

VITAL NEWS: CLERK'S BULLETIN

NH Bureau of Vital Records

December 1999



YEAR END CLOSING

Once again we are approaching the annual ritual of closing Vital events for the calendar year 1999.

Please ensure the state copy for every record you have filed locally during 1999 has been forwarded to the Bureau. If you are holding a "PROBLEM RECORD", such as a death certificate with a "pending cause of death" or any record for any reason, please send it in at this time.

If you have any questions in this regard, please contact Steve Wurtz at 271-4655.

VITAL RECORDS IN THE TOWN REPORTS

It is permissible to list vital events in town reports. However, the format used must conform to the guidelines of confidentiality, as required by state statutes.

.....When publishing vital events in town reports the following may be used in accordance with RSV 126:14:

1. A written request from a resident that a particular event be omitted from the town report shall always be granted.
2. A written request from a resident registrant that a certain event be published in the town report, even when it involves the birth of a child to an unwed mother, shall be granted.
3. Items of information that may be shown in a town report shall be as follows:

TYPE OF REPORT

ITEMS THAT MAY BE INCLUDED IN THE TOWN REPORT

(date of event is always permitted)

Birth

Child's name, name of father, name of mother, place of birth.

Death

Name, place of death, name of father, maiden name of mother.

Marriage Groom's name and place of residence, Bride's name and place of residence.

BUREAU OF VITAL RECORDS & HEALTH STATISTICS

Bureau Chief: William Bolton Jr. 271-4505
REGISTRATION / CERTIFICATION STAFF

Supervisor	Steve Wurtz	271-4655
Adoptions Birth, Home Birth VS. (birth) corrections	Elizabeth Campbell	271-4650
Death	Heather Bentley Theresa Letourneau	271-4649
Marriage	Steve Wurtz Doris Michniewicz	271-4662
Counter, Mail & Clerk support staff	Lee Calkins Peg Buckley	271-4650
Legitimation, VSCr Corrections, Delayed Birth Certificates	Steve Wurtz	271-4655

You are encouraged to call the Bureau whenever you need advice or assistance. Please feel free to use our toll-free number 1-800-852-3345.

1999 MARRIAGE EXPIRATION DATES

Enclosed is this years calendar of marriage license expiration dates. This calendar has proven to be very helpful to the local registrar offices in the past. The 90 days is calculated from the date the intention of marriage was filed by the local registrar. The calculated "90 day" date shall be listed in the item box "expiration date".

RESIDENT "INFORMATIONAL COPIES" NO-LONGER REQUIRED

On December 1st the Bureau sent out to all City / Town Clerks the New Computer Generated resident reports. These reports contain all BIRTH and DEATHS that were reported to occurred for residents of New Hampshire. This new report will replace any "resident informational copies" formerly sent to you by the City / Town of event.

The 1999 reports will also include MARRIAGE information.

This report will be forwarded to each City / Town quarterly by the Bureau of Vital Records.

The 1999 year in total will be processed on February 1st . If a City / Town Clerk needs this information sooner please call Steve Wurtz @ 271-4655

NEW LEGISLATION,
AN ACT RELATIVE TO FUNERAL ARRANGEMENTS
Senate Bill 17

On January 1st, 2000 SB 17 will authorize certain persons to make funeral arrangements without the assistance of a funeral director.

RSA chapter 290 has been amended to read whenever the phrase “Funeral director” is stated to now add the following. . . . **next of kin as defined in RSA 290:16 IV, or designated agent under RSA 290:17** (*See copy of Senate Bill and other applicable Statutes enclosed*):

If contacted by a family member wishing to file a death record of a relative the clerk/funeral director/ hospital/nursing home or Bureau of vital Records shall issue blank death forms in an effort to assist the family. It shall be noted that the family or designated agent shall have the death certificate completed by the attending/certifying physician and file the completed death certificate with the town/city clerk where the death occurred.

The City/Town Clerk shall receive this completed form, review for completeness before issuing a burial transit permit to the family or designated agent.

