

IC 16-37

ARTICLE 37. VITAL STATISTICS

IC 16-37-1

Chapter 1. General Provisions

IC 16-37-1-0.1

Repealed

(Repealed by P.L.63-2012, SEC.21.)

IC 16-37-1-1

Administration

Sec. 1. The state department shall provide a system of vital statistics for Indiana to be administered by a division of the state department.

As added by P.L.2-1993, SEC.20.

IC 16-37-1-2

State registrar; duties

Sec. 2. The employee in charge of the division of the state department administering the system of vital statistics shall be known as the state registrar and shall do the following:

- (1) Keep the files and records pertaining to vital statistics.
- (2) Perform the duties prescribed by the state department.
- (3) Perform the duties required under IC 10-13-5-11.
- (4) Administer the putative father registry established by IC 31-19-5-2.
- (5) Maintain records of paternity determinations as provided by IC 31-14-9.

As added by P.L.2-1993, SEC.20. Amended by P.L.100-1994, SEC.1; P.L.1-1997, SEC.90; P.L.2-2003, SEC.54.

IC 16-37-1-3

State department duties; rules

Sec. 3. The state department shall do the following:

- (1) Prescribe the information to be contained in each kind of application, certificate, report, or permit required by this article.
- (2) Adopt rules under IC 4-22-2 for the following:
 - (A) Collecting, transcribing, compiling, and preserving vital statistics.
 - (B) The form, execution, filing, and recording of paternity affidavits executed under IC 16-37-2-2.1.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.60; P.L.133-1995, SEC.11.

IC 16-37-1-3.1

Establishes Indiana birth registration and Indiana death registration systems

Sec. 3.1. (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording

in an electronic format live births in Indiana.

(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

- (1) funeral directors;
- (2) physicians;
- (3) coroners;
- (4) medical examiners;
- (5) persons in attendance at birth; and
- (6) local health departments;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

- (A) physician last in attendance upon the deceased; or
- (B) person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

- (A) initiating the document process; or
- (B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.

As added by P.L.61-2009, SEC.5. Amended by P.L.156-2011, SEC.33.

IC 16-37-1-4

Registration districts

Sec. 4. Each local health jurisdiction is a registration district for vital statistics and the local health officer shall be the local registrar.

As added by P.L.2-1993, SEC.20.

IC 16-37-1-5

Monthly report of local health officer

Sec. 5. (a) The local health officer, on the fourth day of each month, shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's

jurisdiction within the preceding month. However, after December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death.

(b) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information each month in a format prescribed by the state department.

As added by P.L.2-1993, SEC.20. Amended by P.L.148-1996, SEC.1; P.L.61-2009, SEC.6.

IC 16-37-1-6

Contents of monthly report

Sec. 6. The report of the local health officer must contain the following:

- (1) The original copy of each certificate of birth, death, or stillbirth.
- (2) A certification that no other births, deaths, or stillbirths occurred within the jurisdiction to the best of the health officer's knowledge and belief.
- (3) A copy of each paternity affidavit filed with the health officer under IC 16-37-2-2.1.
- (4) Any other information required by the state department.

As added by P.L.2-1993, SEC.20. Amended by P.L.101-1994, SEC.1; P.L.46-1995, SEC.61; P.L.133-1995, SEC.12.

IC 16-37-1-7

Birth certificate requests; permanent records

Sec. 7. Both the state registrar and the local health officer shall maintain a permanent record, accompanying the birth records, that contains for each request for a certified copy of a birth certificate the following:

- (1) The date of the request.
- (2) The name and address of the person making the request.

As added by P.L.2-1993, SEC.20. Amended by P.L.87-1994, SEC.9.

IC 16-37-1-8

Prerequisites to issuance of birth certificate; judicial review; missing child certificates; excluded information

Sec. 8. (a) Except as provided in subsection (c), a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if:

- (1) the health officer is satisfied that the applicant has a direct interest in the matter;
- (2) the health officer determines that the certificate is necessary

for the determination of personal or property rights or for compliance with state or federal law; and

(3) the applicant for a birth certificate presents at least one (1) form of identification.

