal death. The fetal death paternity affidavit form shall be retained by the division with the report of fetal death in accordance with the record retention schedule listed in RSA 5-C:96.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:78

5-C:78 Burial Permit for Disposition of Fetal Remains. – The burial permit for the disposition of fetal remains shall consist of the following information provided by the persons indicated. The hospital administrator or designee shall provide: the name, address, and license number, if any, of the funeral director, next of kin, or designated agent; the name of fetus; the date that the permit is completed; the signature of the hospital administrator or designee; and the name of the hospital. The cemetery or crematory authority shall provide: the manner of disposition; the date of disposition; the name of the cemetery or crematory; the name of the place where the cemetery or crematory is located; the section, lot number, and grave number; and, the signature of the funeral director, next of kin, or designated agent, the license number of the funeral director, if applicable, and the date signed.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:79

5-C:79 Procedures for the Disposition of Fetal Death Remains. – Prior to disposition, the funeral director, next of kin, or designated agent, hospital administrator or his or her designated representative, or whomever assumes responsibility for the disposition shall request a written authorization from the parent regarding the manner of disposition such as burial, cremation, temporary entombment, donation, mausoleum, or other. When disposition takes place outside the hospital or institution, a burial permit shall be completed as described in RSA 5-C:78. In the case where fetal death remains are

to be cremated other than in a hospital, authorization shall first be obtained from the medical examiner pursuant to RSA 611-B:11. The burial permit shall be submitted to the clerk of the town or city within 6 calendar days of the disposition.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 324:8, eff. Sept. 14, 2007.

Section 5-C:80

5-C:80 Delayed Registration of Death. –

I. When a death has occurred in New Hampshire and has not been registered with the division within 6 months of the date of death or within 6 months of the presumed date of death, a delayed certificate of death shall be filed, subject to such evidentiary requirements as specified in paragraph IV, to substantiate the alleged facts of death.

II. A certificate of death registered 6 months or more after the date of death or the presumed date of death shall be marked ""delayed" by the registrar and include the date of the delayed filing.

III. For those certificates filed 6 months or more after the date of death, the physician, APRN, or medical examiner and the funeral director shall submit an affidavit stating the reason why the death certificate was not filed in a timely manner.

IV. In the absence of the attending physician or APRN or medical examiner and the funeral director, the certificate shall be filed by the next of kin or designated agent of the decedent. The certificate shall be accompanied by a notarized affidavit of the person initiating the filing, swearing to the accuracy of the information and explaining the reasons why the certificate has not been filed previously. Two additional notarized or certified documents that identify the decedent, the decedent's date and place of death, and the circumstances surrounding the decedent's death shall also be attached to the certificate. A summary statement of the evidence submitted in support of the delayed registration shall be prepared by the clerk of the town or city of death occurrence on the certificate, and the certificate shall be marked ""delayed." When all of the evidence has been gathered, the clerk of the town or city of death occurrence shall forward the application for a delayed death certificate and all supporting documentation to the state registrar.

V. When the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence because of inconsistencies with other records, the state registrar shall notify the applicant, in writing, of the deficiencies and that the vital record shall not be amended unless the deficiencies are corrected. The registrar also shall notify the applicant that he or she has 30 days to appeal the registrar's decision regarding the issuance of a delayed death certificate.

VI. All certified copies of delayed death certificates issued by the division or the clerk of a town or city shall be stamped or suitably noted to indicate ""DELAYED."

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:11, eff. June 25, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:81

5-C:81 Queries. –

I. When the division receives the death record, it shall be examined for accuracy and completeness.

II. Queries to obtain missing information or to clarify submitted information shall be made by the division to the attending or certifying physician or APRN concerning the cause of death and related information, and to the funeral director, next of kin, or designated agent concerning all other information.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:12, eff. June 25, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:82

5-C:82 Application for and Preparation of a Certified Copy of a Death Certificate. –

I. Written application for a certified copy of a death record shall be made by mail or in person at the division or at any clerk of a town or city's office.

II. The applicant for a certified copy of death record shall provide: the full name of the deceased; the date and place of death; the purpose for which the record is requested; the applicant's signature; the applicant's relationship to the deceased; and the applicant's name, address, and telephone number.

