

# OFF THE RECORD

*techniques, tips, and traps for our partners who file birth certificates*

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### INSIDE

Birth Certificates

Name Changes

Corrections to Sex of Child

Paternities

Featured Section of the Birth Record –  
Hispanic Ethnicity and Race

Update on Birth Worksheet

Non-Facility Birth Attendants

Fetal Deaths

Are You Using the Most Updated Forms?

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## Birth Certificates

Birth certificates have long served dual purposes. One purpose is to provide information about the individual whose name appears on the birth certificate. In fact, as the legal record of birth, the birth certificate may be the most important document a person has.

A birth certificate is required for many things during a person's life such as:

- enrolling a child in school,
- participating in youth sports,
- getting a Social Security card,
- a driver's license, or
- a passport.

Another purpose of the birth certificate is to gather public health information. This information allows us to track population growth, learn about health conditions in our communities, and project school enrollment.

We usually write about the second purpose, because there is a great demand for complete and accurate information to determine needs and services. When an agency has less money to spend, information on which to base decisions becomes even more important.

However, the first purpose, showing the individual's name, parents, and place of birth, is probably more important to your patients. Whether used as proof of identity,

proof of age, or proof of citizenship, birth certificates have an important role in an individual's life.

Oregon law requires that a birth certificate be filed for each child. In fact, the law (ORS 432.206) specifically states that if the child is born in or in route to a facility, the facility is responsible for gathering the information and signatures, and filing the birth certificate. The law is so definite about responsibility because a birth certificate is so important to an individual. But people frequently don't realize the importance of a birth certificate until a specific need arises.

#### What if parents don't want to file a birth certificate?

If a parent seems concerned about having a birth certificate filed, have them read the 'Certificate of Birth' pamphlet available at most hospitals and county vital records offices. (Contact us if you need copies of this tri-fold pamphlet.) It provides information about the purpose of birth certificates as well as storage and confidentiality of the records. And of course, anyone is welcome to call us. But the bottom line is that Oregon law requires the facility or the attendant, if the child is born outside a facility, to file a complete birth certificate within five days of the birth.

If a parent doesn't cooperate in providing information to complete the certificate, use the information available to do so to the best of your ability. This might mean obtaining mother's name and address from a financial agreement that was completed at admission, having no first name for the infant, and, as usual, gathering medical information about

the pregnancy and birth from the medical attendant's notes.

#### What if the parents want a birth certificate, but don't agree on the child's name?

Let them know they have five days (from the birth) to decide before the birth certificate is filed with the county and state. Do not hold the record for longer than five days as a courtesy to the parents. (Your facility has the legal obligation to file the birth information within five days.) It is possible to file the birth certificate with no first and/or middle name and to change the name after birth. And remember that a mother can name her child as she chooses, including the last name (surname).

#### How can parents change a name?

There are several ways to change the child's name. A court order specifically including a name change can be used to add, correct, or change a child's name. Other methods include affidavits with or without additional evidence. Which way is used depends on the nature of the change, how long it has been since the child was born, and whether the name has been changed before.

*Adding the child's name:* If the original birth certificate was blank for the first and/or middle name, those names can be added. The parent(s) would need to turn in a supplemental report requesting the addition and specifying the name if the birth occurred less than a year ago. An affidavit containing similar information is required if the birth occurred more than a year ago. (The facility may also submit an affidavit if the information is in their records.)

*Correction – less than one year:* If the hospital mistyped the child’s name, or put the wrong name, and less than one year has passed since the child was born, the correction can be made with an affidavit from the hospital staff.

*Correction – over one year:* The child’s name can be corrected based on an affidavit, but additional evidence of the name is required as well as a fee. The evidence is to show the correct name and must be from within seven years of birth or be at least five years old. For example:

- For a three-year-old child, the evidence could be the child’s immunization record because it was created within seven years of birth;
- For a 16 year old, school enrollment records from a high school are not old enough to use, but school enrollment records from elementary school might be acceptable, if more than five years old.

Please refer the parent to our office for information on types of evidence required for a specific situation.

