

## Chapter 246-490 WAC VITAL STATISTICS

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### WAC

- 246-490-010 Definitions.
- VITAL RECORDS FOR RESEARCH PURPOSES OR STATISTICAL STUDY
- 246-490-020 Requesting vital records information without personal identifiers.  
246-490-029 Father and/or mother may change given name.  
246-490-030 Requesting a listing or file of vital records with personal identifiers.  
246-490-039 Certificates in pencil not allowed.
- INDIVIDUAL BIRTH CERTIFICATES FOR PERSONAL PURPOSES
- 246-490-069 Birth certificate to be filed for foundling child.  
246-490-070 Fraudulently registered or changed birth certificates.  
246-490-075 Changing sex designation on a birth certificate.
- DELAYED REGISTRATION OF BIRTHS
- 246-490-080 Delayed birth certificate—Requesting registration.  
246-490-081 Delayed birth certificate—Documentary evidence required.  
246-490-082 Delayed birth certificate—Verification and registration.  
246-490-100 Reporting of pregnancy terminations.  
246-490-110 Disclosure of information.  
246-490-200 Electronic reporting of deaths.
- ESTABLISHING PARENTAGE ON A BIRTH RECORD
- 246-490-300 Establishing a presumption of parentage with an assertion of parentage.  
246-490-305 Establishing parentage with a voluntary acknowledgment of parentage or denial of parentage.  
246-490-310 Court ordered establishment of parentage.
- DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
- 246-490-001 Legal authorities. [Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-490-001, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-490-001, filed 12/27/90, effective 1/31/91; Regulation .40.999, effective 3/11/60.] Repealed by WSR 06-17-182, filed 8/23/06, effective 9/23/06. Statutory Authority: RCW 43.20.050 and 18.39.215.
- 246-490-019 New record for child when father acknowledges paternity. [Statutory Authority: RCW 43.70.040 and 43.70.150. WSR 92-02-018 (Order 224), § 246-490-019, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-490-019, filed 12/27/90, effective 1/31/91; Regulation .40.010, effective 3/11/60.] Repealed by WSR 98-18-067, filed 8/31/98, effective 10/1/98. Statutory Authority: RCW 43.70.040 and 43.70.150.
- 246-490-040 Handling and care of human remains. [Statutory Authority: RCW 43.20.050. WSR 92-02-019 (Order 225B), § 246-490-040, filed 12/23/91, effective 1/23/92; WSR 91-02-051 (Order 124B), recodified as § 246-490-040, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050 (2)(e). WSR 89-02-007 (Order 323), § 248-40-040, filed 12/27/88; WSR 88-13-080 (Order 312), § 248-40-040, filed 6/16/88. Statutory Authority: RCW 43.20.050. WSR 86-14-008 (Order 300), § 248-40-040, filed 6/19/86; Regulation .40.040, effective 3/11/60.] Repealed by WSR 06-17-182, filed 8/23/06, effective 9/23/06. Statutory Authority: RCW 43.20.050 and 18.39.215.
- 246-490-050 Transportation of human remains. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-490-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050 (2)(e). WSR 89-02-007 (Order 323), § 248-40-050, filed 12/27/88; WSR 88-13-080 (Order 312), § 248-40-050, filed 6/16/88. Statutory Authority: RCW 43.20.050. WSR 86-14-008 (Order 300), § 248-40-050, filed 6/19/86; Regulation .40.050, effective 3/11/60.] Repealed by WSR 06-17-182, filed 8/23/06, effective 9/23/06. Statutory Authority: RCW 43.20.050 and 18.39.215.
- 246-490-055 Obtaining a birth certificate. [Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-055, filed 5/24/00, effective 6/24/00.] Repealed by WSR 20-13-017, filed 6/5/20, effective 1/1/21. Statutory Authority: 2019 c 148.
- 246-490-060 Cremated remains. [Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-490-060, filed 12/27/90, effective 1/31/91; Regulation .40.060, effective 3/11/60.] Repealed by WSR 06-17-182, filed 8/23/06, effective 9/23/06. Statutory Authority: RCW 43.20.050 and 18.39.215.
- 246-490-065 Notification when the record is not found. [Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-065, filed 5/24/00, effective 6/24/00.] Repealed by WSR 20-13-017, filed 6/5/20, effective 1/1/21. Statutory Authority: 2019 c 148.

