


EXHIBIT 15

 ARIZONA DEPARTMENT OF HEALTH SERVICES <small>LICENSING</small>	LEVEL	SECTION	NUMBER	DATE
		Birth Registry	003	8-29-19
ARIZONA DEPARTMENT OF HEALTH SERVICES				
SUBJECT: Court Orders and Subpoenas				

SUPERSESSION:	This policy supersedes the policy dated 8-28-18 & 8-29-19.
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PURPOSE

To provide guidance on how to review and process court orders and subpoenas.

AUTHORITY

Arizona Revised Statute (A.R.S.)
 §§8-102; 12-282(D), 14-8101; 25-812(B); 36-301(7); 36-334; §36-336; 36-337(A)(4), (B)(1)

Arizona Administrative Code (A.A.C.)
 R9-19-102; R9-19-208; R9-19-211

APPLICABILITY

This policy applies to employees of the Bureau of Vital Records (BVR) and County Vital Records.

DEFINITIONS

Amend - to make a change, other than a correction, to a registered certificate by adding, deleting or substituting information on that certificate.

Court Order – a written decision issued by: a) The superior court, an appellate court or the Supreme Court or an equivalent court in this state or another state; b) A commissioner or judicial hearing officer of the superior court; c) A judge of a tribal court in this state.

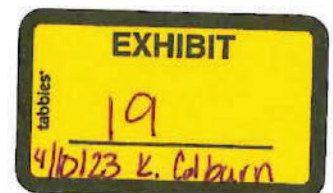
Note: Please fax non-Arizona tribal court orders to the BVR Registry team for review and further direction.


Custody - legal authority to act on behalf of a child.

Evidentiary document – written information used to prove the fact for which it is presented.

Legally Presumed Father – an individual presumed to be the father of a child pursuant to ARS §25-814.

Name - a designation that identifies a person, including a first name, middle name, last name or suffix.



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Paternity – the legal act of establishment of fatherhood.

Seal – to bar from access.

Subpoena - is a formal request for the production of documents, or the formal request to appear in court or other legal proceeding such as a deposition. It is a command, issued under the power of a court, tribunal or, sometimes, a government agency that essentially requires you to *act*, such as providing documents and/or testimony that may help support the facts that are at issue in a pending case. The term "subpoena" literally means "under penalty". A person or entity that receives a subpoena but does not comply with its terms may be subject to civil or criminal penalties, such as fines, jail time, or both.

Vital Record - means a registered birth certificate or a registered death certificate.

Waiver of Paternity – a document used to acknowledge the legally presumed father is not the biological father of a child.

DIVISION PRIMARY POSITION OF RESPONSIBILITY

Bureau Chief, Assistant State Registrar, Bureau of Vital Records

POLICY


A court order used as an evidentiary document must be an original certified copy (raised seal or ink stamp) or an electronically certified copy (as per A.R.S. §12-282(D)). A copy of the order shall be retained by the Bureau of Vital Records (BVR) or County Vital Records and be placed in a sealed record. The copy must be marked "original seen" and initialed and dated. Court ordered paternities mailed directly from the court to the BVR or County Vital Records are exempt from the certification requirement.

County Vital Records offices are not authorized to amend birth records due to an adoption, or process corrections or amendments to delayed birth, foreign born birth records, in-state birth records registered prior to 1997 or amend a registrant's year of birth.

All surrogacy orders must be submitted to the BVR for review.

All subpoenas must be forwarded to the BVR for review and response. Subpoenas must be an original certified copy (raised seal or ink stamp).

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Court orders containing alterations may be verified with the court that issued the court order. Verbal affirmation is acceptable. Documentation concerning the date, name of court personnel and verbal affirmation of information shall be captured in the applicable area of the birth or death record (e.g. if completing a modification, add documentation to the modification comments, etc.). Documentation (hard copy) may be printed and attached to the copy of the birth or death record (copy prior to the amendment) and evidentiary documents.

Court orders may be accepted with or without staples as long as all pages of the court order are provided and, if applicable, the aforementioned verification instructions are followed.


PROCEDURE

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A. Reviewing Court Orders

- 1) The following are some reasons why a court order may not be accepted:
 - a) Registrant's information cannot be found in the electronic registry system (no match).
 - b) Court order is illegible.
 - c) Name on order is not the same name that appears on the vital record.
 - d) Alterations made to the court order have not been initialed by the judge or a letter from the court has not been attached to verify the alterations were made by the judge, commissioner or clerk of the court.
 - e) Court order states to amend the registrant's birth year to a later year than originally recorded on the birth record. *Note: Customers requesting to change the birth year on a birth record must submit their request to the BVR. The BVR shall review the registration/file date on the birth record and search the registry for any siblings related to the registrant.*

- 2) A court order shall not be rejected if:
 - a) The registrant's date of birth or date of death is not listed or if listed, *the date is

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incorrect. The court order can be processed as long as the following procedures are followed:

- i. The Affidavit to Correct is submitted and provides the applicable date (date of birth or death).
- ii. An additional evidentiary document is provided listing the date (e.g., minute entry or the petition from the court that issued the court order).
- iii. If applicable, the date is provided on the written request (e.g. birth/death application submitted with the court order).
- iv. Use additional search methods in the electronic registry system to locate the record containing the date.


Consult with your immediate supervisor or manager if unclear whether or not a court order can be accepted.

**Incorrect date - The supervisor or manager may request a revised court order that contains the correct date.*

B. Types of Court Orders

- 1) **Guardianship Orders** – There are two types of guardianship orders:
 - a) Temporary – The court may grant a temporary guardianship order. The following is required before the order can be accepted to support a request to register, correct, amend or issue a vital record.
 - i. The guardian's name
 - ii. Registrant's name
 - iii. The timeframe in which the individual has guardianship of the registrant listed in the order. (e.g., the request to change a birth record is submitted on May 24, 2018, and the guardianship order states the timeframe of guardianship as January 1, 2018 to June 30, 2018).

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- b) Permanent - The court may grant a permanent guardianship indefinitely. The following shall be listed in the court order before it can be accepted to support a request to register, correct, amend or issue a vital record.
 - i. The guardian's name
 - ii. The registrant's name
 - iii. The order must state that permanent guardianship is granted.

Note: If the guardianship order has a review hearing date and that date has passed, asked for the updated guardianship order or documentation of the results of the hearing.