*Changing the child’s name – less than one year:* The child’s name can be changed based on an affidavit signed by parents named on the birth certificate. There is a fee charged for the amendment.

*Changing the child’s name – over one year:* A court order is required to change the child’s name. The Center for Health Statistics must receive a certified copy of the court order before the change can be made. There is a fee. Court orders on name changes, filiation (paternity), adoption,

divorce, or other matters concerning the child must specifically include that the name is to be changed on the birth certificate and to what name it should be changed. In any case, the child’s name can be changed only once without a court order.

#### **Five days**

The birth certificate information should be filed within 5 days of the birth. This is five days to print the certificate and send the EBC file to the county and state vital records offices.

### **Corrections to Sex of Child**

Corrections to the sex of the child are becoming more frequent. Most of these corrections are from facility births filed through the EBC program. Since EBC requires that a ‘M’ or ‘F’ be entered for sex of the child, it seems likely that the mistakes are occurring due to assumptions about names.

In 2003, 71 girls and 12 boys were named Morgan; 45 girls and 79 boys were named Riley; and 4 girls and 143 boys were named Hunter. Even traditionally gender-specific names, like Michael, are being used for both genders. If a correction is required on the birth certificate, the item number corrected appears on the face of the document in compliance with state rules and national standards. Please look carefully at the sex of the child before entering the information on the birth certificate.

### **Paternities**

Establishing paternity is one of the most important things we can do to help a family.

It documents a legal relationship that allows both parents to be involved in a child's life for school, sports, and travel. And it creates some financial security for the child. For example, if the father dies the child can receive social security benefits. There are other ways to show a legal relationship in that situation, but signing a form at the hospital is by far the easiest.

Although paternity can be established at any point in a child's life, it makes sense to do so at the hospital soon after birth.

- Easiest method is to sign the acknowledgment form (45-31) at the hospital.
- Father's name is on the birth certificate from the start; no need to amend the record.
- Families do not have to pay a fee to establish paternity.
- Decrease the risk that the family will never get around to legally establishing paternity.

Paternities are established for as few as half the children born at some hospitals. This is a missed benefit for the child; if there is something we can do to assist you in getting more fathers on records, please let us know. We plan to contact birth clerks soon to talk about paternitys at their facility and how we can help remove or overcome barriers.

### **Featured Section of the Birth Record – Hispanic Ethnicity and Race**

*A person of Hispanic origin may be of any race and nationality. Each question, Hispanic origin and Race, should be asked independently.*

14. Of Hispanic origin? (Specify No or Yes) (If yes, specify Cuban, Mexican, Puerto Rican, etc.)

No  Yes

Specify \_\_\_\_\_

“Hispanic” usually refers to people who are from Spain, Mexico, or one of the Spanish-speaking countries of Central and South America. However, it is not necessary for the person to speak Spanish as their first language (or at all). Hispanic ethnicity is an individual's cultural identity and left to their judgment. If someone born in Mexico states that they are not Hispanic, check ‘No’ on the record. If someone born in Greenland states that they are Hispanic, check ‘Yes’, and ask for the origin (country).

Although the prompts include the major Hispanic groups of Cuban, Mexican, and Puerto Rican, other Hispanic groups should also be identified in the space provided. If a person indicates that he or she is of multiple Hispanic origins, enter the origins as reported (for example, Mexican-Puerto Rican.) In EBC, this can be done either at the prompt to specify if entering 8 (Other), or in the memo field (Alt + M).

15. Race – (e.g. White, Black, American Indian, etc.) (Specify below)

Enter the race of the mother and father as reported from the parent(s) or other informant. The entry in this item should reflect the response of the informant.

Be as specific as you can. For example, enter Chinese, Japanese or Filipino as appropriate. The catchall Other Asian and Pacific Islander (in the EBC program) should be used only if no other category

applies. More specific information, including that the mother or father reported more than one race, can be entered at the *Other Non-White (specify)* prompt or the memo field (Alt + M) in EBC.

Attendants who don't use the EBC program can include precisely what the informant reported.

