

Rules

Governing the Registration And Certification of

Vital Events



Mississippi Department of Health
Office of Health Informatics
Bureau of Health Statistics

~~Rules~~

~~Governing the Registration
And Certification of~~

~~Vital Events~~



~~Public Health Statistics Division~~

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Introduction

This publication is a compilation of the procedures established for the orderly and timely registration of vital events in the state of Mississippi. These procedures are based on the Mississippi Code of 1972, Annotated, and the rules adopted by the Mississippi Board of Health and filed with the Secretary of State in compliance with the Administrative Procedures Act.~~statutes, rules and regulations, and in some instances simple office procedures.~~

Mississippi Code of 1972, Annotated, excerpts related to duties, authorities, and the registration or amendment of vital events are found in the Appendix. Code Section number and Appendix page number are indicated in the text by a bold and italic font.

The excerpts are as the Code exists at the time of this publication, any changes, additions or deletions to the Code take precedence over these published rules and regulations.~~Where appropriate, within this publication, source and authority are given for the procedures described. The appropriate state statutes are listed in this publication by number and title. They are printed in the following manner:~~

~~§ 41-57-1. Bureau of Vital Statistics established.~~

~~*A Bureau of Vital Statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths . . .*~~

~~All rules are printed in the following manner:~~

~~**Rule 2—Forms, certificates and reports**~~

~~All forms, certificates and reports used in the system of vital statistics are the property of the State Board of Health and shall be surrendered to the State Registrar of Vital Statistics upon demand. The forms . . .~~

~~The explanations given in this publication are non-binding in nature but will serve as a guide for the administration and operation of the registration system. Explanations are printed in the following type face:~~

- ~~• "The responsibility and authority to register vital events rests with . . ."~~

General Provisions Authority, Penalty

Statutory Authority (§41-57-1, Appendix page 4)

~~§ 41-57-1. Bureau of Vital Statistics established.~~

~~A Bureau of Vital Statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths and preservation of vital statistics on forms prescribed by said Board of Health, and which shall provide adequate methods for enforcing the laws and orders of said Board of Health relating to health matters of the state.~~

~~State statute mandates that a bureau of vital statistics be established by the Board of Health for the registration and preservation of vital events and statistics, and for the enforcement of such laws and orders. The responsibility and authority to register vital events rest with the State Board of Health.~~

Rulemaking Authority (§41-3-17, Appendix page 1)

~~§ 41-3-17. Power to make and publish rules and regulations.~~

~~The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objectives of its creation.~~

The ~~State~~ Board of Health has the authority to make reasonable rules and regulations to carry out its duties and the objectives of its creation. ~~for achieving these aims.~~

Definitions

Rule 1—Definitions

1. "Agency" means a county welfare department, a licensed or non-licensed adoption agency or any other individual or entity assisting in the finalization of an adoption.
2. "County medical examiner" means a licensed physician appointed to investigate and certify deaths affecting the public interest.
3. "County medical examiner investigator" means a non-physician trained and appointed to investigate and certify deaths affecting the public interest.
4. "Death" means when an individual has substained either an irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem. A determination of death must be made in accordance with accepted medical standards.

- 5.4. "Dead Body" means a human body or parts of such human body, the condition of which may reasonably lead to the conclusion that death has occurred.
65. "Embalming" means the arterial injection and the cavity injection and the cavity of an embalming fluid by a licensed embalmer.
7. "Father" means the male to whom the 'mother' was married at the time of conception or birth or at any time between conception and birth or, in the absence of marriage, the male who has acknowledged or been identified by court order under the appropriate statutes of the Mississippi Code of 1972, Annotated, as being the father of the fetus or child.
8. ~~6.~~—"Fetal Death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of duration 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.
97. "Filing" means the presentation of a vital record for registration by the Office of Vital Records Registration.
108. "Final Disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead ~~body of~~ fetus.
119. "Induced Termination of Pregnancy" means the intentional termination of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.
1240. "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals, or to which persons are committed by law.
1344. "Legal Representative" means attorney, physician, funeral director, or other authorized agent acting on behalf of the registrant or his family.
1412. "Licensed Adoption Agency" means any agency or organization performing adoption services ~~and~~ duly licensed by the Mississippi Department of Human Services, Division of Family and Children's Services.
1513. "Live Birth" Means 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 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.
16. "Mother" means the female from whom a live birth or fetal death was expelled or extracted, and to whom the umbilical cord and placenta were attached, or whom a court order specifies as the mother of the fetus or child.

17. 14. "Medical examiner" means the state Medical Examiner, county medical examiners and county medical examiner investors collectively, unless otherwise specified.

1815. "Physician" means a person authorized or licensed under the laws of the state to practice medicine or osteopathy.

1916. "Registration" means the acceptance by the Office of Vital Record Registration and the incorporation of a vital record into its official records.

2017. "Reporting" means the submission of information relating to a vital event to the Office of Vital Records Registration for medical, health, statistical, or administrative uses, but not for incorporation into its permanent official records.

2118. "State medical examiner" means the board certified forensic pathologist/physician appointed by the Commissioner of Public Safety to investigate and certify deaths which affect the public interest.

2219. "System of Vital Statistics" includes the collection, registration, preservation, amendment, and certification of vital records; the collection of other required reports on vital events; and activities related thereto, including the tabulation, analysis, and publication of vital statistics.

23. "Verifiable Midwife" means a 'lay' or 'granny' midwife whose identity and initial delivery has been documented by the field staff of the office of Vital Records Registration.

24. 20. "Vital Events" means the occurrences of live births, deaths, fetal deaths, induced termination of pregnancy, adoptions, marriages, divorces and annulments.

2521. "Vital Records" means certificates or reports of the following categories of vital events; births, deaths, marriages, divorces and annulments and data related thereto.

2622. "Vital Statistics" means the data derived from certificates and reports of all categories of vital events and related reports.

Mississippi Code of 1972, §41-41-31 Appendix page 2 and §41-41-76, Appendix page 3, respectively provide the following definitions:

27. "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead fetus.

28. "Medical Treatment" means, but is not limited to, hospitalization, laboratory tests, surgery or prescription drugs.

State Registrar (§41-57-3, Appendix page 5 and §41-57-43, Appendix page 8)

§ 41-57-3. State Registrar of Vital Records; safeguarding of records.

~~The Secretary of the State Board of Health shall appoint the State Registrar of Vital Records in accordance with classification standards of education and experience. It shall be his duty to carry into effect the rules, regulations and orders of the State Board of Health that are provided for the Office of Vital Records Registration. The said Board shall provide for such clerical and other assistance as may be necessary, and may fix the compensation of persons thus employed within the amount appropriated for the health work by the Legislature. The said Board shall provide suitable apartments, properly equipped with fireproof vaults and filing cases, for the permanent and safe preservation of all official records made and returned to the Office of Vital Records Registration.~~

In accordance with classification standards of education and experience a State Registrar of Vital Records shall be appointed by the Secretary of the Board of Health. The State Registrar shall be provided with such clerical and other assistance as needed to perform the duties of the position and shall be provided with suitable office space and fireproof vaults and filing cases for the permanent and safe preservation of all records.

The State Registrar shall register and maintain reports of marriage prepared and filed by the clerk of the circuit court. Section 93-1-23, appendix page 11 specifies that the clerk of the circuit court in each county is the legal custodian of records and papers relating to marriage licenses and certificates of marriage.

Rule 23—Authority of the State Registrar

- (a) The State Registrar under the direction of the ~~State~~ Board of Health shall execute and enforce the provisions of the laws and the rules and regulations and supervise registrars, to the end that all of the requirements shall be uniformly complied with. He~~The State Registrar, personally or by accredited representative,~~ shall have authority to investigate cases of irregularity or violation of law; ~~personally or by accredited representative, and all local registrars and their deputies shall aid him, upon request, in such investigations.~~ When ~~he shall deem it~~ necessary, ~~he shall report~~ cases of violation of any of the provisions of the laws and regulations shall be reported, with a statement of facts and circumstances, to the prosecuting attorney of the proper county, ~~with a statement of facts and circumstances.~~
- (b) The State Registrar shall have the authority to cross-reference birth and death certificates on file for the same individual by stamping on the face information necessary to show relation of the two certificates.
- (c) Upon ~~demand of~~ the State Registrar's demand in person, by mail, or through the local registrar, all physicians, coroners, midwives, administrators in institutions, informants, nurse midwives, or funeral directors, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any live birth, death, fetal death, adoption, marriage,

divorce, annulment or induced termination of pregnancy. The State Registrar's demand may be in person, in writing, or through an authorized representative.

(d) The State Registrar shall have authority to participate with federal, state and local governmental and law enforcement agencies in investigations in which records or the information contained in a record is required.

Legal Standing of Certificates of Registrar (§41-57-9, Appendix page 8 and §41-57-47, Appendix page 8)

~~§ 41-57-9. Certificates of Registrar to be prima facie evidence.~~

~~Any copy of the records of birth, sickness or death, when properly certified to by the State Registrar of Vital Statistics, to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. A facsimile signature of the Registrar shall be sufficient for certification when the certificate shall have impressed thereon the seal of the Mississippi Department of Public Health.~~

☐ Certificates of the State Registrar are the primary validation of any facts contained therein. Any questions concerning the validity of certified copies should be addressed to the State Registrar.

Penalties (§41-57-27 and §41-57-47, Appendix page 8)

Violation of any rule, regulation or order of the Board of Health relative to recording, reporting or filing information, the willful neglect or refusal to provide information, or the willful furnishing of false information is a misdemeanor and conviction carries a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

~~§ 41-57-27. Penalty.~~

~~Any person or persons who shall violate any rule, regulation or order of the State Board of Health relative to recording, reporting or filing information for the Bureau of Vital Statistics, or who shall willfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, or who shall willfully furnish false information to said bureau for the purpose of establishing a false identity, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or suffer both such fine and imprisonment, in the discretion of the court.~~

~~§ 41-57-59. Penalty.~~

~~Any person or persons who shall violate any of the provisions of sections 41-57-41 through 41-57-57, or any rule, regulation or order of the State Board of Health relative to the making of said reports, as to reporting, recording or filing the information for the Bureau of Vital Statistics of marriages, or who shall fail, neglect or refuse to perform any of the duties imposed by said order, rules or regulations, or shall furnish false information for the purpose of making incorrect records for said Bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred~~

~~dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or shall suffer both such fine and imprisonment, at the discretion of said court.~~

Venue (§11-11-15 and §11-11-17, Appendix page 1)

Venue of court action in which the Board of Health is a defendant is Hinds County, Mississippi. Actions may be brought in any justice court of the state which has jurisdiction of the subject matter but lacks venue without dismissal because of lack of proper venue. However, at the request of the defendant the case can be transferred to the proper venue.

~~§ 11-11-15. Actions against State Board.~~

~~The venue of actions against the Mississippi State Board of Health wherein said Board is a defendant, or the State Board of Medical Licensure wherein said Board is defendant, shall be in Hinds county.~~

Registration Districts (§41-57-5, Appendix page 5)

~~§ 41-57-5. State may be divided into registration districts.~~

~~The State Board of Health may divide the state into registration districts to provide vital statistics, defining and designating the boundaries thereof and appointing local registrars in each district.~~

Rule 34—Registration Districts

The state is hereby defined and designated as the sole registration district to provide vital statistics~~divided into registration districts as follows: each public health district shall constitute a registration district.~~

~~Local Registrars of Births and Deaths~~

Rule 45—Appointment of local registrars

The State Registrar shall serve as the local registrar for all counties within the state. ~~appoint a district field representative with the concurrence of the District Health Officer. Fees paid to a district field representative shall be paid into the State Department of Health Vital Records Other Fees account and shall not be part of his or her salary.~~ The State Registrar shall hire and authorize field representatives to assist in carrying out the rules and regulations promulgated under §41-57-7, Appendix page 5.

Rule 56—Authority of authorized field representativeslocal registrar

~~District ff~~Field representatives, authorized by the State Registrar, shall enforce, within the geographical areas assigned, in their districts the provisions of the laws and regulations under the supervision of the State Registrar. They shall make an immediate report to the State Registrar of any violations coming to their notice by observation or upon complaint of any person, or otherwise.

Rule 7—Removal of registrars

~~Any district field representative who fails or neglects to efficiently discharge the duties of his or her office in accordance with laws, regulations and instructions providing for the registration of certificates and reports, shall be forthwith removed from the office by the State Registrar, in addition to other penalties that may be imposed under Section 41-57-27 of the Mississippi Code of 1972, Annotated.~~

~~**The Registration System** (§41-57-7, Appendix page 5, §41-57-48, Appendix page 8, §93-5-31, §93-5-33, and §93-7-13, Appendix page 11)~~

~~The Board of Health is empowered to develop a system for the registration and reporting of vital events.~~

~~**§ 41-57-7. Board of Health to formulate a system for gathering statistics.**~~

~~The State Board of Health shall formulate and promulgate rules and regulations for the proper reporting and registration of morbidity and vital statistics, prescribing the method and form of making such registration.~~

~~**Local Registrars of Marriage**~~

~~**§ 41-57-48. Statistical record of marriage; completion; filing; recording fee.**~~

- ~~(1) For each marriage performed in this state, a record entitled Statistical Record of Marriage shall be filed with the Office of Vital Records Registration of the State Board of Health by the circuit clerk who issued the marriage license and shall be registered if it has been completed and filed in accordance with this section.~~
- ~~(2) The circuit clerk who issues the marriage license shall complete the statistical record (except for the section relating to the ceremony) on a form prescribed and furnished by the State Board of Health and shall sign it. The record shall be prepared on the basis of information obtained from the parties to be married, and both the bride and the groom shall sign the record certifying that the information about themselves is correct.~~
- ~~(3) The person who performs the marriage ceremony shall complete and sign the section relating to the ceremony and shall return the record to the circuit clerk who issued the license within five (5) days after the ceremony.~~
- ~~(4) The circuit clerk, on or before the tenth day of each calendar month, shall forward to the State Board of Health all completed records returned to him during the preceding month.~~
- ~~(5) The circuit clerk shall receive a recording fee of One Dollar (\$1.00) for each marriage record prepared and forwarded by him to the State Board of Health. This fee shall be collected from the applicants for the license together with, and in addition to, the fee for the license and shall be deposited in the county treasury. The recording fees shall be paid to the circuit clerk out of the~~

~~county treasury once each six (6) months on order of the Board of Supervisors, upon certification by the Office of Vital Records Registration of the number of marriage records filed.~~

~~§ 41-57-57. Circuit clerks to compile data on marriages.~~

~~In order to secure records of marriages and births in the several counties in this state from the earliest records down to the present time, the State Board of Health is hereby authorized and empowered to make contract with the circuit clerks or other of this state to compile for the Bureau of Vital Statistics complete lists of marriages in the various counties from the earliest records down to the present time. In order to complete these records by securing records of said marriages in all said counties, the State Board of Health is hereby authorized and empowered to deposit all moneys received as fees for certified copies of births, deaths and marriages in the state treasury in a separate account to be used for the completion of the vital statistics on marriages in the various counties, and for clerical expenses and other expenses necessary for completion and issuance of birth records. Said fund shall be paid out for said purposes only on voucher issued for these purposes by the State Board of Health. When said statistics of past marriages in the several counties shall have been completed and paid for, then all of said funds that may remain on hand and all other such funds collected for certified copies of birth, death and marriage records thereafter may be used for the completion of birth records.~~

Rule 9—Local registrars of marriage

For the purpose of recording marriages, circuit clerks shall act as local registrars.

Local Registrars of Divorce

~~§ 93-5-33. Statistical requirements.~~

~~All bills for divorce shall specify the race of the parties to the suit, when married, and the number and names of the living minor children born of the marriage. It shall be the duty of each chancery clerk in the state to make a report of each divorce granted in his county; and on forms furnished by the State Board of Health to show the following information as correctly as he is able to make such report: names of parties; their race; when married; state of residence; children under eighteen (18) in this family as of date couple last resided in same household; custody of children; and the page and book in which decree is recorded. He shall certify to the said report and affix thereunto his seal, and he shall forward it to the State Board of Health within ten (10) days after adjournment of each term of court in his county. For his services in preparing and forwarding said records to the State Board of Health he shall receive the sum of Thirty Five Cents (35¢) for each completed record, to be taxed to costs in each divorce case as other fees are taxed.~~

Rule 10—Local registrars of divorce

For the purpose of recording divorces, chancery clerks shall act as local registrars.

Rule 62—Forms, certificates and reports

All forms, certificates and reports used in the system of vital statistics are the property of the ~~State~~ Board of Health and shall be surrendered to the State Registrar of Vital Statistics upon demand. The forms

prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. No forms shall be used in the reporting of vital events or making copies thereof except those furnished or approved by the State Registrar. Copied forms shall not be used for reporting vital events. All forms shall be preprinted or printed from a vital event electronic system provided by the State Registrar on 25% cotton bond paper furnished or approved by the State Registrar.

~~☐The State Board of Health is empowered to develop a system for the registration and reporting of vital events. It may prescribe reporting forms and require any reports to be made on them.~~

Rule 741—Acceptability of certificates for filing

- (a) The State Registrar, or ~~his~~ designated representative, shall examine each certificate or report received. No certificate or report shall be determined to be complete and correct that does not supply all of the items of information specified, or satisfactorily account for their omission, and if any are incomplete or unsatisfactory he may return certificates or reports may be returned for replacement, or require such further information to be furnished as may be requested necessary to make the ~~certificate record~~ or report complete and satisfactory.
- (b) All certificates and reports relating to vital events must either be ~~typed prepared on a typewriter with a black ribbon~~ or be printed legibly in black, unfading ink, and All signatures required shall be entered in black, unfading ink, and no certificate or report shall be held to be complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.
- (c) The State Registrar shall require new and properly prepared certificates and reports for those which are unsatisfactory because they:
- (1) Are not prepared in black ink, the ink is not uniformly distributed over the characters, or where the print is irreproducible using current scanning, microfilm or copier techniques. or that are torn or defaced.
 - (2) Are not printed straight on the page when printed from the electronic system provided by the State Registrar.
 - (3) Contain improper alterations or erasures, or are torn or defaced.
 - (4) Do not supply all items of information called for thereon or satisfactorily account for their omission.
 - (5) Do not contain handwritten signatures as required, or, in the case of deaths in the public interest, are not signed by the statutory entity.
 - (6) Are marked copy or duplicate, or are carbon copies.
 - (7) Are prepared on improper forms, or are prepared on copied forms rather than forms supplied by the State Registrar.

