

# Regulation 61-19

## Vital Statistics

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## **SECTION 100 - DEFINITIONS**

For the purpose of this regulation, the following definitions shall apply:

A. Amendment. A change to a certification item.

(1) Administrative Amendment. A change to correct a mistake on a certification item on a vital record using documentary evidence and an affidavit of correction.

(2) Sealed Amendment. A change to a birth record after an adoption, statutory maternity or paternity process, or other amendment required by law to be placed in a sealed file. A replacement record is created and the original record is sealed.

(3) Amendment by Court Order. A change to a record based on a court order.

B. Certification. The document issued by the State Registrar and containing all or a part of the exact information contained on the original vital record, and which, when issued by the State Registrar, has the full force and effect of the original vital record.

C. Certification Item. Any item of information that appears on a certification.

D. Certifier. A person required to attest to the accuracy of the information submitted on a vital event report.

E. Correction. A change to rectify a mistake on a birth or death record or a report of fetal death record.

F. Court of Competent Jurisdiction. A court within the United States with jurisdiction over the subject matter and over the necessary parties.

G. Date of Registration. The month, day, and year a vital event is incorporated into the official records of the Bureau of Vital Statistics.

H. Dead Body. A human body or such parts of a human body from the condition of which it reasonably may be concluded that death has occurred.

I. Disclosure. Making available or making known personally identifiable information contained in a vital record or vital report, by any means of communication.

J. Electronic Signature. An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to attest to the accuracy of the facts in the record.

K. Facts of Live Birth. The child's name, date of birth, place of birth and sex, and the name(s) of parent(s) appearing on the record of live birth.

L. Fetal Death. Death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy and which is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical

cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

M. Final Disposition. The burial, interment, cremation, removal from the State, or other authorized disposition of a dead body or fetus.

N. Government Agency. A unit of local, state, federal, or tribal government.

O. Health Research. A systematic study to gain information and understanding about health with the goal of finding ways to improve human health, conducted in accordance with generally accepted scientific standards or principles and designed to develop or contribute to generalizable scientific knowledge.

P. Human Remains. A dead body, or any part of the body of a human being from the condition of which it reasonably can be concluded that death occurred, but does not include human ashes recovered after cremation.

Q. Individual. A natural person.

R. Induced Termination of Pregnancy. The purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and which does not result in a live birth. This definition excludes management of prolonged retention of products of conception following fetal death.

S. Informant. The person who provides demographic and personal information as required for the report of death.

T. Institution. Any establishment, public or private, which provides:

- (1) in-patient or out-patient medical, surgical, or diagnostic care or treatment, or
- (2) nursing, custodial, or domiciliary care, or
- (3) to which persons are committed by law.

U. Interment. The disposition of human remains by entombment or burial.

V. Legal Representative. A licensed attorney representing the registrant or other entitled applicant.

W. Live Birth. 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. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

X. Personally Identifiable Information. Information that can be used to distinguish or trace an individual's identity, such as, but not limited to, his or her name, Social Security number, biometric records or address, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as, but not limited to, date and place of live birth or mother's name prior to first marriage.

Y. Person in Charge of an Institution. The officer or employee who is responsible for administration and includes but is not limited to a person holding the title of chief executive officer, administrator, superintendent, director or executive director.

Z. Physician. A person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.

AA. Record. A report of a vital event that has been registered by the State Registrar.

BB. Registration. The process by which reports are accepted and incorporated into the official records of the Bureau of Vital Statistics.

CC. Report. A document, paper or electronic, containing information related to a vital event submitted by a person or entity required to submit the information in accordance with this regulation to the Bureau of Vital Statistics for the purpose of registering a vital event.

DD. Sealed File. The original record of a vital event that has been sealed after amendment and the evidence submitted to support the change. Sealed files shall not be subject to inspection, except upon order of the Family Court.

EE. State. A State of the United States, the District of Columbia, New York City, American Samoa, the Commonwealth of the Mariana Islands, the Commonwealth of Puerto Rico, Guam and the U.S. Virgin Islands.

FF. State Registrar. The State Registrar of Vital Statistics.

GG. Department. The South Carolina Department of Health and Environmental Control (DHEC).

HH. System of Vital Statistics. The collection, registration, preservation, amendment, certification, verification, and the maintenance of the security and integrity of vital records; the collection of other reports required by this regulation; and activities related thereto including the tabulation, analysis, publication, and dissemination of vital statistics.

II. Verification. A confirmation of the information contained in a vital record.

JJ. Vital Event. A live birth, death, fetal death, marriage, divorce, annulment or induced termination of pregnancy.

KK. Vital Records. Reports of live birth, death, marriage, divorce, or annulment and data related thereto which have been accepted for registration and incorporated into the official records of the Bureau of Vital Statistics.

LL. Vital Reports. Reports of fetal death and induced terminations of pregnancy which have been accepted for registration and incorporated into the Department's vital statistics.

MM. Vital Statistics. The aggregated data derived from the records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, or annulment and supporting documentation and related reports.

## **SECTION 200 – SYSTEM OF VITAL STATISTICS**

### **201. General**

A. The System of Vital Statistics shall:

(1) be directed and supervised by the State Registrar who shall be custodian of its records.