III. If the registrar determines that the applicant has a direct and tangible interest in the record, the registrar shall issue a complete certified copy of a death record for any year of occurrence on safety paper, bearing the official seal of the state registrar.

IV. The local or state registrar shall issue a certified copy of a vital record if the application is incomplete but the information provided enables the record to be identified and located and there is no question concerning the direct and tangible interest of the applicant.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:83

5-C:83 Issuance of Death Certificate Copies. –

I. The state registrar or any clerk of a town or city shall, upon receipt of a written application, issue a certified copy of a death record or an abstract thereof to any applicant having a direct and tangible interest in the vital record.

II. Each copy issued shall show the date of filing and have the official seal of the state registrar or clerk of a town or city.

III. Certified copies issued from records marked ""amended" or "" presumptive" shall be similarly noted and show the effective date.

IV. Certified copies of death records shall be issued to the public only by the state registrar or clerk of a town or city.

V. When a New Hampshire resident has died out-of-state, the division shall make that information available to the clerk of the New Hampshire city or town of residence of the decedent.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:84

5-C:84 Matching of Birth and Death Certificates. –

I. To protect the integrity of vital records and to prevent the fraudulent use of the records of deceased persons, the state registrar and clerks of towns and cities shall, on a monthly basis, match birth and death records and post the facts of death to the appropriate birth record and mark the record as ""deceased."

II. In the case of birth records marked ""deceased," all certified copies shall also be marked ""deceased."

Source. 2005, 268:1, eff. Jan. 1, 2006.

Forms and Procedures for Amendments and Corrections to Vital Records and Retention of Vital Record Documents

Section 5-C:85

5-C:85 General Forms for Amending or Correcting a Vital Record. – Except for divorce records which are amended by the court, 2 forms shall be used to correct any vital record which contains inaccurate, erroneous, or missing information.

I. The first form shall be used if corrections to a vital record are to be made within 6 months of the filing of the birth, marriage, or death, except that the form shall not be used for the addition of a husband's name to the birth record. The form shall be completed by the clerk of the town or city with the following: an indication of the type of vital record, whether the correction is being done in order to enact a legal change of name, correct a state or town record which contains incorrect information, or make a correction due to spelling or other typographical errors; the items to be corrected; the items as they now appear on the record; the items as they should appear on the record after the correction is made; the date of the vital record event; information sufficient to identify the person requesting the correction; the source for the correction; the date the original vital record was filed with the clerk of the town or city; and the clerk's signature, town or city name, and date the clerk of the town or city signed the form. The form shall be forwarded to the division upon completion in order to have the correction made to the state record.

II. A second form shall be used if corrections to a vital record are to be made more than 6 months after the filing of the birth, marriage, or death. The form shall be completed by the clerk of the town or city with the following: an indication of the type of vital record; the items to be corrected; the items as they now appear on the record; the items as they should appear on the record after the correction is made; the date of the vital record event; the name and address of the person requesting the correction; the birthplace of the person requesting the correction; a list of evidence presented indicating the type of documentation presented by the requestor; and the signature of the clerk of the town or city and date signed by month, day, and year. The form shall be signed by the

person requesting the correction and shall be notarized by a notary public or justice of the peace. The clerk of the town or city shall submit the form to the state registrar along with a copy of the supporting documentation. The state registrar shall review the documentation for completeness and indicate approval or disapproval of the requested changes in accordance with RSA 5-C:40 for birth records, RSA 5-C:54 for marriage records, and RSA 5-C:94 for death records. If the registrar approves the change, the registrar shall correct the record and return the approved form to the clerk of the town or city.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:86

5-C:86 Forms to Amend Birth Records. – The division shall provide forms to amend birth records and shall require such information as the division deems appropriate given the year of birth.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:87

5-C:87 Initiating Amendments and Corrections to Birth Records. –

I. Any change to a birth record shall be initiated with the clerk of the town or city of birth occurrence by a personal visit or letter from the requesting party.

II. Within 6 months from the filing of the birth record, changes or corrections to the birth record may be made without obtaining approval from the state registrar by using the appropriate form in accordance with RSA 5-C:85.

