

Guide for Homebirth and Non-Birthing Facility Registration

Effective July 15, 2020, the Office of Vital Statistics (OVS) implemented policy changes, based on the licensing of midwives and capabilities of direct electronic submissions of birth records from hospitals and midwives. Local health departments (LHDs) have been removed from the birth registration process. All Certificates of Live Birth are to be filed directly with OVS in Frankfort. LHDs are not to receive Certificates of Live Birth.

For births attended by a licensed healthcare provider, such as a physician, Certified Nurse Midwife (CNM), or Licensed Certified Professional Midwife (LCPM), it may be possible for a licensed provider to request access to Kentucky Child Hearing Immunization and Laboratory Data (KY-CHILD) application to file live births electronically. Non-licensed providers must register a live birth using the appropriate paper forms with required accompanying documentation.

This guide is designed to provide instructions for using paper forms to file a live birth delivered at a residence, or in a location other than a registered birthing facility. Paper forms are the required method and must be used by all certifiers who cannot register to use KY-CHILD, to include: midwives, family members, medical records clerks at non-birthing facilities, and all other attendants who do not have access to KY-CHILD.

GENERAL INFORMATION

Registration of a child's birth establishes the facts of birth and will be used throughout the child's lifetime for a variety of legal purposes.

Kentucky law (KRS 213.046) requires that all births occurring in the commonwealth be registered within five (5) days of the birth with the Office of Vital Statistics. This statute also specifies the hierarchy of who is responsible for filing a birth certificate:

- (6) When a birth occurs outside an institution, verification of the birth shall be in accordance with the requirements of the state registrar and a birth certificate shall be prepared and filed by one (1) of the following in the indicated order of priority:
 - (a) The physician in attendance at or immediately after the birth; or, in the absence of such a person,
 - (b) A midwife or any other person in attendance at or immediately after the birth; or, in the absence of such a person,
 - (c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred or of the institution to which the child was admitted following the birth.
- (7) No physician, midwife, or other attendant shall refuse to sign or delay the filing of a birth certificate.

Registering a birth using paper documents is a multi-step process. All required documentation must first be received by OVS for review and approval. Once these documents have been approved by OVS, then a certificate of live birth for the child will be created, assigned a State File Number (SFN), and permanently filed. At this point, certified copies of the birth record may be issued by sending a completed application (VS-37) with the required fee to OVS (see page 6 for more information on how to order certified copies of a birth record—birth certificates are not automatically provided, an order for a birth certificate must be completed and mailed to OVS with the required fee).

Note: Kentucky CNMs, LCPMs, or medical records clerks at non-birthing hospitals who file more than a few birth certificates per year on paper should consider applying for access to KY-CHILD. Electronic filing is simpler, faster, and (in most cases) easier to make corrections than hardcopy filing. For information on registering for KY-CHILD, call the Office of Application Technology Service (OATS) toll free at 1-877-545-6175.

REQUIRED DOCUMENTS

The person who attended the delivery must submit to OVS the following four (4) types of documents verifying the facts of the child's birth (unless the exemptions for licensed physicians or licensed midwives specified on page 5 apply):

- 1) A **Live Birth Worksheet (VS-2WA)**, fully completed, signed, and dated (a **Multiple Live Birth Attachment Worksheet (VS-2WB)** is also required for every live birth after the first live birth); and
- 2) **Evidence of the mother's pregnancy**; and
- 3) **Evidence that the child was born alive**; and
- 4) **Evidence that the mother was present in Kentucky** on the child's date of birth.

Note: All documents for birth registration are subject to review by the Office of Vital Statistics. Acceptance or rejection of a document shall be based on its compliance, or lack thereof, to Kentucky statutes, regulations, and OVS policy, as well as the discretion of the Kentucky State Registrar.

Specific information on each type of required document needed to file a live birth on paper:

1) Live Birth Worksheet (VS-2WA) & Multiple Live Birth Attachment Worksheet (VS-2WB)

A **Live Birth Worksheet (VS-2WA)** must be completed and filed for each live birth in Kentucky, except in cases of births of multiple plurality. For multiple births (i.e. twins, triplets,

etc.), a VS-2WA is required only for the first live birth, with a **Multiple Live Birth Attachment Worksheet (VS-2WB)** being required for each subsequent live birth.

These forms may be obtained by contacting the Office of Vital Statistics by phone (502-564-4212) or by mail (see below for address). Fillable versions also may be completed and printed from the OVS website (<https://chfs.ky.gov/agencies/dph/dehp/vsb/Pages/homebirths.aspx>).

Note: Only the most current version of these worksheets (revised 7/2020 or later) will be accepted by OVS. Any other version shall be returned to submitter with a copy of the current version that should be used in its place.

Worksheets must be completed and carefully reviewed to ensure the forms contain no errors or missing information before they are sent to OVS. The forms must be signed by the birth mother and the father (if mother is married), as well as by the person who attended or certified the delivery of the child. Instructions on how to properly complete the worksheets are included within the forms. Please note that failure to comply with these instructions shall lead to rejection of a worksheet by OVS, causing unnecessary delays in the filing of the birth record.

