

STATE OF HAWAII  
DEPARTMENT OF HEALTH

**PUBLIC HEALTH REGULATIONS**

Chapter 8

**VITAL STATISTICS REGISTRATION AND RECORDS**

These rules are made pursuant to the Hawaii Administrative Procedure Act (Chapter 6C, R.L.H. 1955, 1961 Supplement), Chapter 14A, R.L.H. 1955 (1961 Supplement), Chapter 57, R.L.H. 1955, as amended, and other related laws. These rules pertain to vital statistics registration and records and similar matters.

**CERTIFICATES OF VITAL STATISTICS EVENTS**

**Section 1. Preparation.** Certificates of vital statistics events are to be filled in by typewriter or in ink. If ink is used, only permanent ink will be acceptable. All signatures are to be made with permanent ink. In all other respects, the certificates shall comply with provisions of Section 57-14, R.L.H. 1955.

**Section 2. Time allowed for birth report.** A certificate of every live birth shall be filed within 7 days from date of occurrence.

**Section 3. Physician's signature within 24 hours.** Except when inquiry is required by the circumstances, a death certificate, with or without the medical certification as to cause of death, shall be signed by the attending physician within 24 hours after the death. He shall deposit the signed certificate at the hospital or other facility where the death occurred or leave it in his office for, or deliver it to, the attending funeral director. If the certificate form does not yet contain personal particulars, the physician shall identify the deceased by name and date and hour of death in the upper left margin in ink or by typewriter.

**Section 4. Notice of medical certification delay.** When the attending physician signs a death certificate without the medical certification, he shall note briefly in the left-hand margin the reason why the medical certification is being delayed.

**Section 5. Birth or death in a conveyance.** When a birth, fetal death (stillbirth) or death occurs in a moving conveyance, a birth, fetal death or death certificate, as the case may be, shall be filed in the district in which the child or remains were first removed from the conveyance.

**Section 6. Abbreviated fetal death certificate.** An abbreviated fetal death (stillbirth) certificate form approved by the director of health may be used for fetal deaths of less than 16 weeks of gestation.

**Section 7. Fetal death report.** When no funeral director or person acting as such is employed in case of fetal death (stillbirth) and if the fetus is delivered in a hospital or other institution, the person in charge of the institution or his designated representative shall be considered "the person in charge of interment" and as such shall prepare and file with the local registrar of the district in which the fetal death occurred a certificate of fetal death within three days as prescribed by Section 57-11, R.L.H. 1955. On the other hand, if the fetus is not delivered in an institution, the physician or other person in attendance at or after the delivery shall be considered "the person in charge of interment" and as such shall prepare and file the fetal death certificate.

**Section 8. Transmittal of certificates.** Local registrars shall transmit certificates filed with them weekly to the State Health Department, except that on the outlying islands all certificates on hand the 4th of the month following the month of occurrence shall be mailed immediately by airmail.

**Section 9. Supplementary information.** Supplementary information omitted on original certificates may be inserted within 30 days after time prescribed for filing without marking the certificate "delayed" or "altered" except that a child's given name or names may be inserted with ~~the birth certificate~~ so marking the birth certificate. The director of health may require evidence to establish the authenticity of supplementary information.

**Section 10. Alteration of certificate.** (a) To alter any item in a vital statistics certificate under conditions not otherwise provided for by Section 327-5, R.L.H. 1955, or these regulations, the applicant must supply an affidavit setting forth the full name of the registrant, volume and number of certificate, items in error, and the correct information. In addition, the director of health may require such evidence as he deems necessary to support the allegations and to preserve the authenticity of the certificate. (b) When an application for alteration is approved, a single line shall be drawn through the information subject to alteration and the correct information inserted.

**Section 11. Change of given name within 90 days.** Within 90 days from date of birth, and for reasons other than whim or caprice, the director of health may change or alter the given name of a child shown on the birth certificate upon notarized petition of the parents. If signed by both parents, the petition shall contain facts stating why the child's name should appear as they do and why a change or alteration is desired.

**Section 12. Change of name by legal authority.** (a) When the name of a person is changed pursuant to order of the Lieutenant Governor of the State or court order, the new name shall be inserted in the birth certificate together with a statement that the change of name is by order of the lieutenant governor or by court order and the date of the order. (b) A request for the change from the registrant or his legal representative and a certified copy of the order or decree shall be required. (c) The name of a child on its birth certificate shall be altered to correspond to that of the parent only when the child is included in the parent's change of name order or when a separate order is issued. (d) A "birth registration card" issued in place of a birth certificate copy shall contain no evidence of change of name, but the word "amended", except for an illegitimate child, shall appear on the face of the card.

**Section 13. Alteration of medical certification.** The director of health shall insert or alter the medical certification as to cause of death in a death certificate only when the certification or alteration thereof, signed by the attending physician, medical examiner or coroner's physician, is on file as a reference.

**Section 14. Delayed birth certificate.** For filing a birth certificate more than the time prescribed, an affidavit by the father and the person whose name is on the certificate of birth shall be required. At the discretion of the director of health, additional evidence also may be required.

**Section 15. Delayed death certificate.** Unless signed by the medical examiner or coroner's physician, a death certificate filed more than 30 days after the time prescribed shall be supported by an affidavit of an adult having adequate knowledge of the facts pertaining to the death and such other documentary evidence as the director of health may deem necessary to establish personal data required for the certificate.

**Section 16. Delayed marriage certificate.** (a) A fully executed marriage certificate may be accepted for filing at any time, but if delayed more than 30 days after date of marriage, the director of health may require evidence that the document is authentic. (b) In case a fully executed certificate is unobtainable from the marriage officiant, a certificate may be made on a current form and filed in the Research, Planning and Statistics Office, provided that marriage license data are on file and that proof of the marriage satisfactory to the director of health is presented. A summary of the circumstances and evidence used shall be noted on the face of the certificate.

**Section 17. Original proof of birth for adopted person.** If no certificate of birth is on file for the person for whom a new certificate is to be established under Chapter 57-23, R.L.H. 1955, a delayed certificate of birth shall be filed as provided in Chapter 57, Part I or Part II, R.L.H. 1955, before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

**Section 18. Legitimacy status.** If a mother was married either at the time of conception or birth, the name of the father and his personal particulars shall be entered on the birth certificate as the legal father of the child, unless (a) conclusive

proof is provided by means of statements under oath and similar evidence that time and distance were such as to make cohabitation between the mother and her husband impossible at the time of conception; or, (b) a court of competent jurisdiction has determined that the husband was not the father. In case of either (a) or (b), the name of the husband shall be stricken from the certificate and the birth shown as illegitimate.

**Section 19. Data relating to putative father.** The name of the putative father of an illegitimate child and personal particulars relating to him shall be entered in the birth certificate if said putative father signs the certificate as the informant.

#### CERTIFIED COPIES OF CERTIFICATES

**Section 20. Requests for certified copies.** All requests for certified copies of certificates shall be in writing giving the name of registrant, the date and place of the event, and such other information as the director of health may require.

**Section 21. Issuance of birth certificate copies.** Except as otherwise authorized by the director of health, a certified copy of a complete or abridged birth certificate shall be issued only as follows: (a) By order of a court of competent jurisdiction. (b) To the individual or the parents whose names appear on the birth record. (c) To the legal guardian of the individual named on an original birth certificate as the registrant. (d) To a lawful representative of the individual or of one of both parents named on the original birth record. (e) To a person who can produce a letter from any of the persons named on the original birth record in which a specific request is made for a copy of such record. (f) In all other cases where a person may wish to apply for an official birth certificate copy on behalf of any of the individuals named on the original birth record, such application may be accepted provided that the copy is mailed directly to the person in whose behalf the application is made.

**Section 22. Unauthorized certificate copies.** Except as authorized by these regulations and other applicable law, no person shall prepare or issue any record which purports to be an original or certified copy of a certificate of birth, death, fetal death (stillbirth), marriage or divorce as described in Chapter 57, Part I, R.L.H. 1955, as amended. The penalties for violation of this section shall be as set forth in Section 57-33 (b), R.L.H. 1955.

