

**IC 16-37**

**ARTICLE 37. VITAL STATISTICS**

**IC 16-37-1**

**Chapter 1. General Provisions**

**IC 16-37-1-0.1**

**Repealed**

*(Repealed by P.L.63-2012, SEC.21.)*

**IC 16-37-1-1**

**Administration**

Sec. 1. The state department shall provide a system of vital statistics for Indiana to be administered by a division of the state department.

*As added by P.L.2-1993, SEC.20.*

**IC 16-37-1-2**

**State registrar; duties**

Sec. 2. The employee in charge of the division of the state department administering the system of vital statistics shall be known as the state registrar and shall do the following:

- (1) Keep the files and records pertaining to vital statistics.
- (2) Perform the duties prescribed by the state department.
- (3) Perform the duties required under IC 10-13-5-11.
- (4) Administer the putative father registry established by IC 31-19-5-2.
- (5) Maintain records of paternity determinations as provided by IC 31-14-9.

*As added by P.L.2-1993, SEC.20. Amended by P.L.100-1994, SEC.1; P.L.1-1997, SEC.90; P.L.2-2003, SEC.54.*

**IC 16-37-1-3**

**State department duties; rules**

Sec. 3. The state department shall do the following:

- (1) Prescribe the information to be contained in each kind of application, certificate, report, or permit required by this article.
- (2) Adopt rules under IC 4-22-2 for the following:
  - (A) Collecting, transcribing, compiling, and preserving vital statistics.
  - (B) The form, execution, filing, and recording of paternity affidavits executed under IC 16-37-2-2.1.

*As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.60; P.L.133-1995, SEC.11.*

**IC 16-37-1-3.1**

**Establishes Indiana birth registration and Indiana death registration systems**

Sec. 3.1. (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording

in an electronic format live births in Indiana.

(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

- (1) funeral directors;
- (2) physicians;
- (3) coroners;
- (4) medical examiners;
- (5) persons in attendance at birth; and
- (6) local health departments;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

- (A) physician last in attendance upon the deceased; or
- (B) person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

- (A) initiating the document process; or
- (B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.

*As added by P.L.61-2009, SEC.5. Amended by P.L.156-2011, SEC.33.*

#### **IC 16-37-1-4**

##### **Registration districts**

Sec. 4. Each local health jurisdiction is a registration district for vital statistics and the local health officer shall be the local registrar.

*As added by P.L.2-1993, SEC.20.*

#### **IC 16-37-1-5**

##### **Monthly report of local health officer**

Sec. 5. (a) The local health officer, on the fourth day of each month, shall report to the state department concerning the births,

deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month. However, after December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death.

(b) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information each month in a format prescribed by the state department.

*As added by P.L.2-1993, SEC.20. Amended by P.L.148-1996, SEC.1; P.L.61-2009, SEC.6.*

#### **IC 16-37-1-6**

##### **Contents of monthly report**

Sec. 6. The report of the local health officer must contain the following:

- (1) The original copy of each certificate of birth, death, or stillbirth.
- (2) A certification that no other births, deaths, or stillbirths occurred within the jurisdiction to the best of the health officer's knowledge and belief.
- (3) A copy of each paternity affidavit filed with the health officer under IC 16-37-2-2.1.
- (4) Any other information required by the state department.

*As added by P.L.2-1993, SEC.20. Amended by P.L.101-1994, SEC.1; P.L.46-1995, SEC.61; P.L.133-1995, SEC.12.*

#### **IC 16-37-1-7**

##### **Birth certificate requests; permanent records**

Sec. 7. Both the state registrar and the local health officer shall maintain a permanent record, accompanying the birth records, that contains for each request for a certified copy of a birth certificate the following:

- (1) The date of the request.
- (2) The name and address of the person making the request.

*As added by P.L.2-1993, SEC.20. Amended by P.L.87-1994, SEC.9.*

#### **IC 16-37-1-8**

##### **Prerequisites to issuance of birth certificate; judicial review; missing child certificates; excluded information**

Sec. 8. (a) Except as provided in subsection (c), a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if:

- (1) the health officer is satisfied that the applicant has a direct interest in the matter;

- (2) the health officer determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and
- (3) the applicant for a birth certificate presents at least one (1) form of identification.

However, the local health officer must issue a certificate of an applicant's own birth registration.

(b) A local health officer's decision whether or not to issue a certified copy of a birth certificate is subject to review by a court.

(c) A local health officer may not issue a copy of a birth certificate of a missing child to which a notice has been attached under IC 10-13-5-11 without the authorization of the Indiana clearinghouse for information on missing children and missing endangered adults.

(d) Upon determination that a person may be provided a certification of death under subsection (a), the local health officer shall provide to the person a certification of death that excludes information concerning the cause of death if the person requests the exclusion of this information.