2) **Court Ordered Name Change (Registrant)**

Court Ordered Name Changes should contain the specific information in the registrant's registered birth record to be amended (e.g. information to be added or deleted) such as the following:

- a) Registrant's name that is currently listed on the birth or death record*
- b) Registrant's new name to be listed on the birth record or death record
- c) Registrant's date of birth**

**The supervisor or manager shall use discretion and may provide approval to accept a court order that at minimum provides the registrant's first and last name listed on the birth record.*

***Note: If not listed in the court order and a match can be made with the information provided on the Affidavit to Correct or written request (application), the order can be processed. Also a court order may be accepted if the checkbox that orders the Vital Records to make the change is not checked.*

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3) Court Ordered Name Change (Parent)

A parent's name change on the registrant's (child's) birth record should contain the specific information in the individual's registered birth record to be amended (e.g. information to be added or deleted) such as the following:

- a) Parent's name that is currently listed on the birth record
- b) Parent's new name to be listed on the registrant's birth record
- c) Parent's date of birth*
- d) If a parent is requesting to change their name on the registrant's vital record and the name is completely different (first, middle, last name prior to first marriage) from the name listed on the registrant's record, please consult with a supervisor or the BVR.


**Note: If not listed in the court order and a match can be made with the information provided on the Affidavit to Correct or written request (application), the order can be processed. Also a court order may be accepted if the checkbox that orders the Vital Records to make the change is not checked.*

4) Federal District Court Ordered Name Change

The court order contains:

- a) The current name (note: Usually this is a parent of a registrant)
- b) Mailing address
- c) Country of citizenship or nationality
- d) Date of birth
- e) Alien registration number
- f) New name
- g) Signature of petitioner and date signed

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- h) Certification of name change to include the date the order was finalized, clerk and deputy clerk's name.

The Federal District Court issues court orders that grant a legal name change of an individual who was born in a foreign country after the individual has been naturalized/granted citizenship. This order is acceptable to use to amend the name of a parent. The Certificate of Naturalization may be submitted with the order but not required.

5) Administrative Order or Court Order Establishing Paternity

An administrative order or court order may be submitted to add a father's name to a birth record. The order shall be certified by the issuing entity. The following information may be submitted as part of the administrative order or court order establishing paternity or in a Department-provided format:

- a) Registrant's name currently listed on the record;
- b) Registrant's date of birth;
- c) Registrant's mother's name prior to first marriage;
- d) If known, the:
 - i. Registrant's sex;
 - ii. The state file number;
 - iii. Town or city of the registrant's birth;
 - iv. County of the individual's birth;
 - v. Hospital where the registrant was born, if applicable;
 - vi. Name of the registrant's father; and
 - vii. Dates of birth of the individual's parents; and

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- e) The specific information in the registrant's birth record to be amended (added or deleted);
- f) The name and mailing address of the person requesting the amendment; and
- g) The following information about the father to be added to the registrant's birth record:
 - i. Name;
 - ii. Date of birth;
 - iii. State, territory or foreign country where the father was born; and
 - iv. If the person requesting the amendment is not the issuing entity (e.g., court):
 - 1. Social Security Number;
 - 2. Race;
 - 3. Hispanic Origin; and
 - 4. Highest degree of education completed by the father at the time of the registrant's birth.

Note: If person requesting the amendment is not the issuing entity (court), a completed, notarized Affidavit to Correct or Amend a Birth Certificate form may be accepted to collect the additional information required to amend the birth record.

If a court order of paternity is received and does not acknowledge that the mother was married at the time of birth/conception, add the father listed in the court order to the birth record regardless if her husband is listed on the birth record or not.

The order also does not need to order Vital Records to remove the existing father. If another man is listed on the birth record as the father based on an Acknowledgment of Paternity (AOP) and a court order is submitted to Vital Records naming another man as the father, remove the father added by AOP and the AOP date, and add the father listed in the court order. Please reference the "How to Process Court Order of Paternity Amendments in Electronic Birth Registry System (EBRS)" instruction guide located on the Support Link in EBRS.

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6) **Certificate of Adoption**

All certificate of adoptions are processed by the BVR.

The BVR has two types of certificate of adoption forms: 1) Juvenile and 2) Adult. These forms are located on the Arizona Department of Health Services Vital Records Manual website at [[HYPERLINK "https://azdhs.gov/vital-records/manuals/index.php#forms"](https://azdhs.gov/vital-records/manuals/index.php#forms)].


Please reference A.A.C. R9-19-208(M) and (N) for requirements that must be submitted to request an amendment to a birth record after an adoption is finalized. Adoptive parents of the opposite sex may be listed as the adoptive parents or parents of the same sex may be listed as the adoptive parents.

Pursuant A.R.S. §8-102, only a child (birth to less than 18 years of age), or foreign-born person who is twenty-one years (21) of age or less and is not an illegal alien and who is present within this state at the time the petition for adoption is filed may be adopted.

Adult adoptions are covered under A.R.S. §14-4804~~§101~~. The statute states an adult who is at least 18 years of age and not more than 21 years of age, who consents to the adoption may be adopted. There is also reference to an exception to the age limit under certain circumstance specified in the statute. Note: The BVR's legal counsel's interpretation of the exception in A.R.S. §14-4804 ~~§101~~ states the age limit requirement is trumped by the familial relationship if the adult person being adopted is a stepchild, niece, nephew, cousin or grandchild of the adopting person. Also a foster parent may adopt an adult who was placed in the foster parent's care when the adult was a juvenile if the foster parent has maintained a continuous familial relationship with that person for five or more years.

- a) The Certificate of Adoption is an adoption order used by the State of Arizona to record the final outcome of an adoption proceeding in a Superior Court.
- i. This form may be used by the Superior Court to record domestic or foreign adoptions.
 - ii. Review the order to determine if all fields have been completed and the applicable statutes have been followed.

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- iii. An insufficient letter may be sent to the adoptive parents if determined the Certificate of Adoption contains incorrect, inconsistent or critical information is not listed on the form.

Note: Courts in Arizona are required to send all adoption orders to the Bureau of Vital Records by the tenth day of the month for adoptions finalized in the preceding month.

b) Adoption Decree

All adoption decrees are processed by the BVR.

The adoption decree may be used to amend a birth record.

- i. The Adoption Worksheet must be submitted with the adoption decree to collect the adoptive parent's information not contained in the decree, such as their date of birth, place of birth, address and other requirements according to A.A.C. R9-19-208(M).
- ii. The same applies to adoption decrees finalized in other states for individuals born in Arizona.


c) Report of Adoption

All Report of Adoptions are processed by the BVR.