III. After 6 months from the filing of the birth record, no change or alteration to the birth record on file with the division, or on file in any city or town in the state of New Hampshire, shall be made except upon application, in accordance with RSA 5-C:85, to the state registrar by one of the parents, the guardian or legal representative of the child or, if the person whose record is involved is 18 years of age or older, by the person, himself or herself.

IV. Upon receipt of a certified copy of a court order changing the name of a person born in the state of New Hampshire, the clerk of the town or city shall amend the birth record by replacing the original name with the new name, enter a marginal note stating ""legal change of name per court order" with the date of the order, and ""A.K.A." the original name, and shall forward notice of the change to the state registrar.

V. Upon receipt of a certified copy of a court order advising that such individual born in the state of New Hampshire has had a sex change, a new birth record shall be prepared to reflect such change.

VI. For birth records created prior to 1948, if the surname was left blank but the surname was provided for the father or mother of the registrant, the parents surname shall be added as the surname of the registrant by the clerk of the town or city or the state registrar, but a correction form and documentation shall not be required to do so.

VII. If the registrant is deceased, except for infant deaths under one year of age, given

names or surnames shall not be added to a birth record but a copy of such a record shall be issued, if requested.

VIII. Birth records that do not show the given name or the surname of the registrant shall not be issued except in accordance with RSA 5-C:89, or for the purpose of adoption proceedings.

IX. Except as otherwise provided in paragraph X, the state registrar shall approve correction requests if a review of the documentation submitted shows that the information needed to render a decision is complete and the documentation submitted substantiates that the information contained on the current record is incorrect.

X. If the correction of a falsified birth record involves the removal or the substituting of the name of a father to the birth record, a certified copy of a court order shall be required.

XI. The correction process in this section shall not apply to birth records that, pursuant to RSA 5-C:105, are part of the public domain, unless it is shown that the record is to be used for legal purposes or the registrant is still alive.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:88

5-C:88 Town or City Clerk Procedures to Amend Birth Records. –

I. All amendments shall be made to the record by the clerk of the city or town where the birth occurred.

II. The clerk of the town or city shall: replace the original record with the amended birth record; retain the originally assigned file number; retain the original record attached to the amended record; prepare an amended birth record using the form appropriate for the year of birth; and forward the amended birth record to the division.

III. The clerk of the town or city shall use the amended record for all future inquiries to the record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:89

5-C:89 Documentary Evidence Required to Amend Birth Record. –

I. Other than corrections in spelling, clerical errors, or omissions, name changes involving the name of the registrant, or the names of his or her parents as listed on a birth record, shall require a certified copy of a court order that states the name to be changed and how the name is to appear on the birth record.

II. Within 6 months of the filing of the birth registration, a request to change the spelling or to add the name of a child shall be processed by the clerk of the town or city. The form used to make the request shall be signed by the parent as recorded on the birth record, the guardian, or the legal representative of the registrant and shall be an acceptable affidavit for such a name change. The record shall be noted with the first name, middle name, or last name, as applicable, and ""Corrected" and the date. The applicant shall present either a driver's license or other photo identification to the clerk of

the town or city when making the request.

III. Irrespective of the time elapsed since the date of birth, if the surname on the birth record is blank, the registrant may request that the clerk of the city or town add a surname to the birth record, but only if the surname of the father shown on the birth record agrees with the surname that the registrant desires to add to the birth record.

IV. If a surname different than the surname of the father is requested, the amendment request shall require either a certified copy of the court order or the completion of the form described in RSA 5-C:85, II and submission of the documentation by the clerk of the city or town to the state registrar.

V. If a request for a change of the child's surname in connection with a court order of legitimation is made, the new surname shall be the name shown on a certified copy of the court order of legitimation and shall appear as such on the new birth record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:90

5-C:90 Forms for Amending or Correcting a Marriage Record. –

I. Corrections to a marriage record shall be initiated by the officiant or the marriage partners either by a personal visit or a letter to the clerk of the town or city who issued the marriage license.

II. The clerk of the town or city shall make all corrections to the marriage record in accordance with RSA 5-C:85.

III. The original signed request shall be retained on file by the clerk of the town or city in conformance with the retention schedule established by this chapter.