However, the local health officer must issue a certificate of an applicant's own birth registration.

(b) A local health officer's decision whether or not to issue a certified copy of a birth certificate is subject to review by a court.

(c) A local health officer may not issue a copy of a birth certificate of a missing child to which a notice has been attached under IC 10-13-5-11 without the authorization of the Indiana clearinghouse for information on missing children and missing endangered adults.

(d) Upon determination that a person may be provided a certification of death under subsection (a), the local health officer shall provide to the person a certification of death that excludes information concerning the cause of death if the person requests the exclusion of this information.

As added by P.L.2-1993, SEC.20. Amended by P.L.2-2003, SEC.55; P.L.123-2007, SEC.1; P.L.43-2009, SEC.16.

IC 16-37-1-8.5

Certificate of birth resulting in stillbirth; required contents of certificate

Sec. 8.5. (a) Upon request by a parent of a stillborn child, a local health officer shall provide to the parent a certificate of birth resulting in stillbirth.

(b) A certificate of birth resulting in stillbirth provided under subsection (a) must contain the following:

(1) The caption "Certificate of Birth Resulting in Stillbirth".

(2) A space for the name of the stillborn child.

(c) A certificate provided under this section is in addition to a certificate of stillbirth registration provided under section 8 of this chapter.

(d) For purposes of federal, state, and local taxes, the certificate provided under this section is not proof of a live birth.

(e) A local health department may charge the same fee for a certificate provided under this section as the fee charged for a certificate of birth registration provided under section 8 of this chapter.

(f) A certificate of birth resulting in stillbirth must be issued on tamper resistant paper.

As added by P.L.13-2002, SEC.1.

IC 16-37-1-9

Registration certificate charges

Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in subsection (d) must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

(1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;

(2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;

(3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;

(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;

(5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;

(6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;

(7) three dollars and twenty-five cents (\$3.25) after June 30, 2038, and before July 1, 2043; and

(8) three dollars and fifty cents (\$3.50) after June 30, 2043.

As added by P.L.2-1993, SEC.20. Amended by P.L.36-1993, SEC.2; P.L.215-2007, SEC.3; P.L.225-2007, SEC.2; P.L.3-2008, SEC.110.

IC 16-37-1-10

Restrictions on disclosure of data; judicial review; exemption; birth records of adopted children

Sec. 10. (a) Except as provided in subsection (b), the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

(1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:

(A) That the applicant has a direct interest in the matter recorded.

(B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

(2) The state department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use may be made of the data.

(3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

(b) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

As added by P.L.2-1993, SEC.20. Amended by P.L.1-1997, SEC.91; P.L.257-1997(ss), SEC.29; P.L.1-1999, SEC.45.

IC 16-37-1-11

Record search or amendment; fees

Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

As added by P.L.2-1993, SEC.20. Amended by P.L.168-2003, SEC.1.

IC 16-37-1-11.5

Birth problems registry fee

Sec. 11.5. In addition to the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

As added by P.L.180-1993, SEC.1.

IC 16-37-1-11.7

Repealed

(Repealed by P.L.156-2011, SEC.41.)

IC 16-37-1-12

Fraud; felony

Sec. 12. A person who, with intent to defraud:

- (1) makes a false or fraudulent statement in applying to a local health officer or to the state registrar for a certified copy of a birth certificate;
- (2) makes a false or fraudulent statement in applying to the state registrar for permission to inspect public birth records held by the state registrar;
- (3) alters, counterfeits, or mutilates a certified copy of a birth certificate issued by a local health officer or by the state registrar; or
- (4) uses an altered, a counterfeit, or a mutilated certified copy of a birth certificate;

commits a Level 6 felony.

As added by P.L.2-1993, SEC.20. Amended by P.L.41-2008, SEC.1; P.L.158-2013, SEC.239.

IC 16-37-1-13**Violations; sanctions**

Sec. 13. (a) Except as provided in subsection (c) or (d) or as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

(c) A person who:

- (1) is licensed under IC 25 in a profession listed in section 3.1(c) of this chapter; and
- (2) recklessly violates or fails to comply with this chapter;

is subject only to sanctions under IC 25-1-9-4(a)(3).