Each state has a form approved by the state's registrar which is used to record adoptions. The Report of Adoption is used as a court order to record the adoption. This order is accepted by Arizona to amend birth records.

d) Pursuant to A.R.S 36-337.D and A.A.C. R9-19-208(M)(2)(f) through (3), the state registrar shall retain the information on a person's registered birth certificate after the adoption is finalized if the following is submitted:

- i. A written request to retain the information signed by the adoptive parent or a court order containing a request to retain the information on the registered birth certificate.

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- ii. A written statement agreeing to retain the mother’s name on the person’s registered birth certificate, signed by the mother, or if the mother is deceased, a certified copy of a registered death certificate for the mother.
- iii. If there is a father’s name stated on the registered birth certificate, a written statement agreeing to retain the father’s name on the person’s registered birth certificate, signed by the father, or if the father is deceased, a certified copy of a registered death certificate for the father.

Note: The original birth facts such as the birth city, county and the date of birth must remain on the amended birth record. The exact location of the birth such as the hospital name may be omitted from the amended birth record as long as the request is made in the court order.

7) Divorce Decree/Order of Dissolution of Marriage

The divorce decree or dissolution of marriage court order may be used to establish paternity if stated in the court order or may be used to waive paternity of the legally presumed father. If the mother was married and the order states the registrant was not a product of the marriage or other appropriate waiver language, the order may be used to remove the legally presumed father from the birth record. Scenarios may vary, please consult with your supervisor. If further assistance is required, contact the BVR.


8) Custody Order

Custody orders may be submitted to support an individual’s request to establish a founding registration. Most cases involve children that are in the custody of the Arizona Department of Child Safety.

- a) This order must list registrant’s name
- b) Date of birth
- c) The name of the custodial agency

Note: The most current version of the custody order shall be presented.

9) Maternity/Surrogacy Orders

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Pursuant to Arizona Revised Statute 36-334, the name of the woman who gave birth to the child on the birth record as the child's mother unless otherwise provided by law or court order.

A court order involving surrogacy shall:

- a) State the surrogate parent(s) name(s) and shall order the entity responsible for registering the birth (hospital, midwife) to enter the surrogate parents' information on the birth record.
- b) List the name of the child, if known
- c) List the birth mother's name
- d) Be finalized prior to the birth of the child in order for the surrogate parents to be listed on the birth record at the time the child is born.
- e) Be certified by the court issuing the court order.
- f) A copy of the order must be submitted to the BVR for review and approval prior to registration of the birth record when applicable.


Note: There are various scenarios regarding surrogacy. Please consult the BVR concerning other scenarios.

10) Termination of Parental Rights/Severance Orders

An order that terminates parental rights can be used to remove the parent from a birth record if the order states the Bureau of Vital Records shall remove the father/mother from the birth record.

11) Subpoenas


- a) *Subpoena duces tecum*, requires the receiving entity to produce documents, materials, or other tangible evidence (e.g. birth or death certificates, etc.).
- b) *Subpoena ad testificandum*, requires the receiving entity to testify before a court, or other legal authority.
- c) If possible, do not accept service of a subpoena and direct all subpoenas pertaining to vital records to the BVR for review and response. The subpoenas shall be submitted to the BVR Operations Office Chief.

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d) If a County Vital Records Office accepts the subpoena from the process server, a copy of the subpoena shall be e-mailed or faxed to the BVR Operations Office Chief immediately upon receipt and the original shall be forwarded by mail. *All subpoenas addressed to the County Vital Records Office or the Bureau of Vital Records regarding vital records must be forwarded to the BVR for review and response.*

Approved: _____ Krystal Colburn, Deputy Bureau Chief, Assistant State Registrar	Date: _____
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EXHIBIT 16

 ARIZONA DEPARTMENT OF HEALTH SERVICES ARIZONA DEPARTMENT OF HEALTH SERVICES	LEVEL	SECTION	NUMBER	DATE
		Birth Registry	003	4-19-23
SUBJECT:		Court Orders and Subpoenas		

SUPERSESSION:	This policy supersedes the policy dated 9-19-22.
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PURPOSE

To provide guidance on how to review and process court orders and subpoenas.

AUTHORITY

Arizona Revised Statute (A.R.S.)
 §§8-102; 12-282(D),14-8101; 25-812(B); 36-301(7); 36-334; §36-336; 36-337(A)(4), (B)(1)

Arizona Administrative Code (A.A.C.)
 R9-19-102; R9-19-208; R9-19-211

APPLICABILITY

This policy applies to employees of the Bureau of Vital Records (BVR) and County Vital Records.

DEFINITIONS


Amend - to make a change, other than a correction, to a registered certificate by adding, deleting or substituting information on that certificate.

Court Order – a written decision issued by: a) The superior court, an appellate court or the Supreme Court or an equivalent court in this state or another state; b) A commissioner or judicial hearing officer of the superior court; c) A judge of a tribal court in this state.

Note: Please fax non-Arizona tribal court orders to the BVR Registry team for review and further direction.

Custody - legal authority to act on behalf of a child.

Evidentiary document – written information used to prove the fact for which it is presented.

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Legally Presumed Father – an individual presumed to be the father of a child pursuant to ARS §25-814.

Name - a designation that identifies a person, including a first name, middle name, last name or suffix.

Paternity – the legal act of establishment of fatherhood.

Seal – to bar from access.

Subpoena - is a formal request for the production of documents, or the formal request to appear in court or other legal proceeding such as a deposition. It is a command, issued under the power of a court, tribunal or, sometimes, a government agency that essentially requires you to *act*, such as providing documents and/or testimony that may help support the facts that are at issue in a pending case. The term "subpoena" literally means "under penalty". A person or entity that receives a subpoena but does not comply with its terms may be subject to civil or criminal penalties, such as fines, jail time, or both.

Vital Record - means a registered birth certificate or a registered death certificate.


Waiver of Paternity – a document used to acknowledge the legally presumed father is not the biological father of a child.

DIVISION PRIMARY POSITION OF RESPONSIBILITY

Bureau Chief, Assistant State Registrar, Bureau of Vital Records

POLICY

A court order used as an evidentiary document must be an original certified copy (raised seal or ink stamp) or an electronically certified copy (as per A.R.S. §12-282(D)). A copy of the order shall be retained by the Bureau of Vital Records (BVR) or County Vital Records and be placed in a sealed record. The copy must be marked "original seen" and signed (e.g., first initial and last name) and dated. Court ordered paternitys mailed directly from the court to the BVR or County Vital Records are exempt from the certification requirement. BVR may accept court orders for adult adoptions if they are emailed directly from the court and are electronically certified.