Note: Information on a worksheet may only be changed or corrected before a Certificate of Live Birth for the child has been officially registered with a State File Number (SFN) by OVS. Since certificates are usually filed within one or two days of receipt of the worksheet, the person who submitted forms to OVS should contact the Vital Events Unit Supervisor as soon an error is detected. After a Certificate of Live Birth has been assigned a SFN and filed, any changes or corrections must be made through the amendment process (see below, pages 6-7).

2) Evidence of Mother's Pregnancy

OVS must receive at least **one (1) piece of evidence documenting the mother's pregnancy**, which may include, but is not limited to:

- A prenatal or postnatal medical record that is consistent with the date of delivery and includes the mother's name, mother's date of birth, date of health exams, healthcare provider's signature, healthcare provider's printed name, signature date, and healthcare provider's license number; or
- A statement from a physician, licensed midwife, or other licensed healthcare provider qualified to determine pregnancy (must include mother's name, mother's date of birth, provider's printed name, provider's signature, signature date, and provider's license number); or
- A record of a home visit by licensed public health nurse or other licensed healthcare provider who has firsthand knowledge of the pregnancy; or
- Other evidence acceptable to the State Registrar.

3) Evidence of Live Birth

OVS must receive at least **one (1) piece of evidence documenting that the child was born alive**, which may include, but is not limited to:

- A signed-and-dated statement from the physician, licensed midwife, or other licensed healthcare provider who saw or examined the child within the first two weeks of life (must include provider's license number; if provider is licensed in a state other than Kentucky, proof of licensure must also be submitted); or
- A signed-and-dated statement of observation of the child during a home visit by a licensed public health nurse or other licensed healthcare provider during the first two weeks of life (must include provider's license number; if provider is licensed in a state other than Kentucky, proof of licensure must also be submitted); or
- Other evidence acceptable to the State Registrar.

4) Evidence of Mother's Presence in Kentucky on the Date of Birth

OVS must receive **evidence documenting that the mother was present in Kentucky** on the date of the child's birth, from **one (1) of either of the following subsections (A, B, or C)**, depending on the circumstances of the mother's residency at the time of birth.

A) If the birth occurred in the mother's residence, OVS will require **one (1) of the following**:

- A driver's license, or state-issued ID, that includes the mother's current address; or
- A rent receipt, mortgage statement, or deed that includes mother's name and Kentucky address; or
- A utility, telephone, or other bill that includes mother's name and Kentucky address; or
- A recent pay stub that includes mother's name and Kentucky address; or
- Other evidence acceptable to the State Registrar.

B) If the birth occurred in Kentucky, but outside of the mother's residence, and the mother is a resident of Kentucky, OVS will require **ALL of the following**:

- An affidavit from the tenant/owner of the premises where the birth occurred, stating the mother was present in Kentucky on those premises at the time of birth; **and**
- Evidence of the tenant/owner's residence similar to that required for births that occurred at the mother's residence listed above in subsection (A); **and**
- Evidence of the mother's residence in Kentucky similar to that required for births that occurred at the mother's residence listed above in subsection (A); or
- Other evidence acceptable to the State Registrar.

- C) **If the mother is not a resident of Kentucky**, OVS will require documentary evidence—deemed acceptable to the State Registrar—that clearly and convincingly proves the mother’s presence in Kentucky on the date of the child’s birth.

Exemptions to Evidence of Pregnancy, Birth, and Residency

All Kentucky births require that a live birth worksheet (either a VS-2WA or VS-2WB, as prescribed above) be sent to OVS to fully document the birth. **However, an exemption from submitting Evidence of the Mother’s Pregnancy, Evidence of Live Birth, and Evidence of the Mother’s Presence in Kentucky on the Date of Birth is allowed for individuals with the following credentials:**

- **Licensed Physician (MD, DO).** Must provide Kentucky license number.
- **Licensed Midwife registered with the Kentucky Board of Nursing.** Must provide Kentucky license number. An unlicensed midwife or a midwife with other credentials does not qualify for this exemption.

Court Orders

If any part of the required evidence listed above is not available, and the Kentucky State Registrar is not able to verify the facts of birth, then the birth may be registered only by means of an order issued by a Kentucky court of competent jurisdiction. At a minimum, the order must direct the Office of Vital Statistics, Department of Public Health, Commonwealth of Kentucky, to file a birth certificate for the child, and it must supply all information relevant to the birth as specified in KRS 213.046 and KRS 213.051.

It is strongly advised that the parents, or their legal counsel, contact the Vital Events Unit Supervisor at OVS prior to their court date for advice on how to ensure that the court order contains as much information as possible.