- (8) Contain improper or inconsistent data.
- (9) Do not have the certifier's name typed or printed legibly.
- (10) Are not prepared in conformity with regulations or instructions issued by the State Registrar.

Registrar's Fees Registration payments (§41-57-11 (1) and §41-57-13, Appendix page 5, §41-57-15, Appendix page 6 and §41-57-57, Appendix page 9)

The county board of supervisors will pay the sum of one dollar (\$1.00) for each certificate of birth or death occurring within the county, which is properly made out and filed with vital statistics. Additional funds, not to exceed fifty dollars (\$50.00), may be appropriated by the board of supervisors of any county to be used in perfecting the registration of vital records.

No fee shall be paid under this statute unless the registrar supplies the county registrar, the tax assessor, and the chairman of the County election commission of each county a list of deaths of county residents eighteen years of age or older, not been previously listed.

The Department of Health is authorized and empowered to deposit all moneys received as fees for vital records in the state treasury in a separate account to be used for the completion of the vital statistics system, and for clerical expenses and other expenses necessary for completion and issuance of vital records.

Upon certification by the office of vital records to the board of supervisors, the circuit clerk of a county shall receive a recording fee of one dollar (\$1.00) for each marriage record prepared and forwarded to the vital records registration unit. The recording fee shall be paid to the circuit clerk out of the county treasury on order of the board of supervisors once each six (6) months.

~~§ 41-57-11. Payment for birth and death certificates.~~

~~(1) Each local registrar shall be paid the sum of One Dollar (\$1.00) for each birth and each death certificate properly made out, and in the manner and on the form required by the State Board of Health. Such sum shall be paid by the board of supervisors of the county in which the births and deaths occurred, upon certification made monthly to the board of supervisors by the state registrar.~~

~~However, any local registrar shall receive only Fifty Cents (50¢) for each birth and each death certificate sent in to the Bureau of Vital Statistics improperly completed or sent in at a later time than that fixed by the regulations of the State Board of Health.~~

~~(2) In addition to any fees established and collected by the State Board of Health for the issuance of original and copies of birth certificates, there shall be charged a fee of One Dollar (\$1.00) for each original and each copy of a birth certificate. This additional fee shall be deposited into the Mississippi Children's Trust Fund created by Section 3 of this act and shall be used only as set forth in Sections 1 through 6 of this act. This additional fee shall not be added to birth certificates furnished free as provided in Sections 35-3-9 and 41-57-25.~~

Rule 8—Certification of registrar's fees

Registrar's fees shall be certified on the basis of receipt of completed certificates for registration. Certifications for a particular month shall be considered to be late if they are sent to the State Registrar after Wednesday following the second Monday of the succeeding month.

~~□ Local registrar payments are to be made to the State Registrar into a fund established for the payment of the salaries of the district field representatives as indicated in Rule 5.~~

~~Certified Copies of Birth, Death and Marriage Records Certification and Service Fees~~

~~Access to Records (§41-57-2, Appendix page 4, §41-57-11(2),
Appendix page 5, §93-5-26, Appendix page 11, and §93-17-25,
Appendix page 14)~~

~~Vital records are not considered public access documents. Certified copies of records in the custody of the Department of Health may be obtained by persons having a legitimate and tangible interest in such records. In order to protect the confidentiality of documents, no public access is permitted to the storage vault or to any indexes, and all requests must be accompanied by the published fee. Suitable forms are provided for initiating any such requests. State issued picture identification or other forms of identification acceptable to the State Registrar may be required.~~

~~§ 41-57-2. Certain persons not entitled to access to records.~~

~~Records in the possession of the Mississippi Department of Health, Bureau of Vital Statistics, which would be of no legitimate and tangible interest to a person making a request for access to such records, shall be exempt from the provisions of the Mississippi Public Records Act of 1983; provided, however, nothing in this section shall be construed to prohibit any person with a legitimate and tangible interest in such records from having access thereto.~~

Rule 912—Disclosure of records

The State Registrar shall not permit inspection of, or disclose information contained in any records relating to vital events, or copy or issue a copy of all or part of any such record unless he is satisfied that the applicant has a legitimate~~direct~~ and tangible interest in such record.

Applicants with legitimate and tangible interest are:

- (a) The registrant, a member of the registrant's~~his~~ immediate family (parents or grandparents, siblings, children or grandchildren), the registrant's~~his~~ legal guardian, or their respective legal representatives shall be considered to have a legitimate~~direct~~ and tangible interest. This includes non-custodial parent whose parental rights have not legally been revoked. A legal guardian or legal representative must present documentation of their status and proof of identity prior to access to such record. To be recognized as a parent the name must appear on the record, other immediate family members may be required to show proof of relationship.
- (b) Mississippi licensed adoption agencies working within the statutory authority of §93-17-205, Appendix page 15, and state or local governmental agencies working within statutory authority which specifically authorizes access to such records or information contained in such records.

- (c) Authorized agents of local, state and federal government law enforcement agencies when the record is required for investigative, warrant or court purposes. Documentation of such purposes, including but not limited to subpoenas, and proof of identity must be provided to the State Registrar prior to access to such record.
- (d) Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.
- (e) Genealogy researchers with family ties to the records, and professional genealogist who are working with the written endorsement of a family member will be considered to have legitimate and tangible interest in death records filed more than fifty (50) calendar years or birth records filed more than one hundred (100) calendar years prior to the date of the request. This may, at the discretion of the State Registrar, include visual review of date appropriate indexes. Copies of records provided for genealogical research shall be plain paper copies rather than certified copies.

In any situation where questions may arise concerning the authenticity of a claim of legitimate and tangible interest, proof of identity and/or interest may be required. Acceptability of the proof of identity and/or interest shall rest with the State Registrar.

Applicants without legitimate and tangible interest are:

- (a) ~~_____~~ The natural parents of an adopted child ~~ren~~, if that parent does not have legal ~~when neither has custody of the child. Alleged natural parent of any child if the parent's name is not on the certificate.~~
- (b) A parent whose parental rights have been legally terminated and notice of such has been provided to the State Registrar.
- (c) ~~_____~~ ~~and e~~Commercial, political, for-profit, and not-for-profit firms or ~~entities~~ agencies requesting copies of records, specific information on an individual record, or listings of names and addresses from a series of records ~~shall not be considered to have a direct and tangible interest.~~
- (e) The State Registrar may disclose information from any records relating to vital events only upon receipt of a ~~written~~ request and fee from an applicant with a legitimate ~~direct~~ and tangible interest.
- (d) Nothing in this rule shall be construed to permit disclosure of information contained in the Information for Medical and Health Use Only section of the birth certificate, unless specifically authorized by the State Registrar for statistical research or if authorized by statute or a court of competent jurisdiction within this state.
- ~~□ Vital Records (births, deaths, marriages and divorces) are not considered public access documents. Certified copies of records except divorces in the custody of the State Department of Health may be obtained by persons having a direct and tangible interest in such records. In order to protect the confidentiality of documents, no public access is permitted to the storage vault or to any indexes and all requests must be in writing. Suitable forms are provided for initiating any such requests.~~

Free Copies (§41-57-25, Appendix page 8, §35-3-9, Appendix page 1)

~~§ 41-57-25. Birth certificates furnished free to armed forces volunteer.~~

~~Any person who is volunteering for one of the armed forces of the United States is entitled to a certified copy of his birth certificate from the State Board of Health immediately upon application and at no expense to the applicant or his recruiting officer.~~

~~§ 35-3-9. Furnishing of free copies of vital statistics.~~

~~When requested by the Veterans Administration, State Veterans Affairs Board, any holder of a power of attorney from a veteran or his claimant, or any recognized Veteran Service Officer, the Bureau of Vital Statistics of the state of Mississippi shall furnish to such organizations or officers, without charge, copies of birth and death certificates when the same are needed to establish claims for dependency, disability or survivors benefits for any veterans who are legal residents of the state of Mississippi, or their claimants.~~

~~□ Certain persons are authorized to receive free copies of records:~~

Rule 10 — Free copies provided

- (a) Volunteers in the armed services will be provided ~~with~~ a free certification of birth upon the personal representation of the ~~local individuals~~ recruiting officer for the selected armed service branch.
- (b) Copies of birth or death certificates necessary for establishing claims for dependency, disability or survivor benefits will be provided free of charge for veterans who reside in Mississippi, or their claimants upon written application by any recognized Veterans who reside in Mississippi and are claiming benefits will be provided with certified copies upon written application by the resident Veterans Service Officer.

Certification and Service Fees

Rule 1143 — Certified copy, report copy and service fees Fees to be charged

- (a) The State Registrar may, in his discretion and upon ~~receipt of a written~~ request and fee established herein, furnish certified copies, verification of information, or non-certified copies of records and reports on file. The fee for each service requested shall be as delineated in Appendix II.: The fee for the certified birth certificate is inclusive of the one dollar (\$1.00) fee required under §41-57-11(2), Appendix page 5 for the Mississippi Children's Trust Fund.

- 1. certified copies of live birth certificates within one year of the event, or an abstract of information contained on live birth certificates, for a fee of \$7.00; certified copies of death certificates, and copies of statistical records of marriage for a fee of \$10.00. Certified copies of

~~any other live birth certificates may be issued for a fee of \$12.00. Any additional copies ordered at the same time of: death certificates or statistical records of marriages shall be made for a fee of \$2.00; of birth certificates for a fee of \$3.00; for each copy so ordered. For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of \$6.00. The State Registrar shall determine the fee for statistical or research services on the basis of the costs of providing such services, and shall determine the manner in which such costs must be paid.~~

- (b) Complaints of records not received will be honored one time within six (6) months of the original request. Certified copies returned to the State Registrar by the US Postal Service or expedite courier will be re-mailed if notification of correct address is provided within six (6) months of original request. If no notification is received returned mail will be destroyed six (6) months after the date returned, and any notification of failure to receive thereafter will not be honored.

~~When the registrant, or the parents or legal guardian of a child under 13 years of age, requests a certified copy of a birth certificate and pays the required fee, and such record is not on file, said individual shall be so notified by letter, and be informed of the steps to take to file a delayed certificate of birth.~~

- (c) Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the Information for Medical and Health Use Only section of the birth certificate shall not be included.

- (d) When a certified copy is issued, each copy shall ~~be be signed and~~ certified as a true copy by the State Registrar in whose custody the record is entrusted, and shall include the date issued, ~~the signatures of the State Health Officer and State Registrar~~~~the registrars signature~~ or an authorized facsimile thereof, and ~~an embossed or raised~~~~the~~ seal of the Mississippi ~~State~~ Board of Health. Certified copies shall be produced on paper which incorporates security features to assist in the determination of alterations made to certified copies and in the identification of fraudulent copies.

- (e) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, he shall have authority to withhold the issuance of a certified copy, ~~or~~ to amend said certificate to conform with registration procedures of the ~~State~~ Board of Health, or to remove the certificate from the files completely and report all related information to the appropriate law enforcement agency.

- (f) The State Registrar may negotiate fees for statistical and administrative purposes with state and federal government agencies. Fees for unique statistical services shall be assessed on a time and materials cost bases for providing such services.

Registration of Live Births

Registration of Births ([§41-57-1, Appendix page 4 and §41-57-7, Appendix page 5](#))

The penalty for filing a fraudulent birth record is detailed under Penalties on page 7 of this document. Fraudulent records and documents related to the birth record shall be turned over to the appropriate law enforcement agency for investigation and to the district attorney in the county of venue for prosecution.

Rule [1214](#)—Registration of births

A certificate of live birth for each birth which occurs in this state shall be filed with the Office of Vital Records Registration of the ~~State Department of Health~~Department of Health within five days after such birth and shall be registered if it has been completed and filed in accordance with this rule. Births registered within one year after the date of occurrence shall be registered on the standard certificate of birth form. Births which occur in this state but outside a licensed healthcare facility with no licensed healthcare provider in attendance or available immediately after the birth will be required to meet the requirements specified in the Home Births section of this publication prior to being deemed as registered. Births registered one or more years after the date of the event will be required to meet the requirements specified in the Delayed Registration of Birth section of this publication prior to being deemed as registered.

Responsibility for Filing of Birth Certificates

☐The responsibility for filing birth certificates is determined by the circumstances of the birth. The certificate of birth must be filed within five days of the birth.

Rule [1316](#)—Birth in hospital or enroute to hospital

When a birth occurs in a hospital or enroute thereto, the person in charge of the hospital or his designated representative shall obtain the personal data and prepare the certificate. The completed certificate shall be presented to the mother for her approval and signature before she leaves the hospital. The physician or nurse-midwife in attendance shall provide the medical information required by the certificate and certify to the facts of birth within 72 hours after the birth. If that person does not certify to the facts of birth within the required 72 hours, the certificate may be signed by a medical staff member or the person in charge of the hospital. The completed certificate shall be filed with the Office of Vital Records Registration of the ~~State Department of Health~~Department of Health within five days after the date of birth.

Rule [1417](#)—Birth at place other than a hospital

When a birth occurs outside a hospital, the certificate shall be prepared and filed by one of the following, in the indicated order of priority:

(a) The physician in attendance at or immediately after the birth, or in the absence of such a person,

- (b) Any verifiable midwife or other person in attendance at or immediately after the birth, or in the absence of such a person,
- (c) The father or the mother, or in the absence of the father and the inability of the mother,
- (d) The person in charge of the premises where the birth occurred, or in the absence of such a person,
- (e) A field representative of the State Registrar.

Rule 15—Birth on a moving conveyance

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

Multiple Births

The suggested method of preventing confusion is to initially identify each member of the multiple birth by its order of birth in the set.

Rule 1618—Multiple births

For each member of a set of multiple births, a separate birth certificate, or spontaneous fetal death report shall be completed.

~~□The suggested method of preventing confusion is to initially identify each member of the multiple birth by its order of birth in the set.~~

~~Paternity and Name of Child and Paternity (§41-57-14, Appendix page 6 and §93-9-28, Appendix page 12)~~

~~§ 41-57-23. Proceedings to correct birth certificate containing major deficiencies.~~

~~(1) Any petition, bill of complaint, or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of the child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded, or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint, or other proceeding shall be forwarded to the State Board of Health. Process may be~~

~~served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.~~

~~(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if within two (2) years of the date of birth a notarized affidavit by both parents acknowledging paternity is received on the form prescribed. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23(1) to add or change the name of the father.~~

Traditionally a child assumes the legal surname of his or her father as listed on the birth certificate, or of the mother if no father is listed. This section details the conditions under which the surname of the child may be different from either the listed father's surname or mother's surname if no father is listed, how the father's name may be entered on the certificate, and the specification of the child's name under each condition. When the surname given a child is not traditional, a signed notarized statement shall be filed with the birth certificate but the certificate shall not be considered nor marked as having been amended.

Rule 1749 — Surname of child

The surname of the child shall be determined in the following manner:

- (a) **Mother married.** If the mother was married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that of the husband except that ~~an~~ notarized statement affidavit filed at birth signed by both listed mother and father, and filed at the same time the birth certificate is filed may alter this rule.
- (b) **Mother not married; no acknowledged father.** If the mother was not married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that of the legal surname of the mother, except that ~~an~~ notarized statement affidavit filed at birth signed by the listed mother and filed at the same time the birth certificate is filed may alter this rule.
- (c) **Mother not married; acknowledged father.** If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the surname of the child shall be that of the father except that ~~an~~ notarized statement signed affidavit filed at birth by both listed mother and father and filed at the same time the birth certificate is filed may alter this rule. (This acknowledgement of paternity may be rescinded under Rule 19 – Rescission of acknowledgement of paternity and the surname of the child shall revert to the legal surname of the mother at the time of birth).
- (d) **Court-determined paternity.** In the event of court-determined paternity, the surname of the child shall be that of the father, unless the judgment specifies otherwise.

~~Traditionally a child assumes the surname of his or her father as listed on the birth certificate, or of the mother if no father is listed. The aforementioned rule details the conditions under which the~~

~~fathers name may be entered on the certificate, and the specification of the child's name under each condition.~~

Rule 1819—Paternity

Paternity shall be determined in the following manner:

- (a) **Mother married.** If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate of birth as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.
- (b) **Mother not married; no acknowledged father.** If the mother was not married at the time of either conception or birth, or at any time between conception and birth, and there is no acknowledgement of paternity filed and no determination of paternity by a court of competent jurisdiction, the name of the father shall not be entered on the certificate of birth.
- (c) **Mother not married; acknowledged father.** If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the name of the father shall be entered on the certificate. Such acknowledgement of paternity shall be made by affidavit of both mother and father on the form prescribed by the ~~State Department of Health~~Department of Health and filed with the office of vital records within two (2) years of birth. (This acknowledgement of paternity may be rescinded under Rule 19 – Rescission of acknowledgement of paternity, or superceded by court order.) While the affidavit may be signed prior to the birth of the child, the rescission rule applies to the date of signature not the date of birth of the child.
- (d) **Court-determined paternity.** Any petition, bill of complaint, or other proceeding filed in Paternity may be determined by a court of competent jurisdiction upon the petition of the mother, the child, or any public authority chargeable by law with the support of the child may result in a determination of paternity. The name of the father as determined by said court shall be entered on the birth certificate upon receipt of a certified copy of the court judgment. Court determined paternity shall take precedence over all other methods of assigning paternity (§41-57-23, Appendix page 7 and §93-9-9, Appendix page 11).

Rule 19—Rescission of acknowledgement of paternity affidavit

In those cases where the mother was not married at the time of either conception or birth, or at any time between conception and birth, and the mother and natural father acknowledge such paternity by affidavit, either the mother or the acknowledged father may rescind the acknowledgement within the earlier of (1) sixty (60) days of the date of the signature on the paternity acknowledgement affidavit, or (2) the date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party. This rescission rule also applies in cases where the mother and father married after the birth of the child and legitimized the child by affidavit. This rescission rule does not apply to a legitimation affidavit in cases where the mother and father were married prior to the birth of the child but the fact was not listed on the certificate of live birth.

