

ARTICLE 207
GENERAL VITAL STATISTICS PROVISIONS

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§207.01 Correction of records; application and approval; accompanying documents.

- (a) The Commissioner or the Commissioner's designee may approve the amendment of a birth, termination of pregnancy or death certificate, or of a confidential medical report of death for deaths occurring on or after January 1, 2010. Application shall be made on a form furnished by the Department. Application for amendment of a birth certificate shall be made by the parents or surviving parent, or by the legal guardian of the person whose birth certificate is to be corrected or by the person if such person is 18 years of age or over. Application for amendment of a spontaneous termination of pregnancy shall be made by the parents or surviving parent. Application for amendment of a death certificate, or of a confidential medical report of death shall be made by the person in control of disposition as defined in Article 205 of this Code or by the person identified on the death certificate as providing the personal particulars pursuant to Article 205 of this Code.
- (b) Every application shall be accompanied by supporting documentary evidence. An application for amendment of a birth certificate if made within one year of the date of birth, may be accompanied by a certificate of birth registration which, if the application is approved, shall be exchanged without charge for a new corrected certificate of birth registration except as provided in §207.13(5)(f).
- (c) No application shall be approved unless the Commissioner or the Commissioner's designee is satisfied that the evidence submitted shows the true facts and that an error or omission was made at the time of preparing and filing of the certificate or confidential medical report of birth, spontaneous termination of pregnancy or death, or that the name of a person named in a birth certificate has been changed pursuant to court order. However, a funeral director, undertaker or the Office of Chief Medical Examiner who has taken control of human remains may, without approval by the Commissioner or the Commissioner's designee, use the Electronic Death Registration System to amend a certificate or confidential medical report of death if the funeral director, undertaker or the

Office of Chief Medical Examiner is amending the name of the funeral establishment or the method, place, location, or date of disposition.

- (d) As used in this Title, "vital record" shall mean any certificate or confidential medical report required to be filed with the Department pursuant to this Title, whether written or electronic.

§207.03 Correction of records; method of amendment; adding missing information.

- (a) Except as provided in §207.05, when an application for amendment of a certificate is approved, a single line shall be drawn through the information subject to amendment, and the correct information shall be inserted immediately above it. The certificate shall be marked to show that it is amended, and the name of the person approving the amendment and the date thereof shall be noted on the certificate. When the name of a person is changed pursuant to court order, the new name shall be similarly inserted on the certificate together with a statement that the change of name is by court order and the date of the order. The Department may use an alternate method of recording corrections or other amendments to electronic vital records. The history of these electronic corrections or amendments shall be clearly recorded within the electronic certificate and confidential medical report by the Department.
- (b) Within one year following the date of a birth, termination of pregnancy or death certificate, any missing information may be added upon submission of the information on a form furnished by the Department by the person who filed the certificate; provided that the Office of Chief Medical Examiner may submit missing or updated information at any time. Except for such submissions by the Office of Chief Medical Examiner, after one year following the date of event of a certificate, however, missing information shall be added only upon approval of an application for amendment in the manner specified in §207.01.

§207.05 Correction of records; filing of new birth certificates.

- (a) A new birth certificate shall be filed when:
- (1) A father/parent's name is added upon submission of proof that the parents of a child were married at any time during the pregnancy or at the time of birth of such child; or,
 - (2) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage of the person; or,
 - (3) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the adoption of the person. Every new birth certificate filed because of adoption shall bear a statement that it is filed pursuant to §17-167 of the Administrative Code; or,
 - (4) The parents of a child have completed, signed and filed with the Department an acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b; or,
 - (5) (i) (A) A person who is at least 18 years old and named as the registrant on a birth record provides a notarized statement requesting that the sex designation on such birth record be changed to female, male, or X, to conform to the person's gender identity, where X signifies a sex designation that is not exclusively female nor exclusively male; or

(B) The living parents named on the birth certificate of a registrant who is less than 18 years old or the legal guardians of such registrant provide a notarized statement or statements requesting that the sex designation on such birth record be changed to female, male, or X, where X signifies a sex designation that is not exclusively female nor exclusively male.

- (ii) If the request for a new birth certificate includes a name change, the person must also submit proof that his or her name has been changed pursuant to a court order.
- (6) A request is made by either (i) a person who is at least 18 years old and named as the registrant on a birth certificate, or that person's legal representative or (ii) the parent or legal representative of a person under the age of eighteen and named as the registrant on a birth certificate to remove the name of the attending physician listed from the certificate, and the requester submits proof that that physician's license to practice medicine in the State of New York has been surrendered or revoked by the New York State Office of Professional Medical Conduct. Any issuance of this certificate subsequent to such request and submission shall not contain the identity of the attending physician.
- (b) When a new birth certificate is filed pursuant to this section, the original birth certificate, the application for a new birth certificate and supporting documents shall be placed under physical or electronic seal, and such seal shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy is requested of the certificate of birth of the person for whom a new certificate has been filed pursuant to the provisions of this section, a copy of the new certificate of birth shall be issued, except when an order of a court of competent jurisdiction requires the issuance of a copy of the original certificate of birth.
 - (c) A new birth certificate may be filed when an application for amendment is submitted by a person required to file such certificate within twelve months after the date of birth, or when the Commissioner or the Commissioner's designee finds it desirable by reason of the nature and extent of the amendments. In such a case, the original certificate of birth registration may be submitted with the application for amendment.

