

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**PUBLIC HEALTH ADMINISTRATION**

**OFFICE OF THE STATE REGISTRAR**

**AMENDMENTS TO VITAL RECORDS**

(By authority conferred on the department of health and human services by sections 2226, 2233, 2235, and 2896 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, 333.2235, and 333.2896.)

**R 325.3251 Definitions.**

Rule 1. (1) As used in these rules:

(a) "Addended record" means a replacement record containing the information as recorded on the registered record plus information added as an addendum to the record pursuant to section 2872 of the code, MCL 333.2872.

(b) "Amended record" means a replacement record that is marked "amended" and contains the date of the amendment and identifies the items amended.

(c) "Applicant" means the individual who signs an application to correct a vital record document.

(d) "Code" means the public health code, 1978 PA 368 MCL 333.1101 to 333.25211.

(e) "Date of application" means the date the application to correct a vital record document is received in the office of the state registrar.

(f) "New record" means a replacement record that is not marked to indicate changes made to the record.

(g) "Next of kin" means the adult individual or individuals most closely related to the registrant in the following order of priority:

(i) The registrant's spouse.

(ii) The decedent's children.

(iii) The decedent's grandchildren.

(iv) The decedent's parents.

(v) The decedent's grandparents.

(vi) The decedent's siblings.

(h) "Registered record" means a record accepted by the state registrar for incorporation into the permanent official records of the system of vital statistics.

(i) "Registrant" means the individual to whom the record pertains.

(j) "Replacement record" means a record prepared by the department to replace an existing registered record.

(2) A term defined in the code has the same meaning when used in these rules.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

**R 325.3252 Certified copies of replacement records; requirements.**

Rule 2. (1) A certified copy of an addended record must show all the following on its face:

- (a) The information from the registered record.
- (b) The addended information.
- (c) The basis for the addendum.

(2) A certified copy of an amended record must show all amendment notations on its face and be marked "amended."

(3) A certified copy of a new record must not show evidence of the changes made on its face.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

**R 325.3253 Basis for preparing replacement records.**

Rule 3. To protect the integrity and accuracy of the system of vital statistics, a certificate or record registered under section 2821, 2827, 2829, 2834, 2841, or 2846 of the code, MCL 333.2821, 333.2827, 333.2829, 333.2834, 333.2841, or 333.2846, may be replaced by an addended, amended, or new record only as prescribed by these rules.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

**R 325.3254 Replacement record request; content of application.**

Rule 4. (1) Unless otherwise specified in these rules or statute, all requests for changes to vital records documents must be made on an application to correct a vital record document as prescribed by the state registrar. The application must set forth all the following:

- (a) All the information necessary to identify the registered record.
  - (b) The incorrect information as recorded on the registered record.
  - (c) The information as it should appear on the replacement record.
- (2) The completed application must be accompanied by both of the following:
- (a) The proper fee prescribed by law.
  - (b) The minimum supporting documentary evidence required by these rules.

(3) A request must be made on an application form prescribed by the state registrar and must be accompanied by the required fee.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

**R 325.3255 Review of applications and evidence by state registrar; dismissals and denials of applications.**

Rule 5. (1) The state registrar shall evaluate each application and the evidence submitted in support of the request to change a registered vital record document.

(2) The state registrar may in the state registrar's discretion require the submission of additional documentary evidence to support a requested change.

(3) The state registrar shall dismiss an application when additional evidence requested is not received within 6 months after the request for the additional evidence. When an application is dismissed, the state registrar shall send a written notice of dismissal to the applicant. The state registrar shall retain the application fee.

(4) The state registrar shall deny an application when the applicant is not eligible to apply. When an application is denied, a written notice of denial must be forwarded to the applicant that indicates the reason for the denial. The application fee must be refunded.

(5) If, after review of the application and the evidence, the state registrar is satisfied that the evidence supports the requested change, the state registrar shall prepare the appropriate replacement record and place it in the active files of the system of vital statistics.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

### **R 325.3256 Supporting evidence; erasures, alterations, or changes.**

Rule 6. Documents submitted in support of a request to correct a vital record document which contain signs of erasure, alterations, or changes to the pertinent information shall not be accepted.

History: 1981 AACCS.

### **R 325.3257 Changes initiated by the state registrar.**

Rule 7. (1) The state registrar may make changes to items on a registered record for the purpose of making all items on the record consistent with the known facts.