**WAC 246-490-010 Definitions.** (1) "Department" means the department of health.

(2) "Human research review board" is a standing institutional review board operating under state law, chapter 42.48 RCW.

(3) "Confidential portion of the birth and fetal death certificates" means pertinent information relative to the birth and manner of delivery as specified in WAC 246-491-029.

(4) "Local registrar and their deputies" are those local officials operating under the direction and control of the state registrar. The health officer within each local health jurisdiction is the local registrar in and for the primary registration district under his or her supervision. His or her designees are deputy registrars.

(5) "Personal identifiers" are names, addresses, Social Security numbers and any other information that reveals or can likely be associated with the identity of the person or persons to whom the record pertains.

(6) "Research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit, health care delivery or medical or social service programs.

(7) "Scientific merit" describes a research project or statistical study that is based on methods of data collection or analysis that are objective, can be replicated, and are designed to yield reliable and valid results.

(8) "State registrar" is the department of health official charged with the execution of the provisions of chapter 70.58 RCW.

(9) "Statistical study" means any project consisting of or based on assembling, classifying, and/or tabulating numerical data to present significant information about a given subject.

(10) "Vital records" means records of birth, death, fetal death, marriage, dissolution, annulment, and legal separation, maintained under the supervision of the state registrar of vital statistics.

[Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-010, filed 5/24/00, effective 6/24/00.]

## **VITAL RECORDS FOR RESEARCH PURPOSES OR STATISTICAL STUDY**

**WAC 246-490-020 Requesting vital records information without personal identifiers.** (1) If you request vital records information without personal identifiers for research purposes or statistical study or if the state registrar determines that your research or statistical study does not require the use of personal identifiers, you will receive the vital records information in a format specified by the department.

(2) You may be required to sign an agreement requiring you to:

(a) Not release the vital records data files or listings to any third party without prior written approval of the state registrar; and

(b) Pay for charges based on actual costs associated with the preparation of the data files or analyses required to fulfill your request.

(3) If you are requesting birth or fetal death certificate confidential information without personal identifiers, you will be required to sign a written agreement, which includes:

(a) Conditions for the use of the birth or fetal death certificate data;

(b) Conditions for safeguarding the confidentiality of the records including limits on reporting results that may reveal personal identities;

(c) Appropriate citations for use in research reports or publications of research findings; and

(d) An estimate of the costs for preparing the analyses or copies of data files maintained by the state registrar.

(4) Your request may be denied if:

(a) The department does not have adequate resources with which to fulfill the request; or

(b) You do not agree to pay for charges associated with the preparation of the data or analyses required to fulfill your request.

[Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-020, filed 5/24/00, effective 6/24/00.]

**WAC 246-490-029 Father and/or mother may change given name.** The father and/or mother of any child whose birth has been registered may, during the minority of said child, change the given name of the child on the record by filing an affidavit of change with the state registrar.

[Statutory Authority: RCW 43.70.040 and 43.70.150. WSR 92-02-018 (Order 224), § 246-490-029, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-490-029, filed 12/27/90, effective 1/31/91; Regulation .40.020, effective 3/11/60.]

**WAC 246-490-030 Requesting a listing or file of vital records with personal identifiers.** (1) If you request access to vital records with personal identifiers for research purposes or statistical study, you shall be required to submit a letter of request to the state registrar stating:

(a) The purpose of the research;

(b) Research study design and analysis plan;

(c) The means for ensuring the confidentiality and security of the records;

(d) The time frame and geographic area of interest;

(e) The variable(s) needed; and

(f) The preferred time frame for receiving the information.

