

CHAPTER 2
VITAL STATISTICS
OFFICE OF VITAL STATISTICS

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NOTE: Rule-making authority cited for formulation of regulations for the Office of Vital Statistics by the Director of Public Health and Social Services, 10 GCA Chapter 3 Article 2.

These regulations are reprinted exactly as promulgated by the Department, except that Section numbers have been changed to conform to those used in this Volume.

These regulations, even though promulgated in 1972, have never been filed with the Legislative Secretary nor with the Guam Law Revision until now. The Compiler of Laws expresses no opinion as to their resultant validity but wishes to put such facts on notice to the public.

§2101. Forms of Certificates. All forms, certificates and reports used in the registration of vital events are the property of the Office of Vital Statistics and shall be surrendered to the Territorial Registrar or his representative upon demand. No forms shall be used in the reporting of vital events or making copies of vital records except those furnished or approved by the Office of Vital Statistics.

§2102. Preparation of Certificates. All certificates of birth, death and fetal death and marriage certificates shall be prepared on a typewriter with a black ribbon, or shall be entered in dark, unfading ink. Unless otherwise directed by the Territorial Registrar, no certificate shall be completed and correct and acceptable for filing:

- (a) That does not have names typed or printed legibly under all signatures for positive identification purposes;

- (b) That does not supply all items of information called for thereon or satisfactorily account for their omission;
- (c) That contains alterations, erasures, strike-overs or "snopake" corrections;
- (d) That does not contain genuine signatures;
- (e) That is marked "copy" or "duplicate";
- (f) That is a carbon copy;
- (g) That is prepared on an improper form;
- (h) That contains obviously improper or inconsistent data;
- (i) That contains any data relative to the putative father of an illegitimate child unless it is accompanied by an acknowledgment of paternity, written consent of both parents or a certified copy of a decree determining paternity;
- (j) That contains an indefinite cause of death, denoting only symptoms of disease or conditions resulting from disease;
- (k) That is not prepared in conformity with these regulations.

§2103. Cancellation of Fraudulent Records. When the Territorial Registrar of Vital Statistics shall be satisfied that a certificate was registered through fraud or misrepresentation, he shall give to the person named in the certificate a notice in writing of his intention to cancel said certificate. The notice shall give such person an opportunity to appear and show cause why the certificate should not be cancelled. The notice may be served on such person or, in the case of a minor or incompetent, on his parent or guardian by forwarding the notice by registered mail to his last known address on file in the Office of Vital Statistics. Unless such person or his parent or guardian shall within thirty (30) days after the date of mailing the notice show cause satisfactory to the Territorial Registrar of Vital Statistics why the certificate shall not be cancelled, the Territorial Registrar shall cancel the certificate and it shall not be available for certification.

§2104. Birth Registration. The birth of each and every child born in Guam shall be registered within ten (10) days after birth by the attending physician. If there is no attending physician or midwife, then it shall be the duty of

the father of the child, householder or owner of the premises or the head of an institution in which the birth occurred, to make the registration.

If the mother was not married at the time of conception or birth, the child's surname shall be the same as the legal surname of the mother at the time of birth.

If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate

§2105. Foundling Registration - Infants of Unknown Parentage. The birth of an infant of unknown parentage shall be registered on the certificate of live birth and shall:

(a) Have "foundling registration" clearly marked on the top margin of the certificate;

(b) Show the required facts as determined by approximation and have parentage data left blank;

(c) Have the certification of the attendant changed to show the signature of the custodian, indicating title, if any;

(d) Show the place where the child was found as the place of birth.

§2106. Delayed Registration: Birth. Any person born in Guam whose birth is not recorded at the time of birth may apply for a certificate of delayed birth registration with the Territorial Registrar of Vital Statistics, or his parents, guardian next of kin, or other older person acting for the registrant and having personal acknowledge of the facts of birth; subject to the procedures and requirements established by these regulations.

A delayed birth registration is one registered seven (7) years or more after the date of occurrence. The Delayed Certificate of Birth form shall be used for the registration of this birth and shall be signed by:

(a) The physician in attendance at or immediately after the birth or in the absence of such a person;

(b) Any other person in attendance at or immediately after the birth, or in the absence of such a person;

(c) The father, the mother or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred or in the absence of such a person;

(d) By relatives in the immediate degree of kindred provided that each person signing a certificate shall attest under oath to his belief concerning the age, birth place and parentage of the person whose birth is being registered;

(e) Registrant if eighteen (18) years or older

§2106.1. Same: Same: Facts To Be Established For a Delayed Registration. The minimum facts which must be established by documentary evidence shall be the following:

(a) The full name of the person at the time of birth, except that the delayed certificate may reflect a name established by adoption, legitimation, paternity acknowledgment in writing or determination or legal change of name when such evidence is submitted;

(b) The date of birth and place of birth;

(c) The full maiden name of the mother;

(d) The full name of the father, except that if the mother was not married to the father of the child at the time of birth or during the ten (10) months preceding such birth, the name of the father shall not be entered on the delayed certificate without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court of competent jurisdiction, in which case a certified copy of the court order shall be submitted. The written consent may be furnished by separate statements by the mother and father.