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County Vital Records offices are not authorized to amend birth records due to an adoption, or process corrections or amendments to delayed birth, foreign born birth records, in-state birth records registered prior to 1997 or amend a registrant's year of birth.

All surrogacy orders must be submitted to the BVR for review.

All subpoenas must be forwarded to the BVR for review and response. Subpoenas must be an original certified copy (raised seal or ink stamp).

Court orders containing alterations may be verified with the court that issued the court order. Verbal affirmation is acceptable. Documentation concerning the date, name of court personnel and verbal affirmation of information shall be captured in the applicable area of the birth or death record (e.g. if completing a modification, add documentation to the modification comments, etc.). Documentation (hard copy) may be printed and attached to the copy of the birth or death record (copy prior to the amendment) and evidentiary documents.


Court orders may be accepted with or without staples as long as all pages of the court order are provided and, if applicable, the aforementioned verification instructions are followed.

Foreign-country court orders may be accepted if they are domesticated by a state court. Domestication is the process by which a court order or judgment from another state, a federal court or a foreign-country be recognized in Arizona courts and requires a party to that order or judgment be notified if necessary. The BVR and its county partners are required to accept court orders for various procedures, including amendments to vital records and orders for eligibility. A court order is defined in A.R.S. § 36-301(7) as referenced in the Definitions section of this policy but because this is in statute, domesticating state court orders and tribal court orders is not necessary. However, the definition does not include foreign-country orders, therefore they must be domesticated in order to be accepted for the purposes of vital records.

PROCEDURE


A. Reviewing Court Orders

- 1) The following are some reasons why a court order may not be accepted:

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- a) Registrant's information cannot be found in the electronic registry system (no match).
 - b) Court order is illegible.
 - c) Name on order is not the same name that appears on the vital record.
 - d) Alterations made to the court order have not been initialed by the judge or a letter from the court has not been attached to verify the alterations were made by the judge, commissioner or clerk of the court.
 - e) Court order states to amend the registrant's birth year to a later year than originally recorded on the birth record. *Note: Customers requesting to change the birth year on a birth record must submit their request to the BVR. The BVR shall review the registration/file date on the birth record and search the registry for any siblings related to the registrant.*
- 2) A court order shall not be rejected if:
- a) The registrant's date of birth or date of death is not listed or if listed, the date* is incorrect. The court order can be processed as long as the following procedures are followed:
 - i. The Affidavit to Correct is submitted and provides the applicable date (date of birth or death).
 - ii. An additional evidentiary document is provided listing the date (e.g., minute entry or the petition from the court that issued the court order).
 - iii. If applicable, the date is provided on the written request (e.g. birth/death application submitted with the court order).
 - iv. Use additional search methods in the electronic registry system to locate the record containing the date.

Consult with your immediate supervisor or manager if unclear whether or not a court order can be accepted.

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**Incorrect date – The supervisor or manager may request a revised court order that contains the correct date.*

B. Types of Court Orders

1) **Guardianship Orders** – There are two types of guardianship orders:


- a) Temporary – The court may grant a temporary guardianship order. The following is required before the order can be accepted to support a request to register, correct, amend or issue a vital record.
 - i. The guardian’s name
 - ii. Registrant’s name
 - iii. The timeframe in which the individual has guardianship of the registrant listed in the order. (e.g., the request to change a birth record is submitted on May 24, 2018, and the guardianship order states the timeframe of guardianship as January 1, 2018 to June 30, 2018).
- b) Permanent - The court may grant a permanent guardianship indefinitely. The following shall be listed in the court order before it can be accepted to support a request to register, correct, amend or issue a vital record.
 - i. The guardian’s name
 - ii. The registrant’s name
 - iii. The order must state that permanent guardianship is granted.

Note: If the guardianship order has a review hearing date and that date has passed, ask for the updated guardianship order or documentation of the results of the hearing.

2) **Court Ordered Name Change (Registrant)**

Court Ordered Name Changes should contain the specific information in the registrant’s registered birth record to be amended (e.g. information to be added or deleted) such as the following:

- a) Registrant’s name that is currently listed on the birth or death record*
- b) Registrant’s new name to be listed on the birth record or death record

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- c) Registrant's date of birth**

**The supervisor or manager shall use discretion and may provide approval to accept a court order that at minimum provides the registrant's first and last name listed on the birth record.*

***Note: If not listed in the court order and a match can be made with the information provided on the Affidavit to Correct or written request (application), the order can be processed. Also a court order may be accepted if the checkbox that orders the Vital Records to make the change is not checked.*

3) Court Ordered Name Change (Parent)

A parent's name change on the registrant's (child's) birth record should contain the specific information in the individual's registered birth record to be amended (e.g. information to be added or deleted) such as the following:


- a) Parent's name that is currently listed on the birth record
- b) Parent's new name to be listed on the registrant's birth record
- c) Parent's date of birth*
- d) If a parent is requesting to change their name on the registrant's vital record and the name is completely different (first, middle, last name prior to first marriage) from the name listed on the registrant's record, please consult with a supervisor or the BVR.

**Note: If not listed in the court order and a match can be made with the information provided on the Affidavit to Correct or written request (application), the order can be processed. Also a court order may be accepted if the checkbox that orders the Vital Records to make the change is not checked.*

4) Federal District Court Ordered Name Change

The court order contains:

- a) The current name (note: Usually this is a parent of a registrant)

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- b) Mailing address
- c) Country of citizenship or nationality
- d) Date of birth
- e) Alien registration number
- f) New name
- g) Signature of petitioner and date signed
- h) Certification of name change to include the date the order was finalized, clerk and deputy clerk's name.

The Federal District Court issues court orders that grant a legal name change of an individual who was born in a foreign country after the individual has been naturalized or granted citizenship. This order is acceptable to use to amend the name of a parent. The Certificate of Naturalization may be submitted with the order but not required.