(2) You may be required to sign an agreement requiring you to:

(a) Not release the vital records data files or listings to any third party without prior written approval of the state registrar; and

(b) Pay for charges based on actual costs associated with the preparation of the data files or analyses required to fulfill your request.

(3) If you are requesting birth or fetal death certificate confidential information with personal identifiers for research purposes, you must obtain approval from the standing human research review board as specified in chapter 42.48 RCW. Application information is available through the department.

(4) Your request may be denied if:

(a) The information requested will be used for a commercial purpose;

(b) Your research proposal or statistical study is without scientific merit;

(c) The department does not have adequate resources with which to fulfill the request; or

(d) You do not agree to pay for charges associated with the preparation of the data or analyses required to fulfill your request.

[Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-030, filed 5/24/00, effective 6/24/00.]

**WAC 246-490-039 Certificates in pencil not allowed.** All certificates of birth or death shall either be made out legibly with unfading ink or typewritten through a good grade of typewriter ribbon, and shall be signed in either case in ink. No certificate made in pencil shall be accepted by a registrar as a permanent record of birth or death.

[Statutory Authority: RCW 43.70.040 and 43.70.150. WSR 92-02-018 (Order 224), § 246-490-039, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-490-039, filed 12/27/90, effective 1/31/91; Regulation .40.030, effective 3/11/60.]

#### **INDIVIDUAL BIRTH CERTIFICATES FOR PERSONAL PURPOSES**

**WAC 246-490-069 Birth certificate to be filed for foundling child.** When an infant is found for whom no known certificate of birth is on file and for whom no other identification is known, the finder shall notify the police authorities having jurisdiction within the area of finding.

The police authorities, within 48 hours, shall have the local health officer determine or cause to be determined the approximate date of birth of the child.

The health officer, within 72 hours of notification shall complete a certificate of live birth on a standard Washington certificate of live birth form designating the place of finding as the place of birth and place of residence, the approximate date of birth, sex, and assign a given name. He shall write across the face of the certificate in the sections provided for parental information the words, "foundling child," sign, and date the certificate and cause the same to be filed with the local registrar of the area in which the finding occurred.

[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-490-069, filed 12/27/90, effective 1/31/91; Regulation .40.080, effective 3/11/60.]

**WAC 246-490-070 Fraudulently registered or changed birth certificates.** (1) If the state registrar receives information that a birth certificate may have been registered or amended through fraud or misrepresentation, neither the state registrar nor local deputy registrars will release copies of that certificate until an informal administrative hearing is held.

(2) The department will notify the registrant or authorized representative, and he or she will have the opportunity to be heard at the hearing.

(a) If the state registrar finds that there was no fraud or misrepresentation, the record will be made available for inspection and copying.

(b) If the state registrar finds that the record was used fraudulently or was misrepresented, the registrar will tag the fraudulent birth certificate in the database. The record and evidence will be retained, but will not be released or subject to inspection unless:

(i) A court of competent jurisdiction orders the release or inspection of the record; or

(ii) The state registrar utilizes the record for purposes of administering the vital statistics program.

[Statutory Authority: RCW 70.58.104 and 70.58.082. WSR 00-11-169, § 246-490-070, filed 5/24/00, effective 6/24/00.]

**WAC 246-490-075 Changing sex designation on a birth certificate.**

(1) For the purposes of this section:

(a) "Adult" means a person who is at least eighteen years of age, or is an emancipated minor under chapter 13.64 RCW.

(b) "Minor" means a person under the age of eighteen years of age, but not an emancipated minor under chapter 13.64 RCW.

(c) "X" means a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgagender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, nonbinary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified.

(2) Only an adult, or an adult through a guardian appointed pursuant to chapter 11.92 RCW, may apply to change sex designation on a birth certificate for oneself.

(3) Only the parent or legal guardian of a minor may apply to change sex designation on the minor's birth certificate.

