



Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: A. Alex Quintana, State Registrar, CHED  
Chris Wells, Division Director, CHED

Through: Chris Wells, Division Director, CHED

Date: December 3, 2018

Subject: **Rulemaking Hearing**  
Proposed Amendments to 5 CCR 1006-1, Vital Statistics, with a rulemaking hearing set for December 19, 2018

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The department is proposing changes to the Vital Statistics regulation, 5 CCR 1006-1, which stems from the Vital Statistics Act of 1984 (Title 25, Article 2).

The department has identified opportunities to modify, add, and remove language to the regulation as it is currently written to accomplish several purposes. The proposed rule updates technical language so that it is more reflective of current practice and terminology that has arisen due to changes in technology. Since this regulation was written, the department has implemented two electronic vital event registration systems - the birth registration system in 2008, and the death registration system in 2015. These changes have resulted in new terminology that is used by the department and its partners in this work. The proposed rule removes language in the regulation that merely duplicates or is not consistent with state statute, and clarifies or reorganizes existing requirements so that it is easier to read and apply by those providing and receiving vital statistics services. Finally, the proposed rule expands the pathways delineated in rule to allow an individual that has transitioned from one sex to another to update their sex on a birth certificate without a court order. The parameters established in the rule ensure the department is able to maintain the integrity of the vital statistics record while minimizing the delays and costs transgender customers experience pursuing a court order.

The department has continued to engage stakeholders since the request for rulemaking presentation. Feedback has been incorporated. Noteworthy changes since the request for rulemaking are highlighted in yellow.

The department appreciates the board's consideration.

STATEMENT OF BASIS AND PURPOSE  
AND SPECIFIC STATUTORY  
AUTHORITY  
for Amendments to  
5 CCR 1006-1, Vital Statistics

Basis and Purpose.

The Vital Statistics Act of 1984 (Title 25, Article 2), hereinafter "Act," governs the administration of vital event registration and vital statistics reporting. The Act contains specific requirements for the department and its designees. The Act also authorizes the Board of Health to promulgate any rules needed to implement the statute. Overall, the rule does not repeat the statutory requirements; rather, the rule elaborates upon the statute to provide direction and clarity for those performing these public health services. To the extent the statute is repeated, this occurs to ensure the program maintains alignment between current and best practices, and the statutory directive.

The department reviewed the rule pursuant to Section 24-4-103.3, C.R.S. Several technical edits to improve readability and update the rule to align with current practice are proposed. These changes:

- Remove obsolete terms and clarify existing language to align the rule and current practice,
- Consolidate and clarify the delayed registration requirements to make it easier for those reporting this information to know what is needed,
- Modify pronouns referring to the State Registrar in the context of the person, rather than the office,
- Remove references to specific forms, and
- Remove language that duplicates statute where there was no benefit to end-users of the rule to repeat statute.

The proposed rule also includes substantive changes. These include:

- The current rule concerning delayed birth registration is unclear. The language has created two tiers of delayed registration which is confusing to those reporting this information. The proposed language draws upon Department and local public health experience as well as the standard communicated in the Model State Vital Statistics Act and Model State Vital Statistics Regulation (2011 edition) developed by the National Association for Public Health Statistics and Information Systems, hereinafter referred to as the "NAPHSIS Model Regulation." The proposed revision reorganizes and consolidates the requirements and reporting timeframes in a manner that maintains integrity in the vital record.
- In a case recently filed against the Department, the plaintiff argues that current law does not prohibit the Department from allowing an individual to change the sex designation on an original birth certificate and that an individual may seek this change without first obtaining a court order. The Department has studied state statute, the statutory authorization for rulemaking, the scope of the State Registrar's discretion,

current practice in other states, and the NAPHSIS Model Regulation. The Department, after consulting with the Office of the Attorney General, found that the Board of Health has the authority to modify the rules and requirements of the State Registrar.

The requirements communicated in the rule can be modified to address the concerns raised in the litigation regarding the Department's current process.

After determining that rulemaking was a viable pathway, the Department assessed what would be needed to enable transgender individuals to make this change while maintaining the integrity of the vital statistics record. After careful study, the Department is proposing to allow an individual to amend their sex on a birth certificate with a court order or through an administrative request that documents that the sex designation on their birth certificate does not align with their identity. An individual may only pursue an administrative change to the sex designation on their birth certificate one time; further revision requires a court order. Importantly, the rule does not require that the individual document that they have completed surgery or receive any specific medical treatments. Similarly, the rule does not require that the individual hold themselves out and publicly communicate their gender identity.

The proposed rule recognizes that an individual may change request that the sex designation reflect 'female', 'intersex', 'male' or "X." "X" represents any form of non-binary gender identification.

Based upon stakeholder feedback and a review of other state practices, the proposed rule authorizes an adult to document their request through self-attestation. A parent or legal guardian can request the sex designation be amended on a minor's birth certificate; however, a request to modify the sex designation of a minor must be accompanied by a letter from a licensed treating medical provider or behavioral health provider that affirms that the provider has provided, after professional evaluation, agrees the individual's sex differs from the sex designated at birth. These requirements are comparable to those of other states that recognize a non-binary identifier such as "X." The administrative pathway can only be used one time. The administrative pathway provides a reasonable check and balance, including a check and balance to ensure changes to a minor's sex designation are appropriate and desired by the minor.

The Department recognizes that these regulatory changes reflect a significant change in the Colorado Vital Statistics Program practice. Historically, records of birth and death are official recordings of statistically significant vital events. Vital records document facts perceived at a specific moment in time. In recent years, however, more registrant's are seeking to amend their certificates. For registrants, a vital record is not merely historical - it is a document wherein government recognizes a person and it is documentary proof of facts, such as identity, that registrants rely on throughout their lifetime. At this time there is nothing to suggest that adding intersex and "x" would hamper the department's ability analyze health trends or use vital statistics data to inform Colorado public and environmental health policy. Similarly, it is possible for persons seeking to commit identity theft to abuse the administrative process by posing as a Colorado birth registrant and amending the sex designation through the self-attestation process. While there is risk for fraud or abuse, there is nothing to suggest that the risk of fraud or abuse is higher for transgender registrants.

Further, transgender registrants may experience delays if federal or other agencies, who historically have relied on the Colorado birth certificate as the basis for their approval, now decline to rely on a Colorado birth certificate because it includes intersex or "X" as the sex designation. As the department is studying and modernizing its practices, other agencies are contemplating the same. Affected registrants will need to consider these factors when seeking an amendment to their birth certificate. They as the customer are in the best position to identify their needs. Though there is no direct effect to the Colorado Vital Statistics Program, customer service is a core value to the program, and the program wants to serve its customers.

In addition, it is important to acknowledge other public health and State of Colorado benefits. If recognizing the registrant's sex designation more broadly improves transgender individual's interactions with government, the government's opportunity to be effective improves. The LGBT community has disparate health outcomes including increased rates of homeless youth and tobacco use. Recognizing the continuum of gender identity may support transgender individuals' conversations with other agencies and community partners. This in turn can reduce bullying and increase linkages to critical health care services. While it can be challenging to prove a direct relationship to outcomes, the Department's position is that improving a transgender individual's home, school and work experience will improve their health.

The Department's intention is to allow only four categories of gender identity for purposes of the birth certificate. The 'X' category is broad enough to include a wide range of gender identification. The department continues to include intersex as a separate category because intersex is biologically based and some registrants have communicated a preference to identify on a biological basis rather than under "X" which may or may not link to one's biology.

- Adding language that allows the sex designation to be identified as 'female', 'intersex', or 'male' at the time of birth. These three biological characteristics fulfill the intent of the 'sex' field on the birth certificate. By adding this third category, all possible biological sex at birth categories would be represented and can be appropriately entered by a physician or medical personnel attending a birth.
- Colorado has two statutory pathways for adult adoptees and birth parents to learn more about their child or birth family. Pursuant to Section 25-2-113.5, C.R.S. the State Registrar maintains a voluntary adoption registry. Through the voluntary registry, the State Registrar maintains lists of adult adoptees, to facilitate and match information to qualified adult adoptees, qualified birth parents, relatives of qualified adult adoptees and qualified adoptive birth parents, siblings, half siblings including foster, adopted or not adopted, who have consented to release of identifying information. The State Registrar reviews the lists to identify matches and performs matching services as required by statute. The statute allows a birth parent to be matched with an adult adoptee without the birth parent's consent in limited circumstances. In addition, under the Colorado Children's Code, Section 19-5-301 *et seq.*, C.R.S., adult adoptees, adoptive parents, biological parents, biological siblings, and descendants and similarly situated individuals may access the original, un-redacted birth certificate, court records, and related information through a confidential intermediary who operates pursuant to rules promulgated through the Colorado Adoption Intermediary Commission. Pursuant to Section 19-5-305(1.5)(c), the State Registrar may, in specific circumstances, provide

contact and medical information to an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual, as well as descendants and adoptive family members. Because these individuals have established that they may obtain the vital event record, the Department provides this information at the same time as this meets the customer's service needs without additional back and forth. Under Section 19-5-305, C.R.S. until January 1, 2016, birth parents had the opportunity to communicate whether they authorized release of their information. On and after January 1, 2016, birth parents no longer had the ability to authorize or object to release of their contact information to an adult adoptee. The expansion of access occurring under the Children's Code has reduced use of the voluntary adoption registry; however, the rule remains necessary as a search performed under the voluntary adoption registry is to be governed by Board of Health rules.

The proposed rule updates the search parameters to align with the scope of the Department's authority, align with current data and privacy practices, and ensure that the Department can apply the rule within existing resources.

- The rule includes a reference to the End of Life Options Act requirements that concern the reporting requirements for some death registrations (see Rule Text line 432).

The Department reviewed Section 10.2 carefully to ensure it communicates current confidentiality, disclosure and data release standards. The proposed changes to this section are not substantive. When reviewing the use of vital statistics data for research, the Department conducted extensive study of both the legally permitted and best practices concerning the use and dissemination of vital statistics data for research purposes. This included a study of the statute, other state and federal practices and federal protections for those participating in the research of human subjects. Though the rule is unchanged, the Department has developed a procedure outlining how it reviews and processes requests for access to confidential vital statistics data, including conditions for release, detailed terms of use, and requirements for maintenance of the security of the data and confidentiality of any records provided.

The Department reviewed Section 14 and has determined that collection of data concerning fetal deaths (both those <20 weeks gestation and those 20+ weeks gestation), as well as induced termination of pregnancy (ITOPs)/abortions remains a critical vital records and public health surveillance activity. These data are necessary to monitor key public health trends, including occurrences of pregnancy and pregnancy outcomes. Monitoring fetal loss and abortions is necessary for the ongoing evaluation of the effect of improved access to contraception, and is also needed to assess and address persistent disparities in adverse birth outcomes, including fetal loss, medically-indicated abortions, and perinatal mortality as well as overall population-wide fertility patterns. Additionally, these data are utilized by key partners, including the CDC, in reporting similar trends at the regional and national level. Without these data, Colorado would be an outlier of non-participation in a comprehensive national vital statistics system, and the cessation of this data collection and statistical reporting would reduce the effectiveness of our Department to respond to issues affecting the health of Coloradans.

Section 5.1(E) in the proposed rule communicates that a certificate will be marked as "amended" or "delayed" when required by law. Though reorganized, the substantive requirement is unchanged and is based upon the statutory directives for the program. Section

25-2-115(1), C.R.S. requires the State Registrar to identify a certificate as amended unless the change is an addition or minor edit made within one year after the date of the statistical event, when there is an addition of a birth parent, or when the child's surname is changed due to the establishment of parentage pursuant to Section 25-2-112(3), C.R.S. A certificate is marked "delayed" when a birth or death is not registered within one year after the vital event, Sections 25-2-114 and 25-2-112.3, C.R.S.

