

# NJ Death Regulations

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### § 8:2A-1.1 Application and scope

The rules of this chapter are promulgated by the Department of Health and Senior Services in order to implement the provisions of N.J.S.A. 26:6-1 et seq., and 26:8-1 et seq., pertaining to the execution, registration, and recording of death certificates and the maintenance of death records.

### § 8:2A-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Authentication” means the entry by the State Medical Examiner or a county medical examiner, funeral director or physician into the New Jersey Electronic Death Registration System of a personal identification code, digital signature or other identifier unique to that user, by which the information entered into the system by the user is authenticated by the user who assumes responsibility for its accuracy. “Authentication” also means the process by which the State Registrar or a local registrar, deputy registrar, alternate deputy registrar or subregistrar indicates that person’s review and approval of information entered into the system by the State Medical Examiner or a county medical examiner, funeral director or physician.

“Authorized users” means participants in the death registration process, including, but not limited to, the State Registrar, local registrars, deputy registrars, alternate deputy registrars, subregistrars, the State Medical Examiner, county medical examiners, funeral directors, attending physicians and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, who have established to the satisfaction of the State Registrar that they have completed the State approved training in the use of the New Jersey Electronic Death Registration System and who have been assigned login credentials by the State Registrar or his or her designee.

“Certification” means a document containing information obtained from a vital record made available for informational purposes only. It cannot be used for proof of identity or for legal purposes. It is created on plain bond paper without the raised seal of the State of New Jersey or the seal of the municipality or county where the certifications are issued. “Certification” also means, within the context of education and training, the official acknowledgement of a course of training approved by the State Registrar.

“Certified copy” means a copy of a vital record issued on a special type of safety paper containing a variety of security features and stamped with the raised seal of the State of New Jersey or the seal of the municipality or county where the copies are issued, and verified by the Office of the State Registrar as true and correct.

“Certified Municipal Registrar” (CMR) means an individual who has attended and successfully completed the “CMR-Basics” training course approved and authorized by the State Registrar.

“Commissioner” means the Commissioner of the New Jersey Department of Health and Senior Services.

“Department” means the New Jersey Department of Health and Senior Services.

“Electronic registration system” means any electronic method, including, but not limited to, one based on Internet technology, of collecting, transmitting, recording and authenticating information from one or more responsible parties, which is necessary to complete a vital record, and is designed to replace a manual, paper-based data collection, recordation and signature system.

“Fetal death” or “stillbirth” means death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

“Genealogical records” means vital records traditionally requested for the purpose of obtaining the lineage of a person, family or group from a family. Records of death are considered genealogical after 40 years have passed from the date of death.

“Informant” means the name of the individual providing the personal particulars for the preparation of the death certificate.

“Local registrar” or “municipal registrar” means the local registrar of vital statistics of any district.

“New Jersey Electronic Death Registration System” or “NJ-EDRS” is an electronic registration system for completing a certification of death or fetal death record that is authorized, designed and maintained by the State Registrar.

“Re-certification credits” means the credits assigned by the State Registrar for purposes of renewing a person’s CMR certification, for courses, seminars and meetings related to vital statistics attended by the person seeking renewal of his or her CMR certification. The State Registrar may assign re-certification credits at a rate of one credit per hour for approved meetings, seminars or courses attended. The 12 re-certification credits required to renew a CMR certification shall include no more than two meetings, no more than two seminars and a minimum of one complete course.

“Registration district” or “district” means the district established by law for the registration of vital events.

“State Registrar” means the New Jersey Registrar of Vital Statistics.

“Vital records” means the birth, death, fetal death, marriage, and domestic partnership

records from which vital statistics are produced.

“Vital statistics” means statistics concerning births, deaths, fetal deaths, marriages and domestic partnerships.