(d) The state department may not begin sanctioning a person for failing to submit a document in electronic format as required in section 3.1 of this chapter until January 1, 2012.

As added by P.L.2-1993, SEC.20. Amended by P.L.156-2011, SEC.34.

IC 16-37-2

Chapter 2. Certification of Births

IC 16-37-2-1

"Person in attendance at birth"

Sec. 1. As used in this chapter, "person in attendance at birth" means one (1) of the following:

- (1) A licensed attending physician.
- (2) A certified direct entry midwife or a certified nurse midwife.
- (3) Another individual who:
 - (A) holds a license of the type designated by the governing board of a hospital, after consultation with the hospital's medical staff, to attend births at the hospital; and
 - (B) is in attendance at the birth.

As added by P.L.2-1993, SEC.20. Amended by P.L.148-1996, SEC.2; P.L.232-2013, SEC.3.

IC 16-37-2-2

Birth certificate and paternity affidavit; persons responsible for filing or preparation; release of paternity affidavit

Sec. 2. (a) A person in attendance at a live birth shall do the following:

- (1) File with the local health officer the following:
 - (A) A certificate of birth.
 - (B) Any paternity affidavit executed under section 2.1(c)(1) of this chapter.

However, beginning January 1, 2011, the person in attendance at a live birth shall use the Indiana birth registration system established under IC 16-37-1-3.1 to electronically file a birth certificate or paternity affidavit under this subdivision.

- (2) Advise the mother of a child born out of wedlock of:
 - (A) the availability of paternity affidavits under section 2.1 of this chapter; and
 - (B) the existence of the putative father registry established by IC 31-19-5-2.

(b) If there was no person in attendance at the birth, one (1) of the parents shall file with the local health officer the following:

- (1) A certificate of birth.
- (2) Any paternity affidavit executed under section 2.1 of this chapter.

(c) If:

- (1) no person was in attendance at the birth and neither parent is able to prepare the certificate; or
- (2) the local health officer does not receive a certificate of birth;

the local health officer shall prepare a certificate of birth from information secured from any person who has knowledge of the birth.

(d) A local health department shall inform the Title IV-D agency (as defined in IC 31-9-2-130) regarding each paternity affidavit executed under section 2.1 of this chapter that the local health department receives under this section.

(e) A paternity affidavit executed under section 2.1(c)(1) of this chapter shall be filed with the local health officer not more than five (5) days after the child's birth.

(f) An attorney or agency that arranges an adoption may at any time request that the state department search its records to determine whether a man executed a paternity affidavit under section 2.1 of this chapter in relation to a child who is or may be the subject of an adoption that the attorney or agency is arranging.

(g) Not more than ten (10) days after receiving a request from an attorney or agency under subsection (f), the state department shall submit an affidavit to the attorney or agency verifying whether a paternity affidavit has been filed under this section. If a paternity affidavit has been filed regarding a child who is the subject of a request under subsection (f), the state department shall release a copy of the paternity affidavit to the requesting attorney or agency.

As added by P.L. 2-1993, SEC.20. Amended by P.L. 100-1994, SEC.2; P.L. 46-1995, SEC.62; P.L. 133-1995, SEC.13; P.L. 1-1997, SEC.92; P.L. 257-1997(ss), SEC.30; P.L. 61-2009, SEC.7.

IC 16-37-2-2.1

Paternity affidavits; requirements; forms; joint legal custody agreement; penalty; effect of paternity affidavit; genetic test; opportunity to consult

Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

- (1) a hospital; or
- (2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

- (1) provide an opportunity for:
 - (A) the child's mother; and
 - (B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

- (2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (j).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

- (1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.
- (2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit form executed under this section must contain the following:

- (1) The mother's:
 - (A) full name;
 - (B) Social Security number;
 - (C) date of birth; and
 - (D) address.
- (2) The father's:
 - (A) full name;
 - (B) Social Security number;
 - (C) date of birth; and
 - (D) address.
- (3) The child's:
 - (A) full name;
 - (B) date of birth; and
 - (C) birthplace.
- (4) A brief explanation of the legal significance of signing a voluntary paternity affidavit.
- (5) A statement signed by both parents indicating that:
 - (A) they understand that signing a paternity acknowledgment affidavit is voluntary;
 - (B) they understand:
 - (i) their rights and responsibilities under the affidavit;
 - (ii) the alternatives to signing the affidavit; and
 - (iii) the consequences of signing the affidavit; and
 - (C) they have been informed of the alternatives to signing the affidavit.
- (6) Separate signature lines for the mother and father.
- (7) Separate signature lines for the witness or notary indicating that the witness or notary observed the father or mother signing the affidavit.

(f) Before a paternity affidavit is signed, both the mother and father must be informed of the alternatives to signing the affidavit.

(g) A paternity affidavit executed under this section must contain or be attached to all of the following:

- (1) The mother's sworn statement asserting that a person described in subsection (b)(1)(B) is the child's biological father.
- (2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.
- (3) Written information furnished by the child support bureau of the department of child services:
 - (A) explaining the effect of an executed paternity affidavit as described in subsection (j); and
 - (B) describing the availability of child support enforcement services.
- (4) The Social Security number of each parent.

(h) A paternity affidavit executed under this section must contain all of the following:

- (1) A statement:

(A) that, if the mother and the person described in subsection (g)(2) check the box located next to this statement and sign on the signature lines described in subdivision (2), the mother and the person described in subsection (g)(2) agree to share joint legal custody of the child; and

(B) that joint legal custody means that the persons sharing joint legal custody:

- (i) share authority and responsibility for the major decisions concerning the child's upbringing, including the child's education, health care, and religious training; and
- (ii) have equal access to the child's school and medical records.

(2) Two (2) signature lines located below the statements described in subdivision (1).

(3) A statement that, if the mother and the person described in subsection (g)(2) do not agree to share joint legal custody, the mother has sole legal custody unless another determination is made by a court in a proceeding under IC 31-14.

(4) A statement that even if the mother and the person described in subsection (g)(2) share joint legal custody, the mother has primary physical custody of the child unless another determination is made by a court in a proceeding under IC 31-14.

(5) A statement that, if the mother and the person described in subsection (g)(2) agree to share joint legal custody as described under subdivision (1)(A), the agreement to share joint legal custody is void unless the result of a genetic test performed by an accredited laboratory:

(A) indicates that the person described in subsection (g)(2) is the child's biological father; and

(B) is submitted to a local health officer not later than sixty (60) days after the child's birth.

(6) A statement with signature lines that affirms that an individual described in subsection (t) has had an opportunity to consult with an adult chosen by the individual.

(i) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(j) A paternity affidavit executed under this section:

(1) establishes paternity;

(2) gives rise to parental rights and responsibilities of the person described in subsection (g)(2), including:

(A) the right of the child's mother or the Title IV-D agency to obtain a child support order against the person, which may include an order requiring the provision of health insurance coverage; and

(B) parenting time in accordance with the parenting time guidelines adopted by the Indiana supreme court, unless another determination is made by a court in a proceeding under IC 31-14-14; and

(3) may be filed with a court by the department of child services.

However, if a paternity affidavit is executed under this section, unless another determination is made by a court in a proceeding under IC 31-14 or the child's mother and the person described in subsection (g)(2) agree to share joint legal custody of the child as described in subsection (h), the child's mother has sole legal and primary physical custody of the child.

(k) Notwithstanding any other law, a man who is a party to a paternity affidavit executed under this section may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(l) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court:

- (1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; and
- (2) at the request of a man described in subsection (k), has ordered a genetic test, and the test indicates that the man is excluded as the father of the child.

(m) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (j)(2)(A) of a party to the executed paternity affidavit during a challenge to the affidavit.

(n) The court may not set aside the paternity affidavit unless a genetic test ordered under subsection (k) or (l) excludes the person who executed the paternity affidavit as the child's biological father.

(o) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.

(p) Except as provided in this section, if a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court.