When an acknowledgement of paternity or legitimation, in cases where the mother and father were married after the birth of the child, whether filed at birth or thereafter, has been rescinded, the name of

the father and all information pertaining to the father shall be removed from the birth certificate, and the surname of the child shall revert to the legal surname of the mother at the time of birth. After a father's name has been removed by rescission, a court order shall be required to put that or another father's name on the certificate.

Infants of Unknown Parentage

Rule 20—Foundling registration

Any emergency medical services provider, as defined in §43-15-207, Appendix page 10, to take possession of certain abandoned infants under §43-15-201, Appendix page 10, or Wwhoever assumes custody of a live born infant of unknown parentage shall file a certificate of live birth within five days and such certificate shall contain the following:

- (a) Have "**Foundling**" plainly marked in the top margin of the certificate.
- (b) The required facts as determined by approximation.
- (c) Parentage data shall be left blank unless information concerning parentage is given voluntarily, then information provided shall be placed on the certificate.
- (d) The certification of the attendant shall be amended to show the signature of the custodian and the custodian's title, if any.
- (e) The place where the child was found or taken into possession under §43-15-201, Appendix page 10, shall be entered as the place of birth.

Hospital Birth Occurrence Reports

Rule 21—Institution reports

On the first day of each month, each institution which accepts patients for delivery shall make a report to the Office of Vital Records Registration, on forms prescribed and furnished by the ~~State Department of Health~~ Department of Health, giving a complete list of births occurring in or enroute to the institution during the preceding month. For those births which occurred enroute to the institution, a notation shall be made on the report. If there were no births at the institution during the month, a report shall be submitted showing that there were none.

Registration of Home Births filed within one (1) year of birth

Rule 22—Registration of a birth at a place other than a licensed health care facility

When a birth occurs at a place other than a licensed healthcare facility the birth shall be classified as a home birth. The certificate for such a birth shall be prepared and filed in accordance with Rule 14. A birth certificate for a home birth determined to be fraudulent, in whole or in part, shall not be filed and the record and all documents pertaining to the record shall be turned over to the appropriate law

enforcement agency for investigation and the district attorney, in the county of the alleged birth, for prosecution.

In all cases where a birth occurred outside a licensed healthcare facility with no licensed healthcare provider or verifiable midwife in attendance or available immediately after the birth, a representative of the State Registrar shall make a home visit and obtain or review the following proofs for the filing of the certificate:

- (a) A state issued picture identification of parents, or in the absence of that other picture identification acceptable to the State Registrar,
- (b) Prenatal care or medical records confirming pregnancy, or two notarized affidavits of persons who were aware of the pregnancy and the estimated date of delivery,
- (c) Two affidavits from persons present at the birth or soon after who can verify date and place of birth. The place of birth must be in Mississippi to be filed as a Mississippi birth certificate. One affidavit must be from someone other than a listed or alleged parent,
- (d) Proof of a live born child,
- (e) Other proof may be required, at the discretion of the State Registrar, when there is doubt about parentage, date of birth, or place of birth.

Rule 23—When a home birth certificate is not filed

When the State Registrar has reasonable cause to question the adequacy or validity of the information provided or the supporting affidavits, the birth certificate shall not be filed. When the State Registrar determines the proof is insufficient, a court order will be required prior to the birth being registered.

Delayed Registration Of Birth

☐ For those persons born in the state of Mississippi whose birth has not been registered with the Office of Vital Records Registration of the ~~State Department of Health~~ Department of Health, there are procedures to accomplish a delayed registration of birth. A delayed birth certificate form must be used if the birth is not registered within one year of the date of birth. Delayed registration must be accomplished, either in person or by mail, through the Office of the State Registrar ~~(either in person or by mail)~~. Delayed birth certificates determined to be fraudulent, in whole or in part, shall not be filed and the record and all documents pertaining to the record shall be turned over to the appropriate law enforcement agency for investigation and the district attorney in the county of venue for prosecution.

When Birth Registration Is Delayed

Rule ~~2422~~—Delayed certificate of birth

Unless filed by the licensed healthcare facility of birth, Aall births registered one year or more after the date of occurrence shall be registered on a delayed certificate of birth form prescribed by the State Registrar.

In cases where a licensed health care facility failed to file the certificate in a timely manner, the State Registrar may accept the standard birth form.

Delayed Registration of Birth by Affidavit

Rule ~~2523~~—Delayed registration for a child less than six (6)~~when under thirteen~~ years of age

- (1) (a)—For a child ~~under 13~~ less than six (6) years of age, the delayed certificate of birth shall be signed and sworn to before a notary public by two individuals competent to sign and swear to the accuracy of the facts stated therein. These individuals shall be selected from the following in order of priority:
 - (2) (1)—The parents of ~~the applicant~~ the child, or in the absence of one parent,
 - (3) The custodial parent of the child and a member of the child's family no more than one degree removed, who would have reason to know the facts of the birth, or in absence of such persons,
 - (4) The custodial parent of the child and any person who would have reason to know the facts of the birth, or in the absence of such person
 - (5) (2)—The legal guardian of the ~~applicant~~ child, or the legal guardian of any person who would have reason to know the facts of the birth, or in the absence of such persons
 - (3) The next of kin of the applicant, or
 - (6) (4)—Any two adult having personal knowledge of the facts of birth.
- (b) If the child is legitimate, a copy of the marriage license of the parents shall be furnished to the State Registrar before the delayed certificate of birth may be filed.

(c) ~~(e)~~—The person making application for the delayed birth certificate must show proof that a certificate of birth for the child is not on file or must pay the required fee ~~of \$6.00~~ for a search to determine the record is not on file. (See Fee Schedule, Appendix II).

(d) The proofs specified under Rule 22—Registration of Birth at a Place Other than a Healthcare Facility shall be provided. An immunization or other health care record for the child may be substituted for the record or affidavit confirming the pregnancy.

(e) One or more pieces of documentary evidence shall be provided which corroborate the facts set forth on the delayed certificate. The document(s) must establish:

(1) The full name of the child at the time of birth,

(2) The date of birth and place of birth,

(3) The full maiden name of the mother,

(4) The full name of the father, if the father's name is to be listed on the certificate. The father's name may be listed on the certificate only in compliance with Rule 18.

(f) The State Registrar shall examine the sworn statement and the documentary evidence and shall, at his discretion determine the acceptability of such evidence in establishing the facts of birth. If the State Registrar rejects the evidence offered as unsatisfactory, he shall give written notification to the applicant of the rejection, stating the reasons therefore.

(g) ~~(d)~~—If the State Registrar accepts the evidence offered, Upon submission-payment of the filing prescribed fee of \$15.00(see Fee Schedule, Appendix II) and the signed delayed certificate form, the State Registrar, or his designated representative, shall abstract on the delayed certificate a description of each document submitted to support the facts shown on the certificate, and the documents shall include:

(1) The name and kind of document,

(2) The date of the original filing of the document being abstracted,

(3) The information concerning the applicant as stated in the document.

(h) The State Registrar, or his designated representative, shall, when the preceding provisions of this rule have been complied with, by his signature, ~~shall~~ register the birth and provide the applicant with one certified copy of the certificate. All documentary evidence provided on behalf of the applicant shall be returned after the birth is registered.

Rule 2624—Delayed registration when ~~thirteen~~ the applicant is six (6) years of age or over

(a) For an individual ~~13~~ six (6) years of age or over, the delayed certificate of birth shall be signed and sworn to before a notary public by ~~the person whose birth is to be registered, and one other two~~ individuals, selected in the following order of priority, who ~~is~~ are competent to sign and swear to the accuracy of the facts stated therein:

(1) The person whose birth is to be registered, if that person is 18 years of age or older, and/or

(2) ~~(1)~~—One or both of the parents of the applicant, or

- ~~(3) (2)~~—The legal guardian of the applicant, or
- ~~(4) (3)~~—The next of kin of the applicant, or
- ~~(5) (4)~~—Any adult having personal knowledge of the facts of birth.

- (b) The applicant must either show proof that a birth certificate is not on file or pay ~~a \$6.00~~ the prescribed fee for a search to determine that the record is not on file. (See Fee Schedule, Appendix II)
- (c) In addition, the applicant shall furnish the State Registrar at least two pieces of documentary evidence dated five (5) years or more prior to the application and which corroborate the facts set forth on the delayed certificate. These documents must establish:
 - (1) The full name of the applicant at the time of birth;
 - (2) The date of birth and place of birth;
 - (3) The full maiden name of the mother;
 - (4) The full name of the father; The father's name may be listed on the certificate only in compliance with Rule 18 on page 22 of this document. If the mother is married a copy of the marriage license shall be furnished, except as otherwise provided in Rule 19.
- (d) The State Registrar shall examine the sworn statement and the documentary evidence and shall at his discretion determine the acceptability of such evidence in establishing the facts of birth. If the State Registrar rejects the evidence offered as unsatisfactory, he shall give written notification to the applicant of the rejection, stating the reasons therefor. Commensurate with the individual's age, the State Registrar may waive some of the five (5) years required on the evidence.
- (e) If the State Registrar accepts the evidence offered, upon payment by the applicant of ~~a fifteen dollar (\$15.00) filing~~ the prescribed fee (see Fee Schedule, Appendix II), the State Registrar, or his designated representative, shall abstract on the delayed certificate of birth, a description of each document submitted to support the facts shown on the delayed birth certificate, and the documents shall include:
 - (1) The name and kind of document;
 - (2) The date of the original filing of the document being abstracted;
 - (3) The information concerning the applicant as stated in the document.
- (f) The State Registrar, or his designated representative, shall, when the preceding provisions of this rule have been complied with, by his signature, register the birth and provide the applicant with one certified copy of the delayed birth certificate. All documentary evidence provided by the applicant shall be returned to the applicant after the birth is registered.

Rule 2725—Closure of delayed birth files

- (a) Applications for delayed certificates which have not been completed within one year from date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State

Registrar shall advise the applicant of his decision and all documents submitted in support of such registration shall be returned to the applicant. No refund of fees shall be made.

(b) An applicant wishing to reopen a case shall: submit either proof of the original search and finding of 'not on file' or a request and the fee for a records search to determine the record is not on file, and the required documents for filing a delayed certificate and the fee. (See Fee Schedule, Appendix II)

~~(1) Submit proof of original search and filing and pay a fee of \$15.00; or~~

~~(2) Submit request for a search and pay a search fee of \$6.00 and a filing fee of \$15.00.~~

Insufficient Documentation

~~§ 41-57-19. Proceedings to adjudicate true date of birth of person whose birth was not registered.~~

~~Any person who was born in the state of Mississippi and whose birth has not been registered and who is unable to secure the proof now required by the registrar of births to register the same, may file a petition under oath in the chancery court of the county of the residence of the petitioner, or in any chancery court district of the state if the petitioner be a non-resident, setting out the true date of the birth of the petitioner and other facts necessary. The clerk shall issue a summons for the State Board of Health, which summons may be served on the Executive Secretary, the Registrar of Vital Statistics or a duly qualified county registrar, thirty days prior to the time of the hearing to appear and contest the same. Alternatively process can be waived as provided by section 13-3-71. The said petition may be heard by the Chancellor in term time or in vacation, and the same shall not be taken as confessed, but proof shall be made of the allegation in the same. When a decree is entered adjudicating the true date of birth of the petitioner, upon a certified copy of the decree being furnished to the Registrar of Vital Statistics showing the true date of the birth of the petitioner, the same shall be registered upon the proper records of the State Board of Health.~~

Rule 2826—When a delayed birth certificate is not filed

When an applicant does not submit the documentation required for delayed registration, or when the State Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate. However, the applicant may file a petition for a delayed certificate of birth under the provisions of ~~Section 41-57-19~~§41-57-19, Appendix page 6. of the Mississippi Code of 1972, Annotated

When a delayed birth certificate is determined to be filed fraudulently, the entire fee shall be retained by the State Registrar, and the record and all documents pertaining to the record shall be turned over to the appropriate law enforcement agency for investigation and the district attorney in the county of venue for prosecution.

Delayed Registration of Birth by Court Order §41-57-19,
Appendix page 6)

☐ There are cases where an applicant cannot provide sufficient documentation to support his application. In these cases, the applicant has recourse to the chancery courts of Mississippi. Upon submission of a certified copy of the court decree and the required fee (see Fee Schedule, AppendixII), a delayed certificate of birth shall be filed and one certified copy of the delayed certificate shall be issued to the applicant.

Adoption

(§93-17-3 Appendix page 13 and §93-17-21, Appendix page 14, §§93-17-203 through 93-17-223, Appendix pages 15-18)

☐The laws of the state of Mississippi provide for the adoption of and for the issuance of new birth certificates to individuals. The law, further, provides a method for the adoptee or the adoptive parents, in cases where the adoptee is a minor, to obtain non-identifying and identifying information concerning the birth parents, and for the birth parents to permit or prohibit contact by the adoptee or the adoptive parents.

~~§ 93-17-21. Revised birth certificate.~~

~~(1) A certified copy of the final decree shall be furnished to the Bureau of Vital Statistics, together with a certificate signed by the clerk giving the true or original name and place and date of birth of the child. The said Bureau shall prepare a revised birth certificate which shall contain the original date of birth, with the place of birth being shown as the residence of the adoptive parents at the time the child was born, but with the names of the adopting parents and the new name of the child. In all other particulars, the certificate shall show the true facts of birth. The fact that a revised birth certificate is issued shall be indicated only by code numbers or some letter inconspicuously placed on the face of the certificate. The word revised shall not appear thereon. However, in the event an unmarried adult shall be the adopting parent, then such birth certificate may show thereon, upon order of the Chancellor as set forth in the decree of adoption, that same is a revised birth certificate, giving the court where said decree was issued and the date of such decree. The original birth certificate shall be removed and placed, with reference made to the decree of adoption, in a safely locked drawer or vault, and the same shall not be public records and shall not be divulged except upon the order of the court rendering the said final decree, or pursuant to Sections 93-17-201 through 93-17-223, and for all purposes the revised certificate shall be and become the birth certificate of the child. However, the Bureau of Vital Statistics of the state of Mississippi shall be required to prepare and register revised certificates only for births which occurred in the state of Mississippi as shown either by the court decree or by the original birth record on file in the Bureau; but if the birth occurred in some other state, then the director of the Bureau of Vital Statistics of the state of Mississippi shall be required to furnish to the attorney or other person representing the adopted child the name and address of the proper official in the state where the child was born, to whom the adoption decree and other information may be referred for appropriate action, and shall furnish to such attorney the certified copy of the decree and the certificate furnished by the clerk.~~

~~(2) Provided, however, notwithstanding anything herein to the contrary, either an original or a revised birth certificate may be issued, as hereinafter provided, by the Bureau of Vital Statistics to any child who was born outside the United States or its possessions and adopted either heretofore or hereafter, by an order of a court in this state. Upon presentation of a certified copy of the final decree of adoption containing the required information, the director of the Bureau of Vital Statistics shall be authorized and directed to receive said certified copy of the decree of adoption and prepare therefrom, and record, a birth certificate which shall disclose the following information: The name of the child (being the adopted name), race, sex, date of birth, place of birth (being the actual town, district and county of said child's birth, except where the child is born in a penal or mental~~

~~institution where the name of the county shall be sufficient), names, race, ages, places of birth, and occupation of parents (being the adoptive parents) including the maiden name of the adoptive mother. Such certificate shall comport in appearance and indicia with the foregoing requirements for a revised certificate issued to a child born in this state. The director of the Bureau of Vital Statistics shall be authorized and directed to issue certified copies thereof, the same as if the birth certificate were that of a child who had never been adopted.~~

~~§ 93-17-205. Centralized adoption records file established; contents; filing of supplemental information; authorization to release birth parent's identity; notification of genetic illness.~~

~~(1) The bureau (of Vital Records of the Mississippi State Department of Health) shall maintain a centralized adoption records file for all adoptions performed in this state after July 1, 1992, which shall include the following information:~~

~~(a) The medical and social history of the birth parent, including information regarding genetically inheritable diseases or illnesses and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters;~~

~~(b) A report of any medical examination which either birth parent had within one (1) year before the date of the petition for adoption, if available;~~

~~(c) A report describing the adoptee's prenatal care and medical condition at birth, if available; and~~

~~(d) The medical and social history of the adoptee, including information regarding genetically inheritable diseases or illnesses, and any other relevant medical, social and genetic information.~~

~~(2) Any birth parent may file with the bureau at any time any relevant supplemental nonidentifying information about the adoptee or the adoptee's birth parents, and the bureau shall maintain this information in the centralized adoption records file.~~

~~(3) The bureau shall also maintain as part of the centralized adoption records file the following:~~

~~(a) The name, date of birth, social security number (both original and revised, where applicable) and birth certificate (both original and revised) of the adoptee;~~

~~(b) The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian;~~

~~(c) Any other available information about the birth parent's identity and location.~~

~~(4) Any birth parent may file with the bureau at any time an affidavit authorizing the bureau to provide the adoptee with his or her original birth certificate and with any other available information about the birth parent's identity and location, or an affidavit expressly prohibiting the bureau from providing the adoptee with any information about such birth parent's identity and location, and~~

~~prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of §§ 93-17-201 through 93-17-223. An affidavit filed under this section may be revoked at any time by written notification to the bureau from the birth parent.~~

~~(5) Counsel for the adoptive parents in the adoption finalization proceeding shall provide the bureau with the information required in subsection (1) and (3) of this section, and he shall also make such information a part of the adoption records of the court in which the final decree of adoption is rendered. This information shall be provided on forms prepared by the bureau.~~

~~(6) (a) If an agency receives a report from physician stating that a birth parent or another child of the birth parent has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed adoption agency, and the latter agency shall notify the adoptee of the existence of the disease or illness, if he or she is twenty-one (21) years of age or over, or notify the adoptee's guardian, custodian or adoptive parent if the adoptee is under age twenty-one (21).~~

~~(b) If an agency receives a report from a physician that an adoptee has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed agency, and the latter agency shall notify the adoptee's birth parent of the existence of the disease or illness.~~

~~§ 93-17-207. Release of nonidentifying information; persons eligible to receive; fee.~~