- When a certificate has been amended, Section 25-2-115, C.R.S. requires a "summary description of the evidence" provided. The Department has studied the statute and other state practices. Whether a summary of evidence is required varies by state and for those states with a summary description requirement, the practice varies. Historically the Department has used descriptors such as "court order" or "personal affidavit." The Department recognizes that such descriptors could communicate what on the certificate changed. This level of annotation may be helpful to registrants who are submitting a certificate to another agency; however, given that the state practice varies, that the Vital Statistics Program is able to perform its due diligence when reviewing the documentation in support of an amendment, and registrant's needs, the Department has concluded that annotating the certificate with the following categories is sufficient:

"Parentage"	evidence relates to parent's name, age, place of birth, pregnancy or recognized relationship to the registrant.
"Birth"	evidence covers the live birth location, time, and residency.
"Identity"	evidence covers registrant name, age, sex (and if appearing on the certificate: race, ethnicity, social security, address, etc.)
"Other"	for evidence that doesn't fall into any other category.

Each category covers specific fields located on the birth certificate, but the fields changed will not be displayed on the amended item notes, only the category related to the field that was changed would be displayed. An example would be, "Amended 10/17/2018: Evidence of Parentage." The Department has removed the requirement to list the field that was changed on all amendments issued (see Rule Text line 587). Specifics related to annotation are not further communicated in rule; they will be directed through Department policies and procedures.

Language in the regulation referencing "mother" and "father" have been reduced but some of these references remain to ensure the rules remain in alignment with state statutes and acknowledge the responsibilities and rights of the birthing parent(s). These terms are still used in the model regulations. Where gender-neutral terms could be used clearly, this has occurred. The Department appreciates that gender-neutral language is being discussed in many forums. The Department will continue to monitor. Similarly, the term "civil union" was not added to line 326 because the marriage certificate is the only supporting document mentioned as acceptable in the statute, Section 25-2-113, C.R.S. Couples in a civil union can request to add the second parent to the form; such requests are not processed as new certificates.

Specific Statutory Authority.

Statutes that require or authorize rulemaking: C.R.S. 25-2-103.

Is this rulemaking due to a change in state statute?

Yes, the bill number is \_\_. Rules are \_\_authorized \_\_required.  
 No

Does this rulemaking incorporate materials by reference?

Yes  URL or  Sent to State Publications Library  
 No

Does this rulemaking create or modify fines or fees?

Yes  
 No

Does the proposed rule create (or increase) a state mandate on local government?

No. This rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed. Though the rule does not contain a state mandate, the rule may apply to a local government if the local government has opted to perform an activity, or local government may be engaged as a stakeholder because the rule is important to other local government activities.

No. This rulemaking reduces or eliminates a state mandate on local government.

Yes. This rule includes a new state mandate or increases the level of service required to comply with an existing state mandate, and local government will not be reimbursed for the costs associated with the new mandate or increase in service.

The state mandate is categorized as:

Necessitated by federal law, state law, or a court order  
 Caused by the State's participation in an optional federal program  
 Imposed by the sole discretion of a Department  
 Other: \_\_\_\_\_

Has an elected official or other representatives of local governments disagreed with this categorization of the mandate?  Yes  No

If yes, please explain why there is disagreement in the categorization.

Please elaborate as to why a rule that contains a state mandate on local government is necessary.

REGULATORY ANALYSIS  
for Amendments to  
5 CCR 1006-1, Vital Statistics

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.
  - A. Identify each group of individuals/entities that rely on the rule to maintain their own businesses, agencies or operation, and the size of the group:
    - Funeral Homes - 262
    - Coroners - 64
    - \*Local Vital Records Offices - 60
    - Birthing Hospitals - 61
    - \*Clerk and Recorder Offices - 64
  - B. Identify each group of individuals/entities interested in the outcomes the rule and those identified in #1.A achieve, and if applicable, the size of the group:
    - U.S. Department of State
    - Colorado Department of Motor Vehicles
    - Colorado Department of Public Health and Environment programs engaged in disease control, disease prevention and public health emerging issues for the LGBT community including but not limited to linkages to care, increased risk for homelessness, STI/HIV, and suicide.
    - LGBT individuals and advocacy organizations
  - C. Identify each group of individuals/Entities that benefit from, may be harmed by or at-risk because of the rule, and if applicable, the size of the group:
    - Colorado vital statistics customers, particularly Colorado delayed birth registration customers, Colorado born customers seeking to change their sex designation on their birth certificate, and the biological second parent in voluntary adoption registry match requests
    - Physicians - Although there are no proposed changes to the regulation that impact physicians directly, they are listed here because the rule affects their work.
2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.
  - A. For those that rely on the rule to maintain their own businesses, agencies or operations:

Describe the anticipated favorable and non-favorable non-economic outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Favorable non-economic outcomes:

The proposed rule clarifies, reorganizes and improves overall readability. This will improve application, reduce misinterpretation and improve customer experience.

Unfavorable non-economic outcomes:



Individuals and entities identified in #1.A need to review and be aware of the changes; however, the time taken to understand the current rule is minimal and is offset by the benefits that come from improved readability.

Anticipated financial impact:

Anticipated Costs:	Anticipated Benefits:
Description of costs that must be incurred. None.	Description of financial benefit. None.
Description of costs that may be incurred. None.	
Cost or cost range. None.	Savings or range of savings. None.
Dollar amounts that have not been captured and why: N/A	Dollar amounts that have not been captured and why: N/A

B. For those that are affected by or interested in the outcomes the rule and those identified in #1.A achieve.

Describe the favorable or unfavorable outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Favorable non-economic outcomes:

Though the Department does not control the decisions of other federal and state agencies decisions to issue passports or identification documents, it is anticipated that the U.S. Department of State and the Colorado Department of Revenue, Division of Motor Vehicles, who routinely rely on birth certificates from their customers in order to grant a U.S. Passport or issue a state identification card including a driver’s license, will benefit from the clearer communication of the Department’s standards. In addition, by improving services for vital records customers, our customers may have better documentation when working with these other agencies.

Some of the changes may reduce stigma and disenfranchisement. To the extent the rules could be modified to reduce reliance on statutory terms that may be out of date, such as “legitimacy” or “paternity”, the Department has done so. Similarly, the proposed rule language acknowledges an administrative pathway for updating the sex indicator on a birth certificate.

Unfavorable non-economic outcomes:

None anticipated.

Any anticipated financial costs monitored by these individuals/entities? No

Any anticipated financial benefits monitored by these individuals/entities? No.

- C. For those that benefit from, are harmed by or are at risk because of the rule, the services provided by individuals identified in #1.A, and if applicable, the stakeholders or partners identified in #1.B.

Describe the favorable or unfavorable outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Clarifying the rule, ensuring customers can produce the documentation required, reorganizing the delayed birth registration section, modifying the voluntary adoption registry match request process to align with statute and adding the new section for individuals seeking to change the sex indicator on their birth certificate, makes it easier for these customers to understand what is needed to obtain the service(s) requested and increases efficient processing of reports and requests.

Financial costs to these individuals/entities: No.

Financial benefits to or cost avoidance for these individuals/entities: Yes.

Individuals may be able to avoid court costs if they can take advantage of administrative pathways to amend a vital event record.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

- A. Anticipated CDPHE personal services, operating costs or other expenditures:

The changes proposed in the regulation are clarifying. The changes may improve the Department's ability to address customer needs efficiently and minimize questions from customers and local government personnel who apply the rule. It is unknown if improving the process will increase the number of delayed birth certifications or sex designation changes. It is anticipated that any workload increase associated with these changes would be minimal and are offset by the saving associated with reducing staff voluntary adoption registry activities. Any effect on the count of requests from delayed registration customers or customers seeking to change their sex indicator on their birth certificate are expected to be absorbed by the program. In sum, it is a net neutral effect.

Anticipated CDPHE Revenues:

There is no expectation that revenues will increase as a result of the proposed language changes. There are no changes to the fees as listed in current regulation.

- B. Anticipated personal services, operating costs or other expenditures by another state agency:

n/a

Anticipated Revenues for another state agency:

n/a

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Check mark all that apply:

- Inaction is not an option because the statute requires rules be promulgated.
- The proposed revisions are necessary to comply with federal or state statutory mandates, federal or state regulations, and department funding obligations.
- The proposed revisions appropriately maintain alignment with other states or national standards.
- The proposed revisions implement a Regulatory Efficiency Review (rule review) result, or improve public and environmental health practice.
- The proposed revisions implement stakeholder feedback.
- The proposed revisions advance the following CDPHE Strategic Plan priorities:

Goal 1, Implement public health and environmental priorities  
Goal 2, Increase Efficiency, Effectiveness and Elegance  
Goal 3, Improve Employee Engagement  
Goal 4, Promote health equity and environmental justice  
Goal 5, Prepare and respond to emerging issues, and  
Comply with statutory mandates and funding obligations

Strategies to support these goals:

- Substance Abuse (Goal 1)
- Mental Health (Goal 1, 2, 3 and 4)
- Obesity (Goal 1)
- Immunization (Goal 1)
- Air Quality (Goal 1)
- Water Quality (Goal 1)
- Data collection and dissemination (Goal 1, 2, 3, 4 and 5)
- Implements quality improvement or a quality improvement project (Goal 1, 2, 3 and 5)
- Employee Engagement (career growth, recognition, worksite wellness) (Goal 1, 2 and 3)
- Incorporate health equity and environmental justice into decision-making (Goal 1, 3 and 4)
- Establish infrastructure to detect, prepare and respond to emerging issues (Goal 1, 2, 3, 4, and 5)

Other favorable and unfavorable consequences of inaction: n/a.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Rulemaking is proposed when it is the least costly method or the only statutorily allowable method for achieving the purpose of the statute. The specific revisions proposed in this rulemaking were developed in conjunction with stakeholders. The benefits, risks and costs of these proposed revisions were compared to the costs and benefits of other options. The proposed revisions provide the most benefit for the least amount of cost, are the minimum necessary or are the most feasible manner to achieve compliance with statute.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

Clarifying the rule to improve customer service can only occur by proposing changes. The proposed changes harmonize Colorado law with the NAPHSIS Model Regulation and

other materials governing best practices for vital statistics offices. This rulemaking implements the regulatory efficiency review directed in statute and through executive order. The changes proposed sought to support local government agencies that perform these activities by applying the rule. The rule does not include a new mandate.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The data used in the analysis comes from the program’s collective experience and knowledge of operating within the State vital statistics system, the NAPHSIS Model Regulation, and discussions with other state partners during NAPHSIS conferences and calls. The changes proposed in the regulation are expected to remain relevant for the short and long term. Below is a chart showing the different practices across the vital records jurisdictions with respect to the requirements that an individual must follow if they wish to change their sex as indicated on their birth certificate. The information is sourced from [www.transequality.org](http://www.transequality.org).

Jurisdiction	Court Order	Proof of Surgery/ Treatment	Licensed Provider Letter/ Affidavit	Letter/ Affidavit	Comments
Alabama	Yes	Yes			
Alaska			Yes		
American Samoa		Maybe			
Arizona	Yes	Yes	Yes	Yes	
Arkansas	Yes	Yes			
California	Yes			Yes	Court order OR Affidavit
Colorado	Yes	Yes			
Connecticut		Yes		Yes	
District of Columbia			Yes		
Delaware				Yes	
Florida			Yes	Yes	
Georgia	Yes	Yes	Yes		
Guam		Yes	Yes		
Hawaii			Yes		
Idaho				Yes	
Illinois		Yes	Yes		Treatment that is clinically appropriate
Indiana	Yes				
Iowa		Yes	Yes		
Kansas					Prohibited
Kentucky			Yes		

Louisiana	Yes	Yes			
Maine			Yes		
Maryland			Yes		
Massachusetts			Yes	Yes	
Michigan		Yes	Yes		
Minnesota		Yes	Yes		
Mississippi	Yes	Yes			
Missouri	Yes	Yes			
Montana				Yes	
Nebraska	Yes	Yes	Yes		
Nevada				Yes	
New Hampshire	Yes				
New Jersey	Yes		Yes		
New Mexico		Yes	Yes		
New York		Yes	Yes	Yes	
North Carolina		Yes	Yes		
North Marianas Islands	Yes				
North Dakota		Yes	Yes		
Ohio					Prohibited
Oklahoma	Yes				
Oregon				Yes	Application
Pennsylvania		Yes Clinical treatment	Yes		
Puerto Rico			Yes		
Rhode Island		Yes	Yes	Yes	
South Carolina	Yes	Yes			
South Dakota	Yes				
Tennessee					Prohibited
Texas	Yes				
Utah	Yes				
Vermont	Yes	Yes	Yes		
Virginia	Yes	Yes			
Virgin Islands					No legal standard known
Washington					Application
West Virginia	Yes				

Wisconsin	Yes	Yes	Yes		
Wyoming	Yes	Yes	Yes		

Twelve states recognize some form of self-attestation.

