

Vital Record Collection

By Reg P. Wydeven
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One of the most difficult aspects of my job is when a client loses a loved one. Our role is to help the family navigate the process of ensuring their loved one's final wishes are carried out.

A typical thing we do in these situations when one spouse passes away is remove that spouse's name from the couple's home. To do so, we record an original death certificate at the county, along with some other paperwork. So, in order to remove the name, the surviving spouse must get us an original death certificate.

Many times the spouse will make a photocopy of the death certificate and give it to us. This is problematic for two reasons: first, an original copy is required to remove the name from the home; second, it is a felony to photocopy vital records. If you look at a death certificate, the following warning is printed on the border: "IT IS A FELONY TO COPY OR REPRODUCE THIS CERTIFICATE."

State law says that it is a felony if someone "prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record." Vital records include birth certificates, death certificates, marriage certificates, divorce certificates, declarations of a domestic partnership, and terminations of a domestic partnership. There are a few exceptions to this rule, including hospitals that issue birth announcements to new parents, provided the announcement contains a notice indicating it is not for official use.

The law was intended to prevent someone from forging or passing off fake certificates. An Attorney General opinion from 1989 reads that the law was enacted in response to the practice of altering photocopied vital records or using them to make new false records. The opinion goes on to say that, "The Legislature obviously determined that this evil and its consequences could only be prevented by a strict measure which makes copying *per se* a criminal violation."

It is also a violation to knowingly make a false statement or supply false information on a birth or death certificate, such as claiming Prince is the father of my child in the hopes of weaseling into his estate. Altering a certificate is also forbidden, such as whitening out the father's name and replacing it with Prince's.

Surprisingly, the rules on vital records also make it illegal to mutilate or destroy an original birth or death certificate. So if you photocopy a certificate and your copier jams and crunches the original, you've committed two felonies.

It is also against the law to use a vital record for purposes of deception. Anthony Michael Hall's character in the movie 'The Breakfast Club,' is a great example. He presumably used someone else's birth certificate to obtain a fake driver's license so he would be old enough to vote. Possessing a vital record knowing it was illegally obtained is also outlawed.

When President Obama's birthplace was being questioned, there were references to long- and short-form birth certificates. A short-form contains lots of information about the individual, but may omit certain things like the parents' personal data or signatures. Forms vary from state to state, but Wisconsin only has one form of birth certificate.

I used to keep tons of vital records in our basement. I put them too close to the furnace, however, and the vinyl warped. Thank goodness I had backed them up on cassette tapes.

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