IV. When amending a record, the change shall be noted by the clerk of the town or city on the marriage record with a notation indicating the documentation reviewed, if any, the date the change was made and whether the change was requested within 6 months of filing the original vital record.

V. The correction process as described above shall not apply to records that are part of the public domain, pursuant to RSA 5-C:105, unless it is shown that the record is to be used for legal purposes or the registrant is still alive.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:91

5-C:91 False Information on the Marriage Application Worksheet. –

I. If it becomes known to the clerk of the town or city who has issued a marriage license that false information was given on the worksheet and included on the license, or if the clerk discovers information that is known to be incorrect because of inconsistencies with other records, the clerk shall notify the bride and groom and, if appropriate, the officiant, by certified mail of the inconsistency and request that they respond in writing within 30 days. The clerk shall also request that they attach to the response letter any information which will assist in correcting the worksheet information; send a copy of the letter to the division; and prepare the appropriate form under RSA 5-C:85 to correct the

vital record.

II. Upon receipt of a response letter under paragraph I, the division shall correct the marriage certificate in accordance with RSA 5-C:92.

III. If no response is received, the division shall make a notation on the marriage certificate that there is conflicting information that has not been resolved or, in response to alleged bigamy or falsification of information provided on the marriage worksheet, pursue penalties in accordance with RSA 5-C:14.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:92

5-C:92 Amending or Correcting a Certificate of Marriage. –

I. Within 6 months of the filing of the marriage registration, corrections shall be made on the marriage record using the form indicated under RSA 5-C:85, I.

II. When a person makes application to amend or correct a marriage record, the clerk of the city or town who issued the marriage license shall be paid the application fee required of the applicant by RSA 5-C:10, unless the correction is due to an error by the clerk.

III. Other than minor corrections in spelling or clerical errors, name changes involving the name of a spouse as listed on a marriage certificate shall be made as follows: a certified copy of the court order from a court of competent jurisdiction changing the name shall be obtained by the applicant; the court order shall be presented to the clerk of the town or city who issued the marriage license; the name change shall be shown with the notation A.K.A.; there shall be a notation on the marriage record which shall show the name of the court and the date of the court order; and shall be in accordance with RSA 5-C:90.

IV. When an applicant does not submit documentation to substantiate the need to amend a marriage record, or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, the state registrar shall notify the applicant, in writing of the deficiencies in the application. The state registrar shall notify the applicant, in writing, that the vital record shall not be amended unless the deficiencies are corrected and that the applicant has the right to appeal the registrar's decision within 30 days.

V. The correction process as described above shall not apply to public records under RSA 5-C:105 unless it is shown that such a record is to be used for legal purposes or the registrant is still alive.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:93

5-C:93 Amendments and Corrections to Divorce, Legal Separation, or Civil Annulment Records. –

I. Any change to a divorce, legal separation, or civil annulment record shall be initiated with the clerk of court by the husband, wife, or their legal representative or

representatives.

II. Any amendments or corrections shall be submitted to the division through the clerk of courts as specified in paragraph I.

III. A certificate or record registered under RSA 458 shall be amended only in accordance with RSA 458.

IV. Any changes or additions made to the divorce record shall be made only on the divorce record received by the division from the court with an asterisk and notated to show why the changes were made.

V. The form indicated under RSA 5-C:85, I shall be used as the notice from the division to the court reflecting a change to the divorce record so that the court record agrees with the division record.

VI. No changes shall be made to correct divorce, civil annulment, or legal separation records that are part of the public domain pursuant to RSA 5-C:105, unless the record is to be used for legal purposes or the registrant is still alive.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:94

