

100-RICR-40-00-1

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 40 – STATE ARCHIVES

SUBCHAPTER 00 – N/A

PART 1 – VITAL RECORDS

1.1 Purpose

- A To outline the required procedures for historic vital records transfer, preservation, access, and provision of certified copies to constituents by the State Archives or the local registrars.

1.2 Authority

- A This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 23-3-5.1 (Transfer of public historical documents).

1.3 Definitions

- A For the purpose of this Regulation:
 - 1. "Act" means R.I. Gen. Laws Chapter 23-3 (Vital Records).
 - 2. "Amendment" means any vital record modified by the State Registrar after the initial filing.
 - 3. "Certified copy", "Authentic Copy", or "Long Form Record" means exact copies or reproductions of records or other materials that are certified as such under seal and that need to be legally accepted as evidence.
 - 4. "Director" means the Director of the State Archives & Public Records Administration, Rhode Island Department of State.
 - 5. "Letter of No Record" means the official notification that no record exists documenting a vital event which serves as a substitute for a certified record for purposes of applications or other.
 - 6. "Local Copy" means the digital copy of historic vital records provided to local registrars by the Rhode Island Department of Health prior to transfer of the original records to the State Archives pursuant to R.I. Gen. Laws § 23-3-5.1.

7. "Local registrar" means a city or town clerk in Rhode Island, or any other person designated for that purpose by the governing body of a city or town in Rhode Island, pursuant to R.I. Gen. Laws § 23-3-6.
8. "Delayed record", "Delayed birth", "Delayed marriage", or "Delayed death" means the registration of a birth, marriage, or death one (1) year or more after the date of occurrence of the vital event filed separately from other vital events of that year.
9. "Original municipal return" means records created and filed with the city or town directly.
10. "Original Record" means the State vital records filed with the Rhode Island Department of Health beginning in 1853 and transferred to the State Archives after 50 or 100 years for preservation.
11. "Signing" or "Signature" means the application of either a hand signature to a paper record or an electronic process approved by the Director.
12. "State Archives" means the official State repository for records of long-term or permanent legal or historical value.
13. "State Archivist" means the individual who coordinates, directs, and administers the activities and responsibilities of the State Archives.
14. "State Registrar" means the Rhode Island State Registrar of Vital Records, who is also the Chief of the Office of Vital Records pursuant to R.I. Gen. Laws § 23-3-4.
15. "Vital records" means records of birth, death, fetal death, or marriage, and the legal registration related to those events.

1.4 Duties of the State Archives

- A. Pursuant to the provisions of R.I. Gen. Laws § 23-3-5.1 and Chapter 42-8.1, the State Archives shall:
 1. Administer and enforce the Act and these Regulations and issue instructions for the efficient administration of the provision of historic vital records to the public;
 2. Accept birth records 100 years or older, marriage records 100 years or older, and death records 50 years or older from the Rhode Island Department of Health for historic preservation annually;
 3. Prescribe and distribute certificate forms as are required by the Act and these Regulations to create and provide certified copies of historic vital records;

4. Establish fees for certified copies of records;
5. Provide public access to historic vital records; and
6. Assist local registrars with access and production of historic vital records.

1.5 Duties of Local Registrars

- A. Pursuant to the provisions of R.I. Gen. Laws §§ 23-3-5.1 and 23-3-7, the local registrar, with respect to his/her city or town, shall:
 1. Accept digital Local Copies of historic vital records to be provided to their constituents from the Rhode Island Department of Health annually;
 2. Provide certified copies of the Local Copy to constituents/the public, under their city/town seal; and
 3. Direct constituents who require a certified copy of the Original Record to the State Archives.

1.6 Authorized Forms

- A. In order to promote and maintain uniformity in the provision of historic vital records, certificates, and other certifications required by the Act or these Regulations, all local registrars shall utilize the templates provided by the State Archives.
 1. No forms other than those supplied by the State Archives shall be used for certifying historic vital records.
- B. The State Archivist shall prepare and issue such instructions concerning the use of forms as may be required to secure the uniform provision of historical vital records to the public.

1.7 Amendments to Historic Vital Records

- A. The State Archives does not amend vital records or any records in its custody. Amendments to Historic Vital Records are prohibited in accordance with R.I. Gen. Laws 23-3-5.1(a).
- B. Active vital records s.in the custody of the Department of Health, may only be amended by the State Registrar in accordance with R.I. Gen. Laws 23-3-21 and 216-RICR-10-10-1.

1.8 Certified Copies of Historic Vital Records

- A. Certified copies of historic vital records may be prepared and issued only by the State Archives and, where applicable, by the local registrar, in accordance with

these Regulations. Only authorized forms provided by the State Archives may be used for preparing certified copies. Certifications shall include:

1. A printed reproduction of the record from the State Archives Digital Archives; and

2. A cover page in compliance with § 1.8 (B).

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B. Each certified copy issued shall show the following on the certification cover page:

1. The date of registration [filing date] at the place where the record was first registered and book and page citation;

2. The type of vital event;

3. The name of the individual listed on the certificate;

24. The date of issuance of the certified copy;

53. The signature of the issuing registrar, or an authorized facsimile signature thereof;

64. The seal of the issuing office;

7. The language "Annexed is a true copy of an original record held in the custody of the Rhode Island State Archives [or local registrar's office]"; and

85. A statement that the facts are true and as recorded as follows, "I hereby certify that this is a true copy of the document officially on file in the issuing office".

C. Pursuant to R.I. Gen. Laws § 42-8.1-2(4), a certified or authenticated copy of a certificate or any part thereof, issued in accordance with the Act and these Regulations shall be considered for all purposes the same as the original.

D. The State Archives and local registrars shall only charge for certified copies those fees outlined in § 1.9 of this Part.

E. Non-certified copies may be provided by the State Archives or local registrar in electronic form free of charge or printed and without certification for the cost of printing outlined in 1.9.1(A).

1.9 Fees

1.9.1 Certified Copies

A. The State Archives and local registrars shall charge fees for search and printing requested records pursuant to R.I. Gen. Laws § 42-8.1-15 as follows:

1. Courtesy printing: \$0.00
2. Full color printing: \$0.50 per page printed
3. Black and White printing: \$0.15 per page printed

B. The State Archives and Local Registrars shall charge fees for certifications pursuant to R.I. Gen. Laws § 42-8.1-15 as follows:

1. Certification of one (1) record: \$2.00 per certification plus cost of printing per § 1.9(A)(1) of this Part.
2. Each additional certified copy: \$2.00 per certification plus cost of printing per § 1.9(A)(1) of this Part.

1.9.2 Letter of No Record

A. The State Archives and local registrars shall charge fees for search and notice of no record found as follows:

1. General notification of no records found: \$0.00
2. Certification of no record found, provided upon request:
 - a. Letter of No Record: \$2.00
 - b. Mailing fee: \$2.00