~~(1) The bureau or the agency shall release the nonidentifying information maintained as provided in Section 93-17-205 for a reasonable fee, including the actual cost of reproduction, to any of the following persons upon request made with sufficient proof of identity:~~

~~(a) An adoptee eighteen (18) years of age or older;~~

~~(b) An adoptive parent;~~

~~(c) The guardian or legal custodian of an adoptee; or~~

~~(d) The offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.~~

~~(2) Information released pursuant to subsection (1) of this section shall not include the name and address of the birth parent the identity of any provider of health care to the adoptee or to the birth parent and any other information which might reasonably lead to the discovery of the identity of either birth parent.~~

~~§ 93-17-213. Promulgation of rules and regulations; fees.~~

~~The bureau shall promulgate rules and regulations necessary to carry out the provisions of §§ 93-17-201 through 93-17-223 and the bureau may charge reasonable fees to implement §§ 93-17-201 through 93-17-233.~~

Adoption of Mississippi Born Children

Rule 2927—Adoption of Mississippi born children

- (a) A new certificate of birth, for a child born in Mississippi and adopted in this or any other state, shall be prepared by the State Registrar and registered in accordance with ~~Section 93-17-21 of the Mississippi Code of 1972, Annotated~~ §93-17-21, Appendix page 14. The State Registrar shall honor orders of courts of other states having appropriate jurisdiction over Mississippi born persons in matters of adoption.
- (b) The following shall be furnished to the State Registrar immediately after adoption:
- (1) Certified copy of final decree of adoption.
 - (2) Report of Adoption, a form prescribed and furnished by the State Registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, identify the order of adoption and be certified by the clerk of the court. Note: Only completed original preprinted forms on 25% cotton bond paper are acceptable, copied forms are not acceptable, see Rule 7, page 9.
 - (3) A report of the medical and social history of the birth parents, and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters. This requirement may be waived by the court when one or more of the petitioners for adoption is the natural mother or natural father of the adoptee.
 - (4) The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian and any other available information about the birth parent's identity and location. This requirement may be waived by the court when one or more of the petitioners for adoption is the natural mother or natural father of the adoptee.
 - (5) The required filing fee (see Fee Schedule, Appendix II) of \$50.00.
- (c) Upon receipt of these documents, the State Registrar or his designated representative, shall by his signature, register the birth and provide the adoptive parents with one certified copy of the new birth certificate.
- (d) Disclosure of non-identifying information shall be made available under the following conditions:
- (1) The person making the request has sufficient proof of identity and is an adoptee eighteen (18) years of age or older; an adoptive parent; the guardian or legal custodian of an adoptee; or the offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.
 - (2) Payment of the required fee (see Fee Schedule, Appendix II) of \$50.00.
- (e) Disclosure of identifying information shall be made available under the following conditions:

- (1) An affidavit is not on file expressly prohibiting the release of any information about such birth parent-~~s~~ identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of the Mississippi Adoption Confidentiality Act or a notice of contact with the birth parent for that adoptee is not on file.
- (2) A licensed adoption agency has requested the information while acting on behalf of any person specified in (d) (1) who requests non-identifying medical, social or genetic background information and the information is not on file and an affidavit prohibiting a search for the birth parent has not been filed or a notice of contact with the birth parent for that adoptee is not on file. In this case, only non-identifying information may be furnished by the licensed adoption agency to the person so identified in (d) (1).
- (3) A licensed adoption agency providing post-adoption services has requested the information while acting on behalf of any person twenty-one (21) years of age or over who has been adopted in this state, providing however, that the birth parent has not executed an affidavit prohibiting the release of such information or that a notice is not on file that such birth parent has been contacted once and has refused to authorize the release of confidential information.
- (4) Confidential information will be released only after the licensed adoption agency provides a written statement that the requesting adoptee has received post-adoptive counseling and after receipt Payment of the required fee (see Fee Schedule, Appendix II) ~~of \$25.00.~~

~~Adoption of Foreign Born Children~~

The code provides for the issuance of a Mississippi birth certificate upon the adoption, by Mississippi residents, of foreign-born children. See §93-17-21 (2), Appendix page 14.

Rule 3028—Adoption of foreign born children

The birth of any child born in a foreign country and adopted in the state of Mississippi by a person or a couple, one of whom is or was at the time of adoption a bonafide resident of this state, may be registered in the manner described in Rule ~~297~~, with the exception that the place of birth shall be shown as the actual town, district and county of said child-~~s~~ birth.

~~□The code provides for the issuance of a Mississippi birth certificate upon the adoption of, by Mississippi residents, foreign born children. See the aforementioned section 93-17-21, Mississippi Code of 1972, Annotated.~~

Adoption of Persons Born in Another State

~~□The State Board of Health cannot act on a birth certificate of another state, but any person adopting a child born in another state will be referred to the appropriate authority in that state as provided in §93-17-21 (1), Appendix page 14Section 93-17-21, Mississippi Code of 1972, Annotated.~~

Adoption of Children with no Birth Certificate

The State Registrar will prepare a birth certificate for an adopted individual who has no birth certificate on file or whose place of birth is unknown, upon receipt of a court order as provided for in the aforementioned Section 93-17-21, ~~Mississippi Code of 1972, Annotated.~~

Centralized Adoption Statistics (93-17-205, Appendix page 15)

With the assistance of the Administrative Office of Courts, the State Registrar shall compile and annually make available to the public for a reasonable fee, statistics about all adoptions finalized in the State. The statistics shall include the number of adoptions where the adopting parent is a blood relative and the number of adoptions where the adopting parent is not a blood relative to the adoptee. No individual identifying information shall be made available in these statistics.

Amendments to Birth Certificate

Mississippi statutes authorize alteration of birth certificates only when the original birth facts are incorrectly recorded. An omission in this context is considered to be an error.

Rule 3129—Amendment of obvious errors

~~In the process of registering a birth, the State Registrar is charged with responsibility of ensuring, insofar as is administratively possible, the completeness of the record. To this end, during the first year after the date of birth, the State Registrar or designated representative will examine each certificate for obvious errors and make any necessary corrections. Amendment of ~~o~~Obvious errors, include the transposition of letters in words of common knowledge, the provision of misinformation, and/or omissions on birth certificates may be made by the State Registrar within the first year after the date of birth of information. Correction of these errors may be made, based on either upon his own observation telephone or written query, to the or upon facility of birth and/or mother as shown on the birth certificate request of a person with a direct and tangible interest in the certificate. When such additions or minor amendments to obvious errors are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change, shall be made on the certificate in such a way so as not to become a part of any certification issued. The certificate is not to be considered nor marked as having been Aamended.~~

Amendment by Affidavit (§41-57-21, Appendix page 7)

~~§ 41-57-21. Proceedings to correct incomplete birth certificate or birth certificate having incorrect first name, middle name or sex.~~

~~Where there has been a bonafide effort to register a birth and the certificate thereof on file with the Office of Vital Records does not divulge all of the information required by said certificate, or such certificate contains the incorrect first name, middle name, or sex, then the State Registrar of Vital Records may, in his discretion, correct such certificate upon affidavit of at least two (2) reputable persons having personal knowledge of the facts in relation thereto. All other alterations shall be made as provided in Section 41-57-23. Anyone giving false information in such affidavit shall be subject to the penalties of perjury.~~

Rule 32—Omissions and Minor errors

~~(a) (a) Certificates which have missing information or the incorrect recording of the child's Minor errors in first name, or middle name(s), or sex, or date of birth by one (1) day may be amended by affidavit with proof of the facts. Omission or incorrect recording of both or either parent's place of birth, date of birth or race, excluding designation as a member of a native American tribe, may also be corrected by affidavit with proof of the facts. Affidavits must contain notarized signatures occurring at birth, shall be corrected upon presentation of the affidavits of two (2) reputable persons having personal knowledge of the facts (in the order of priority specified in Rule 25, page 2723(a)). Proof of the facts must be; and, after the first seven years of life, the submission of at least one piece of documentary evidence dated five (5) years or more prior to the request which supportsing the item to be corrected and contains sufficient identifying information that is consistent with the same~~

type of information on the birth certificate. During the first year after the date of birth, corrections in the placement of given names, adding or dropping a given name but not both, or corrections of the spelling of a given name where it does not change the pronunciation of the name may be made by affidavit without the proof requirement.

- (b) At the discretion of the State Registrar and commensurate with the age of the person named on the certificate, all or part of the requirements for documentary evidence may be waived. Conversely, should there be any question concerning the validity of the affidavit or documentary evidence, the State Registrar may require a Mississippi chancery court order prior to making the correction.
- (c) Anyone giving false information in such affidavit shall be subject to the penalties of perjury. Attempts to change a record through fraudulent means will result in no change to the record and all documents pertaining to the record will be turned over to the appropriate law enforcement agency for investigation.

~~(b) The affidavit of the natural parents of an illegitimate child, submitted with proof of marriage between the parties, shall result in the addition of the father's name, race, age at time of birth, and state of birth to the child's birth certificate, and the change of the child's surname to agree with that of the father, provided that no father is listed on the certificate on file with the State Department of Health. If another man is named the father on the birth certificate, this name may only be changed pursuant to an order from a chancery court, or the Chancellor in vacation of the county of residence of the petitioner, or any chancery district of the state if the petitioner be a nonresident.~~

~~(c) Notwithstanding any of the above, the State Registrar may, in his discretion, require or not require documentation in support of the correction to be made or require a court order from a Mississippi chancery court.~~

~~□ Acknowledgments of paternity by the natural father may be done by affidavit during the first year of birth provided no father is listed on the birth certificate of the child. If a father is listed or the mother was married at conception or birth, or any time between conception and birth, a court order shall be required.~~

Rule 3330—More than one amendment to an item

Once an amendment of an item is made on a birth certificate, that item shall not be amended again unless a court order is received from a court of competent jurisdiction within the state of Mississippi.

Note: The notarized statement giving the child a non-traditional surname, sent by the facility of birth with the birth certificate at the time of birth, is not considered an amendment to the Name item.

Rule 3431—Methods of amending certificates

- (a) Certificates shall be amended by eradication of the item to be amended and insertion of correct data. Original information contained in the certificate shall be preserved for reference and placed on the certificate in such a way so as not to become part of any certification. When such amendments are made, a notation as to the source, date of amendment and initials of the authorized agent shall be included on the certificate.
- (b) Where the item was left blank on the existing certificate, amendments shall be made by completing the items, with a notation as to source, date of amendment and initials of the authorized agent placed on the certificate in such a way so as not to become part of any certification.

- (c) ~~With the Exception only of~~ adoptions, the change authority and date of change shall be legible on any certified copy issued. The certificate shall contain ~~an~~ statement entry in the margin indicating the amended by authority of Section ~~...~~ of the Mississippi Code of 1972, Annotated under which the change was authorized. Where the change was based upon a rule, the Mississippi ~~State~~ Board of Health authority to make rules and regulations §41-3-17, Appendix page 1, Section 41-3-17 will be referenced.

Legitimation by Affidavit (§93-17-1(2), Appendix page 13)

Rule 35—Legitimation by marriage of natural parents

The affidavit of the natural parents of an illegitimate child, submitted with proof of marriage between the parties, shall result in the addition of the father's name, race, age at time of birth or date of birth, and state of birth to the child's birth certificate, and change the child's surname to agree with that of the father, provided that no father is listed on the certificate on file. If another man is named the father on the birth certificate, this name may only be changed pursuant to an order from a chancery court, or the Chancellor in vacation of the county of residence of the petitioner, or any chancery district of the state if the petitioner is a nonresident. When the natural parents were married prior to the birth of the child, but the father's information was not contained on the filed certificate, the affidavit shall correct the omission of the father's information. Signatories in this case cannot rescind the acknowledgement and any action to remove the father shall be by Chancery court order.

When the natural parents marry after the birth of the child, the affidavit amends the birth record by providing the father's information. In this case a signatory can rescind the acknowledgement in accordance with Rule 37 page 41.

~~§ 93-17-1. Proceeding to alter names and legitimate offspring.~~

~~(1) The chancery court or the Chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of any person to alter the names of such person, **to make legitimate any living offspring of the petitioner not born in wedlock**, and to decree said offspring to be an heir of the petitioner.~~

~~(2) An illegitimate child shall become a legitimate child of the natural father if the natural father marries the natural mother and acknowledges the child.~~

- ~~□ Proceedings may be brought under this section when the parents have married subsequent to the birth of their child. The State Board of Health is not a necessary party to actions under this statute, however enactment hereunder does not necessarily entitle a change to a birth certificate.~~

Filiation or Paternity (§93-9-9, Appendix page 11, §93-9-28, Appendix page 12, and §41-57-23, Appendix page 7)

Rule 36—Acknowledgement of Paternity by Affidavit

Acknowledgement of paternity by the natural father may be done by affidavit in compliance with §§41-57-23(2) and 93-9-9(3) provided no father is listed on the birth certificate of the child. If a father is

listed or the mother was married at conception or birth, or any time between conception and birth, a court order shall be required. An acknowledgement of paternity affidavit must be signed by both the mother and natural father, contain a notary seal for both signatures, indicate the date signed, and be filed with the office of vital records.

Rule 37—Rescission of Acknowledgement of Paternity Affidavit

A signatory may, in accordance with §§41-57-23(3) and 93-9-9(4), rescind an acknowledgement of paternity by completing and filing with the office of vital records a rescission of acknowledgement of paternity affidavit. The person signing a rescission affidavit must sign his or her name in the same manner as the signature on the acknowledgement of paternity affidavit. The signature must be notarized and the date signed must be within 60 days of the date of the signature on the acknowledgement of paternity filed with the office of vital records. Rule 19 page 23 speaks to the name of the child after a rescission has been filed.

~~Sections 93-9-1 et seq. Mississippi uniform law on paternity~~

~~§ 93-9-9. Enforcement.~~

~~Paternity may be determined upon the petition of the mother, the child, or any public authority chargeable by law with the support of the child; provided that such an adjudication after the death of the defendant must be made only upon clear and convincing evidence. If paternity has been lawfully determined, or has been acknowledged in writing according to the laws of this state, the liabilities of the father may be enforced in the same or other proceedings by the mother, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and medical or funeral expenses for the mother or the child. However, proceedings hereunder shall not be instituted after the child has reached the age of eighteen (18) years.~~

Amendments by Court Order (§41-57-23, Appendix page 7)

~~§ 41-57-23. Proceedings to correct birth certificate containing major deficiencies.~~

~~(1) Any petition, bill of complaint, or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of the child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded, or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint, or other proceeding shall be forwarded to the State Board of Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified~~

~~copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.~~

~~(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if within two (2) years of the date of birth a notarized affidavit by both parents acknowledging paternity is received on the form prescribed. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23 to add or change the name of the father.~~

Proceedings brought under this section must be brought against the ~~State~~ Board of Health. ~~The statute~~ It suggests ~~ed~~ that any court action be based upon the certificate on file with the ~~State~~ Board of Health. The petition should set out the error to be corrected, and include any documentation or other evidence upon which the claim of an error is based. A certified copy of the subject certificate and any documentary support of the petition should be attached as exhibits. In the absence of any support for a claim, the ~~State~~ Board of Health will base its answer on the prima facie facts on the birth certificate on file.

Amendment of a Delayed Registration Birth Certificate

Rule 33—Amending delayed birth certificates

~~(a) Amendments to delayed birth certificates filed after the registrant's 13th birthday shall be made only upon the receipt of an order of a court of competent jurisdiction.~~

~~(b) Amendments to delayed birth certificates filed before the registrant's 13th birthday shall be made as heretofore provided in Rule 32.~~

Legitimation by Court Order (§93-17-1(1), Appendix page 13)

~~Court proceedings may be brought under this section when the parents have married subsequent to the birth of their child. The Board of Health is not a required party to actions under this statute. A court order rendered under the authority of this code section will not necessarily result in an amendment to the birth certificate in question.~~

Court ordered changes which are not Corrections to Birth Facts **Name Changes (§93-17-1, Appendix page 13)**

~~§ 93-17-1. (1) The chancery court or the Chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of any person to alter the names of such person, to make legitimate any living offspring of the petitioner not born in wedlock, and to decree said offspring to be an heir of the petitioner.~~

~~□ It is suggested that individuals wishing to change their names for personal or religious reasons, petition under Section 93-17-1. Any changes to identification documents such as Social Security card and driver's license, may be made upon presentation of the court order to the appropriate authorities. The State Board of Health is not a necessary party to actions under this statute, however enactment hereunder does not entitle a change to a birth certificate.~~

Rule 39—Change of Name by Court Order

A name change which is not a correction to the birth facts shall, upon receipt of a certified court order and required fee (see Fee Schedule, Appendix II), be added to the birth certificate as a marginal notation of the fact. The birth name shall not be eradicated and the name change shall not be put in the birth name place. The face of the certificate shall be stamped to indicate the legal authority under which the name was changed and the date of the change.

Rule 40—Change of Gender by Court Order

Gender reassignments shall be added to the birth certificate as a marginal notation, upon receipt of a certified court order, a medical statement that attests to the reassignment, and the required fee (see Fee Schedule, Appendix II).

Registration of Deaths

~~□ This section details the procedures for the complete and timely registration of deaths in the state.~~

~~§ 41-36-3. Determination of death.~~

~~An individual who has sustained either (a) irreversible cessation of circulatory and respiratory functions or (b) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.~~

Mississippi statutes applicable to the determination and registration of deaths are §41-36-3, Appendix page 1, §41-57-1, Appendix page 4, and §41-57-7, Appendix page 5. A determination of death must be made in accordance with accepted medical standards.

Rule 4134—Registration of deaths

A certificate for every death which occurs in this state shall be filed with the Office of Vital Records Registration of the ~~State Department of Health~~Department of Health within five days after such death occurs and shall be registered if it has been completed and filed in accordance with this rule. If unknown, the place of death is assumed to be that where the body is found. If the date of death is unknown, it shall be determined by approximation.

Rule 4235—Removal of dead body

The hospital, nursing home, funeral director, other institution or individual who first assumes custody of a dead body shall immediately ascertain the identity of the person who will certify the death (See Rule 36). The body shall not be removed until such person has been notified and he has indicated he will certify the cause of death.