5-C:94 Amendments and Corrections to a Death Record. –

I. When a request is made to change any of the death record information completed by the funeral director, next of kin or designated agent, the following procedure shall apply. If the request is made by the original informant, the original informant shall sign and complete the appropriate correction form as described in RSA 5-C:85 and submit the correction form and any documentation to substantiate the requested changes to the clerk of the town or city. If the requestor is not the original informant, then the original informant shall be notified of the request for changes to the death record by the clerk of the town or city of death occurrence, the requestor shall sign and complete the correction form as described in RSA 5-C:85, and, if possible, the clerk of the town or city shall attach to the correction form a notarized statement from the original informant approving the proposed changes. If the original informant does not approve of the proposed changes, he or she shall submit evidence as to why the requested change should not be made. If it is not possible to make contact with the original informant, a notarized statement shall be prepared by the clerk of the town or city and attached to the correction request, which contains a detailed explanation that an attempt was made to reach the original informant but the efforts were unsuccessful. In either case, the state registrar shall review the evidence submitted for completeness and, if complete, indicate approval by signing the request. If the request for change is being made by the funeral director who completed the death record due to an error made by him or her, the funeral director shall complete and sign a correction form and submit it to the clerk of the town or city of death occurrence. The change shall be made upon receipt of the correction form by the clerk of the town or city who shall submit a copy to the division.

II. The certifying physician or APRN shall initiate corrections concerning the cause of death, in writing, to the division, by signing and completing the supplemental death certificate as described in RSA 5-C:62.

III. The correction authorization from the physician or APRN shall be retained by the

division in accordance with the retention schedule for a death record as established by this chapter. The death record shall be amended and noted as being amended.

IV. In the case where the division queries the physician or APRN concerning the cause of death, the physician or APRN shall send notice of the change in the cause of death directly to the division.

V. The physician's or APRN's information concerning a change in the cause of death shall be retained by the division in accordance with the retention schedule for a death record established by this chapter. The death record shall be amended and noted as being amended.

VI. The funeral director, next of kin, or designated agent shall initiate corrections concerning burial arrangements information with the clerk of the city or town where the death occurred. The division shall be notified by the clerk of these corrections by the appropriate form as described in RSA 5-C:85.

VII. When the clerk of the town or city of death occurrence discovers information known to be incorrect because of inconsistencies with other records, he or she shall confirm the correct information, if possible, with the parties concerned, and shall notify the division of the inconsistencies. If the correction is to be made 6 months after the original death record was filed, the clerk shall obtain the approval of the state registrar before the vital event record is amended.

VIII. The state registrar shall approve the correction request if a review of the documentation submitted shows that the information required to render a decision is complete and the documentation submitted substantiates that the information contained on the current record is incorrect.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:13, eff. June 25, 2007. 2009, 54:4, eff. July 21, 2009.

Section 5-C:95

5-C:95 Amending the Death Certificate. –

I. When the clerk of a town or city or the division amends a record, the change shall be noted indicating the authority, date, and correction procedure utilized.

II. When the state registrar questions the validity or adequacy of the applicant's sworn statements or the evidence submitted, he or she shall: notify the clerk of the town or city of the deficiencies in writing; request that deficiencies be corrected within 30 days; and notify the clerk of the town or city in the written correspondence above that if the deficiencies are not corrected, the state registrar shall not amend the death certificate.

III. The correction process described above shall not apply to records that have become part of the public domain under RSA 5-C:105, unless they are to be used for a legal purpose, such as proving United States citizenship.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:96

5-C:96 Retention Schedule for Forms and Other Documents. –

I. "Vital event record," for the purpose of the retention schedule established in this section, means all of the following records:

(a) All birth records and any related documents used in the preparation of new records, including completed affidavits of paternity legitimation forms, court-ordered paternity decisions, court-authorized decisions related to change of gender, and all records relating to adoptions.

(b) All death records, including changes affecting medical certification, submitted by the physician or APRN to either the clerk of the town or city or the division.

(c) All marriage records, including any documents and related material used in the process of voiding any marriage certificate.

(d) Divorce, civil annulment, and legal separation records that are on file at the division.

II. For the purpose of preservation of facts in relation to births, marriages, deaths, and divorces, vital event records shall be retained by the city or town clerks and hospitals as follows:

(a) Application forms used to apply for certified copies: retained for one year.

(b) Marriage application worksheet when the clerk of the town or city has received the license from the officiant: retained for one year.

(c) Marriage application worksheet when the marriage license has not been returned by the officiant or it has been determined that the marriage had never taken place: retained for 50 years.

(d) Birth worksheet, hospital birth: retained permanently.

(e) Birth worksheet, home birth: retained permanently.

(f) In-state burial permit: retained for 6 years.

(g) Out-of-state burial permit: retained for 10 years.