(2) be uniform in policy and procedure throughout the State.

B. Public health programs within the Department may be provided copies of or data derived from vital records and vital reports required under these regulations, as the State Registrar determines are necessary for public health planning and program activities. The copies or data shall remain the property of the Bureau of Vital Statistics, and the uses shall be governed by the State Registrar.

C. The State Registrar may establish, designate or eliminate offices in the State to aid in the efficient administration of the system of vital statistics.

D. The State Registrar may delegate such functions and duties vested in him or her to employees of the Bureau of Vital Statistics and to employees of any office established or designated under Section 201C.

## **SECTION 300 - SECURITY AND CONFIDENTIALITY OF SYSTEM OF VITAL STATISTICS**

### **301. General**

All users of the system of vital statistics shall:

A. complete authentication procedures as required by the Bureau of Vital Statistics and only access the components of the system necessary for their official roles and duties;

B. maintain specified levels of training related to security and acknowledge in writing security procedures and penalties;

C. allow validation of data provided in reports submitted for registration through site visits by Department staff at a frequency specified by the State Registrar to maximize the integrity of the data reported;

D. secure their workplace, storage and technology environments to protect all personally identifiable information;

E. acknowledge in writing the procedures to identify and report to the Department any breach of the system of vital statistics.

### **302. Preservation of Vital Records and Vital Reports**

Records or reports registered with the Department shall be reproduced and preserved as determined appropriate by the State Registrar. Such reproductions when verified and approved by the State Registrar shall be accepted as the original vital record documents. The original vital record documents from which



permanent reproductions have been made may be disposed of as provided by retention schedules.

### **303. Confidentiality**

A. Vital records, vital reports, indices, related documents, and data or information contained therein shall be confidential. No person shall permit inspection of, or disclose data or information contained in vital records, vital records related documents or in vital reports or copy or issue a copy of all or part of any such record or report except as specifically allowed by state law.

B. To protect the confidentiality and security of vital records and vital reports, access to or disclosure of information contained in vital records for sale or release to the public, for direct or indirect marketing of goods or services, for other non-research solicitation of registrants or families of registrants, or for other commercial or speculative purposes shall not be deemed a proper purpose.

### **304. Disclosure of Information from Vital Records or Vital Reports for Health Research**

A. Each request for vital records and reports data to be used for health research purposes shall be submitted in accordance with the data release protocol developed by the Department.

B. The Data Release Protocol shall:

- (1) require the requestor to sign a data release agreement;
- (2) prohibit the re-release of any information, unless specifically allowed in the data release agreement;
- (3) restrict use of the data for the specified purpose; and
- (4) specify that ownership of vital records and vital report data provided under the data release agreement remains with the Bureau of Vital Statistics.

C. To insure the confidentiality of registrants, health care facilities, and health care professionals, certain data elements shall be classified as Restricted, Confidential, or Never Releasable data elements.

(1) Restricted data are those data elements that require approval for release pursuant to the Data Release Protocol. Elements include, but are not limited to, health care facility identifiers, health care professional identifiers, patient medical record number or chart number, and state file number.

(2) Confidential data elements are those that shall be released only if authorized by law and include, but are not limited to, name and address.

(3) Never releasable data elements are those that may be used for statistical linking purposes only. Elements include, but are not limited to, social security number, and any other personal identifying information protected from release by law. All identifiers may be released back to the entity providing the data.

D. Other data elements not specified in Section 304C, shall be considered restricted data and shall be subject to the Data Release Protocol.

## **SECTION 400 - RECORDS AND REPORTS**

### **401. Forms, Records, Reports, Electronic Data Files**

All forms, records, electronic data files, reports, and supporting documentation used in the system of vital statistics are the property of the Department and shall be surrendered upon demand. The forms prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. Only those forms, including worksheets used in the preparation of records or reports, furnished or approved by the State Registrar shall be used for the submission of records and reports or in certifications thereof. Electronic data records will be accepted only when standards set by the State Registrar are met. Only computer programs specified and provided or otherwise authorized by the State Registrar shall be used for the submission of records and reports.

### **402. Requirements for Preparation of Records and Reports**

A. All individuals preparing, submitting or certifying a vital event shall be trained or approved by the Bureau of Vital Statistics.

B. All forms, records, and reports relating to vital events must either be computer printed, typewritten or printed legibly in black, unfading ink, or generated using electronic media approved by the State Registrar.

C. All signatures required shall be either electronic or entered in black, unfading ink.

D. Unless otherwise directed by the State Registrar, a report shall only be acceptable for registration when it:

- (1) contains the certifier's name computer printed, typed, or printed legibly;
- (2) supplies all items of information or satisfactorily accounts for their omission;
- (3) does not contain alterations or erasures;
- (4) does not interfere with document imaging;
- (5) contains signatures as required;
- (6) has no marks or flags such as "copy" or "duplicate";
- (7) is an original;
- (8) is prepared on proper form;
- (9) does not contain improper or inconsistent data;
- (10) does not contain an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease;
- (11) is prepared in conformity with regulations or instructions issued by the State Registrar;

(12) does not contain false information.