The City of New York (NYC), Oregon, California, Nevada and Washington recognize 'X' or non-binary as a sex designation. The Department is aware that Vital Statistics Programs across the U.S. are studying this issue in response to stakeholder feedback. A national practice standard has yet to be recommended. Two responses from other states were particularly informative:

The NYC Department of Health and Mental Hygiene wrote, "Removing a genital surgery requirement more equitably enables transgender men and those with limited resources to obtain a gender-congruent birth certificate. Jurisdictions with such requirements should consider similar regulation changes to address the inequities that this requirement likely imposes in accessing birth certificates."

When the Washington State Human Rights Commission added gender identity to the state nondiscrimination statute, transgender constituents shared their fear of being stopped by police and having to produce a driver's license with a sexual identity different from the one observed by the police officer.

STAKEHOLDER  
ENGAGEMENT  
for Amendments to  
5 CCR 1006-1, Vital Statistics

State law requires agencies to establish a representative group of participants when considering to adopt or modify new and existing rules. This is commonly referred to as a stakeholder group.

Early Stakeholder Engagement:

The following individuals and/or entities were invited to provide input and included in the development of these proposed rules:

<u>Organization</u>	<u>Representative</u>
Colorado Coroner's Association	Randy Gorton, CCA President
Funeral Homes	Email distribution
Local Vital Records Offices	Email distribution
Birthing Hospitals and Birth Centers	Email distribution
One Colorado	Daniel Ramos
U.S Department of State	Lanissa Larson, Fraud Program Manager
Colorado Division of Motor Vehicles	Francine Gonzalez, Chief of Investigations
Colorado Clerk and Recorders	Email distribution
American Academy of Pediatrics, Colorado Chapter	ebrilliant@aap.net
Colorado Medical Society	Susan Doontz
The GLBT Community Center of Colorado	Sable Schultz
The Gender Identity Center of Colorado	Jessie Goodwin
PFLAG Denver	pflagden@gmail.com
Trans Youth Education & Support	info@youthseen.org
State Senator Dominick Moreno	State Senator Dominick Moreno
State Representative Daneya Esgar	State Representative Daneya Esgar
Emma Shinn	Emma Shinn
John McHugh	John McHugh
CDHS and Colorado Adoption Intermediary Commission	Larry Desbien
U.S. Department of Homeland Security, Immigration and Customs Enforcement	Jeffery Hamilton
Social Security Administration	Lina Rivera
Colorado Information Analysis Center	Cdps_ciac@ciac.state.co.us
Colorado Genealogical Society	David Coward
U.S. Department of State, Diplomatic Secret Service	Angela Brenner
Colorado Attorney General	Paul Goodman, Criminal Investigator

### Stakeholder Group Notification

The stakeholder group was provided notice of the rulemaking hearing and provided a copy of the proposed rules or the internet location where the rules may be viewed. Notice was provided prior to the date the notice of rulemaking was published in the Colorado Register (typically, the 10<sup>th</sup> of the month following the Request for Rulemaking).

- Not applicable. This is a Request for Rulemaking Packet. Notification will occur if the Board of Health sets this matter for rulemaking.
- Yes.

**Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.**

The Department solicited feedback from the stakeholders listed above through **two surveys** that were sent via email distribution. **The first survey** asked respondents to rate how strongly they supported or opposed the changes proposed by the Department in the rule on a scale of 1 to 5, with '1' meaning 'Strongly Oppose', '5' meaning 'Strongly Support', and provided a section where they could provide written feedback. **In the first survey**, there were five areas for respondents to provide a rating, and those are: 1) Technical Language Clean-Up, 2) Changes to the Delayed Birth Registration Process, 3) Changes to Sex Designation Process on the Birth Records 4) Addition of the 'Intersex' category for birth records, and 5) Changes to the voluntary adoption registry second parent search process. **The Department received 109 responses from the first survey.**

**The Department received stakeholder feedback encouraging the Department consider other approaches such as self-attestation and the inclusion of "X" for non-binary registrants. The Department sent a quick survey to get feedback from other stakeholder groups about these suggestions. The Department received 139 responses from the second survey. The vast majority of the responses were from state, local, and federal government entities, and that there were only a few responses from members of the public at large, unaffiliated with any organization. This is as quick solicitation to gauge other's response to the feedback.**

**Results from the surveys are summarized by topic area below.**

1) Technical Language Clean-Up

A large majority were supportive of technical language cleanup proposed changes to the rule with no one opposed to them.

2) Changes to the Delayed Birth Registration Process

The majority of the responses received were either neutral or supportive on the changes.

3) Changes to Sex Designation Process on the Birth Records and 4) Addition of the 'Intersex' category for birth records

**Stakeholder feedback on the proposed changes concerning the ability to and the process for amending the sex designation on the birth certificate were received via two surveys and through direct feedback from stakeholders.**



In the first survey, the majority of responses on the Department's proposal for a new pathway for administering the change of the sex, as indicated on the birth certificate, were supportive. In like manner, the majority of responses in the area concerning the proposal to add 'intersex' as a third sex indicator, were supportive as well.

During the feedback period, a number of organizations representing transgender individuals recommended:

1. Birth certificates should offer designation options of male, female, or X, and that intersex was not recommended.
2. Individuals should certify that their sex designation on birth certificate does not align with their gender identity, and that medical treatment should not be required in the certification but that certification should come directly from the individual.
3. That a reissued birth certificate will reflect an updated name if they receive a court order for name change.
4. That the rule should clarify that the reissued birth certificate may be marked as amended, but that it will not indicate what information is amended.

The Department reviewed the feedback and sent a second survey to gather other stakeholder's thoughts on #1 and #2. Rather than solicit feedback on female, male and X, the Department sought feedback on female, male, intersex and X as this allowed the Department to incorporate feedback from other individuals that sought a biologically based intersex category. Importantly, intersex has already been operationalized under current Department rules. For #2, the Department sought feedback about revising the rule to permit self-attestation rather than require a letter from a licensing treating medical provider. The second survey was largely received by other stakeholder groups including law enforcement and local vital statistics offices.

Overall this portion of the stakeholder group favored more stringent documentation requirements and a biological range of male, female and intersex. The stakeholders concerns paralleled those studied by the Department- the potential for fraud or abuse, and maintaining the integrity of the certificate as an important legal document. As discussed in the Statement of Basis and Purpose, these concerns are present but it is unknown if fraud or abuse will increase, or whether transgender registrants will encounter more barriers when seeking other forms of identification. Stakeholders did not raise a concern that had not been considered by the Department except for the argument that allowing "X" will make it harder for law enforcement to identify an individual. This is possible; however, the converse is also possible. A more accurate representation of their sex designation on one's birth certificate may create alignment with one's physical characteristics. Alternatively, the sex designation and one's physical characteristics are not aligned which not affected by the proposed changes in the rule. The Department appreciates that the birth certificate is relied upon by other agencies for passports and identification. The Department has no authority to compel these other agencies to honor the sex designation appearing on the birth certificate or an amendment to change the sex designation.

Concerning item #3, the Department reviewed the rules to ensure an individual seeking a name change and a sex designation change can do so simultaneously as this was the intention. The Board of Health raised a similar request for review during the request for rulemaking presentation. This portion of the rule was clarified (see Rule Text line 392).

Item #4 is discussed in the Statement of Basis of Purpose. The rule language that required the annotation to identify which field changed has been stricken.

- 5) Changes to the voluntary adoption registry second parent search process.  
 The majority of the responses received were either neutral or supportive on the changes.

Please identify the determinants of health or other health equity and environmental justice considerations, values or outcomes related to this rulemaking.

Social determinants of health are discussed in the Statement of Basis and Purpose. The revisions improve readability and address portion of the rule that are confusing, outdated, and inefficient.

Overall, after considering the benefits, risks and costs, the proposed rule:

Select all that apply.

	Improves behavioral health and mental health; or, reduces substance abuse or suicide risk.		Reduces or eliminates health care costs, improves access to health care or the system of care; stabilizes individual participation; or, improves the quality of care for unserved or underserved populations.
	Improves housing, land use, neighborhoods, local infrastructure, community services, built environment, safe physical spaces or transportation.	x	Reduces occupational hazards; improves an individual's ability to secure or maintain employment; or, increases stability in an employer's workforce.
	Improves access to food and healthy food options.		Reduces exposure to toxins, pollutants, contaminants or hazardous substances; or ensures the safe application of radioactive material or chemicals.
x	Improves access to public and environmental health information; improves the readability of the rule; or, increases the shared understanding of roles and responsibilities, or what occurs under a rule.		Supports community partnerships; community planning efforts; community needs for data to inform decisions; community needs to evaluate the effectiveness of its efforts and outcomes.
	Increases a child's ability to participate in early education and educational opportunities through prevention efforts that increase protective factors and decrease risk factors, or stabilizes individual participation in the opportunity.		Considers the value of different lived experiences and the increased opportunity to be effective when services are culturally responsive.
	Monitors, diagnoses and investigates health problems, and health or environmental hazards in the community.		Ensures a competent public and environmental health workforce or health care workforce.

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

Center for Health and Environmental Data

VITAL STATISTICS

5 CCR 1006-1

Adopted by the Board of Health on \_\_\_\_\_.

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1  
2 SECTION 1 AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS

3  
4 These regulations are promulgated pursuant to Section 25-2-103, C.R.S. which states that the “State Board of  
5 Health shall adopt, promulgate, amend, and repeal such rules and regulations and orders in accordance with the  
6 provisions of Section 24-4-103, C.R.S. as are necessary and proper for carrying out the provisions of the article.”

7  
8 The purpose of these regulations is to establish rules governing the administration of Colorado’s vital statistics  
9 system.

10  
11 SECTION 2 DEFINITIONS, DESIGNATION OF OFFICES, SUBMISSION, USE, AND DISTRIBUTIONS OF  
12 VITAL STATISTICS

13  
14 SECTION 2.1 Definitions

15  
16 As used in this regulation, unless the context otherwise requires:

- 17  
18 A. “Certificate” means a printed, certified copy of the vital event record.  
19  
20 B. “Legal representative” means an attorney, physician, funeral director, or other authorized agent, as  
21 determined by the State Registrar, acting on behalf of the registrant or his family.  
22  
23 C. “Next of kin” means a person’s closest living relative or relatives and those who, under Colorado law, have  
24 legal authority over the disposition of human remains, see Section 12-54-102(17), C.R.S.  
25  
26 D. “Person with a direct and tangible interest” means the registrant, a member of the registrant’s immediate  
27 family, as determined by the State Registrar, the registrant’s legal guardian or legal custodian, or their  
28 respective legal representatives. Others may demonstrate a direct and tangible interest when information is  
29 needed for determination or protection of a personal or property right, or for genealogical purposes. The  
30 natural parents of adopted children when neither has custody, and commercial firms or agencies  
31 requesting listings of names and addresses shall not be considered to have a direct and tangible interest.  
32  
33 E. “Record” means an electronic or paper vital event registered as reported, updated, and stored within the  
34 files of the office of the State Registrar of vital statistics and designated offices.  
35  
36 F. “Report” means an electronic or paper document containing information related to a vital event submitted  
37 by a person or entity required to submit the information in accordance with this state statute and this  
38 regulation for the purpose of registering a vital event.  
39  
40 G. “State Registrar” means the State Registrar of Vital Statistics or their designee.  
41  
42 H. “Vital event” means an event recognized under Colorado law as statistically significant. These include but  
43 are not limited to birth, marriage, civil unions, adoption, dissolution or nullification of marriage, dissolution or  
44 nullification of civil unions, parentage determinations, change of name, change of sex, death, and any data  
45 related thereto which have been accepted for registration and incorporated into the official records and  
46 certificates.  
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50 SECTION 2.2 Designation of Additional Offices

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- A. The State Registrar shall determine whether offices other than the office of the State Registrar and organized local health departments established pursuant to Part 5 or 7 of Article 1 of Title 25 are needed to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this state with respect to the establishment and operation of the system of vital statistics.
  - B. The State Registrar shall delegate such duties and responsibilities to such offices as the State Registrar deems necessary to insure the efficient operation of the system of vital statistics. If the State Registrar determines that additional offices are necessary, such offices shall be designated or established by the State Registrar. The duties and responsibilities may be assigned to currently existing offices, or special branch offices of the State Registrar may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. The State Registrar shall determine the responsibilities and duties of each office independently.
  - C. Employees and individuals operating in the state or local offices will comply with the vital statistics law; this rule; and the policies, processes, and procedures directed by the State Registrar, including requirements to attend periodic meetings as required by the State Registrar. As needed, state and local offices may be asked to assess and document performance and costs associated with administration of vital statistics.

