OVERVIEW OF VITAL RECORDS

The Bureau of Vital Records and Health Statistics is the Idaho State Agency charged with the duties of registering, storing, and providing copies of Vital Events for legal, health, and administrative purposes.

The Bureau of Vital Records and Health Statistics is oversaw by the State Registrar. There are 3 appointed Deputy State Registrars who assist in the completion of the duties.

STATE REGISTRAR
James Aydelotte

DEPUTY STATE REGISTRAR
Kathy Anderson

DEPUTY STATE REGISTRAR
Jeremy Peterson

DEPUTY STATE REGISTRAR
Dan Irwin
**OVERVIEW OF VITAL RECORDS**

To date, the Bureau has registered the following events for 2016:

<table>
<thead>
<tr>
<th>Event</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live Births</td>
<td>22,190</td>
</tr>
<tr>
<td>Deaths</td>
<td>13,303</td>
</tr>
<tr>
<td>Marriages</td>
<td>13,603</td>
</tr>
<tr>
<td>Divorces</td>
<td>6,804</td>
</tr>
</tbody>
</table>
CONFIDENTIALITY AND DISCLOSURE

Vital Records are exempt from Public Records law IC § 74-106(e).

TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 1
PUBLIC RECORDS ACT

74-106. RECORDS EXEMPT FROM DISCLOSURE — PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official’s public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee’s or applicant’s written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant’s written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees’ and retired public officials’ home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for performance games; business records and information submitted pursuant to sections 67-7412 (8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:
    (a) Records of personal debt filed with a public agency or independent public body corporate and political pursuant to law;
    (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
    (c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and political, such as bonds, compiled by the public agency or independent public body corporate and political pursuant to law;
    (d) Records, with regard to the ownership of, or security interests in, registered public obligations;
    (e) Vital statistics records; and
Every record that is registered by our Bureau is subject to strict confidentiality and disclosure laws.

- Certificates of Live Birth remain confidential for 100 years.

- Certificates of Death, Marriage, and Divorce remain confidential for 50 years.

Records can only be released to persons who can provide evidence of a “Direct and Tangible Interest” in the record (e.g., Relative within the first degree or someone who is taking care of legal matters).
BIRTH CERTIFICATE

• Legally confidential for 100 years

• Contains a lot of Personally Identifiable Information (PII) and extremely sensitive medical information.

• Filed directly with the Bureau of Vital Records

• Should NOT be recorded at the County Level

• Variation among States sometimes creates confusion of persons seeking to file record

• Document that creates an “identity”.
DEATH CERTIFICATE

• Legally confidential for 50 years

• Contains a lot of Personally Identifiable Information (PII) and extremely sensitive medical information

• Filed directly with the Bureau of Vital Records

• Should NOT be recorded at the County Level
DEATH CERTIFICATE

5 Types of Certified Copies

STANDARD CERTIFIED COPY

- Issued by the Bureau of Vital Records
- Most prevalent copy that is issued
- Not a complete copy of the death record
- Provides Cause and Manner of Death information
- Contains all the required information for survivors to collect benefits (Life Insurance, VA Benefits, etc.)
DEATH CERTIFICATE

5 Types of Certified Copies

CERTIFIED LOCAL ISSUANCE PHOTOCOPY

- Issued by Local Deputy State Registrars at 7 Public Health Districts
- 2nd most common copy that is issued
- Complete copy of the death record
- Provides Cause and Manner of Death information
- Contains all the required information for survivors to collect benefits (Life Insurance, VA Benefits, etc.)
DEATH CERTIFICATE

5 Types of Certified Copies

CERTIFIED SHORT FORM COPY

- Issued by the Bureau of Vital Records
- Rarely requested or issued
- Not a complete copy of the death record
- Does not provide Cause and Manner of Death information
- Contains sufficient information to complete most estate closing matters (Bank Account, Property Transfer, etc.)
DEATH CERTIFICATE

5 Types of Certified Copies

CERTIFIED PHOTOCOPY

• Issued by Bureau of Vital Records
• Infrequently requested, sometimes system limitations mandate production
• Complete copy of the death record
• Provides Cause and Manner of Death information
• Contains all the required information for survivors to collect benefits (Life Insurance, VA Benefits, etc.)
DEATH CERTIFICATE

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DEATH CERTIFICATE

WHAT IS THE LAW FOR PROPERTY TRANSFERS AND RECORDING CERTIFIED COPIES OF DEATH CERTIFICATES?