§ 8:2A-2.1 Certified copies

(a) The State Registrar or a local registrar may only issue a certified copy of a death record to a person who satisfies the following requirements:

1. The person is able to identify the record;
2. The person provides, at a minimum, all of the information requested on the Vital Statistics and Registration form entitled "Application for a Certification or a Certified Copy of a Vital Record," available from the Department upon request by calling (609) 292-4087 and at <http://nj.gov/health/vital/vital.shtml>; and
3. The person produces documentation verifying that he or she is:
  - i. The parent of the subject of the death record;
  - ii. The subject's legal guardian or legal representative;
  - iii. The subject's spouse or domestic partner;
  - iv. The subject's child, grandchild or sibling, if of legal age;
  - v. A State or Federal agency requesting the record for official purposes;
  - vi. A person requesting the record pursuant to a court order; or
  - vii. A person requesting the record under emergent circumstances, as determined on a case-by-case basis by the Commissioner.

(b) The certified copy of the death record shall include information deemed appropriate by the State Registrar; however, at a minimum, it shall include the name of the decedent, place of death (county, municipality), date of death, sex, date of birth, date of issuance and manner of death, providing this information is available.

(c) The certified copy of the death record may include other information; however, the last sickness and death particulars (cause of death and medical particulars) will only be included on the certified copy of the death record if the applicant satisfies the requirement in (a)3 above and requests that the last sickness and death particulars be included.

(d) Any of the relatives to the decedent listed in (a)3i through iv above, with the exception of the funeral director as legal representative, may consent to the release to a third party of a certified copy of the death record containing cause of death and medical particulars. Such consent must be provided in the form of an Authorization for Release of Cause of Death similar to that set forth in Appendix A, incorporated herein by reference.

(e) Any certified copy of a death record, with or without last sickness and death particulars, may be released without consent under the following conditions:

1. To qualified personnel for the purpose of conducting scientific research only under the following conditions:

- i. An Institutional Review Board, constituted pursuant to Federal regulation 45 C.F.R. 46.101 et seq., shall review and approve the research protocol prior to release of the death record;
  - ii. Research personnel shall not identify the subject of the record, directly or indirectly, in any report of the research; and
  - iii. Research personnel shall not disclose the identity of the subject of the record in any manner;
2. To qualified personnel for the purpose of conducting management audits, financial audits or program evaluation only under the following conditions:
- i. Personnel shall not identify the subject of the record, directly or indirectly, in any report of an audit or evaluation;
  - ii. Personnel shall not disclose the identity of the subject of the record in any manner; and
  - iii. Identifying information shall not be released to the personnel unless it is vital to the audit or evaluation;
3. To the Department as required by State or Federal law; or
4. As permitted by the rules adopted by the Commissioner for the purposes of disease prevention and control.

#### § 8:2A-2.2 Certifications

(a) The State Registrar or local registrar may issue certifications containing information obtained from the death record to requestors not identified in N.J.A.C. 8:2A-2.1(a)3, so long as those requestors are first able to identify the record sought.

(b) All certifications issued under (a) above shall state that they are for informational purposes only and are not to be used for identification or legal purposes.

(c) The certification of the death record shall include, at a minimum, the name of the decedent, place of death (county, municipality), date of death, sex, date of birth, date of issuance and manner of death providing this information is available.

(d) The certification of the death record may include other information; however, the last sickness and death particulars (cause of death and medical particulars) will only be included on the certification of the death record if the applicant produces documentation verifying that he or she is:

1. The parent of the subject of the death record;
2. The subject's legal guardian or legal representative;
3. The subject's spouse or domestic partner;
4. The subject's child, grandchild or sibling, if of legal age;
5. A State or Federal agency requesting the record for official purposes;

6. A person requesting the record pursuant to a court order; or

7. A person requesting the record under emergent circumstances, as determined on a case-by-case basis by the Commissioner.

(e) Any of the relatives to the decedent listed in (d) 1 through 4 above, with the exception of the funeral director as legal representative, may consent to the release to a third party of a certification of the death record containing cause of death and medical particulars. Such consent must be provided in the form of an Authorization for Release of Cause of Death similar to that set forth in the chapter Appendix, incorporated herein by reference.

