

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 216

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VITAL STATISTICS; AMENDING SECTION 39-250, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING THE COMPLETION AND CORRECTION OF CERTIFICATES AND  
3 TO DEFINE TERMS; AMENDING SECTION 39-278, IDAHO CODE, TO PROVIDE A COR-  
4 RECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-  
5 TIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-250, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 39-250. COMPLETION, ~~AND CORRECTION,~~ AND AMENDMENT OF CERTIFICATES --  
11 PROCEDURE -- OTHER ALTERATIONS PROHIBITED. (1) A certificate of any event  
12 shall be completed, corrected, amended or otherwise altered after being  
13 filed with the vital statistics unit only in accordance with this chapter and  
14 rules promulgated by the board.

15 (2) For the purposes of this section:

16 (a) "Amended" refers to a change in legal facts.

17 (b) "Completed" refers to the addition of a material fact to an area of a  
18 certificate that was previously left blank.

19 (c) "Corrected" refers to the replacement of previously entered incor-  
20 rect information with correct information following the receipt of au-  
21 thoritative documentation of a material fact.

22 (d) "Legal facts" means facts that are not material facts as described  
23 in section 39-245A(2), Idaho Code, and are the result of a legally bind-  
24 ing decision or process.

25 (3) A certificate that is completed or corrected shall not be marked  
26 "amended" and shall not contain markings identifying the specific comple-  
27 tion or correction. A completed or corrected certificate shall be identi-  
28 fied on the face of the certificate with a C1, C2, et seq., corresponding to  
29 the number of completions or corrections, and the evidence submitted to doc-  
30 ument the material fact that was completed or corrected shall be made part of  
31 the record kept in the office of the registrar.

32 ~~(1)~~ (4) A certificate that is amended under the provisions of this sec-  
33 tion shall be marked "amended," except as otherwise provided in this sec-  
34 tion. The date of amendment and a summary description of the evidence sub-  
35 mitted in support of the amendment shall be filed with or made a part of the  
36 record. The department shall prescribe by rule the conditions under which  
37 additions or minor corrections may be made to certificates or records within  
38 one (1) year after the date of the event without the certificate being marked  
39 "amended."

40 ~~(2)~~ (5) Upon receipt of a notarized voluntary acknowledgment of pater-  
41 ernity, the state registrar shall amend the certificate of birth to show such  
42 paternity if paternity is not already shown on the certificate of birth, and

1 change the child's surname to that of the father, if both parents so request.  
2 Such certificate shall not be marked "amended."

3 ~~(3)~~ (6) Upon receipt of both a notarized affidavit of nonpaternity  
4 signed by the husband attesting that he is not the father, and a notarized  
5 acknowledgment of paternity signed by the mother and the alleged father  
6 attesting that the alleged father is the father, the state registrar shall  
7 amend the certificate of birth to show such paternity, and change the child's  
8 name, if so requested by the mother and the alleged father. Such certificate  
9 shall not be marked "amended."

10 ~~(4)~~ (7) Upon receipt of a certified copy of an order of a court of compe-  
11 tent jurisdiction changing the name of a person born in this state and upon  
12 request of such person or the parent(s), guardian, or legal representative,  
13 the state registrar shall amend the certificate of birth to show the new  
14 name.

15 ~~(5)~~ (8) When an applicant does not submit the minimum documentation re-  
16 quired in the rules for amending a vital record in a manner otherwise per-  
17 mitted by rule, or when the state registrar has reasonable cause to question  
18 the validity or adequacy of the applicant's sworn statements or the documen-  
19 tary evidence, and if the deficiencies are not corrected, the state regis-  
20 trar shall not amend the vital record and shall advise the applicant of the  
21 reason for this action and shall further advise the applicant of the right  
22 to petition a court of competent jurisdiction for an order establishing the  
23 facts necessary to make the requested amendment.

24 ~~(6)~~ (9) If an acknowledgment of paternity or affidavit of nonpaternity  
25 is rescinded pursuant to section 7-1106, Idaho Code, and the certificate of  
26 birth had been prepared or amended in accordance with the acknowledgment,  
27 the state registrar shall not release any copies of the certificate of birth  
28 except as required for a legal proceeding until a court order determining pa-  
29 ternity has been provided to the state registrar. If the mother was married  
30 at the time of either conception or birth, or between conception and birth,  
31 the court shall also determine if the husband is the father of the child.

32 SECTION 2. That Section 39-278, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 39-278. PROCEDURE FOR DELAYED REGISTRATION OR AMENDMENT OF VITAL  
35 RECORD. (1) Following exhaustion of any administrative procedures or reme-  
36 dies provided by this chapter or by department rule, if an applicant has been  
37 denied a request to amend a vital record as provided by section 39-250~~(5)~~(8),  
38 Idaho Code, or because the item for which an amendment is sought has already  
39 been once administratively denied, or if a delayed registration is rejected,  
40 including as provided in section 39-267, Idaho Code, the applicant may  
41 petition a court of competent jurisdiction of this state for an order estab-  
42 lishing the facts necessary to establish or amend a vital record as provided  
43 in this section.

