

4601.2600 TANGIBLE INTEREST.

Subpart 1. **Application; birth or death record.** An application for a certified birth or death record must be made on a form prescribed by a registrar or contain the information required in this part. An application must be made to a registrar and accompanied by the required fee and documentation. If the applicant is alleging to have tangible interest because a certified birth or death record is necessary for the protection or determination of a personal or property right, the applicant must apply for issuance of a certified birth or death record to the state registrar and provide supporting documentation. The state registrar must evaluate the application according to the criteria described in subpart 12.

Subp. 2. Registrant information.

A. To request a certified birth record, the applicant must provide the following information about the registrant:

- (1) first name, middle name, and last name;
- (2) sex;
- (3) date of birth;
- (4) county of birth;
- (5) mother's first name, middle name, and maiden surname; and
- (6) father's first name, middle name, and last name.

B. To request a certified death record, the applicant must provide the following information about the registrant:

- (1) first name, middle name, and last name;
- (2) county of death; and
- (3) date of death.

C. A registrar may accept estimates of or waive a requirement listed in items A and B if:

- (1) the applicant does not have exact knowledge of the information; and
- (2) the applicant has provided sufficient information for the registrar to locate the record.

Subp. 3. Applicant information.

A. To request a certified birth or death record, the applicant must provide the following information about the applicant:

- (1) first name, middle name, and last name;
- (2) home or business address;

- (3) telephone number;
- (4) date of birth;
- (5) signature of the applicant;
- (6) date the application is signed; and
- (7) a statement of the relationship of the applicant to the registrant demonstrating tangible interest according to Minnesota Statutes, section 144.225, subdivision 7.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the applicant states that the applicant does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the applicant states that the applicant does not have a middle name.

Subp. 4. **Application form; statutory authority.** A registrar must provide an application form or instructions accompanying an application form that includes the statutory authority for collecting the application information, the consequences for not providing the information, and the penalty for providing false information.

Subp. 5. **Identification required.** An applicant must provide a completed application as described in subparts 1 to 3 and, except as noted in subpart 6, provide documentation of identity as follows in items A and B.

A. For an application made in person, the applicant must provide a document of identity that readily identifies the applicant. To be accepted by a registrar, the document of identity must include the applicant's signature and photograph or physical description and the registrar must be able to authenticate the document with the issuing entity. If a normally acceptable document of identity was issued so long ago that the registrar determines that it no longer readily identifies the applicant, an applicant must provide a document of identity that was issued more recently. A document of identity that has been altered or changed in any way is not acceptable.

B. For an application not made in person, the application must be notarized according to Minnesota Statutes, sections 358.41 to 358.50.

Subp. 6. **Acceptable identification not available.** If an applicant does not have an acceptable document of identity or if an applicant provides a signed statement that no document of identity is available, to obtain the certified birth or death record, the applicant must have a witness attest to the applicant's identity. The witness must:

- A. have known the applicant for at least two years;
- B. complete a statement to identify as described in subpart 7; and

C. accompany the applicant, sign the statement to identify in the presence of a registrar, and present an acceptable document of identity according to subpart 5, item A, and either subpart 8 or 9. If a witness cannot accompany an applicant to a registrar's office, the witness' signature must be notarized on a statement to identify according to subpart 7.

Subp. 7. Statement to identify.

A. A completed statement to identify must include the following information about the witness:

- (1) first name, middle name, and last name;
- (2) home or business address;
- (3) telephone number;
- (4) date of birth;
- (5) number of years the witness has known the applicant;
- (6) relationship of the witness to the applicant or the basis for the witness' knowledge of the applicant;
- (7) signature of the witness;
- (8) date the statement to identify is signed by the witness; and
- (9) a sentence relating the statement to identify to a specific application for a certified birth or death record. If the completed statement to identify is included as part of a completed application form provided by a registrar, no sentence is required.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the witness states that the witness does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the witness states that the witness does not have a middle name.

Subp. 8. Acceptable document of identity. A registrar must accept a document listed in items A to I as meeting the requirements of subpart 5, unless the registrar determines that the document was issued too long ago to readily identify the applicant or witness, the document has been altered or changed, or there is evidence of fraud on the face of the document. Acceptable documents include:

A. an unexpired picture driver's license issued according to Minnesota Statutes, section 171.07, or according to the laws of another state or territory of the United States. A temporary driver's license or learner's permit is not acceptable;

B. an unexpired state picture identification card issued according to Minnesota Statutes, section 171.07, or according to the laws of another state or territory of the United States;

C. an unexpired federal, state, or local government employee picture identification card issued by a government entity located in the United States;

D. an unexpired aircraft pilot's license issued by the United States Department of Transportation, Federal Aviation Administration;

E. an unexpired United States military picture identification card;

F. an unexpired United States passport;

G. for an applicant who is not a registrant, an unexpired Canadian passport;

H. for an applicant who is not a registrant, an unexpired passport from another jurisdiction with:

(1) a United States Citizenship and Immigration Services, arrival and departure form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status; or

(2) an unexpired I-551 stamp; or

I. for an applicant who is not a registrant, one of the following documents issued by the United States Department of Justice, United States Citizenship and Immigration Services, or a subsequent form or version of a document specified in this item:

(1) a naturalization certificate form (form N-550 or N-570);

(2) a certificate of citizenship (form N-560 or N-561);

(3) a United States citizen identification card (form I-179 or I-197);

(4) a valid permanent resident or resident alien card (form I-551 or I-151);

(5) a Northern Mariana card (form I-873 with "Northern Mariana" imprinted instead of resident alien);

(6) an American Indian card (form I-872 with "American Indian" imprinted instead of resident alien);

(7) an unexpired employment authorization document with a photograph (form I-688, I-688A, I-688B, or I-766); or

(8) an unexpired reentry permit/refugee travel document (form I-571).

Subp. 9. Documents acceptable with discretion.

A. A registrar may accept a document not listed in subpart 8 if the registrar determines that the document meets the requirements of subpart 5.

B. A registrar may accept one of the following documents as a document of identity if the document is known to be reliable and valid in the county where the application

for a certified birth or death record is made and if the document meets the requirements for an acceptable document of identity described in subpart 5:

- (1) a business or industrial identification card or pass; or
- (2) a school or college identification card.

Subp. 10. **Delay to authenticate.** A registrar may delay issuance of a certified birth or death record if the registrar needs more time to authenticate a document of identity with the entity who issued the document of identity.

Subp. 11. **Refusal to issue.** A registrar must refuse to issue a certified birth or death record if the applicant fails to meet the requirements of this part.

Subp. 12. **Personal or property right criteria.**

A. To determine whether a certified birth or death record is necessary for the protection or determination of a personal or property right, the state registrar must consider:

- (1) the extent and type of documentation presented;
- (2) the ability of the state registrar to authenticate the documentation presented;
- (3) if issuing a certified birth or death record is prohibited by law;
- (4) evidence of fraud or the intent to commit fraud;
- (5) the impact of the issuance on the use of a certified birth or death record as a legal document; and
- (6) the ability of the applicant to protect or determine a personal or property right without a certified birth or death record.

B. If the state registrar determines that the supporting documentation is sufficient to demonstrate tangible interest, the state registrar must issue the certified birth or death record. If the state registrar determines that the supporting documentation is not sufficient to demonstrate tangible interest, the state registrar must notify the applicant of the option to seek a court order to direct the state registrar to issue a certified birth or death record.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 ISp9 art 15 s 32; L 2007 c 13 art 1 s 25*

Published Electronically: *October 3, 2013*