71 SECTION 2.3 Submission, Use and Distribution of Vital Statistics Information

72  
73 All electronic or paper forms, reports, records, certificates, and data used in the system of vital statistics are the  
74 property of the office of the State Registrar of vital statistics, and shall be surrendered to the State Registrar as  
75 required by law, submitted and distributed in the form and manner required, prescribed and distributed by the State  
76 Registrar, and only used for official purposes, including the reporting vital statistics, or as authorized by statute and  
77 this rule. Only software approved by the State Registrar shall be used in the electronic reporting of vital events.  
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79 SECTION 2.4 General Requirements for Preparing Certificates

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- A. Those registering vital events will use the current version of the electronic registration system approved by the State Registrar. The State Registrar, at their discretion, may grant waivers for not using the electronic registration system in unusual circumstances. If a waiver is granted, the report will be submitted on a typewriter with a black ribbon, on a letter-quality printer with black or blue ink, or printed legibly in black, unfading ink.
  - B. Only those individuals authorized in state statute to register and certify vital event information to the State Registrar can submit a report. All signatures shall be entered in black, unfading ink or an electronically as authorized by Section 24-71-101, C.R.S.
  - C. Unless otherwise directed by the State Registrar, no report shall be complete and correct and acceptable for registration if it:
    1. Does not have the certifier's name typed or printed legibly under their signature;
    2. Does not supply all items of information called for thereon or satisfactorily account for their omission;
    3. Contains alterations or erasures;
    4. Does not contain handwritten or electronic signature as required;
    5. Is marked "copy" or "duplicate";
    6. Is a carbon copy;
    7. Contains improper or inconsistent data;
    8. Contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; or,
    9. Is not prepared in the form and manner prescribed by state statute, these rules and the State

112 Registrar.

- 113
- 114 D. Full or short form certified copies of vital records may be made by mechanical, electronic, or other
- 115 reproductive processes, except that the information contained in the "Information for Medical and Health
- 116 Use Only" section of the birth certificate shall not be included. When a certified copy is issued, each
- 117 certification shall be certified as a true copy by the State Registrar, and shall include the date issued, the
- 118 name of the issuing officer, the State Registrar's signature or an authorized facsimile thereof, and the seal
- 119 of the issuing office.
- 120
- 121 E. When the State Registrar finds evidence that a certificate was registered through misrepresentation or
- 122 fraud, the State Registrar has the authority to withhold the issuance of a certified copy of such certificate
- 123 until additional evidence satisfactory to the State Registrar has been obtained or until a court determination
- 124 of the facts has been made.
- 125

126 SECTION 3 HEIRLOOM CERTIFICATES

127

128 Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.

129

130 SECTION 4 REGISTRATION OF BIRTH

131

132 SECTION 4.1 Sex Designation

133

134 The record and certificate may identify the sex designation as female, intersex, or male at the time of birth and may

135 be amended pursuant to Section 5.5 to identify the sex designation as female, intersex, male or "X".

136

137 SECTION 4.2 Delayed Registration of Birth

138

139 Any birth registered 1 year or more after the date of birth, constitutes a delayed registration of birth.

140

- 141 A. 1. Any individual eighteen years of age or older or an emancipated minor, born in the state of Colorado
- 142 whose birth is not registered in this state may request the registration of a delayed report of birth.
- 143
- 144 2. If an individual is under 18 years of age, the request for registration of a delayed report of birth may be
- 145 submitted by one of the following in the indicated order of priority:
- 146
- 147 a. One of the parents of the registrant,
- 148
- 149 b. The legal guardian of the registrant,
- 150
- 151 c. The legal custodian of the registrant, or
- 152
- 153 d. In the absence, inability or refusal of a parent, guardian or legal custodian, any next of kin who is
- 154 eighteen years of age or older, at least ten years older than the registrant, and has personal
- 155 knowledge of the facts of live birth.
- 156
- 157 B. 1. An individual requesting registration of a delayed report of birth must provide a sworn, signed and
- 158 notarized statement that establishes in the form and manner required by the State Registrar:
- 159
- 160 a. The full name of the person at the time of live birth;
- 161
- 162 b. The date of birth and place of live birth;
- 163
- 164 c. The full name of the mother prior to first marriage;
- 165
- 166 d. The full name of the father unless parentage needs to be amended pursuant to Section 5.
- 167
- 168 2. To establish these facts, the requestor must submit the following documentation:
- 169
- 170 a. One document showing name;
- 171
- 172 b. Two documents proving birthdate or age (at least one showing actual birthdate);

- 173  
174 c. Two documents proving birthplace; and,  
175  
176 d. One document proving parentage.  
177

178 At least one of the documents identified above must be have been created during the first 10 years of life.  
179 One document may be a sworn affidavit that is notarized.  
180

- 181 3. The State Registrar may require additional evidence in support of the facts of birth and/or an  
182 explanation of why the report of birth was not registered within the required ten days.  
183

- 184 C. The State Registrar, or their designee, shall determine the acceptability of all documentary evidence  
185 submitted. All documents must be internally consistent. Each document must be verifiable and originate  
186 from separate sources and must be in the form of the original record or a duly certified copy thereof or a  
187 signed statement from the custodian of the record or document. Documents may include, but are not  
188 limited to:  
189

- 190 1. Census records;  
191  
192 2. Hospital records;  
193  
194 3. Military records;  
195  
196 4. Social security records;  
197  
198 5. Voter registration records;  
199  
200 6. School records; or  
201  
202 7. Other documents as designated by the State Registrar.  
203

- 204 D. The submission and documentation shall be reviewed and upon approval, an abstract will be developed.  
205 The abstract will identify each document submitted to support the facts shown on the delayed birth  
206 certificate including, the title or description of the document, the date of the original filing of the document  
207 being abstracted, and the information regarding the birth facts contained in the document. The abstract will  
208 be attached to the delayed certificate of birth. Original documents submitted in support of the delayed birth  
209 registration shall be returned to the applicant after review and abstraction.  
210

- 211 E. 1. The State Registrar, or their designee, shall, by signature, certify that no prior birth certificate is on file  
212 for the person whose birth is to be recorded, that the evidence submitted has been reviewed and  
213 abstracted, and that the documentation establishes the facts of birth.  
214  
215 2. Births registered after ten days, but within one year from the date of birth, shall not be marked  
216 "delayed."  
217

- 218 F. Requests for delayed certificates which have not been completed within one year from the date of  
219 application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar  
220 shall so advise the applicant and all original documents submitted in support of such registration shall be  
221 returned to the applicant  
222

## 223 SECTION 5 AMENDING RECORD OR CERTIFICATES

### 224 SECTION 5.1 General Requirements for Amending Certificates

- 225 A. 1. If the registrant is less than 18 years of age, an application to amend a birth certificate may be made by  
226 the following:  
227  
228 a. one of the parents,  
229  
230  
231 b. a legal guardian,  
232  
233

- c. the individual responsible for filing the certificate,
- d. an attorney acting on behalf of an person authorized under this rule, or
- e. an authorized agent, as determined by the State Registrar.

2. If the registrant is 18 years of age or over, an application to amend a birth record must be made by one of the following:

- a. the registrant,
- b. their attorney, or
- c. their authorized agent, as determined by the State Registrar.

3. Unless expressly stated elsewhere in this rule, only a funeral director, coroner, physician, local registrar, health facility, next of kin, or legal representative may request to amend a death record, physician, local registrar, health facility, or authorized individual an individual required. Applications to amend the medical certification of cause of death shall be made only by the physician or coroner who signed the medical certification, in which case an amended certificate must be filed.

B. Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be submitted and documented in the form and manner prescribed by the State Register. The submission will include:

- 1. The information needed to identify the record, the incorrect item as it is listed on the certificate; and the correct item as it should appear, and;
- 2. One or more items of documentary evidence which support the alleged facts and were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

C. The State Registrar shall evaluate the evidence submitted in support of any amendment. At the discretion of the State Registrar, the amendment may be rejected if the validity or adequacy of the documentary evidence is questionable, and the applicant advised of the reasons for the action.

D. Once an amendment of an item is made on a vital event record, the item shall not be amended again, except upon determination of good cause by the State Registrar.

E. Amended certificates shall only be amended to the extent necessary to modify the Information included in the report or court decree. The remainder of the information shown on the original certificate shall remain unchanged. The certificate will be identified as "amended" or "delayed" when required by law.

## SECTION 5.2 New Certificates of Birth to Amend Parentage (Section 25-2-113, C.R.S.)

A. A new certificate of birth may be issued as to any person born in this state upon receipt of:

- 1. A request from an individual or, in the case of an individual under the age of eighteen, a request from parent, guardian or legal custodian and:
  - a. A certified copy of a court decree issued pursuant to Section 25-2-113, C.R.S., or
  - b. A report or certified copy of a decree concerning the adoption, or parentage of such a person from a court of competent jurisdiction outside this state.

If the surname of the child is not decreed by the court, the request for a new certificate shall specify the surname to be placed on the record.

- 2. A request from a birth mother and second parent who marry after the birth of a child, a certificate of marriage, and a sworn and notarized statement of parentage signed by the birth parents. If the existing certificate includes the names of both parents, a new record may only be prepared when a

295 determination of parentage is made by a court of competent jurisdiction. A divorce decree that does  
296 not decree parentage cannot be used to establish parentage.

- 297
- 298 3. A request from a birth mother and a second parent if, upon review of the original birth record, the State  
299 Registrar determines that the second parent's name may be added pursuant to Section 25-2-112(3),  
300 C.R.S. The surname of the child may be specified as part of the acknowledgement of parentage  
301 process.
- 302
- 303 B. A new certificate of birth will not be prepared for an adoption if the court that has decreed the adoption, an  
304 adoptive parent, or the adopted person requests that no new certificate be prepared.
- 305
- 306 C. In addition to the requirements of Section 5.1, the requesting party shall provide the information necessary  
307 to locate the existing record and such other information necessary to complete the certificate, such as:
- 308
- 309 1. The name of the child;
  - 310
  - 311 2. The date and place of birth as transcribed from the original record;
  - 312
  - 313 3. The names and personal particulars of the adoptive parents or of the parents listed on the original birth  
314 record, whichever is appropriate;
  - 315
  - 316 4. The birth number assigned to the original birth record;
  - 317
  - 318 5. The original filing date.
  - 319

320 SECTION 5.3 Amendment of Minor Errors on Birth Certificates Within the First Year

321

322 Amendment of obvious errors, omissions or transposition of letters in words of common knowledge may be made  
323 by the State Registrar within the first year after the date of birth, either upon their or their designee's own  
324 observation or query, or upon request of a person with a direct and tangible interest in the certificate, as defined in  
325 Section 2.1.D. When such additions or minor amendments are made by the State Registrar, a notation as to the  
326 source of the information, together with the date the change was made and the initials of the authorized agent  
327 making the change shall be made on the record in such a way as not to become a part of any certificate issued.  
328 The certificate shall not be marked "Amended".