### **403. Persons Required to Retain Documentation**

A. Every person in charge of an institution shall retain documentation of personal data as required for the reports of live birth, death, fetal death or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

B. Any licensed health care provider shall retain documentation of personal data concerning each person under the provider's care for a condition that results in a reportable vital event when such documentation is not maintained by an institution described in Section 403A. The documentation shall include such information as required for the provider to submit a report of live birth, death, fetal death or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being treated. If the person being treated cannot provide the information, then the licensed health care provider shall obtain the information from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

C. When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall retain documentation showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be documented.

D. A funeral director, embalmer, or other person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any record or other report required by law or regulations, shall retain documentation which shall identify the body, and the following information pertaining to his or her receipt, removal, delivery, burial, or cremation of such body:

- (1) The date, place, and time of receipt;
- (2) The date, place, and manner of disposition;
- (3) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered; and
- (4) The demographic and personal data collected from the informant as required by the report of death for those deaths for which the funeral director was required to register the report.

E. Documentation maintained under this section shall be retained for a period of not less than 10 years and shall be made available for inspection by the State Registrar or his or her representative upon demand.

### **404. Duties to Furnish Information**

A. Upon demand of the State Registrar, any person having knowledge of the facts shall furnish such information as he or she may possess regarding any live birth, death, fetal death, induced termination of

pregnancy, marriage, or divorce or annulment. Any person required to report shall provide to the State Registrar information that was required to be reported, but that was not so reported, within five calendar days of that person receiving that information.

B. Within five calendar days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician, medical examiner, or coroner required to report the death shall register a supplemental report of the cause of death to amend the record.

#### **405. Content of Vital Records and Vital Reports**

A. In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of vital records and vital reports required by law, or by regulations, shall include as a minimum the items recommended by the National Center for Health Statistics or its successor agency.

B. Each vital record, vital report, and other document required by this regulation shall be prepared in the format approved by the State Registrar.

C. All vital records and vital reports shall contain the date of registration.

D. Information required in forms, vital records, or vital reports authorized by this regulation may be submitted, verified, registered, and stored by photographic, electronic, or other means as prescribed by the State Registrar.

### **SECTION 500 - LIVE BIRTH REGISTRATION**

#### **501. General**

A. A report of live birth for each live birth which occurs in this State shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five calendar days after such live birth and shall be registered if it has been completed and submitted in accordance with this section.

B. The physician, institution, or other person providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur not less than 30 calendar days prior to the expected delivery date. Any subsequent prenatal care information shall be submitted to the institution prior to submission of report of live birth.

C. When a live birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain all data required by the State Registrar, prepare the report, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and submit the report within the required five calendar days.

D. In obtaining the information required for the report, all institutions shall use information gathering procedures, including worksheets, provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required for the report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

E. When a live birth occurs outside an institution:

(1) the information for the report of live birth shall be submitted in the format specified by the State Registrar and in the following order of priority within five calendar days of the live birth by:

(a) the medical institution at which the mother and child are examined within five calendar days of the live birth; or

(b) a licensed midwife or physician in attendance at the live birth; or

(c) the mother with documentary evidence as described in Section 502; or

(d) the Coroner in cases where investigation is required.

(2) an order from the Family Court in this State shall be required to register a live birth when the report submitted does not include the minimum acceptable documentation required in the regulations or the State Registrar has cause to question the validity or adequacy of the documentary evidence.

F. When a live birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this State, the live birth shall be registered in this State and the place where it is first removed shall be considered the place of live birth. When a live birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this State, the live birth shall be registered in this State, but the report shall show the actual place of live birth insofar as can be determined.

G. For purposes of live birth registration and maternity determination:

(1) The woman who gives live birth to the child shall be recorded as the birth mother and the information required by the report of live birth shall be that of the birth mother;

(2) Thereafter, a court of competent jurisdiction may determine that a woman other than the live birth mother is the biological or genetic mother and order that the original live birth record be so amended. The original live birth record shall then be placed under seal.

H. For the purposes of live birth registration and paternity determination:

(1) If the mother was married at the time of either conception or live birth, or between conception and live birth, the name of the husband shall be entered on the report as the father of the child.

(2) If the mother was not married at the time of either conception or live birth or between conception and live birth, the name of the father shall not be entered on the report without an acknowledgment of paternity as prescribed by State law and signed by the mother and the person to be named as the father. The acknowledgment shall be filed with the State Registrar.

(3) If the father is not named on the report of live birth, non-identifiable information about the father may not be entered on the report.

(4) Thereafter, paternity of a child may be determined by a court of competent jurisdiction pursuant to South Carolina law. The name of the father and surname of the child shall be entered on the report of live birth in accordance with the finding of the court when a valid court order is submitted to the Bureau of Vital Statistics. The original live birth record shall then be placed under seal.

I. The birth mother of the child shall verify the accuracy of the personal data to be entered on the report to permit the submission of the report within the five calendar days as prescribed in Section 501A.

(1) If the mother is incapacitated or deceased, the legal father or other informant as determined appropriate by the State Registrar shall provide and verify the accuracy of the information.

(2) If the mother or other informant does not verify the accuracy of the personal data entered within the prescribed five days, the report of live birth shall be filed without verification.