**Section 23. Fee for certified copies and searches.** The fee for a certified copy of a certificate or for a search of the files when no certified copy is made shall be \$2.00.\* No fee shall be charged for a certified copy or search requested by a governmental agency. Certifications of age shall be made free of charge for persons under 18 years of age for purposes of admission to school, employment, or participation in sports.

#### BURIAL-TRANSIT PERMIT

**Section 24. Permit required.** No body of any person whose death occurs in this State, nor any dead human body which shall be found therein, shall be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or be removed to a place outside the registration district in which the death occurs, or in which the body is found, or be held pending disposition, for more than seventy-two (72) hours after death, or the finding thereof, unless a burial-transit permit (as hereinafter provided) shall have been issued by the registrar of the registration district in which the death occurs or in which the body is found. No burial-transit permit shall be issued until a certificate of death, properly filled out as required by Section 57-12, R.L.H. 1955, shall have been presented to and accepted by such registrar.

**Section 25. Provision of permit.** The director of health shall provide a permit for the burial, cremation, entombing, removal, transportation by common carrier or other disposition of dead human bodies, which shall be known as the burial-transit permit, and no other permit shall be necessary for any of the above purposes.

**Section 26. Content of permit.** The burial-transit permit shall contain items specified in the standard form provided by the director of health, including the local registrar's unique serial number, and if the body is to be shipped by common carrier and the death certificate specifies a quarantinable disease indicated below, the burial-transit permit shall show the cause of death. Quarantinable diseases shall

include plague, Asiatic cholera, smallpox, epidemic typhus fever, yellow fever, and louse-borne relapsing fever or any cause suggestive of these diseases.

**Section 27. Attached to shipping case.** When a dead body is shipped by common carrier, the burial-transit permit shall be attached to the shipping case in a strong envelope and shall accompany the remains to its destination.

**Section 28. Filing with local registrar.** Within ten (10) days after burial, cremation or other disposal, the superintendent of the cemetery, or other such person in charge of the disposal, shall forward the permit to the registrar of the district where the burial or other such disposal occurred.

**Section 29. Permits issued outside the State.** The burial-transit permits of other states and territories (including provinces of Canada and states of Mexico) shall be accepted as authorization for burial or other disposition as if the permit had been issued by a registrar of this State. Such permits shall be completed and forwarded to the appropriate registrar as provided in Section 28 above.

**Section 30. Preservation of permit.** It shall be the duty of the local registrar to file and preserve the executed burial-transit permits which are returned to him by the cemetery superintendent or other such persons and to check the records of all cemeteries and crematories within his district to ensure that a permit has been properly completed by the superintendent for each burial or cremation and the permit's serial number has been recorded in said superintendent's records.

**Section 31. Authorization outside office hours.** On days when registration offices are legally closed and after working hours, a local registrar or deputy may verbally authorize final disposition of remains, provided he is satisfied that a properly executed death certificate is in the possession of the funeral director and will be filed on the next business day.

#### MISCELLANEOUS

**Section 32. Registration districts.** Each county of the State shall constitute a vital statistics registration district.

**Section 33. Unlawful fees.** It shall be unlawful to demand or receive any fees by reason of the registration duties imposed by Chapter 57, Part I, R.L.H. 1955, as amended, other than specified by law or regulation.

**Section 34. Lists of events.** The director of health shall make available for public information current lists of vital statistics events, including marriage license applications, by posting same in the Kinau Hale building, Honolulu. Only such identifying information for each event shall be included as the director of health considers appropriate. Any report of an event which, in the judgment of the director of health may harm the character or reputation of a person involved, shall be omitted from the lists.

**Section 35. Disposal of infant remains.** The body of any live born infant that dies, regardless of how long it lived, must be buried in an authorized cemetery or cremated in an authorized crematory.

**Section 36. Disposal of dead fetus.** Hospitals may dispose of any dead fetus resulting from fetal death (stillbirth) up to term by cremation (incineration) or other sanitary means provided that no charge is made for the service and that the manner of disposal is satisfactory to the family concerned.

I, Leo Bernstein, M.D., Director of Health, hereby certify that the foregoing regulations were adopted by the Department of Health on the 5th day of November 1962.

LEO BERNSTEIN, M.D.  
Director of Health

Approved as to Form:

November 13, 1962

SHIRO KASHIWA  
Attorney General

I, Leo Bernstein, M.D., Director of Health, hereby certify that the foregoing regulations were adopted by the Department of Health on the 5th day of November 1962.

*Leo Bernstein*

LEO BERNSTEIN, M.D.  
Director of Health

Approved as to Form:

November 13, 1962  
Date

*Shiro Kashiwa*

SHIRO KASHIWA  
Attorney General

APPROVED

March 20, 1964

*John A. Burns*

JOHN A. BURNS  
Governor of Hawaii

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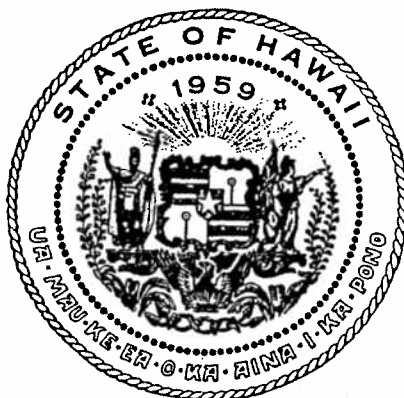
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GOVERNOR'S OFFICE

Public Health Regulations

Chapter 8A

**DELAYED BIRTH REGISTRATION**



**DEPARTMENT OF HEALTH**

**State of Hawaii**

# **PUBLIC HEALTH REGULATIONS**

## **Department of Health, State of Hawaii**

### **Chapter 8A**

#### **DELAYED BIRTH REGISTRATION**

Under and by virtue of Sections 338-2 and 338-41(a), Hawaii Revised Statutes, and all other applicable laws, the rules and regulations of the Department of Health of the State of Hawaii are hereby amended to include a chapter to be numbered "Chapter 8A" and to read as follows:

##### **Section A. DEFINITIONS**

1. "Late registration of birth" means the registration of a person's non-recorded birth more than 30 days but less than one year after birth.
2. "Delayed registration of birth" means the registration of a person's non-recorded birth on or after his first birthday.
3. "Hawaiian birth certificate" means a birth registered on a delayed basis for persons one year of age or older prior to repeal of Section 338-41, Hawaii Revised Statutes, by Act 66, Session Laws 1972.

##### **Section B. ORIGINAL CERTIFICATE**

1. **Responsibility for Investigation of Cases**  
The responsibility for determining when documentary evidence submitted is sufficient to warrant the issuance of a late or delayed certificate of birth belongs to the director of health.
2. **Who May Request the Registration and Sign for a Delayed Certificate of Birth**
  - a. Any person born in this State and whose birth is not recorded in this State, or his parent, guardian, next of kin, or older person acting for the registrant and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the director of health.
  - b. Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is of legal age and is competent to sign and swear to the accuracy of the facts stated therein; otherwise, the certificate shall be signed and sworn to by one of the following in the indicated order of priority:
    - (1) One of the parents of the registrant, or
    - (2) The guardian of the registrant, or
    - (3) The next of kin of the registrant, or
    - (4) An older person having personal knowledge of the facts of birth.
3. **Late Birth Registration**
  - a. All late birth registration shall be on the standard certificate of live birth form in current use at the time the birth record is filed.
  - b. Late birth registration certificates shall not be marked "Delayed."
  - c. A late birth certificate must satisfy the following conditions:
    - (1) The registrant must have been born in Hawaii.