To be acceptable for filing, application for a delayed birth registration for a child more than one year but less than seven (7) years of age shall be accompanied by evidence of the place of birth, date of birth, father's full name and mother's full maiden name. Each of these birth facts must be proven at least once. Documents presented shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

To be acceptable for filing, an application for a delayed birth registration more than seven (7) years after the date of birth shall be supported by evidence of the place of birth, date of birth, father's full name and mother's full maiden name. The place and date of birth shall be supported by at least two (2) documents, only one of which may be an affidavit of personal knowledge. Facts of parentage need be supported by least one document which

may be one of the above documents. Any document submitted as evidence, other than an affidavit of personal knowledge, shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document. Documents must be at least five (5) years old.

An affidavit of personal knowledge, to be acceptable, must be prepared, signed and sworn before a notary public. In all cases, the affiant must be at least ten (10) years older than the applicant and have personal knowledge of the facts of birth.

If the person whose birth is to be recorded is of legal age, the date of birth and place of birth shall be supported by at least two (2) documents of which only one may be an affidavit; the facts of parentage must be supported by at least one document which may be one of the two (2) submitted as evidence of the other facts.

The Territorial Registrar of Vital Statistics, or his designated representative shall, by his signature, certify:

(a) That no prior birth certificate is on file for the person whose birth is to be recorded;

(b) That he has reviewed the evidence submitted to establish the facts of birth;

(c) That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Delayed certificates not completed within one (1) year may be cancelled at the discretion of the Territorial Registrar of Vital Statistics. Upon cancellation, the Territorial Registrar shall return to the applicant all documents that have been submitted.

The Certificate of Delayed Birth Registration, with the abstracted proofs, will not be valid and cannot be filed until final approval is made by the Territorial Registrar.

All documents submitted in support of the delayed birth registration shall be returned to the applicant after review and abstraction

§2107. Same: Death. When a death on Guam has not been registered, a certificate may be filed with the Territorial Registrar of Vital Statistics on the standard certificate of death form in the manner prescribed below:

(a) All certificates registered one (1) year or more after the date of death are to be clearly marked "Delayed."

(b) If the attending physician or medical examiner at the time of death are available to complete and sign the certificate of death, it may be completed without additional evidence and filed with the Office of Vital Statistics. However, for those certificates filed one (1) year or more after the date of death, the physician or medical examiner must state in an accompanying affidavit that the information on the certificate is based on records kept in his filed.

(c) In the absence of the attending physician, the certificate may be filed by a member of the immediate family of the deceased and shall be accompanied by:

(1) An affidavit of the person filing the certificate swearing to the accuracy of the information on the certificate;

(2) Two (2) documents which identify the deceased and his date and place of death.

In all cases, the Territorial Registrar may require additional documentary evidence to prove the facts of death

§2108. Same: Marriage. When a marriage in Guam has not been registered, a certificate may be filed with the Office of Vital Statistics. To be acceptable for registration by the Territorial Registrar of Vital Statistics, the delayed certificate of marriage must be supported by:

(a) A copy of the license or of the application for license if the license was granted;

(b) A statement from the officiant or the custodian of church or official records and from one witness to the wedding ceremony proving that there was a marriage and the date and place of the marriage.

The delayed certificate of marriage shall be in the form of the U.S. standard form. If registered one (1) year or more after the date of marriage, it shall be clearly marked "Delayed."

§2109. New Certification of Birth Following Adoption, Legitimation and Paternity Determination. (a) **Adoption.** A new certificate of birth may be prepared by the Territorial Registrar of Vital Statistics for a child born in Guam upon receipt

of an adoption report or certified copy of an adoption decree from the courts of Guam, the United States or a foreign nation.

(b) **Legitimation.** If the natural parents of a child born in Guam inter-marry after the birth of the child, a new certificate of birth may be prepared upon receipt of a certified copy of the parents' marriage record and an affidavit of paternity by the natural parents or a certified copy of the court determination of paternity. However, if another man is shown on the existing certificate as the father of the child, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction.