(f) Any certification of a death record, with or without last sickness and death particulars, may be released without consent under the following conditions:

1. To qualified personnel for the purpose of conducting scientific research only under the following conditions:

i. An Institutional Review Board, constituted pursuant to Federal regulation 45 C.F.R. 46.101 et seq., shall review and approve the research protocol prior to release of the death record;

ii. Research personnel shall not identify the subject of the record, directly or indirectly, in any report of the research; and

iii. Research personnel shall not disclose the identity of the subject of the record in any manner;

2. To qualified personnel for the purpose of conducting management audits, financial audits or program evaluation only under the following conditions:

i. Personnel shall not identify the subject of the record, directly or indirectly, in any report of an audit or evaluation;

ii. Personnel shall not disclose the identity of the subject of the record in any manner; and

iii. Identifying information shall not be released to the personnel unless it is vital to the audit or evaluation;

3. To the Department as required by State or Federal law; or

4. As permitted by the rules adopted by the Commissioner for the purposes of disease prevention and control.

(g) The State Registrar or other custodian of vital records shall not permit physical inspection or access to the full death record, nor shall he or she disclose information, copy or issue the full death record, unless he or she is satisfied that the applicant is authorized to obtain a full copy of such record under N.J.A.C. 8:2A-2.1 or 2.2.

§ 8:2A-2.3 Release of death record to employee of a registered mortuary

For the purpose of this subchapter, any employee of a mortuary registered pursuant to P.L. 1952, c.340 (N.J.S.A. 47:7-32 et seq.), or a funeral director licensed pursuant to that Act who is affiliated with a registered mortuary, if the mortuary was recorded on the original certificate of

death, shall be construed to be the subject's legal representative and shall be entitled to obtain a full and complete certified copy or certification of the death record.

§ 8:2A-2.4 Fees for certified copies and certifications

(a) For each search of the records of death by the State Registrar, whether or not a certification or a certified copy is made, the applicant shall remit to the State Registrar a fee of \$ 25.00, with the exception of searches under (b) below and searches for which there shall be no fee pursuant to N.J.S.A. 26:8-63.

(b) For any search of genealogical records of death, whether or not a certification or certified copy is made, the applicant shall remit to the State Registrar a fee of \$25.00, plus a fee of \$1.00 for each additional year searched, except as provided by N.J.S.A. 26:8-63.

(c) The fee for each additional copy of a record of death provided by the State Registrar shall be \$2.00.

(d) Fees for certified copies or certifications obtained from a local registrar shall be set by municipal ordinance.

§ 8:2A-3.1 Participation in NJ-EDRS required

(a) The State Registrar shall establish and maintain the NJ-EDRS, which shall be the required means of death registration for any death occurring in this State.

(b) The NJ-EDRS does not alter the existing practice for the filing of a death certificate, but rather, is designed to replace the manual, paper-based data collection, recordation and signature process.

(c) No blanks or methods of registration other than those supplied or approved by the State Registrar shall be used by those registering deaths with the State Registrar or local registrars.

(d) All participants in the death registration process, including, but not limited to, the State Registrar, local registrars, deputy registrars, alternate deputy registrars, sub-registrars, the State Medical Examiner, county medical examiners, funeral directors, attending physicians and resident physicians, licensed health care facilities, and other public institutions providing medical care, treatment or confinement to persons, shall be required to utilize the NJ-EDRS to provide the information that is required of them by statute or rule.

§ 8:2A-3.2 Access to NJ-EDRS

(a) The State Medical Examiner, county medical examiners, licensed health care facilities, other public or private institutions providing medical care, treatment or confinement to persons, funeral homes and physicians' private practice offices, shall acquire the electronic means prescribed by the State Registrar to access the NJ-EDRS, or make other arrangements as are necessary for that purpose.

(b) The State Medical Examiner and each county medical examiner, health care facility, institution, funeral home or physician's office shall employ at least one person who is qualified to use the NJ-EDRS, and is registered with the State Registrar as an authorized user, by virtue of completing a course of instruction on the NJ-EDRS provided by the State Registrar or an authorized agent thereof, or satisfying such other requirements as may be established by the State Registrar for this purpose.

(c) Local registrars shall make computer facilities with access to the NJ-EDRS available to funeral directors and physicians registered with the NJ-EDRS, within the regular established business hours of the local registrar, for the purpose of providing information necessary to complete the death record.

#### § 8:2A-3.3 Electronic submission

(a) For the purposes of the NJ-EDRS, the death certificate shall be deemed complete when the attending, covering or resident physician or the county medical examiner, and the funeral director in charge, have completed their respective portions of the death registration record and have filed the record with the local registrar.