J. Reports of live birth submitted after five calendar days, but within one year from the date of live birth shall be registered in the standard format of live birth reports in the manner prescribed above. Such reports shall not be marked or flagged "Delayed."

K. The State Registrar may require additional evidence in support of the facts of live birth.

### **502. Out-of-Institution Live Birth**

A. When a live birth occurs in this State outside of an institution, and there is found to be no live birth registration and the report of live birth is to be registered before the first birthday, additional evidence in support of the facts of live birth may be required.

B. For an unattended birth when the mother is responsible for submitting the report of live birth, the following documentary evidence is required.

- (1) Evidence of pregnancy;
- (2) Evidence that the infant was born alive;
- (3) Evidence of the mother's presence in this State on the date of the live birth;

C. When the State Registrar has cause to question the validity or adequacy of the documentary evidence submitted for an out of institution live birth, the report of live birth shall not be registered without an order from the Family Court establishing the facts of birth.

### **503. Infants of Unknown Parentage; Foundling Registration**

A. When an infant up to 30 days of age and of unknown parentage is brought to an emergency room or admitted to an institution, the person in charge of the institution shall submit the report of live birth within five calendar days to the Bureau of Vital Statistics with the following information:

- (1) The date and city and/or county of finding;
- (2) Sex and approximate live birth date of child as determined by a physician or licensed health care provider;
- (3) Name and address of the person or institution submitting this report;
- (4) Name given to the child by the custodian of the child, if applicable;
- (5) Other data required by the State Registrar.

B. The place where the child was found shall be entered as the place of live birth.

C. Information submitted under this section shall constitute the basis for the report of live birth for the child.

D. The report for an infant of unknown parentage shall be registered in the current format for live births and shall:

- (1) have foundling plainly marked or flagged on the report;
- (2) show the required facts as determined by approximation and have parentage data left blank;
- (3) show the name and title of the person or institution submitting the report under section 503A.

E. If the child is identified and a live birth registration is found or obtained, the report submitted under this Section and any live birth registration resulting from that report shall be voided and placed in a sealed file and shall not be subject to inspection except upon order of the Family Court or by the State Registrar for purposes of administering the vital statistics program.

F. When an infant over 30 days of age and of unknown parentage is found, a court order shall be required to file a report of live birth. The court order shall establish the facts of birth in Section 503A.

## **SECTION 600 – DELAYED REGISTRATION OF BIRTHS**

### **601. General**

A. The following minimum facts must be established by documentary evidence:

- (1) the full name of the person at the time of live birth;
- (2) the date of live birth;
- (3) live birth in South Carolina;
- (4) the full name of the mother prior to first marriage;
- (5) the full name of the father if parents were married at the time of birth. Otherwise, the name of the father shall not be entered on the delayed certificate unless the child has been adopted or legitimated, or paternity has been determined by the court or a paternity acknowledgment accompanies the establishment of the delayed certificate.

B. All delayed births are to be filed on a special “delayed certificate of birth” form adopted by the State Registrar.

C. Each delayed certificate of birth shall be signed by the person whose birth is to be filed if of legal age and is competent to swear to the accuracy of the facts stated therein; otherwise, the certificate shall be signed by a parent or legal guardian.

## **602. Documentary Evidence Requirements**

To be acceptable for registration, the name of the person at the time of the live birth and the date and place of live birth entered on a delayed registration of live birth shall be supported by at least:

- A. Three pieces of acceptable documentary evidence that will establish to the satisfaction of the State Registrar the facts and date of live birth as alleged in the application;
- B. Facts of parentage shall be supported by at least one document.

## **603. Documentary Evidence Acceptability**

A. The acceptability of all documentary evidence submitted shall be determined by the State Registrar.

B. Documents must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

C. All documents submitted in evidence:

(1) For persons more than ten years of age must have been established at least ten years prior to the date of application;

(2) For persons ten years of age or younger must be dated at least one year prior to the date of application or within the first year of life;

(3) Shall not be contradictory.

D. When the State Registrar finds reason to question the validity or adequacy of any evidence submitted, he or she may reject the evidence and advise the applicant of the reasons for this action.

## **604. Abstraction of Documentary Evidence**

A. The State Registrar or his or her designated representative shall abstract on the delayed registration of live birth a description of each document submitted to support the facts. This description shall include:

- (1) the title or description of the document;
- (2) the name and address of the custodial organization;
- (3) the creation date of the original document;
- (4) all live birth facts required by Section 601 contained in each document accepted as evidence.

B. Original documents submitted in support of the delayed live birth registration shall be returned to the applicant after review. Copies of all accepted documents shall be maintained by the State Registrar.

## **605. Verification by the State Registrar**

The State Registrar, or his or her designated representative, shall verify:



- A. That no prior report of live birth is registered in this State for the person whose live birth is to be recorded;
- B. That he or she has reviewed the evidence submitted to establish the facts of live birth;
- C. That the abstract of the evidence appearing on the delayed record of live birth accurately reflects the nature and content of the document.

#### **606. Dismissal After One Year**

An application for a delayed registration of live birth that has not been completed within one year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and documents submitted in support of such application shall be returned to the applicant.