(c) **Determination of Paternity.** A new certificate of birth shall be prepared for a child born in Guam upon receipt of a certified copy of a court determination of paternity, along with the request of the person having legal custody of the child that a new certificate be prepared.

(d) **New Certificate.** The new certificate of birth shall be on the U.S. standard form and shall include the following items in addition to such other information necessary to complete the form:

- (1) The name of the child;
- (2) The names and personal particulars of the adoptive parents or of the natural parents;
- (3) The date and place of birth as transcribed from the original certificate;
- (4) The name of the attendant, printed or typed;
- (5) The same birth number as was assigned to the original certificate;
- (6) The original filing date.

(e) **Existing Certificate to be Sealed.** After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be sealed and placed in a special file. Such sealed file shall not be subject to inspection except upon order of a court of competent jurisdiction and further excepting that the Territorial Registrar of Vital Statistics may inspect such information for purposes of properly administering the Vital Statistics Program.

§2110. Death Registration. (a) Attending Physician Not Available. An associate physician who relieves the attending physician while he is on vacation or otherwise temporarily unavailable may certify to the cause of death in any case where he has access to the medical history of the case, provided that he views the deceased at or after death and that the death is from natural causes.

In any case where a death has been referred to the medical examiner because a physician in attendance is deceased or physically incapacitated, the medical examiner shall prepare and file the medical certification of cause of death.

§2111. Correction and Amendment of Vital Records. (a) Application:

(1) To amend a birth certificate, application may be made by one of the parents, the guardian, the registrant if of legal age, or the individual responsible for filing the certificate.

(2) To amend a death or fetal death certificate, excepting the medical certification, application may be made by the next of kin or person acting in their behalf. Amendments to the medical certification of cause of death shall be requested by the attending physician or medical examiner.

(3) To amend certificate of marriage and certificate of divorce or annulment, a signed statement must be received from the parties married and court official or legal representative stating in what manner such record shall be amended.

(4) Application for amendment should be subscribed and sworn before a notary public.

(b) Amendments During First Year. Amendment of obvious errors, transposition of letters in words of common knowledge or omissions on birth certificates may be made by the Territorial Registrar of Vital Statistics within the first year after the date of birth, either upon his own observation, upon query, or upon request of a person with a direct and tangible interest in the certificate. When such additions or minor amendments are made by the Territorial Registrar of Vital Statistics, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making

the change, shall be made in a space provided on the certificate in such a way as not to become a part of the certificate. The certificate is not to be marked "Amended."

All other amendments to vital records made during the first year, unless otherwise provided in these regulations or in the statute, shall be supported by:

- (1) An affidavit setting forth:
 - (A) information to identify the certificate;
 - (B) the incorrect data as listed on the certificate;
 - (C) the correct data as it should appear.

(2) One item of documentary evidence supporting the amendment. Certificates amended by this procedure shall be marked "Amended."

(c) **Amendments After First Year.** Applications for amendments made one (1) year or more after the event, unless otherwise provided in these regulations or in the statute, shall be supported by:

- (1) An affidavit setting forth:
 - (A) information to identify the certificate;
 - (B) the incorrect data as it is listed on the certificate;
 - (C) the correct data as it should appear.

(2) One or more items of documentary evidence which support the alleged facts and which were established at least five (5) years prior to the date of application for amendment or within seven (7) years of the date of the event.

The Territorial Registrar of Vital Statistics shall evaluate the evidence submitted and when he finds reason to question its validity or adequacy, he may reject the amendment and shall advise the applicant of the reasons for this action.

(d) **Change of Given Names.** Until the registrant's first birthday, given names may be changed upon written request of:

- (1) Both parents; or

(2) The mother in the case of a child born out of wedlock or the death or incapacity of the father; or

(3) The father in the case of the death or incapacity of the mother; or

(4) The guardian or agency having legal custody of the registrant in the case of the death or incapacity of both parents.

At any time after the registrant's first birthday and until the seventh birthday, given names may be changed upon written request as specified above and submission of one or more items of documentary evidence to support the change.

These procedures may be employed to change a given name only once and only if proof is submitted that the name was originally entered in error. Thereafter, and at any time after the seventh birthday, given names may be changed only upon submission of a court order.

(e) **Addition of Given Names.** Until the registrant's seventh birthday, the given name, for a child whose birth was recorded without a given name, may be added based upon an affidavit signed by:

(1) Both parents; or

(2) The mother in the case of a child born out of wedlock or the death or incapacity of the father; or

(3) The father in the case of the death or incapacity of the mother; or

(4) The guardian or agency having legal custody of the registrant in the case of the death or incapacity of both parents.