Filing a Certificate of Live Birth

All documents required by OVS to file a Certificate of Live Birth as stipulated above must be sent to OVS **within five (5) working days of the child’s birth**. These should be mailed to:

**Attn: Vital Events Unit
Office of Vital Statistics
275 East Main Street, 1 E-A
Frankfort, KY 40621.**

*****Please do not attach documents together with staples, paper clips, tape, etc.***
For any question pertaining to filing a birth record, call 502-564-4212 and ask to speak with the Vital Events Unit Supervisor.**

*Note: OVS recommends that the parents complete form VS-37 (Application for a Certified Copy of Birth Certificate) and provide it, along with a check or money order for the appropriate amount of the certificate order fee, to the person who will be sending the birth documents to OVS. If the VS-37 is received with the other documents, then the certified copy (or copies) ordered by the parents will usually be issued and mailed the same day that the birth certificate is filed. **No birth certificate will be provided to the parents without an order and the required fee.***

Copies of the VS-37 birth certificate application form may be obtained from either OVS or county health departments. The form can be completed and printed from the OVS website: <https://chfs.ky.gov/agencies/dph/dehp/vsb/Forms/VS37BirthApp.pdf>.

OTHER INFORMATION RELEVANT TO HOME BIRTHS

Newborn Screening

The Newborn Screening Program in Kentucky helps determine if a baby has certain health disorders. A seemingly healthy newborn can have serious metabolic or genetic disorders that cannot be detected without specific screening. Screening data must be collected and submitted to the Department of Public Health according to the requirements outlined in 902 KAR 4:030. For births that occur at a residence or at non-birthing medical facilities, the first healthcare professional (licensed midwife, physician, nurse, pediatrician, etc.) who examines the child is usually responsible for collecting a blood sample (heel stick) between 24 to 48 hours after birth. For more information, call 502-564-3756, or visit the Newborn Screening Program link at: <https://chfs.ky.gov/agencies/dph/dmch/cfhib/Pages/newbornscreening.aspx>.

Infant Mortality

Both a Certificate of Live Birth and a Certificate of Death must be filed for any child's death—regardless of birth weight or gestational estimate—**if the child took even a single breath and/or demonstrated any vital signs (such as a heartbeat). An infant death adhering to these criteria must be reported immediately to the county coroner's office**, in order for an investigation to be made and a death certificate submitted to OVS by the coroner. **In cases of infant death, the midwife (or other person who attended the birth) shall file a birth certificate with OVS as prescribed above.**

Fetal Death

Fetal death occurs when a fetus is delivered without having taken a single breath and without demonstrating any vital signs (such as a heartbeat); this type of death **must be immediately reported to the county coroner**. The midwife, or other person attending the delivery, shall assist the coroner in determining if the death should be reported to OVS. In Kentucky, a Stillbirth Certificate (i.e. a combination birth-death certificate) is required for any fetal death in which the fetus is recorded as having **EITHER**: 1) an estimate of gestation of twenty (20) weeks

or more, OR; 2) a delivery weight of 350 grams (approximately 12.3 ounces) or more. **After the coroner's investigation is completed, the coroner shall assume responsibility for submitting a Stillbirth Worksheet (VS-3WA) to OVS, if a Stillbirth Certificate is required.** Coroners who have a Kentucky Online Gateway (KOG) account may request access for KY-CHILD, which will allow electronic submission of a Stillbirth record.

Paternities

For births that occur at home or at non-birthing facilities, if the mother is not married to the father at the time of a child's birth, then no father can be listed on the initial birth certificate filed with OVS. However, the father may be added to the birth certificate after its initial filing, provided that the parents complete and sign a Declaration of Paternity (VS-8) in the presence of a notary public. To do this, the parents either may go to their county health department (it is recommended to call first for hours and requirements), or the parents may complete and print a fillable version of the VS-8 on their own (the fillable form is available on the following website, <https://chfs.ky.gov/agencies/dph/dehp/vsb/Forms/VS8.pdf>). This form must be signed in the presence of the notary of their choice, and then mailed to OVS at the address listed on the back of the form.

Amending a Certificate

After a Certificate of Live Birth has been filed with OVS and a State File Number (SFN) assigned, requirements for amending the certificate will vary depending on who was responsible for the error and the specific item needing to be corrected or changed. If the parents wish to amend their child's certificate after reviewing the certified copy they received from OVS, they should contact the **Amendment Unit Supervisor at 502-564-4212, or mail a written (signed and dated) inquiry to OVS.** Although each request to amend a certificate ultimately will be considered on a case-by-case basis, the following guidelines generally apply:

- If the worksheet was completed correctly by the midwife or other attendant, but the information was erroneously entered on the birth certificate by OVS, then the error should be able to be corrected over the phone or by a written notification mailed to OVS.
- If a mother who was not married at the time of the child's birth wishes to add the father to the child's birth certificate, the father can usually be added by submitting a Declaration of Paternity (VS-8) to OVS (see above under Paternities).
- If the error or requested change cannot be covered under the instances listed above, then the parents should contact the Amendment Unit Supervisor directly to determine what will be required.

Note: OVS shall replace any certified copies received back from the parents with new corrected copies for all amendment cases, provided that the old certified copies were issued by OVS no more than one (1) year prior to the date of the amendment.