- (2) The birth certificate must be signed by a parent, relative or other person who can certify from personal knowledge of the date and place of birth, names of parents and other facts required on the certificate.
  - (3) The birth certificate must also be signed by the physician, or other attendant who delivered the child. If the child was born in a hospital and the attending physician is no longer available, the hospital administrator or the person in charge of the medical records may sign instead and indicate his title. If there was no attendant the mother shall sign, if able.
  - (4) In any case where the birth certificate is signed by someone other than the attendant, a notarized statement setting forth the reason therefor must be attached to the certificate. The director of health may require additional evidence in support of the facts of birth and an explanation for the delay in filing.
  - (5) The birth certificate must be registered by a local registrar in the district in which the birth occurred, even though actually filed in a different district.
- d. No filing fee shall be charged for a late birth certificate.

4. Delayed Birth Registration

a. Application

- (1) Any person born in this State who is one year old or older and whose birth has not previously been registered in this State, or his parent, guardian, next of kin, or older person acting for the registrant and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, except that an application will not be accepted for a deceased person.
- (2) The application shall be cancelled if it is not completed within one year from the date of the application. Upon cancellation the applicant shall be advised of the decision, and all documents submitted in support of such application shall be returned to the applicant.
- (3) No filing fee shall be charged for a delayed birth certificate.

b. General Requirement

- (1) The facts of a delayed birth registration shall be recorded on a delayed birth certificate form prescribed by the director of health.
- (2) The delayed birth certificate shall have spaces for at least the following information:
  - (a) Full name at birth, except if a registrant has undergone a change of name through adoption or legitimation prior to the application for delayed birth registration, he may choose to have his new name shown.
  - (b) Date of birth—month, day and year
  - (c) Sex
  - (d) Place of birth—town or city or other geographic area and county.
  - (e) Name of father and maiden name of mother. If a registrant has been adopted, the names of the adoptive parents may be shown.
  - (f) Birthplace of each parent.
  - (g) Race of each parent.
  - (h) Other data deemed desirable by the director of health.
  - (i) No information regarding the father of the child shall be shown on the delayed birth certificate if the child is illegitimate, except that such information may be entered if said putative father submits an affidavit of paternity or paternity has been determined by a court of competent jurisdiction.



- (j) The minimum facts which must be established by documentary evidence shall be the full name of the person at the time of birth; date and place of birth; full maiden name of the mother; and full name of the father except where the child is illegitimate.
- (3) Oath of the Registrant
- (a) Each person signing a delayed birth certificate shall attest under oath to his belief in the truth of the statements made concerning the age, birthplace, and parentage of the person whose birth is being recorded.
  - (b) If the person whose birth is being recorded is of legal age recognized in the State, the certificate shall be signed by the registrant, if possible; otherwise, by his duly authorized representative.
  - (c) If the person whose birth is to be recorded is a child under the legal age recognized in the State, the delayed birth certificate shall be signed by a parent, legal guardian, next of kin, or an older person having knowledge of the birth.
- (4) Certification by Reviewing Official
- The director of health or his designated representative shall certify that: no prior birth certificate is on file for the person whose birth is to be recorded; that he has reviewed the evidence submitted to establish the facts of birth; and that the summary or abstract thereof appearing on the delayed birth certificate conforms to the statements set forth in the evidence.
- (5) The signature and seal of an official authorized to administer oaths as witness to the signature of the applicant.
- (6) The date of filing and signature of the birth registration official who accepts the registration for filing.
- c. Documentary Requirements
- To be acceptable for filing, the name of the registrant and the date and place of birth entered on the delayed birth certificate shall be supported by documentary evidence as follows:
- (1) If a person is under seven years of age, the following documents must be submitted:
    - (a) An affidavit from the mother, father or other member of the family at least ten years older than the registrant having personal knowledge of the birth.
    - (b) One factual document established prior to the applicant's fourth birthday.
  - (2) If a person is seven years of age or older, the following documents must be submitted:
    - (a) An affidavit from the mother, father or a relative or other person at least ten years older than the registrant having personal knowledge of the birth.
    - (b) Two factual supporting documents independently established at least ten years prior to the date on which offered as evidence or have been established prior to the applicant's tenth birthday.
  - (3) Facts of parentage need be supported by only one document which may be one of the documents above other than an affidavit of personal knowledge.
  - (4) Minimum information required on all affidavits shall include:
    - (a) Full name of registrant.
    - (b) Name of mother.
    - (c) Date of birth of registrant.

- (d) Place of birth of registrant.
  - (e) Sex of registrant.
  - (f) Relationship of affiant to registrant, if not the same.
  - (g) Statements as to why the affiant knows and remembers the particulars of the birth of the registrant.
- (5) A factual document or documents may be substituted for an affidavit provided that the required information is documented.
  - (6) To be accepted as evidence of the birth facts of an individual, any document submitted must contain in addition to the name of the person, one or more of the following facts: Date of birth or age; sex; place of birth; name of father; or maiden name of mother.
  - (7) Any document submitted in support of a delayed birth registration must be from independent sources and shall be in the form of an original record or a duly certified copy thereof or a signed statement from the custodian of the record or document and must also contain all of the following information if it is to be acceptable as evidence: official name of the agency or organization which has custody of the original record; the date on which the record was originally made; the date on which the copy of the record was made; and the name and address of the certifying custodian in charge of the original.
  - (8) Examples of documentary evidence which shall generally be considered acceptable in order of preference are:
    - (a) Hospital record
    - (b) Doctor's or midwife's record
    - (c) Baptismal or confirmation record
    - (d) Consulate record
    - (e) Certificate of identity or certificate of residence
    - (f) School record
    - (g) Federal census record closest to applicant's birthdate
    - (h) Immigration record such as certificate of citizenship
    - (i) Record of arrival of parent from another country
    - (j) Hawaiian Sugar Planters Association record
    - (k) Passport
    - (l) Marriage record of applicant
    - (m) Voter registration record
    - (n) Birth records of applicant's children
    - (o) Directories
    - (p) Armed Forces discharge record
    - (q) Identification card
    - (r) Driver's license
    - (s) Social Security application form
    - (t) Employment record
    - (u) Application for insurance policy
    - (v) Record of trade, professional, social or fraternal organization
    - (w) Family bible
  - (9) Copies or abstracts of all documentary evidence submitted in support of a delayed birth registration shall be preserved in the files of the state registrar. The original document shall be returned to the applicant.
  - (10) When the applicant does not submit documentation as specified above, or when the registration official reviewing the application

finds reason to question the adequacy of the documentation, the official shall not sign or accept the delayed registration of birth, but shall advise the applicant of his right to petition the circuit court having jurisdiction for an order establishing a record of the date and place of birth and the parentage of the person whose birth is to be registered.

5. Delayed Registration Following a Legal Change of Status
  - a. When evidence is presented reflecting a legal change of status by adoption, legitimation, or paternity determination by a court, a new delayed certificate may be established to reflect such changes.
  - b. The existing certificate and the evidence upon which the new certificate was based shall be sealed and placed in a special file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction or by the director of health.

#### **Section C. RENEWAL OF HAWAIIAN BIRTH CERTIFICATE**

1. A person to whom a certificate of Hawaiian birth has been issued may secure a renewal thereof.
2. A delayed birth certificate as described in Section B-4 above shall be issued in lieu of a certificate of Hawaiian birth under this section.
3. An application for renewal must be made directly to the director of health, and upon proof satisfactory to the director of health that the person applying therefor is the same person to whom the original certificate was issued, a new certificate will be issued.
4. No application for renewal of certificate will be accepted unless executed on a form which can be secured from the director of health.
5. An application for renewal must be executed by the person for whom the original certificate of Hawaiian birth was issued.
6. An application for renewal shall be accompanied by the original certificate of Hawaiian birth issued to the applicant. The original certificate will be surrendered to and cancelled by the director of health.

#### **Section D. CERTIFIED COPY OF HAWAIIAN BIRTH**

1. Certified copies of a certificate of Hawaiian birth may be obtained in the Health Department upon payment of \$3.00 for each copy.
2. For each certified copy requested, the applicant shall submit a satisfactory print of the photograph on file with the Department of Health. In lieu thereof the applicant may request the Department of Health to obtain such print or prints and shall pay, in advance, the cost thereof.
3. A short form typed abstract of a certificate of Hawaiian birth may be issued in lieu of a full certificate of Hawaiian birth upon payment of \$3.00 for each copy.

