

Kansas Administrative Regulations

Department of Health and Environment

Article 17.—Division of Vital Statistics

28-17-20. Corrections to certificates and records.

Corrections to certificates and records may be made within the time limit indicated in each subsection.

(a) Amendments within 90 days.

(1) Within 90 days of receipt of an original vital record in the office of vital statistics, the following records in which an inaccuracy or an incomplete item is apparent on the certificate may be changed to show the accurate and complete facts:

(A) Birth certificates;

(B) any part of a death certificate other than the medical section describing the cause of death;

(C) any part of a stillbirth certificate, other than the medical section describing the cause of death;

(D) marriage certificates; and

(E) divorce certificates.

(2) The changes specified in this subsection shall be made as follows:

(A) Any death or stillbirth certificate may be amended by drawing a single line through the incorrect information in the appropriate space or by inserting the correct information in the appropriate space, if left blank on the original certificate. For each amendment, the date of the amendment and the word "amended" shall be written or typed on the certificate. The process of amendment specified in this paragraph shall not be used more than one time for the same item.

(B) A new certificate shall be created if any item to be corrected is not left blank on the original certificate or if a death or stillbirth certificate item has already been amended. This process of amendment shall not be used more than one time for the same item unless accompanied by a court order, except when amending a death or stillbirth certificate.

(C) If the registrant is a minor, the birth certificate may be amended at the request of a parent by submission of an affidavit and supporting evidence to substantiate each item to be amended, unless the item to be amended is to add the name of a parent, to correct the name of either parent or of the registrant, or to change the registrant's last name to that of either parent. Any of these amendments may be made pursuant to K.S.A. 23-2223, and amendments thereto.

(D) The process of amendment specified in paragraph (a)(2) shall be used when affidavits and supporting evidence have been furnished to and accepted by the secretary or the secretary's designee. The date of the amendment and the word "amended" shall be placed on the original certificate or the newly created certificate.

(3) An amendment fee, as specified in K.A.R. 28-17-6, shall be required, unless changes are made within the first 90 days after receipt of a death certificate or a stillbirth certificate in the office of vital statistics.

(b) Amendments after 90 days. After 90 days of receipt of the vital record in the office of vital statistics, amendments may be made as follows:

(1) Birth certificates.

(A) Any birth certificate may be amended upon the registrant's submission, or parent's submission if the registrant is a minor, of at least two documents that substantiate each item to be amended and that are executed and dated at least five years before the request for the amendment or before the tenth birthday anniversary of the registrant, except that the following items shall be corrected as specified:

(i) The item recording the registrant's sex may be amended if the amendment is substantiated with the registrant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded and with medical records substantiating the registrant's sex at the time of birth.

(ii) If the registrant is a minor, any request by a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the registrant, or changing the registrant's last name to that of either parent shall be made pursuant to K.S.A. 23-2223, and amendments thereto.

(iii) Any registrant who is of legal age may amend the order of the registrant's first and middle names if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(iv) Any registrant who is of legal age may place the registrant's first name or middle name, or both, on the record only if there is no first name and no middle name on the original certificate and if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(v) Any registrant who is of legal age may correct the spelling of the registrant's first name, middle name, or last name if the amendment is substantiated with one document established before the tenth birthday anniversary of the registrant. Changing the first name, middle name, or last name of the registrant shall not be considered to be correcting the spelling of the registrant's first name, middle name, or last name.

(vi) A registrant who is of legal age may correct the parents' names, if one of the required documents specified in paragraph (b)(1)(A) is the marriage license or birth certificate of the parent or parents.

(vii) The registrant's birth date on the certificate may be changed if both required documents were executed and dated before the tenth birthday anniversary and if the change is consistent with the recorded filing date.

(B) Any item that has been previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(E) Each request for an amendment to a birth certificate that does not require a court order shall be submitted by the parent or legal guardian of a registrant not of legal age, or by the registrant if of legal age. The person submitting the request shall execute a notarized affidavit stating the true facts to be recorded.

(2) Death certificates: personal data.

(A) Personal data may be amended without a court order if the request is made within the first 12 months after filing the original certificate.

(B) Requests for amendments to personal data may be made by the funeral director or person who submitted the original certificate.

(C) The original certificate shall remain on file unchanged and shall be placed in a sealed file unless required to be opened only by a court order. The new certificate shall be prepared by the funeral director or person who submitted the original certificate or by the state registrar. The medical section shall again be completed, and the required signatures shall be secured whenever possible. The signatures may be typed if the required signatures are unattainable and a written statement of the reason the signatures are unattainable is attached to the certificate. The certificate shall not be accepted if the stated reason for the typed signature is inadequate, as determined by the state registrar. Upon acceptance by the state registrar, the new certificate shall be marked "amended" and shall indicate the date of the amendment.

(3) Stillbirth certificates: personal data.

(A) Personal data may be amended upon the request of a parent and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(4) Marriage certificates: personal data.

(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(5) Divorce certificates: personal data.

(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(c) Amendments with no time limit.

(1) Death and stillbirth certificates: medical section data.

(A) Requests for amendments to the medical section data may be made only by the physician who signed the medical section on the original certificate or by the coroner in the jurisdiction the death or stillbirth occurred.

(B) Medical section data may be amended in either of the following ways:

(i) The original certificate shall remain on file unchanged, and the written statement or affidavit of the certifying physician or coroner shall be appended to the back of the original certificate. The original certificate shall be marked "amended" and shall indicate the date of the amendment.

(ii) A certifying physician or coroner may request the establishment of a new death certificate or stillbirth certificate. The funeral director or person who submitted the original certificate or the state registrar shall enter the personal data and forward the certificate to the certifying physician or coroner to sign the medical section. When all items have been completed, the new certificate shall be submitted to the office of vital

statistics, and upon acceptance of the certificate, the certificate shall be marked "amended" and shall indicate the date of the amendment. The original death or stillbirth certificate shall be placed in a sealed file to be opened by a court order.

(Authorized by K.S.A. 2015 Supp. 65-2402 and K.S.A. 65-2422c; implementing K.S.A. 65-2422c; effective Jan. 1, 1966; amended May 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005; amended June 24, 2016.)

***** Authenticated Kansas Administrative Regulation *****