



**Department
of Health**

Vital Records

**Local Registrar and Clerk Responsibilities
for Births, Deaths, and Marriages**

Local Registrar Procedures

Birth and Death Records

Registrar Appointments

- Appointment notices are sent by DOH to the appointing authorities of the municipalities whose registrar's term of office have expired. Complete the original DOH-1556 and return the original to DOH. File a copy with the County Clerk. Funeral Directors and those in the FD Business are ineligible.
- Local Registrar immediately appoints a Deputy (PHL-4122.1).
- Local Registrar appoints as many Sub-Registrars as needed by the municipality (PHL-4122.2). After hours availability use appointment form DOH-2457.

Registrar Duties

- Supplying blank forms and certificates to physicians, funeral directors and facilities.
- Examine certificates presented for filing to ensure they conform with filing requirements of Public Health Law.
- Numbering separately & consecutively, Birth and Death records.
- Maintain a local copy of Birth and Death records.
- Maintain an alphabetical index for Records.
- Issue Burial Permit (DOH-1555).

Registrar Duties (continued)

- Filing the permit for each burial, cremation, or other disposition in the district. Holding permits are filed in the holding district.
- Forward the original birth and death certificates to DOH following the schedule ordered by the Commissioner of Health.
- Issuing certified copies, certifications, and transcripts of the filed certificates.
- Keeping a count of all Fetal Certificates received and destroyed during the month.
- Flagging and unflagging birth certificates of missing children.

Ordering Forms

- Maintain a three-month supply and keep close track of your inventory.
- Order only once a month using the Supply Form (DOH-2230).
- Periodically update forms in inventory.
- Specify the actual number of forms needed — do not order packages.
- Adhere to the Ordering Schedule.

Birth Filing Requirements

- Hospital Birth - DOH-1963E (PHL-4130.5) person in charge of hospital or designee completes the BC and secures the signature of the physician.
- For home births less than a year please review the Local Registrar Procedures Manual.
- Delayed Registration of Birth (PHL-4175) requires birth to be registered with DOH.
- Foundling Certificate (PHL-4131) requires the County Commissioner of Social Services to register a Certificate of Foundling.

Death Filing Requirements

- Death Certificate (PHL-4140) must be filed by the funeral director or person in charge of the body within 72 hours of the death of the finding of the body.
 - Electronically – FD and attending physician complete their respective sections in EDRS.
(Refer to EDRS training)
 - On Paper – FD secures the personal information from the informant and promptly presents the certificate to the attending physician or physician acting on his/her behalf. The physician completes the cause of death section and signs the certificate.

Death Filing Requirements (continued)

- For Deaths filed on Paper (pre-EDRS)
 - The completed Death Certificate is then filed in the local registration where the death took place.
 - Erasures, cross-outs, white outs or other alterations make a certificate unacceptable for filing.
 - Certificates are to be typewritten or completed in permanent black ink.
 - Local Registrar issues Burial Transit Permit (DOH-1555)

Burial-Transit Permits

- Sections 4144 through 4146 of Public Health law requires that the body of any person whose death occurs in NYS may not be buried, cremated, or held for over 72 hours unless a Burial-Transit Permit (DOH-1555) is issued. A Burial-Transit Permit may be issued only to a licensed NYS funeral director upon the filing of a complete death certificate with the local registrar, deputy or sub-registrar of the district where the death took place, or the body was found.
- Please refer to the Local Registrar Procedures Manual. Contact Vital Records if you have questions.

Confidentiality & Security

- Never allow anyone outside of your staff access to the filed certificates.
- Require staff to sign confidentiality statements; renew signatures periodically.
- Keep the records in a safe or lockable file cabinet with access limited to office personnel.
- Do not leave records or indexes in an area accessible to public view.
- Avoid telephone verifications — report anything suspicious to Vital Records.

Issuing Birth Certificate Copies

- Birth Certificate issue based on PHL 4173 and 4174 and Comm. Rules 35.2
- Certified copy issued at the time of birth.
- Certified Copy or Transcript can be issued to
 - Person with a NYS Court Order
 - Person 18 years or older
 - Parents named on the person's record
 - The lawful representative of the person or parents of the person named on the certificate.
 - To the Commissioner of Health.
 - To a municipal, state, or federal agency when needed for official purposes.