(4) To change sex designation on a birth certificate, an adult, or parent or legal guardian of a minor, must submit to the department a completed, signed, and dated application provided by the state registrar that includes, at a minimum, the following information for the person named on the birth certificate:

(a) Full name listed on the birth certificate;

(b) Date of birth;

(c) Place of birth;

(d) Mother or parent's full name listed on the birth certificate;

(e) Father or parent's full name listed on the birth certificate, if it appears on the record;

(f) Contact information;

(g) Sex designation requested (male, female, or X); and

(h) Other information requested by the state registrar.

(5) If an adult, or parent or legal guardian, cannot provide the information in subsection (4) of this section due to special circumstances; the adult, or parent or legal guardian, must submit a written explanation of the circumstances to the state registrar. The department may change the sex designation on the birth certificate if, in the state registrar's judgment, these circumstances prevent the adult, or parent or legal guardian, from knowing one or more of the required items.

(6) The sex designation change application of an adult must be notarized and signed under penalty of perjury pursuant to chapter 9A.72 RCW.

(7) The sex designation change application of a minor must include a signed statement by the minor's licensed health care provider attesting that:

(a) The minor identified on the application is under the care of the provider; and

(b) The provider has determined the request to change sex designation on the birth certificate is consistent with the minor's identity.

(8) Only licensed health care providers whose scope of practice allows for attestation of a sex designation change may provide this attestation.

[Statutory Authority: RCW 43.70.150 and 43.70.160. WSR 18-02-048, § 246-490-075, filed 12/27/17, effective 1/27/18.]

### **DELAYED REGISTRATION OF BIRTHS**

**WAC 246-490-080 Delayed birth certificate—Requesting registration.** (1) An interested person may request registration of a live birth that occurred in Washington state when no birth record is found on file with the department.

(2) Interested person means:

(a) A person registering his or her own birth if age eighteen or older; or

(b) The parent(s) or guardian(s) if the person who is the subject of the delayed birth certificate is under age eighteen.

(3) An interested person shall obtain a letter from the department stating no record was found on file before requesting a delayed birth certificate.

(4) By requesting a delayed birth certificate, the requestor is attesting to the fact that no birth record is on file with another jurisdiction and the person was born in Washington state.

(5) A request for registration of a delayed birth certificate must include:

(a) A completed delayed birth certificate form signed by the requestor;

(b) Documentary evidence required by WAC 246-490-081;

(c) A copy of the no record found letter required in subsection (3) of this section;

(d) Fee(s) as required by RCW 70.58.107 if requesting certified copies of the delayed birth certificate.

(6) A delayed registration of birth is not required for a child under the age of four if the attending physician or midwife is available and registers the birth with the department.

[Statutory Authority: RCW 43.70.150, 70.58.082. WSR 15-19-058, § 246-490-080, filed 9/11/15, effective 11/1/15.]

**WAC 246-490-081 Delayed birth certificate—Documentary evidence required.** (1) If the person is under age twelve, the facts concerning

date of birth, place and parentage of birth must be established by at least two pieces of documentary evidence, only one of which may be a sworn statement; or

(2) If the person is age twelve and over, the facts concerning date of birth and place must be established by at least three pieces of documentary evidence, only one of which may be a sworn statement. One piece of documentary evidence must establish parentage.

(3) Documentary evidence for establishing parentage is required for both parents if more than one parent is to be listed on the request. If the parents were not married at the time of birth or during the pregnancy and the person is under age eighteen, a paternity acknowledgment or court order is required to include the second parent on the delayed birth certificate.

(4) The documentary evidence must be from independent sources and must have been established prior to the person's fourth birthday or be at least five years old, or based on records established at least five years prior to the date of the request.

(5) Documentary evidence may include, but is not limited to, the following:

(a) Military records;

(b) Numident report, which is a Social Security Administration report of information from the original application for Social Security card;

(c) Hospital or medical records;

(d) Federal census records;

(e) School enrollment records;

(f) Newspaper notice of birth with the date published and name of paper on the same page;

(g) Voter registration application that includes name, date, and place of birth;

(h) A sworn statement as defined in subsection (6) of this section;

(i) A combination of documents deemed adequate by the state registrar for establishing the facts concerning the birth.