#### **607. Delayed Birth Records Amended by Court Order**

A live birth originally registered as a delayed live birth shall remain in the delayed registration format, regardless of subsequent legal change of status or amendment. The amended certificate will clearly indicate the information changed by court order and be marked as amended by court order. Any certification of such record shall contain a summary of the court order submitted to substantiate the amended delayed registration.

### **SECTION 700 – DEATH REGISTRATION**

#### **701. General**

A. A report of death for each death which occurs in this State shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five calendar days after death or the finding of a dead body and prior to final disposition, and shall be registered if it has been completed and submitted in accordance with this section.

(1) If the place of death is unknown but the dead body is found in this State, the report of death shall be completed and submitted in accordance with this section. The place where the body is found shall be noted as the place of death.

(2) When death occurs in a moving conveyance within the United States and the body is first removed from the conveyance in this State, the death shall be registered in this State and the place where it is first removed shall be deemed the place of death. 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 body is first removed from the conveyance in this State, the death shall be registered in this State, but the report shall show the actual place of death insofar as can be determined.

(3) If the date of death is unknown, the medical certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as date found.

B. The funeral director or person acting as such who first assumes custody of the dead body shall submit the report of death to the Bureau of Vital Statistics. In cases where there is no funeral director or person acting as such, the coroner shall submit the report of death.

(1) He or she shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefore.

(2) The funeral director or person acting as such shall provide the report of death containing sufficient information to identify the decedent to the medical certifier within 48 hours after death unless the medical certification has already been submitted.

C. When a death is presumed to have occurred within this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction, which shall include the finding of facts required to complete the death record. Such a death record shall be marked “presumptive” and shall show on its face the date of filing and shall identify the court and the date of the decree.

D. When a death occurring in this State has not been registered as prescribed by this Section, a report of death may be submitted to the State Registrar using the current format of the report of death provided the physician at the time of death or the medical examiner or coroner and the funeral director or person acting as such are available to complete the report of death. If the physician at the time of death, county coroner or medical examiner and the funeral director or person acting as such are unavailable or decline then the death shall not be registered except upon receipt of an order from a court with competent jurisdiction over the Department. If the report of death is submitted more than one year after the date of death, the record shall be marked as “delayed” and any certified copy shall be marked as such.

E. In obtaining the information required for the report, funeral directors or persons acting as such shall use information gathering procedures, including worksheets, provided or approved by the State Registrar. Physicians, coroners or institutions may establish procedures to transfer, electronically or otherwise, information required for the medical certification from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

## **702. Judicial Procedures to Register a Death**

A death may be registered by the State Registrar, upon receipt of an order of a court of competent jurisdiction within this state.

A. The court order to establish a death record shall include all of the following information:

- (1) decedent’s legal name (first, middle, surname and suffix, if any);
- (2) date of death as determined from the evidence presented;
- (3) place of death, including county, as determined from the evidence presented;
- (4) decedent’s date of live birth, State or country of live birth, sex and parent(s) name(s) prior to first marriage;
- (5) decedent’s residence, including county and State, at time of death;
- (6) decedent’s marital status at time of death;
- (7) name, prior to first marriage, of surviving spouse (if any); and

(8) the information necessary to complete the medical certification including the cause and manner of death. If the death occurred from an injury, information on how and when the injury occurred. If such information is unknown, the order shall indicate such.

B. All certifications issued shall show the date of the court order and the name of the court issuing that order.

C. If the death was registered pursuant to Section 701C the record shall be marked or flagged “Presumptive.”

## **SECTION 800 – FETAL DEATH REGISTRATION**

### **801. General**

A. A report of each fetal death of 350 grams or more, or if weight is unknown, of 20 completed weeks gestation or more, based on clinical estimate of gestation at delivery, which occurs in this State shall be submitted within five calendar days after delivery to the Bureau of Vital Statistics or as otherwise directed by the State Registrar and shall be registered if it has been completed and submitted in accordance with this Section. All induced terminations of pregnancy shall be reported in the manner prescribed in Section 1000 and shall not be reported as fetal deaths.

B. When a fetus is delivered in an institution or en route thereto, the person in charge of the institution or his or her designated representative shall obtain all data required by the State Registrar to prepare and submit the report. In obtaining the information required by the fetal death report, all institutions shall use information gathering procedures including worksheets provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required by the fetal death report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested on the fetal death report.

C. When a fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and submit the report.

D. When a fetal death required to be reported by this Section occurs without medical attendance at or immediately after the delivery or when inquiry is required by state law, the coroner shall investigate the cause of fetal death and shall prepare and submit the report within five calendar days.

E. If the cause of fetal death is unknown or pending investigation, the cause of fetal death shall be noted as such on the report.

F. When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this State or when a fetus is found in this State and the place of fetal death is unknown, the fetal death shall be reported in this State. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

G. Reports of fetal death are statistical reports to be used only for public health purposes. Such reports shall be disposed of when all statistical processing of the reports has been accomplished. However, the State Registrar may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

## **SECTION 900 – DISPOSITION AND TRANSPORTATION OF HUMAN REMAINS**

### **901. Permits Governing the Disposal or Transportation of Dead Human Bodies**

A. The subregistrar or the coroner in the county in which the death occurred shall issue a burial-removal-transit permit within forty-eight hours after death.