#### **Section E. REPEAL OF NON-CONFORMING REGULATIONS**

The following regulations or parts thereof are hereby repealed:

1. The regulations of the Office of the Lieutenant Governor approved by the Governor on July 30, 1964 entitled "Regulations Governing the Issuance of Certificates of Hawaiian Birth."
2. Section 14 of Chapter 8 entitled "Vital Statistics Registration and Records," State Public Health Regulations.

I, Walter B. Quisenberry, M.D., Director of Health, State of Hawaii, hereby certify that the foregoing regulations were adopted by the Department of Health on the 16th day of August, 1972.

**WALTER B. QUISENBERRY, M.D.**  
Director of Health

The foregoing regulations are hereby approved as to form this 22nd day of September, 1972.

**FRANK YAP, JR.**  
Deputy Attorney General

The foregoing regulations are hereby approved this 27th day of September, 1972.

**JOHN A. BURNS**  
Governor of Hawaii

Chapter 8A, Delayed Birth Registration, of the State Public Health Regulations was adopted on August 16, 1972, following a public hearing held on August 11, 1972, after public notice was published in the Honolulu Advertiser on July 20, 1972.

Filed in Lt. Governor's Office: September 28, 1972  
Effective date: October 8, 1972

I, Walter B. Quisenberry, M.D., Director of Health, State of Hawaii, hereby certify that the foregoing regulations were adopted by the Department of Health on the 16th day of August, 1972.

*Walter B. Quisenberry M.D.*

WALTER B. QUISENBERRY, M.D.  
Director of Health

The foregoing regulations are hereby approved as to form this 22nd day of SEPTEMBER, 1972.

*Frank Yap, Jr.*

FRANK YAP, JR.  
Deputy Attorney General

The foregoing regulations are hereby approved this 27 day of September, 1972.

*John A. Burns*

JOHN A. BURNS  
Governor of Hawaii

REC'D. BY

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GOVERNOR'S OFFICE

I hereby certify that this is a true and correct copy of the original which is on file and on record in the Office of the Director, Department of Health, State of Hawaii.

*Walter B. Quisenberry*  
WALTER B. QUISENBERRY, M.D.  
Director of Health

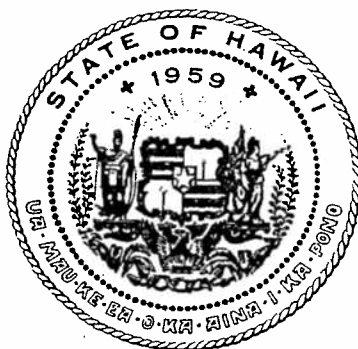
Chapter 8A, Delayed Birth Registration, of the State Public Health Regulations was adopted on August 16, 1972, following a public hearing held on August 11, 1972, after public notice was published in the Honolulu Advertiser on July 20, 1972.

Filed in Lt. Governor's Office:  
Effective date:

Public Health Regulations

Chapter 8B

VITAL STATISTICS REGISTRATION  
AND RECORDS



DEPARTMENT OF HEALTH  
State of Hawaii

# **PUBLIC HEALTH REGULATIONS**

Department of Health, State of Hawaii

## **Chapter 8B**

### **VITAL STATISTICS REGISTRATION AND RECORDS**

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# PUBLIC HEALTH REGULATIONS

Department of Health, State of Hawaii

## Chapter 8B

### VITAL STATISTICS REGISTRATION AND RECORDS

#### 1. AUTHORITY AND PURPOSE

##### 1.1 Authority

These regulations are adopted and promulgated under and by virtue of the provisions of Section 338-2(3), Hawaii Revised Statutes.

##### 1.2 Purpose

The provisions of this subchapter are to establish instructions and procedures relating to disclosure of vital records (Section 338-18, Hawaii Revised Statutes), correction and amendment of vital records, issuance of new birth certificate following legitimation (Section 338-17.7 and 338-21, Hawaii Revised Statutes) and determination of surname after marriage (Section 574.1, Hawaii Revised Statutes).

#### 2. CERTIFIED COPIES AND DISCLOSURE OF RECORDS

##### 2.1 Access to Vital Records

###### A. General

Vital records authorized under Chapter 338, Hawaii Revised Statutes, are not available for or open to public inspection. Access to the records, including copies or information from them, is not permitted except as provided by law or regulations the Department of Health may promulgate.

###### B. Employees

The state registrar, the associate state registrar, and employees of the Research and Statistics Office shall have access to the vital records on file in that office in the conduct of their regularly assigned duties. Access to vital records in the custody of a local registrar in each registration district shall be restricted to those persons whose normal duties require their access to the records or to authorized representatives of the state or local Health Department.

###### C. Individuals

Upon written request and proper identification, the state registrar or local registrar of a registration district (county) may permit an individual to examine a certificate for the purpose of verifying an entry or correcting an error; provided that the individual is eligible to receive such information as described in Paragraphs 2.5 through 2.9 herein.

###### D. Researchers

(1) Data from vital records, including copies of part or all of such records, may be released to government agencies, hospitals, foundations, schools, social agencies and other similar organizations or individuals for statistical or research purposes. All such requests shall be in writing and shall clearly identify the requesting agency or individual, state the number of copies needed, explain the objective of the study and contain a statement over the applicant's signature expressing familiarity with the confidentiality aspects of the records and his willingness to abide by the restrictions.

(2) In no case shall the researcher either in the published results of his study or in communication with others:

(a) Identify any individual on a certificate by name or address;

(b) Contact persons named on a certificate without permission from the Director of Health;

- (c) Deliver the information to other persons not connected with the study without express permission of the Director of Health; or
- (d) Use the information in any way so as to violate the privacy of any individual named on a certificate or cause embarrassment to him or his family.

E. Genealogists and Title Searchers

- (1) An individual employed, endorsed or sponsored by a governmental or private organization or agency may be permitted to inspect vital records and transcribe information from them other than "confidential information."
- (2) The organization or agency must request written permission in advance and must present a list of names of individuals whose records they desire to inspect and the purpose of the examination.
- (3) Such individual must show evidence of past experience of a nature to indicate that he would be able to perform the task with a minimum of help by the vital records staff.
- (4) The individual must sign a form agreeing to keep confidential all information that he or she acquires while working in the vital records section and not discuss such cases with anyone not authorized to receive the information.
- (5) The individual and/or organization must agree to:
  - (a) Assist the Department in doing similar work for the same amount of time they devote to their own program; or
  - (b) Pay the fee prescribed for searches as in section 2.10.

F. Government Agencies

- (1) Authorized agents of the Federal Government whose responsibilities require verification of information from vital records may be permitted to inspect the vital records and transcribe information other than "confidential information."
- (2) Such agents must request written permission in advance and must present a list of names of individuals whose records they desire to inspect and the purpose of such examination.

G. Limitations

Except as provided in section 2.1, all persons granted access to the vital records shall be afforded access under the supervision of a person authorized by the Director of Health.

H. Penalties

Any person who violates this part shall be barred from obtaining further assistance from the vital records section and shall be liable to such other legal action as may be applicable.

2.2 List of Events

The Director of Health shall make available for public information current lists of vital statistics events, including marriage license applications, by posting same in the State Health Department, Kinau Hale building, Honolulu, or the District Health Offices on Hawaii, Maui and Kauai or by providing the same to the local newspapers on request. Only such identifying information for each event shall be included as the Director of Health considers appropriate.

- A. No address shall be included in such lists unless approval is given by the registrants in cases of marriage license applications and marriage certificates and by one of the parents in the case of births.
- B. Any report or information which in the judgment of the Director of Health may harm the character or reputation of a person involved shall be omitted from the lists.
- C. No illegitimate birth shall be included in any list prepared under this section.