Who Shall Certify

Rule 4336—Certification of death

- (a) The physician in charge of the decedent's care shall certify to the cause of death if death does not affect the public interest.
- (b) The medical examiner shall certify cause in deaths affecting the public interest. A death affecting the public interest ~~is~~ defined by §41-61-59(2), Appendix page 9. Sections 41-61-51 through 41-61-79 of the Mississippi Code of 1972, Annotated, known as the Mississippi Medical Examiner act of 1986 includes, but is not limited to, any of the following:
 - ~~(1) Violent death, including homicidal, suicidal or accidental death.~~
 - ~~(2) Death caused by thermal, chemical, electrical or radiation injury.~~
 - ~~(3) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.~~

- ~~(4) Death related to disease thought to be virulent or contagious which may constitute a public hazard.~~
- ~~(5) Death that has occurred unexpectedly or from an unexplained cause.~~
- ~~(6) Death of a person confined in a prison, jail or correctional institution.~~
- ~~(7) Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in prediagnosed terminal or bedfast cases, within thirty (30) days preceding death.~~
- ~~(8) Death of a person where the body is not claimed by a relative or a friend.~~
- ~~(9) Death of a person where the identity of the deceased is unknown.~~
- ~~(10) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.~~
- ~~(11) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.~~
- ~~(12) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardio-pulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.~~

(c) Where an attending physician refuses to sign a certificate of death, or in case of any death affecting the public interest, the State Medical Examiner or properly qualified designee shall ~~may~~ sign the death certificate.

(d) In any case where doubt exists as to who shall certify, the medical examiner shall certify the death.

Deaths to Females Between Ages Ten (10) and Fifty (50) (§41-57-13 (4), Appendix page 5

The certifier of cause of death of a female between the ages of ten (10) and fifty (50) will specify whether or not the female was or had been pregnant within 90 days of the date of death.

Place of Death

Rule 4437—Death in an institution

- (a) When death occurs in a hospital or nursing home and is not a death that affects the public interest (See Rule ~~3643~~), the person in charge of that institution, or his designated representative, shall initiate the preparation of the death certificate by completing the following items:
- (1) Name of deceased (Item 1)
 - (2) Hour and date of death (Item 3)
 - (3) Place of death (Items 7a, b, c and, if a hospital, item 7d)
- (b) The institution shall obtain the certification of cause of death (~~See Rule 36~~) and forward the certificate to the funeral director within 72 hours of death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the certifier shall indicate such in item 25 and inform the State Registrar of his determination of cause of death as soon as possible by completing and submitting the form **Statement to Amend Cause of Death**.
- (c) If the death affects the public interest (~~See Rule 36~~) §41-61-59, Appendix page 9 the medical examiner shall complete his portion of the death certificate and forward the certificate to the funeral director within seventy-two (72) hours of assuming jurisdiction over a death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the medical examiner shall indicate such in item 25 and inform the State Registrar of his determination of cause of death as soon as possible by completing and submitting the form **Statement to Amend Cause of Death**. The medical examiner's portion of the death certificate is:
- (1) Name of deceased (Item 1)
 - (2) Hour and date of death (Item 3)
 - (3) Place of death (Items 7a, b, c and, if a hospital, item 7d)
 - (4) Certifier's signature (Items 24e-g)
 - (5) Cause of death (Items 25a-29g)
- (d) In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

Rule ~~4538~~—Death at place other than an institution

When death occurs at place other than an institution and the death does not affect the public interest (See Rule 36), the funeral director or person acting as such who first assumes custody of the body shall initiate preparation of the certificate and obtain the medical certification of death within seventy-two (72) hours of death. If the death affects the public interest (See Rule 36) the medical examiner shall initiate the death certificate and forward it to the funeral director within seventy-two (72) hours of death.

In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

Rule ~~4639~~—Death on a moving conveyance

When death occurs on 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 the state, and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or airspace, or in a foreign country, and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined. If the death affects the public interest, the medical examiner of the county in which the conveyance stops and death is pronounced shall be notified promptly by any person having knowledge or suspicion of such a death. All other registration procedures as provided in these regulations shall apply.

Rule 4740—Presumptive death

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 within this state, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked Presumptive and shall show on its face the date of registration and shall identify the court and the date of decree.

Who Shall File a Death Certificate

Rule 4841—Filing of death certificate

- (a) The funeral director, or person acting as such, who first assumes custody of a dead body, shall review and correct any items other than information in the PRONOUNCEMENT and CAUSE OF DEATH sections completed by an institution or the medical examiner, complete the death certificate, and file it with the Office of Vital Records Registration of the ~~State Department of Health~~Department of Health within five days of the date of death.
- (b) Each death certificate of a person whose body has been embalmed in this state shall be signed by an embalmer holding a valid Mississippi embalming license, who shall affix his license number beside his signature. When a body has not been embalmed in Mississippi, then the funeral director, or person acting as such, shall so state in item 21(a) on the death certificate.

Burial-Transit Permit

A burial-transit permit is required when a dead body is transported into or out of the State.

Rule 42—Burial-transit permit

~~(a) A burial-transit permit shall be required when a dead body is transported into or out of the state.~~

~~(a) (b)~~ A burial-transit permit, the yellow copy of the death certificate, may be issued by the organization that originates the death certificate ~~(yellow copy of the death certificate), or by a licensed medical practitioner or medical examiner, upon request by a funeral director and after examination of the dead body~~ or a certified copy of the death certificate may serve as a burial-transit permit.

~~(b) (c)~~—The ~~signed~~ burial-transit permit shall accompany any dead body when it is moved out of state. If the dead body is shipped by common carrier, the burial-transit permit shall be enclosed in a ~~strong durable~~ envelope and attached to the shipping case.

Rule 5043—Transportation of dead bodies

A dead body or fetus shall be buried, cremated or otherwise disposed of (See Rule 44) within 48 hours of death unless the body has been embalmed by a licensed embalmer or unless the body is kept under refrigeration. If the dead body is transported within or out of the state and the destination cannot be reached within 24 hours after death, the body shall be embalmed by a licensed embalmer or kept under refrigeration. Any dead body shipped by common carrier shall be enclosed in an outside shipping case. The outside shipping case may be made of metal, wood or any other suitable material which is approved by the common carrier. The outside case may be omitted in all instances when the body is transported in a hearse or funeral director's conveyance.

Disposition of Dead Bodies

Mississippi statutes and regulations do not require the use of vaults, caskets or embalming, except as provided in Rule 43. The ~~State~~ Board of Health does not license or otherwise regulate cemeteries or crematoriums.

Rule 44—Requirements for disposition of dead bodies

~~(a) Burial requirements~~

No person knowing or having reason to know that a death may be under the jurisdiction of the medical examiner shall bury the body without the permission of the medical examiner.

~~(b) Cremation~~

No body shall be cremated unless the death certificate has first been completed and filed with the Office of Vital Records Registration of the ~~State Department of Health~~Department of Health.

~~(c) Other disposition of dead bodies~~

Dead bodies may be donated to medical schools as provided for in §41-39-7, Appendix page 2~~Section 41-39-7 of the Mississippi Code of 1972, Annotated.~~

Disposition of Unclaimed Dead Bodies (§41-39-5, Appendix page 1)

A dead human body which is not claimed for burial or cremation within forty-eight hours shall become the responsibility of the Board of Supervisors of the county in which the dead body is located. The Board of Supervisors shall make reasonable efforts to notify members of the decedent's family or other known interested persons, and, if the dead body is not claimed for burial or cremation by any interested person within five days, the Board of Supervisors shall, as soon as it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body.

~~§ 41-39-5. Disposition of unclaimed dead bodies.~~

~~Any physician, hospital, funeral director, embalmer, coroner or other person acquiring possession of a dead human body or portion thereof which is not claimed for burial or cremation within forty-eight hours of its acquisition shall give written notice thereof to the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, furnishing such identification of the decedent as may be available. The Board of Supervisors shall make reasonable efforts to notify members of the decedent's family or other known interested persons, and, if the dead body or portion thereof shall not be claimed for burial or cremation by any interested person within five days of the aforementioned written notice, the Board of Supervisors shall, as soon as it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body or portion thereof. In its discretion and where otherwise permitted to do so by law, the Board of Supervisors may direct the disposition of the dead body or portion thereof as provided by section 41-39-7. The reasonable expense of such burial or cremation and burial of the residue of a dead body shall be borne by the estate of the decedent or of any person liable at law for the necessities of the decedent during his lifetime or, if they are unable to pay the same, by the county of residence or settlement of the decedent, if known, and, if not known, by the county in which the dead body or portion thereof is located. If the person having possession of such dead human body or portion thereof shall have no available means of preserving the same and shall so notify the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, it shall be the duty of the Board of Supervisors to make arrangements for the preservation of the same until burial or cremation and burial of the residue of the dead body as hereinabove provided, and the expense of such preservation shall be borne as hereinabove provided with respect to the expense of burial or cremation.~~

Rule 45—Disinterment of dead bodies

~~Disinterred remains transported by common carrier shall be enclosed in a sealed container. If disinterred remains are transported by a hearse or funeral director's conveyance, they shall be enclosed in a burial case. No disinterred body offensive to smell shall be transported unless encased in a sealed container.~~

Rule 5146—Monthly reports of deaths

(a) **Funeral homes**

On the first day of every month, each person, firm, corporation, burial society or burial association engaged in the business of burying dead bodies shall make a report to the Office of Vital Records Registration on forms prescribed and furnished by the ~~State Department of Health~~Department of Health. If there were no funerals during the month, a report shall be filed to this effect.

(b) **Hospitals and nursing homes**

On the first day of every month, each institution shall make a report of all deaths occurring in or enroute to the institution, to the Office of Vital Records Registration on forms prescribed and furnished by the ~~State~~ Department of Health. If there were no deaths during the month, a report shall be filed to this effect.

(c) Medical examiner/Investigator

On the first day of every month, each county medical examiner or county medical examiner investigator responsible for certifying deaths in the public interest, shall make a report to the Office of Vital Records Registration on forms prescribed and furnished by the Department of Health. If there were no deaths certified in the public interest during the month, a report shall be filed to that effect.

Rule 5247—Delayed registration of death

- (a) Deaths registered after one year of the date of death ~~and within five years of the date of death~~ shall be registered on the standard certificate of death form, preferably the version in use at the time of death. ~~The physician, medical examiner, and the funeral director, or person who acted as such, must state in accompanying affidavits that the information on the certificate is based on records kept in their files. The certificate must be signed by the attending physician or medical examiner and the funeral director or person who acted as such.~~
- (b) In the absence of the attending physician, ~~or~~ medical examiner, and the funeral director or person who acted as such, the certificate may be filed by upon the receipt of a Mississippi Chancery court order, the next of kin of the deceased and shall be accompanied by:
- ~~(1) An affidavit of the person filing the certificate, attesting to the accuracy of the information on the certificate, and~~
- ~~(2) Two documents which identify the deceased and his date and place of death.~~
- (c) In all non-court ordered cases, the State Registrar may require additional documentary evidence to prove the facts of death.
- (d) If the State Registrar accepts the evidence offered upon payment of ~~a fifteen dollar (\$15.00) filing the required~~ fee (see Fee Schedule, Appendix II), the State Registrar, or his designated representative shall register the death and provide the applicant with one certified copy.

Amendments to Death Certificate (§41-57-13, Appendix page 5)

~~§ Section 41-57-13. Corrections and amendments to death certificates; lists of deaths to be furnished to county registrar and county election commissioners.~~

- ~~(1) Death certificate errors in the recording of personal information of the deceased may be corrected by affidavit of the informant and the funeral director of the funeral home that disposed of the body. Items in the medical certification or of a medical nature may be amended upon receipt of the specified amendment form from (a) the person originally certifying the information or, if deceased or incapacitated, from the person responsible for the completion of such items, or (b) the State Medical Examiner. All other amendments to a death certificate require adjudication by a chancery court in the county of residence of the complainant or in any chancery court district in the state if~~

~~the complainant is a nonresident. In all such proceedings, the State Board of Health shall be made defendant.~~

~~(2) The local registrar of births and deaths in each county in the state shall, at least monthly, supply the county registrar and each member of the county election commission of each county a list of deaths in said counties of individuals of voting age who have not been previously listed. Such lists shall include the following information for each deceased person: full name (as recorded on the death certificate), Social Security number, date of death, sex, color, age and usual place of residence.~~

~~(3) No such payment as is provided for in Section 41-57-11 shall be made by said board of supervisors unless and until said local registrar shall certify that a list of all deaths of individuals of voting age has been filed with the county voting registrar and with each member of the county election commission of the last county of residence of the decedent in this state.~~

Rule 5348—Amendment to death certificate

- (a) All items in the medical certification or of a medical nature may be amended only upon receipt of the specified amendment form from (1) the person certifying the information or, if deceased or incapacitated, from that person or persons responsible for the completion of such items or (2) the State Medical Examiner.
- (b) Any amendment that is or may be contested by any of the principals i.e. surviving spouse, informant, parents or relatives of the principals, may, at the discretion of the State Registrar, require adjudication in a Mississippi chancery court.
- (c) Other items may be amended on affidavit of the informant and funeral director or person acting as such.
- (d) Any item, once amended, shall be further amended only upon receipt of an order from a Mississippi chancery court.
- (e) Notwithstanding any of the above, the State Registrar may in his discretion, require or not require documentation in support of the amendment to be made, or require a court order from a Mississippi chancery court.

Spontaneous Fetal Deaths

☐ Spontaneous fetal deaths (stillbirths and miscarriages) are subject to statistical reporting requirements. Fetal death reports are retained one (1) calendar years after the year of the fetal death, then destroyed. A plain paper copy may be obtained by making a request and paying the required fee within the retention time frame (see Fee ScheduleI, Appendix II). ~~No vital records are made or kept and therefore no certified copies of these reports can be issued. The reports are destroyed as soon as the statistical analyses have been completed.~~

Rule 5449—Reporting requirements

Each spontaneous fetal death of 20 completed weeks of gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of 350 grams or more, which occurs in this state shall be reported within five days after delivery to the State Registrar. If, either or both, the completed weeks of gestation or the weight are unknown the fetal death must be reported.

Rule 5550—Responsibility for reporting spontaneous fetal deaths

- (a) If a dead fetus was delivered in an institution or enroute thereto, the person in charge of the institution, or his designated representative, shall prepare and submit the report to the State Registrar.
- (b) If an investigation by a coroner or medical examiner is required, the coroner or medical examiner shall prepare and submit the report to the State Registrar.
- (c) If a dead fetus was delivered outside an institution and is not subject to the jurisdiction of the coroner or medical examiner, the report shall be prepared and submitted to the State Registrar by one of the following in the indicated order of priority:
 - (1) The physician in attendance at or immediately after the delivery, or in the absence of such a person.
 - (2) Any other person in attendance at or immediately after the delivery, or in the absence of such a person,
 - (3) The father, or mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the delivery occurred.
- (d) If the delivery of a dead fetus occurred on a moving conveyance within the United States and the fetus is first removed in this state, the delivery shall be registered in this state, and the place of delivery shall be the place where the fetus is first removed. When a delivery occurs on a moving conveyance while in international waters or airspace, or in a foreign country, and the fetus is first removed from the conveyance in this state the delivery shall be registered in this state but the certificate shall show the actual place of delivery insofar as can be determined. ,—the place of delivery shall be entered in accordance with the instructions given for live births in Rule 15.

- (e) The name of the fetus shall be entered in accordance with Rule 57. The name of the father and other information about the father shall be entered in accordance with Rule 58 instructions given for live births in Rule 19.
- (f) In the case of multiple birth, a separate report shall be submitted for each fetus.

Rule 5651—Institution reports

On the first day of each month, each institution which accepts patients for delivery shall prepare a list of all spontaneous fetal deaths occurring in that institution during the preceding month. This list shall be on the form prescribed and furnished by the ~~State~~ Department of Health and shall be submitted to the State Registrar. If there were no spontaneous fetal deaths, a report shall be submitted showing that there were none.

Name of Fetus and Paternity

As with a live born child, when a reportable fetal death occurs the surname given the fetus is traditionally the same as the father if the mother and father were married at the time of conception or delivery or at any time between conception and delivery. If the mother and father were not married the name of the fetus and/or paternity may be established in accordance with rules 57 and 58.

Rule 57—Surname of fetus

The surname of the fetus shall be determined in the following manner:

- (a) **Mother married.** If the mother was married at the time of conception or delivery, or at any time between conception and delivery, the surname of the fetus shall be that of the husband except that a notarized statement signed by both listed mother and father, and filed at the same time the Report of Spontaneous Fetal Death is filed may alter this rule.
- (b) **Mother not married; no acknowledged father.** If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, the surname of the fetus shall be that of the legal surname of the mother, except that a notarized statement signed by the listed mother and filed at the same time the Report of Spontaneous Fetal Death is filed may alter this rule.
- (d) **Mother not married; acknowledged father.** If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, and the natural father acknowledges such paternity, the surname of the fetus shall be that of the father except that a notarized statement signed by both listed mother and father and filed at the same time the Report of Spontaneous Fetal Death is filed may alter this rule.
- (e) **Court-determined paternity.** In the event of court-determined paternity, the surname of the fetus shall be that of the father, unless the judgment specifies otherwise.

Rule 58—Paternity

Paternity shall be determined in the following manner:

- (a) **Mother married.** If the mother was married at the time of either conception or delivery, or at any time between conception and delivery, the name of the husband shall be entered on the Report of Spontaneous Fetal Death as the father of the fetus, unless paternity has been determined otherwise by a court of competent jurisdiction.
- (b) **Mother not married; no acknowledged father.** If the mother was not married at the time of either conception or delivery, or at any time between conception and delivery, and there is no acknowledgement of paternity filed and no determination of paternity by a court of competent jurisdiction, the name of the father shall not be entered on the Report of Spontaneous Fetal Death.
- (c) **Mother not married; acknowledged father.** If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, and the natural father acknowledges such paternity, the name of the father shall be entered on the report. Such acknowledgement of paternity shall be made by affidavit of both mother and father on the form prescribed by the Department of Health and filed with the office of vital records.
- (d) **Court-determined paternity.** Any petition, bill of complaint, or other proceeding filed in a court of competent jurisdiction may result in a determination of paternity. The name of the father as determined by said court shall be entered on the Report of Spontaneous Fetal Death upon receipt of a certified copy of the court judgment. Court determined paternity shall take precedence over all other methods of assigning paternity (*§41-57-23, Appendix page 7 and §93-9-9, Appendix page 11*).