A certificate amended in this manner prior to the first birthday is not to be marked "Amended."

After the seventh birthday, one or more items of documentary evidence must be submitted to substantiate the name being added.

(f) **Legal Change of Name.** When a person has obtained a legal change of name, the name change shall be reflected on the birth certificate if supported by a certified copy of the court order or decree along with data to identify the birth certificate and a request that it be amended to show the new name.

(g) **Medical Items.** All items in the medical certification or of a medical nature may be amended only upon receipt of a signed statement from those responsible for completion of the entries involved. The Territorial Registrar of Vital Statistics may at his discretion, require documentary evidence to substantiate the requested amendment.

(h) **Amendment of Same Item More Than Once.** Once an amendment of an entry is made on a vital record, that entry shall not be amended again unless:

(1) It can be shown that the first amendment was made through mistake; or

(2) A court order is received from a court of competent jurisdiction.

(i) **Methods of Amending Certificates.** The following methods shall be used by the Territorial Registrar of Vital Statistics to amend certificates of birth, death, fetal death, marriage and certificate of divorce:

(1) Prepare a new certificate showing the correct information when the following items are amended:

(A) Names (including legal change of name);

(B) Date of event;

(C) Place of event;

(D) Names of parents (on birth certificates).

For all vital events, the new certificate shall be prepared on the form used for registering current events at the time of the amendment. The item number of the entry that was amended shall be identified on the new certificate.

In all cases, the new certificate shall show the date the amendment was made and be given the same file number as the existing certificate. Signatures appearing on the existing certificate shall be typed onto the new certificate.

(2) Complete the item in any case where in any case where the item was left blank on the existing certificate.

(3) Draw a single line through the item to be amended and insert the correct data immediately above or to the side thereof when the items to be

amended are other than those provided for under §2111(i)(1) and (2) 3 GAR [(a) and (b)]. The line drawn through the original entry must not obliterate such entry.

In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person making the change. As required by regulation, the certificate shall be marked "Amended."

The addition of the father's identity on the child's birth certificate at the request of the father and mother, does not in itself permit the change of surname of an illegitimate child on his birth certificate to that of the father. The Territorial Registrar can only amend the certificate upon request and receipt of sworn acknowledgment of paternity signed by both parents and upon receipt of certified copy of parent's marriage record. The surname of the child shall then be changed to that of the father. [9320]

§2112. Disclosure of Records. (a) Except as otherwise provided, the Territorial Registrar of Vital Statistics shall disclose information from a record, or part thereof, only when he is satisfied that the applicant therefore has a direct and tangible interest in the content of the record and that the information contained therein is necessary for the determination or protection of a personal or property right:

(1) In the case of birth certificate, the registrant, a member of his immediate family, his guardian or their respective legal representative shall be considered to have a direct and tangible interest.

In the case of a death or fetal death certificate, a surviving relative or his legal representative shall be considered to have a direct and tangible interest.

In the case of marriage certificate, the parties married, their adult children or their respective legal representatives shall be considered to have a direct and tangible interest.

In the case of divorce report forms in the possession of the Office of Vital Statistics, the parties to the divorce, their adult children, or their respective

legal representatives shall be considered to have direct and tangible interest.

(2) For the purpose of securing information or obtaining certified copies of vital records, the term "legal representative" shall include an attorney, physician, insurance company or an authorized agent acting in behalf of the registrant or his family.

(3) For the purposes of securing and obtaining data from vital records, the natural parents of adopted children, when neither has custody, in the absence of a court order, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.

(b) The Territorial Registrar may permit use of data on vital statistics records for statistical research purposes, subject to conditions and approval by the Director of Public Health and Social Services to ensure that the use of the data is limited to such research.

(c) The Office of Vital Statistics may disclose data from vital statistics records to Federal, state or municipal agencies of government which request such data in the conduct of their official duties.

(d) Information on vital statistics records indicating a birth occurred out of wedlock may not be disclosed unless it can be shown that the information is needed to secure some benefit or privilege for the registrant and that the welfare of the registrant will not be compromised.

(e) Whenever it shall be deemed necessary to establish an applicant's right to information from vital statistics records, the Territorial Registrar may require written application, identification of the applicant or a sworn statement.

(f) The confidential section of the certificate of live birth shall not be subject to public inspection and shall not be included on certified copies of the record except upon order of a court.

