CHAPTER 63

Vital Statistics

**SECTION 44‑63‑10.** Duties of Department of Health and Environmental Control.

The Department of Health and Environmental Control shall prepare the necessary methods and forms for obtaining vital statistics.

HISTORY: 1962 Code Section 32‑1101; 1952 Code Section 32‑1101; 1942 Code Section 5007; 1932 Code Section 5014; Civ. C. '22 Section 2325; Civ. C. '12 Section 1584; Civ. C. '02 Section 1090; G. S. 918; R. S. 969; 1878 (16) 730; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑20.** Establishment of bureau of vital statistics; system for registration of births and deaths.

The Department of Health and Environmental Control shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification.

HISTORY: 1962 Code Section 32‑1102; 1952 Code Section 32‑1102; 1942 Code Section 5130; 1932 Code Section 5130; Civ. C. '22 Section 2393; Civ. C. '12 Section 1596; 1914 (29) 29; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑30.** State registrar of vital statistics.

The Director of the Department of Health and Environmental Control is the state registrar of vital statistics and shall carry into effect the regulations and orders of the department. The department shall provide suitable apartments properly equipped with fireproof vaults and filing cases for the permanent preservation of all official records.

HISTORY: 1962 Code Section 32‑1103; 1952 Code Section 32‑1103; 1942 Code Section 5131; 1932 Code Section 5131; Civ. C. '22 Section 2394; 1914 (29) 29; 1988 Act No. 341, Section 1; 1993 Act No. 181, Section 1138.

**SECTION 44‑63‑40.** County registrars, deputy registrars, and subregistrars.

The State Registrar must appoint the chief administrative officer of each county health department as the county registrar. All persons in the county required by law to file reports of birth, death, and fetal death must transmit these reports to the State Registrar at intervals prescribed by the State Registrar. The county registrar may appoint a deputy registrar who is vested with the right to carry on the duties of the office. The county registrar and deputy registrar must carry out the duties formerly carried out by local registrars without additional compensation. The county registrar must appoint a subregistrar for each hospital, nursing home, and other institution as required within the county whose duty it is to issue Burial‑Removal‑Transit Permits for deaths occurring at the hospitals, nursing homes, and other institutions. The county registrar must require the coroner of the county to issue Burial‑Removal‑Transit Permits for deaths occurring outside hospitals, nursing homes, or other institutions.

HISTORY: 1962 Code Section 32‑1105; 1952 Code Section 32‑1105; 1946 (44) 1543; 1970 (56) 2556; 1988 Act No. 341, Section 1; 2002 Act No. 272, Section 2, eff May 28, 2002.

**SECTION 44‑63‑55.** Certificate of birth resulting in stillbirth.

(A) The state registrar shall develop a form entitled " Certificate of Birth Resulting in Stillbirth" for distribution to all South Carolina delivering hospitals. The hospital shall provide and offer to complete this form, prior to discharge, for mothers whose delivery resulted in a fetal death of twenty completed weeks of gestation or more or a weight of three hundred fifty grams or more. The "Certificate of Birth Resulting in Stillbirth" must be filed with the county registrar within five days following the delivery. The "Certificate of Birth Resulting in Stillbirth" does not constitute proof of a live birth and does not replace the requirement to file a Report of Fetal Death as required in Regulation 61‑19, Section 21.

(B) The person preparing the "Certificate of Birth Resulting in Stillbirth" pursuant to this section shall leave blank any reference to the stillborn's name if the parent or parents do not provide this information.

HISTORY: 2004 Act No. 203, Section 2, eff April 26, 2004.

Editor's Note

2004 Act No. 203, Section 1, provides as follows:

"This act may be cited as 'Hunter's Law'."

**SECTION 44‑63‑60.** Certificates to be furnished by state registrar.

The state registrar, upon application by those entitled pursuant to Section 44‑63‑80, 44‑63‑82, 44‑63‑84, or 44‑63‑86, shall furnish a certificate under the seal of the department showing data from the records of births, deaths, marriages, and divorces registered with the department or a certified copy under seal of such records. Federal, state, local, and other public or private agencies must be furnished copies or data for statistical, health, or legal purposes upon such terms or conditions as prescribed by the state registrar except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.

HISTORY: 1962 Code Section 32‑1121; 1952 Code Section 32‑1121; 1951 (47) 437; 1988 Act No. 341, Section 1; 1997 Act No. 71, Section 9.