(q) If both the mother and the person described in subsection (g)(2) check the box and sign as described in subsection (h)(1)(A), the mother and the person described in subsection (g)(2):

- (1) share joint legal custody of the child; and
- (2) have equal access to the child's school and medical records.

An action to establish custody or parenting time of a party who has agreed under subsection (h) to share joint legal custody shall be tried de novo.

(r) Before a paternity affidavit executed under this section is signed, it must be presented separately to:

- (1) the child's mother; and
- (2) the man who reasonably appears to be the child's biological father;

so that the child's mother may review the affidavit alone and without the presence of the man who reasonably appears to be the child's

biological father, and so that the man who reasonably appears to be the child's biological father may review the affidavit alone and without the presence of the child's mother. A signed paternity affidavit is voidable if the requirements of this subsection are not satisfied.

(s) An agreement to share joint legal custody described under subsection (h) is void if either of the following applies:

(1) A genetic test performed by an accredited laboratory indicates a person described in subsection (g)(2) is not the biological father of the child.

(2) A person described in subsection (g)(2) fails to submit:

(A) to a local health officer; and

(B) not later than sixty (60) days after the date of the child's birth;

the results of a genetic test performed by an accredited laboratory that indicates the person is the biological father of the child.

(t) An individual who is:

(1) a:

(A) child's mother; or

(B) person identified as the father under subsection (g)(1); and

(2) less than eighteen (18) years of age;

must have an opportunity to consult with any adult chosen by the individual regarding the contents of a paternity affidavit before signing the paternity affidavit under this section. A signed paternity affidavit is voidable if the individual does not have the opportunity to consult with an adult chosen by the individual.

As added by P.L.46-1995, SEC.63. Amended by P.L.133-1995, SEC.14; P.L.1-1997, SEC.93; P.L.257-1997(ss), SEC.31; P.L.138-2001, SEC.4; P.L.145-2006, SEC.140; P.L.146-2006, SEC.10; P.L.25-2010, SEC.1; P.L.128-2012, SEC.19.

IC 16-37-2-3

Time for filing birth certificate

Sec. 3. A certificate of birth shall be filed not more than five (5) days after the birth occurs.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-4

Acceptance of delayed filed birth certificates

Sec. 4. A local health officer may accept a certificate of birth presented for filing not more than twelve (12) months after the birth occurred if the attending physician, certified nurse midwife, certified direct entry midwife, or other person desiring to file the certificate states the reason for the delay in writing. This statement shall be made a part of the certificate of birth.

As added by P.L.2-1993, SEC.20. Amended by P.L.232-2013, SEC.4; P.L.141-2014, SEC.17.

IC 16-37-2-5**Birth certificates presented more than 12 months after birth**

Sec. 5. A certificate of birth presented for filing more than twelve (12) months after the birth occurred is a delayed certificate of birth and the record shall be filed only with the state department.

As added by P.L.2-1993, SEC.20. Amended by P.L.141-2014, SEC.18.

IC 16-37-2-6**Rules for accepting delayed birth certificates**

Sec. 6. The state department shall adopt rules concerning the application for, the supporting documents for, and the acceptance of delayed certificates of birth. The state department shall keep delayed certificates of birth in a file separate from other certificates of birth.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-7**Certificate of birth registration; issuance to delayed birth certificate applicant**

Sec. 7. The state department shall issue a certificate of birth registration without charge to the applicant for a delayed certificate of birth if the state department finds the application is properly executed.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-8**Probative value of delayed birth certificate**

Sec. 8. The probative value of a delayed certificate of birth shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-9**Permanent record; public inspection; adoptee birth records**

Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Place of birth.
- (5) Name of the parents.
- (6) Birthplace of the parents.
- (7) The date of filing of the certificate of birth.
- (8) The person in attendance at the birth.
- (9) Location of the birth, including whether the birth occurred at a hospital, licensed health care facility, home, or other non-health care facility.

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection.

