K.A.R. 28-17-10. ~~Application form requirements for registration of~~ Delayed ~~birth~~ certificate of birth. ~~Requirements for registration of a delayed birth certificate shall be the following: The delayed birth certificate shall be filled out giving facts as at the time of birth, signed before a notary public, or person duly authorized to administer oath, by the registrant if over 18 years of age. If under age 18, the delayed certificate shall be signed by the parent, older relative or attending physician. The delayed birth certificate shall be supported by the following evidence:~~

~~(1) Two original documents or certified or photostatic copies of original documents executed at least five years prior to date of application for delayed birth certificate which show date of birth or age, birthplace and parents' names, (except that documentary evidence may be waived in cases where the registrant is under 12 years of age at the time application is made.)~~

~~Plus~~

~~(2) At least two affidavits sworn by two of the following: Attending physician, midwife, parent, householder or other older relatives attesting to the facts of the birth as alleged on the delayed birth certificate: *Provided*, That additional documentary evidence may be substituted for one or both affidavits whenever the latter are unobtainable. The affiants in all cases must be at least five years older than the registrant.~~ (a) Each request for a delayed certificate of birth shall be registered with the office of vital statistics and shall meet the following requirements:

(1) Be completed with facts known at the time of birth of the registrant; and

(2) if the registrant is at least 18 years of age, be signed before a notary public or other authorized individual. If the registrant is under 18 years of age, the delayed certificate of birth shall be signed by a parent, legal guardian, or attending physician before a notary public or other

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authorized individual.

(b) Each request for a delayed certificate of birth for a registrant under 10 years of age shall include the following:

(1) Two original documents or certified copies of two original documents dated at least one year before the date of the request or within the first year of the registrant's life, showing the registrant's date of birth or age;

(2) one original document or a certified copy of one original document showing the mother's presence in the state at the time of birth;

(3) one original document or a certified copy of one original document with information of the registrant's birthplace as Kansas; and

(4) one original document or a certified copy of one original document with at least one parent's name.

(c) Each request for a delayed certificate of birth for a registrant 10 years of age or older shall include the following:

(1) Four original documents or a certified copy of each of four original documents dated at least 10 years before the date of the request or within three years of the registrant's date of birth, each showing the registrant's date of birth or age;

(2) one original document or a certified copy of one original document with information of the registrant's birthplace as Kansas; and

(3) one original document or a certified copy of one original document with at least one parent's name. (Authorized by K.S.A. 2015 Supp. 65-2402~~,~~; implementing K.S.A. 65-2419~~,~~ and

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65-2420; effective Jan. 1, 1966; amended P-_____.)

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K.A.R. 28-17-11. (Authorized by K.S.A. 65-2419, 65-2420; effective Jan. 1, 1966; revoked P-_____.)

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K.A.R. 28-17-20. Corrections to certificates and records. Corrections to certificates and records may be made ~~only as follows and only~~ within the time limit indicated in each subsection.

(a) Amendments within 90 days.

(1) Within 90 days of receipt of an original vital record in the office of vital statistics, the following records in which an inaccuracy or an incomplete item is apparent on the ~~face of the~~ certificate may be changed to show the accurate and complete facts:

(A) Birth certificates;

(B) any part of a death certificate other than the medical section describing the cause of death;

(C) any part of a stillbirth certificate, other than the medical section describing the cause of death;

(D) marriage certificates; and

(E) divorce certificates.

(2) The changes specified in this subsection shall be made as follows:

(A) Any death or stillbirth certificate may be amended by drawing a single line through the incorrect information in the appropriate space or by inserting the correct information in the appropriate space, if left blank on the original certificate. For each amendment, the date of the amendment and the word "amended" shall be written or typed on the certificate. The process of amendment specified in this paragraph shall not be used more than one time for the same item.

(B) A new certificate shall be created if any item to be corrected is not left blank on the original certificate or if a death or stillbirth certificate item has already been amended. This process of amendment shall not be used more than one time for the same item unless

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accompanied by a court order, except when amending a death or stillbirth certificate.

