

**Search and Access to Vital Records**  
**based on**  
**The Illinois Vital Records Act and Vital Records Administrative Code**

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## **SEARCH AND ACCESS TO VITAL RECORDS**

### **Illinois Vital Records Act and Illinois Administrative Code**

**LEGAL CITATIONS:**      The Vital Records Act  
                                         410 ILCS 535/23-25  
                                         Illinois Administrative Code  
                                         77 Ill. Adm. Code 500.20  
                                         77 Ill. Adm. Code 500.70

**DEFINITIONS:**    (Taken from the Vital Records Act or Vital Records Code)

**Vital Records** - Records of births, deaths, fetal deaths, marriages, dissolution of marriages, and data related thereto.

**System of Vital Records** - The registration, collection, preservation, amendment, and certification of vital records, and the activities related thereto.

**Certification of Birth** - Contains only the name, sex, date of birth, and place of birth of the person to whom it relates, the name, age, and birthplace of the parents, the file number, and the date of registration. If the records have been marked with delayed, amended, or court order, this will be included on the copy.

**Certification of Death** - Contains only the name, sex, date of death, and place of death of the person to whom it relates, the file number and the date of registration. If the records have been marked with delayed, amended, or court order, this will be included on the copy.

**Court of Competent Jurisdiction** - Any Circuit Court in Illinois, any United States District Court, any equivalent court in any state or United States territory, and tribal court of any of the Indian Nations located within the United States, and any appellate level court in the United States.

**Legal Representative** -

- 1) An attorney acting on behalf of a person(s) named on a birth certificate.
- 2) An agent authorized by power of attorney.
- 3) Other court-appointed personal representative.
- 4) An agent with written, notarized authorization from a person(s) named on a birth certificate for the purpose of obtaining a certified copy for that person.
- 5) Any other agent, approved by the State Registrar as a legal representative to whom the birth certificate relates.

(Other definitions)

**Indexes** - A reference system used to assist in the location of records.

**Administrative Purposes** - The official duties of the record custodian in the daily performance of their vital record responsibilities and maintenance of the local vital record files.

**Certified Copy** - An exact copy of the original certificate issued with the seal of the issuing office.

## **RESPONSIBILITIES, DUTIES, ETC.**

**RESPONSIBILITIES FOR RECORDS:** Official Custodians. The State Registrar of Vital Records, local registrars, and county clerks are declared official custodians of vital records in Illinois and shall maintain such records in a safe place.

**Comment:** Records should be kept in a locked, restricted access area away from the public where they cannot be damaged.

### **DUTIES OF THE CUSTODIANS:**

- 1) To protect the integrity of the Vital Records.
- 2) To insure proper use.
- 3) Insure the efficient and proper administration of the vital records system, access to vital records, and indexes.

**Comment:** Records must be placed in a secure location where they can be accessed only by the custodians. Indexes containing information prior to January 1, 1916 can be publicly viewed (except for Cook County). Access to indexes prior to 1916 in Cook County is limited to the custodian and their employees.

It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

### **CONSEQUENCES**

Any custodian of vital records who willfully and knowingly violates the provisions of Section 24 or 25 of this Act is guilty of a Class 4 felony.

## **BIRTH RECORDS**

**Who can handle and see birth records in the custody of the local registrar and/or county clerk?**

- 1) Custodians of the vital records and their employees and only for administrative purposes.
- 2) State Registrar or their agent.
- 3) Any municipal, county, multi-county, public health district, or regional health officer recognized by the Illinois Department of Public Health for the purpose only of carrying out the public health programs and responsibilities under their jurisdiction.

**Who can receive certifications and certified copies?**

- 1) The person to whom the record relates (if person is 18 years of age or older).
- 2) The parents of the person (the name of the parent must be listed on the certificate).
- 3) Legal Guardian (must show proof, i.e. court guardianship orders).
- 4) Legal representative to whom the record relates. This includes an agent with written notarized authorization from a person(s) named on a birth certificate for the purpose of obtaining a certified copy for that person.
- 5) Person having genealogical interest (birth must have been on file at least 75 years).
- 6) A department of state or municipal corporation or the federal government. (You can still require fees.)
- 7) Upon the order of a court of competent jurisdiction. (See definition on page 1.)
- 8) Veterans Administration or an accredited veterans organization. The request is to be made in writing on official letterhead and the record is issued without charge.

**How must requests be made?**

- 1) In writing and fee paid from the applicant entitled to the record (if people call instruct them to make a written request).