(6) A sworn statement must be made by a person who has knowledge of the facts of birth. The statement must be on a form provided by the state registrar, notarized by an authorized notary public, and include:

(a) The full name of the person whose birth is being registered;

(b) The names of his or her parent(s);

(c) Marital status of parent(s) during the pregnancy or at the time of birth;

(d) The date and place of birth of the person whose birth is being registered;

(e) A detailed statement of how the person knows the facts to be true.

[Statutory Authority: RCW 43.70.150, 70.58.082. WSR 15-19-058, § 246-490-081, filed 9/11/15, effective 11/1/15.]

**WAC 246-490-082 Delayed birth certificate—Verification and registration.** (1) The state registrar may verify the authenticity and accuracy of documentary evidence provided by the requestor.

(2) If the request for registration is incomplete, the department will notify the requestor. An incomplete request for registration of a

delayed birth certificate will be returned to the requestor if not completed within one year.

(3) The department will not register a delayed birth certificate for a deceased person.

(4) Any person born in this state who is unable to meet the requirements for a delayed registration of birth may petition the superior court of the county of residence or county of birth for an order establishing a record of the date and place of his or her birth, and his or her parentage as allowed by RCW 70.58.145.

[Statutory Authority: RCW 43.70.150, 70.58.082. WSR 15-19-058, § 246-490-082, filed 9/11/15, effective 11/1/15.]

**WAC 246-490-100 Reporting of pregnancy terminations.** Each hospital and facility where lawful induced abortions are performed during the first, second, or third trimester of pregnancy shall, on forms prescribed and supplied by the secretary, report to the department during the following month the number and dates of induced abortions performed during the previous month, giving for each abortion the age of the patient, geographic location of patient's residence, patient's previous pregnancy history, the duration of the pregnancy, the method of abortion, any complications, such as perforations, infections, and incomplete evacuations, the name of the physician or physicians performing or participating in the abortion and such other relevant information as may be required by the secretary. All physicians performing abortions in nonapproved facilities when the physician has determined that termination of pregnancy was immediately necessary to the meet a medical emergency, shall also report in the same manner, and shall additionally provide a clear and detailed statement of the facts upon which he or she based his or her judgment of medical emergency.

[Statutory Authority: RCW 43.70.040 and [43.70.]050. WSR 94-04-083, § 246-490-100, filed 1/31/94, effective 3/3/94.]

**WAC 246-490-110 Disclosure of information.** To assure accuracy and completeness in reporting, as required to fulfill the purposes for which abortion statistics are collected, information received by the board or the department through filed reports or as otherwise authorized, shall not be disclosed publicly in such a manner as to identify any individual without their consent, except by subpoena, nor in such a manner as to identify any facility except in a proceeding involving issues of certificates of approval.

[Statutory Authority: RCW 43.70.040 and [43.70.]050. WSR 94-04-083, § 246-490-110, filed 1/31/94, effective 3/3/94.]

**WAC 246-490-200 Electronic reporting of deaths.** All deaths that occur in Washington state, excluding fetal deaths, must be reported electronically using the format and system prescribed by the state registrar.

[Statutory Authority: RCW 70.58.061 and 43.70.150. WSR 17-22-073, § 246-490-200, filed 10/27/17, effective 1/1/18.]



## ESTABLISHING PARENTAGE ON A BIRTH RECORD

**WAC 246-490-300 Establishing a presumption of parentage with an assertion of parentage.** (1) When the individual who gave birth and the individual seeking to establish parentage were married after the birth of the child, the individual seeking to establish parentage shall file an assertion with the department to establish a presumption of parentage consistent with RCW 26.26A.115.

(2) If required to establish a presumption of parentage, the individual shall file an assertion prior to filing a voluntary acknowledgment of parentage with the department.

(3) The assertion may only be filed with the department on the forms provided by the department. The form must be completed and sent to the department along with the applicable fees established in WAC 246-491-990.

[Statutory Authority: Chapters 26.26A and 26.26B RCW, and RCW 43.70.150. WSR 19-02-087, § 246-490-300, filed 1/2/19, effective 1/2/19.]