(C) If the registrant is a minor, the birth certificate may be amended at the request of a parent ~~to change an item or items by adding~~ by submission of an affidavit and supporting evidence to substantiate each item to be amended, unless the item to be amended is to add the name of a parent, ~~correcting~~ to correct the name of either parent or of the ~~child~~ registrant, or ~~changing~~ to change the ~~child's~~ registrant's last name to that of either parent. Any of these amendments may be made ~~only~~ pursuant to K.S.A. ~~38-1130~~ 23-2223, and amendments thereto.

(D) The process of amendment specified in paragraph (a)(2) shall be used when affidavits and supporting evidence have been furnished to ~~the state registrar, as appropriate~~ and accepted by the secretary or the secretary's designee. The date of the amendment and the word "amended" shall be placed on the original certificate or the newly created certificate.

(3) An amendment fee, as specified in K.A.R. 28-17-6, shall be required, ~~except when~~ unless changes are made within the first 90 days after receipt of a death certificate or a stillbirth certificate in the office of vital statistics.

(b) Amendments after 90 days. After 90 days of receipt of the vital record in the office of vital statistics, amendments may be made ~~only~~ as follows:

(1) Birth certificates.

(A) Any birth certificate ~~items~~ may be amended upon the ~~applicant's~~ registrant's submission, or parent's submission if the registrant is a minor, of at least two documents that ~~consistently~~ substantiate each item to be amended and that are executed and dated at least five years before the request for the amendment or before the tenth birthday anniversary of the

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registrant, except that the following items ~~may~~ shall be corrected ~~only~~ as specified:

(i) The ~~items~~ item recording the registrant's sex may be amended if the amendment is substantiated with the ~~applicant's~~ registrant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded~~, or~~ and with ~~a~~ medical ~~certificate substantiating that a physiological or anatomical change occurred~~ records substantiating the registrant's sex at the time of birth.

(ii) If the registrant is a minor, any request by a parent to change an item or items by adding the name of a parent, correcting the name of either parent or of the ~~child~~ registrant, or changing the ~~child's~~ registrant's last name to that of either parent shall be made ~~only~~ pursuant to K.S.A. ~~38-1130~~ 23-2223, and amendments thereto.

(iii) Any registrant who is of legal age may amend the order of the registrant's ~~given~~ first and middle names if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(iv) ~~A~~ Any registrant who is of legal age may place the registrant's ~~given~~ first name or ~~names~~ middle name, or both, on the record only if there is no ~~given~~ first name and no middle name on the original certificate and if the amendment is substantiated with one of the documents specified in paragraph (b)(1)(A).

(v) ~~A~~ Any registrant who is of legal age may correct the spelling of the registrant's ~~given~~ first name, ~~or names~~ middle name, or last name if the amendment is substantiated with one document established before the tenth birthday anniversary of the registrant. Changing the first name, middle name, or last name of the registrant shall not be considered to be correcting the

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spelling of the registrant's first name, middle name, or last name.

(vi) ~~A registrant who is of legal age may correct the spelling of the registrant's last name if the amendment is substantiated with two documents established before the tenth birthday anniversary of the registrant. Changing the last name of the registrant shall not be deemed to be correcting the spelling of the registrant's last name.~~

~~(vii)~~ A registrant who is of legal age may correct the ~~name of the registrant's mother before her first marriage or the father's or mother's legal name~~ parents' names, if one of the required documents specified in paragraph (b)(1)(A) is the marriage license or birth certificate of the parent or parents.

~~(viii)~~ (vii) The registrant's birth date on the certificate may be changed ~~only~~ if both required documents were executed and dated before the tenth birthday anniversary and if the change is consistent with the recorded filing date.

(B) ~~When an amendment is made after 90 days,~~ Any item that has been previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the ~~state registrar~~ secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(E) ~~Requests~~ Each request for an amendment to a birth certificate that ~~do~~ does not require a court order shall be submitted by the parent or legal guardian of ~~persons~~ a registrant not of

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legal age, or by the registrant if of legal age. The person submitting the ~~application~~ request shall execute a notarized affidavit stating the true facts to be recorded.