§207.07 Correction of records; copy of amended certificate to be issued. [Repealed]

§207.09 Preparation or filing of certificates or reports; payment prohibited.

No person who is required to prepare or file a certificate or report pursuant to any provision of this title shall charge or accept payment for performing such obligation.

§207.11 Inspection of vital records or data; transcripts.

- (a) Except as provided in §§201.07, 203.07 and 205.07, and 207.21, inspection of vital records or data filed with the Department pursuant to this Title may be made and transcripts of records may be obtained pursuant to the provisions of §3.25 of this Code and §17-169 of the Administrative Code, respectively. The request to inspect vital records may be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Inspection of any vital records or data for the collection of information for sale or release to the public, or for other speculative purposes shall not be deemed a proper purpose. The Department may impose reasonable conditions as to the use and redisclosure of information, and may limit access to the minimum necessary to fulfill the purpose for which information is requested.

- (1) Requests by governmental agencies, whether foreign or domestic, for certified copies of birth and spontaneous termination of pregnancy records or for certifications of birth pursuant to §17-169 of the Administrative Code, or for any individually identifiable information contained in the Department's vital records maintained pursuant to this Title, or for verifications thereof, shall specify the official use to which the requested information will be put.
 - (2) A request for a certification of birth made by the following persons must be accompanied by proof that the individual named on such certification of birth is deceased: spouse, domestic partner, parent of a child over the age of 18, child, sibling, niece, nephew, aunt, uncle, grandchild, great grandchild, grandniece, or grandnephew. Proof of death for this purpose may include, but is not limited to, certified copies of death certificates and letters testamentary.
- (b) Except as provided in § 205.07, no transcript, paper, file, report, record, or proceeding concerning a death shall be provided, except to:
- (1) the spouse, domestic partner, parent, child, sibling, niece, nephew, aunt, uncle, grandparent, grandchild, great grandchild, great-great grandchild, grandniece, or grandnephew of the decedent;
 - (2) the legal representative of the estate of the decedent, or the individual identified on a death certificate filed with the Department as the person in control of the disposition;
 - (3) a party with a property right who demonstrates to the Department that information beyond the fact of the death of the decedent is necessary to protect or assert a right of that party;
 - (4) a funeral director who requests the record or information within twelve (12) months of when the death of his or her client was registered; or
 - (5) persons or government agencies who otherwise establish that such records are necessary or required for a judicial or other proper purpose, or to prevent the misuse or misappropriation of City, state or federal governmental funds.
- (c) Except as provided in §205.07 (a) of this Code, the Commissioner or the Commissioner's designee may grant access to unidentifiable line or cell vital records data or identifiable vital records information to qualified researchers for scientific purposes. Researchers shall submit a written request for access to such information to the Commissioner or the Commissioner's designee for review. The Commissioner or the Commissioner's designee may require such researcher to agree to conditions governing the possession and use of the data by the researcher. No person shall violate any term or condition of a written data use agreement filed with the Department upon which the Department or the Commissioner has relied to grant access to information or data.
- (d) Proof satisfactory to the Department of the identity of the person making a request to inspect vital records or data such as a government issued identification record which may include a birth certificate, passport and other photographic identification, shall be provided to Department prior to inspection.

§207.13 Fees for vital statistics services.

- (a) The Department shall charge fees for searches and transcripts as follows:
- (1) For a search of two consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, death, or spontaneous termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, the

fee is \$15.00 for each copy in accordance with §4179 of the New York State Public Health Law.