329

330 SECTION 5.4 Amendment of Registrant's Given Name(s) on Birth Certificates Within the First Year

331

332 Until the registrant's first birthday, given names may be amended upon written request of:

- 333
- 334 A. Both parents,
  - 335
  - 336 B. The mother when no second parent is listed,
  - 337
  - 338 C. The father in the case of the death or incapacity of the mother,
  - 339
  - 340 D. The mother in the case of the death or incapacity of the father, or
  - 341
  - 342 E. The legal guardian or legal custodian of the registrant.
  - 343

344 After one year from the date of birth, if the name was entered incorrectly on the birth certificate, the provisions of  
345 Section 5.2 must be followed to amend a given name. To change a given name after one year, a legal change of  
346 name order must be submitted from a court of competent jurisdiction.

347

348 SECTION 5.5 Amendment of the Sex Designation

349

350 Before changing the sex designation on the birth certificate, the State Registrar must:

- 351
- 352 A. Confirm the registrant is eighteen years of age or older, or an emancipated minor, or, if the registrant is  
353 under the age of eighteen, confirm that the person requesting the amendment is a parent on the birth  
354 record, a legal guardian, or an attorney or other authorized agent, as determined by the State Registrar.
  - 355



- 356 B. Confirm the name on the birth certificate and the name of the individual for whom the amendment is  
357 requested match, or can be linked through the submitted documentation in instances such as where the  
358 registrant is changing their name and sex designation at the same time, and  
359
- 360 C. 1. Receive: a certified copy of an order of a court of competent jurisdiction changing the sex of the  
361 applicant, or  
362
- 363 2. a. For a registrant that is an adult, receive from the registrant, in the form and manner prescribed by  
364 the State Registrar, a notarized, self-attestation that identifies the requested change to the sex  
365 designation.  
366
- 367 b. For a registrant that is a minor, receive, in the form and manner prescribed by the State Registrar,  
368 a letter from a licensed treating medical or behavioral health provider, which also includes the  
369 provider's medical license or certificate number and the issuing U.S. State/Foreign Country of  
370 license/certificate, signed under the penalty of perjury, confirming the sex designation on the birth  
371 certificate does not accurately reflect the patient's gender identity.  
372
- 373 This requirement should not be read to require an individual to undergo any specific surgery,  
374 treatment, clinical care or behavioral health care.  
375
- 376 3. The State Registrar shall change the sex designation pursuant to a request made under Section  
377 5.5(C)(2) only once during an individual's lifetime. Any further amendment to the sex designation on a  
378 birth record or certificate requires a court order pursuant to Section 5.5(C)(1).  
379

## 380 SECTION 5.6 OTHER AMENDMENTS TO ANY VITAL EVENT RECORD OR CERTIFICATE

- 382 A. All information of a medical nature may be amended only upon receipt of a signed statement from the  
383 person(s) responsible for providing such information. The State Registrar may require documentary  
384 evidence to substantiate the requested amendment.  
385
- 386 B. The State Register may authorize other amendments not expressly stated herein, when such amendments  
387 are authorized by statute, do not conflict with the requirements herein, and can be accomplished in the  
388 form and manner necessary to maintain the integrity of the vital event record.  
389

## 390 SECTION 6 DEATH REGISTRATION AND RECORDS

### 391 SECTION 6.1 Acceptance of Incomplete Record

394 Pursuant to Section 25-2-110, C.R.S., a certificate of death for each death, including a stillborn death, that occurs  
395 in Colorado, must be filed with the State Registrar, or as otherwise directed by the State Registrar, within five days  
396 after the death occurs, and prior to final disposition. Pursuant to Section 25-48-109(2), C.R.S., when a death has  
397 occurred pursuant to the End of Life Options Act, the cause of death shall be listed as the underlying terminal  
398 illness and the death does not constitute grounds for post-mortem inquiry under Section 30-10-606 (1), C.R.S.  
399

400 If all the information necessary to complete a report of death is not available within the time prescribed for filing the  
401 report, the funeral director, or person acting as such, shall register the report with all information that is available. In  
402 all cases, the medical certification must be signed by the person responsible for such certification. If the cause of  
403 death is unknown, undetermined, or under investigation, this information will be recorded under cause of death in  
404 the report.  
405

406 An amended report of death that provides the information missing from the original certificate, shall be signed and  
407 registered directed by the State Registrar within 90-days of the date the death occurred, unless otherwise  
408 authorized by the State Registrar. The death certificate shall be marked "Amended."  
409

### 410 SECTION 6.2 Hospital or Institution May Assist in Preparation of Certificate

411 When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the coroner, the  
412 person in charge of such institution, or their designated representative, may initiate the report as follows:  
413

- 414 A. By placing the full name of the decedent and the date, time and place of death on the death certificate and  
415 obtaining from the attending physician the medical certification of cause of death and the physician's  
416

417 signature; and,

418  
419 B. By presenting the partially completed death certificate to the funeral director or person acting as such.

420  
421 SECTION 6.3 Persons Required to Keep Death Records

422  
423 Each funeral director shall keep a record containing, at a minimum, the following information about each dead body  
424 or fetus the funeral director handles:

- 425  
426 A. The date, place, and time of receipt;
- 427  
428 B. The date, place, and manner of disposition;
- 429  
430 C. If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name  
431 and address of the funeral director to whom delivered; and
- 432  
433 D. The items required by the certificate of death for those deaths for which the funeral director was required to  
434 file the certificate.

435  
436 SECTION 7 DELAYED REGISTRATION OF DEATH

437  
438 The registration of a death after the time prescribed by statutes and regulations shall be registered in the form and  
439 manner prescribed below:

- 440  
441 A. If the attending physician or coroner at the time of death, and the attending funeral director or person who  
442 acted as such, are available to complete and sign the certificate of death, it may be completed without  
443 additional evidence and filed with the State Registrar. For those certificates filed one year or more after the  
444 date of death, the physician or coroner, and the funeral director or person who acted as such, must state in  
445 accompanying affidavits that the information on the record is based on records kept in their files.
- 446  
447 B. In the absence of the attending physician or coroner and the funeral director or person who acted as such,  
448 the report may be filed by the next of kin of the decedent and shall be accompanied by:
- 449  
450 1. A signed and notarized affidavit of the person filing the report affirming the accuracy of the information  
451 in the report, and;
- 452  
453 2. Two documents that identify the decedent, and the decedent's date and place of death.

454  
455 In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

456  
457 A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the  
458 certificate.

459  
460 SECTION 8 FINAL DISPOSITION OF A BODY OR DEAD FETUS

461  
462 SECTION 8.1 Authorization for Final Disposition of the Body

463  
464 The office designated or established pursuant to Section 25-2-103, C.R.S. in the county where the death occurred  
465 shall authorize final disposition of the body in the form and manner prescribed by the State Registrar if:

- 466  
467 A. The funeral director, or person acting as such, presents a report of death that is fully and properly  
468 completed, includes all medical information, and is signed by the physician or coroner, or
- 469  
470 B. The funeral director, or person acting as such, presents a report of death that lists the cause of death as  
471 "pending investigation" but which is otherwise fully and properly completed, and is signed by the physician  
472 or coroner.

473  
474 SECTION 8.2 State Anatomical Board

475  
476 The State Anatomical Board's acceptance of a dead body shall be considered final disposition. In such cases,  
477 "Donation" shall be recorded in the report as the type of disposition. If no funeral director, or person acting as such,

478 is responsible for reporting the death of the person whose body is accepted, a State Anatomical Board  
479 representative must register the death within 5 days from the date of death and obtain authorization for final  
480 disposition of the body as required by Section 25-2-111(1), C.R.S.  
481

#### 482 SECTION 8.3 Disposition of a Dead Fetus by a Hospital

483  
484 Disposition by a licensed hospital, including those with a subcontract with a funeral home or crematory, of the  
485 remains of a dead fetus may be made without issuance of a final disposition permit but authorization of the  
486 parent(s) must be obtained.  
487

#### 488 SECTION 8.4 Handling of Dead Body

489  
490 A dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly  
491 refrigerated. If a deceased person had a communicable disease at the time of death, the hospital or the attending  
492 physician shall notify the funeral director or person acting as such, and the funeral director or person acting as such  
493 shall consult with the local or state health officer concerning disposition of the body, and shall follow the  
494 precautions indicated by the health officer.  
495

496 A dead body shipped by common carrier shall be enclosed in a strong, tightly sealed container which will prevent  
497 the leakage of fluids or odor.  
498

#### 499 SECTION 8.5 Permit to Accompany Remains

500  
501 A final disposition permit shall accompany the remains to their destination. The funeral director or person acting as  
502 such also shall observe requirements of the common carrier pertaining to transportation of dead bodies.  
503

#### 504 SECTION 8.6 Disinterment and Reinterment

505  
506 The disinterment permit shall be authorization for the disinterment, transportation and reinterment of the body. The  
507 State Registrar shall issue a permit upon proper application.  
508

509 No dead body or fetus may be disinterred without first obtaining a permit from the State Registrar, unless

510  
511 A. a coroner is disinterring a body for purposes of examination, and the body will be reinterred within the  
512 boundaries of the original cemetery after examination; or

513  
514 B. the disinterment is for the purpose moving a body within the boundaries of an established cemetery.  
515

516 Ashes of a body cremated by authorized means are not considered a dead body for the purposes of this  
517 paragraph.  
518

### 519 SECTION 9 RECORD PRESERVATION AND RELEASE

#### 520 521 SECTION 9.1 Record preservation and destruction

522  
523 When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all  
524 steps have been taken to insure the continued preservation of the information, the record from which such  
525 authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed  
526 of, however, until the quality of the authorized reproduction has been tested to ensure that acceptable certified  
527 copies can be issued, and until a security copy of such document has been placed in a secure location removed  
528 from the building where the authorized reproduction is housed.  
529

#### 530 SECTION 9.2 Disclosure of Records

531  
532 A. The State Registrar or other custodians of vital records shall not permit inspection of, or disclose  
533 information contained in, vital statistics records, or copy or issue a copy of all or part of any such record  
534 unless he is satisfied that the applicant has a direct and tangible interest in such record.  
535

536 B. The State Registrar may permit the use of data from vital statistics records for statistical or research  
537 purposes, subject to such conditions as the State Registrar may impose. No data shall be furnished from  
538 records for research purposes until the State Registrar has prepared, in writing, the conditions under which

- 539 the records or data will be used, and received an agreement signed by a responsible agent of the research  
540 organization agreeing to conform to such conditions.
- 541
- 542 C. The State Registrar may disclose data from a vital statistics record to federal, state, county, or municipal  
543 agencies of government, or designees of such agencies of government, that request such data in the  
544 conduct of their official duties, or any other agency that demonstrates it is acting in the interest of the  
545 registrant.
- 546
- 547 D. The State Registrar may disclose data from vital statistics records to the extent necessary for the  
548 treatment, control, investigation, and prevention of diseases and conditions dangerous to the public health.  
549 Every effort shall be made to limit disclosure of protected health information or personal identifying  
550 information to the minimal amount necessary to accomplish the public health purpose.
- 551
- 552 E. The State Registrar or local custodian shall not issue a certified copy of a record until a signed application  
553 has been received from the applicant. Whenever it shall be deemed necessary to establish an applicant's  
554 right to information from a vital record, the State Registrar or local custodian may also require identification  
555 of the applicant or a sworn statement. Other procedures may be established by the State Registrar.
- 556
- 557 F. Nothing in this Section shall be construed to permit disclosure of information contained in the "Information  
558 for Medical and Health Use Only" section of the birth certificate unless specifically authorized by the State  
559 Registrar for statistical or research purposes, or if authorized by a court of competent jurisdiction.

560

561 SECTION 10 STATISTICAL REPORTS REQUIRED

562

563 Spontaneous fetal death means the expulsion or extraction of a product of human conception resulting in other  
564 than a live birth and which is not an induced termination of pregnancy.