(c) The birth record of an adopted child remains subject to the

confidentiality provisions of IC 31-19 regarding the release of adoption information.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.64; P.L.133-1995, SEC.15; P.L.1-1997, SEC.94; P.L.257-1997(ss), SEC.32; P.L.2-1998, SEC.60; P.L.232-2013, SEC.5.

IC 16-37-2-10

"DNA test"; additions or corrections to birth certificate; evidence

Sec. 10. (a) As used in this section, "DNA test" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared with the genetic codes of another individual.

(b) The state department may make additions to or corrections in a certificate of birth on receipt of adequate documentary evidence, including the results of a DNA test under subsection (c) or a paternity affidavit executed under section 2.1 of this chapter.

(c) The state department may make an addition to a birth certificate based on the results of a DNA test only if:

- (1) a father is not named on the birth certificate; and
- (2) a citation to this subsection as the authority for the addition is noted on the birth certificate.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.65; P.L.133-1995, SEC.16.

IC 16-37-2-11

Custody of children of unknown parentage; reports

Sec. 11. A person who assumes custody of a child of unknown parentage shall report immediately to the local health officer.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-12

Children of unknown parentage; certificates of birth

Sec. 12. The local health officer shall prepare a certificate of birth for a child of unknown parentage. The place where the child was found or where custody was assumed shall be known as the place of birth and the date of birth shall be determined by approximation. If the child is identified or if a regular certificate of birth is found or obtained, the local health officer shall correct the health officer's records and file a corrected certificate of birth with the state department.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-13

Recorded name of child born out of wedlock

Sec. 13. A child born out of wedlock shall be recorded:

- (1) under the name of the mother; or
- (2) as directed in a paternity affidavit executed under section 2.1 of this chapter.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.66; P.L.133-1995, SEC.17.

IC 16-37-2-14

Duties of health officer regarding paternity affidavit

Sec. 14. If a paternity affidavit executed under section 2.1 of this chapter is filed with a local health officer, the local health officer shall do the following:

- (1) Correct the local record of birth by adding the name of the father to the certificate of birth.
- (2) File a copy of the affidavit with the report required by IC 16-37-1-6.

As added by P.L.2-1993, SEC.20. Amended by P.L.46-1995, SEC.67; P.L.133-1995, SEC.18.

IC 16-37-2-15

Proper name of illegitimate child whose parents subsequently marry

Sec. 15. If the parents of a child born out of wedlock in Indiana later marry, the child shall legally take the last name of the father.

As added by P.L.2-1993, SEC.20.

IC 16-37-2-16

New birth certificate upon marriage of illegitimate child's parents; correction of records

Sec. 16. If a man claiming to be the child's biological father marries the mother of a child born out of wedlock, the man and the mother may produce proof of the marriage and execute a paternity affidavit under section 2.1 of this chapter. The local health officer shall then remove all evidence of the fact that the child was born out of wedlock from the child's record of birth. The proof of marriage and executed paternity affidavit shall be forwarded to the state department by the local health officer. Upon receiving the proof of marriage and executed paternity affidavit, the state department shall make the corrections to the child's certificate of birth.

As added by P.L.2-1993, SEC.20. Amended by P.L.257-1997(ss), SEC.33.

IC 16-37-2-17

Repealed

(Repealed by P.L.257-1997(ss), SEC.41.)

IC 16-37-2-18

Form of new birth certificate

Sec. 18. If a certificate of birth is issued from the record described in section 16 of this chapter, the certificate:

- (1) must include:
 - (A) the full name of the child;
 - (B) the date and place of birth;
 - (C) the name of the father;
 - (D) the maiden name of the mother; and
 - (E) other data required;
- (2) must be uniform in color, size, and content with all other

certificates; and

(3) may not refer to the fact that the child was born out of wedlock.

As added by P.L.2-1993, SEC.20. Amended by P.L.257-1997(ss), SEC.34.

IC 16-37-2-19

Violations

Sec. 19. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, or 16 of this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.20.