**SECTION 44‑63‑70.** State registrar shall prescribe forms and furnish copies to county registrars and appropriate agencies.

The state registrar shall prescribe the proper forms for the certification and recording of all vital statistics in this State and shall furnish copies of these forms to all county registrars and appropriate agencies in the State having the responsibility for the registration, reporting, and certification of vital statistics, data, and information.

HISTORY: 1962 Code Section 32‑1122; 1952 Code Section 32‑1122; 1945 (44) 80; 1967 (55) 709; 1970 (56) 2552; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑72.** Death certificates filed by licensed embalmers and funeral directors; contents.

When a licensed funeral director or a licensed embalmer files a death certificate:

(1) the licensed funeral director must provide his license number and his signature in the appropriate location on the death certificate;

(2) the licensed embalmer must provide his license number and either his name or signature in the appropriate location on the death certificate.

HISTORY: 2007 Act No. 74, Section 1, eff 30 days after approval by the Governor (approved June 13, 2007).

**SECTION 44‑63‑74.** Electronic filing and transmission of death certificates; penalties; electronic signatures.

(A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within five days after death. As prescribed by law, the Bureau of Vital Statistics shall notify the State Election Commission of the decedent's death who shall subsequently notify the County Board of Voter Registration and Elections in which the decedent was a resident of the decedent's death for purposes of removing the decedent from the voter roll.

(2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

(a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

(b) the medical certification of cause of death as provided in department regulations.

(3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty‑eight hours after receipt of notice of the death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty‑eight hours after death, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the state registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate. If the forty‑eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

(4) Death certificates must be transmitted electronically between the funeral home, or funeral home director, and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, is exempt from the requirement to file electronically but must comply with the requirements of items (2) or (3), as applicable.

(5)(a) A physician who fails to certify the cause of death within forty‑eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3). The department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty‑eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item. However, the department must not assess a penalty against a funeral home or funeral director for the delay or inability to collect personal data of the decedent pursuant to item (2)(a). The department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.

(B) For purposes of this section, an electronic signature shall be as defined pursuant to the Uniform Electronic Transactions Act, Chapter 6, Title 26.

HISTORY: 2012 Act No. 199, Section 1, eff September 1, 2012; 2015 Act No. 72 (S.176), Section 1, eff January 1, 2016; 2022 Act No. 157 (H.3325), Sections 1.A, 1.B, eff July 1, 2022.

Effect of Amendment

2022 Act No. 157, Section 1.A, in (A), in (4), in the first sentence, substituted "funeral home, or funeral home director," for "funeral home director" and, in the third sentence, substituted "friend, is exempt" for "friend, physicians certifying fewer than twelve deaths per year, and funeral homes that perform fewer than twelve funerals per year are exempt".

2022 Act No. 157, Section 1.B, in (A), in (1), inserted the second sentence.

**SECTION 44‑63‑75.** Social security or alien identification numbers on birth, death, divorce, and marriage application records.

(A) Social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, must be included in the forms prescribed by the state registrar for:

(1) the recordation of birth, death, and divorce;

(2) the application of marriage.

(B) Social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, must be recorded on birth and death certificates.

HISTORY: 1994 Act No. 513, Section 5; 1997 Act No. 71, Section 10; 1999 Act No. 100, Part II, Section 105.

**SECTION 44‑63‑80.** Certified copies of birth certificates; to whom issued; "South Carolina Family Respect" pamphlet to be included with certified copies.

(A) Except as otherwise provided, certified copies of the original birth certificate or any new or amendatory certificate, exclusive of that portion containing confidential information, must be issued only by the state registrar and only to the registrant, if of legal age, his parent or guardian, or other legal representative, and upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The registrar shall include a copy of the pamphlet "South Carolina Family Respect", as provided in Section 20‑1‑720, when it mails or sends the certified copy of the birth certificate. However, the certified copy of the birth certificate may not disclose the name of the father in any illegitimate birth unless the name of the father is entered on the certificate pursuant to Section 44‑63‑163 or Section 44‑63‑165.

