

**Title 310 - Oklahoma State Department of Health  
Chapter 105 - Vital Statistics**

**Subchapter 3 Birth Registration**

**310:105-3-1. Birth registration**

(a) Every live birth which shall occur in this state shall be registered on a standard certificate of live birth and shall be filed with the local registrar of the district in which the birth occurred within seven (7) days after the date of birth.

(1) Data, other than that discussed in rule 105-3-3(b), omitted from the original certificate may be added to the original certificate by a supplementary report presented to the State Registrar not more than twelve (12) months after the date of birth. Certificates so completed shall not be considered "altered" or amended.

(2) If the mother was married at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

(3) If the mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity signed by the mother and the person to be named as the father, or a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. In such cases, the mother will sign the certificate attesting to the personal data as shown on the certificate as being true. When a certificate of birth is completed by the attendant to indicate the father's name in accordance with the above provisions, the sworn acknowledgment of paternity or a certified copy of the court determination of paternity shall be attached to the certificate of birth and forwarded with the birth certificate to the state office of Vital Records, where such evidence will be placed in the permanent confidential files, sealed and subject to inspection only upon order of a court of competent jurisdiction.

(b) If either parent is unable due to physical limits absence or death, the health care facility shall type the name of the parent in the place of the actual signature.

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00]

**310:105-3-2. Delayed birth certificates**

(a) **When delayed birth certificate required.** If a live birth is not registered before the person has reached or passed his first birthday, the birth shall be registered on the delayed certificate of birth form.

(b) **Facts to be established.** In filing a delayed registration of birth, the facts of the date and place of birth along with the parentage of birth shall be established.

(c) **Evidence required.**

(1) **Age one year to ten years.** For a registrant who has reached or passed his first birthday but has not reached his tenth birthday, the facts of birth shall be established by two records, one of which may be an affidavit signed by a parent or guardian and the other an affidavit signed by the health care provider. If the birth was not attended by a health care provider, a record of the birth made at or near the birth may be used as the second record to establish the facts of the birth. If no record of the birth can be produced, the Department shall investigate the facts of the birth before accepting the delayed birth certificate for registration.

(2) **Older than ten years.** For the registrant who has reached or passed his tenth birthday, the facts of birth shall be established by three (3) records, each from a different and independent source. To be acceptable as proof the records must have been made ten (10) years or more prior to the filing of the certificate, with the exception of the affidavit, and must contain information about the registrant to support the facts shown on the delayed certificate. An affidavit of personal knowledge may be used as one, but only one, of the three records of proof. All three records shall indicate the name of the registrant, the correct birth date or age of registrant, and at least two of

the records shall reflect the birthplace of the registrant to be Oklahoma, and one of the records shall indicate the parentage as claimed by the registrant.

(3) **Signature.** The registrant or his parent, if a minor at the time of application, shall sign the affidavit on the face of the delayed birth certificate form before a Notary Public attesting to the authenticity of the information as set forth on the face of the form. In those instances where the registrant is unable to sign his name, he shall make his mark and two witnesses shall sign verifying the same, all before a Notary Public.

(4) **Investigation.** The Commissioner may investigate the facts of any birth for which a delayed birth certificate is filed. No copies of the registration shall be made until the Commissioner is satisfied that the facts as listed in the registration can be adequately established.

(5) **Unacceptable application.** A delayed birth certificate form shall not be registered and no copies shall be issued when it is known that the registrant is deceased.

(6) **Fraudulent application.** At any time the State Commissioner of Health or the State Registrar of Vital Statistics finds that a delayed certificate of birth has been established by using fraudulent documents or affidavits, the Commissioner or State Registrar shall "void" such certificate by stamping the face of said certificate "void".

(7) **Duplicate certificates.** In those instances where it is found that a registrant has filed a delayed certificate of birth and also has another certificate of birth already on file, the Commissioner or State Registrar shall "void" the delayed certificate filed most recently by stamping the face of said certificate as "void".

(8) **Copies of voided certificates.** In instances where certificates have been voided, certified copies shall not be issued.

(9) **Amendments.** Delayed certificates of birth shall not be amended except in cases of judicial determination of parentage.

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00]

### **310:105-3-3. Additions and amendments to birth certificates and records**

(a) **No alterations on face of certificate-application to amend.** After its acceptance for filing, no birth certificate or other record made in compliance with statutes or this Chapter shall be altered or changed in any respect on its face, except as provided in paragraph (b) of this Section.

(b) **Name added to certificate if item blank.** The addition of the registrant's name to a birth certificate within the first twelve (12) months after the date of birth may be made by writing the name in the space provided, upon receipt by the State Registrar of the required documents, if the name is blank on the certificate originally filed.