IC 16-37-3

Chapter 3. Certificates of Death and Stillbirth; Burial Permits

IC 16-37-3-1

"Dead body" defined

Sec. 1. As used in this chapter, "dead body" means a lifeless human body or parts or bones of the human body from the condition of which it reasonably may be concluded that death recently occurred.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-2

"Person in charge of interment" defined

Sec. 2. As used in this chapter, "person in charge of interment" means a person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes of the body or ashes.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-3

Certificate of death or stillbirth; filing

Sec. 3. (a) The physician last in attendance upon the deceased or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred. The local health officer shall retain a copy of the certificate of death.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, the physician last in attendance upon the deceased or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred.

As added by P.L.2-1993, SEC.20. Amended by P.L.61-2009, SEC.8; P.L.156-2011, SEC.35; P.L.122-2012, SEC.3.

IC 16-37-3-4

Securing personal data for certificates

Sec. 4. The physician last in attendance upon the deceased or the person in charge of interment shall secure the personal data required by the state department by rules adopted under IC 4-22-2 for preparation of the certificate of death or of stillbirth from the persons best qualified to give the information.

As added by P.L.2-1993, SEC.20. Amended by P.L.156-2011, SEC.36.

IC 16-37-3-5

Presentation of certificate of death; electronically providing certificate; certification

Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate

of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, using the Indiana death registration system established under IC 16-37-1-3.1, if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

As added by P.L.2-1993, SEC.20. Amended by P.L.61-2009, SEC.9; P.L.156-2011, SEC.37; P.L.122-2012, SEC.4.

IC 16-37-3-6

Cause of death; certification by local health officer

Sec. 6. (a) If:

- (1) a death or stillbirth occurred without medical attendance; or
- (2) the physician last in attendance is physically or mentally unable to sign the certificate of death or stillbirth;

the local health officer shall inquire into the cause of death from anyone having knowledge of the facts regarding the cause of death.

(b) The local health officer may issue a subpoena to obtain information and to employ a qualified pathologist to perform an autopsy when, in the judgment of the local health officer, those procedures are required to complete the inquiry. The local health officer shall then certify the cause of death on the basis of the information.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-7

Unnatural cause of death; coroner's investigation

Sec. 7. (a) If the circumstances suggest that the death was caused by other than natural causes, the following individual shall refer the case to the coroner for investigation:

- (1) The attending physician.
- (2) If there is no attending physician or the attending physician has failed to refer the case to the coroner, the local health officer.

(b) The coroner shall report a death coming under the coroner's supervision upon official death certificate blanks to the health officer having jurisdiction not more than three (3) days after the inquest is held. Another person may not report the death.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-8

Autopsies; payment

Sec. 8. (a) Except as provided in subsection (c), payment for the cost of an autopsy requested by a party other than the local health

official of the county in which the individual died must be made by the party requesting the autopsy.

(b) Except as provided in subsection (c), payment for the cost of an autopsy required by the local health officer shall be made from funds appropriated to the local health department.

(c) Except as provided in IC 4-24-4-1, if:

(1) an individual who is a resident of Indiana dies in an Indiana county:

(A) in which at least one (1) air ambulance provider is located; and

(B) of which the individual is not a resident; and

(2) an autopsy is performed on the individual:

(A) in the county in which the individual died; and

(B) under the authority of the county coroner in the discharge of the coroner's duties;

the county coroner shall bill the county in which the incident occurred that caused the death of the individual on whom the autopsy was performed for the cost of the autopsy.

As added by P.L.2-1993, SEC.20. Amended by P.L.271-2001, SEC.2.

IC 16-37-3-9

Permanent records; public inspection

Sec. 9. (a) The local health officer shall, from the stillbirth and death certificates, make a permanent record of the:

(1) name;

(2) sex;

(3) age;

(4) place of death;

(5) residence; and

(6) for a death certificate only:

(A) residence addresses of the deceased during the two (2) years before the death; and

(B) Social Security number;

of the deceased.

(b) The records shall be open to public inspection. Except as provided in this subsection, the Social Security number is confidential and may not be disclosed to the public. After December 31, 2005, the Social Security number shall be disclosed to the secretary of state and election division for voter list maintenance purposes under IC 3-7-26.3 and IC 3-7-45.