B. The funeral director, or person acting as such, who first assumes custody of a dead body or fetus shall obtain a burial-removal-transit permit prior to final disposition or removal of the body or fetus from the State.

C. In cases where disposition is handled by an institution or coroner, the subregistrar or coroner shall complete a Burial-Removal-Transit permit with the exception of the funeral home information and signature of the funeral director and shall forward to the Bureau of Vital Statistics no later than forty-eight hours after death.

D. Permits must be submitted by the subregistrar or the coroner to the Bureau of Vital Statistics.

E. A burial-removal-transit permit issued under the law of another state which accompanies a dead body or fetus into this state shall be authority for final disposition of the body or fetus in this State.

### **902. Removal of Body**

Before taking charge of a dead human body or fetus, the funeral director or person acting as such shall:

A. contact the attending physician and receive assurance from him or her that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death; or

B. contact the coroner if the case comes within his or her jurisdiction and receive authorization from him or her to remove the body.

### **903. Authorization for Disinterment and Reinterment**

A. Except as otherwise provided by statute, a permit for disinterment and reinterment of human remains shall be required prior to disinterment of a dead body or fetus.

B. A disinterment permit shall be issued only upon receipt of the form prescribed by the State Registrar signed by the next of kin and the person who is to perform the disinterment or upon receipt of an order of a court of competent jurisdiction directing such disinterment. The permit shall be permission for disinterment, transportation, and reinterment.

C. Human remains deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

D. The funeral director to whom the permit is issued shall retain a copy. A copy shall be used during transportation and filed with the sexton or person in charge of the cemetery of reinterment. The funeral director shall return a copy to the Bureau of Vital Statistics showing the date of reinterment.

E. The permit requirement of this section shall not apply to disinterment or reinterment of a dead body or fetus when death occurred before 1915.

#### **904. Disposition of Body or Fetus by Hospital Officials Authorized by Next of Kin**

Hospital officials who dispose of bodies of persons or fetuses dead of natural causes, with legal permission of the next of kin and not for hire or profit, are responsible for filing the record of fetal death or of death. In all cases, including a reportable fetal death, a burial-removal-transit permit must be obtained for the disposition of the remains.

### **SECTION 1000 – REPORTS OF INDUCED TERMINATION OF PREGNANCY**

#### **1001. General**

A. Each induced termination of pregnancy which occurs in this State, regardless of the length of gestation, shall be reported to the Bureau of Vital Statistics within seven calendar days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, it shall be reported by the attending medical provider.

B. Reports of induced termination of pregnancy are statistical reports to be used only for public health purposes. Such reports shall be disposed of when all statistical processing of the reports has been accomplished. However, the State Registrar may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

### **SECTION 1100 – CORRECTION AND AMENDMENT OF VITAL RECORDS**

#### **1101. General**

A. Live birth records are presumed to contain accurate information on the facts of live birth when they are registered. Live birth records will be amended or corrected only to rectify errors in the facts of live birth, except as provided for in these regulations.

B. A delayed record of live birth placed on file with supporting documentation or by judicial procedure shall not be amended except to reflect changes upon receipt of a certified court order.

C. Certificates of marriage and reports of divorce must be corrected by the custodian of the official record from which the report was prepared. The custodian shall submit the amended certificate to the Department with a statement listing the items changed and evidence presented to support each item changed. Any corrected records shall be marked amended when issued by the Department.

D. Sealed records shall not be subject to inspection except upon order of the Family Court. The state registrar may inspect such information for purposes of properly administering the vital statistics program.

E. Changes to birth or death records must be requested by a person entitled by law to obtain a certified copy of the record to be amended.

#### **1102. Correction of Birth and Death Records**

A. Any certification item on a live birth or death record may be corrected by the Bureau of Vital Statistics within one year of the event if the Bureau of Vital Statistics becomes aware of incorrect information on a record. Any facility or individual responsible for the original submission of data shall

assist in the collection of evidence of the error and correct information upon request of the Bureau of Vital Statistics.

B. Correction of items that do not appear on certifications may be made by the Bureau of Vital Statistics upon identification or query.

C. When such corrections are made by the Bureau of Vital Statistics, a notation as to the source of the information, the date the change was made, and the identity of the authorized vital statistics employee making the change shall be made on the record in such a way as not to become a part of any certification issued. Any certified copy shall not be marked as “Amended.”

### **1103. Administrative Amendment of Vital Records**

A. Unless otherwise provided in these regulations or in the statute, all administrative amendments to live birth and death records shall be supported by documentary evidence and a notarized affidavit setting forth:

- (1) information to identify the record;
- (2) the items to be amended;
- (3) the incorrect information as it appears; and
- (4) the correct information as it should appear and supported by documentary evidence.

B. To amend a live birth record, an affidavit of correction shall be initiated and signed by the parents, the legal guardian, or the registrant if 18 years of age.

C. To amend personally identifiable information on a death record, an affidavit of correction shall be signed by the informant or, in the case of the death or incapacity of the informant, the next of kin of the deceased.

D. The medical certification items on a death record may only be amended upon receipt of a signed statement or approved electronic notification from the physician or medical examiner, or coroner who originally certified the cause of death. In the absence or inability of the physician, the cause of death may be amended upon receipt of a signed statement or an approved electronic notification from his or her duly authorized medical associate, or the chief medical officer of the institution in which death occurred, or a medical examiner, or coroner who assumes jurisdiction of the case. The State Registrar may require documentary evidence to substantiate the requested amendment.

