

901 KAR 5:020. Delayed birth registration.

RELATES TO: KRS 213.046, 213.056

STATUTORY AUTHORITY: KRS 194A.050, 213.021, 213.056

NECESSITY, FUNCTION, AND CONFORMITY: KRS 213.046 relating to Vital Statistics requires the Cabinet for Health and Family Services to register all births that occur in Kentucky. KRS 194A.050(1) requires the secretary to promulgate all administrative regulations authorized by applicable state laws necessary to operate programs and fulfill the responsibilities vested in the cabinet. This administrative regulation establishes a uniform procedure for registering births which were not reported at the time of birth.

Section 1. Definitions. "Delayed birth registration" means the registration of a nonrecorded birth after the time prescribed by KRS 213.046.

Section 2. Delayed Birth Registration. (1) A delayed birth certificate prepared by an institution or bearing the bona fide signature of the physician or midwife shall be accepted by the State Registrar of Vital Statistics for registration if filed before the child is seven (7) years old.

(2) If a birth did not occur in an institution, the physician or midwife is deceased or otherwise not available, or if there was no professional attendant at the birth, the birth certificate shall be accepted for registration if it meets the following criteria. It is:

- (a) Completed by a parent or nearest living relative;
- (b) Supported by the affidavit of the parent or nearest living relative; and
- (c) Supported by a document that:

- 1. Was established more than one (1) year prior to the date of the application; and
- 2. Reflects the date of birth, place of birth, and name of the parents.

(3) Any birth certificate presented for registration more than seven (7) years after birth occurred shall be prepared on form VS-B-5, "Established Certificate of Birth and Affidavits".

(4) Information contained on the VS-B-5 shall be supported by the following material:

(a) The affidavit of a parent or nearest living relative of legal age no less than ten (10) years older than the applicant;

(b) The affidavit of a nonrelative of legal age no less than ten (10) years older than the applicant, showing the applicant's date of birth, place of birth, and names of parents;

(c) One (1) document which was established no less than ten (10) years prior to the date of application showing the date of birth, place of birth and names of parents. If the individual whose birth is to be recorded is between the ages of seven (7) and seventeen (17), the document used shall be established no less than three (3) years prior to the date of application.

(5) If the affidavits required in paragraphs (a) and (b) of subsection (4) are not obtainable an acceptable document that meets the requirements of subsection (4)(c) of this section shall be substituted for each affidavit.

(6) Acceptable documents for paragraph (c) of this subsection may include:

- (a) Insurance policies;
- (b) Census, hospital, school or church records;
- (c) Marriage application forms;
- (d) Military records;
- (e) Birth certificate of a child;
- (f) Employment records;
- (g) Physician's office records;
- (h) Local health department records;
- (i) Passports; or

(j) Voter's registration records.

Section 3. Incorporation by Reference. (1) "VS-B-5, Established Certificate of Birth and Affidavits", edition 1/07, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Vital Statistics, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (VS-1-1; 1 Ky.R. 636; eff. 4-9-1975; 20 Ky.R. 1396; 1828; eff. 1-10-1994; 33 Ky.R. 1434; 1820; eff. 2-2-2007; Crt eff. 4-5-2019.)