### 2.3 Application for Copies of Vital Records

- A. Applications for a copy of a vital record must be made in writing. The applications shall contain the name, address and usual signature of the applicants and must establish their right as provided herein to the information shown on the certificate. As deemed necessary, the Director may require sufficient proof, including but not limited to sworn statements from the applicants, to establish such right.
- B. An application must contain sufficient information about the person or event in question to enable a reasonable search of the files to be made. Priority will be given to requests with names, dates and places of event. The state or local registrar may reject any application which is so vague or incomplete that a reasonable search cannot be made.
- C. Telephone, telegraphic or verbal requests for certified copies of vital records will not be permitted except when the requestor is known to a staff member of the office. Such requests must be confirmed in writing.

### 2.4 Issuance of Certified Copies of Vital Records

#### A. Authority to Issue Certified Copies

- (1) Only the Director of Health shall issue certified copies of a vital record. Copies may be issued only when the Director has the original certificate in his custody. Local registrars of all other districts shall not issue certified copies of a vital record. Such registrars may receive or retain duplicate copies for their administrative use but may not release information from them to the public or to any individual outside their office except with permission of the Director of Health.
- (2) When the state registrar of vital statistics finds evidence that a certificate was registered through misrepresentation or fraud, he shall have authority to withhold the issuance of a certified copy of such certificate until incontrovertible proof is submitted or a court determination of the facts has been made and the certificate has been amended.

#### B. Standards for Copies of Vital Records

##### (1) Standard Copy

- (a) *Method of preparation.* Standard copies of vital records may be prepared by photographic, dry copy reproduction process or by typing. If prepared by standard photographic process, the copy must not be smaller than one-half the size of the original. If prepared by dry copy process, heavy grade safety paper or specially treated paper must be used.
- (b) *Form of certification.* Standard certified copies shall contain an appropriate certification statement over the signature of the registrar having custody of the record and be impressed with the raised seal of the issuing office. The signature may be photographed or entered by mechanical means. The paper shall display the official seal of the Department of Health or the seal of the State.
- (c) *Unauthorized reproduction.* Other reasonable safeguards against forgery, unauthorized reproduction or misuse as the Director of Health may formulate from time to time shall be provided.
- (d) *Confidential information.* Information contained in the section headed "Confidential Information for Medical and Health Use Only" or other similar designation shall not be included on a standard certified copy unless specifically requested by an individual named on the certificate or by a court of competent jurisdiction.

##### (2) Abbreviated Copy

- (a) *Method of preparation.* Abbreviated copies may be prepared by typing, by computer printout, or by any other process approved by the Director.

- (b) *Form of certification.* This will be the same as for a standard certified copy.
- (c) *Contents.* Abbreviated copies will contain only such information in addition to that listed in accordance with section 2.2 as the Director considers appropriate.
- (d) *Limitation of issuance.* An abbreviated copy will not be prepared unless all the information called for on the form has been entered on the original vital record on file with the Department of Health.

(3) Unauthorized Certified Copies

Except as authorized by these regulations and other applicable law, no person shall prepare or issue any record which purports to be an original or certified copy of a certificate of birth, death, fetal death (stillbirth), marriage or divorce. The penalties for violation of this section shall be as set forth in Section 338-30 of the Hawaii Revised Statutes.

2.5 Eligibility for Copies of Birth Certificates

A. Standard Copy

A certified copy of the original birth certificate on file with the Department of Health as described in paragraph 2.4B(1) may be issued to:

- (1) The registrant, his descendants, his authorized agent or upon order of a court of competent jurisdiction. "Authorized Agent" means:
  - (a) Persons named as parents on the birth certificate;
  - (b) A guardian having legal custody or control of a minor child;
  - × (c) An attorney representing the registrant or his parents if the registrant is a minor, for matters involving the registrant or his parents;
  - (d) Any person or agency empowered by statute or appointed by a court to act in the registrant's behalf;
  - × (e) A child welfare or similar social agency acting for the registrant to obtain some benefit or claim or to effect a change in civil status;
  - × (f) A governmental agency acting on behalf of the registrant to process a financial claim, benefit, award or other compensation or to transact official business involving the registrant or his affairs;
  - (g) Parents of the persons named as parents on the birth certificate;
  - (h) A person who presents a letter from the person named on the original birth record in which a specific request is made for a copy of such record;
- (2) The alleged father of a child born out of wedlock provided his name appears on the certificate or he has filed a declaration of paternity with the vital records office, or has been named as the father of the child in a declaration of paternity signed by the mother.
- (3) In all other cases where a person may wish to apply for an official birth certificate copy on behalf of any of the individuals named on the original birth record, provided that the copy is mailed directly to the person in whose behalf the application is made.

B. Abbreviated Copy

- (1) A certified copy may be issued to any person authorized to receive a standard certified copy.
- (2) A non-certified copy containing only such information as is listed in accordance with Section 2.2 may be issued to any person or organization requesting it.

2.6 Eligibility for Copies of Death Certificates

- A. A certified copy of a standard death certificate may be issued to the following:

- (1) The surviving spouse or other members of the deceased person's immediate family, or an attorney, funeral director, or other person acting directly for them.
- × (2) Any governmental agency needing proof of death for official purposes.
- (3) Any person upon an order of a court of competent jurisdiction.
- × B. A non-certified standard death certificate may be issued to:
  - (1) A family member, relative or other person engaged in bona fide research for genealogical purposes.
  - (2) A government or private agency or individual engaged in bona fide research for scientific purposes.
  - (3) Any other applicant who can demonstrate to the satisfaction of the state registrar a logical and reasonable need for information on the certificate.
- C. An abbreviated copy of a death certificate may be issued to any person or organization requesting it.
- 2.7 Eligibility for Copies of Fetal Death Certificates
  - A. A certified copy of a fetal death certificate may be issued to the parents of a fetus or to any other person upon written authorization from a parent.
  - B. Abbreviated copies of fetal death certificates or abortion report will not be issued.
- 2.8 Eligibility for Copies of Marriage Certificates
  - × A. A standard certified copy of a marriage certificate may be issued to the bride, groom, their descendants, prior or subsequent spouses, authorized representatives or by order of a court of competent jurisdiction upon written request.
  - B. Certified copy of the marriage license application, premarital examination or other documents submitted in order to obtain the marriage license may be issued only to the bride, groom, their authorized representatives or by order of a court of competent jurisdiction.
  - C. An abbreviated certified copy of the marriage certificate will be mailed to an address furnished the Department of Health on the marriage license application. In addition, a non-certified copy may be issued to any individual or organization requesting it.
- 2.9 Eligibility for Copies of Divorce Certificates
  - × A. A standard certified copy of the divorce certificate may be issued to the parties to the divorce or to their attorneys or on order from a court.
  - B. Abbreviated copies will not be issued.
- 2.10 Fees
  - A. The fee for a certified or non-certified copy of a certificate or for a search of the files for a certificate when no certificate is on file shall be \$2.00 for each certificate or search.
  - B. Searches of files and records not involving the issuance of copies shall be at \$1.00 for each name and/or event.
  - C. No fee shall be charged for a certified copy or search requested by a governmental agency.
  - D. A single certification of age shall be made free-of-charge for persons under 18 years of age for purposes of admission to school, employment, or participation in sports.

### 3. AMENDMENT OF VITAL RECORDS

#### 3.1 Amendments After Official Acceptance of Certificate

No amendments (i.e., changes, corrections, additions, deletions or substitutions) shall be made on any birth, death, fetal death, or marriage or divorce certificate after the assignment of a state file number unless such amendments are fully documented according to law and regulations. All certificates on which judicial or major administrative changes are made 90 days or more from

the date of the event shall be marked "altered" unless otherwise provided by law or regulations. All certificates on which minor administrative changes are made six months or later following the date of the event shall be similarly marked.