44 (2) The petition must be verified and must allege at least:

45 (a) If the petition is for a delayed registration of birth:

46 (i) That the person for whom the delayed certificate is requested  
47 was born in this state;

48 (ii) That the person's birth is not registered in another state or  
49 country;

- 1 (iii) That a record for the person's birth cannot be found in the  
2 state's vital records;
- 3 (iv) That despite diligent efforts the petitioner was unable to  
4 obtain the information and evidentiary documents required for the  
5 creation and registration of a delayed certificate of birth;
- 6 (v) That the state registrar has issued a final rejection of the  
7 application for a delayed certificate of birth; and
- 8 (vi) The following information:
- 9 1. The original full name and sex of the registrant;
- 10 2. The date of birth and place of birth, including the:
- 11 (A) Facility;
- 12 (B) City, town or location;
- 13 (C) County; and
- 14 3. The full maiden name of the mother; and
- 15 4. The full name of the father, unless the registrant was  
16 born out of wedlock.
- 17 (b) If the petition is for a delayed registration of death or still-  
18 birth:
- 19 (i) That the person for whom the delayed certificate is requested  
20 died in this state;
- 21 (ii) That the person's death is not registered in another state or  
22 country;
- 23 (iii) That a record for the person's death cannot be found in the  
24 state's vital records;
- 25 (iv) That despite diligent efforts the petitioner was unable to  
26 obtain the information and evidentiary documents required for the  
27 creation and registration of a delayed certificate of death;
- 28 (v) That the state registrar has issued a final rejection of the  
29 application for a delayed certificate of death; and
- 30 (vi) The following information:
- 31 1. The full name and sex of the deceased;
- 32 2. The date and place of death, including the:
- 33 (A) Facility;
- 34 (B) City, town or location;
- 35 (C) County; and
- 36 3. For a stillbirth:
- 37 (A) The full maiden name of the mother; and
- 38 (B) The full name of the father, unless the mother was  
39 not married.
- 40 (c) If the petition is for another amendment to a vital record, in a man-  
41 ner otherwise permitted by department rule:
- 42 (i) The identity of the record registered with the state reg-  
43 istrar and the item in the record the petitioner requests to be  
44 amended;
- 45 (ii) The change requested and the purpose of the amendment;
- 46 (iii) The rule under which the amendment is otherwise permitted;  
47 and
- 48 (iv) That the state registrar has issued a final rejection of the  
49 application for the requested amendment and the reason for the re-  
50 jection.

1 (3) The petitioner must attach all evidentiary documents presented to  
2 the registrar and the written final letter of denial or rejection from the  
3 registrar.

4 (4) The petitioner must provide a complete copy of the petition, to-  
5 gether with notice of the date, time and place of the hearing, by mailing a  
6 copy thereof at least fourteen (14) days before the time set for the hearing,  
7 by certified, registered or ordinary first class mail, to the state regis-  
8 trar at the address given in the written final letter of denial or rejection.  
9 The state registrar or an authorized representative may appear and present  
10 evidence at the hearing.

11 (5) If the court finds from the evidence presented that:

12 (a) The person for whom a delayed certificate of birth is requested was  
13 born in this state, it shall make findings as to:

14 (i) The original full name and sex of the registrant;

15 (ii) The date of birth and place of birth, including the:

16 1. Facility;

17 2. City, town or location;

18 3. County; and

19 (iii) The full maiden name of the mother; and

20 (iv) The full name of the father, unless the registrant was born  
21 out of wedlock.

22 (b) The person for whom a delayed certificate of death is requested died  
23 in this state, it shall make findings as to:

24 (i) The full name and sex of the deceased; and

25 (ii) The date and place of death, including the:

26 1. Facility;

27 2. City, town or location; and

28 3. County.

29 (c) The person requesting any other amendment to a vital record in a  
30 manner otherwise permitted by department rule has established the facts  
31 necessary for the amendment and the amendment is otherwise appropri-  
32 ate, it shall make an order amending the item in the vital record as  
33 requested.

34 (6) The order of the court shall include a description of the evidence  
35 presented and the date of the court's action.

36 (7) The order of the court shall not alter the fees otherwise required  
37 by the registrar for the requested amendment, or the time frames otherwise  
38 provided for the registrar to administratively establish or make the amend-  
39 ment requested.

40 SECTION 3. An emergency existing therefor, which emergency is hereby  
41 declared to exist, this act shall be in full force and effect on and after  
42 July 1, 2025.