(2) The state registrar may make changes to a registered record if it is discovered that an error was made by the office of a local registrar or the state registrar in the filing or registration of the record.

History: 1981 AACCS.

### **R 325.3258 Sealing of record and evidence used to prepare replacement record.**

Rule 8. (1) After preparation of a replacement record pursuant to sections 2831 and 2832 of the code, both of the following shall be complied with:

(a) The existing record, the existing copies of that record on file in the office of the state registrar and the offices of all local registrars, and the evidence used to prepare the replacement record shall be sealed.

(b) All records, evidence, and associated documents used as a basis for creating a replacement record pursuant to sections 2831 and 2832 of the code shall not be subject to inspection or copying, except upon order of a court of competent jurisdiction or by the state registrar for the purposes of properly administering the system of vital statistics.

(2) After preparation of a replacement record in all other instances:

(a) The existing record and the existing copies of that record on file in local registrars' offices and the office of the state registrar shall be sealed.

(b) The sealed record shall not be subject to inspection, except upon order of a court of competent jurisdiction.

(c) The state registrar may provide a copy of the application used as the basis to prepare the replacement record to a person eligible to receive a copy, a certified copy, or a certificate of registration of the record, as provided in section 2882 of the code, or to a person eligible under these rules to request preparation of a replacement record.

History: 1981 AACCS.

#### **R 325.3259 Amendment of amended or court-established records.**

Rule 9. (1) Items on a record previously amended under these rules must not be amended again by the state registrar, unless it can be documented that the amendment was made in error by the office of the state registrar or upon order of a court of competent jurisdiction.

(2) Items on a record originally established, entered, or amended pursuant to a court order can only be amended upon order of a court of competent jurisdiction.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

#### **R 325.3260 Retention of previous amendment notations.**

Rule 10. Notations of amendments to items changed by the preparation of a replacement record shall be retained and shall appear on the subsequent preparation of a replacement record, unless the replacement record is prepared pursuant to sections 2831 and 2872(1) of the code.

History: 1981 AACCS.

#### **R 325.3261 Rescission of replacement records.**

Rule 11. (1) If the state registrar becomes aware that a replacement record is invalid or that the evidence received in support of the preparation of the replacement record is false or invalid, the replacement record must be rescinded. A new record must be created containing the same facts as the original record.

(2) The state registrar shall notify the local registrar of the rescission of the replacement record.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

#### **R 325.3262 Change to birth or death records; notification of local registrar; local registrar duties.**

Rule 12. (1) When the state registrar makes a change to the official recording of a birth or death, the state registrar shall notify the local registrar who retains a record of the event of the change.

(2) Upon notification of a change to a registered record, the local registrar shall seal the existing record as directed by the state registrar.

(3) The local registrar shall properly record the change as directed by the state registrar.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

### **R 325.3263 Preparation of replacement records.**

Rule 13. (1) The department shall prepare a new record as a replacement for a registered record when the state registrar receives any of the following:

(a) Documents described in sections 2831 and 2872 of the code, MCL 333.2831 and 333.2872, as evidence of 1 of the following:

(i) Adoption.

(ii) Paternity.

(iii) Legitimation.

(iv) Sex designation.

(v) Legal change of name of a minor.

(b) A request, within 12 months after the date of the event, for additions or minor amendments. These amendments are limited to the following:

(i) Obvious errors.

(ii) Transpositions of letters or numbers.

(iii) Omissions.

(iv) Changes to the registrant's given names or the addition of a surname suffix, for example: "Jr.," "II," or "III."

(c) A request received within 6 years after the date of the event and documentary evidence to add the registrant's given name to a birth record where the given name is missing on the registered record.

(d) An order issued by a court of competent jurisdiction requiring the department to prepare a new record.

(e) Documentation showing a change in an action of a court that is documented in the system of vital statistics.

(f) Evidence of an error in an entry made by the office of the state registrar or a local registrar.

(2) The department shall prepare an addended record as a replacement for a registered record when the state registrar receives documents described in section 2872(2) of the code, MCL 333.2872, as evidence of a legal change of name.

(3) An amended record must be prepared when it is not appropriate under these rules or the code to prepare an addended record or a new record.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.

### **R 325.3264 Rescinded.**

History: 1981 AACs; 2025 MR 9, Eff. April 30, 2025.

