

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-269.1 of the Code of Virginia, relating to amending death certificates;*
 3 *petitions to the court to amend; Electronic Death Registration System; service upon State Registrar of*
 4 *Vital Records.*

5 [H 756]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 32.1-269.1 of the Code of Virginia is amended and reenacted as follows:**9 **§ 32.1-269.1. Amending death certificates; change and correction of demographic information by**
 10 **affidavit or court order.**11 A. Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in
 12 accordance with this section and such regulations as may be adopted by the Board to protect the integrity and
 13 accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change
 14 in any such death certificate.15 B. A death certificate that is amended under this section shall be marked "amended," and the date of
 16 amendment and a summary description of the evidence submitted in support of the amendment shall be
 17 endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions
 18 under which omissions or errors on death certificates may be corrected.19 C. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected
 20 information on a death certificate within 45 days of the filing of a death certificate, shall amend such death
 21 certificate to reflect the new information and evidence.22 D. The State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected
 23 information on a death certificate more than 45 days after the filing of a death certificate, including the
 24 correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age,
 25 race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of
 26 business, military status, or date of death of the deceased; the place of residence of the deceased, if located
 27 within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or
 28 the street or place where the death occurred, shall amend such death certificate to reflect the new information
 29 and evidence.30 E. For death certificate amendments received more than 45 days after the filing of a death certificate,
 31 other than the correction of information by the State Registrar pursuant to subsection D, the surviving spouse
 32 or immediate family, as defined by the regulations of the Board, of the deceased; attending funeral service
 33 licensee; or other reporting source may file a petition with the circuit court of the county or city in which the
 34 decedent resided as of the date of his death, or the Circuit Court of the City of Richmond, requesting an order
 35 to amend a death certificate, along with an affidavit sworn to under oath that supports such request. A copy of
 36 the petition shall be served upon (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01
 37 and (ii) any person listed as an informant on the death certificate, unless such person provides an affidavit in
 38 support of such petition; *however, if a funeral service licensee requests an order to amend such death*
 39 *certificate through the Electronic Death Registration System, such licensee shall upload the petition required*
 40 *pursuant to this subsection to the Electronic Death Registration System instead of serving such petition upon*
 41 *the State Registrar. The clerk shall submit such petition and any evidence received with the petition to the*
 42 *judge for entry of an order without the necessity of a hearing, unless the judge decides a hearing is necessary.*
 43 *The clerk shall transmit a certified copy of the court's order to the State Registrar, who shall amend such*
 44 *death certificate in accordance with the order. However, in instances where a funeral service licensee*
 45 *requested the order to amend such death certificate through the Electronic Death Registration System, such*
 46 *licensee shall upload the order into the Electronic Death Registration System for the State Registrar to*
 47 *amend such death certificate in accordance with the order. The matters for which a petition may be filed*
 48 *include changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital*
 49 *status of the deceased; or the place of residence of the deceased, when the place of residence is outside the*
 50 *Commonwealth.*51 F. When an applicant, as defined by the regulations of the Board, does not submit the minimum
 52 documentation required by regulation to amend a death certificate or when the State Registrar finds reason to
 53 question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State
 54 Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or
 55 city in which he resides, or the Circuit Court of the City of Richmond, for an order compelling the State
 56 Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may

ENROLLED

HB756ER

57 petition any circuit court in the Commonwealth for such an order. A copy of the petition shall be served upon
58 (i) the State Registrar pursuant to Chapter 8 (§ 8.01-285 et seq.) of Title 8.01 and (ii) any person listed as an
59 informant on the death certificate, unless such person provides an affidavit in support of such petition. The
60 clerk shall submit such petition and any evidence received with the petition to the judge for entry of an order
61 without the necessity of a hearing, unless the judge decides a hearing is necessary. The State Registrar or his
62 authorized representative may appear and testify in such proceeding. The clerk shall transmit a certified copy
63 of the court's order to the State Registrar, who shall amend such death certificate in accordance with the
64 order.