(B) For purposes of this section and obtaining a birth certificate, the term "other legal representative" shall include:

(1) a person or agency that has current legal custody of a registrant by any currently effective order of a court of competent jurisdiction, including a temporary order;

(2) the Department of Social Services for any individual or registrant in foster care or its legal custody;

(3) a caregiver, including a kinship caregiver, providing care to a child pursuant to any currently effective order of a court of competent jurisdiction, including a temporary order;

(4) an attorney representing the registrant or, if the parent is listed on the registrant's birth certificate, the registrant's parent;

(5) subject to the department's verification process, on behalf of a homeless child or youth served by them:

(a) a director or designee of a South Carolina governmental agency or a nonprofit organization registered with the South Carolina Secretary of State's Office that receives public or private funding to provide services to the homeless; and

(b) a South Carolina school district's McKinney‑Vento liaison for homeless children or youth.

(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of Health and Environmental Control and the Department of Social Services, and no copies of court orders or other third‑party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.

(D) When one hundred years have elapsed after the date of birth, these records must be made available in photographic or other suitable format for public viewing.

HISTORY: 1962 Code Section 32‑1122.1; 1970 (56) 2552; 1978 Act No. 587 Section 1; 1988 Act No. 341, Section 1; 1997 Act No. 71, Section 11; 2001 Act No. 4, Section 3, eff November 30, 2000; 2022 Act No. 212 (S.1025), Section 1, eff May 23, 2022.

Effect of Amendment

2022 Act No. 212, Section 1, inserted the (A) and (D) designators; in (A), deleted the fourth sentence, which related to the short form certificate or birth card being furnished only to the registrant, his parent or guardian, or other legal representative by the state or county registrar; and inserted (B) and (C).

**SECTION 44‑63‑82.** Matching of birth and death certificates.

To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the state registrar is authorized to match birth and death certificates and to post the fact of death to the appropriate birth certificate. Copies issued from birth certificates marked deceased must be similarly marked. In addition to those entitled to receive certified copies of birth certificates pursuant to Section 44‑63‑80, certified copies of birth certificates marked deceased may be issued to a member of the registrant's immediate family under such terms and conditions as may be prescribed by the state registrar.

HISTORY: 1988 Act No. 341, Section 1.

**SECTION 44‑63‑84.** Persons to whom death certificate may be issued.

Copies of death certificates may be issued to members of the deceased's family or their respective legal representatives. Upon request, the Department of Social Services or its designee must be provided with copies or certified copies of death certificates for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Others who demonstrate a direct and tangible interest may be issued copies when information is needed for the determination of a personal or property right. Other applicants may be provided with a statement that the death occurred, the date, and county of death. However, when fifty years have elapsed after the date of death, these records become public records and any person may obtain copies upon submission of an application containing sufficient information to locate the record. For each copy issued or search of the files made, the state registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his possession, except that the Department of Social Services or its designee may not be charged this fee.

When fifty years have elapsed after the date of death, these records must be made available in photographic or other suitable format for public viewing.

HISTORY: 1988 Act No. 341, Section 1; 1997 Act No. 71, Section 12.

**SECTION 44‑63‑86.** Persons to whom marriage certificates and reports of divorce may be issued.

Copies of marriage certificates and reports of divorce registered with the Department of Health and Environmental Control must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.

HISTORY: 1988 Act No. 341, Section 1; 1997 Act No. 71, Section 13.

**SECTION 44‑63‑90.** Issuance of certificate where birth has not been registered.

When the birth of a person born in the State has not been registered, a certificate may be filed subject to these regulations prescribed by the state registrar of vital statistics. However, when it appears that an applicant for a certificate of birth cannot produce minimum prescribed documentation, satisfactory as to validity, to the state registrar, the applicant may be denied a certificate of birth and advised as to the reason for the denial. No delayed birth certificate may be registered for a deceased person.

HISTORY: 1962 Code Section 32‑1123; 1952 Code Section 32‑1123; 1944 (43) 1209; 1970 (56) 2552; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑100.** Registering birth by way of petition for Delayed Certificate of Birth Established by Court Order.

(A) A petition may be filed in the South Carolina family court of petitioner's residence, or if petitioner no longer resides in South Carolina, in a court of competent jurisdiction in the state of petitioner's residence, for an order establishing a record of the name at birth, subsequent name changes, gender at birth, gender changes, date of birth, county of birth, and the full name of the mother prior to any marriages, and the full name of the biological father of the person whose birth is sought to be registered by way of a Delayed Certificate of Birth Established by Court Order.