(b) A record created on the NJ-EDRS shall be deemed to have been transmitted to the appropriate party(ies) under the circumstances listed in (b)1 through 7 below, thereby satisfying the following requirements for submission of reports, data and certificates of notification:

1. The requirement at N.J.S.A. 26:6-6(a) that the funeral director in charge of the funeral or disposition of the body of a person dying in this State shall be responsible for the proper execution of a death certificate, filed in exchange for a burial or removal or transit permit with the local registrar of the district in which the death occurred or the body was found or with the registrar of the district in which the funeral director has his or her funeral home or where the burial or other disposition is to take place;

2. The requirement at N.J.S.A. 26:6-6(a) that in the event the death certificate is filed with the registrar of a district other than that in which the death took place or the body was found, that registrar shall, within 24 hours after issuing the permit, sign and forward the certificate of death to the registrar of the district where the death took place or the body was found, with a statement that the permit was issued;

3. The requirement at N.J.S.A. 26:6-6(a) that in case the death certificate is filed with the deputy registrar, alternate deputy registrar, or subregistrar, he or she shall within 12 hours forward the certificate to his or her own registrar, who in turn shall forward the certificate as directed by law;

4. The requirement at N.J.S.A. 26:6-6(b) that any funeral director filing a death certificate in a registration district other than that in which the death occurred or the body was found shall immediately send the State Registrar written notice by first class mail;

5. The requirement at N.J.S.A. 26:8-25(g) that on the 10th day of each month or sooner if requested by the Department, the local registrar transmit to the State Registrar all original death certificates received by him or her for the preceding month;

6. The requirement at N.J.S.A. 26:8-26 that each subregistrar shall note on each certificate of death, over his or her signature, the date of filing, and shall forward all certificates to the local registrar of the district within five days, with the exception that in any instance where the subregistrar accepts a certificate for a death not occurring in this district, as permitted by N.J.S.A. 26:6-6, he or she shall forward the certificate within 12 hours to the local registrar of his or her district; or

7. The requirement at N.J.S.A. 26:6-9 that in case of any death occurring without medical attendance, the county medical examiner shall furnish the funeral director with the necessary data and last sickness particulars to make the death certificate.

#### § 8:2A-3.4 Certifying the particulars

(a) The requirement at N.J.S.A. 26:6-8 that the attending, covering or resident physician, the attending registered professional nurse, or the county medical examiner and the funeral director shall certify to the particulars supplied by them by signing their names below the list of items furnished, shall be satisfied by authenticating their identities and the information that they have provided through the NJ-EDRS.

(b) If a person acting under the direct supervision of the State Medical Examiner, a county medical examiner, funeral director, attending, covering or resident physician, or licensed health care facility or other public or private institution providing medical care, treatment or confinement to persons, which is registered with the NJ-EDRS, is not authorized to authenticate the information required on a certificate of death, that person may enter that information into the NJ-EDRS in anticipation of its authentication by the State Medical Examiner or a county medical examiner, funeral director, attending, covering or resident physician, local registrar, deputy registrar, alternate deputy registrar or subregistrar, as applicable.

#### § 8:2A-3.5 Determination and pronouncement of death by registered professional nurse

For the purposes of the NJ-EDRS, the requirement at N.J.S.A. 26:6-8.1 that a registered professional nurse who has made the actual determination of death and pronouncement of death under the circumstances permitted by law shall attest to the pronouncement by signing in the space designated for this signature on the certificate of death, shall be satisfied by transmitting orally or in writing a report of the pronouncement to the attending, covering or resident physician, or the county medical examiner.

#### § 8:2A-3.6 Fees

(a) Effective March 1, 2004 and until February 1, 2007, the State Registrar shall be paid a recording fee for each record filed, whether by means of the current paper process or electronically, in an amount of \$10.00, from the account of the funeral home, which may include this amount in the funeral expenses charged to the estate or person accepting responsibility for the disposition of the deceased's human remains and the costs associated therewith; provided

however,

1. This fee shall not apply to the death registration of a person who died while in the military, naval, maritime, or merchant marine service of the United States whose death is recorded pursuant to N.J.A.C. 26:6-5.2; and

2. The State Registrar shall deposit the proceeds from the recording fee into the New Jersey Electronic Death Registration Support Fund established pursuant to N.J.S.A. 26:8-24.2.