**OR**

- 2) Court Order. (See definition of court of competent jurisdiction on page 1.)

**What form of identification is required for walk in requests?**

The Division of Vital Records requires a driver's license, state issued ID card, or other form (i.e. work ID) of picture identification. A notation of the license/ID number is noted on the application.

Local offices are frequently in a position to personally recognize some applicants. This fact should be noted on the application by the deputy or registrar issuing the record.

**How long should requests be kept?**

Applications for certifications and certified copies should be kept for at least 3 years. Prior to destruction, contact the Local Records Commission at 217/782-7075.

**What birth information can be given over the phone?**

- 1) Fees charged by the office.
- 2) Office hours and/or directions to the office.
- 3) Instructions on how to apply for copies.

State law requires that requests for copies must be made in writing. Searches should never be made for telephone requests as you have no way of verifying the identity of the applicant.

**Can copies be faxed?**

No.

**What type of birth information can be issued for genealogical interests?**

The only birth records that can be issued for genealogical purposes are those that have been on file longer than 75 years. A plain copy (no seal) should be issued and the certificate stamped "For genealogical purposes only." (See page 7 for the requirements to issue the birth record of a deceased person of ANY AGE. )

**What information can be given for research purposes?**

All requests for copies and data for medical and health research purposes must be requested and approved through the State Registrar.

**What information can be issued for public interest purposes?**

Any custodian of vital records may furnish, upon such terms or conditions as he or she may prescribe, when deemed in the public interest and not for purposes of commercial solicitation or private gain, copies of the records or data therefrom. Private agency requests (such as those from hospitals, public news media, abstract and title companies, and credit bureaus) must be approved by the State Registrar. (Reference the letter of December 1, 1995 regarding release of vital records information to select named private agencies).

**Comment:** The request should first be made to the local registrar for review. If felt in the public interest and approved by the local registrar, the request should be forwarded with a cover letter by the local registrar to Steve Perry at the Division of Vital Records for review and final approval.

**What information can be given to coroner's, law enforcement officials, etc.?**

With a written requests on agency letterhead or walk-in requests with agency identification, representatives of public agencies administering health, welfare, safety, law enforcement or public assistance programs may obtain copies of the records or data therefrom when required in the performance of their official duties.

**Where can copies of foreign birth records be obtained?**

IF THE BIRTH OF A CHILD BORN ABROAD TO U.S. CITIZENS WAS REPORTED TO THE NEAREST U.S. CONSULATE at the time of birth, a report of this birth may be requested by writing to Passport Services, U.S. Department of State, 1111 19th St., N.W., Washington DC 20522-1705. The fee for this report is \$20. Additional copies of the same report issued at the same time are \$10 each copy.

**Are veteran's entitled to free copies?**

Yes, under certain circumstances. A certification or certified copy will be given without charge when it is to be used for eligibility of the person to participate in benefits from the organization.

The request must be in writing with a statement signed by an authorized official of the accredited veterans organization. It must state to the effect that the requested document is to be used in obtaining benefits. If the certificate is to be mailed, the request should be accompanied by sufficient postage to pay the cost of mailing.

**How is a request for a birth record of a deceased person handled?**

Applicants requesting the birth record of a ANY deceased person, regardless of their date of birth, must complete ALL ITEMS on the Application for Search of Birth Record Files of a Deceased Person designed by the Division of Vital Records. ALL ITEMS INCLUDES THE APPLICANT'S DRIVER'S LICENSE NUMBER (STATE ID NUMBER), SOCIAL SECURITY NUMBER, HOME AND WORK TELEPHONE NUMBERS (If not applicable, so state). If the record is located, the word "DECEASED" must be prominently stamped on the certificate(s) issued along with the date of death. The original application is to be retained in your files and is open to inspection by the State Police or any local law enforcement agency upon request. Two copies of the special application and two copies of the birth certificate issued are to be promptly forwarded to the Division of Vital Records addressed to the attention of Mr. Larry Davis (reference Ill Dept of Public Health letter of June 24, 1997).

Proof of death may be required in the form of a death certificate or obituary notice. The copy issued is to be marked "DECEASED" and the date of death either written or stamped on the certificate. Retain and file the information gathered. Make a note on the left hand margin of the birth record that a request was made and the date.