- (2) For each additional calendar year search, if applied for at the same time or within three months of the original request and if proof of payment for the basic search is submitted, the fee is \$1;
 - (3) For a certified copy of the reverse side of a death certificate, or its electronic equivalent, issued at the same time as a copy of the face of the certificate, the fee is \$2; and
 - (4) For a two calendar year search under one name for documents relating to transportation of human remains and the issuance of a certified copy of one side of a document, the fee is \$3 and for each certified copy of an additional side, the fee is \$1.50.
- (b) Upon proper application by an authorized person, the Department shall exchange a certified copy of a birth or death certificate, or a certification that such a record cannot be found, for a certification of birth or death if the record can then be found. Upon proper application by an authorized person, the Department shall exchange a certification of birth or death, or a certification that such a record or a spontaneous termination of pregnancy certificate cannot be found, for a certified copy of a birth, spontaneous termination of pregnancy or death certificate if the record can then be found. Such exchanges shall be made without charge when application is made within three months of the issuance of the certification that a record cannot be found or of the certified copy or certification to be exchanged.
- (c) When application for searches and issuance of transcripts is made by any agency of the government of the United States, a voucher for future payment of required fees may be accepted by the Department instead of immediate payment of fees.
- (d) The Department shall make searches and issue certified copies, transcripts, corrections or disposition permits without charge when:
- (1) Requested for official purposes by any agency of the City or State or of any other political subdivision of the State; or,
 - (2) Requested pursuant to the Civil Practice Law and Rules in connection with an application for benefits available from the Veterans Administration, if written proof of the application is first submitted; or,
 - (3) Requested in connection with applications for allowances for dependents of persons in the armed forces of the United States, in connection with an induction or enlistment into any armed force of the United States, or in connection with an application for a veterans' bonus pursuant to any law of the State, if written proof of the application, induction or enlistment is first submitted; or,
 - (4) Requested by an officer of the New York Society for the Prevention of Cruelty to Children for use in court cases; or,
 - (5) The Commissioner or the person in charge of the office of the Department designated to receive vital records, for good cause, so directs.
- (e) The Department may verify information contained on birth, spontaneous termination of pregnancy or death certificates filed with the Department when such verification is requested by authorized users of the National Association for Public Health Statistics and Information Systems (NAPHSIS) Electronic Verification of Vital Events (EVVE) System who are foreign or domestic governments, agencies of the City or State of New York,

benefit-paying parties such as annuity companies and pension plans that demonstrate a need for such information to determine whether the benefits they are paying should be terminated, a physician licensed to practice in the United States who demonstrates that such information is needed to determine whether a patient he or she is treating has died, a hospital that demonstrates that such information is needed to determine whether a patient it is treating has died or an attorney licensed to practice in the United States who demonstrates that the information is necessary to administer an estate.

- (f) The Department shall charge an application fee of \$40.00 to correct or amend birth or death certificates as follows, except there shall be no fee to correct a final disposition as a result of an interim disposition issued pursuant to Article 205:
- (1) Adding a given name more than 60 days after birth
 - (2) Correcting birth and death certificate errors and omissions made by family members and informants
 - (3) Correcting hospital birth certificate errors and omissions after 12 months
 - (4) Correcting funeral home errors
 - (5) Correcting funeral home omissions filed after 12 months
 - (6) Amending a birth certificate for an adoption
 - (7) Amending a birth certificate for a person to correct the gender marker on their birth certificate.
 - (8) Re-submitting an application more than 1 year after rejection.
- (g) The Department shall charge a fee of \$40.00 for disposition permits issued pursuant to Article 205, except those for burials in the City cemetery or for interim dispositions.

§207.15 Preservation of records.

Registries of birth, termination of pregnancy or death, and permits required to be kept on file pursuant to §205.21, may be permanently preserved electronically, or through photostatic, microphotographic or microfilm copies, or such other preservation methods as may be approved by the Department.

§207.17 Certificates and reports; legibility and correctness.

Every certificate of birth, termination of pregnancy and death, and every confidential medical report which is not filed electronically in accordance with other provisions of this Code shall be filled out legibly on typewriter or other device acceptable to the Department or with permanent black ink and shall be properly signed. No certificate or report shall be accepted which is imperfectly filled out, or on which a felt-tipped type of pen has been used, or if it has been corrected, interlined or altered in any manner.

§207.19 Births, termination of pregnancy and deaths on buses, train, ships and airplanes.

When a birth, termination of pregnancy or death occurs on a bus, train, ship or airplane which terminates a voyage, trip or flight at a terminal in The City of New York, the person in charge or the owner of such bus, train, ship or airplane shall file with the Department a certificate of such birth, if the child is brought into the City, or a certificate of termination of pregnancy or death if the remains are brought into the City. A certificate of birth occurring on a ship or airplane during any voyage, trip or flight which terminates at a terminal in the Port of New York, but not in The City of New York, may be filed with the Department if the child is brought into the City. Certificates, on a form prescribed by the Board and furnished by the Department, shall be filed with the Department within 24 hours following the arrival of the bus, train, ship or airplane.

Certificates shall contain such information as the Board may require, including the specific location or the latitude and longitude where such event took place and whether the event occurred on land, at sea, or in the air.

§207.21 Birth and death records to be public records; transfer to the department of records and information services.

Notwithstanding any other provision of this Code, a birth record in the Department's possession and control becomes a public record on January 31st of the year following 125 years after the date of birth and a death record in the Department's possession and control becomes a public record on January 31st of the year following 75 years after the date of death. The Department shall transfer to the City's department of records and information services all public birth records, death records, and index books.