(b) The local registrar shall be entitled to receive a fee of \$1.00 for each burial or removal, or transit permit issued; except that, on or after the first day of the first month following January 9, 2004, but before February 1, 2007, the local registrar shall be entitled to receive a fee of \$5.00.

(c) Any fee charged by a local registrar, deputy registrar, alternate deputy registrar, subregistrar, or an incorporated political subdivision comprising a registration district, to a funeral home as the legal representative for a person in securing a certified copy of a death certificate shall be in the form of a debit against the account of the funeral home and a credit to the applicable political subdivision within the NJ-EDRS.

#### § 8:2A-3.7 Suspension of authority to participate in NJ-EDRS

(a) The State Registrar may suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, and thereby preclude that person from issuing burial permits or death registration, if the State Registrar determines that the applicable registration district is insufficiently equipped or provides untimely service with respect to the review and final authentication of records.

(b) In the event that the State Registrar does suspend the authority of a local registrar, deputy registrar, alternate deputy registrar or subregistrar to participate in the NJ-EDRS, the State Registrar may assign a local registrar, deputy registrar, alternate deputy registrar or subregistrar from another registration district to substitute for the person in question until such time as the applicable registration district meets the standards established by the State Registrar

#### § 8:2A-4.1 CMR-Basics training course

(a) CMR certification may be obtained only by attending and successfully completing the CMR-Basics training course approved and authorized by the State Registrar.

(b) The CMR-Basics training course shall include material designed to implement the NJ-EDRS and to familiarize local registrars with the statutory requirements applicable to their duties and any rules adopted pursuant thereto, as deemed appropriate by the State Registrar.

(c) Local registrars serving in that capacity as of November 7, 2005 shall obtain CMR certification no later than December 31, 2006, as a condition of retaining their positions.

(d) Local registrars serving in that capacity as of November 7, 2005 who have attended and successfully completed the CMR-Basics training course offered on a voluntary basis by the State Registrar prior to November 7, 2005 shall be deemed to have obtained CMR certification,

provided that they obtain six re-certification credits approved and authorized by the State Registrar prior to December 31, 2005.

(e) Persons appointed to local registrar positions after November 7, 2005 shall obtain CMR certification by attending and successfully completing the CMR-Basics training course within six months of their appointments.

(f) Local registrars who fail to obtain CMR certification within the time specified in (c) through (e) above shall not be permitted to serve in the capacity of local registrar until they have obtained certification.

(g) CMR certification may be offered at the discretion of the State Registrar to those serving in the positions of deputy local registrar, alternate deputy local registrar and subregistrar.

(h) A CMR certification is valid for a period of three years.

§ 8:2A-4.2 CMR certification renewal

(a) In order to renew a CMR certification, a CMR must obtain 18 recertification credits approved and authorized by the State Registrar prior to the expiration of his or her current CMR certification.

(b) In the event that a person has allowed his or her CMR certification to lapse, he or she shall be required to attend and successfully complete the CMR-Basics training course in order to maintain CMR certification.

(c) An extension of one's CMR Certification for up to three months may be granted by the State Registrar upon request of the CMR certification holder accompanied by sufficient medical documentation establishing inability to complete the required re-certification credits prior to the expiration of the CMR certification holder's current CMR certification.

APPENDIX

Authorization for Release of Cause of Death

Date: \_\_\_\_\_

I, (Name of the person authorizing release), (Relationship), to decedent hereby authorize the issuance of a (Select one-certified copy or certification) of the death record of (Name of decedent), disclosing the cause of death section, to (Name of person receiving certified copy or certification containing the cause of death). I certify that the above information, supplied by me, is true. I am aware that I am subject to punishment if I have falsely supplied the above information.

(Signature of Notary)

(Signature of person authorizing release)

(Seal of Notary)

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# NJ Birth Regulations

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## Title 8, Chapter 2 — Chapter Notes

### CHAPTER AUTHORITY:

N.J.S.A. 26:8-23.