(h) Disinterment and reinterment permit; in-state disposition: retained for 6 years.

(i) Disinterment and reinterment permit; out-of-state disposition: retained for 10 years.

(j) Medical examiner's cremation certificate: retained for 6 years.

(k) Amendment or correction form: retained permanently.

(l) Clerk of the town or city's copy of marriage certificate: retained permanently.

(m) Fetal death report: retained permanently.

(n) Funeral director receipt: retained for one year.

(o) Vital event records, including, birth, marriages, and deaths, not specifically listed in this paragraph: retained permanently.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2007, 215:14, eff. June 25, 2007. 2009, 54:4, eff. July 21, 2009.

Registrar's Duties

Section 5-C:97

5-C:97 Marriage Licenses. –

I. If the marriage license issued to the prospective bride and groom is not used for any

reason, it shall be returned to the clerk of the town or city of issuance.

II. If the completed marriage license has not been returned by the officiant within 30 days of the planned date of the marriage, as noted on the marriage application worksheet, or 90 days has elapsed from the date the marriage intentions were filed, the clerk of the town or city shall contact the applicants to determine whether the marriage ever took place and who officiated and contact the officiant to request the marriage license.

III. If the clerk of the town or city is unable to obtain the marriage license, the clerk shall notify the division within 24 hours and contact one of the applicants to begin the process for a delayed marriage certificate as described in RSA 5-C:52.

IV. In the circumstances noted in paragraph II, the clerk of the town or city shall retain the application worksheet permanently and a notation shall be made to the application stating the marriage presumably did not take place.

V. All marriage worksheets shall be retained by the clerk of the town or city in accordance with the retention schedule as specified in this chapter.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:98

5-C:98 Vital Records Copies. –

I. A vital record may not be issued, duplicated, sealed, or notarized by any persons other than the division or clerks of towns and cities. These restrictions shall not apply to vital records in the public domain unless a certified copy is requested.

II. Certified copies of vital records shall be issued to the public only by the state registrar or a clerk of a town or city in accordance with this chapter.

III. Written application for a certified copy of a vital record shall be made by mail or in person at the division or at the office of a clerk of a town or city. Telephone and facsimile requests shall be acceptable only if payment is made through an electronic fee system by which payment for vital record copies may be made through a computerized system.

IV. Certified copies issued from records marked ""Delayed" or ""Amended" shall be similarly noted and show the effective date of the delay or amendment.

V. A certified copy of a vital record shall be issued if a direct and tangible interest claim is approved pursuant to RSA 5-C:102.

VI. A clerk of a town or city or the state registrar shall issue a certified copy of a vital record or a summary of the vital record even though required items of information are missing from the application if the information provided enables the record to be located and identified and there is no question concerning the direct and tangible interest of the applicant.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:99

5-C:99 Apostille Records. – An apostille record means a vital record document which contains the certification as provided for in the 1961 Hague Convention and which is recognized in the United States and other certifying countries as a certified document. An

apostille record shall be prepared in the same manner as required for a certified copy and shall contain the following: the signature of the state registrar or the clerk of the town or city; the notarized acknowledgement of the state registrar or clerk and acknowledgement of the document by the New Hampshire secretary of state, including his or her signature and seal.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:100

5-C:100 Search Fees. –

- I. The fee for making a record search shall be in accordance with RSA 5-C:10.
- II. The search fee shall be payable regardless of whether the record is found.
- III. The search fee shall include one certified copy of the record if a copy is desired and if it has been determined that the requestor has a direct and tangible interest in such record.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:101

5-C:101 Requests From Government Agencies. –

I. Federal, state, or local government agencies may request certified copies of vital records by special arrangement without regard to RSA 5-C:10 by submitting such request to the local or state registrar.

II. If a free copy is issued by a clerk of a town or city or by the division to a United States Veterans Administration, a notation shall be made by the registrar on the face of the copy stating: ""This certified copy is issued to be used solely in connection with U.S. Veterans Administration claim application and processing.""

Source. 2005, 268:1, eff. Jan. 1, 2006.