5) Administrative Order or Court Order Establishing Paternity

An administrative order or court order may be submitted to add a father's name to a birth record. The order shall be certified by the issuing entity. The following information may be submitted as part of the administrative order or court order establishing paternity or in a Department-provided format:

- a) Registrant's name currently listed on the record;
- b) Registrant's date of birth;
- c) Registrant's mother's name prior to first marriage;
- d) If known, the:
 - i. Registrant's sex;
 - ii. The state file number;
 - iii. Town or city of the registrant's birth;
 - iv. County of the individual's birth;
 - v. Hospital where the registrant was born, if applicable;
 - vi. Name of the registrant's father; and
 - vii. Dates of birth of the individual's parents; and


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- e) The specific information in the registrant's birth record to be amended (added or deleted);
- f) The name and mailing address of the person requesting the amendment; and
- g) The following information about the father to be added to the registrant's birth record:
 - i. Name;
 - ii. Date of birth;
 - iii. State, territory or foreign country where the father was born; and
 - iv. If the person requesting the amendment is not the issuing entity (e.g., court):
 - 1. Social Security Number;
 - 2. Race;
 - 3. Hispanic Origin; and
 - 4. Highest degree of education completed by the father at the time of the registrant's birth.

Note: If the person requesting the amendment is not the issuing entity (court), a completed, notarized Affidavit to Correct or Amend a Birth Certificate form may be accepted to collect the additional information required to amend the birth record.

If a court order of paternity is received and does not acknowledge that the mother was married at the time of birth or conception, add the father listed in the court order to the birth record regardless if her husband is listed on the birth record or not.

The order also does not need to order Vital Records to remove the existing father. If another man is listed on the birth record as the father based on an Acknowledgment of Paternity (AOP) and a court order is submitted to Vital Records naming another man as the father, remove the father added by AOP and the AOP date, and add the father listed in the court order. Please reference the "How to Process Court Order of Paternity Amendments in Electronic Birth Registry System (EBRS)" instruction guide located on the Support Link in EBRS.

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6) Certificate of Adoption

All certificate of adoptions are processed by the BVR.


The BVR has two types of certificate of adoption forms: 1) Juvenile and 2) Adult. These forms are located on the Arizona Department of Health Services Vital Records Manual website at <https://azdhs.gov/vital-records/manuals/index.php#forms>.

Please reference A.A.C. R9-19-208(M) and (N) for requirements that must be submitted to request an amendment to a birth record after an adoption is finalized. Adoptive parents of the opposite sex may be listed as the adoptive parents or parents of the same sex may be listed as the adoptive parents.

Pursuant A.R.S. §8-102, only a child (birth to less than 18 years of age), or foreign-born person who is twenty-one years (21) of age or less and is not an illegal alien and who is present within this state at the time the petition for adoption is filed may be adopted.

Adult adoptions are covered under A.R.S. §14-8101. The statute states an adult who is at least 18 years of age and not more than 21 years of age, who consents to the adoption may be adopted. There is also reference to an exception to the age limit under certain circumstances specified in the statute. Note: The BVR's legal counsel's interpretation of the exception in A.R.S. §14-8101 states the age limit requirement is trumped by the familial relationship if the adult person being adopted is a stepchild, niece, nephew, cousin or grandchild of the adopting person. Also a foster parent may adopt an adult who was placed in the foster parent's care when the adult was a juvenile if the foster parent has maintained a continuous familial relationship with that person for five or more years.

- a) The Certificate of Adoption is an adoption order used by the State of Arizona to record the final outcome of an adoption proceeding in a Superior Court.
 - i. This form may be used by the Superior Court to record domestic or foreign adoptions.
 - ii. Review the order to determine if all fields have been completed and the applicable statutes have been followed.
 - iii. An insufficient letter may be sent to the adoptive parents if the Certificate of Adoption contains incorrect, inconsistent or critical information is not listed on the form.

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Note: Courts in Arizona are required to send all adoption orders to the Bureau of Vital Records by the tenth day of the month for adoptions finalized in the preceding month.

b) Adoption Decree

All adoption decrees are processed by the BVR.

The adoption decree may be used to amend a birth record.


- i. The Adoption Worksheet must be submitted with the adoption decree to collect the adoptive parent's information not contained in the decree, such as their date of birth, place of birth, address and other requirements according to A.A.C. R9-19-208(M).
- ii. The same applies to adoption decrees finalized in other states for individuals born in Arizona.

c) Report of Adoption

All Report of Adoptions are processed by the BVR.

Each state has a form approved by the state's registrar which is used to record adoptions. The Report of Adoption is used as a court order to record the adoption. This order is accepted by Arizona to amend birth records.

- d) Pursuant to A.R.S 36-337.D and A.A.C. R9-19-208(M)(2)(f) through (3), the state registrar shall retain the information on a person's registered birth certificate after the adoption is finalized if the following is submitted:
 - i. A written request to retain the information signed by the adoptive parent or a court order containing a request to retain the information on the registered birth certificate.
 - ii. A written statement agreeing to retain the mother's name on the person's registered birth certificate, signed by the mother, or if the mother is deceased, a certified copy of a registered death certificate for the mother.
 - iii. If there is a father's name stated on the registered birth certificate, a written statement agreeing to retain the father's name on the person's registered birth

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certificate, signed by the father, or if the father is deceased, a certified copy of a registered death certificate for the father.

Note: The original birth facts such as the birth city, county and the date of birth must remain on the amended birth record. The exact location of the birth such as the hospital name may be omitted from the amended birth record as long as the request is made in the court order.

7) Divorce Decree/Order of Dissolution of Marriage

The divorce decree or dissolution of marriage court order may be used to establish paternity if stated in the court order or may be used to waive paternity of the legally presumed father. If the mother was married and the order states the registrant was not a product of the marriage or other appropriate waiver language, the order may be used to remove the legally presumed father from the birth record. Scenarios may vary, please consult with your supervisor. If further assistance is required, contact the BVR.

8) Custody Order


Custody orders may be submitted to support an individual's request to establish a foundling registration. Most cases involve children that are in the custody of the Arizona Department of Child Safety.

- a) This order must list registrant's name
- b) Date of birth
- c) The name of the custodial agency

Note: The most current version of the custody order shall be presented.

9) Maternity or Surrogacy Orders

Pursuant to Arizona Revised Statute 36-334, the name of the woman who gave birth to the child on the birth record as the child's mother unless otherwise provided by law or court order.