(2) Death certificates: personal data.

(A) Personal data may be amended without a court order if the request is made within the first ~~six~~ 12 months after filing the original certificate.

(B) Requests for amendments to personal data may be made ~~only~~ by the funeral director or person ~~acting as such~~ who submitted the original certificate.

(C) ~~When amendments to the personal data of a death certificate are made 90 or more days after the certificate is received in the office of vital statistics,~~ The original certificate shall remain on file unchanged and shall be placed in a sealed file unless required to be opened only by a court order. ~~A~~ The new certificate shall be prepared by the funeral director or person ~~acting as such~~ who submitted the original certificate or by the state registrar. The medical section shall again be completed, and the required signatures shall be secured whenever possible. The signatures may be typed if the required signatures are unattainable and a written statement of the reason the signatures are unattainable is attached to the certificate. The certificate shall not be accepted if the stated reason for the typed signature is inadequate, as determined by the state registrar. Upon acceptance by the state registrar, the new certificate shall be marked "amended" and shall indicate the date of the amendment.

(3) Stillbirth certificates: personal data.

(A) Personal data may be amended upon the request of a parent and the submission of affidavits and supporting evidence to substantiate each item to be amended.

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(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the ~~state registrar~~ secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(4) Marriage certificates: personal data.

(A) Personal data may be amended upon the request of ~~the bride and groom~~ either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the ~~state registrar~~ secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

(5) Divorce certificates: personal data.

(A) Personal data may be amended upon the request of either spouse and the submission of affidavits and supporting evidence to substantiate each item to be amended.

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(B) Any item that was previously amended may be changed only pursuant to a court order.

(C) The sufficiency of affidavits and supporting evidence shall be determined by the ~~state registrar~~ secretary or the secretary's designee.

(D) The original certificate shall remain on file unchanged and shall be placed in a sealed file to be opened by a court order. The new certificate shall be marked "amended" and shall indicate the date of the amendment.

~~(6) Original and amended certificates. If a new certificate is created to amend and replace an original certificate, the original certificate shall remain unchanged and shall be placed in a sealed file to be opened only by a court order. The new certificate shall be marked "amended." The date of amendment shall be recorded on the new certificate. If a section of an original certificate contains a signature, the new certificate shall include the typed name of each person who signed the original certificate. The original certificate and any required affidavits shall be permanently filed by the state registrar.~~

(c) Amendments with no time limit.

(1) Death and stillbirth certificates: medical section data.

(A) Requests for amendments to the medical section data may be made only by the ~~attending~~ physician who signed the medical section on the original certificate or by the coroner in ~~whose~~ the jurisdiction the death or stillbirth occurred.

(B) ~~An amendment may be made to the medical section data at any time.~~

~~(C) Amendments to the~~ Medical section data may be ~~made~~ amended in either of the

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following ways:

(i) The original certificate shall remain on file unchanged, and the written statement or affidavit of the certifying physician or coroner shall be appended to the back of the original certificate. The original certificate shall be marked "amended" and shall indicate the date of the amendment.

(ii) A certifying physician or coroner may request the establishment of a new death certificate or stillbirth certificate ~~if erroneous data has been entered in the medical section~~. ~~In this case,~~ The funeral director or person ~~acting as such~~ who submitted the original certificate or the state registrar shall enter the personal data and forward the certificate to the certifying physician or coroner to sign the medical section. When all items have been completed, the new certificate shall be submitted to the office of vital statistics, and upon acceptance of the certificate, the certificate shall be marked "amended" and shall indicate the date of the amendment. The original death or stillbirth certificate shall be placed in a sealed file to be opened ~~only~~ by a court order. (Authorized by K.S.A. 2015 Supp. 65-2402 and K.S.A. 65-2422c; implementing K.S.A. 65-2422c; effective Jan. 1, 1966; amended May 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended, T-28-9-25-92, Sept. 25, 1992; amended Nov. 16, 1992; amended Aug. 16, 1993; amended, T-28-11-5-04, Nov. 5, 2004; amended Feb. 25, 2005; amended P- _____.)

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