

## Direct and Tangible Interest to a Certified Copy in Iowa

County registrars and the State registrar of Iowa may issue certified copies of vital events in their custody as authorized by law. Requests for a certified copy of a birth, death, or marriage may only be made by an entitled applicant who is also entitled to receive the copy and include:

1. Written application with sufficient information about the record and purpose for the record.
2. Satisfactory proof of entitlement.
3. Satisfactory, current government-issued photo identification of the applicant.
4. Non-refundable fee payment of \$20 for the search of the record, which includes a copy of the record if the record is found. Payment is due upon application and prior to the search.

Entitled applicants must specify their blood relationship to the person named on the record. Applicants may include: (1) the registrant, (2) the registrant's immediate family, or (3) a legal representative who can provide proof of entitlement.

### 1. Registrant

- The person named on the record.
- Must be age 18. *Exception:* The registrant is married or has a child. Documentation may be required to prove the circumstances (i.e., marriage certificate or child's birth record with the applicant listed as the parent).

### 2. A member of the registrant's immediate family, including the registrant's:

- Legal mother (named on the registrant's legal birth certificate).
- Legal father (named on the registrant's legal birth certificate).
- Legal sister or brother, if they are age 18 or older (must prove shared parentage).
- Legal maternal grandparents.
- Legal paternal grandparents, if their son (i.e., the legal father) is named on the legal birth certificate.
- Current legal spouse as defined in section 595 of the Code of Iowa (i.e., excludes "common law").
- Step-parent, step-grandparent(s), or step-children – a current legal marital relationship must exist between the step-parent and a biological parent.

### EXCEPTIONS:

- Family history purposes:
  - If the applicant is not an immediate family member as defined above, the applicant or their agent (e.g., genealogist) must satisfactorily demonstrate to the local custodian (i.e., county registrar) the existence of a direct and tangible interest.
  - The certified copy must be stamped "For Genealogical Purposes Only" or "For Family History Only."
  - "Direct lineal blood relationship" is defined as "one person descended in a direct lineal blood relationship to another."
  - At the county level only, aunts, uncles, and cousins not past twice removed who are related biologically may also qualify for a "genealogical purposes only" copy.
  - The county registrar may require written attestation why the information is not being acquired from the registrant if the registrant is still living.
- The following are not entitled to a certified copy without an appropriate court order and should be referred to the State vital records office.
  - In-laws, or family members not related by blood.
  - Biological parents for a child's record who has been adopted out.
  - Persons who have been adopted for the record of their biological parent(s) or any member of their biological parent(s) family.

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### 3. A legal representative, with satisfactory supporting documentation to:

1. Prove that they are acting on behalf of the registrant or the registrant's immediate family.
2. Prove that whomever they are representing is entitled to the certified copy.
3. Prove that their representation is current (not past six months to one year from the event).
4. May make application on their business letterhead to help prove entitlement.

Such persons or entities may include:

- Legal guardian – Must provide current court-appointed guardianship papers. Guardianship is generally renewed annually.
- Attorney at Law – Able to provide proof of a current client-attorney relationship, such as a copy of a signed client retainer form, court-appointment representation, executor of estate, or a release of information form appointing legal representation. May also be required to provide evidence that the client is entitled.
- Funeral Director (death certificates) – See above general requirements for legal representatives.
- Insurance Agent/Carrier/Agent – Must provide evidence such as the face sheet of the policy, including the policy number, and other documentation necessary to link the registrant to the company's need to distribute funds or resolve property and benefit rights.
- Financial Institution – Must provide evidence that the registrant held credit or an outstanding loan with their company and a satisfactory statement concerning the purpose for the certified copy. If a plain, uncertified copy stamped "Not for Legal Purposes" serves their needs, the company must send staff to the local registrar's office and search for the record themselves.
- Legal Agent – Must provide a notarized copy of the Power of Attorney signed by the person named on the record, if the registrant is age 18 or entitled and if the power of attorney extends to cover all areas and specifies the ability to obtain legal documents; or court-appointment papers; or Executor of Estate papers.

#### EXCEPTIONS:

- Agencies, commercial entities, or individuals requesting lists of names and/or addresses do not have entitlement to such lists.
- Power of Attorney type agreements do not provide entitlement to notarize marriage applications or paternity affidavits.
- RE: Invalid Marriage Ceremonies – Power of Attorney, Attorney in Fact, Proxy, telephone, or ceremonies performed without both parties physically present in front of the officiant and two witnesses also are not allowed in Iowa. Valid ceremonies must be performed within the geographic boundaries of Iowa and on or after the validity date as indicated on their License to Marry acquired from the County Recorder after making proper Application for a License to Marry.

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### Personal and property rights/benefits:

Special circumstances may involve the determination or protection of a personal or property interest. Applicants must provide supporting documentation that proves their linkage to the registrant and their need to resolve the personal and property rights.