**WAC 246-490-305 Establishing parentage with a voluntary acknowledgment of parentage or denial of parentage.** (1) The individual who gave birth and an alleged genetic parent, an intended parent through assisted reproduction, or a presumed parent may use an acknowledgment of parentage that complies with RCW 26.26A.200 through 26.26A.265 to establish parentage. When the completed acknowledgment of parentage form is filed with the department and a denial of parentage is not required, the parent's name will be added to the child's birth record.

(2) If a presumed parent or an alleged genetic parent will not be the parent listed on the child's birth record, the presumed parent or an alleged genetic parent may sign a denial of parentage that complies with RCW 26.26A.200 through 26.26A.265. If the presumed parent or an alleged genetic parent does not sign a denial of parentage, the department shall require a court ordered establishment of parentage to change the birth record. Submission of the court order to the department must comply with the requirements of WAC 246-490-310.

(a) The acknowledgment of parentage and denial of parentage forms are considered completed when both forms are filed with the department.

(b) After both forms are filed, the department will change the child's birth record in accordance with the forms. The individual seeking to establish parentage will be listed as a parent.

(3) An individual who signed an acknowledgment of parentage or denial of parentage form may file a rescission of parentage form on or before sixty days from the time the acknowledgment or denial of parentage forms were filed with the department or the date of the first court proceeding relating to parentage of the child, whichever occurs first. Once a complete rescission that meets the time requirements has been filed with the department, the department will:

(a) Notify the individuals who signed an acknowledgment of parentage or denial of parentage form in writing to the individuals' address listed on the acknowledgment of parentage or denial of parentage

form that a rescission was filed with the department. Failure to give the notice does not affect the validity of the rescission; and

(b) Change the child's record to the prior record information before the acknowledgment or denial of parentage form was filed.

(4) After a rescission is filed as described in subsection (3) of this section, a new acknowledgment of parentage form may be filed with the department.

(5) After sixty days, a challenge of parentage requires a court proceeding, consistent with chapter 26.26A RCW.

(6) For the purpose of this section, "witnessed" has the same meaning as RCW 26.26A.010. A person signing the witnessed statement must be at least eighteen years of age and not related by blood or marriage to the individuals who sign an acknowledgment of parentage, denial of parentage, or rescission of parentage form.

(7) An acknowledgment of parentage, denial of parentage, or rescission of parentage form must be completed, signed, witnessed or notarized, and submitted to the department with the applicable fee required by WAC 246-491-990. Incomplete forms will not be filed and will be returned.

(8) To receive a certification of birth reflecting the change, a certification order form must be sent to the department along with the applicable fees required by RCW 70.58A.560 and WAC 246-491-990.

[Statutory Authority: 2019 c 148. WSR 20-13-017, § 246-490-305, filed 6/5/20, effective 1/1/21. Statutory Authority: Chapters 26.26A and 26.26B RCW, and RCW 43.70.150. WSR 19-02-087, § 246-490-305, filed 1/2/19, effective 1/2/19.]

**WAC 246-490-310 Court ordered establishment of parentage. (1)**

If parentage is established by court order, the court or parents of the child must submit a certified copy of the court order to the department.

(2) The department may require supplemental information to locate and change the child's birth record to comply with a court order that establishes parentage. The parents listed in the court order must provide the supplemental information. The department may request the following information in order to comply with the court order:

(a) Full name of child, as listed on the child's birth record;

(b) Child's date of birth;

(c) Full name of the individual who gave birth, as listed on the child's birth record;

(d) Full legal name, date of birth, and place of birth for the individual being added as a parent; and

(e) Any additional information needed to locate the birth record.

(3) If the department cannot locate the child's birth record, the department will not change the record until the parents listed in the court order provide the supplemental information requested by the department.

[Statutory Authority: Chapters 26.26A and 26.26B RCW, and RCW 43.70.150. WSR 19-02-087, § 246-490-310, filed 1/2/19, effective 1/2/19.]