Issuing Birth Certificate Copies (continued)

- Issue Certification of Birth (DOH-2248A):
 - If person is under 18 years of age
 - To a person over 18 if certification is preferred.
- Person demonstrating judicial or proper purpose.
- Legal Guardian requester must produce court-certified legal guardian papers.
- Non-Legal Guardian or Relatives send the record directly to the agency in need of the record.
- Power of Attorney — contact your municipal attorney if you have questions.
- Sealed Records are records which no longer exist — if a person is requesting original, please let Vital Records know.

Issuing Death Certificate Copies

- Please have all applicants complete application form DOH-294A. This includes Funeral Directors at the time of death.
- Death certificate issued based on PHL 4173 and 4174 and Commissioner Rules 35.4
- Certified copy or certified transcript may be issued:
 - To a person with a NYS Court Order issued showing a necessity
 - To the surviving spouse, parent, child and *sibling of the deceased or their lawful representative.

*change in Law as of July 2012

Issuing Death Certificate Copies (continued)

- Certified copy or certified transcript may be issued (continued):
 - To a person requiring the record for a documented legal right or claim
 - For a documented medical need
 - To a governmental agency for official purposes.
- Confidential Medical Section — since January 1, 1988 the Death Certificate was changed so the confidential medical section could be easily removed. Please ask applicants if they want copies with or without and be able to help with their decisions.
- Attorney Requests — an attorney must represent someone authorized to get a copy

Gratis Copies

- PHL 4173 (3) requires the fee waived for:
 - School entrance — not for subsequent school transfers or admissions
 - Public Relief — welfare eligibility, food stamps, SSI
 - Employment Certificate — application for working papers by a minor
 - Veterans Benefits — eligibility for veteran's benefits by the veteran or his/her relatives.
- Registrar is advised to require the applicant to provide an official letter from the agency.
- Fee is **not** waived for SS retirement benefits.

Genealogy Copies

- Issued based on Commissioner Rules 35.5
- Issue only uncertified copies — use a rubber stamp or clearly write “For genealogical purposes only.” Same rules and same personnel may access the records — **not** historians or genealogists.
- Indexes can be found in certain libraries in NYS. Births 75 years, Marriages 50 years, Deaths 50 years.

Getting Married in New York State

The Marriage License

Where can a couple get a NYS Marriage License?

- A couple who intends to be married in New York State must apply in person for a marriage license to any Town or City Clerk in the state.
- The Marriage License consists of 2 parts
 - The Affidavit portion – information provided by the couple
 - The License and Certificate portion – information provided by the Clerk and the Officiant

Issuance of Affidavit

- New York State does not recognize proxy marriages. The Affidavit must be completed by the couple, no proxies or representatives.
- The Department of Health has no authority over your procedures to issue a license. Issuance requirements are implemented at the local level.
 - Have a system and be consistent. We recommend the use of a worksheet.
- The following guidelines are provided by the DOH to aid with issuance procedures.

Should proof of identity be requested?

- An applicant should be asked to submit a current I.D. This I.D. should be in the form of a picture driver's license, a DMV-issued non-driver's license, passport or an employment picture I.D. The name on this documentation is to be used on lines 1A and 11A of the marriage license (current name).
- Residence –
 - Information collected is the residence municipality (where taxes are paid), not necessarily mailing address.

Can first cousins marry?

- Yes, however a marriage may not take place between an ancestor and a descendant, a brother and sister, an uncle and niece or an aunt and a nephew.

Should a birth certificate be requested of all applicants?

- Yes, a birth certificate should be requested from all applicants regardless of their age. The birth certificate provides exact spellings of names, age, exact date of birth, place of birth, and parents names.
 - If no father, enter not listed
 - If Birth Record was amended, the amended information is to be collected
- If birth name is different from current name, this name is also entered on 1B & 11B.