E. Upon acceptance of the requested amendment by the State Registrar, records of live birth and death shall be amended by the State Registrar by adding the new information to the record in a manner that preserves the existing information for audit purposes.

F. A notation indicating the record was amended shall be shown on certifications of the record. The date of the change and what item was changed shall also be shown on certifications of the record.

### **1104. Documentary Evidence Required to Amend or Correct Vital Records**

A. With the exception of corrections as outlined in Section 1102, or an amendment to the medical

certification, one or more items of documentary evidence must be presented that support the alleged facts. All documents presented must contain sufficient information to clearly indicate that they pertain to the registrant on the record for which the amendment or correction has been requested.

(1) Documents presented must be from independent sources. Family documents such as records from bibles or genealogical records are not acceptable.

(2) Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record.

(3) For live birth records, the documents submitted must have been established prior to the registrant's (18th) birthday or at least ten years prior to the date of application for the amendment.

(4) For death records, the documents submitted must have been established at least 10 years prior to death unless otherwise specified by the State Registrar.

B. The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reasons for this action.

#### **1105. Addition of Registrant's First or Middle Names on Live Birth Records**

A. Until the registrant's first birthday, first or middle names may be added upon receipt of an affidavit signed by the parents named on the record or the legal guardian of the registrant.

B. After one year from the date of live birth, a legal change of name order must be submitted from a court of competent jurisdiction to amend or add a first or middle name.

#### **1106. Date of Birth Amendments to Live Birth Records**

A. The date of live birth cannot be corrected to a date that is after the date the live birth record was registered.

B. The date of live birth may be corrected up to 30 calendar days with a certified copy of the record from the hospital of birth or with two supporting documents provided that date is not after the date the live birth record was registered. At least one of the documents must have been created within 90 calendar days of the alleged date of live birth.

C. Other administrative corrections to the date of live birth may be made provided that a minimum of three documents adequately support that the registrant has consistently used the date from childhood and the change does not make the live birth date after the date the live birth record was registered. At least one of the documents must have been created within seven years of the alleged date of live birth. The change cannot be made if that change would conflict with any live birth record registered in the Bureau of Vital Statistics for other children of the same mother.

#### **1107. Amendments to Death Records**

A. When the marital status is shown as married and a surviving spouse is listed on the death record of the decedent then the marital status shall be changed to:

(1) widowed and the spouse removed if a death certification for the spouse is submitted

documenting that the spouse died prior to the death of the decedent.

(2) divorced or never married and the spouse removed if a certification of divorce/annulment is submitted documenting that the event occurred prior to the death of the decedent.

B. If the marital status is shown as married and surviving spouse is listed as unknown or is blank on the death record, then a marriage certification must be provided to add the name of the surviving spouse.

C. If the marital status is shown as married and the surviving spouse is listed on the death record then an order from a court of competent jurisdiction will be needed to change that spouse to a different person.

D. When the marital status is shown as divorced, widowed, or never married and no surviving spouse is listed on the death record of the decedent then the marital status shall be amended to married and the surviving spouse added upon receipt of:

(1) a certified copy of a marriage record showing that the person to be listed as surviving spouse was married to the decedent and an affidavit of correction signed by the informant and the alleged surviving spouse; or

(2) an order from a court of competent jurisdiction finding that the person was married to the decedent at the time of the decedent's death.

E. Other changes to marital status and surviving spouse will be made only upon the finding of a court of competent jurisdiction in an order that determined the marital status of the decedent and identifies the surviving spouse, if appropriate.

F. Amendment to other items on the death record:

(1) Signatures shall not be amended.

(2) Other personal and statistical items on the death record shall be amended with supporting documentary evidence that is acceptable to the State Registrar.

### **1108. Amendment of the Same Item More than Once**

Once an amendment of an item is made on a vital record, except for cause and manner of death to be amended by the physician, medical examiner, or coroner or clerical error on the part of the State Registrar, that item shall not be amended again except upon receipt of an order from a court of competent jurisdiction.

### **1109. Sealed Amendments and Replacement Records of Live Birth**

A. The replacement record of live birth prepared pursuant to state law shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the record of live birth:

(1) the name of the child;

(2) the date, city, and county of live birth as transcribed from the original report of live birth;



- (3) the names and personal information of the parents after establishment of parentage;
- (4) the State file number assigned to the original record of live birth;
- (5) the original date of registration.

B. The information necessary to locate the existing report of live birth and to complete the replacement report of live birth shall be submitted to the State Registrar on forms prescribed or approved by him or her.

C. After preparation of the replacement record of live birth, the prior record of live birth and the evidence upon which the replacement record of live birth was based are to be placed in a sealed file. Such file shall not be subject to inspection except upon order of the Family Court or by the State Registrar for purposes of properly administering the vital statistics program.

D. With the exception of an adoption of an adult, certifications issued shall not be marked amended.

E. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files. The adoptive certificate and evidence shall not be subject to inspection except upon order of the Family Court.