*As added by P.L.2-1993, SEC.20. Amended by P.L.2-2003, SEC.55; P.L.123-2007, SEC.1; P.L.43-2009, SEC.16.*

#### **IC 16-37-1-8.5**

##### **Certificate of birth resulting in stillbirth; required contents of certificate**

Sec. 8.5. (a) Upon request by a parent of a stillborn child, a local health officer shall provide to the parent a certificate of birth resulting in stillbirth.

(b) A certificate of birth resulting in stillbirth provided under subsection (a) must contain the following:

- (1) The caption "Certificate of Birth Resulting in Stillbirth".
- (2) A space for the name of the stillborn child.

(c) A certificate provided under this section is in addition to a certificate of stillbirth registration provided under section 8 of this chapter.

(d) For purposes of federal, state, and local taxes, the certificate provided under this section is not proof of a live birth.

(e) A local health department may charge the same fee for a certificate provided under this section as the fee charged for a certificate of birth registration provided under section 8 of this chapter.

(f) A certificate of birth resulting in stillbirth must be issued on tamper resistant paper.

*As added by P.L.13-2002, SEC.1.*

#### **IC 16-37-1-9**

##### **Registration certificate charges**

Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department

making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in subsection (d) must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

(1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;

(2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;

(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;

(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;

(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;

(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;

(7) three dollars and twenty-five cents (\$3.25) after June 30, 2038, and before July 1, 2043; and

(8) three dollars and fifty cents (\$3.50) after June 30, 2043.

*As added by P.L.2-1993, SEC.20. Amended by P.L.36-1993, SEC.2; P.L.215-2007, SEC.3; P.L.225-2007, SEC.2; P.L.3-2008, SEC.110.*

#### **IC 16-37-1-10**

#### **Restrictions on disclosure of data; judicial review; exemption; birth records of adopted children**

Sec. 10. (a) Except as provided in subsection (b), the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

(1) The state registrar shall permit inspection of the records or

issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:

(A) That the applicant has a direct interest in the matter recorded.

(B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

(2) The state department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use may be made of the data.

(3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

(b) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

*As added by P.L.2-1993, SEC.20. Amended by P.L.1-1997, SEC.91; P.L.257-1997(ss), SEC.29; P.L.1-1999, SEC.45.*

#### **IC 16-37-1-11**

##### **Record search or amendment; fees**

Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

*As added by P.L.2-1993, SEC.20. Amended by P.L.168-2003, SEC.1.*

#### **IC 16-37-1-11.5**

##### **Birth problems registry fee**

Sec. 11.5. In addition to the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

*As added by P.L.180-1993, SEC.1.*

#### **IC 16-37-1-11.7**

##### **Repealed**

*(Repealed by P.L.156-2011, SEC.41.)*

**IC 16-37-1-12 Version a**

**Fraud; felony**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 12. A person who, with intent to defraud:

- (1) makes a false or fraudulent statement in applying to a local health officer or to the state registrar for a certified copy of a birth certificate;
- (2) makes a false or fraudulent statement in applying to the state registrar for permission to inspect public birth records held by the state registrar;
- (3) alters, counterfeits, or mutilates a certified copy of a birth certificate issued by a local health officer or by the state registrar; or
- (4) uses an altered, a counterfeit, or a mutilated certified copy of a birth certificate;

commits a Class D felony.

*As added by P.L.2-1993, SEC.20. Amended by P.L.41-2008, SEC.1.*

**IC 16-37-1-12 Version b**

**Fraud; felony**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 12. A person who, with intent to defraud:

- (1) makes a false or fraudulent statement in applying to a local health officer or to the state registrar for a certified copy of a birth certificate;
- (2) makes a false or fraudulent statement in applying to the state registrar for permission to inspect public birth records held by the state registrar;
- (3) alters, counterfeits, or mutilates a certified copy of a birth certificate issued by a local health officer or by the state registrar; or
- (4) uses an altered, a counterfeit, or a mutilated certified copy of a birth certificate;

commits a Level 6 felony.

*As added by P.L.2-1993, SEC.20. Amended by P.L.41-2008, SEC.1; P.L.158-2013, SEC.239.*

**IC 16-37-1-13**

**Violations; sanctions**

Sec. 13. (a) Except as provided in subsection (c) or (d) or as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

(c) A person who:

- (1) is licensed under IC 25 in a profession listed in section 3.1(c) of this chapter; and
- (2) recklessly violates or fails to comply with this chapter;

is subject only to sanctions under IC 25-1-9-4(a)(3).

(d) The state department may not begin sanctioning a person for failing to submit a document in electronic format as required in section 3.1 of this chapter until January 1, 2012.

*As added by P.L.2-1993, SEC.20. Amended by P.L.156-2011, SEC.34.*