(c) The local health officer shall, not later than January 31, April 30, July 31, and October 31 of each year, furnish to the county auditor the records of all deaths within the officer's jurisdiction that occurred during the previous three (3) months.

(d) The local health officer may make records of other data in connection with deaths for statistical purposes or for the purpose of planning health programs. Records under this subsection are not public records.

As added by P.L.2-1993, SEC.20. Amended by P.L.138-2001, SEC.5; P.L.81-2005, SEC.34.

IC 16-37-3-10**Permit for disposal of body**

Sec. 10. Upon receipt of a properly executed certificate of death or stillbirth or, when authorized by rule of the state department, a provisional certificate of death, a local health officer in the county in which the death occurred shall issue a permit for the disposal of the body.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-11**Time for securing permit for disposal of body**

Sec. 11. The person in charge of interment shall secure a permit for the disposition of the body before any of the following occur:

- (1) Disposition of the body.
- (2) Removing the body from the county in which the death occurred.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-12**Burial transit permit**

Sec. 12. If the body is to be transported by common carrier, the person in charge of interment shall secure a burial transit permit in duplicate.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-13**Burial transit permit; attachment to shipping box**

Sec. 13. The person in charge of interment shall attach one (1) copy of the burial transit permit to the shipping box in which the body is transported.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-14**Foreign burial transit permit; endorsement by local health officer**

Sec. 14. When death occurs outside Indiana and the body is accompanied by a burial transit permit issued where death occurred, the permit authorizes transportation into Indiana. Before burial, cremation, or other disposal of the body the local health officer shall endorse and keep a record of the permit.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-15**Construction of chapter regarding autopsies and inquests**

Sec. 15. This chapter:

- (1) supplements other laws concerning autopsies;
- (2) does not require consent for a local health officer to order or perform an autopsy in the discharge of the health officer's duties; and
- (3) does not grant authority to a local health officer to hold an inquest under Indiana statutes governing inquests.

As added by P.L.2-1993, SEC.20.

IC 16-37-3-16

Violations

Sec. 16. (a) Except as provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.20.

IC 16-37-4

Chapter 4. Medical Data Regarding Cause of Death

IC 16-37-4-1

Legislative declaration

Sec. 1. Medical studies of conditions causing death and disability, especially stillbirth, infant mortality, and maternal mortality:

- (1) are an important means of protecting the health of the public;
- (2) provide information useful in the prevention and control of disease; and
- (3) are an excellent source of teaching material.

As added by P.L.2-1993, SEC.20.

IC 16-37-4-2

Reports; exemption from liability

Sec. 2. (a) A licensed physician, hospital, sanitarium, health facility, or similar organization or institution may provide information relating to the condition, treatment, and causes of death and other information concerning any person to the state health commissioner or to the commissioner's authorized representatives, including reports on forms prepared by the commissioner for the purpose of permitting the studies and research.

(b) A person, an organization, an institution, or an agency furnishing information under subsection (a) to the state health commissioner or the commissioner's representative is not subject to an action for damages or other relief.

As added by P.L.2-1993, SEC.20.

IC 16-37-4-3

Confidentiality; medical research or education use

Sec. 3. (a) The state health commissioner or the commissioner's authorized representative shall do the following:

- (1) Keep the information and reports confidential.
- (2) Use the information and reports solely as follows:
 - (A) For the purpose of medical or scientific research and medical education.
 - (B) For the improvement of the quality of medical care through the conducting of medical audits.
 - (C) To furnish the information to the following:
 - (i) A medical school located in Indiana.
 - (ii) An in-hospital medical staff committee.
 - (iii) A study or research committee of a state association, an incorporation, or an organization whose membership is composed of licensed physicians.

(b) Information or reports furnished by the state health commissioner may not disclose the name or identity of a patient whose records have been included in the information.

As added by P.L.2-1993, SEC.20.

IC 16-37-4-4

Summary of studies

Sec. 4. A summary of the studies may be released by the state health commissioner, the medical school, or the committee for general publication for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality. The identity of a person whose condition or treatment has been studied is confidential and privileged and may not be revealed.

As added by P.L.2-1993, SEC.20.