Induced Terminations

☐ Induced terminations, §§41-75-18 and 41-75-19, Appendix page 10, are subject to statistical reporting requirements. ~~As with spontaneous fetal deaths, n~~No vital records are made or kept and therefore no certified copies of these reports can be issued. The reports are destroyed as soon as the statistical analyses have been completed.

Any identifying information gathered under these statutes are strictly confidential and may not be released.

~~§ 41-75-18. Reports by abortion facility:~~

~~Each abortion facility shall report monthly to the State Department of Health such information as may be required by the department in its rules and regulations for each abortion performed by such facility.~~

Rule 6052—Reporting requirements

Each induced termination of pregnancy which is performed in this state shall be reported to the State Registrar within five days by the person in charge of the institution in which the induced termination of pregnancy was performed. Patients are to be listed by identification number only and not by name. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

Rule 6153—Institution reports

On the first day of each month, each facility in which induced terminations of pregnancy are performed shall prepare a list of all induced terminations performed in that facility during the preceding month. The list shall be on forms prescribed and furnished by the ~~State~~ Department of Health and shall be submitted to the State Registrar. Patients are to be listed by identification number only and not by name. If there were no induced terminations of pregnancy at a facility during the month, a report shall be submitted showing that there were none.

Complications resulting from Induced Terminations (§§41-41-76 through 41-41-80, Appendix pages 3-4)

Rule 62—Reporting Requirements

A physician shall file a written report with the Department of Health regarding each patient who comes under the physician's professional care and requires medical treatment or suffers death that the attending physician has a reasonable basis to believe is a primary, secondary, or tertiary result of an induced abortion.

- (a) These reports shall be submitted within thirty (30) days of the discharge or death of the patient treated for the complication.
- (b) The report shall not contain the name of the woman, common identifiers such as her social security number or motor vehicle operator's license number or other information or identifiers that would

make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

- (c) Standardized report forms shall be developed and distributed or made available online in a downloadable format to all medical professional organizations, licensed physicians, hospitals, emergency rooms, and abortion facilities operating in the state.
- (d) Each report of medical treatment following abortion shall contain the following information:
 - (1) The age and race of the patient
 - (2) The characteristics of the patient, including residency status, county of residence, marital status, education, number of previous pregnancies, number of stillbirths, number of living children and number of previous abortions
 - (3) The date the abortion was performed and the method used if known
 - (4) The type of facility where the abortion was performed
 - (5) The condition of the patient that led to treatment, including, but not limited to, pelvic infection, hemorrhage, damage to pelvic organs, renal failure, metabolic disorder, shock, embolism, coma or death
 - (6) The amount billed to cover the treatment of the complication, including where the treatment was billed to Medicaid, insurance, private pay or other method. This should include charges for physician, hospital, emergency room, prescription or other drugs, laboratory tests and any other costs for the treatment rendered.
 - (7) The charges are to be coded with ICD-9 classification numbers in such a way as to distinguish treatment following induced abortions from treatments following ectopic or molar pregnancies.
- (e) Summarized aggregate data from the reports shall be included in the annual Vital Statistics Report
- (f) The reports shall be retained for five (5) years after the date the report is received, then each individual report shall be destroyed.
- (g) Disclosure of the reports or the contents of the reports in a manner or fashion which would permit the identification of the person who is the subject of the report is prohibited.
- (h) Disclosure of confidential identifying information shall constitute a felony which, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than three (3) years, or a fine of not more than five thousand dollars (\$5,000.00) or both.

~~Disposition of Dead Fetus~~

- ~~□The State Board of Health does not by regulation require disposition of a dead fetus by any particular method. In the absence of specific instructions from the next of kin, a dead fetus may be disposed of after 48 hours, preferably by burial in a recognized cemetery or by cremation.~~

~~§ 41-39-1. Disposition of tissue or external member of human body and dead fetus.~~

~~Any physician removing or otherwise acquiring any tissue of the human body may, in his discretion, after making or causing to be made such scientific examination of the same as he may deem appropriate or as may be required by law, custom or rules and regulations of the hospital or other institution in which the tissue may have been removed or acquired, authorize disposition of the same by incineration, cremation, burial or other sanitary method approved by the State Board of Health, unless he shall have been furnished prior to removal or acquisition of the tissue, or at any time prior to its disposal, a written request that the same be delivered to the patient or someone in his behalf or, if death has occurred, to the person claiming the dead body for burial or cremation. No such tissue shall be delivered, however, except as may be permitted by rules and regulations of the State Board of Health. Any hospital or other institution acquiring possession of any such tissue, and not having written instructions to the contrary from the attending physician, the patient or the person claiming a dead body for burial or cremation, or someone in their behalf, may immediately dispose of the same as hereinabove provided.~~

~~However, no external member of the human body may be so disposed of within 48 hours of its removal or acquisition unless consent thereto be obtained in writing from the patient or the person authorizing the medical or surgical treatment of the patient, and no dead fetus shall be so disposed of within the same period of time unless consent thereto be obtained in writing from the mother of the dead fetus or her spouse. For the purposes of this section, an external member of the human body is defined as an arm or one or more joints thereof, a hand, a finger or one or more joints thereof, a leg or one or more joints thereof, a foot, a toe or one or more joints thereof, an ear or the greater part thereof, or the nose or the greater part thereof. For the purposes of this section and the succeeding section, a dead fetus is defined as a product of human conception, exclusive of its placenta or connective tissue, which has suffered death prior to its complete expulsion or extraction from the mother, as established 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.~~

~~§ 41-39-3. Regulations for disposition of dead fetus acquired by hospital or midwife.~~

~~The State Board of Health may provide by rules and regulations for the disposition of any dead fetus acquired by any hospital or by any midwife or person acting as a midwife, such disposition to be in a manner consistent with the provisions of Section 41-39-1 except that the waiting period for such disposition may be waived.~~

APPENDIX

§ 11-11-15. Action against state board of health or state board of medical licensure.

The venue of actions against the Mississippi State Board of Health wherein said Board is a defendant, or the State Board of Medical Licensure wherein said Board is defendant, shall be in Hinds county.

§ 11-11-17. Where court has jurisdiction of subject matter but not venue.

Where an action is brought in any justice court of this state, of which the court in which it is brought has jurisdiction of the subject matter, but lacks venue jurisdiction, such action shall not be dismissed because of such lack of proper venue, but on objection on the part of the defendant shall, by the court, be transferred, together with all prepaid costs remaining after the court in which the action was originally brought has deducted the costs incurred in that court, to the venue to which it belongs.

§ 35-3-9. Furnishing of free copies of birth and death certificates.

When requested by the veterans administration, state veterans affairs board, any holder of a power of attorney from a veteran or his claimant, or any recognized veteran service officer, the bureau of vital statistics of the State of Mississippi shall furnish to such organizations or officers, without charge, copies of birth and death certificates when the same are needed to establish claims for dependency, disability or survivors benefits for any veterans who are legal residents of the state of Mississippi, or their claimants.

§ 41-3-17. Power to make and publish rules and regulations.

The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objectives of its creation. . . .

§ 41-36-3. Determination of death.

An individual who has sustained either (a) irreversible cessation of circulatory and respiratory functions or (b) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.

§ 41-39-5. Disposition of unclaimed dead bodies.

Any physician, hospital, funeral director, embalmer, coroner or other person acquiring possession of a dead human body or portion thereof which is not claimed for burial or cremation within forty-eight hours of its acquisition shall give written notice thereof to the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, furnishing such identification of the decedent as may be available. The Board of Supervisors shall make reasonable efforts to notify members of the decedent's family or other known interested persons, and, if the dead body or portion thereof shall not be claimed for burial or cremation by any interested person within five days of the aforementioned written notice, the Board of Supervisors shall, as soon as it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body or portion thereof. In its discretion and where otherwise permitted to do so by law, the Board of Supervisors may direct the disposition of the dead body or portion thereof as provided by section 41-39-7. The reasonable expense of such burial or cremation and burial of the residue of a dead body shall be borne by the estate of the decedent or of any person liable at law for the necessities of the decedent during his

lifetime or, if they are unable to pay the same, by the county of residence or settlement of the decedent, if known, and, if not known, by the county in which the dead body or portion thereof is located.

If the person having possession of such dead human body or portion thereof shall have no available means of preserving the same and shall so notify the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, it shall be the duty of the Board of Supervisors to make arrangements for the preservation of the same until burial or cremation and burial of the residue of the dead body as hereinabove provided, and the expense of such preservation shall be borne as hereinabove provided with respect to the expense of burial or cremation.

§ 41-39-7. Bodies of deceased hospital patients to be turned over to educational institutions in certain cases.

Upon the request of the secretary of the state board of health, the authorities in charge of the hospitals supported either wholly or partly by state funds are authorized and directed to deliver any body of any person, except the bodies of mentally ill and mentally retarded persons, dying in any of said hospitals to the duly authorized representatives of the state university or any medical college or any accredited mortuary science program in any junior college in this state, giving the state university preference in the event there is an insufficiency in dissecting material for the use of all hospitals for anatomical purposes. This applies to the remains of any person, except mentally ill and mentally retarded persons, who dies in any of said hospitals, when the body is not, within a reasonable time after death, claimed for burial by some fraternal order, or by some person related to the deceased by blood or marriage, or by some friend. The state board of health shall have authority to adopt regulations for the proper burial of those mentally ill persons and mentally retarded persons. However, the human remains of any unknown person who is a traveler dying suddenly shall not be so delivered or used for anatomical purposes. Any human remains, so delivered, shall be properly and decently removed from the hospital, at the expense of the party to whom the same may be delivered, and shall be transported under such regulations as the state board of health may prescribe, and after use for strictly necessary medical study, in the medical department of the university, or in any medical college, or in any accredited mortuary science program in any junior college in this state, as the case may be, the body shall be decently interred or may be cremated and the residue interred at the expense of the party using the same. The state board of health shall have authority to regulate and restrict the use of dead bodies used for the above purposes. The authorities of the hospitals, the secretary of the state board of health, and the authorities of the university, any medical college and any accredited mortuary science program in any junior college in this state, shall each cause a record to be kept of each body used and disposed of, under the provisions of this section, and such records shall be subject to inspection of any member of the state board of health at any time.

§ 41-41-31. Definitions.

The following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead fetus.

(b) "Medical emergency" means that condition which, on the basis of the physician's best clinical judgment, so complicates a pregnancy as to necessitate an immediate abortion to avert the death of the mother or for which a twenty-four-hour delay will create grave peril of immediate and irreversible loss of major bodily function.

(c) "Probable gestational age of the unborn child" means what, in the judgment of the attending physician, will with reasonable probability be the gestational age of the unborn child at the time the abortion is planned to be performed.

§ 41-41-76. Definitions.

As used in Sections 41-41-75 through 41-41-80:

(a) "Abortion" has the meaning as defined in Section 41-41-31.

(b) "Medical treatment" means, but is not limited to, hospitalization, laboratory tests, surgery or prescription of drugs.

(c) "Department" means the State Department of Health.

§ 41-41-77. Physicians to file regular reports to state on patients treated or dying in abortion procedures; confidentiality; sanctions for breach of confidentiality.

(1) A physician shall file a written report with the State Department of Health regarding each patient who comes under the physician's professional care and requires medical treatment or suffers death that the attending physician has a reasonable basis to believe is a primary, secondary, or tertiary result of an induced abortion.

(2) These reports shall be submitted within thirty (30) days of the discharge or death of the patient treated for the complication.

(3) The department shall summarize aggregate data from the reports required under this section for purposes of inclusion into the annual Vital Statistics Report.

(4) The department shall develop and distribute or make available online in a downloadable format a standardized form for the report required under this section.

(5) The department shall communicate this reporting requirement to all medical professional organizations, licensed physicians, hospitals, emergency rooms, abortion facilities operating in the state.

(6) The department shall destroy each individual report required by this section and each copy of the report after retaining the report for five (5) years after the date the report is received.

(7) The report required under this section shall not contain the name of the woman, common identifiers such as her social security number or motor vehicle operator's license number or other information or identifiers that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion. A state agency shall not compare data in an electronic or other information system file with data in another electronic or other information system that would result in identifying in any manner or under any circumstances an individual obtaining or seeking to obtain an abortion. Statistical information that may reveal the identity of a woman obtaining or seeking to obtain an abortion shall not be maintained.

(8) The department or an employee of the department shall not disclose to a person or entity outside the department the reports or the contents of the reports required under this section in a manner or fashion as to permit the person or entity to who the report is disclosed to identify in any way the person who is the subject of the report.

(9) Disclosure of confidential identifying information in violation of this section shall constitute a felony which, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than three (3) years, or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

§41-41-78. Content of Reports.

(1) Each report of medical treatment following abortion required under Section 41-41-77 shall contain the following information:

(a) The age and race of the patient;

(b) The characteristics of the patient, including residency status, county of residence, marital status, education, number of previous pregnancies, number of stillbirths, number of living children and number of previous abortions;

(c) The date the abortion was performed and the method used if known;

(d) The type of facility where the abortion was performed;

(e) The condition of the patient that led to treatment, including, but not limited to, pelvic infection, hemorrhage, damage to pelvic organs, renal failure, metabolic disorder, shock, embolism, coma or death.

(f) The amount billed to cover the treatment of the complication, including where the treatment was billed to Medicaid, insurance, private pay or other method. This should include charges for physician, hospital, emergency room, prescription or other drugs, laboratory tests and any other costs for the treatment rendered.

(g) The charges are to be coded with IDC-9 classification numbers in such a way as to distinguish treatment following induced abortions from treatments following ectopic or molar pregnancies.

(2) Nothing in Sections 41-41-75 through 41-41-80 shall be construed as an instruction to discontinue collecting data currently being collected.

§41-41-79. Liability.

Willful violation of the provisions of Sections 41-41-75 through 41-41-80 shall constitute a misdemeanor and shall be punishable as provided for by law, except that disclosure of confidential identifying information shall constitute a felony as provided in subsection (9) of Section 41-41-77. No physician or hospital, its officers, employees or medical and nursing personnel practicing in the hospital shall be civilly liable for violation of the provisions of Sections 41-41-75 through 41-41-80, except to the extent of liability for actual damages in a civil action for willful or reckless and wanton acts or omissions constituting that violation. However, that liability shall be subject to any immunities or limitations of liability or damages provided by law.

§ 41-41-80. Severability.

The provisions of Sections 41-41-75 through 41-41-80 are declared to be severable, and if any provision, word, phrase, or clause of Sections 41-41-75 through 41-41-80 or the application thereof to any person is held invalid, the invalidity shall not affect the validity of the remaining portions of Sections 41-41-75 through 41-41-80.

§ 41-57-1. Bureau of Vital Statistics established.

A Bureau of Vital Statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths and preservation of vital statistics on forms prescribed by said Board of Health, and which shall provide adequate methods for enforcing the laws and orders of said Board of Health relating to health matters of the state.

§ 41-57-2. Certain persons not entitled to access to records.

Records in the possession of the Mississippi Department of Health, bureau of vital statistics, which would be of no legitimate and tangible interest to a person making a request for access to such records, shall be exempt from the provisions of the Mississippi Public Records Act of 1983; provided, however, nothing in this section shall be construed to prohibit any person with a legitimate and tangible interest in such records from having access thereto.

§ 41-57-3. State Registrar of Vital Records; safeguarding of records.

The Secretary of the State Board of Health shall appoint the State Registrar of Vital Records in accordance with classification standards of education and experience. It shall be his duty to carry into effect the rules, regulations and orders of the State Board of Health that are provided for the Office of Vital Records Registration. The said Board shall provide for such clerical and other assistance as may be necessary, and may fix the compensation of persons thus employed within the amount appropriated for the health work by the Legislature. The said Board shall provide suitable apartments, properly equipped with fireproof vaults and filing cases, for the permanent and safe preservation of all official records made and returned to the Office of Vital Records Registration.

§ 41-57-5. State may be divided into registration districts.

The State Board of Health may divide the state into registration districts to provide vital statistics, defining and designating the boundaries thereof and appointing local registrars in each district.

§ 41-57-7. Board of Health to formulate a system for gathering statistics.

The State Board of Health shall formulate and promulgate rules and regulations for the proper reporting and registration of morbidity and vital statistics, prescribing the method and form of making such registration.

Each applicant or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64, Mississippi code of 1972.

§ 41-57-9. Certificates of Registrar to be prima facie evidence.

Any copy of the records of birth, sickness or death, when properly certified to by the State Registrar of Vital Statistics, to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. A facsimile signature of the registrar shall be sufficient for certification when the certificate shall have impressed thereon the seal of the Mississippi Department of Public Health.

§ 41-57-11. Payment for birth and death certificates.

(1) Each local registrar shall be paid the sum of One Dollar (\$1.00) for each birth and each death certificate properly made out, and in the manner and on the form required by the State Board of Health. Such sum shall be paid by the board of supervisors of the county in which the births and deaths occurred, upon certification made monthly to the board of supervisors by the state registrar.

However, any local registrar shall receive only Fifty Cents (50¢) for each birth and each death certificate sent in to the Bureau of Vital Statistics improperly completed or sent in at a later time than that fixed by the regulations of the State Board of Health.

(2) In addition to any fees established and collected by the State Board of Health for the issuance of original and copies of birth certificates, there shall be charged a fee of One Dollar (\$1.00) for each original and each copy of a birth certificate. This additional fee shall be deposited into the Mississippi Children's Trust Fund created by Section 93-21-305 and shall be used only as set forth in Sections 93-21-301 through 93-21-311. This additional fee shall not be added to birth certificates furnished free as provided in Sections 35-3-9 and 41-57-25.

§41-57-13. Amending certificates; list of deceased voters.

