

10A NCAC 41H .0402 DOCUMENTARY EVIDENCE: FACTS TO BE ESTABLISHED

(a) The minimum facts which must be established by documentary evidence shall be:

- (1) the full name of the person at the time of birth;
- (2) the date and place of birth;
- (3) the full maiden name of the mother; and
- (4) the full name of the father, except for births as specified in G.S. 130A-101(f).

Documents presented, other than personal affidavits, to establish these facts must be from independent sources and shall be in the form of an original official record (record created by or for a business or publically-funded agency or organization during the normal course of business) or a duly certified copy thereof or a signed statement from the custodian. These documents must have been established at least five years prior to the date of application. However, documents established less than five years prior to date of application shall be accepted if created prior to the applicant's fifth birthday.

(b) An affidavit of personal knowledge, to be acceptable, must be signed by one of the parents, or a person older than the registrant having knowledge of the facts of birth before an official authorized to administer oaths.

(c) For applicants, three pieces of evidence are required, only one of which may be an affidavit. All three must prove name and date of birth, two must prove place of birth, and one must prove parentage.

(d) All evidence shall be abstracted or included with the application and must be signed by the appropriate official. The application and affidavits of personal knowledge shall be retained by the register of deeds for one year. Other supporting documents may be returned to the applicant upon completion of the certificate.

*History Note: Authority G.S. 130A-92(7);
Eff. February 1, 1976;
Readopted Eff. November 15, 1977;
Amended Eff. September 1, 1992; September 1, 1990; June 16, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018.*