Is there an age requirement for issuing a Marriage license?

- If either applicant is under 18 years of age, a marriage license cannot be issued.
 - NYS Domestic Relations Law Section 15-A was passed on 8/21/2021, prohibiting “any marriage in which either party is under the age of eighteen years.”

Is Social Security Number required?

- While a Social Security Number is not required to be able to purchase a marriage in New York State, the Clerk is required to query the information. Do not leave blank.
 - If applicant does not have a Social Security Number, enter “N/A” in the space for Social Security Number.
 - If applicant refuses to supply Social Security Number enter “Refused” in the space for Social Security Number.
- Always redact the Social Security Numbers, of both spouses, from marriages when issuing Certified Copies.

What if the applicant was previously married?

- Information regarding the ending of all previous marriages must be furnished in the application for a marriage license. This includes whether the former spouse or spouses are living, and whether the applicants are divorced and, if so, when, where, and to whom the divorces were granted.
- New York State recommends the clerk see documentation of how the last marriage ended.
- The clerk issuing the marriage license may require a certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage. If by death, the clerk should see Death record.
- All previous marriages ending in divorce or annulment must be listed.

Surname and Middle Name Options

- Options explained on the back of the marriage license.
 - Middle Name Option added on 12/20/2020.
- Every person has the right to adopt any name by which he or she wishes to be known simply by using that name consistently and without intent to defraud.
- Neither the use of, nor the failure to use, this option of selecting a new surname by means of this application abrogates the right of each person to adopt a different name through usage at some future date.
 - However, the marriage license cannot be changed to record a surname that a person decides to use after the marriage.

Is there a waiting period?

How long is the license valid?

- Yes. Although the marriage license is issued immediately, the marriage ceremony may not take place within 24 hours from the exact time that the license was issued.
- A marriage license is valid for 60 days beginning the day after the license was issued (usable for 59 days).
 - Chapter 723 Laws of New York 2005 – Extends the solemnization period from 60 days to 180 days if either applicant is a member of the armed forces of the United States on active duty.
 - Indicate on line 4A and 14A – Usual Occupation followed by “* Active Military”
 - 4A Accountant *Active Military
 - 14A Dentist *Active Military

What is a second or subsequent ceremony?

- The couple is currently married to each other; renewal of vows, married in another state or country. This does not include previously married and currently divorced couples.
- The box indicating a second or subsequent is checked by the clerk.

What is the cost of the Marriage License?

- Currently the cost of the license is \$30. The clerk can charge up to \$10 for the Certificate of Marriage Registration.
 - Law passed on August 20, 2019 now waives the State Fee (\$22.50) for Active Duty Military purchasing a marriage license.
- Clerk provides the couple with a properly addressed envelope, assuring the return of the license.
- Clerk tells couple to expect a Certificate of Marriage Registration within two to three weeks.
- Certificate of Marriage Registration is issued once.

Where can the Marriage take place?

- A New York State marriage license can only be used within New York State (including New York City).
Do not file the marriage license if the couple was married outside New York State.

How many witnesses are necessary?

Is there a minimum age requirement?

- At least one witness is required. There is no minimum age for a witness. DOH recommends the witness should be of an age competent to testify in a court proceeding as to what he or she witnessed.

Who can perform a marriage ceremony?

- To be valid, a marriage ceremony must be performed by any of the individuals specified in DRL, Section 11. This includes mayors, marriage officers, clergy, justices and judges. The officiant does not have to be a resident of New York State.
 - Marriage Officers – Marriage officers are appointed by the Town Board and may only perform marriages within town limits.
- Applicants, who are concerned about the credentials of a civil or religious officiant, should consult an attorney.

Contact Information

- For General Public-

- Phone: (855) 322-1022

- Email: vr@health.ny.gov

Web site: http://www.health.ny.gov/vital_records/

- For Registrars and Clerks Only-

- Registration Unit: (518) 474-8187

**option 1, then 5*

- Email (Births and Deaths): registrar@health.ny.gov

- Email (Marriages): clerks@health.ny.gov



Department
of Health