(B) The petition must allege that the person for whom a delayed certificate of birth is sought was born in this State, that no record of birth exists, and that the petitioner has failed to produce the minimum required documentation to the State Registrar of Vital Statistics for an administrative establishment of a delayed birth certificate. A certification from the State Registrar of Vital Statistics must be attached to the petition stating that no birth record has been located in the records of this State. This certification must be dated less than two years before the petitions' filing date.

(C) The petitioner shall serve a certified copy of the filed petition on the State Registrar of Vital Statistics at least thirty days before a scheduled hearing. The court shall fix the time and place of the hearing on the petition for establishment of birth registration, and at least ten days' notice in writing must be given to the State Registrar of Vital Statistics.

(D) The court shall determine, and the order must include, the registrant's name at birth, subsequent name changes, gender at birth, gender changes, the date of birth, the county of birth, the full name of the mother prior to any marriages, the full name of the biological father, and additional findings as the court considers necessary. The order also must include a description of the evidence presented to the court. The order must be forwarded by the clerk of court to the State Registrar no later than thirty days following the month in which the order was entered by the court.

HISTORY: 1962 Code Section 32‑1123.1; 1970 (56) 2552; 1986 Act No. 465; 1988 Act No. 341, Section 1; 2006 Act No. 324, Section 1, eff June 6, 2006.

**SECTION 44‑63‑110.** Fees.

For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44‑63‑60, 44‑63‑80, 44‑63‑90 or 44‑63‑100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the Board of the Department of Health and Environmental Control must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The amount of the fee established by the board may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.

HISTORY: 1962 Code Section 32‑1124; 1952 Code Section 32‑1124; 1945 (44) 80; 1951 (47) 437; 1952 (47) 2146; 1956 (49) 2019; 1970 (56) 2552; 1978 Act No. 587 Section 2; 1979 Act No. 41 Section 2; 1979 Act No. 196 Section 1; 1988 Act No. 341, Section 1; 1993 Act No. 181, Section 1139; 1997 Act No. 71, Section 14.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2019 Act No. 26, Section 4(C), references to the Division of Veterans' Affairs were changed to reflect the transfer of it to the Department of Veterans' Affairs.

**SECTION 44‑63‑120.** Disposition of fees received by state registrar.

The state registrar shall remit all fees received by him under the provisions of this chapter to the State Treasurer each month.

HISTORY: 1962 Code Section 32‑1126; 1952 Code Section 32‑1126; 1951 (47) 437; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑140.** Supplementary or amended birth certificates for adopted children or adults.

Upon receipt of a certified Certificate of Adoption pursuant to Section 63‑9‑790:

(1)(a) For a person born in this State, the state registrar shall prepare a supplementary Certificate of Birth in the name of the adoptee, free of any reference to or indication of the fact that the child was adopted and showing the adoptive parents as the parents, except that an adoption of an adult must display the words "By Adoption" on the face of the amended certificate.

Text of (1)(b) effective until May 16, 2023.

(b) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction. However, a person eighteen years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption may, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record if the biological parent has completed a form consenting to the release of the original birth certificate. The form also must allow for the biological parent to indicate contact preference and to consent to release of medical history pursuant to item (1)(c). The copy of the original birth certificate must be in a form that clearly indicates it is not a certified copy and that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to nonadopted citizens born in the State of South Carolina seeking copies of certificates of birth apply.

Text of (1)(b) effective May 16, 2023.

(b)(i) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction or as provided in this subitem.

(ii) A person eighteen years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption may, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record, regardless of the date on which the adoption was finalized, if:

(A) a biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or

(B) the adoptee brings to the department a certification from the department or an office of vital records in another jurisdiction certifying that a biological parent is deceased.

This provision allows adoptees who have reached the age of eighteen to access a copy of their original birth certificate and accompanying evidence of adoption with the consent of a biological parent, or if a biological parent is deceased, and applies retroactively, regardless of the date on which the adoption was finalized.

(iii) The form referenced in subitem (b)(ii) also must allow for a biological parent to indicate contact preference and to consent to release of medical history pursuant to item (1)(c). The copy of the original birth certificate must be in a form that clearly indicates it is not a certified copy and that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to nonadopted citizens born in the State of South Carolina seeking copies of certificates of birth apply.