F. If no certificate of birth is on file for the person for whom a replacement record is to be established under this section, a delayed certificate of birth must be filed with the State Registrar before a new record of live birth is established. A delayed certificate of birth shall not be required when the date and place of birth and parentage have been established in an adoption proceeding.

### **1110. Amendments by Court Order**

A. Upon receipt of a certified copy of a court order changing a birth or death record on file in the Bureau of Vital Statistics and upon request of an entitled person, the Bureau of Vital Statistics shall record the changes by completion of a special form. Such form shall include the original information as it appears on the original certificate, the information as changed by the court order, identification of the court which issued the order and the date of the order, and sufficient information about the registrant or decedent to link the special form to the original record.

B. When an electronic certification is issued, the items amended by the court and the date of the amendment must be noted. When a certified copy of the original record is issued, a copy of the special form must be attached.

C. Birth and death records amended by court order shall be marked "Amended by Court Order".

## **SECTION 1200 – CERTIFICATIONS FROM THE SYSTEM OF VITAL STATISTICS**

### **1201. General**

A. A certification of a live birth, death, marriage or report of divorce, or any part thereof, issued in accordance with this Section, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

B. The applicant for a certification shall be required to submit a signed application, proof of identity, and evidence of entitlement. Upon receipt of an application and before issuing a certification:

(1) Proof of identity must be acceptable to the Bureau of Vital Statistics.

(2) Evidence of entitlement must demonstrate that the applicant is qualified to receive a certification.

(3) The Bureau of Vital Statistics may verify with originating agencies the proof of identity documents and evidence of entitlement submitted in support of an application.

C. All certifications of vital records registered in the State system shall be issued from the State's central database.

D. For the purpose of obtaining certified copies of death records on behalf of the deceased's family at the time of registration, a funeral director or person acting as such shall be deemed a legal representative.

E. No certification shall be issued without a first name for the registrant except by subpoena or to a government agency for adoption or custody purposes.

F. Information listed on live birth, death, marriage or divorce records as administrative, statistical, medical, or health use only shall not be included in a certification of the vital record.

G. Verification of the facts contained in a vital record may be furnished by the Bureau of Vital Statistics to any government agency in the conduct of its official duties. The request for verification must:

(1) include the facts of birth and be in a format prescribed or approved by the Bureau of Vital Statistics; or

(2) be submitted electronically through an automated system approved by the Bureau of Vital Statistics if the requester attests to having the certification and can provide the State file number and date of registration.

H. When the Bureau of Vital Statistics receives information that a record may have been registered, corrected or amended through fraud or misrepresentation, he or she may withhold issuance of any certification of that record pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certifications shall be issued upon the request of a qualified applicant.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the Bureau of Vital Statistics shall give the person named in the record notice in writing of his or her intention to void said record or cancel the amendment. The notice shall give such person an opportunity to appear and show cause why the record should not be voided or cancelled. The notice may be served on such person or in the case of a minor, on his or her parent or legal guardian by registered mail to his or her last known address.

(3) Unless such person or his or her parent or legal guardian shall, within thirty days after the date of mailing, show cause why the certificate shall not be voided or amendment cancelled, the record shall be so voided or amendment cancelled.

(4) The voided record or amendment and evidence shall be retained but shall not be subject to

inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

I. When the Bureau of Vital Statistics receives information that an application for a certification may have been submitted for purposes of fraud or misrepresentation, he or she may withhold issuance of the certification requested pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certification shall be issued.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the requested certification shall not be issued and the Bureau of Vital Statistics shall provide copies of the application and evidence to appropriate authorities for further investigation.

(3) The application and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

J. All applications and supporting documentation submitted for the purpose of issuing certifications of vital records shall be confidential and shall not be released except upon receipt of an order from a South Carolina court of competent jurisdiction.

K. Certifications of vital records may be made by mechanical, electronic, or other reproductive processes.

L. Each certification issued shall be certified as a true representation of the facts on file, the date issued, the state file number, and the registrar’s signature or an authorized facsimile thereof. Each copy issued shall show the date of filing and copies issued from records marked “Delayed”, “Amended” or “Amended by Court Order” shall be similarly marked and show the effective date.

**SECTION 1300 - FEES**

Fees generated by the following fee schedule shall be retained and expended by the Department to offset the cost of operation of the Vital Records System.

FEE SCHEDULE		
a.	Records Search (includes one certification, if located)	\$ 12.00
b.	Additional Similar Certifications of the Same Record ordered	\$ 3.00
c.	Expedited Service (additional to other required fees)	\$ 5.00
d.	Index Verification for Government Agencies	\$ 2.00
e.	Special Filing Fees (additional to search fee)	
	(1) Correction of certificate by affidavit	\$ 15.00
	(2) Amended certificate (adoption, legitimation court order, paternity acknowledgment)	\$ 15.00
	(3) Delayed Registration of Birth	\$ 15.00

f.	Fees collected at the county health departments for record searches, amendments of records, delayed birth registration and additional copies of the same record requested at the same time shall be distributed as follows: 50% to the county health departments and 50% to the Vital Records Central office. Any fee increase above the State Fiscal Year 1997 fee structure shall be returned to the Vital Records Central office (Office of Public Health Statistics and Information Systems, Division of Vital Records)	
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