565

566 Induced termination of pregnancy means the purposeful interruption of pregnancy with the intention other than to  
567 produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

568

569 Each spontaneous fetal death of 20 completed weeks gestation or more which occurs in this State shall be  
570 reported directly to the State Registrar on the form prescribed and furnished by the State Registrar. The funeral  
571 director, or person acting as such, or a licensed hospital, if the dead fetus was delivered and final disposition  
572 occurred in a hospital, shall complete and file a Certificate of Fetal Death within five days after delivery.

573

574 Spontaneous fetal deaths of less than 20 completed weeks gestation, and each induced termination of pregnancy  
575 which occurs in this State, regardless of the length of gestation, shall be reported directly to the State Registrar on  
576 the prescribed Report of Spontaneous or Induced Abortion within five days by the person in charge of the institution  
577 in which the event occurred. If the induced termination of pregnancy was performed outside an institution, the  
578 attending physician or his designee shall prepare and file the report.

579

580 Reports of spontaneous fetal deaths of less than 20 completed weeks gestation and all reports of induced  
581 termination of pregnancy are to be used only for compilation of statistical reports and are not to be incorporated  
582 into the official records of the office of the State Registrar. The State Registrar is authorized to dispose of such  
583 reports when all statistical processing of the records has been accomplished.

584

585 All reports required under this Section 10 are considered to be vital statistics records subject to the confidentiality  
586 provisions of Section 25-2-117 C.R.S. and Section 9.2 of these rules.

587

588 SECTION 11 MATCHING OF BIRTH AND DEATH CERTIFICATES

589

590 To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons,  
591 the State Registrar shall establish a program to match death certificates with the corresponding birth certificates.  
592 This will be done for all deaths occurring in Colorado within the first year of life, at a minimum. Records will be  
593 matched for Colorado residents and births occurring in Colorado to the extent possible upon receipt of appropriate  
594 records from other states where the deaths occurred.

595

596 The date of death, the state where the death occurred, and the death certificate number shall be posted to the birth  
597 certificate.

598

599 Section 12 SEARCH PROCEDURES TO LOCATE A SECOND BIRTH PARENT

600  
601 The search shall be conducted by the State Registrar. To maintain confidentiality, the State Registrar shall not  
602 divulge the reason for the inquiry to any person except the second birth parent.  
603

604 Based on information from the birth parent seeking a match as well as information in the State Registrar's sealed  
605 file, the State Registrar shall **check the following records for a match with the second birth parent:**  
606

- 607 A. If the **second** birth parent is presumed dead, death records in those state(s) where the death may have  
608 occurred.  
609  
610 B. Colorado motor vehicle records.  
611  
612 C. Birth records in the state where the **second** birth parent was born.  
613  
614 D. The Index of Marriages and Divorces in the Colorado State Registrar's office and the county clerk's office.  
615

616 Efforts to locate the second birth parent will occur within 30 days of the initial match between the adult adoptee and  
617 seeking birth parent. The State Registrar will await responses to inquiries for at least 60 days. If the second birth  
618 parent has not been located within 90 days of the initial match, the State Registrar shall exchange the current  
619 identifying information between the adult adoptee and the seeking birth parent. If the second parent is located, they  
620 will be advised of the adoptee's request for identifying information. If the birth parent does not consent, the  
621 Department of Public Health and Environment shall not exchange current identifying information between the adult  
622 adoptee and the seeking birth parent through the voluntary adoption registry.  
623

#### 624 **Section 12.1 Fees**

625  
626 The birth parent seeking the match shall **reimburse the Department** the full cost of performing the search, including  
627 phone charges and fees.  
628

### 629 **SECTION 1 — AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS**

630 ~~These regulations are being promulgated pursuant to CRS 25-2-103 which states that the "state board of health~~  
631 ~~shall adopt, promulgate, amend, and repeal such rules and regulations and orders in accordance with the~~  
632 ~~provisions of section 24-4-103, CRS as are necessary and proper for carrying out the provisions of the article."~~

633 ~~The purpose of these regulations is to establish rules governing the administration of Colorado's vital statistics~~  
634 ~~system.~~

### 635 **SECTION 2 — DUTIES OF STATE REGISTRAR (25-2-103 through 25-2-105; 25-2-122)**

#### 636 **Section 2.1 — Forms**

637 ~~All forms, certificates, and reports used in the system of vital statistics are the property of the Office of the State~~  
638 ~~Registrar of Vital Statistics and shall be surrendered to the State Registrar of Vital Statistics — hereinafter referred~~  
639 ~~to as "State Registrar" — upon demand. The forms prescribed and distributed by the State Registrar for reporting~~  
640 ~~vital statistics shall be used only for official purposes.~~

641 ~~Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital statistics or in~~  
642 ~~making copies thereof. Only software approved by the state registrar shall be used in the electronic reporting of~~  
643 ~~vital events.~~

#### 644 **Section 2.2 — Requirements for Preparation of Certificates**

645 ~~All certificates and records relating to vital statistics must be prepared on a typewriter with a black ribbon, on a~~  
646 ~~letter — quality printer with black ink or printed legibly in black, unfading ink, or using the current version of an~~  
647 ~~electronic registration system approved by the state registrar. Use of an approved electronic registration system is~~  
648 ~~the preferred method to be used in most circumstances. The state registrar may grant waivers for not using the~~  
649 ~~electronic registration system in unusual circumstances. All signatures required shall be entered in black, unfading~~  
650 ~~ink or an electronic signature when authorized by the state registrar. Unless otherwise directed by the State~~  
651 ~~Registrar, no certificate shall be complete and correct and acceptable for registration:~~

- 652 (a) ~~That does not have the certifier's name typed or printed legibly under his signature;~~
- 653 (b) ~~That does not supply all items of information called for thereon or satisfactorily account for their~~  
654 ~~omission;~~
- 655 (c) ~~That contains alterations or erasures;~~
- 656 (d) ~~That does not contain handwritten or electronic signatures as required;~~
- 657 (e) ~~That is marked "copy" or "duplicate";~~
- 658 (f) ~~That is a carbon copy;~~
- 659 (g) ~~That is prepared on an improper form;~~
- 660 (h) ~~That contains improper or inconsistent data;~~
- 661 (i) ~~That contains an indefinite cause of death which denotes only symptoms of disease or conditions~~  
662 ~~resulting from disease;~~
- 663 (j) ~~That is not in English or contains non-English symbols;~~
- 664 (k) ~~That is not prepared in conformity with regulations or instructions issued by the State Registrar.~~

665 **Section 2.3 — Designation of Additional Offices**

666 ~~The State Registrar shall determine whether offices other than the office of the State Registrar and organized local~~  
667 ~~health departments established pursuant to Part 5 or 7 of Article 1 of Title 25 are needed to aid in the efficient~~  
668 ~~administration of the system of vital statistics. Such determination shall be based on an evaluation of the most~~  
669 ~~efficient method to meet the needs of the people of this state with respect to the establishment and operation of the~~  
670 ~~system of vital statistics.~~

671 ~~If the State Registrar determines that additional offices are necessary, such offices shall be designated or~~  
672 ~~established by the State Registrar. The duties and responsibilities may be assigned to currently existing offices, or~~  
673 ~~special branch offices of the State Registrar may be established in those areas where they are deemed necessary,~~  
674 ~~or a combination of existing offices and branch offices may be used.~~

675 ~~In all cases where existing offices are utilized, the employees of such offices shall adhere to the vital statistics law~~  
676 ~~and regulations and shall meet performance and accounting standards detailed in Section 2.4.~~

677 ~~The State Registrar shall delegate such duties and responsibilities to such offices as he deems necessary to insure~~  
678 ~~the efficient operation of the system of vital statistics.~~

679 ~~The State Registrar shall determine the responsibilities and duties of each office independently.~~

680 **Section 2.4 — Performance and Accounting Standards for Offices Established or Designated under 25-2-**  
681 **103.**

682 ~~Local vital records offices established or designated under section 25-2-103 shall:~~

- 683 (a) ~~Conform to the Colorado Vital Statistics Act and Regulations and follow instructions issued by the~~  
684 ~~State Registrar;~~
- 685 (b) ~~Submit periodic financial and workload statistics as required by the State Registrar; and~~
- 686 (c) ~~Attend periodic meetings as required by the State Registrar.~~

687 **Section 2.5 — Fees for Issuance of Heirloom Birth Certificates and Heirloom Marriage Certificates under**  
688 **Section 25-2-122, C.R.S.**

689 Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.

690 **SECTION 3 — INFANTS OF UNKNOWN PARENTAGE (25-2-112)**

691 The report for an infant of unknown parentage shall be registered on a regular certificate of live birth and shall:

692 (a) — Show the required facts as determined by approximation and have parentage data left blank;

693 (b) — Show the signature and title of the custodian in lieu of the attendant.

694 When a report has been placed in a special file as provided by 25-2-112 (4), the State Registrar may inspect such  
695 information for purposes of properly administering the vital statistics program.

696 **SECTION 4 — DELAYED REGISTRATION OF BIRTH (25-2-114)**

697 **Section 4.1 — Registration - Ten Days to One Year**

698 Certificates of birth filed after ten days, but within one year from the date of birth, shall be registered on the  
699 standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall not be marked  
700 "Delayed".

701 In any case where the certificate is signed by someone other than the attendant or person in charge of the  
702 institution where birth occurred, a notarized statement setting forth the reason therefor must be submitted.

703 The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why  
704 the certificate of birth was not filed within the required ten days.

705 **Section 4.2 — Registration - After First Birthday and Before Seventh Birthday**

706 Certificates of birth filed after the child's first birthday but before his seventh birthday shall be registered on the  
707 standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall be marked  
708 "Delayed" on its face.

709 **Section 4.3 — Delayed Certificate of Birth Form**

710 All certificates registered seven years or more after the date of birth are to be registered on a delayed certificate of  
711 birth form prescribed by the State Registrar.

712 **Section 4.4 — Who May Request the Registration of and Sign a Delayed Certificate of Birth**

713 Any person born in the State whose birth is not recorded in this State, or his parent, guardian, or older person in  
714 his immediate family acting for the registrant and having personal knowledge of the facts of birth may request the  
715 registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State  
716 Registrar.

717 Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by  
718 the person whose birth is to be registered if such person is 18 years of age or over and is competent to sign and  
719 swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of  
720 the following in the indicated order of priority:

721 (a) — One of the parents of the registrant, or

722 (b) — The guardian of the registrant, or

723 (c) — Any older person in his immediate family having personal knowledge of the facts of birth.

724 **Section 4.5 — Facts to be Established for a Delayed Registration of Birth**

725 The minimum facts which must be established by documentary evidence shall be the following:

- 726 (a) ~~— The full name of the person at the time of birth;~~
- 727 (b) ~~— The date of birth and place of birth;~~
- 728 (c) ~~— The full maiden name of the mother;~~
- 729 (d) ~~— The full name of the father; except that if the mother was not married either at the time of~~  
730 ~~conception or birth the name of the father shall not be entered on the delayed certificate except as~~  
731 ~~provided in Section 5.~~

732 **Section 4.6 — Documentary Evidence – Requirements**

733 To be acceptable for filing, the name of the registrant, the date and place of birth and the parents entered on a  
734 delayed certificate of birth shall be supported by the following:

- 735 (a) ~~— If the record is filed within seven years after the date of birth, one document showing name,~~  
736 ~~birthdate, birthplace and parentage. If the birth occurred in a hospital or other institution, the~~  
737 ~~administrator of the institution shall certify to the facts of birth. If the birth did not occur in an~~  
738 ~~institution but was attended by a physician, the physician shall certify to the facts of birth. If the~~  
739 ~~birth did not occur in an institution and was not attended by a physician any person witnessing the~~  
740 ~~birth shall certify to the facts of birth, or in the absence of any such witness the father or mother~~  
741 ~~shall certify to the facts of birth. Additional documentation of birthplace may be required.~~
- 742 (b) ~~— If the record is filed seven years or more after the date of birth, two documents proving birthdate or~~  
743 ~~age (at least one showing actual birthdate), two documents proving birthplace and one document~~  
744 ~~proving parentage. At least one of the documents must be a record made during the first seven~~  
745 ~~years of life. Additional documentation may be required.~~

746 **Section 4.7 — Documentary Evidence – Acceptability**

747 The State Registrar may establish a priority of best evidence.

748 Documents presented, such as census, hospital, church, and school records, must be from independent sources  
749 and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the  
750 custodian of the record or document. The documents must be internally consistent.