(iv) Whenever an adoptee who has reached the age of eighteen applies for a copy of his original birth certificate and accompanying evidence of adoption, the department shall redact from the copy all information as to any biological parent that has not given consent in accordance with this section, unless certified as deceased.

(c) The department shall develop a contact preference form and a medical history form to provide to a biological parent upon request to be completed at his option. Upon completion, a contact preference form and a medical history form must be filed with the state registrar and accompany an original sealed birth certificate issued to an adoptee pursuant to subitem (b).

(d) The contact preference form must allow the biological parent to indicate whether he has completed or updated a medical history form and must allow the biological parent to choose one of the following contact options and provide contact information as appropriate:

(1) I would like to be contacted.

(2) I would prefer to be contacted only through an intermediary.

(3) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.

Only department staff authorized to process applications made pursuant to subitem (b) may process contact preference and medical history forms.

(e) The medical history form and contact preference form are confidential communications from the biological parent to the person named on the sealed birth certificate and must be placed in a sealed file upon receipt from the biological parent in the file containing the sealed original birth certificate. The sealed file containing the contact preference form and medical history form must be released to an adoptee requesting the adoptee's own original birth certificate pursuant to subitem (b). The contact preference form and medical history form are private communications from the biological parent to the adoptee named on the sealed birth certificate, and the state registrar shall retain a copy of the forms upon release to the adoptee.

(2) When adoption is decreed by a family court in this State of a person born in a foreign country who was not a United States citizen at birth and evidence of the date and place of birth submitted to the court and the court order setting forth the date and place of birth are attached to the Certificate of Adoption, the state registrar, when directed by the court order, shall prepare a "Certificate of Foreign Birth". The certificate, and any issued copy of the certificate, must be labeled "Certificate of Foreign Birth" and must show the actual country of birth. A statement also must be included on the certificate, and any issued copy of the certificate, that it is not evidence of United States citizenship for the person for whom it is issued.

(3) If the person was born in a foreign country and was a United States citizen at the time of birth, the state registrar may not prepare a "Certificate of Foreign Birth" but shall notify the adoptive parents of the procedure for obtaining a revised birth certificate for their child through the United States Department of State.

(4) For a person born in another state in the United States, the state registrar shall transmit the certified Certificate of Adoption to the state registrar in the state of birth.

(5) When adoption is decreed in a foreign country of a person born in that country and the procedures set forth in Section 63‑9‑910 are followed, upon receipt of the court order with its findings and the certificate of adoption, the state registrar shall prepare a "Certificate of Foreign Birth". The certificate, and any issued copy of the certificate, must be labeled "Certificate of Foreign Birth" and must state the actual country of birth. A statement also must be included on the certificate, and any issued copy of the certificate, that it is not evidence of United States' citizenship for the person for whom it is issued.

HISTORY: 1962 Code Section 32‑1129; 1952 Code Section 32‑1129; 1945 (44) 3; 1956 (49) 1735; 1987 Act No. 87 Section 2; 1988 Act No. 341, Section 1; 1997 Act No. 69, Section 2; 2018 Act No. 241 (H.3775), Section 1, eff July 1, 2019; 2022 Act No. 200 (H.5000), Section 1, eff May 16, 2023.

Editor's Note

2018 Act No. 241, Section 2, provides as follows:

"SECTION 2. This act takes effect July 1, 2019, and applies only to adoptions finalized after that date."

2022 Act No. 200, Section 2, provides as follows:

"SECTION 2. This act takes effect twelve months after approval by the Governor."

Effect of Amendment

2018 Act No. 241, Section 1, rewrote (1), allowing an adult adoptee to obtain a copy of the adoptee's own original birth certificate in certain circumstances and allowing a biological parent to execute a contact preference form and a medical history form to be provided to the adult adoptee upon request.

2022 Act No. 200, Section 1, rewrote (1)(b).

**SECTION 44‑63‑150.** Correction of mistakes in birth or death certificates.

Correction of mistakes in birth and death certificates may be made by the state registrar upon written application duly verified and sworn to by the appropriate person as required by regulation and upon receipt of supporting evidence when required by regulation. Certificates corrected more than one year after the event must be marked "amended". The state registrar shall certify the corrected certificate is the true certificate. Supporting affidavits of fact must be attached to the certificate corrected more than one year after the date of the event.

HISTORY: 1962 Code Section 32‑1130; 1952 Code Section 32‑1130; 1944 (43) 1209; 1970 (56) 2552; 1979 Act No. 41 Section 3; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑160.** Amendment of birth record of legitimized child.