### **Update on birth worksheet**

We now have a formatted draft of the birth worksheet. After one last internal review, we will be sending the worksheet to birth clerks who volunteered to test it. We have given considerable thought to the contents and planned the format carefully, but that is no substitute to actually putting the worksheet into use on a trial basis. Birth clerks who volunteered should expect to receive the worksheets by the middle of November. (And thank you all!) We hope to have comments on the usefulness of the worksheet and recommended changes by the end of the year.

### **Non-facility birth attendants**

*Off the Record* started as a source of information on the Electronic Birth Registration System used by facilities; it has expanded to include all facets of the birth certificate content and process. We are working to expand our circulation of the information as well. We have recently included registered midwives and midwives licensed through the Health Licensing Office on the mailing list. If you know any birth attendants (certified nurse midwives, naturopathic physicians, or others), who are not currently receiving this newsletter but

would be interested, please ask them to contact Lynda Jackson at (503) 731-3392.

### **Fetal Deaths**

We recently received two fetal death reports that were actually induced abortions. Under Oregon law, fetal death reports are not filed in cases of induced termination; this is regardless of the fetus weight, length of gestation, or reason for terminating the pregnancy. Each instance should result in only one report, live birth, fetal death, or induced termination of pregnancy, based on the following distinctions:

- Live birth – the medical attendant determines whether a live birth occurs. The birth certificate is filed regardless of how long the baby lives.
- Fetal death – also a determination of the medical attendant. See the attached information on whether a Report of Fetal Death is required. If the fetus is removed from the facility, the second page of the report must be completed for use as the burial permit, even if no report is required to be filed. If the delivery was not attended by a physician *and* did not occur at a medical facility, the Medical Examiner must sign the Report of Fetal Death. Midwives practicing outside a facility are not authorized to file the report. ORS 432.333(4)
- Induced termination of pregnancy – Whether an induced termination of pregnancy occurs is a matter of intent and outcome; it is the interruption of an intrauterine pregnancy with the intent of producing other than a live born infant and that does not result in

a live born infant. Removal of a dead fetus by similar methods should not be reported as an induced termination.

Please call Karen Hampton at (503) 731-4412 if you have questions about which reports should be filed for a specific situation.

### **Are You Using the Most Updated Forms ?**

In order to insure that you are using the most updated forms, we are providing a list of forms with their most current revision dates. You can find the date on the lower right corner of the form you are using.

Birth & Death Record Order Form  
45-13 (11-03)

Birth & Death Record Order Form Spanish Version  
45-13S (05-04)

Request for Vital Records Forms and Tags  
45-43 (07-04)

Certificate of Live Birth  
45-1 (03-95)

EBC Certificate of Live Birth  
45-1A (2-00)

Affidavit of Birth "A" (Home Births)  
45-18A (9-03)

Affidavit of Birth "B" (Home Births)  
45-18B (9-03)

Voluntary Acknowledgment of Paternity Affidavit  
45-21 (11-03)

Voluntary Acknowledgment of Paternity Affidavit Spanish Version  
45-21S (11-03)

Voluntary Acknowledgment of Paternity – Hospital Version  
45-31 (12-02)

Voluntary Acknowledgment of Paternity – Hospital Version, Spanish  
45-31S (3-02)

Adoption Report  
45-24 (11-03)

Affidavit to Correct a Birth Certificate  
45-25 (6-04)

Notification of Filing Petition in Filiation Proceedings  
45-115 (6-04)

Report of Court Findings of Paternity  
45-116 (8-04)

Withdrawal of Notification of Filing Petition in Filiation Proceedings  
45-122 (11-00)

Supplemental Report to Add Omitted Data on Birth or Death Record within Twelve Months of Event  
45-26 (9-03)

Report of Fetal Death  
45-3 (6-03)

Report of Induced Termination of Pregnancy  
45-113 (3-02)

If you need the recent version of any of our forms you can contact Linda Reynolds at 503-731-4027 or complete the Request for Vital Records Forms and Tags form (45-43) and Fax the form to us at 503-731-3076.