

EFFECTIVE
10/7/06

HEALTH AND HUMAN SERVICES
FINANCE AND SUPPORT

174 NAC 4

TITLE 174 VITAL RECORDS

CHAPTER 4 REGULATIONS GOVERNING AMENDMENT OF MARRIAGE AND DISSOLUTION
OF MARRIAGE RECORDS

4-001 SCOPE OF REGULATIONS: A marriage or dissolution of marriage record filed with the Department of Health and Human Services Finance and Support (hereafter Department) may be amended only in accordance with the provisions of these regulations. For purposes of these regulations, record of marriage includes an abstract of marriage as provided in Neb. Rev. Stat. § 71-601.01. Amendment of incomplete or erroneous information on records of marriage or dissolution may be made upon presentation of the same kinds and numbers of documents required to amend birth and death certificates. A record of marriage or dissolution of marriage amended under these regulations will have a properly dated reference placed on the face of the record and will state that it is amended.

4-002 APPLICATION FOR AMENDMENT: Application for amendment of a marriage record must be made by the husband, wife, or by the county court required to file the record with the Department. Application for amendment of a dissolution of marriage record must be made by a plaintiff or by the clerk of the district court required to file the record with the Department.

4-003 AMENDMENT OF OBVIOUS ERRORS: Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions on marriage or dissolution of marriage records may be made by the Department within the first year after the date of the event, either upon its own observation, upon query, or upon request of a person with a direct and tangible interest in the record. When such additions or minor amendments are made by the Department, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change, will be made on the reverse side of the record in such a way as not to become a part of the record. The record will not be marked amended.

Amendment of obvious errors to an electronically generated certificate will be accomplished electronically by completing the item in any case where the item was left blank on the certificate or by replacing the initial information with the corrected information. With all amendments of obvious errors, the electronic registration system will maintain an internal record of the actual information completed or replaced and the name of the individual who made the amendment. The face of the certificate will not note the item number and item corrected. The record will not be marked amended.

4-004 EVIDENCE REQUIRED: All other amendments to a marriage or dissolution of marriage record made during the first year unless otherwise provided in these regulations must be supported by (a) an affidavit setting forth information to identify the record, the incorrect data as it is placed on the record, and the correct data as it should appear; and (b) one item of documentary evidence supporting the amendment. Records amended by this procedure will be marked amended.

4-005 APPLICATION FOR AMENDMENT MADE AFTER A YEAR: Application for an amendment to a marriage or dissolution of marriage record made one year or more after the event, unless otherwise provided in these regulations, must be supported by (a) an affidavit setting forth information to identify the record, the incorrect data as it is listed on the record, and the correct data as it should appear; and (b) two or more items of documentary evidence which support the alleged facts and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

4-006 EVALUATION OF EVIDENCE: The Department will evaluate all evidence submitted for an amendment to a marriage or dissolution of marriage record and when it finds reason to question its validity or adequacy, it may reject the amendment and will advise the applicant of the reasons for this action.

4-007 REQUIREMENTS FOR ADDITIONAL AMENDMENT: When an entry on a marriage or dissolution of marriage record has been amended, that entry will not be amended again unless it can be shown that the first amendment was made through mistake.

4-008 METHOD OF AMENDMENT: Marriage or dissolution of marriage records will be amended as provided in Chapter 10 of this Title, governing the method of amending certificates and reports.

4-009 FEES: The fees charged by the Department for the making of amendments to marriage or dissolution of marriage records will be identical to those charged for the making of amendments to birth or death records.