To amend a birth record of a child legitimized under the provisions of Section 20‑1‑60 or 20‑1‑70, the Bureau of Vital Statistics shall require an affidavit of both parents and a certified copy of the parents' marriage record. However, if either the mother or the reputed father is deceased, if another man is shown as the father of the child on the original birth certificate, or if the original birth certificate states that the mother was married, a new certificate may be prepared only when a determination of paternity is made by the family court. The original birth certificate and documents authorizing the amendment must be placed in a sealed file not to be subject to inspection except upon order of the family court.

HISTORY: 1962 Code Section 32‑1130.1; 1970 (56) 2552; 1979 Act No. 41 Section 4; 1988 Act No. 341, Section 1.

**SECTION 44‑63‑161.** Unlawful acts; penalties.

(A) It is unlawful for a person:

(1) other than the Department of Health and Environmental Control and county health departments to issue copies or certified copies of birth and death certificates or a document purporting to be a birth or death certificate;

(2) to wilfully make a false statement in a certificate, record, or report required to be filed by this chapter or a regulation, or in an application for an amendment to or for a certified copy of the certificate, record, or report, or to wilfully supply false information intending that the information be used in the preparation or amendment of the certificate, record, or report;

(3) without lawful authority to wilfully make, sell, counterfeit, alter, amend, or mutilate a certificate, record, or report required to be filed by this chapter or a regulation or a certified copy of the certificate, record, or report;

(4) to wilfully obtain, possess, use, sell, furnish to another, or attempt to obtain, possess, use, sell, or furnish to another, for the purpose of deception, a certificate, record, report required to be filed by this chapter or a regulation, or a certified copy of these, including a certificate, record, or report or certified copy that has been counterfeited, altered, amended, or mutilated or a document purporting to be the certificate, record, or report;

(5) to wilfully violate a regulation or an order of the department relative to recording, reporting, or filing information for the Bureau of Vital Records.

(B) A person who violates a provision of item (1), (2), (3), or (4) of subsection (A) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

(C) A person who violates a provision of item (5) of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

HISTORY: 1978 Act No. 587 Section 5; 1988 Act No. 341, Section 1; 2003 Act No. 64, Section 1, eff June 25, 2003.

**SECTION 44‑63‑163.** Birth certificate to be prepared after father is determined in paternity proceeding.

Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63‑17‑70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63‑17‑10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

HISTORY: 1988 Act No. 341, Section 1; 1997 Act No. 71, Section 20; 2019 Act No. 42 (S.21), Section 2, eff May 16, 2019.

Effect of Amendment

2019 Act No. 42, Section 2, inserted the first sentence, in the second sentence, substituted "A new certificate" for "A certificate", inserted the third sentence, and in the fourth sentence, substituted "surname must not be changed" for "request for the certificate must specify the surname to be placed".

**SECTION 44‑63‑165.** Birth certificate of illegitimate child to be prepared when father acknowledges paternity.

A certificate must be prepared for a child born out of wedlock in this State to include the name of the father upon receipt of a sworn acknowledgment of paternity signed by both parents to include the surname by which the child is to be known. However, if the reputed father or the mother is deceased, if another man is shown as the father of the child on the original birth certificate or if the original birth certificate states that the mother was married, a new certificate may be prepared only when paternity has been determined or acknowledged pursuant to Article 1, Chapter 17, Title 63. A paternity acknowledgment must be provided to the State Department of Social Services from the appropriate state agency upon request at no charge for the purpose of establishing a child support obligation and otherwise a paternity acknowledgment is not subject to inspection except upon order of the Family Court.

HISTORY: 1988 Act No. 341, Section 1; 1995 Act No. 102, Part VI, Section 8; 2006 Act No. 324, Section 2, eff June 6, 2006.

**SECTION 44‑63‑180.** Persons who may register statistical record of birth.

Any individual born in this State prior to 1915 who has no official record of his birth may register a delayed birth certificate under the direction of the state registrar with the county health department in the county in which he was born. Nothing in this chapter makes the registration compulsory; however, a delayed birth certificate may not be registered for a deceased person as provided by Section 44‑63‑90.

HISTORY: 1962 Code Section 32‑1142; 1970 (56) 2555; 1988 Act No. 341, Section 1.