Confidentiality and Disclosure of Information

Section 5-C:102

5-C:102 Disclosure of Information to Individuals; Direct and Tangible Interest. –

I. Birth records prior to 1901 and death, marriage, divorce, legal separation, or civil annulment records prior to 1948 shall be considered public records.

II. Local and state registrars shall make vital records available only to persons who have a direct and tangible interest in the requested record as described in paragraph III and RSA 5-C:9.

III. In this chapter, the following persons shall be deemed to have a direct and tangible interest with regard to access to a vital record: the registrant; a member of the registrant's immediate family; the registrant's legal guardian; the registrant's legal representative;

persons demonstrating a need for information for the determination or protection of a personal or property right; members of the press, radio, television, and other news media when the information requested by such media sources is of a public nature; persons authorized by the immediate family to conduct genealogical research; and the spouse of a divorced or legally separated person whose former marriage has been legally dissolved who is requesting certified copies of such divorce, legal separation, or civil annulment record.

IV. The natural parents of an adopted child who has been adopted outside of the natural parent's immediate family, shall not be considered to have a direct and tangible interest in the vital records of the adopted child.

V. A person who is not a member of the immediate family may be considered to have direct and tangible interest in the requested record in accordance with paragraph VI and VII.

VI. A claim of direct and tangible interest, as described in paragraph III made by an individual, an attorney, or an agent working on behalf of an attorney, shall be reviewed by either the state registrar or the clerk of the town or city. The claim shall include a letter from the requestor that describes and documents the claim of direct and tangible interest, including what record is required, why it is needed, and any other evidence the requestor wishes to submit to document the claim. The requestor also shall provide positive identification, such as a driver's license, passport, or other picture identification.

VII. A claim of direct and tangible interest submitted as in paragraph VI shall be approved if the claim is substantiated by the evidence submitted to the satisfaction of the state registrar or the clerk of the town or city, and access to the requested record shall be approved. If the claim is not substantiated by the evidence submitted to the satisfaction of the state registrar or the clerk of the town or city, then access shall be denied, and the requestor may appeal the registrar's or clerk's decision.

VIII. In order to obtain access to a vital record, an attorney or an agent working on behalf of an attorney shall identify himself or herself as a member of the legal profession by means of a business card, business stationery, or by similar means when he or she requests access to a record as the representative of his or her client, state in the request the name of the client, and submit evidence for the claim of direct and tangible interest.

IX. Law enforcement officials, court officials, and representatives of the office of the attorney general demonstrating a direct and tangible interest following procedures in paragraphs V-VIII shall obtain access to the requested record on a case-by-case basis. Certified copies of vital records shall be issued to these agencies by the division at no charge.

X. Reports of birth, death, or marriage events that happened out-of-state regarding one of New Hampshire's residents sent to the state registrar or a clerk of a town or city for statistical purposes shall not be available for public inspection or issued by the division or the clerk.

XI. When publishing information regarding vital record events for statistical purposes in city or town reports, the following procedure shall apply. A written request from a resident that a particular vital event be omitted from the city or town report shall always be granted. A written request from a resident registrant that a certain event be published in the city or town report, including the birth of a child to a unwed mother, shall be granted. Items included in a city or town report for birth shall be limited to: the child's

name; the name of the father; the name of the mother; the place of birth; and, the date of birth. Items included in a city or town report for death shall be limited to: the name of deceased; the place of death; the name of the father; the maiden name of the mother; and the date of death. Items included in a city or town report for marriage shall be limited to: the groom's name and place of residence; the bride's name and place of residence; and the date of the marriage ceremony.

XII. Events referenced in paragraph X may be included in the town's annual report unless otherwise requested pursuant to paragraph XI.

XIII. When a city or town clerk is requested to supply birth information for local school census purposes, such requests shall be referred to the state registrar and the data supplied shall be restricted to showing the number of resident births that occurred in the city or town and shall not show the names of any individuals.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:103

5-C:103 Release of Information to Federal or Other Agencies. –

I. For statistical purposes, the state registrar shall, by written agreement, transmit copies of vital event records to offices of vital statistics outside of New Hampshire when such records relate to residents of those jurisdictions or persons who die in those jurisdictions.

II. The written agreement in paragraph I shall require that the copies transmitted be used for statistical and administrative purposes only and shall provide for the retention and disposition of such copies.