### CHAPTER SOURCE AND EFFECTIVE DATE:

R.2005 d.209, effective June 6, 2005.

See: 37 N.J.R. 172(b), 37 N.J.R. 2504(a).

### CHAPTER EXPIRATION DATE:

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 2, Birth Certificates, expires on December 3, 2010. See: 42 N.J.R. 1460(a).

### CHAPTER HISTORICAL NOTE:

Chapter 2, Birth Certificates; Subchapter 1, Administrative Policy, was adopted as R.1972 d.135, effective August 1, 1972. See: 4 N.J.R. 122(b), 4 N.J.R. 186(b).

Subchapter 2, Fees, was adopted as R.1972 d.206, effective December 1, 1972. See: 4 N.J.R. 266(a).

Chapter 2, Birth Certificates, was repealed and Chapter 2, Birth Certificates, was adopted as new rules by R.1993 d.397, effective August 16, 1993. See: 24 N.J.R. 4325(a), 25 N.J.R. 660(a), 25 N.J.R. 3771(a). Pursuant to Executive Order No. 66(1978), Chapter 2 expired on August 16, 1998.

Chapter 2, Birth Certificates, was adopted as new rules by R.1999 d.410, effective December 6, 1999. See: 30 N.J.R. 4107(a), 31 N.J.R. 4042(a).

Chapter 2, Birth Certificates, was readopted as R.2005 d.209, effective June 6, 2005. As a part of R.2005 d.209, Subchapter 2, Access to Records of Live Birth, was adopted as new rules and former Subchapter 2, Fees, was recodified as Subchapter 3, effective July 5, 2005. See: Source and Effective Date. See, also, section annotations.

### § 8:2-1.1 Purpose and scope

These rules create the record of live birth and the Certificate of Birth Resulting in Stillbirth. The rules also permit the parents, at the time of birth, to choose any name for their child without restrictions, except for names which contain obscenities, numerical characters, or symbols. The rules set forth the options open to a parent in the naming of the child, and in the event of a stillbirth, the option not to name the child, and clarify whom the informant of the birth information should be.

### § 8:2-1.2 Definitions

The following words and terms, as used in this chapter, shall have following meanings, unless

the context clearly indicates otherwise.

“Certificate of Birth Resulting in Stillbirth” means a certificate created from the information obtained from the fetal death certificate at the request of the parent of a stillborn child where the fetal death has been registered with the Department of Health and Senior Services.

“Certified copy” means a copy of a vital record issued on a special type of safety paper containing a variety of security features and stamped with the raised seal of the State of New Jersey or the seal of the municipality or county where the copies are issued, and verified by the Office of the State Registrar as true and correct.

“Certification” means a document containing information obtained from a vital record made available for informational purposes only. It cannot be used for proof of identity or for legal purposes. It is created on plain bond paper without the raised seal of the State of New Jersey or the seal of the municipality or county where the certifications are issued.

“Commissioner” means the State Commissioner of Health and Senior Services.

“Department” means the New Jersey State Department of Health and Senior Services.

“Fetal death” or “stillbirth” means death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of the pregnancy; the death is indicated by the fact that after such expulsion, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

“Genealogical records” means vital records traditionally requested for the purpose of obtaining the lineage of a person, family, or group from a family. Records of birth are considered genealogical after 80 years have passed from the date of birth.

“Identify” means to provide, by way of approved application, letter, or facsimile, detailed proof of knowledge of the vital record being requested and must include at a minimum, all information requested on the Vital Statistics and Registration application form.

“Informant” means the name of the individual providing the personal particulars for the preparation of the birth certificate.

“Licensed health care professional” means a physician, physician assistant, advanced practice nurse, registered nurse, licensed practical nurse, or any other health care professional licensed under Title 45 of the New Jersey Statutes or analogous statutes in other states. The licensed health care professional need not be the individual who performed the delivery in order to transmit the parent’s written request for a Certificate of Birth Resulting in Stillbirth to the State Registrar pursuant to N.J.A.C. 8:2-1.3.

“Live birth” means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of the pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical

cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps."

"Local registrar" or "municipal registrar" means the local registrar of vital statistics of any district.

"State Registrar" means the New Jersey State Registrar of Vital Statistics.