751 **Section 4.8 — Abstraction of Documentary Evidence**

752 The State Registrar, or his designated representative, shall abstract on the delayed certificate of birth a description  
753 of each document submitted to support the facts shown on the delayed birth certificate. This description shall  
754 include:

- 755 (a) ~~— The title or description of the document;~~
- 756 (b) ~~— The date of the original filing of the document being abstracted;~~
- 757 (c) ~~— The information regarding the birth facts contained in the document.~~

758 All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

759 **Section 4.9 — Certification by the State Registrar**

760 The State Registrar, or his designated representative, shall, by signature, certify:

- 761 (a) ~~— That no prior birth certificate is on file for the person whose birth is to be recorded;~~
- 762 (b) ~~— That he has reviewed the evidence submitted to establish the facts of birth;~~
- 763 (c) ~~— That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects~~  
764 ~~the nature and content of the document.~~



765 **Section 4.10 — Dismissal After One Year**

766 Applications for delayed certificates which have not been completed within one year from the date of application  
767 may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the  
768 applicant and all documents submitted in support of such registration shall be returned to the applicant.

769 **SECTION 5 — NEW CERTIFICATES OF BIRTH FOLLOWING ADOPTION, LEGITIMATION, AND PATERNITY**  
770 **DETERMINATION (25-2-113)**

771 **Section 5.1 — Legitimation**

772 If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State  
773 Registrar for a child born in this State upon receipt of a sworn acknowledgement of paternity signed by the natural  
774 parents of said child together with a certified copy of the parents' marriage record. However, if another man is  
775 shown as the father of the child on the original certificate, or if the mother was married to another man at the time  
776 of conception or birth of the child, a new certificate may be prepared only when a determination of paternity is  
777 made by a court of competent jurisdiction or following adoption. A divorce decree is not acceptable evidence  
778 regarding paternity.

779 **Section 5.2 — Determination of Paternity**

780 A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a  
781 certified copy of the court determination of paternity, together with a request from the natural mother, natural father,  
782 legal representative or person having legal custody of said child that such new certificate be prepared. If the  
783 surname of the child is not decreed by the court, the request for a new certificate shall specify the surname to be  
784 placed on the certificate.

785 **Section 5.3 — New Certificate**

786 The new certificate of birth prepared after adoption, legitimation, or determination of paternity, shall be on the form  
787 in use at the time of its preparation and shall include the following items and such other information necessary to  
788 complete the certificate:

789 (a) — The name of the child;

790 (b) — The date and place of birth as transcribed from the original certificate;

791 (c) — The names and personal particulars of the adoptive parents or of the natural parents, whichever is  
792 appropriate;

793 (d) — The birth number assigned to the original birth certificate;

794 (e) — The original filing date.

795 The information necessary to locate the existing certificate and to complete the new certificate shall be submitted  
796 to the State Registrar on forms prescribed by him.

797 **Section 5.4 — Existing Certificate to Be Placed in a Special File**

798 After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was  
799 based are to be placed in a special file. Such file shall not be subject to inspection except as provided in 25-2-  
800 113.5, upon order of a court of competent jurisdiction or by the State Registrar for purposes of properly  
801 administering the vital statistics program.

802 **SECTION 6 — DEATH REGISTRATION ( 25-2-110)**

803 **Section 6.1 — Acceptance of Incomplete Death Certificate**

804 If all the information necessary to complete a death certificate is not available within the time prescribed for filing of  
805 the certificate, the funeral director or person acting as such shall file the certificate completed with all information

806 that is available. In all cases the medical certification must be signed by the person responsible for such  
807 certification. If the cause of death is unknown or undetermined, the cause of death shall be shown as such on the  
808 certificate.

809 An amended death certificate providing the information missing from the original certificate, having all other items  
810 completed and containing all required original signatures shall be filed with the State Registrar or as otherwise  
811 directed by the State Registrar as soon as possible, but in all cases within 30 days of the date the death occurred.  
812 The death certificate shall be marked "Amended."

### 813 **Section 6.2 — Hospital or Institution May Assist in Preparation of Certificate**

814 When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the coroner, the  
815 person in charge of such institution, or his designated representative, may initiate the preparation of the death  
816 certificate as follows:

817 (a) — Place the full name of the decedent and the date, time and place of death on the death certificate  
818 and obtain from the attending physician the medical certification of cause of death and the  
819 physician's signature;

820 (b) — Present the partially completed death certificate to the funeral director or person acting as such.

### 821 **SECTION 7 — DELAYED REGISTRATION OF DEATH (25-2-114)**

822 The registration of a death after the time prescribed by statute and regulations shall be registered on the regular  
823 certificate of death form in the manner prescribed below:

824 (a) — If the attending physician or coroner at the time of death and the attending funeral director or  
825 person who acted as such are available to complete and sign the certificate of death, it may be  
826 completed without additional evidence and filed with the State Registrar. For those certificates filed  
827 one year or more after the date of death, the physician or coroner and the funeral director or  
828 person who acted as such must state in accompanying affidavits that the information on the  
829 certificate is based on records kept in their files.

830 (b) — In the absence of the attending physician or coroner and the funeral director or person who acted  
831 as such, the certificate may be filed by the next of kin of the decedent and shall be accompanied  
832 by:

833 (1) — An affidavit of the person filing the certificate swearing to the accuracy of the information  
834 on the certificate;

835 (2) — Two documents which identify the decedent and his date and place of death.

836 In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

837 A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the  
838 certificate.

### 839 **SECTION 8 — AUTHORIZATION FOR FINAL DISPOSITION (25-2-111)**

#### 840 **Section 8.1 — Authorization for Final Disposition of the Body**

841 The office designated or established pursuant to 25-2-103 in the county where the death occurred or, if such an  
842 office does not exist in the county where the death occurred, the coroner or the coroner's designee in the county  
843 where the death occurred shall authorize final disposition of the body on a form prescribed and furnished by the  
844 State Registrar if:

845 (a) — The funeral director or person acting as such presents a death certificate which is fully and  
846 properly completed and includes all medical information and is signed by the physician or coroner;  
847 or

848 (b) ~~The funeral director or person acting as such presents a death certificate which lists the cause of~~  
849 ~~death as "pending" but which is otherwise fully and properly completed and is signed by the~~  
850 ~~physician or coroner; or~~

851 (c) ~~The coroner of the county where the death occurred authorizes final disposition and a copy of the~~  
852 ~~completed final disposition permit is sent to the State Registrar or his designee; or~~

853 (d) ~~The State Registrar authorizes final disposition of the body.~~

## 854 **SECTION 8.2 — State Anatomical Board**

855 ~~Acceptance of a dead body by a representative of the State Anatomical Board shall be considered final disposition~~  
856 ~~and shall be noted as "Removal-Donation" as the type of disposition on the death certificate. If there was no funeral~~  
857 ~~director or person acting as such, the death certificate shall be filed and a final disposition permit shall be obtained~~  
858 ~~by a representative of the State Anatomical Board from the State Registrar or as otherwise directed by the State~~  
859 ~~Registrar within five days after such death occurs.~~

## 860 **Section 8.3 — Disposition of a Dead Fetus by a Hospital**

861 ~~Disposition by a licensed hospital of the remains of a dead fetus may be made without issuance of a final~~  
862 ~~disposition permit but authorization of the parent(s) must be obtained.~~

## 863 **Section 8.4 — Handling of Dead Body**

864 ~~A dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly~~  
865 ~~refrigerated. If a deceased person had a communicable disease at the time of death, the funeral director or person~~  
866 ~~acting as such shall be so notified by the hospital or the attending physician, and the funeral director or person~~  
867 ~~acting as such shall consult with the local or state health officer concerning disposition of the body and shall follow~~  
868 ~~the precautions indicated by the health officer.~~

869 ~~A dead body shipped by common carrier shall be enclosed in a strong, tightly sealed container which will prevent~~  
870 ~~the leakage of fluids or odor.~~

## 871 **Section 8.5 — Permit to Accompany Remains**

872 ~~A final disposition permit shall accompany the remains to their destination. The funeral director or person acting as~~  
873 ~~such also shall observe requirements of the common carrier pertaining to transportation of dead bodies.~~

## 874 **Section 8.6 — Disinterment and Reinterment**

875 ~~The disinterment and reinterment permit shall be authority for disinterment, transportation and reinterment, and no~~  
876 ~~other permit need be obtained. This regulation shall not apply to movement of bodies within the boundaries of~~  
877 ~~established cemeteries. Ashes of a dead body cremated by authorized means are not considered a dead body for~~  
878 ~~the purposes of this paragraph.~~

## 879 **SECTION 9 — AMENDMENT OF VITAL RECORDS (25-2-115)**

### 880 **Section 9.1 — Amendment of Minor Errors on Birth Certificates During the First Year**

881 ~~Amendment of obvious errors, omissions or transposition of letters in words of common knowledge may be made~~  
882 ~~by the State Registrar within the first year after the date of birth either upon his own observation or query or upon~~  
883 ~~request of a person with a direct and tangible interest in the certificate as defined in Section 11. When such~~  
884 ~~additions or minor amendments are made by the State Registrar, a notation as to the source of the information,~~  
885 ~~together with the date the change was made and the initials of the authorized agent making the change shall be~~  
886 ~~made on the certificate in such a way as not to become a part of any certified copy issued. The certificate shall not~~  
887 ~~be marked "Amended".~~

### 888 **Section 9.2 — Acknowledgement of Paternity**

889 If the mother was not married at the time of conception or birth the name of the father shall be entered if the mother  
890 and the person to be named as the father so request in writing on a form prescribed and furnished by the State  
891 Registrar. The State Registrar shall first view the original birth certificate to determine if the father's name may be  
892 added in accordance with 25-2-112(3) and if so shall provide the proper form to the mother. The surname of the  
893 child may be specified as part of the acknowledgement of paternity process.

894 **Section 9.3 — All Other Amendments**

895 Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be  
896 supported by:

897 (a) — An affidavit setting forth:

898 (1) — Information to identify the certificate;

899 (2) — The incorrect item as it is listed on the certificate; and

900 (3) — The correct item as it should appear.

901 (b) — One or more items of documentary evidence which support the alleged facts and which were  
902 established at least five years prior to the date of application for amendment or within seven years  
903 of the date of the event.

904 The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he finds reason  
905 to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reasons for the  
906 action.

907 **Section 9.4 — Who May Apply**

908 (a) — To amend a birth certificate, application may be made by one of the parents, a legal guardian, the  
909 individual responsible for filing the certificate, or a legal representative if the registrant is less than  
910 18 years of age. If the registrant is 18 years of age or over, the application must be made by the  
911 registrant or his legal representative.

912 (b) — To amend a death certificate, application may be made by the next of kin or the funeral director or  
913 person acting as such who signed the death certificate. Applications to amend the medical  
914 certification of cause of death shall be made only by the physician or coroner who signed the  
915 medical certification in which case an amended certificate must be filed.

916 **Section 9.5 — Amendment of Registrant's Given Names on Birth Certificates Within the First Year**

917 Until the registrant's first birthday, given names may be amended upon written request of:

918 (a) — Both parents, or

919 (b) — The mother in the case of a child born out of wedlock, or

920 (c) — The father in the case of the death or incapacity of the mother, or

921 (d) — The mother in the case of the death or incapacity of the father, or

922 (e) — The guardian or agency having legal custody of the registrant.

923 After one year from the date of birth the provisions of Section 9.2 must be followed to amend a given name if the  
924 name was entered incorrectly on the birth certificate. A legal change of name order must be submitted from a court  
925 of competent jurisdiction to change a given name after one year.

926 **Section 9.6 — Medical Items**

927 All items of a medical nature may be amended only upon receipt of a signed statement from those persons  
928 responsible for the completion of such items. The State Registrar may require documentary evidence to  
929 substantiate the requested amendment.