Typical examples are:

- Joint ownership of personal property (e.g., stocks, bonds, bank accounts, boat, car) or real estate (e.g., home, land, business real estate) by two or more persons who otherwise have no legal relationship to the registrant. One of the owners is deceased, leaving the surviving owner(s) to remove the deceased's name from any title to the property.
- An individual(s) is listed as a beneficiary, such as on a life insurance policy. Supporting documents are required if the beneficiary is not a member of the immediate family, or the person representing the beneficiary is not otherwise entitled as an immediate family member. For instance, a divorced parent lists his or her minor children as beneficiaries. The ex-spouse must provide a copy of the insurance face sheet linking the registrant to the children, as well as any other necessary documentation proving why he or she should be offered entitlement to the record.
- Veteran's Administration purposes require satisfactory supporting documentation in the form of a copy of the notification from the Veteran's Administration requiring the certified copies. Fee waiver request forms are not acceptable. *Exception:* immediately upon filing the death certificate for registration by the funeral home along with their request for certified copies for the family.

At the county level through Home Rule, the applicant may be entitled to **one** copy each of a birth, death, or marriage when supported by the letter from the Veteran's Administration. The certified copy is stamped "For Veteran's Administrative Purposes Only." There is no charge for the certified copy if the applicant has met the above criteria.

*Home Rule 331.608.6 specifies, "If a certified copy of a public record is required to perfect the claim of a veteran in service or honorably discharged or a claim of a dependent of the veteran, the certified copy shall be furnished by the custodian of the public record without charge."*

- Intestate/Testate Certification:
  - Intestate: No will and no administration of the estate.
  - Testate: There is a will, but there is no probate or administration of the estate.
  - Not classified as an entitlement under government agencies. Not for official Iowa Department of Transportation purposes – fall under personal property benefits and, therefore, the responsibility of the customer. The County Treasurer should not be involved in acquiring the certification for the customer or interfering with the County Registrar's requirements.
  - Customer has a choice:
    1. Have the top portion of the form certified by the appropriate County Registrar. The Iowa Dept. of Transportation acknowledges that the County Registrar is required by law to charge a fee for the search of the record if the customer does not already have one.
    2. Attach a certified copy of the death record to the form, leaving the top portion unsigned, and surrender it to the County Treasurer's office. The certified copy would then be maintained in the County Treasurer's office, not returned to the customer.

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### Requests from Government Agencies:

#### FEDERAL:

Iowa law grants code-authority to charge federal agencies for certified copies. The agency must comply with the criteria for requesting a certified copy and proving entitlement. They may qualify if the copy is to be used for their administrative purposes – but not for their own personal use or their client's personal use. *No information about a record may be provided over the telephone.*

- **Recruiters of the Armed Forces – verifications with the State.**
  - Recruiters are not entitled to a certified copy at the time the person is applying to enter the armed forces (i.e., the person is not yet in the service).
  - Recruiters qualify for verifications at no charge with the State vital records office under Administrative Rule 641—104, which authorizes the state registrar to furnish federal, state, county or municipal government agencies with confidential verifications of facts contained within a vital records when used within their official duties. *No verification information may be provided over the telephone.*
  - Recruiters must complete their form #372, fax it to the state office at 515-281-0479, and then contact their appropriate counterpart in the Des Moines area to pick up the verification from the state vital records office. There is generally a 2-day turnaround.
  - Recruiters with questions may be referred to the state vital records office at 515-281-4944.
- **Social Security Administration**
  - SSA must follow the criteria for requesting and proving entitlement, including paying for both verifications and certified copies. Requests should be referred to the State vital records office.

#### STATE, OTHER THAN IOWA:

Iowa law grants code-authority to charge state agencies from other states for certified copies. The agency must comply with the criteria for requesting a certified copy and proving entitlement. They may qualify if the copy is to be used for their administrative purposes only. *No information about a record may be provided over the telephone.*

#### IOWA STATE, COUNTY, AND MUNICIPAL:

- Verifications:

Iowa law grants code-authority to provide Iowa agencies verifications of fact at no charge. Requests must be in writing and mailed or faxed to the State vital records office (fax # 515-281-0479). District offices of the Iowa Department of Human Services were provided a form to complete. Other agencies must provide a written request that, at a minimum, includes the registrant's name, parents, date of event, and county of event, as well as the purpose for the request, entitlement of the agency, address to send the verification or the name and entitlement of the person picking up the verification from the state office, and the signature of the qualified applicant. The verification must be needed in order to conduct their official administrative duties. Agencies with questions may be referred to the state vital records office at 515-281-4944.
- Certified Copies:

Agencies must comply with the criteria for requesting a certified copy and proving entitlement. They may qualify if the copy is to be used for court purposes, but the request must be on agency letterhead from the agency supervisor. The fee is waived for qualifying Iowa agencies. Agencies should request such copies from the State vital records office. Copies will be stamped "For Agency Use Only." Agencies with questions may be referred to the state vital records office at 515-281-4944.