§2113. Copies of Data From Vital Records. (a) Full or short form certified copies of vital records may be made by mechanical, electronic or other reproductive processes, except that the medical and health data on birth and fetal death certificates, other than the cause of fetal death, shall not be included.

(b) When a certified copy is issued, each certification shall contain a statement certifying that the facts are the true facts recorded in the issuing office, the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.

(c) Confidential verifications of the facts contained in vital statistics records may be furnished by the Office of Vital Statistics to any Federal, state or municipal government agency or other agency representing the interest of the registrant.

(d) No data shall be furnished from vital statistics records for research purposes until such request is approved by the Director of Public Health and Social Services.

§2114. Fees for Copies. No certified copies shall be issued until the fee for such copy is received unless specific approval has been obtained from the Territorial Registrar or otherwise provided by statute.

For the issuance of a certified copy of a vital record, the fee shall be One Dollar (\$1.00) per record.

§2115. Burial-Transit Permits. Under no circumstances may a burial-transit permit be issued unless a certificate of death or fetal death has been filed properly with the Office of Vital Statistics.

When a dead body is to be transported, the casket or transfer case shall be encased in an outer box constructed of substantial material, put securely together and tightly closed, provided that no body shall be transported pending final disposition of more than twenty-four (24) hours after death unless the body is thoroughly embalmed.

In the case of death from a dangerous, communicable disease, the matter shall be conducted under the supervision of the Public Health Medical Officer so that all precautions may be properly observed.

When the death or fetal death occurs outside Guam and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or fetal death occurred, the permit shall authorize the transportation of the body into

Guam, but before the burial, cremation or other disposal of the body within Guam, the permit shall be endorsed by the Office of Vital Statistics, Department of Public Health and Social Services who shall keep a record thereof.

In the case of mass burial whereby only one casket is to be used because of status, conditions or other problems, authorization must be obtained from the Director of Public Health and Social Services before this could be carried out.

A hospital, by written authorization of the parents, may dispose of a dead fetus of any period of gestation. In all cases where the fetus has reached a gestation period of sixteen (16) completed weeks, a burial-transit permit must also be obtained for the disposition of the fetus.

Under no circumstances may a body or fetus of sixteen (16) or more completed weeks of gestation be finally disposed of or removed from Guam prior to obtaining a burial-transit permit. When a body or fetus is removed from Guam, the burial-transit permit shall accompany the body:

(a) **Disinterment Permits.** A Disinterment permit shall be issued only upon receipt of a written application signed by the next of kin or upon receipt of an order of a court of competent jurisdiction directing such Disinterment. The application should mention the location the remains is being moved and also the location where it is being disinterred. Disinterment should be done between sunrise and sunset. The Disinterment permit shall be authorization for Disinterment, transportation and reinterment. For a mass Disinterment, the Territorial Registrar may issue one permit to authorize Disinterment and reinterment of all remains provided that insofar as possible the remains of each body is identified and the place of Disinterment and reinterment specified.

(b) **Disposal of Permits.** The Territorial Registrar of Vital Statistics may authorize disposal of burial-transit permits three (3) years after the date of issue.

All other policies issued previously are hereby cancelled.

§2116. Proposed Fees for Vital Statistics Records and Amendments. (a) The Department of Public

Health and Social Services, Office of Vital Statistics under authority of Title 10, Guam Code Annotated, §3227, has adopted a revision of fees for vital statistics records and amendments. The following is a listing of the proposed fees:

Certified Copies:

(a) Birth	\$5.00
(b) Death	5.00
(c) Marriage	5.00
(d) Birth Registration Card	5.00
Cedula Number	5.00
Burial Permit	5.00
Disinterment Permit	5.00

Processing Amendments

(a) Change of Name (court order)	10.00*
(b) Legitimation	10.00*
(c) Affidavit of Paternity	10.00*
(d) Declaration of Paternity	10.00*
(e) Any other amendments	10.00*

Adoption 15.00*

Filing Delayed Certificate

(a) Birth	10.00*
(b) Marriage	10.00*
(c) Presumptive death certificate	10.00*

Research Fee

(a) First 3 years	5.00
(b) Every year thereafter	2.00 (per year)

***These fees DO NOT include the issuance of a certified copy.**

(b) **Government Agencies.** Requests for official business from Federal, State or local governmental agencies shall require the payment of appropriate fee. However, governmental agencies requesting large volumes of service may be handled by contract of some type of billing procedure.

(c) **Overpayment.** Overpayment of the required fee received by the Territorial Registrar shall be retained, except any overpayment shall be refunded upon written request of the applicant within one year or when such overpayment is in excess of two dollars (\$2.00).