3.2 Amendment of Certificate

- A. Except as provided by Section 338-15 or the regulations herein, an application to amend any item in a vital statistics certificate or to issue a new certificate must be accompanied with an affidavit setting forth the full name of the registrant, date, volume and number of the certificate, items in error, the amendments, and such proof as the Director may deem necessary to support the amendment(s) and to preserve the authenticity of the certificate.
- B. Once an amendment of an item is made on a vital record, that item shall not be amended again unless a court order is received from a court of competent jurisdiction or if a person's name is to be amended, a change of name decree is received.
- C. When the state registrar of vital statistics finds evidence that information on a vital statistics certificate was registered through misrepresentation or fraud, he shall have authority to withhold the amendment of such information until incontrovertible proof is submitted or a court determination of the facts has been made.

3.3 Supplementary Information

Supplementary information omitted on original certificates may be inserted within thirty days after the time prescribed for filing without marking the certificate "altered," except that a child's given name or names may be inserted within ninety days after the time prescribed for filing without marking. As deemed necessary, the Director of Health may require sufficient proof to establish the authenticity of supplementary information.

3.4 Classification of Amendments

- A. *Judicial amendments.* Changes in name, alterations, additions, deletions or substitutions in data originally entered which are ordered by a court of competent jurisdiction.
- B. *Major administrative amendments.* Alterations, additions, deletions or substitutions in data originally entered which materially affect the validity or integrity of a certificate or would substantially modify fundamental relationships contained therein.
- C. *Minor administrative amendments.* All other changes including but not limited to typographical errors, spelling errors, transposed letters, and alterations, additions, deletions or substitutions in data originally entered which would not materially affect the validity or integrity of a certificate or would not substantially modify any fundamental relationship on it.

3.5 Amendments to Birth and Fetal Death Certificates

A. Judicial amendments include:

- (1) Supplementary birth certificates based on adoption, legitimation or paternity determination.
- (2) Amendment of a birth certificate to show a change of name by change of name decree or court order.
- (3) Amendment of information registered through misrepresentation or fraud.

B. Major administrative amendments include:

- (1) Supplementary birth certificates or amendments based on adoption, legitimation, or paternity done in accordance with law or regulations but not ordered by a court.
- (2) Any substantial alteration of the surname of the registrant not covered by change of name decree or court order.
- (3) Change in sex of registrant based on surgical alteration.

- (4) Registration of given name(s) for the first time six years or more after birth.
  - (5) Change in given name(s) of the registrant ninety days or more after date of birth.
  - (6) Change of name of either parent except minor spelling errors.
  - (7) Change in date or place of the birth.
  - (8) Change in sex of child, type of birth and medical data relating to delivery and post natal period.
  - (9) Change in date and place of birth of either parent.
  - (10) Change in marital status of the mother.
  - (11) Change in medical cause of death and related information on the fetal death certificate.
- C. Minor administrative amendments include:
- (1) Minor errors of spelling, typographical errors or corrections of transposed letters.
  - (2) Registration of given name(s) for the first time prior to age six.
  - (3) Change in given name(s) prior to 90 days of age.
- 3.6 Amendments to Delayed Birth Certificates
- Changes on a delayed birth certificate will not be permitted except upon order of a court of competent jurisdiction or when the registrant's name has been changed by court order or change of name decree subsequent to the filing of the certificate.
- 3.7 Amendments to Death Certificates
- A. Judicial amendments include:
- (1) Amendment of a standard death certificate based on a declaration of death by a court of competent jurisdiction.
  - (2) Any revision or alteration of the medical cause or the manner and circumstances of death based on court trial or a formal inquest.
  - (3) Amendment of information registered through misrepresentation or fraud.
- B. Major administrative amendments include:
- (1) Name of the deceased.
  - (2) Race and sex of the deceased.
  - (3) Date and place of death.
  - (4) Marital status and name of the spouse.
  - (5) Age, date and place of birth of the deceased.
  - (6) Citizenship status of the deceased.
  - (7) Medical cause of death.
  - (8) Manner and circumstance of death.
  - (9) Any entry in the certification statements of the physician, medical examiner or coroner's physician.
- C. Minor administrative amendments include:
- All other changes of data including all minor errors of spelling, typographical errors and transposed letters.
- 3.8 Amendments to a Marriage Certificate
- A. Judicial amendments consist of:
- (1) Changes in the surname(s) declared by the bride or groom four weeks or more after marriage.
  - (2) Amendment of information entered through misrepresentation or fraud.
- B. Major administrative amendments consist of:
- (1) Changes in the date, place of marriage, name of officiant, or other particulars entered by the marriage officiant or marriage license agent.
  - (2) Amendment of declared surname(s) within four weeks of marriage.
- C. Minor administrative amendments consist of:
- (1) Registration of declared surname(s) with the Department within four

weeks of marriage.

(2) Registration or amendment of declared surname(s) by the Department in accordance with these regulations to comply with Section 574-1, Hawaii Revised Statutes.

(3) Other changes of data including all minor spelling errors, typographical errors and transposed letters.

### 3.9 Method of Making Amendments to Vital Records

A. When information originally entered on a vital record is amended, a single line shall be drawn through the incorrect entry and the correct data inserted. A notation shall be entered on the certificate showing what information was amended and on what authority, the date of the action and the initials of the reviewer. When the rules require it, the notation "altered" shall be written or stamped on the certificate.

B. A new birth certificate prepared following adoption, legitimation or paternity determination shall contain the same date and place of birth, name of the attendant, birth number and filing date as on the original certificate. Nothing shall be entered on the face of the certificate which designates the basis for issuing the new certificate. Such information may be entered on the back of the certificate.

C. A new birth certificate prepared under Section 338-17.7 other than as in "B" above shall change only the item(s) in question and the authority for the change will be entered on the face of the certificate.

### 3.10 Documentary Proof Requirements for Amendments

A. *Judicial amendments.* The original or certified copy of the certificate of adoption, order of adoption, judgment, court order or other legal instrument plus any additional documents or information necessary to accomplish the desired changes.

B. *Major administrative amendments.* An affidavit from the person requesting the amendment plus documentary proof corroborating the information to be corrected. If documentary proof is not available or the information to be corrected is such that documentary proof is not applicable, an affidavit of personal knowledge from a second individual may be substituted. The state registrar shall decide which type of document or documents is acceptable in a particular case.

(1) For amendments on a certificate initiated within one year from date of the birth or death, the documentary proof must have been established on or before the date of the event.

(2) For amendments on a certificate initiated between one year and five years from date of the birth, death, marriage or divorce, the documentary proof must have been established at least one year prior to the date offered as evidence.

(3) For amendments on a certificate initiated five years or more after the birth or death, the documentary proof must have been established at least three years prior to the date offered as evidence.

C. *Minor administrative amendments.* An affidavit from the person requesting the amendment plus such other evidence as the state registrar may deem necessary to establish reasonable proof of the claim.

(1) For amendments requested within one year from date of the birth or death except where deemed necessary, the affidavit alone will suffice.

(2) For amendments after one year, additional proof will be required as deemed necessary.

D. The state registrar shall have discretionary authority to determine acceptability of all documents submitted in connection with amendments and supplementary certificates.

E. Documents furnished in connection with an amendment of vital records may be originals, photographic copies or authenticated abstracts. All documents except those sealed and filed in accordance with law or regu-



lations, and the affidavits shall be returned to the sender after review within three years following the date of the action but may be microfilmed for permanent retention.

### 3.11 Fees for Amendments

- A. A charge of \$3.00 shall be made for each request for amendment of an item or group of items on a given certificate.
- B. No fee shall be charged when it is determined that the registrant, parent, guardian or informant was not responsible for the error or omission or for minor administrative changes corrected by the local registrar during routine filing and editing procedure or a child's name is added within one year after the date of birth.