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A court order involving surrogacy shall:

- a) State the surrogate parent(s) name(s) and shall order the entity responsible for registering the birth (hospital, midwife) to enter the surrogate parents' information on the birth record.
- b) List the name of the child, if known
- c) List the birth mother's name
- d) Be finalized prior to the birth of the child in order for the surrogate parents to be listed on the birth record at the time the child is born.
- e) Be certified by the court issuing the court order.
- f) A copy of the order must be submitted to the BVR for review and approval prior to registration of the birth record when applicable.


Note: There are various scenarios regarding surrogacy. Please consult the BVR concerning other scenarios.

10) Termination of Parental Rights or Severance Orders

An order that terminates parental rights can be used to remove the parent from a birth record if the order states the Bureau of Vital Records shall remove the father/mother from the birth record.

11) Subpoenas

- a) *Subpoena duces tecum*, requires the receiving entity to produce documents, materials, or other tangible evidence (e.g. birth or death certificates, etc.).
- b) *Subpoena ad testificandum*, requires the receiving entity to testify before a court, or other legal authority.
- c) If possible, do not accept service of a subpoena and direct all subpoenas pertaining to vital records to the BVR for review and response. The subpoenas shall be submitted to the BVR Deputy Bureau Chief.
- d) If a County Vital Records Office accepts the subpoena from the process server, a copy of the subpoena shall be e-mailed or faxed to the BVR Deputy Bureau Chief immediately upon receipt and the original shall be forwarded by mail. *All subpoenas addressed to the County Vital Records Office or the Bureau of Vital Records regarding vital records must be forwarded to the BVR for review and response.*

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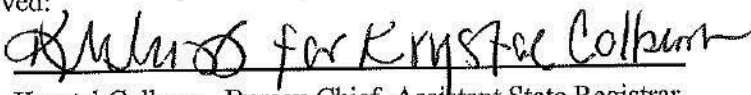
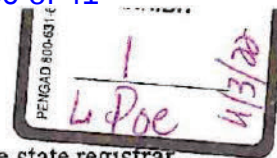
Approved:  Krystal Colburn, Bureau Chief, Assistant State Registrar	Date: <u>4.19.23</u>
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EXHIBIT 17

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36-337 - Amending birth certificates



36-337. Amending birth certificates

A. The state registrar shall amend the birth certificate for a person born in this state when the state registrar receives any of the following:

1. Except as provided in subsection D of this section, an adoption certificate or a court order for adoption required pursuant to section 36-336.

2. A voluntary acknowledgment of paternity pursuant to section 25-812.

3. For a person who has undergone a sex change operation or has a chromosomal count that establishes the sex of the person as different than in the registered birth certificate, both of the following:

(a) A written request for an amended birth certificate from the person or, if the person is a child, from the child's parent or legal guardian.

(b) A written statement by a physician that verifies the sex change operation or chromosomal count.

4. A court order ordering an amendment to a birth certificate.

B. The state registrar shall change the name of the father on a registered birth certificate if:

1. The state registrar receives an administrative order or a court order ordering the state registrar to change the father's name on the registered birth certificate.

2. Paternity is established through a voluntary acknowledgement of paternity pursuant to section 25-812.

3. If a registered birth certificate does not exist for a person born in this state who is requesting to amend a birth certificate the person making that request shall comply with the requirements established by rule.

D. The state registrar shall retain the information on a person's registered birth certificate after the person's adoption if all of the following documents are submitted to the state registrar:

1. A written request to retain the information signed by the adoptive parent or a court order containing a request to retain the information on the registered birth certificate.

2. A written statement agreeing to retain the mother's name on the person's registered birth certificate, signed by the mother, or if the mother is deceased, a certified copy of a registered death certificate for the mother.

3. If there is a father's name stated on the registered birth certificate, a written statement agreeing to retain the father's name on the person's registered birth certificate, signed by the father, or if the father is deceased, a certified copy of a registered death certificate for the father.

E. If the state registrar amends a registered birth certificate following adoption, the birth certificate shall state the city or county of birth stated on the existing registered birth certificate and the date of birth stated on the existing registered birth certificate. The state registrar may omit the exact location of birth on the registered birth certificate.

F. If a local registrar or deputy local registrar amends a registered birth certificate, the local registrar or deputy local registrar shall forward all evidentiary documents provided to create the new birth certificate to the state registrar.

G. If the state registrar amends a registered birth certificate, the state registrar shall seal the previously registered birth certificate and the evidentiary documents provided to amend the registered birth certificate. The state registrar shall provide access to a sealed certificate or evidentiary documents only pursuant to section 36-322 or 36-340 or a court order issued in this state or as prescribed by rule.



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36-337 - Amending birth certificates

H. If the state registrar receives a court order annulling an adoption, the state registrar shall unseal the sealed registered birth certificate and shall seal the new birth certificate and evidentiary documents.

EXHIBIT 18

This document contains an unofficial version of the new rules in 9 A.A.C. 19, effective October 1, 2016.

**TITLE 9. HEALTH SERVICES
CHAPTER 19. DEPARTMENT OF HEALTH SERVICES
VITAL RECORDS AND STATISTICS**

ARTICLE 1. ADMINISTRATION

- R9-19-101. Definitions
- R9-19-102. Evidentiary Documents
- R9-19-103. Review Process
- R9-19-104. Duties of Local Registrars
- R9-19-105. Fee Schedule
- R9-19-106. Repealed
- R9-19-108. Repealed
- R9-19-109. Repealed
- R9-19-111. Repealed
- R9-19-112.01. Repealed
- R9-19-114. Repealed
- R9-19-115. Repealed
- R9-19-116. Repealed
- R9-19-117. Repealed
- R9-19-118. Repealed
- R9-19-120. Repealed

ARTICLE 2. VITAL RECORDS FOR BIRTH

- R9-19-201. Information for a Birth Record
- R9-19-202. Requests from Hospitals for Birth Registration
- R9-19-203. Requests for Birth Registration from Physicians, Registered Nurse Practitioners, Nurse Midwives, or Midwives
- R9-19-204. Requests for Birth Registration from Persons Other than Hospitals or Health Care Providers
- R9-19-205. Establishing a Registered Birth Record for a Foundling
- R9-19-206. Establishing a Registered Record of Foreign Birth for an Adopted Individual
- R9-19-207. Correcting Information in a Registered Birth Record
- R9-19-208. Amending Information in a Registered Birth Record
- R9-19-209. Cancellation of a Registered Birth Record
- R9-19-210. Eligibility for a Certified Copy of a Certificate of Birth Registration
- R9-19-211. Requesting a Certified Copy of a Certificate of Birth Registration
- R9-19-212. Requesting a Noncertified Copy of a Certificate of Birth Registration