930 **Section 9.7 — Amendment of the Same Item More than Once**

931 Once an amendment of an item is made on a vital record, that item shall not be amended again except upon  
932 determination of good cause by the State Registrar.

933 **Section 9.8 — Methods of Amending Certificates**

934 Certificates of birth and death may be amended by the State registrar in the following manner:

935 (a) — Preparing a new certificate showing the correct information when the State Registrar deems that  
936 the nature of the amendment so requires. The new certificate shall be prepared on the form used  
937 for registering current events at the time of amendment. Except as provided elsewhere in these  
938 regulations, the item number of the entry that was amended shall be identified on the new  
939 certificate. In all cases, the new certificate shall show the date the amendment was made and be  
940 given the same state file number as the existing certificate. Signatures appearing on the existing  
941 certificate shall be typed on the new certificate.

942 (b) — Completing the item in any case where the item was left blank on the existing certificate.

943 (c) — Drawing a single line through the item to be amended and inserting the correct data immediately  
944 above or to the side thereof. The line drawn through the original entry shall not obliterate such  
945 entry.

946 (d) — A certificate of birth amended pursuant to the provisions of 25-2-115(4) shall be amended by  
947 preparing a new certificate. The item number relating to the sex of the registrant that was amended  
948 shall not be identified on the new certificate or on any certified copies of the certificate that may be  
949 issued.

950 In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary  
951 evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person  
952 making the change. As required by statute or regulation, the certificate shall be marked "Amended".

953 **SECTION 10 — RECORD PRESERVATION (25-2-117(3))**

954 When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all  
955 steps have been taken to insure the continued preservation of the information, the record from which such  
956 authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed  
957 of, however, until the quality of the authorized reproduction has been tested to insure that acceptable certified  
958 copies can be issued and until a security copy of such document has been placed in a secure location removed  
959 from the building where the authorized reproduction is housed.

960 The State Registrar shall offer the original documents from which the authorized reproductions are made to the  
961 State Archives. The State Archives may be allowed to retain permanently such records provided they adhere to the  
962 restrictions in the vital statistics law related to access to such records. If the State Archivist does not wish to place  
963 such records in his files, the State Registrar shall be authorized to destroy the documents. Such destruction shall  
964 be by approved methods for disposition of confidential or sensitive documents.

965 **SECTION 11 — DISCLOSURE OF RECORDS (25-2-117(1))**

966 To protect the integrity of vital records:

967 (a) — The State Registrar or other custodians of vital records shall not permit inspection of, or disclose  
968 information contained in, vital statistics records, or copy or issue a copy of all or part of any such  
969 record unless he is satisfied that the applicant has a direct and tangible interest in such record.

970 (1) — The registrant, a member of his immediate family, his legal guardian, or their respective  
971 legal representatives shall be considered to have a direct and tangible interest. Others

972 may demonstrate a direct and tangible interest when information is needed for  
973 determination or protection of a personal or property right.

974 (2) — The term “legal representative” shall include an attorney, physician, funeral director, or  
975 other authorized agent acting on behalf of the registrant or his family.

976 (3) — The natural parents of adopted children, when neither has custody, and commercial firms  
977 or agencies requesting listings of names and addresses shall not be considered to have a  
978 direct and tangible interest.

979 (b) — The State Registrar may permit the use of data from vital statistics records for statistical or  
980 research purposes, subject to such conditions as the State Registrar may impose. No data shall be  
981 furnished from records for research purposes until the State Registrar has prepared in writing, the  
982 conditions under which the records or data will be used and received an agreement signed by a  
983 responsible agent of the research organization agreeing to conform to such conditions.

984 (c) — The State Registrar or the local custodian may disclose data from vital statistics records to federal,  
985 state, county, or municipal agencies of government which request such data in the conduct of their  
986 official duties.

987 (d) — Information from vital statistics records indicating a birth out of wedlock may be disclosed only if it  
988 can be shown that disclosure of the information will be of benefit to the registrant.

989 (e) — The State Registrar or local custodian shall not issue a certified copy of a record until a signed  
990 application has been received from the applicant. Whenever it shall be deemed necessary to  
991 establish an applicant’s right to information from a vital record, the State Registrar or local  
992 custodian may also require identification of the applicant or a sworn statement. Other procedures  
993 may be established by the State Registrar.

994 (f) — Nothing in this Section shall be construed to permit disclosure of information contained in the  
995 “Information for Medical and Health Use Only” section of the birth certificate unless specifically  
996 authorized by the State Registrar for statistical or research purposes or if authorized by a court of  
997 competent jurisdiction.

## 998 **SECTION 12 — COPIES OF DATA FROM VITAL RECORDS (25-2-117(1))**

999 (a) — Full or short form certified copies of vital records may be made by mechanical, electronic, or other  
1000 reproductive processes, except that the information contained in the “Information for Medical and Health  
1001 Use Only” section of the birth certificate shall not be included.

1002 (b) — When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose  
1003 custody the record is entrusted and shall include the date issued, the name of the issuing officer, the  
1004 registrar’s signature or an authorized facsimile thereof, and the seal of the issuing office.

1005 (c) — Confidential verification of the facts contained in a vital record may be furnished by the State Registrar to  
1006 any federal, state, county, or municipal government agency or to any other agency representing the  
1007 interest of the registrant, subject to the limitations as indicated in (a) above. Such confidential verifications  
1008 shall be on forms prescribed and furnished by the State Registrar or on forms furnished by the requesting  
1009 agency and acceptable to the State Registrar; or the State Registrar may authorize the verification in other  
1010 ways when it shall prove in the best interests of his office.

1011 (d) — When the State Registrar finds evidence that a certificate was registered through misrepresentation or  
1012 fraud, he shall have authority to withhold the issuance of a certified copy of such certificate until additional  
1013 evidence satisfactory to the State Registrar has been obtained or until a court determination of the facts  
1014 has been made.

## 1015 **SECTION 13 — PERSONS REQUIRED TO KEEP RECORDS (25-2-111)**

1016 Each funeral director shall keep a record containing, at a minimum, the following information about each dead body  
1017 or fetus the funeral director handles:

- 1018 (a) ~~— The date, place, and time of receipt;~~
- 1019 (b) ~~— The date, place, and manner of disposition;~~
- 1020 (c) ~~— If the dead body or fetus is delivered to another funeral director, the date of such delivery and the~~  
1021 ~~name and address of the funeral director to whom delivered; and~~
- 1022 (d) ~~— The items required by the certificate of death for those deaths for which the funeral director was~~  
1023 ~~required to file the certificate.~~

1024 **~~SECTION 14 — STATISTICAL REPORTS REQUIRED (25-2-116)~~**

1025 Spontaneous fetal death means the expulsion or extraction of a product of human conception resulting in other  
1026 than a live birth and which is not an induced termination of pregnancy.

1027 Induced termination of pregnancy means the purposeful interruption of pregnancy with the intention other than to  
1028 produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

1029 Each spontaneous fetal death of 20 completed weeks gestation or more which occurs in this State, shall be  
1030 reported directly to the State Registrar on the form prescribed and furnished by the State Registrar. The funeral  
1031 director or person acting as such or a licensed hospital, if the dead fetus was delivered and final disposition  
1032 occurred in a hospital, shall complete and file a Certificate of Fetal Death within five days after delivery.

1033 Spontaneous fetal deaths of less than 20 completed weeks gestation and each induced termination of pregnancy  
1034 which occurs in this State, regardless of the length of gestation, shall be reported directly to the State Registrar on  
1035 the prescribed Report of Spontaneous or Induced Abortion within five days by the person in charge of the  
1036 institution in which the event occurred. If the induced termination of pregnancy was performed outside an  
1037 institution, the attending physician or his designee shall prepare and file the report.

1038 Reports of spontaneous fetal deaths of less than 20 completed weeks gestation and all reports of induced  
1039 termination of pregnancy are to be used only for compilation of statistical reports and are not to be incorporated  
1040 into the official records of the office of the State Registrar. The State Registrar is authorized to dispose of such  
1041 reports when all statistical processing of the records has been accomplished.

1042 All reports required under this Section 14 are considered to be vital statistics records subject to the confidentiality  
1043 provisions of 25-2-117 CRS and Section 11 of these rules.

1044 **~~SECTION 15 — MATCHING OF BIRTH AND DEATH CERTIFICATES~~**

1045 To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons,  
1046 the State Registrar shall establish a program to match death certificates with the corresponding birth certificates.  
1047 This will be done for all deaths occurring in Colorado within the first year of life, at a minimum. Records will be  
1048 matched for Colorado residents and births occurring in Colorado to the extent possible upon receipt of appropriate  
1049 records from other states where the deaths occurred. Written guidelines shall be established which provide the  
1050 standards for determining that a match does exist.

1051 The date of death, the state where the death occurred and the death certificate number shall be posted to the birth  
1052 certificate.

1053 **~~SECTION 16 — COLORADO VOLUNTARY ADOPTION REGISTRY (25-2-113.5)~~**

1054 **~~Section 16.1 — Authority and Purpose for Establishing Rules and Regulations~~**

1055 These regulations are being promulgated pursuant to CRS 1973, 25-2-113.5 which states:

1056 "A birth parent shall not be matched with the qualified adult adoptee without the consent of the other birth  
1057 parent unless:

- 1058 (a) ~~— There is only one birth parent listed on the birth certificate; or~~

1059 (b) — ~~The other birth parent is deceased; or~~

1060 (c) — ~~The other birth parent is unable to be located by the Department of Health after an~~  
1061 ~~exhaustive search, the cost of said search to be fully funded by the birth parent seeking a~~  
1062 ~~match, said search to be in accordance with the rules and regulations promulgated by the~~  
1063 ~~department." (Emphasis added.)~~

1064 ~~The purpose of these regulations is to establish rules governing the conduct of searches. If the second birth parent~~  
1065 ~~is located, he will be advised of the adoptee's request for identifying information. If the birth parent does not~~  
1066 ~~consent, the Department of Health shall not exchange current identifying information between the adult adoptee~~  
1067 ~~and the seeking birth parent.~~

## 1068 **Section 16.2 — Procedures**

1069 ~~The search shall be conducted by the State Registrar of Vital Statistics or his agent. To maintain confidentiality, the~~  
1070 ~~State Registrar or his agent shall not divulge the reason for the inquiry to any person except the second birth~~  
1071 ~~parent.~~

1072 ~~Based on information from the birth parent seeking a match as well as information in the State Registrar's sealed~~  
1073 ~~file, the State Registrar shall perform, at a minimum, the following procedures to locate the second birth parent:~~

1074 (a) — ~~If the birth parent is presumed dead, death records in those state(s) where the death may have~~  
1075 ~~occurred must be checked.~~

1076 (b) — ~~Motor vehicle records, e.g., car registration and driver's license records, in states where the birth~~  
1077 ~~parent was presumed to have resided must be checked.~~

1078 (c) — ~~Birth records in the state where the birth parent was born must be checked.~~

1079 (d) — ~~Directories of towns where the birth parent was presumed to have resided must be checked.~~

1080 (e) — ~~The Index of Marriages and Divorces in the Colorado State Registrar's office and the county~~  
1081 ~~clerk's office must be checked.~~

1082 (f) — ~~The Social Security Administration and Veteran's Administration must be contacted.~~

1083 (g) — ~~The adoption agency that placed the adoptee must be contacted,~~

1084 (h) — ~~The Colorado court that handled the adoption must be contacted.~~

1085 (i) — ~~The hospital where the adoptee was born must be contacted.~~

1086 ~~The referenced agencies will be contacted by the State Registrar within 30 days of the initial match between the~~  
1087 ~~adult adoptee and seeking birth parent. The State Registrar will await responses to inquiries for at least 60 days. If~~  
1088 ~~the second birth parent has not been located within 90 days of the initial match, the State Registrar shall exchange~~  
1089 ~~the current identifying information between the adult adoptee and the seeking birthparent.~~

## 1090 **Section 16.3 — Fee Schedule**

1091 ~~The birth parent seeking the match shall be charged the full cost of the employee doing said search plus actual~~  
1092 ~~expenses including long distance phone charges and fees charged by other states for vital records and searches.~~

1093  
1094