## 4. PATERNITY PRESUMPTIONS AND ISSUANCE OF NEW BIRTH CERTIFICATES

### 4.1 Child Born During a Marriage

- A. For purposes of recording vital statistics the husband and wife shall be presumed to be the natural parents of any child born during a marriage. The child shall have the husband's name for the family name and the husband's personal particulars shall be entered as the father unless:
  - (1) the person seeking to register the birth initially furnishes a court order to the contrary, or
  - (2) if the birth occurs within 300 days after a previous marriage is terminated or after a decree of separation entered by a court, and paternity of the unborn child was not determined upon termination of the previous marriage, the name and personal particulars of a preceding husband may be entered on an initial certificate registered within one year of the date of birth as requested in consenting affidavits of the natural mother and the current and former husband.
- B. After the initial birth certificate is filed for a child born to a married woman as described in Section 4.1A above, issuance of a new certificate will require a court order.

### 4.2 Child Born to an Unmarried Woman

- A. For the purpose of recording vital statistics, any child born to an unmarried woman shall have his mother's name as the family name and the father's personal particulars shall not be entered unless:
  - (1) the unmarried natural father acknowledges his paternity and the natural mother does not dispute the acknowledgment, or
  - (2) the child is born within 300 days after the natural mother's most recent marriage was terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by the court.
- B. Before birth certificate is issued
  - (1) if paternity is acknowledged by an unmarried natural father and filed with the Department of Health prior to issuance of the initial birth certificate and the mother signs a declaration of paternity naming him as the father of her child, his personal particulars shall be recorded on the certificate and the child's surname shall be either the father's name or the mother's name or the surname of both parents separated by a hyphen as stipulated by the parents. If the parents do not agree or no stipulation is made, the Department shall record the mother's name as the child's surname.
  - (2) the father's affidavit and the declaration of paternity shall be sealed and filed by the Department of Health to be opened thereafter only by order of a court of competent jurisdiction.
- C. After birth certificate is issued.
  - (1) A new certificate replacing any certificate under 4.2A above shall be issued by the Department upon proof of the marriage of the natural

mother to a man acknowledging paternity or upon the acknowledgment of paternity by an unmarried man which is not disputed by the mother. The child's surname shall be as in 4.2B(1).

- (2) If the Department does not have a declaration of paternity signed by the mother, the Department shall send a certified letter requesting her to make an affidavit of paternity.
  - (a) A new certificate of birth will be prepared if an affidavit of paternity is received or if the mother receives the letter but does not answer within 90 days.
  - (b) If the mother does not receive the letter from the Department, a new certificate of birth will be issued only upon order of a court of competent jurisdiction.
- (3) A new certificate of birth under any other circumstances shall require a court order that a new birth certificate be issued.
- (4) The evidence upon which the new certificate is made and the original certificate shall be sealed and filed by the Department and may be opened only upon order of a court of competent jurisdiction.

## 5. SURNAME AFTER MARRIAGE

### 5.1 Declaration of Surname

Upon marriage, each of the parties to a marriage shall declare the surname each will use as a married person. The surname chosen may be the person's own, his or her spouse's alone or his or her spouse's placed before or after the person's own surname and separated by a hyphen. (Section 574-1, Hawaii Revised Statutes.)

### 5.2 Surname on Marriage License Application

- A. The surname of each party given on the marriage license application shall be either the surname given at birth (or adoption) or the surname used during the last previous marriage; except
- B. If the surname has been changed by a decree from the Lieutenant Governor, a court order, or by custom and usage in a state that recognizes such changes that name shall be used instead of the birth or adoption name.
- C. The marriage license agent shall take the surnames of the bride and groom as given in the marriage license application worksheet form when typing out the marriage license application, license, and certificate.

### 5.3 Entry of Declared Surname on Marriage Certificate

- A. The marriage officiant shall enter the declared surnames of the bride and groom in the spaces provided on the marriage certificate upon the marriage of the couple.
- B. If either the bride or groom does not declare the surname he or she will use after marriage or declares a name not shown on the license, the officiant shall leave the section blank.

### 5.4 Surname Not Declared at Time of Marriage-

A person marrying in Hawaii who does not declare the surname that he or she will use after marriage either at the time of marriage or within four weeks following marriage shall be deemed to have declared the surname shown on the marriage license as the name he or she will use after marriage.

### 5.5 Surname(s) Not in Accord With Act 114

If the declared surname of the bride or groom is not in accord with the provisions of Act 114, 1975 Legislature, a single line shall be drawn through the incorrect surname(s) and the correct surname(s) entered by the local registrar in the central vital statistics office as indicated in paragraphs 5.2 and 5.4 above.

### 5.6 Other Names

If any name or names other than a surname, as in Section 5.1, are entered in the space provided exclusively on the marriage certificate for the surname declared upon marriage, a line shall be drawn through such given first name or middle name(s) by the local registrar in the central vital statistics office.

**6. REPEAL OF NON-CONFORMING REGULATIONS**

The following sections of Chapter 8, Vital Statistics Regulations and Records, are hereby repealed:

- Section 9 Supplementary Information
- Section 10 Alteration of Certificate
- Section 11 Change of Given Names Within Ninety Days
- Section 12 Change of Name by Legal Authority
- Section 18 Legitimacy Status
- Section 19 Data Relating to Putative Father
- Section 20 Requests for Certified Copies
- Section 21 Issuance of Birth Certificate Copies
- Section 22 Unauthorized Certificate Copies
- Section 23 Fee for Certified Copies and Searches
- Section 34 Lists of Events

I, George A. L. Yuen, Director of Health, State of Hawaii, hereby certify that the foregoing regulations were adopted by the Department of Health on the 23rd day of February 1976.

**GEORGE A. L. YUEN**  
Director of Health

The foregoing regulations are hereby approved as to form this 25th day of June, 1976.

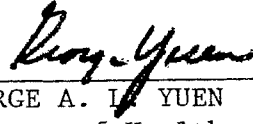
**M. GAY CONKLIN**  
Deputy Attorney General

The foregoing regulations are hereby approved this 29th day of June, 1976.

**GEORGE R. ARIYOSHI**  
Governor of Hawaii

Filed in Lt. Governor's Office: June 29, 1976  
Effective Date: July 9, 1976

I, George A. L. Yuen, Director of Health, State of Hawaii, hereby certify that the foregoing regulations were adopted by the Department of Health on the 23rd day of February 1976.



\_\_\_\_\_  
GEORGE A. L. YUEN  
Director of Health

The foregoing regulations are hereby approved as to form this  
25<sup>th</sup> day of June, 1976.



\_\_\_\_\_  
M. GAY CONKLIN  
Deputy Attorney General

The foregoing regulations are hereby approved this 29th day of June, 19 76.

*George R. Ariyoshi*  
GEORGE R. ARIYOSHI  
Governor of Hawaii

I hereby certify that this is a true and correct copy of the original which is on file and on record in the Office of the Director, Department of Health, State of Hawaii.

*George A. L. Yen*  
GEORGE A. L. YEN  
Director of Health

Chapter 8B, VITAL STATISTICS REGISTRATION AND RECORDS, of the State Public Health Regulations was adopted on February 23, 1976, following a public hearing held on January 22, 1976, after public notices were published in the Honolulu Advertiser on December 29, 1975; The Hawaii Tribune-Herald on December 29, 1975; the Garden Island on December 29, 1975; and the Maui News on December 26, 1975.

Filed in Lt. Governor's Office:  
Effective Date:

REC'D. BY *cl*

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LT. GOVERNOR'S OFFICE

**TITLE 11**  
**DEPARTMENT OF HEALTH**  
**CHAPTER 120**  
**FOREIGN BORN PERSON ADOPTED IN HAWAII**

Sec. 11-120-1 Purpose

Sec. 11-120-2 Application for Hawaii certificate of foreign birth

Sec. 11-120-3 Application requirements

Sec. 11-120-4 Issuance of certificate

**Sec. 11-120-1 Purpose.**

The purpose of this chapter is to establish instructions and procedures for filing of a Hawaii adopted in Hawaii. [Eff. FEB 19 1981] (Auth: HRS Secs. 321-9, 338-2) (Imp: HRS Sec. 338-20.5)

**Sec. 11-120-2 Application for Hawaii certificate of foreign birth.**

(a) An application by a legal parent or an adult adoptee shall be filed with the state registrar of vital statistics before a new certificate of birth entitled a "Hawaii Certificate of Foreign Birth" is issued.