TITLE 63
REVENUE AND TAXATION

CHAPTER 3
ASSESSMENT OF REAL AND PERSONAL PROPERTY

63-307. OWNERSHIP IDENTIFICATION. (1) The assessor shall ascertain the current ownership of land from documents recorded in the county recorder’s office and/or from evidence of ownership furnished to the assessor which is admissible at trial in a civil action pursuant to section 54-103, Idaho Code.
(2) Whenever any person is the owner of, or has contracted to purchase, either an undivided or defined portion of any real property assessed as a whole, such owner or purchaser, upon producing his deed, contract or other muniment of title, to the assessor at any time before the assessor has completed the assessment for that year, may have such assessment changed and corrected accordingly.
(3) No mistake in the name of the owner or failure to designate such owner shall in any manner affect the validity of the assessment or tax lien.
(4) If the ownership of any property is not known, such property must be assessed in the name of "unknown owner."

History:

TITLE 15
UNIFORM PROBATE CODE

CHAPTER 1
GENERAL PROVISIONS, DEFINITIONS AND PROBATE JURISDICTION OF COURT

PART 1.
SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

15-1-107. EVIDENCE AS TO DEATH OR STATUS. In proceedings under this code the rules of evidence in courts of general jurisdiction including any relating to simultaneous deaths, are applicable unless specifically displaced by this code. In addition, the following rules relating to determination of death and status are applicable:
(a) A certified or authenticated copy of a death certificate purporting to be issued by an official or agency of the place where the death purportedly occurred is prima facie proof of the fact, place, date and time of death and the identity of the decedent;
(b) A certified or authenticated copy of any record or report of a governmental agency, domestic or foreign, that a person is missing, detained, dead, or alive is prima facie evidence of the status and of the date, circumstances and places disclosed by the record or report;
(c) A person who is absent for a continuous period of five (5) years, during which he has not been heard from, and whose absence is not satisfactorily explained after diligent search or inquiry is presumed to be dead. His death is presumed to have occurred at the end of the period unless there is sufficient evidence for determining that death occurred earlier.

History:
[I.C., sec. 15-1-107, as added by 1971, ch. 111, sec. 1, p. 233.]
IS AN AFFIDAVIT A PLAUSIBLE SOLUTION?

- Utilized in Cassia County
- Contains all the information necessary to locate record
- Doesn’t violate confidentiality and disclosure requirements of Death Certificate
- Does not provide Cause and Manner of Death information (i.e. No HIPPA implications)
DEATH CERTIFICATE

DOES THE LAW NEED TO BE AMENDED?

- Recent legislation passed in the State of Oregon requires “short form” for property transfers

- “Short Form” still contains Personally Identifiable Information (SSN, Parent’s Information)

- Not all State’s have a “short form”

- Challenge for Funeral Homes to explain the various types of death certificates and their purpose to the family
MARRIAGE CERTIFICATE

- I.C. § 39-262 specifies that the Board of Health and Welfare will prescribe the form of the Marriage Certificate.
- Standard certificate form was adopted on 10/21/2014
  - Parties select their own titles from Bride/Groom/Partner
  - Collects the person’s sex
  - Adds Maiden name to both parties of the marriage
- Notice from State Registrar allowed for some transition time for counties to implement changes.
  - Currently there are multiple versions of the marriage certificate in use among the 44 counties
  - Bannock County is the only adoptee of the standard form
BY WHOM SOLEMNIZED. Marriage may be solemnized by any of the following Idaho officials: a current or retired justice of the supreme court, a current or retired court of appeals judge, a current or retired district judge, the current or a former governor; the current lieutenant governor; a current or retired magistrate of the district court; a current mayor or by any of the following: a current federal judge, a current tribal judge of an Idaho Indian tribe or other tribal official approved by an official act of an Idaho Indian tribe or priest or minister of the gospel of any denomination. To be a retired justice of the supreme court, court of appeals judge, district judge or magistrate judge of the district court, for the purpose of solemnizing marriages, a person shall have served in one (1) of those offices and shall be receiving a retirement benefit from either the judges retirement system or the public employee retirement system for service in the Idaho judiciary.
Common Problems to watch for:

- Marriage occurred prior to the issuance of the marriage license

32-302. “All persons herein authorized to solemnize marriages must first require the presentation of the marriage license.”
MARRIAGE CERTIFICATE

Common Problems to watch for:

• The parties to the marriage signed in the spot that should list the officiant’s name and title
Common Problems to watch for:

- The officiant failed to sign the Certificate
Common Problems to watch for:

- The Recorder failed to sign the Certificate.
MARRIAGE CERTIFICATE

Common Problems to watch for:

- The wrong copy of the Certificate is Recorded.