## **I-SEARCH**

The cooperation of the Division of Vital Records, local registrars and county clerks has been a cornerstone to the I-Search Program since its inception in 1988. Additions to, and deletions from, the existing database of abducted, missing and runaway children (under the age of 18) are reported to the Division of Vital Records on a daily basis. These flags and removal (deletion) notifications are sent to affected local offices on a weekly basis. (Local offices using the state database for search and certification do not receive these forms as their database is updated at the same time as the states.)

**What do I do if I receive a request for an I-Search flagged birth record?.**

If the flag is for an individual who is OVER THE AGE OF 18, remove the flag and issue the certificate. I-Search is limited to juveniles and this may have been a deletion that was missed. Return the flag Attention Ms. Dona Whitley at the Division of Vital Records with a notation, "AGE 18 OR OLDER" and the date your flag was removed and the certificate issued.

If the record is for a child 17 or under, THE FIRST RULE IS -- DO NOT ALERT THE APPLICANT THAT ANYTHING IS OUT OF THE ORDINARY.



You may be dealing with a non-custodial parent or other person who has abducted the child or who is assisting a runaway. It should also be noted that some of these juveniles are on the list because they are wanted by a law enforcement agency in addition to their parents. The I-Search flag may have been initiated by any law enforcement agency in this state, or it could have been added because of a report from an out of state source.

**CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY --** Every I-Search case is included in the statewide law enforcement LEADS data system so that any law enforcement personnel checking information about a subject knows of a potential problem. They should also be able to make a determination if they need to respond.

If your local police are unable to determine the validity of the case, you may call the Division of Vital Records, Ms. Dona Whitley. She will verify the status of the case and the law enforcement agency entering the child into I-Search. If Dona determines your flag to be for a case that is no longer active, she will authorize the removal of the flag and issue of the birth record.

A parent may realize that a problem exists because the child ran away some time ago and they should no longer be on I-Search. They most probably remained in the system because the parent or other person making the initial report failed to cancel this action. The parent, legal guardian, or social service agency requesting the birth record needs to advise local law enforcement of the existing flag and request that the flag be deleted.

**NEVER REFER A PARENT OR LAW ENFORCEMENT AGENCY TO THE DIVISION OF VITAL RECORDS FOR I-SEARCH PROBLEMS. We will only follow the directives of the Illinois State Police. THE DIVISION OF VITAL RECORDS WILL NOT AUTHORIZE THE ISSUANCE OF A CHILD'S BIRTH RECORD WHO IS AN ACTIVE I-SEARCH SUBJECT OR DELETE A RECORD FLAG UNTIL WE ARE NOTIFIED BY THE ILLINOIS STATE POLICE ON THEIR DAILY REPORT OF THIS ACTION.**

## **FRAUD**

Certified copies of birth records are frequently referred to as breeder documents as they are the basis for the establishment of other records and the emergence of a new person. Vital records in the wrong hands can be harmful in many ways. Said fraud may include bank accounts, credit cards, a new driver's license, social security cards, passport, shelter felons from justice and much more.

A certified copy of a birth record of a deceased person (infant preferred) is highly valued by these perpetrators. Next would be the birth record of a person who died at any age that would be about the same age as the applicant. After these choices, attempts are constantly made to pass counterfeit birth records and other identification documents.



**What can we do to help?**

- > > Be sure to note the death of infants who are born and die in your jurisdiction in the margin of the birth record. Note the death of any person, any age, who was born and died in your jurisdiction.
- > > Be on the alert for applicants who do not have accurate information when requesting a birth record.
- > > Do not give specific information about a record on the telephone.
- > > Do not use white bond paper for the issuance of certified birth records as this type of document is easily altered. A wide variety of safety paper is available on the market at reasonable costs. Many safety features can be built into your certification paper that will make alterations more difficult. The Division of Vital Records will be happy to refer you to vendors that provide security paper.

**What if a deceased person "requests" their birth record?**

Deposit their fee and forward all correspondence to Larry Davis at the Division of Vital Records. Should you receive another inquiry, advise them that you located no record, or that your copy is damaged, and suggest that they write to the Division of Vital Records.

## **Death Records**

### **Medical Examiner's/Coroner's Temporary, Permanent, Fetal**

**Who can handle and see death records in the custody of the local registrar and/or county clerk?**

- 1) Custodians of vital records and their employees and only for administrative purposes.
- 2) State Registrar and their agent.
- 3) Any municipal, county, multi-county, public health district, or regional health officer recognized by the Illinois Department of Public Health for the purpose only of carrying out the public health programs and responsibilities under his/her jurisdiction.