ARTICLE 3. VITAL RECORDS FOR DEATH

- R9-19-301. Human Remains Release Form
- R9-19-302. Information for a Death Record
- R9-19-303. Registration of a Deceased Individual's Death
- R9-19-304. Registration of a Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)
- R9-19-305. Fetal Death Registration
- R9-19-306. Registration of a Fetal Death When a Medical Examiner is Notified According to A.R.S. § 11-593(B)
- R9-19-307. Certificate of Birth Resulting in Stillbirth

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- D. In addition to requests for correction of an individual's registered birth record made according to subsections (B) or (C), a written request for a correction to an individual's registered birth record may be submitted by:
1. The individual, if the individual is of legal age or married;
 2. A parent of the individual whose name is listed in the individual's registered birth record;
 3. The individual's guardian; or
 4. A person who has custody of the individual.
- E. In addition to the information in subsection (A), a person in subsection (D) requesting a correction to an individual's registered birth record shall submit to the State Registrar or a local registrar:
1. The name and mailing address of the person requesting the correction;
 2. An affidavit attesting to the validity of the submitted correction, signed by the person requesting the correction;
 3. If the request for correction of the individual's registered birth record is submitted by:
 - a. The individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; or
 - b. A person who has custody of the individual, a copy of the court order establishing custody, certified by the issuing court;
 4. If the request for correction of the individual's registered birth record is submitted more than 90 days after the individual's birth, an evidentiary document that includes the specific information to be corrected; and
 5. The fee in R9-19-105 for a request to correct information in a registered birth record.

R9-19-208. Amending Information in a Registered Birth Record

- A. A person requesting an amendment to an individual's registered birth record shall include in a written request to amend:
1. The individual's name currently in the individual's registered birth record;
 2. The individual's date of birth;
 3. The name before first marriage of the individual's mother;
 4. If known, the:
 - a. Individual's sex;
 - b. State file number;
 - c. Town or city of the individual's birth;
 - d. County of the individual's birth;
 - e. Hospital where the individual was born, if applicable;
 - f. Name of the individual's father; and
 - g. Dates of birth of the individual's parents; and
 5. The specific information in the individual's registered birth record to be amended, including, as applicable or as further specified in subsections of this Section, the specific information to be deleted and the specific information to be added.
- B. Except for an amendment specified in another subsection of this Section, to request an amendment to an individual's registered birth record, a person requesting the amendment shall submit to the State Registrar:
1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A);

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- b. The name and mailing address of the person requesting the amendment;
 - c. The relationship between the individual and the person requesting the amendment; and
 - d. An affidavit attesting to the validity of the submitted amendment, signed by the person requesting the amendment;
 2. A copy of a court order to amend the individual's registered birth record, certified by the issuing court and including the information to be amended, as specified according to subsection (A)(5);
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- C. An administrator of a hospital or the person in charge of the medical records for the hospital where an individual was born, who is requesting an amendment of information specified in R9-19-201(A)(3) or (4) in the individual's registered birth record because of a hospital error, shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A);
 - b. The name of the hospital administrator or the person in charge of the hospital's medical records who is requesting the amendment; and
 - c. A written statement attesting to the validity of the submitted amendment, signed and dated by the hospital administrator or the person in charge of the hospital's medical records; and
 2. A copy of the part of the individual's or the individual's mother's medical record containing the specific information to be amended.
- D. A physician, registered nurse practitioner, nurse midwife, or midwife who attended an individual's birth, submitted a request for the individual's birth registration according to R9-19-203, and requests an amendment of information specified in R9-19-201(A)(3) or (4) in the individual's registered birth record because of the physician's, registered nurse practitioner's, nurse midwife's, or midwife's error shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A);
 - b. The name of the physician, registered nurse practitioner, nurse midwife, or midwife who attended an individual's birth; and
 - c. A written statement attesting to the validity of the submitted amendment, signed and dated by the physician, registered nurse practitioner, nurse midwife, or midwife who attended the individual's birth; and
 2. A copy of the part of the individual's or the individual's mother's medical record containing the specific information to be amended.
- E. To add an individual's first name, middle name, or suffix to the individual's registered birth record 90 days or less after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including the first name, middle name, or suffix to be added;
 - b. The name and mailing address of the individual's parent or guardian requesting the amendment; and

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- c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. Each parent whose name is included in the individual's birth record, or
 - ii. The individual's guardian;
 2. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 3. The fee in R9-19-105 for a request to amend information in a registered birth record.
- F. To add an individual's first name, middle name, or suffix to the individual's registered birth record more than 90 days but less than seven years after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including the first name, middle name, or suffix to be added;
 - b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. Each parent whose name is included in the individual's birth record, or
 - ii. The individual's guardian;
 2. An evidentiary document that:
 - a. Includes the first name, middle name, or suffix to be added; and
 - b. Was created within one year after the date of the individual's birth;
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- G. To request the amendment of an individual's name in the individual's registered birth record 90 days or less after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including the specific name to be deleted and the specific name to be added;
 - b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. Each parent whose name is included in the individual's birth record, or
 - ii. The individual's guardian;
 2. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 3. The fee in R9-19-105 for a request to amend information in a registered birth record.
- H. To request the amendment of an individual's name in the individual's registered birth record more than 90 days but less than one year after the individual's birth, the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:

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- a. The information in subsection (A), including the specific name to be deleted and the specific name to be added;
 - b. The name and mailing address of the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. Each parent whose name is included in the individual's birth record, or
 - ii. The individual's guardian;
 2. An evidentiary document that:
 - a. Includes the name to be added, and
 - b. Was created within one year after the date of the individual's birth;
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- I. To amend the month or day of an individual's birth in the individual's registered birth record, the individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including the month or day to be deleted and the month or day to be added;
 - b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. The individual;
 - ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
 - iii. The individual's guardian;
 2. An evidentiary document that includes the requested month or day;
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- J. To amend the date of birth or place of birth of an individual's parent in the individual's registered birth record or to change the individual's mother's last name in the individual's registered birth record to the individual's mother's last name before the individual's mother's first marriage, the individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including the specific information in the individual's registered birth record to be amended, including the date of birth, place of birth, or name to be deleted and the date of birth, place of birth, or name to be added;
 - b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:

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- i. The individual;
 - ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
 - iii. The individual's guardian;
 2. One of the following evidentiary documents containing the specific information for the individual's parent to be amended in the individual's registered birth record:
 - a. A certified copy of the individual's parent's registered birth certificate;
 - b. A copy of the individual's parent's passport; or
 - c. A copy of an administrative order or court order establishing paternity, certified by the issuing entity;
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- K. To request the amendment of an individual's registered birth record based on the individual's biological father's voluntary acknowledgement of paternity, the individual's mother and biological father shall submit to the State Registrar:
 1. A voluntary acknowledgement of paternity form that complies with A.R.S. § 25-812;
 2. The following information, which may be submitted as part of the voluntary acknowledgement of paternity or in a Department-provided format:
 - a. The information in subsection (A);
 - b. The names and mailing address of the individual's mother and biological father requesting the amendment;
 - c. The following information about the individual's biological father:
 - i. Name;
 - ii. Date of birth;
 - iii. State, territory, or foreign country where the individual's biological father was born;
 - iv. Social Security Number;
 - v. Race;
 - vi. Whether the individual's father is of Hispanic origin and, if so, the type of Hispanic origin; and
 - vii. Highest degree or level of education completed by the individual's father at the time of the individual's birth;
 - d. If the request is submitted 90 days or less after the date of the individual's birth, the name requested for the individual; and
 - e. If the request is submitted more than 90 days after the date of the individual's birth, the last name requested for the individual;
 3. If an individual has a presumed father as described in A.R.S. § 25-814(A)(1), a written document that contains:
 - a. The individual's name;
 - b. The individual's presumed father's name;
 - c. The individual's mother's name; and
 - d. A jurat, as defined in A.R.S. § 41-311, signed by the individual's presumed father:
 - i. Attesting to the fact that, although the individual's presumed father was married to the individual's mother, the individual's presumed father is not the biological father of the individual; and

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- vi. The state, territory, or foreign country where the individual's adoptive mother was born;
 - vii. The individual's adoptive mother's Social Security Number;
 - viii. Street address, city or town, county, and state of the individual's adoptive mother's residence at the time of the individual's birth; and
 - ix. Street address, city or town, county, and state of the individual's adoptive mother's current residence;
 - f. If the individual's adoptive parents want the information about the individual's parents in the individual's registered birth record before the adoption to be retained in the individual's registered birth record after the adoption, the name and date of birth of each of the individual's adoptive parents;
 - g. Whether the individual's adoptive parents want the name of the hospital, facility, or street address where the individual's birth occurred to be omitted in the amended birth record;
 - h. The signature of each of the individual's adoptive parents and the date signed;
 - i. The name of the court issuing the document required in subsection (K)(1); and
 - j. The date the final order of adoption was granted;
 3. If the individual's adoptive parents want the information about the individual's parents in the individual's registered birth record before the adoption to be retained in the individual's registered birth record after the adoption:
 - a. A written request signed and dated by the adoptive parent or a copy of a court order, certified by the issuing court, containing a request to retain the information in the individual's registered birth record;
 - b. Either:
 - i. A written statement with the notarized signature of the individual's mother, agreeing to retain the mother's name in the individual's registered birth record; or
 - ii. If the individual's mother is deceased, a certified copy of a registered death certificate for the individual's mother; and
 - c. If a father's name is included in the individual's registered birth record, either:
 - i. A written statement with the notarized signature of the individual's father, agreeing to retain the father's name in the individual's registered birth record; or
 - ii. If the individual's father is deceased, a certified copy of a registered death certificate for the individual's father; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- N. If the State Registrar receives a court order or a certificate of adoption with a court seal for an individual, submitted as required in subsection (M), that names two persons of the same sex as the individual's parents or the individual's mother and father, the State Registrar shall enter the name of each person as the individual's parent in the individual's birth record.
- O. To request an amendment to an individual's registered birth record when the individual has undergone a sex change operation or has had a chromosomal count that establishes the sex of the individual as different than in the individual's registered birth record, an individual, if the individual is of legal age or is married, or the individual's parent or guardian shall submit to the State Registrar or a local registrar:
 1. A written request, in a Department-provided format, that includes:
 - a. The information in subsection (A), including:

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- i. The individual's sex currently in the individual's registered birth record, and
 - ii. The requested change for the individual's sex to be included in the individual's registered birth record;
 - b. The name and mailing address of the individual or the individual's parent or guardian requesting the amendment; and
 - c. An affidavit attesting to the validity of the submitted amendment, signed, as applicable, by:
 - i. The individual;
 - ii. The individual's parent requesting the amendment, whose name is included in the individual's birth record; or
 - iii. The individual's guardian;
 2. A written statement on a physician's letterhead paper, signed and dated by the physician, that the individual has:
 - a. Undergone a sex change operation, or
 - b. Had a chromosomal count that establishes the sex of the individual as different from that in the individual's registered birth record;
 3. If the person submitting the request for the amendment to the individual's registered birth record is the individual's guardian, a copy of the court order establishing guardianship, certified by the issuing court; and
 4. The fee in R9-19-105 for a request to amend information in a registered birth record.
- P. The State Registrar or a local registrar shall amend an individual's registered birth record based on:
1. A request for an amendment, if the State Registrar or local registrar determines, according to R9-19-103, that the information and evidentiary documents in the request for amendment supports the amendment of the individual's registered birth record; or
 2. Except as provided in subsection (Q), a court order.
- Q. The State Registrar or a local registrar shall not amend the date of birth in an individual's registered birth record to a year later than the year in the date currently stated in the individual's registered birth record if any of the information in R9-19-201, required for registering the individual's birth, was received by the State Registrar or local registrar before the later date.
- R. When the State Registrar or a local registrar amends a registered birth record, the State Registrar or local registrar shall seal the:
1. Registered birth record that existed before the amendment, and
 2. Evidentiary documents submitted to support the amendment.

R9-19-209. Cancellation of a Registered Birth Record

- A. The State Registrar shall cancel an individual's registered birth record if the State Registrar determines that:
1. Another registered birth record for the individual exists and was registered before the individual's birth was registered under this Article; or
 2. The information submitted for registration of the birth and creation of the registered birth record was fraudulent, a misrepresentation of facts, or based on false documents.
- B. If the State Registrar intends to cancel an individual's registered birth record as prescribed in subsection (A), the State Registrar shall provide written notice of the intent to cancel and the right to appeal the intent to cancel, as prescribed in A.R.S. Title 41, Chapter 6, Article 6, to:
1. The individual, if the individual is of legal age or is married; or