(1) Death certificate errors in the recording of personal information of the deceased may be corrected by affidavit of the informant and the funeral director of the funeral home that disposed of the body. Items in the medical certification or of a medical nature may be amended upon receipt of the specified amendment form from (a) the person originally certifying the information or, if deceased or incapacitated, from the person responsible for the completion of such items, or (b) the State Medical Examiner. All other amendments to a death certificate require adjudication by a chancery court in the

county of residence of the complainant or in any chancery court district in the state if the complainant is a nonresident. In all such proceedings, the State Department of Health, the State Medical Examiner and the county medical examiner or county medical examiner investigator who certified the information shall be made defendants. No death certificate shall be changed or amended by the State Medical Examiner or any county medical examiner or county medical examiner investigator after he has resigned or been removed from his office as the State Medical Examiner, county medical examiner or county medical examiner investigator.

(2) The local registrar of births and deaths in each county in the state shall, at least monthly, supply the county registrar, the tax assessor and the chairman of the county election commission of each county a list of deaths in the counties of individuals of voting age who have not been previously listed. Such lists shall include the following information for each deceased person: full name (as recorded on the death certificate), Social Security number, date of death, sex, race, age and usual place of residence.

(3) No such payment as is provided for in Section 41-57-11 shall be made by the board of supervisors unless and until the local registrar shall certify that a list of all deaths of individuals of voting age has been filed with the county voting registrar, tax assessor and with the chairman of the county election commission of the last county of residence of the decedent in this state.

(4) In the event that the decedent is a female, who at the time of her death was between the ages of ten (10) and fifty (50) years old, the physician, medical examiner, coroner or other official who certifies the decedent's cause of death shall indicate, where appropriately designated, on the death certificate whether (a) the decedent was pregnant at the time of her death; (b) the decedent had given birth within the preceding ninety (90) days; or (c) the decedent had a miscarriage within the preceding ninety (90) days.

§ 41-57-14. Social security numbers of parents required to file birth certificate.

(1) If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate of birth as the father of the child. The social security number of each parent of a child born within this state shall be furnished to the local registrar of vital records at the time of filing the certificate of birth, but such information shall not appear on the portion of the certificate to be issued as a certified copy. Such information shall be sent to the Office of Vital Records Registration of the State Department of Health along with the certificate of birth and shall be retained by the office. The information shall not be disclosed to any person except as authorized by paragraph (2) of this section or as allowed by Section 41-57-2.

(2) the Office of Vital Records Registration shall make available to the Division of Child Support Enforcement of the Mississippi Department of Human Services information concerning the names and social security numbers of the parents obtained under the requirements of paragraph (1) for the use in establishing paternity or enforcing child support obligations. Information obtained by the Division of Child Support Enforcement under this section may be used in any action or proceeding before any court, administrative tribunal, or other proceeding for the purpose of establishing paternity, establishing a child support obligation, collecting child support or locating persons owing such an obligation.

§41-57-15. Board of supervisors may appropriate funds for perfecting registration of records.

The Board of supervisors of any county may appropriate additional funds not to exceed fifty dollars (\$50.00) per month, to be used under the direction of the state board of health, in perfecting the registration of vital records.

§ 41-57-19. Proceedings to adjudicate true date of birth of person whose birth was not registered.

Any person who was born in the state of Mississippi and whose birth has not been registered and who is unable to secure the proof now required by the registrar of births to register the same, may file a

petition under oath in the chancery court of the county of the residence of the petitioner, or in any chancery court district of the state if the petitioner be a non-resident, setting out the true date of the birth of the petitioner and other facts necessary. The clerk shall issue a summons for the State Board of Health, which summons may be served on the Executive Secretary, the Registrar of Vital Statistics or a duly qualified county registrar, thirty days prior to the time of the hearing to appear and contest the same. Alternatively process can be waived as provided by section 13-3-71 (section 13-3-71 repealed effective July 1, 1991). The said petition may be heard by the Chancellor in term time or in vacation, and the same shall not be taken as confessed, but proof shall be made of the allegation in the same. When a decree is entered adjudicating the true date of birth of the petitioner, upon a certified copy of the decree being furnished to the Registrar of Vital Statistics showing the true date of the birth of the petitioner, the same shall be registered upon the proper records of the State Board of Health.

§ 41-57-21. Proceedings to correct incomplete birth certificate or birth certificate having incorrect first name, middle name, or sex.

Where there has been a bonafide effort to register a birth and the certificate thereof on file with the Office of Vital Records does not divulge all of the information required by said certificate, or such certificate contains the incorrect first name, middle name, or sex, then the State Registrar of Vital Records may, in his discretion, correct such certificate upon affidavit of at least two (2) reputable persons having personal knowledge of the facts in relation thereto. All other alterations shall be made as provided in Section 41-57-23. Anyone giving false information in such affidavit shall be subject to the penalties of perjury.

§ 41-57-23. Proceedings to correct birth certificate containing major deficiencies.

(1) Any petition, bill of complaint, or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of the child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded, or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint, or other proceeding shall be forwarded to the State Board of Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.

(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if a notarized affidavit by both parents acknowledging paternity is received on the form prescribed or as provided in Section 93-9-9. The surname of the child shall be that of the father except that an affidavit filed at birth by both listed mother and father may alter this rule. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23(1) to add or change the name of the father.

(3) (a) A signed voluntary acknowledgement of paternity is subject to the right of any signatory to rescind the acknowledgement within the earlier of:

(i) Sixty (60) days; or

(ii) The date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

(b) After the expiration of the sixty-day period specified in subsection (4) (a) (I) of this section, a signed voluntary acknowledgement of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger; the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgement may not be suspended during the pendency of the challenge, except for good cause shown.

§ 41-57-25. Birth certificate furnished free to armed forces volunteer.

Any person who is volunteering for one of the armed forces of the United States is entitled to a certified copy of his birth certificate from the state board of health immediately upon application and at no expense to the applicant or his recruiting officer.

§ 41-57-27. Penalty.

Any person or persons who shall violate any rule, regulation or order of the State Board of Health relative to recording, reporting or filing information for the Bureau of Vital Statistics, or who shall willfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, or who shall willfully furnish false information to said bureau for the purpose of establishing a false identity, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or suffer both such fine and imprisonment, in the discretion of the court.

§ 41-57-43. State Registrar of Vital Statistics, safeguarding of records. (Marriage)

It shall be the duty of the state registrar of vital statistics, in addition to the duties now required of him by law, to carry into effect the provisions of law relating to registration of marriage and the rules, regulations and orders of the state board of health which may be promulgated pursuant to section 41-57-45 (Section 41-57-45 repealed effective January 1, 1979). The said state board of health shall provide such clerical and other assistance as may be necessary, and may fix the compensation of persons thus employed. The said board shall provide suitable apartments properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned to said bureau.

§41-57-47. Certificates of registrar to be prima facie evidence. (Marriage)

Any copy of the records of marriages, when properly certified to by the state registrar of vital statistics, to be a true copy thereof, shall be taken and received as prima facie evidence of the facts therein stated in all courts of this state. For any such certified copy, the applicant shall pay to the bureau of vital statistics such fee for transactions as prescribed by the State Board of Health, which fees shall be paid into the state treasury within sixty (60) days from the receipt thereof.

§ 41-57-48. Statistical record of marriage; completion; filing; recording fee.

(1) For each marriage performed in this state, a record entitled "Statistical Record of Marriage" shall be filed with the officer of vital records registration of the state board of health by the circuit clerk who issued the marriage license and shall be registered if it has been completed and filed in accordance with this section.

(2) The circuit clerk who issues the marriage license shall complete the statistical record (except for the section relating to the ceremony) on a form prescribed and furnished by the state board of health and shall sign it. The record shall be prepared on the basis of information obtained from the parties to be married, and both the bride and the groom shall sign the record certifying that the information about themselves is correct.

(3) The person who performs the marriage ceremony shall complete and sign the section relating to the ceremony and shall return the record to the circuit clerk who issued the license within five (5) days after the ceremony.

(4) The circuit clerk, on or before the tenth day of each calendar month, shall forward to the state board of health all completed records returned to him during the preceding month.

(5) The circuit clerk shall receive a recording fee of one dollar (\$1.00) for each marriage record prepared and forwarded by him to the state board of health this fee shall be collected from the applicants for the license together with, and in addition to, the fee for the license and shall be deposited in the county treasury. The recording fees shall be paid to the circuit clerk out of the county treasury once each six (6) months on order of the board of supervisors, upon certification by the office of vital records registration of the number of marriage records filed.

§ 41-57-57. Circuit clerks to compile data on marriages.

In order to secure records of marriages and births in the several counties in this state from the earliest records down to the present time, the State Board of Health is hereby authorized and empowered to make contract with the circuit clerks or other of this state to compile for the Bureau of Vital Statistics complete lists of marriages in the various counties from the earliest records down to the present time. In order to complete these records by securing records of said marriages in all said counties, the State Board of Health is hereby authorized and empowered to deposit all moneys received as fees for certified copies of births, deaths and marriages in the state treasury in a separate account to be used for the completion of the vital statistics on marriages in the various counties, and for clerical expenses and other expenses necessary for completion and issuance of birth records. Said fund shall be paid out for said purposes only on voucher issued for these purposes by the State Board of Health. When said statistics of past marriages in the several counties shall have been completed and paid for, then all of said funds that may remain on hand and all other such funds collected for certified copies of birth, death and marriage records thereafter may be used for the completion of birth records.

§ 41-57-59. Penalty. (Marriage)

Any person or persons who shall violate any of the provisions of sections 41-57-41 through 41-57-57 (sections 41-57-41, 41-57-45, and 41-57-49 through 55 repealed effective January 1, 1979), or any rule, regulation or order of the state board of health relative to the making of said reports, as to reporting, recording or filing the information for the bureau of vital statistics on marriages, or who shall fail, neglect or refuse to perform any of the duties imposed by said order, rules or regulations, or shall furnish false information for the purpose of making incorrect records for said bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or shall suffer both such fine and imprisonment, at the discretion of said court.

§ 41-61-59. Deaths affecting public interest.

(2) A death affecting the public interest includes, but is not limited to, any of the following:

1. Violent death, including homicidal, suicidal or accidental death.
2. Death caused by thermal, chemical, electrical or radiation injury.
3. Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.
4. Death related to disease thought to be virulent or contagious which may constitute a public hazard.
5. Death that has occurred unexpectedly or from an unexplained cause.
6. Death of a person confined in a prison, jail or correctional institution.

7. Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in pre-diagnosed terminal or bedfast cases, within thirty (30) days preceding death.
8. Death of a person where the body is not claimed by a relative or a friend.
9. Death of a person where the identity of the deceased is unknown.
10. Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.
11. Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.
12. Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardio-pulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a pre-diagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.
13. Death which is caused by drug overdose or which is believed to be caused by drug overdose.
14. When a stillborn fetus is delivered and the cause of the demise is medically believed to be from the use by the mother of any controlled substance as defined in Section 41-29-105.

§ 41-75-18. Reports by abortion facility.

Each abortion facility shall report monthly to the State Department of Health such information as may be required by the department in its rules and regulations for each abortion performed by such facility.

§41-75-19. Confidentiality of certain information.

Information received by the licensing agency through filed reports, inspection, or as otherwise authorized under this chapter, shall not be disclosed publicly in such manner as to identify individuals, except in the proceeding involving the question of licensure.

§43-15-201. Emergency medical services providers; duties toward abandoned child.

(1) An emergency medical services provider, without a court order, shall take possession of a child who is seventy-two (72) hours old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

(2) An emergency medical service provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

§43-15-207. Emergency medical services provider defined.

For the purposes of this article, an emergency medical services provider shall mean a licensed hospital, as defined in Section 41-9-3, which operates an emergency department or an adoption agency duly licensed by the Department of Human Services. An emergency medical services provider does not include the offices, clinics, surgeries or treatment facilities of private physicians or dentists. No individual licensed healthcare provider, including physicians, dentists, nurses, physician assistants or other health professionals shall be deemed to be an emergency medical services provider under this article unless such individual voluntarily assumes responsibility for the custody of a child.

§ 93-1-23. Custodian of records relating to marriage licenses.

The clerk of the circuit court in each county shall be the legal custodian of the records and papers relating to marriage licenses and certificates of marriage formerly kept by the clerk of the probate court of each county.

§ 93-5-26. Non-custodial parent's right of access to records and information pertaining to minor children.

Notwithstanding any other provisions of law, except those provisions protecting the confidentiality of adoption records and except for cases in which parental rights have been legally terminated, access to records and information pertaining to a minor child, including but not limited to medical, dental and school records, shall not be denied to a parent because the parent is not the child's custodial parent if such parents' parental rights have not been terminated by adoption or by a termination of parental rights proceeding.

§ 93-5-31. Judgement of divorce may be revoked.

The judgment of divorce from the bonds of matrimony may be revoked at any time by the court which granted it, under such regulations and restrictions as it may be proper to impose, upon the joint application of the parties, and upon the production of satisfactory evidence of their reconciliation.

§ 93-5-33. Statistical requirements. (Divorce)

All complaints for divorce shall specify the race of the parties to the suit, when married, and the number and names of the living minor children born of the marriage. It shall be the duty of each chancery clerk in the state to make a report of each divorce granted in his county; and on forms furnished by the State Board of Health, to show the following information, as correctly as he is able to make such report: Names of parties; when married; state of residence; children under eighteen (18) in this family as of date couple last resided in same household; custody of children; and the page and book in which judgement is recorded. He shall certify to the said report and affix thereunto his seal, and he shall forward it to the State Board of Health within ten (10) days after adjournment of each term of court in his county. For his services in preparing and forwarding said records to the State Board of Health he shall receive the sum of Thirty-five Cents (35¢) for each completed record, to be taxed to costs in each divorce case as other fees are taxed.

§ 93-7-13. Duty of court to make report. (Annulment)

It shall be the duty of the chancery clerk to make a report of each annulment granted in his county to the state board of health on forms furnished by the state board of health in the same manner as now required by law for reporting divorces.

§ 93-9-9. Enforcement; surname of child.

(1) Paternity may be determined upon the petition of the mother, or father, the child, or any public authority chargeable by law with the support of the child; provided that such an adjudication after the death of the defendant must be made only upon clear and convincing evidence. If paternity has been lawfully determined, or has been acknowledged in writing according to the laws of this state, the liabilities of the Non-custodial parent may be enforced in the same or other proceedings by the custodial parent, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and medical or funeral expenses for the custodial parent or the child. The trier of fact shall receive without the need for third-party foundation testimony certified, attested or sworn documentation as evidence of (a) childbirth records; (b) cost of filing fees; (c) court costs; (d) services of process fees; (e) mailing costs; (f) genetic tests and testing fees; (g) the department's attorney's fees; (h) in cases where the state or any of its

entities or divisions have provided medical services to the child or the child's mother, all costs of prenatal care, birthing, postnatal care and any other medical expenses incurred by the child or by the mother as a consequence of the mother's pregnancy or delivery; and (I) funeral expenses. All costs and fees shall be ordered paid to the Department of Human Services in all cases successfully prosecuted with a minimum of Two Hundred Fifty Dollars (\$250.00) in attorney's fees or an amount determined by the court without submitting an affidavit. However, proceedings hereunder shall not be instituted by the Department of Human Services after the child has reached the age of eighteen (18) years but proceedings may be instituted by a private attorney at any time until such child attains the age of twenty-one (21) years unless the child has been emancipated as provided in Section 93-5-23 and Section 93-11-65. In the event of court determined paternity, the surname of the child shall be that of the father, unless the judgement specifies otherwise.

(2) If the alleged father in an action to determine paternity to which the Department of Human Services is a party fails to appear for a scheduled hearing after having been served with process or subsequent notice consistent with the Rules of Civil Procedure, his paternity of the child(ren) shall be established by the court if an affidavit sworn to by the mother averring the alleged father's paternity of the child has accompanied the complaint to determine paternity. Said affidavit shall constitute sufficient grounds for the court's finding of the alleged father's paternity without the necessity of the presence or testimony of the mother at the said hearing. The court shall, upon motion by the Department of Human Services, enter a judgment of paternity. Any person who shall willfully and knowingly file a false affidavit shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00).

(3) Upon application of both parents to the State Board of Health and receipt by the State Board of Health of a sworn acknowledgement of paternity executed by both parents subsequent to the birth of a child born out of wedlock, the birth certificate of the child shall be amended to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents for the legitimization of a child under this section, the surname of the child shall be changed on the certificate to that of the father.

(4) (a) A signed voluntary acknowledgement of paternity is subject to the right of any signatory to rescind the acknowledgement within the earlier of :

(i) Sixty (60) days; or

(ii) The date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

(b) After the expiration of the sixty-day period specified in subsection (4) (a) (I) of this section, a signed voluntary acknowledgement of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger; the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgement may not be suspended during the pendency of the challenge, except for good cause shown.

§ 93-9-28. Procedures for voluntary acknowledgement of paternity.

(1) The Mississippi Department of Health in cooperation with the Mississippi Department of Human Services shall develop a form and procedure which may be used to secure a voluntary acknowledgement of paternity from the mother and father of any child born out of wedlock in Mississippi. The form shall clearly state on its face that the execution of the acknowledgement of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of the child. When such form has been completed according to the established procedure and the signatures of both the mother and father have been notarized, then such voluntary acknowledgement shall constitute a full determination of the legal parentage of the child. The completed voluntary acknowledgement of paternity shall be filed with the Bureau of Vital Statistics of the Mississippi Department of Health. The name of the father shall be entered on the certificate of birth upon receipt of the completed voluntary acknowledgement.

(2) (a) A signed voluntary acknowledgement of paternity is subject to the right of any signatory to rescind the acknowledgement within the earlier of:

(i) Sixty (60) days; or

(ii) the date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party

(b) After the expiration of the sixty-day period specified in subsection (2) (a) (I) of this section, a signed voluntary acknowledgement of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden or proof upon the challenger; the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgement may not be suspended during the pendency of the challenge, except for good cause shown.

(3) The Mississippi Department of Health and the Mississippi Department of Human Services shall cooperate to establish procedures to facilitate the voluntary acknowledgement of paternity by both father and mother at the time of the birth of any child born out of wedlock. Such procedures shall establish responsibilities for each of the departments and for hospitals, birthing centers, midwives, and/or other birth attendants to seek and report voluntary acknowledgements of paternity. In establishing such procedures, the departments shall provide for obtaining the Social Security account numbers of both the father and mother on voluntary acknowledgements.