Certified copies shall be issued by the clerk of occurrence only when a completed death certificate has been filed in accordance with the state statutes and rules.

The next of kin or designated agent plays the role of the funeral Director. They will be responsible to make all arrangements with the cemetery or crematory, the casket used must meet the minimum standard as required by law and most important, file a completed death certificate within 36 hours of death.

The check and balance already in place shall minimize the chance for a family to NOT file the proper paper work.

-No Burial transit permit = No burial or cremation- No completed death certificate = No certified copies.

If at any time a family member has any questions in this regard, please feel free to forward them to the Bureau @ 603-271-4655.

ACCESS POLICY

DISCLOSURE OF INFORMATION FROM VITAL RECORDS (RSV 126:14)

In order to protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the systems of vital statistics, the State Registrar of vital records and health statistics or the custodian of permanent local records shall not permit inspection, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such records unless he/she is satisfied that the applicant has a direct and tangible interest in such record...

The registrant, a member of his immediate family, his guardian, or their respective representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

The term "legal representative" shall include an attorney, physician, funeral director or other authorized agent acting in behalf of the registrant or his family.

When determining if the "LEGAL REPRESENTATIVE" has access to the record, it will be necessary for them to state the NAME of the person they represent, that person's relationship to the record they request and the interest in the record. This direct and tangible interest must be listed in any correspondence received or clearly expressed if application is made in person. A reason MUST be listed on the application for a vital record. If received by mail, the clerk must list the relationship and reason on the application request form retained in the clerks office.

If access is not clearly stated in the written correspondence the letter shall be returned to the requester for additional information to determine access.

I.E.:

PURPOSE FOR WHICH CERTIFICATE IS REQUESTED: *Property Land Title Search*

BY WHOM: *Jack Justice*

RELATIONSHIP TO REGISTRANT *Attorney for John Smith*

OR

PURPOSE FOR WHICH CERTIFICATE IS REQUESTED: *Divorce Proceedings*

BY WHOM: *Jack Justice*

RELATIONSHIP TO REGISTRANT *Attorney for John Smith*

OR

PURPOSE FOR WHICH CERTIFICATE IS REQUESTED: *Estate Probate*

BY WHOM: *Jack Justice*

RELATIONSHIP TO REGISTRANT *Attorney for John Smith*

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NEW VRV FUNERAL DIRECTOR'S

Several Funeral Directors have gone on line with the new VRV 2000 in the past few weeks.

Each Funeral Home is responsible to file with all Non-VRV City/Town Clerks

1. Original copy of the Death Certificate (State Copy)
 2. A computer generated copy of the death certificate (Clerk's copy)
 3. A diskette containing the death record.
 4. A Burial-Transit Permit
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The City/Town Clerk shall retain the Clerk's Copy and forward the "Original Copy" (State Copy) to the Bureau each week. At no time shall the Original Copy of death be retained by the local City/Town Clerk. If you have any questions in this regard you may call either Heather or Steve at this Bureau.

SEASONS GREETINGS & HAPPY NEW YEAR

The State Registrar and the entire Bureau Staff wish to take this opportunity to thank each of you for all the assistance that you have rendered to us during 1999



(NOT USED)

RSA 290:16 IV “Next of Kin” (in order of priority)

- a. Spouse
- b. An adult son or daughter
- c. A parent
- d. An adult brother or sister
- e. An adult grandchild
- f. An adult niece or nephew who is the child or a brother of sister
- g. Maternal grandparent
- h. Paternal grandparent
- i. An adult aunt or uncle
- j. An adult first cousin
- k. Any other adult relative in descending order of blood relationship.

RSA 290:17 Custody and Control Generally. The custody and control of the remains of deceased residents of this state are governed by the following provisions:

- I. If the subject has designated a person to have custody and control in a written and signed document, custody and control belong to that person.

- II. If the subject has not left a written signed document designation a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin.
- III. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under RSA 290:19, IV.