**R 325.3265 Replacement records; form.**

Rule 15. (1) A replacement record shall be on a form that conforms as closely as possible to the form in use at the time the replacement record is prepared.

(2) A record prepared pursuant to an adoption shall conform as closely as possible to the form in use at the time of preparation, except that only the name of the county of birth shall be shown as the place of birth.

History: 1981 AACs.

**R 325.3266 Requests for changes to vital records documents; eligible persons.**

Rule 16. (1) A change to a registered birth record may be requested by any of the following:

- (a) The parents named on the record.
- (b) A parent not named on the record who can establish that that individual may be named pursuant to section 2824 of the code, MCL 333.2824, for the purpose of having that individual's name added to the record.
- (c) The legal guardian of the registrant.
- (d) The registrant, if 18 years of age or older or legally emancipated.
- (e) An heir to the registrant with a court order to change the record.
- (f) The individual or facility administrator responsible for filing the original certificate.
- (g) A legal representative of any individual listed in subdivisions (a) to (f) of this subrule.

(2) A change to a registered death record may be requested by any of the following:

- (a) The informant listed on the death certificate.
- (b) The next of kin of the deceased within 5 years of the date of death. If next of kin cannot be determined or is disputed, or more than 5 years have passed since the date of death, a court order is required.
- (c) The funeral director or the individual responsible for the disposition of the deceased.
- (d) The physician who certified to the cause of death, as follows:
  - (i) The physician who certified to the cause of death may only request a change to the following:
    - (A) The date of death.
    - (B) The place of death.
    - (C) The medical facts of death.
  - (ii) In cases where a physician has certified to the cause and manner of death in that physician's capacity as a county medical examiner or deputy county medical examiner, requests to amend the cause or manner of death on the death record may be made by any of the following:
    - (A) The physician who certified to the cause of death.
    - (B) The county medical examiner.

(C) A deputy county medical examiner, other than the original certifier, who is authorized by the county medical examiner to request a change to a registered record. The county medical examiner shall provide the state registrar with a listing of the names of deputy county medical examiners authorized to request amendments to records for which they are not the certifier. The county medical examiner shall notify the state registrar when there are changes to the list of authorized deputy county medical examiners.

(iii) In cases where the certifying physician is now deceased, requests may be made by a physician who attests to having knowledge of the facts of death.

(iv) In all cases where the physician who makes the request is not the certifying physician named on the registered record, the name of the certifying physician on the replacement record shall be changed to reflect the name of the new certifying physician.

(3) Marriage and divorce records are not subject to correction by the state registrar's office.

History: 1981 AACSB; 2025 MR 9, Eff. April 30, 2025.

### **R 325.3267 Correction of vital record information; evidence required.**

Rule 17. (1) Before the sixth birthday of the registrant, documentary evidence is not required to correct the spelling of the registrant's first or middle name on a registered birth record if the request is made by all parents named on the birth record.

(2) To delete the name of a father recorded on a registered birth record, the department must receive a true or certified copy of a court order requiring removal of the father or a court determination of non-paternity.

(3) To change the cause or mode of death on a registered death record, the department must receive a certified copy of a court determination of the facts or the request of a person named in R 325.3266(2)(a) to (d).

(4) Changes to the marital status or name of the surviving spouse on a registered death record require a court order naming the surviving spouse, except to make minor spelling corrections or where there is a demonstrated error by the funeral home.

(5) Except as otherwise specified by statute or rule, a request to amend a vital record must be accompanied by a certified copy of a court order specifying the correct facts or items of documentary evidence that support the alleged facts. All documents presented must contain sufficient information to clearly indicate that they pertain to the registrant on the record for which the amendment or correction has been requested. Acceptable documents include, but are not limited to, the following:

- (a) Certified copy of a marriage record.
- (b) Certified copy of a live birth record of the registrant's child.
- (c) School records.
- (d) Social security records.
- (e) Passports or visas.
- (f) Military records.
- (g) Federal government census records.
- (h) Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services.
- (i) Medical records.

(j) Other documents deemed to be valid and adequate by the state registrar to support the requested change.

(6) For live birth records, the documents submitted must have been established before the registrant's 18th birthday or at least 10 years before the date of application for the amendment or correction. The state registrar may make exceptions for other documents such as court orders, passports, or other evidence that clearly support the facts of live birth.

History: 1981 AACCS; 2025 MR 9, Eff. April 30, 2025.