**Who can receive certifications and certified copies?**

- 1) A person, or his/her duly authorized agent, having a genealogical, personal, or property right interest in the record (for genealogical purposes, the death must have been on file at least 20 years).
- 2) A department of state or municipal corporation, or the federal government. (You can still require your normal fee.)
- 3) Upon order of a court of competent jurisdiction. (See definition on page 1)
- 4) Veterans Administration or an accredited veterans organization (without charge with a written request).
- 5) Administrator or executor of the decedent's estate.

**Note for Health Department Registrars:** Special attention must be given to the cause of death of the requested record. Should the cause of death be related to sexually transmitted diseases, such as AIDS or HIV related, the cause of death must not appear on the certified copy. It is to be covered before the copy is made (410 ILCS 325/8). It is recommended that county clerks follow the same procedure. (The issuance of a death record certification is less conspicuous than covering the cause of death.) See definition of Certification of Death on page 1.)

**How must the request be made?**

- 1) In writing and fee paid from the applicant entitled to the record.

OR

- 2) Court order.

**What form of identification is required?**

The Division of Vital Records does not require identification to obtain death certificates.

**How long should requests be kept?**

Applications for certifications and certified copies should be kept for at least 3 years. Prior to destruction, contact the Local Records Commission at 217/782-7075.

**What information can be given over the phone?**

- 1) Fees charged by the office.
- 2) Office hours and directions to the office.
- 3) Instructions on how to apply for copies.
- 4) Confirmation of receipt of a Coroner's Permanent Certificate.

**Can copies be faxed?**

No.

**What type of information can be issued for genealogical interests?**

The only death records that can be issued must have been on file longer than 20 years. Plain paper copies (no seal) are issued and must be stamped "For genealogical purposes."

**What information can be given for research purposes?**

All requests for copies and data for research purposes must be requested and approved through the State Registrar.

**What information can be issued for public interest use?**

Any custodian of vital records may furnish, upon such terms or conditions as he or she may prescribe, when deemed in the public interest and not for purposes of commercial solicitation or private gain copies of the records or data therefrom. Private agencies, such as hospitals, public news media, abstract and title companies, and credit bureaus, must be approved by the State Registrar.

**What information can be given to coroners, law enforcement officials, etc.?**

Any custodian of vital records may furnish, upon such terms and conditions as he or she may prescribe, when deemed in the public interest and not for the purposes of commercial solicitation or private gain, copies of the records or data therefrom to public agencies administering health, welfare, safety, law enforcement, or public assistance programs.

**Are veteran's entitled to free copies?**

Yes, under certain circumstances. A certification or certified copy will be given without charge when it is to be used for eligibility of the person to participate in benefits from the Veteran's Administration.

The request must be in writing with a statement signed by an authorized official of the accredited veterans organization. It must state to the effect that the requested document is to be used in obtaining benefits. If it is to be mailed, it must be accompanied by sufficient postage to pay the cost of mailing.

## **Birth and Death Indexes**

### **Where are the indexes available for inspection?**

Birth and death indexes in the custody of the local registrar or county clerk prior to January 1, 1916 may be viewed by the public (except Cook County).

Indexes of some birth, death and marriage records are available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, Genealogical Societies and a few public libraries throughout the state. Requests for indexes far exceed the number of available indexes and must first be approved by the Illinois State Registrar and the Director of the Illinois State Archives. The law specifies that these indexes have only births 100 years or older, deaths 50 years or older, and marriage records 75 years or older.

### **Who can handle and see the indexes?**

Birth, death and marriage indexes in the custody of local registrars and county clerks can be handled and viewed only by the custodian and their employees except those indexes for records prior to January 1, 1916 which are available for genealogical purposes only. These can be seen and handled by the general public.

### **What type of copies can be made, what information can be photocopied?**

No photocopies of the indexes can be made.

Any information can be hand copied from those indexes that are available for inspection.

### **How is information issued from the indexes upon a request?**

State law provides that a genealogical search of death indexes can be made only when a \$10 fee is paid per name for a 5 year search. There is an additional fee of \$1 for each additional year. If the record is found, 1 uncertified copy of the death record will be issued without charge.

## **MARRIAGE LICENSES**

There are no regulations for the issuing of copies of marriage licenses.

Viewing of the indexes is restricted except for those prior to January 1, 1916.

Many offices will issue a copy (plain or certified) of any marriage license to an interested applicant. However, copies of the original application are limited to the bride, groom, and immediate family.

The county clerk may prepare and have available for the news media a list of the marriage licenses issued. This list may contain only the names and city of residence of the parties.