(b) Application forms shall be provided by the department of health. [Eff. FEB 19 1981] (Auth: HRS Secs 338-2) (Imp: HRS Sec. 338-20.5)

**Sec. 11-120-3 Application requirements.**

(a) The applicant shall provide the following information:

- (1) Full name at birth or prior to the adoption;
- (2) Sex;
- (3) Color or race;
- (4) Date of birth (if unknown, this shall be approximated);
- (5) Place of birth (true or probable country of birth);
- (6) New name as set forth in adoption decree;
- (7) Full name of natural father, if known;
- (8) Full maiden name of natural mother, if known;

- (9) Full name of legal father and full maiden name of legal mother;
- (10) Date of birth of each legal parent;
- (11) Place of birth of each legal parent;
- (12) Race of each legal parent;
- (13) Mailing address of legal parents;
- (14) Date on which legal parents assumed custody; and
- (15) Date the decree of adoption became effective.

(b) The applicant shall also provide to the state registrar a copy of the adoption decree or certificate of adoption affixed with the certification by a court of competent jurisdiction in Hawaii and a copy of any investigatory report and recommendation which may have been prepared by the director of social services.

(c) The applicant shall sign the application form and attest that the information provided is true and correct to the best of his knowledge. [Eff. FEB 19 1981] (Auth: HRS Secs. 321-9, 338-2) (Imp: HRS Sec. 338-20.5)

**Sec. 11-120-4 Issuance of certificate.**

Upon submission of the application as provided herein, the registrar shall prepare and file the Hawaii certificate of foreign birth that shall contain the following information:

(1) Information about the adopted person:

- (A) Full name as set forth in the adoption decree;
- (B) Sex;
- (C) Date of birth; and
- (D) Place of birth.

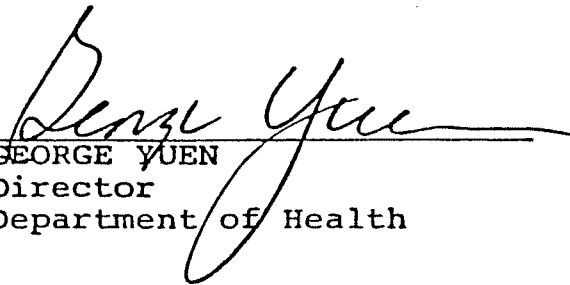
(2) Information about the adoptive parents:

- (A) Name of father and maiden name of mother;
- (B) Date of birth of each parent;
- (C) Place of birth of each parent; and
- (D) Mailing address of parents.


(3) The statement "This certificate is not evidence of United States citizenship for the child or the parents named above." [Eff. FEB 19 1981] (Auth: HRS Secs. 321-9, 338-2) (Imp: HRS Secs. 338-17.7(c), 338-20.5)

The Department of Health authorized the adoption of Chapter 120 of Title 11, Administrative Rules, on January 16, 1981 following a public hearing held on Oahu on December 17, 1980, after public notice was published in The Honolulu Advertiser on November 26, 1980, in The Garden Island and The Maui News on December 1, 1980, and in The Hawaii Tribune-Herald on November 30, 1980.

Chapter 120 of Title 11, Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

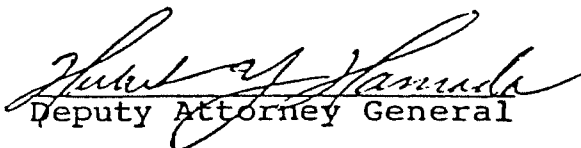
  
GEORGE YUEN  
Director  
Department of Health

APPROVED:

  
GEORGE R. ARIYOSHI  
GOVERNOR  
STATE OF HAWAII

Dated: Feb 7, 1981

APPROVED AS TO FORM:

  
Deputy Attorney General

REC'D. BY

1981 FEB 9 AM 10 23

State Office



**TITLE 11**  
**DEPARTMENT OF HEALTH**  
**CHAPTER 123**

**NAMES OF NATURAL PARENTS ON BIRTH CERTIFICATE OF ADOPTED PERSON**

Sec. 11-123-1 Purpose

Sec. 11-123-2 Definitions

Sec. 11-123-3 Application for inclusion of names of natural parents on supplementary birth certificate

Sec. 11-123-4 Application requirements

**Sec. 11-123-1 Purpose.**

The purpose of this chapter is to establish procedures for adoptive parents to have the names of the natural parents shown on a supplementary birth certificate. [Eff. FEB 19 1981] (Auth: Secs. 321-9, 338-2) (Imp: HRS Secs. 338-20, 578-14)

**Sec. 11-123-2 Definitions.**

As used in this chapter, unless the context otherwise requires:

"Original birth certificate" means the first birth certificate prepared and filed for the adopted person at birth or before the adoption.

"Supplementary birth certificate" means a new birth certificate prepared by the department of health upon receipt of a certified copy of an adoption decree or an abstract of it called the certificate of adoption. [Eff. FEB 19 1981] (HRS Secs. 321-9, 338-2) (Imp: HRS Secs. 338-20, 578-14)

**Sec. 11-123-3 Application for inclusion of names of natural parents on supplementary birth certificate.**

(a) An application by the adoptive parents shall be filed with the department of health before names of natural parents are added to a supplementary birth certificate.

(b) Application forms shall be provided by the department of health. [Eff. FEB 19 1981] (Auth: HRS Secs 338-2) (Imp: HRS Secs. 338-20, 578-14)

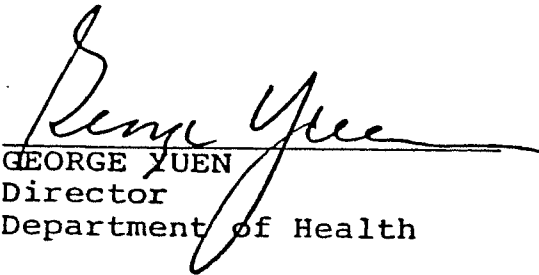
**Sec. 11-123-4 Application requirements.**

The applicants shall provide the following:


- (1) A certified copy of an adoption decree or certificate of adoption;
- (2) An affidavit signed by the adoptive parents requesting that the names of the natural parents be shown on the supplementary birth certificate;
- (3) An affidavit signed by the natural parents of the adopted person consenting to showing the affiants' name on the supplementary birth certificate;
- (4) An order from a court of record authorizing the department of health to open the sealed file containing the original birth certificate of the adopted person, if such records have been sealed; and,
- (5) Documents establishing the natural parents if the names of the alleged natural parents, who have consented to having their names entered on the supplementary birth certificate, differ from the names [Eff. FEB 19 1981] (Auth: HRS Secs. 321-9, 338-2) (Imp: HRS Sec. 578-14)

The Department of Health authorized the adoption of Chapter 123 of Title 11, Administrative Rules, on January 16, 1981 following a public hearing held on Oahu on December 17, 1980, after public notice was published in The Honolulu Advertiser on November 26, 1980, in The Garden Island and The Maui News on December 1, 1980, and in The Hawaii Tribune-Herald on November 30, 1980.

Chapter 123 of Title 11, Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

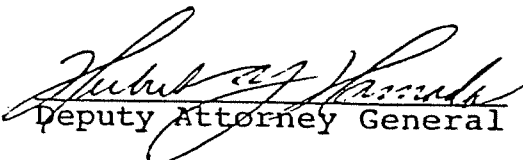
  
GEORGE YUEN  
Director  
Department of Health

APPROVED:

  
GEORGE R. ARIYOSHI  
GOVERNOR  
STATE OF HAWAII

Dated: Feb 7, 1981

APPROVED AS TO FORM:

  
Deputy Attorney General

REC'D BY

FEB 11 1981

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