"Surname" means the last complete name on a birth certificate without a hyphen or both names including the hyphen if the last names on the birth certificate are hyphenated.

"Vital record" means the birth, death, fetal death, marriage and domestic partnership records from which vital statistics are produced.

"Vital statistics" means statistics concerning births, deaths, fetal deaths, marriages and domestic partnerships established pursuant to P.L. 2003, c.246 ( N.J.S.A. 26:8A-1 et seq.).

§ 8:2-1.3 Creation of a Certificate of Birth Resulting in Stillbirth: application, issuance, and delayed reports

(a) A Certificate of Birth Resulting in Stillbirth shall be created by the State Registrar upon a parent's written request that has been transmitted to the State Registrar by a licensed health care professional on the parent's behalf. The State Registrar shall create the Certificate of Birth Resulting in Stillbirth based on information obtained from a fetal death certificate already on file with the State Registrar.

1. The written request may be made on the form designed and approved by the State Registrar for creation and issuance of a certified copy of a Certificate of Birth Resulting in Stillbirth or a reasonable facsimile thereof.

2. A copy of the Certificate of Birth Resulting in Stillbirth shall be filed by the State Registrar with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State Registrar of the parent's request for the certificate.

(b) The State Registrar or the local registrar shall provide a certified copy of the Certificate of Birth Resulting in Stillbirth exclusively to the parents on an "as requested" basis following the written request for creation of said certificate. Certificates of Birth Resulting in Stillbirth shall be made available to parents for documented fetal deaths beginning from the year 1969 to the present.

(c) In all cases where a Certificate of Birth Resulting in Stillbirth is not registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered by the State Registrar, provided that verifiable medical documentation of the stillbirth is provided to the State Registrar.

1. A certified copy of a "delayed" Certificate of Birth Resulting in Stillbirth shall be issued

bearing the wording "Delayed Certificate of Birth Resulting in Stillbirth."

(d) Subsequent to the initial issuance to the parent(s) of a Certificate of Birth Resulting in Stillbirth under (a) through (c) above, the State Registrar or the local registrar may only issue a certified copy of a Certificate of Birth Resulting in Stillbirth to a person who satisfies the following requirements:

1. The person is able to identify the record; and
2. The person produces documentation verifying that he or she is the parent of the subject listed on the Certificate of Birth Resulting in Stillbirth.

(e) The State Registrar or local registrar may issue certifications containing information obtained from the Certificate of Birth Resulting in Stillbirth to requestors not identified in (d) above. All certifications issued under this subsection shall state that they are for informational purposes only and are not to be used for legal purposes.

#### § 8:2-1.4 Designation of child's name

(a) The designation of a child's name including the surname is the right of the child's parent(s). The child may be given any chosen name(s) or surname, except that the State Registrar may reject a name that contains an obscenity, numerals, symbols, or a combination of letters, numerals, or symbols, or a name that is illegible. The chosen name shall be printed on the back of the birth record and the birth record shall be signed by one or both parents. The hospital official who witnesses the signing shall also sign the birth record.

1. Where either parent is unavailable for any reason, the choice of the child's name(s) rests with the parent who has custody of the newborn child. That parent shall state in writing on the back of the birth record that the other parent is not available; thereafter the recording parent shall be the sole informant for the purpose of compliance with N.J.S.A. 26:8-26 and this subchapter.
2. In cases where both parents have custody of the child, are both available, and disagree on the selection of a surname, the surname selected by one parent and the surname selected by the other parent shall both be entered on the certificate, separated by a hyphen, with the selected names entered in alphabetical order.

(b) The parents or custodian of the child shall have five days from the child's birth to decide the child's surname. If no designation is made within that time, and no surname has been registered pursuant to (a)2 above, or if the chosen surname is rejected by the State Registrar, for the reasons specified in (a) above, the child's surname shall be recorded as both parents surnames in alphabetical order separated by a hyphen. If the parents disagree on the selection of a given name, or if the State Registrar rejects the given name chosen by the parents or parent, for the reasons specified in (a) above, a dash (-) shall be entered in the space allotted for a given name on the certificate. After five days, any surname assigned by the registrar, a surname registered pursuant to (a)2 above, or the dash designation may only be changed through the procedures set out in N.J.S.A. 26:8-48 and 2A:52-4.