(c) **Erroneous entries.** When a name is erroneously entered by the attendant on a certificate of birth, the certificate may be amended to indicate the name the registrant has used since birth when sufficient documentation is presented to prove the same. Such documentation shall consist of a statement from the hospital where the birth occurred on a certificate from the attendant at birth that completed the certificate of birth, or if unable to obtain either of the above at least two records indicating the correct name will be required, one of which shall have been established at least ten (10) years prior to the date the amendment is requested.

(d) **Refusal to amend.** In the event the State Registrar finds reason to believe that an attempt is being made to circumvent the provisions of Oklahoma Statutes concerning legally changing a name, the State Registrar shall not amend the certificate based on documentary evidence but shall advise the registrant of the necessity of obtaining a legal change of name as provided for in Oklahoma Statutes.

(e) **Other Changes.** Any applicant that desires to make a change, alteration or amendment not provided for in paragraphs (a) through (d) of this section may file a petition with the Administrative Hearing Clerk pursuant to OAC 310:2 and seek a final decision by an Administrative Law Judge granting the relief requested. The applicant shall bear the burden of proof, by clear and convincing evidence that the proposed change, alteration or amendment sought by the Applicant corrects an error or misstatement of fact as to any non medical information supplied to the State Registrar by the parent(s), facility or attendant.

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00; Amended at 24 Ok Reg 1905, eff 6-25-07]

#### **310:105-3-4. Birth certificate for children born out of wedlock; confidentiality**

In those instances where a child is born out of wedlock, a full copy of the certificate may be issued under the following conditions:

- (1) A written request is received signed by the mother specifically requesting the same if the registrant is a minor.
- (2) A written request is received signed by the registrant, if of legal age - 18 years or older.
- (3) A written request is received signed by an attorney stating that the full copy is necessary for presentation to the courts for adoption purposes.
- (4) A written request is received by an individual, a licensed child placing agency, or other entity that has legal custody or guardianship of a child born out of wedlock.
- (5) Upon order of a court of competent jurisdiction.

[Source: Amended at 24 Ok Reg 1905, eff 6-25-07]

#### **310:105-3-5. New certificates of birth**

(a) **Legitimacy of child born out of wedlock.** The State Commissioner of Health shall establish a new certificate of birth for a person born in this State and whose birth certificate indicates the birth occurred out of wedlock when he receives a written request from the person, or either of the parents, and evidence proving that such person has been legitimated. Such evidence shall consist of a sworn statement by the mother and the husband that he is the natural father of the child whose certificate is to be replaced. The above-mentioned sworn statement must be accompanied by a certified copy of the parents' marriage license. The sworn acknowledgement of the parents and the certified copy of the marriage license shall be retained with the original certificate of birth in the confidential files of the Vital Records Division and shall not be subject to inspection, except upon order of a court of competent jurisdiction.

(b) **Adoption.** The State Commissioner of Health shall establish a new certificate of birth for a person born in this State when furnished with an adoption certificate as provided in the Uniform Adoption Act, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth.

(c) When the State Commissioner of Health or the State Registrar receives an adoption certificate or a certified copy of the Decree of Adoption from a court for a person born outside this State, such record shall be forwarded to the appropriate State Registrar or registration authority in the State of birth.

(d) **Adoption of foreign born; certificate of birth.**

(1) The State Commissioner or State Registrar may upon request prepare and register a certificate of birth in this State for a person born in a foreign country who is not a citizen of the United States and who was adopted under the provisions of Oklahoma Statutes in this State. The certificate may be established upon receipt of an adoption certificate as provided for in the Uniform Adoption Act, or a certified copy of the decree of adoption. The information contained in the certificate of or decree of adoption shall set forth the actual date of the adopted persons birth. A request must also be made to the State Registrar by the Court, the adopting parents, or their attorney, or the adopted person if of legal age that such a certificate be prepared. Such "Certificate of Foreign Birth" shall be on a form prescribed by the State Registrar and shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth and actual date of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States Citizenship for the person for whom it is issued.

(2) After registration of the "Certificate of Foreign Birth" in the new name of the adopted person, the State Registrar shall seal and file the evidence of adoption and it shall not be subject to inspection except upon order of a court of competent jurisdiction.

(3) A "Certificate of Foreign Birth" registered in accordance with the above provisions shall not be amended except upon order of a court of competent jurisdiction. Such a certificate shall then be "amended" only by adding a page providing the Court's findings. Upon receipt of notice of

annulment of adoption, from a court of competent jurisdiction in this State, the State Registrar shall so mark the "Certificate of Foreign Birth" and shall follow the directive of the court.

(4) The evidentiary value of a "Certificate of Foreign Birth" shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(5) The State Registrar shall establish a system for filing, preserving and issuance of certified copies of "Certificate of Foreign Birth" shall so indicate the same as well as the actual country of birth and the fact the certificate is "not proof of United States Citizenship."