III. Copies received by the division from offices of vital statistics in other states shall be by written agreement and handled in the same manner as prescribed in this section.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:104

5-C:104 Release of Information to the Media. –

I. All requests for vital event records from persons representing the news media shall be made directly to the state registrar in writing, or reduced to writing by the division, and include specific information to identify the record under investigation as described in paragraph II.

II. Information from the news media that shall be required prior to release of information shall include the name of the registrant, the date and place of the event in question, and the type of vital record requested.

III. Media requests for cause of death information from a death certificate shall be made directly to the state registrar in writing, or reduced to writing by the division.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:105

5-C:105 Disclosure of Information to Genealogists. –

I. (a) Birth records more than 100 years old and death, marriage, and divorce records more than 50 years old shall be considered part of the public domain.

(b) By April 1 of each year, the division shall release public domain records that became public during the previous calendar year.

II. A genealogist may be designated as an authorized representative by means of a written statement from the registrant or a member of the registrant's immediate family.

III. The written statement designating a genealogist as an authorized representative shall:

(a) Indicate whether the writer is the registrant or a member of the registrant's immediate family, in which case the relationship shall be specified.

(b) Indicate the specific record or records requested.

(c) Authorize the division to release the information as specified.

(d) Contain the signature of the authorizing party and be notarized.

IV. Certified copies of records as specified in paragraph I shall be issued on safety paper, when requested, according to the fees established by RSA 5-C:10.

Source. 2005, 268:1, eff. Jan. 1, 2006. 2008, 47:1, eff. May 12, 2008.

Section 5-C:106

5-C:106 Requests for Public Records to Clerk of Towns and Cities. –

I. Requests made to a clerk of a town or city for records as specified in RSA 5-C:105, I, contained in ledger books may be denied for any of the following reasons:

(a) The physical condition of the record, such as being too frail to be photocopied.

(b) The location of the record, such as the proximity of confidential records to the record to be accessed.

(c) The physical space and personnel available to assist the requestor.

II. In the case of a denial pursuant to paragraph I, the clerk of the town or city shall redact the record in order to fill the request.

III. In the case of a denial pursuant to subparagraph I(c), the clerk of the town or city shall provide the requestor with the date by which the clerk could provide the information.

IV. In the case of any denial under this section, the clerk of the town or city shall refer the request to the genealogical research facilities at the division.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:107

5-C:107 Handling of Special Records. –

I. Records relative to adoptions shall be handled in accordance with RSA 5-C:33.

II. Access to non-certified copies of records involving paternity judgments, affidavits of paternity, legitimation, and change of sex which require the preparation of a new birth certificate shall be handled as provided by this paragraph. Any New Hampshire state agency shall be granted access when a specific legal authority is presented. The registrant

and parents, legal guardians, or legal representatives of the registrant shall have access to the record, and any order from a court of competent jurisdiction requesting access shall be honored. To indicate that the document is a non-certified copy, a copy of the document shall be marked ""informational copy only."

III. Hospital copies of birth certificate worksheets, fetal death reports, and death certificates shall be considered a vital event record subject to the disclosure requirements described in RSA 5-C:9 and this subdivision.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:108

5-C:108 Procedures for Requesting Vital Records Data for Health-Related Research. – Vital records data or copies of vital records that directly or indirectly identify individuals shall be made available for health-related research purposes upon receipt of a written application and approval of the state's institutional review board pursuant to RSA 126:24-d.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:109

5-C:109 Aggregate Data. – Statistics derived from vital records data shall be considered to be aggregate data if published by towns with a populations of or above 5500. Population estimates shall be derived from the most recent decennial census.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Section 5-C:110

5-C:110 Public Use Statistical File. – The department shall make available a public use statistical file containing vital record information of all New Hampshire residents. The public use statistical file shall not contain any identifying personal information or information to constructively identify an individual.

Source. 2005, 268:1, eff. Jan. 1, 2006.

Hearings

Section 5-C:111

5-C:111 Hearings. – If aggrieved by any decision for denial of access to vital records documents under this chapter, an individual may request, within 30 days of the denial, an administrative due process hearing.

Source. 2005, 268:1, eff. Jan. 1, 2006.