(c) The parent(s) may elect to record a name on the fetal death certificate; however, a name shall

not be required.

(d) In the event that a parent(s) requests a Certificate of Birth Resulting in Stillbirth and the fetal death record on file indicates that no name was given on the original report, the State Registrar shall create the certificate without a name of the stillborn child and any subsequent certified copies will be issued in the same manner.

(e) A parent(s) who wishes to amend the fetal death record to add a name may do so by completing a correction form designed and approved by the State Registrar with the Office of the State Registrar. Such correction shall also be made to the Certificate of Birth Resulting in Stillbirth. Copies of the correction form may be obtained from the local registrar's office or from the Office of the State Registrar, PO Box 370, Trenton, New Jersey, 08625-0370.

#### § 8:2-1.5 Names of parents

(a) The woman giving birth shall be recorded as a parent.

(b) If the birthing parent is married at the time of the birth, or was married and the child was born within 300 days after the marriage was terminated by death, annulment or divorce, the spouse's name shall be listed on the birth record unless the spouse denies parentage and both the husband and wife agree and acknowledge the denial in writing on the Affidavit of Denial of Paternity form.

(c) If the birthing parent is not married, and was not married within 300 days of the birth, the name of the father should be provided. The name provided by the informant will only be entered on the birth record if both parents acknowledge the child in writing.

(d) The name recorded for either parent may be changed by order of a court of competent jurisdiction.

#### § 8:2-1.6 Informant

The custodial parent(s) of a child shall act as informant and provide the necessary information to complete the original birth certificate. The informant shall certify on forms provided by the State Registrar that the information provided is accurate and true to the best of the informant's knowledge.

#### § 8:2-2.1 Certified copies

(a) The State Registrar or a local registrar may only issue a certified copy of a record of live birth to a person who satisfies the following requirements:

1. The person is able to identify the record;
2. The person provides, at a minimum, all of the information requested on the Vital Statistics and Registration application form; and

3. The person produces documentation verifying that he or she is:

- i. The subject of the record of live birth;
- ii. The subject's parent;
- iii. The subject's legal guardian or legal representative;
- iv. The subject's child, grandchild or sibling, if of legal age;
- v. A State or Federal agency requesting the record for official purposes;
- vi. A person requesting the record pursuant to a court order; or
- vii. A person requesting the record under emergent circumstances, as determined on a case-by-case basis by the Commissioner.

### **§ 8:2-2.2 Certifications**

(a) The State Registrar or local registrar may issue certifications containing information obtained from the record of live birth to requestors not identified in N.J.A.C. 8:2B-3.1(a)<sup>3</sup> so long as those requestors are first able to identify the record sought.

(b) All certifications issued under (a) above shall state that they are for informational purposes only and are not to be used for identification or legal purposes.

### **8:2-3.1 Fees; refund of fees; excess payment**

(a) Fees for birth record searches, copies of birth records or changes to birth records are specified in N.J.S.A. 26:8-40.1; 26:8-62; 26:8-63; 26:8-64; and 2A:52-4 (Vital Statistics).

1. For each search of records of live birth or stillbirth, whether or not a certification or certified copy is made, the applicant shall remit to the State Registrar a fee of \$ 25.00, with the exception of searches under (a)<sup>2</sup> below and searches for which there shall be no fee pursuant to N.J.S.A. 26:8-63.

2. For any search of genealogical records of birth or stillbirth, whether or not a certification or certified copy is made, the applicant shall remit to the State Registrar a fee of \$ 25.00, plus a fee of \$ 1.00 for each additional year searched, except as provided by N.J.S.A. 26:8-63.

3. The fee for each additional copy of a record of live birth or stillbirth shall be \$ 2.00.

4. Fees for certified copies or certifications obtained from a local registrar shall be set by municipal ordinance.

(b) In the instance of individuals forwarding funds in excess of those fees specified in N.J.S.A. 26:8-40.1, 26:8-61, 26:8-62, 26:8-63, 26:8-64, and 2A:52-4 (Vital Statistics), the New Jersey State Department of Health and Senior Services will not make refunds of \$ 1.00 or less.