(4) Upon the birth of a child out of wedlock, the hospital, birthing center, midwife or other birth attendant shall provide an opportunity for the child's mother and natural father to complete an acknowledgement of paternity by giving the mother and natural father the appropriate forms and information developed through the procedures established in paragraph (3). The hospital, birthing center, midwife or other birth attendant shall be responsible for providing printed information, and audio visual material if available, related to acknowledgement of paternity, and shall be required to provide notary services needed for the completion of acknowledgements of paternity. The information described above shall be provided to the mother and natural father, if present and identifiable, within twenty-four (24) hours of birth or before the mother is released. Such information, including forms, brochures, pamphlets, video tapes and other media, shall be provided at no cost to the hospital, birthing center or midwife by the Mississippi State Department of Health, the Department of Human Services or other appropriate agency.

§ 93-17-1. Jurisdiction to alter names and legitimate offspring; legitimation by subsequent marriage.

(1) The chancery court or the Chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of any person to alter the names of such person, to make legitimate any living offspring of the petitioner not born in wedlock, and to decree said offspring to be an heir of the petitioner.

(2) An illegitimate child shall become a legitimate child of the natural father if the natural father marries the natural mother and acknowledges the child.

§ 93-17-3. Eligible persons; venue; certificate; name.

(1) Any person may be adopted in accordance with the provisions of this chapter [Chapter 17] in term time or in vacation by an unmarried adult or by a married person whose spouse joins in the petition, provided that the petitioner or petitioners shall have resided in this state for ninety (90) days preceding the filing of the petition. However, if (a) the petitioner or petitioners, or one (1) of them, be related to the child within the third degree according to civil law, or if (b) the adoption is presented to the court by an adoption agency licensed by the State of Mississippi, said residence restriction shall not apply. The court shall have the power to change the name of the child as a part of the adoption proceedings. The word "child" herein shall be construed to refer to the person to be adopted, though an adult.

(2) Adoption by couples of the same gender is prohibited.

§ 93-17-21. Revised birth certificate.

(1) A certified copy of the final decree shall be furnished to the Bureau of Vital Statistics, together with a certificate signed by the clerk giving the true or original name and place and date of birth of the child. The said Bureau shall prepare a revised birth certificate which shall contain the original date of birth, with the place of birth being shown as the residence of the adoptive parents at the time the child was born, but with the names of the adopting parents and the new name of the child. In all other particulars, the certificate shall show the true facts of birth. The fact that a revised birth certificate is issued shall be indicated only by code numbers or some letter inconspicuously placed on the face of the certificate. The word "revised" shall not appear thereon. However, in the event an unmarried adult shall be the adopting parent, then such birth certificate may show thereon, upon order of the Chancellor as set forth in the decree of adoption, that same is a revised birth certificate, giving the court where said decree was issued and the date of such decree. The original birth certificate shall be removed and placed, with reference made to the decree of adoption, in a safely locked drawer or vault, and the same shall not be public records and shall not be divulged except upon the order of the court rendering the said final decree, or pursuant to Sections 93-17-201 through 93-17-223, and for all purposes the revised certificate shall be and become the birth certificate of the child. However, the Bureau of Vital Statistics of the State of Mississippi shall be required to prepare and register revised certificates only for births which occurred in the state of Mississippi as shown either by the court decree or by the original birth record on file in the Bureau; but if the birth occurred in some other state, then the Director of the Bureau of Vital Statistics of the state of Mississippi shall be required to furnish to the attorney or other person representing the adopted child the name and address of the proper official in the state where the child was born, to whom the adoption decree and other information may be referred for appropriate action, and shall furnish to such attorney the certified copy of the decree and the certificate furnished by the clerk.

(2) Provided, however, notwithstanding anything herein to the contrary, either an original or a revised birth certificate may be issued, as hereinafter provided, by the Bureau of Vital Statistics to any child who was born outside the United States or its possessions and adopted either heretofore or hereafter, by an order of a court in this state. Upon presentation of a certified copy of the final decree of adoption containing the required information, the Director of the Bureau of Vital Statistics shall be authorized and directed to receive said certified copy of the decree of adoption and prepare therefrom, and record, a birth certificate which shall disclose the following information: The name of the child (being the adopted name), race, sex, date of birth, place of birth (being the actual town, district and county of said child's birth, except where the child is born in a penal or mental institution where the name of the county shall be sufficient), names, race, ages, places of birth, and occupation of parents (being the adoptive parents) including the maiden name of the adoptive mother. Such certificate shall comport in appearance and indicia with the foregoing requirements for a "revised" certificate issued to a child born in this state. The Director of the Bureau of Vital Statistics shall be authorized and directed to issue certified copies thereof, the same as if the birth certificate were that of a child who had never been adopted.

§ 93-17-25. Proceedings and records confidential; use in court or administrative proceedings.

All proceedings under this chapter (Chapter 17 - Adoption, Change of Name, and Legitimation of Children) shall be confidential and shall be held in closed court without admittance to any person other than the interested parties, except upon order of the court. All pleadings, reports, files and records pertaining to adopting proceedings shall be confidential and shall not be public records and shall be withheld from inspection or examination by any person, except upon order of the court in which the proceeding was had on good cause shown.

Upon motion of any interested person, the files of adoption proceedings, heretofore had may be placed in the confidential files upon order of the court or chancellor and shall be subject to the provisions of this chapter.

Provided, however, that notwithstanding the confidential nature of said proceedings, said record shall be available for use in any court or administrative proceedings under a subpoena duces tecum addressed to the custodian of said records and portions of such record may be released pursuant to Sections 93-17-201 through 93-17-223.

§ 93-17-203. Definitions.

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Agency means a county welfare department, a licensed or non-licensed adoption agency or any other individual or entity assisting in the finalization of an adoption.

(b) "Adoptee" means a person who is or has been adopted in this state at any time.

(c) "birth parent" means either:

(i) The mother designated on the adoptee's original birth certificate, or (ii) the person named by the mother as designated on the adoptee's original birth certificate as the father of the adoptee.

(d) "Board" means the State Board of Health.

(e) "Bureau" means the Bureau of Vital Records of the Mississippi State Board of Health.

(f) "Licensed adoption agency" means any agency or organization performing adoption services and duly licensed by the Mississippi Department of Human Services, Division of Family and Children's Services.

§ 93-17-205. Centralized adoption records file established; contents; filing of supplemental information; authorization to release birth parent s identity; notification of genetic illness.

(1) The bureau shall maintain a centralized adoption records file for all adoptions performed in this state after July 1, 2005, which shall include the following information:

(a) The medical and social history of the birth parent, including information regarding genetically inheritable diseases or illnesses and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters;

(b) A report of any medical examination which either birth parent had within one (1) year before the date of the petition for adoption, if available;

(c) A report describing the adoptee's prenatal care and medical condition at birth, if available; and

(d) The medical and social history of the adoptee, including information regarding genetically inheritable diseases or illnesses, and any other relevant medical, social and genetic information.

The Administrative Office of Courts shall assist the bureau in the maintenance of its centralized adoption record by compiling the number of finalized adoptions in each chancery court district on a monthly basis, and submitting this information to the bureau. The bureau shall include these statistics in its centralized adoption record. The information in this report shall include the number of adoptions in this state where the adopting parent is a blood relative of the adoptee and the number of adoptions in this state where the adopting parent is not a blood relative of the adoptee. The report shall not include any individual identifying information. This information shall be updated annually and made available to the public upon request for a reasonable fee.

(2) Any birth parent may file with the bureau at any time any relevant supplemental non-identifying information about the adoptee or the adoptee's birth parents, and the bureau shall maintain this information in the centralized adoption records file.

(3) The bureau shall also maintain as part of the centralized adoption records file the following:

(a) The name, date of birth, social security number (both original and revised, where applicable) and birth certificate (both original and revised) of the adoptee;

(b) The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian;

(c) Any other available information about the birth parent's identity and location.

(4) Any birth parent may file with the bureau at any time an affidavit authorizing the bureau to provide the adoptee with his or her original birth certificate and with any other available information about the birth parent's identity and location, or an affidavit expressly prohibiting the bureau from providing the adoptee with any information about such birth parent's identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of Sections 93-17-201 through 93-17-223. An affidavit filed under this section may be revoked at any time by written notification to the bureau from the birth parent.

(5) Counsel for the adoptive parents in the adoption finalization proceeding shall provide the bureau with the information required in subsection (1) and (3) of this section, and he shall also make such information a part of the adoption records of the court in which the final decree of adoption is rendered. This information shall be provided on forms prepared by the bureau.

(6) (a) If an agency receives a report from physician stating that a birth parent or another child of the birth parent has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed adoption agency, and the latter agency shall notify the adoptee of the existence of the disease or illness, if he or she is twenty-one (21) years of age or over, or notify the adoptee's guardian, custodian or adoptive parent if the adoptee is under age twenty-one (21).

(b) If an agency receives a report from a physician that an adoptee has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed agency, and the latter agency shall notify the adoptee's birth parent of the existence of the disease or illness.

(7) Compliance with the provisions of this section may be waived by the court, in its discretion, in any chancery court proceeding in which one or more of the petitioners for adoption is the natural mother or father of the adoptee.

§ 93-17-207. Release of non-identifying information; persons eligible to receive; fee.

(1) The bureau or the agency shall release the non-identifying information maintained as provided in Section 93-17-205 for a reasonable fee, including the actual cost of reproduction, to any of the following persons upon request made with sufficient proof of identity:

(a) An adoptee eighteen (18) years of age or older;

(b) An adoptive parent;

(c) The guardian or legal custodian of an adoptee; or

(d) The offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.

(2) Information released pursuant to subsection (1) of this section shall not include the name and address of the birth parent, the identity of any provider of health care to the adoptee or to the birth parent and any other information which might reasonably lead to the discovery of the identity of either birth parent.

§ 93-17-209. Search for birth parents by agency to obtain medical, social, or genetic information; fee.

(1) Whenever any person specified under Section 93-17-207 wishes to obtain medical, social or genetic background information about an adoptee or nonidentifying information about the birth parents of such adoptee, and the information is not on file with the bureau and the birth parents have not filed affidavits prohibiting a search to be conducted for them under the provisions of Sections 93-17-201

through 93-17-223, the person may request a licensed adoption agency to locate the birth parents to obtain the information.

(2) Employees of any agency conducting a search under this section may not inform any person other than the birth parents of the purpose of the search.

(3) The agency may charge the requester a reasonable fee for the cost of the search. When the agency determines that the fee will exceed One Hundred Dollars (\$100.00) for either birth parent, it shall notify the requester. No fee in excess of One Hundred Dollars (\$100.00) per birth parent may be charged unless the requester, after receiving notification under this paragraph, has given consent to proceed with the search.

(4) The agency conducting the search shall, upon locating a birth parent, notify him or her of the request and of the need for medical, social and genetic information.

(5) The agency shall release to the requester any medical or genetic information provided by a birth parent under this section without disclosing the birth parent's identity or location.

(6) If a birth parent is located but refuses to provide the information requested, the agency shall notify the requester, without disclosing the birth parent's identity or location, and the requester may petition the chancery court to order the birth parent to disclose the nonidentifying information. The court shall grant the motion for good cause shown.

(7) The Mississippi Department of Health and Human Services shall provide the bureau each year with a list of licensed adoption agencies in this state capable of performing the types of searches described in this section.

§ 93-17-211. Civil and criminal immunity.

Any person, including this state or any political subdivision of this state, and any employee, agent or representative of any agency who participates in good faith in any requirement of §§ 93-17-201 through 93-17-223 shall have immunity from any liability, civil or criminal, that results from his or her actions. In any proceeding, civil or criminal, the good faith of any person participating in the requirements of §§ 93-17-201 through 93-17-223 shall be presented.

§ 93-17-213. Promulgation of rules and regulations; fees.

The bureau shall promulgate rules and regulations necessary to carry out the provisions of §§ 93-17-201 through 93-17-223 and the bureau may charge reasonable fees to implement §§ 93-17-201 through 93-17-223.

§ 93-17-215. Request by adoptee for identifying information.

Any person twenty-one (21) years of age or over who has been adopted in this state may request the bureau through a licensed adoption agency providing post-adoptive services to obtain and provide the identifying information regarding either or both of his or her birth parents maintained as provided in section 93-17-205, unless that birth parent has executed an affidavit prohibiting the release of such information.

§ 93-17-219. Search for birth parent; when permitted; fee; agency contact with birth parent; release of information to adoptee.

(1) If the bureau does not have on file (a) an affidavit either authorizing release of identifying information or prohibiting such release and any further contact from each known birth parent for whom information is sought, or (b) a notice that such birth parent has been contacted once and has refused to authorize the release of confidential information, then the adoptee may request the agency to undertake a search for the birth parent who has not filed an affidavit or who has not been contacted. The licensed agency shall not inform any person other than the birth parents of the purpose of the search.

(2) The licensed agency may charge the adoptee a reasonable fee for the cost of the search. When the agency determines that the fee will exceed One Hundred Dollars (\$100.00) for either birth parent, it shall notify the adoptee. No fee in excess of One Hundred Dollars (\$100.00) per birth parent may be charged unless the adoptee, after receiving notification under this paragraph, has given consent to proceed with the search.

(3) Upon locating a birth parent the licensed agency conducting the search shall make at least one (1) verbal contact and notify him or her of the following:

(a) The nature of the information requested;

(b) The date of the request; and

(c) The fact that the birth parent has the right to consent to or prohibit the release of this information by filing with the bureau the affidavit to this effect.

(4) Within three (3) working days after contacting a birth parent, the licensed agency shall provide the birth parent with a written statement of the information requested and an affidavit form authorizing or prohibiting the release of the requested information. If the birth parent authorizes the release of the information, the licensed agency shall disclose the requested information about that birth parent.

(5) If a licensed agency has contacted a birth parent as provided by this section, and the birth parent does not file the affidavit, the agency shall not disclose the requested information.

(6) If, after a search under this section, a known birth parent cannot be located, the agency shall not disclose the requested identifying information about that birth parent, although it may disclose any available nonidentifying information regarding that birth parent, and it may disclose identifying information about the other birth parent if such other birth parent has signed an unrevoked affidavit authorizing such release. If a birth parent is located and refuses to authorize the release of identifying information, the agency locating this birth parent shall notify the bureau. The bureau shall note such contact and refusal in its records.

(7) Only one (1) contact shall be made with a birth parent pursuant to a search request under this section if the birth parent refuses to authorize the release of the requested information. Further contacts with a birth parent under this section on behalf of the same adoptee shall be prohibited.

§ 93-17-221. Petitioning court for disclosure.

The adoptee may petition the chancery court to order the agency to disclose any identifying information that may not be disclosed under §§ 93-17-201 through 93-17-223. The court shall grant the petition for good cause shown.

§ 93-17-223. Birth parent must keep secret.

In cases where only one (1) of the birth parents has authorized the release of identifying information, that birth parent shall be prohibited from divulging to the adoptee the identity, or any information reasonable calculated to lead to the discovery of the identity, of the other birth parent, and shall execute a sworn affidavit stating that no such information shall be revealed. The refusal of any birth parent to comply with this prohibition shall constitute an act of bad faith under the terms of §§ 93-17-201 through 93-17-223, and such birth parent shall be subject to civil liability for the release of such information.

APPENDIX II

Vital Records Fee Schedule

Birth Record: Twenty dollars (\$20.00) for the first certified copy. Five dollars (\$5.00) for each additional certified copy of the same record ordered at the same time.

Death Record: Twenty dollars (\$20.00) for the first certified copy. Five dollars (\$5.00) for each additional certified copy of the same record ordered at the same time.

Statistical Report of Marriage: Twenty dollars (\$20.00) for the first certified copy. Five dollars (\$5.00) for each additional certified copy of the same record ordered at the same time.

Statistical Report of Divorce and Fetal Death Report: Fifteen dollars (\$15.00) for one plain paper copy.

Amendment (Correction or change to record or report): Twenty-five dollars (\$25.00) for court order or affidavit amendment to record or report on file. Fee includes one certified copy of the amended record. Additional certified copies of the amended record ordered at the time of amendment shall be as stated above for additional copies of the record type.

Filing a Delayed Record: Twenty-five dollars (\$25.00) for filing, by court order or affidavit, a record one (1) year or more after the date of the event. A request for the record must be submitted and a finding of 'Not on File' must be made prior to a request to file a delayed record. The fee includes the issuance of one certified copy of the record filed. The fee for additional copies of the record ordered at the time of filing shall be as stated above for additional copies of the record type. If the filing of a delayed record is determined to be fraudulent, the entire fee will be retained and the record will not be filed, or if it has already been filed when it is determined to be fraudulent the record will be removed from the files.

Filing an Adoption Record: Fifty dollars (\$50.00) for filing an adoption record. Fee includes one certified copy of the birth record created from the adoption decree. Five dollars for each additional copy ordered at the same time as the filing.

Disclosure from Adoption Record: Twenty-five dollars (\$25.00) for disclosure of identifying or non-identifying information from adoption files. Licensed adoption agencies shall be charged a fee of five dollars (\$5.00) for verification of affidavit or contact status when State File Number and date of adoption can be provided, twenty dollars (\$20.00) will be charged when this information is unknown. Note: disclosure and verification shall be made only in accordance with Mississippi Code sections 93-17-203 through 93-17-22.

Search: Requests for a record search which cover multiple years, multiple counties or multiple names for the same record shall be charged at twenty-five dollars (\$25.00) per hour.

Research and Genealogy: The fee for research and genealogy plain paper copy records shall be the same as the fee for certified copies of the respective certificate, report or search.

The fees for all certified copies of a birth certificate is inclusive of the one dollar (\$1.00) fee required by Mississippi statutes for the Children's Trust Fund administered by the Mississippi Department of Human Services.

The full first copy fee shall be retained on all requests that result in a finding of 'not on file'.

Complaints of records not received will be honored one time within six (6) months of the original request. Certified copies returned to the State Registrar by the US Postal Service or expedite courier will be re-mailed if notification of correct address is provided within six (6) months of original request. If no notification is received returned mail will be destroyed six (6) months after the date returned, and any notification of failure to receive thereafter will not be honored.

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