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February 12, 2019

By: Daniels

An Act relating to death certificates; establishing procedures for obtaining judicial record of death; authorizing filing of verified petition under certain circumstances; establishing venue for certain verified petition; stating information required for certain verified petition; requiring notice and publication of certain verified petition; authorizing court to enter certain order; requiring filing of order with State Department of Health; stating effect of issuance of certified copy of order; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-315.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If a death certificate is required to settle a property or financial interest for a person who has allegedly died in this state twenty-five (25) years ago or longer, and the following determinations have been made:

1. The State Registrar of Vital Statistics for this state has confirmed that a death certificate is not on file with the State Department of Health;

1 2. The State Registrar of Vital Statistics has determined that
2 all due diligence has been performed and the requirements of Section
3 1-317 of Title 63 of the Oklahoma Statutes requiring a death
4 certificate to be filed cannot be met; and

5 3. The State Registrar of Vital Statistics has determined that
6 all due diligence has been performed and the requirements of Section
7 1-314 of Title 63 of the Oklahoma Statutes for the filing of a
8 delayed death certificate cannot be met; then a verified petition
9 may be filed with the district court of the county where the death
10 allegedly occurred for an order establishing a judicial record of
11 death.

12 B. The verified petition shall contain the following:

- 13 1. The full legal name of the person who is allegedly deceased;
- 14 2. The date and place of birth of the decedent;
- 15 3. The age of the decedent;
- 16 4. The date and place of the death of the decedent;
- 17 5. The property or financial interest to be resolved;
- 18 6. The determinations of the State Registrar of Vital
19 Statistics as required in paragraphs 2 and 3 of subsection A of this
20 section; and
- 21 7. Other facts deemed pertinent, which include, but are not
22 limited to, the parents or spouse of the decedent.

23 C. Upon the filing of the verified petition, the office of the
24 court clerk for the county where the petition is filed shall give

1 the petition a number in the probate files of the county. Notice of
2 the verified petition shall be made upon the State Department of
3 Health and published once in a newspaper of general circulation in
4 the county where the petition is filed.

5 D. Based on the verified petition, all the evidence the
6 applicant has in his or her possession such as personal testimony,
7 affidavits or records and determinations of the State Registrar of
8 Vital Statistics as required in paragraphs 2 and 3 of subsection A
9 of this section, the court may enter an order:

10 1. Establishing the full legal name of the individual who is
11 deceased;

12 2. The date and place of the birth of the decedent;

13 3. The age of the decedent;

14 4. The date and place where the death occurred;

15 5. The property or financial interest that is resolved; and

16 6. Other facts deemed pertinent by the court and as set forth
17 in the verified petition.

18 Said order shall be final and conclusive of all the facts
19 therein adjudged.

20 E. A certified copy of the order shall be filed with the State
21 Department of Health, and a certified copy thereof shall be issued
22 by the State Department of Health in the same manner as certificates
23 of death.

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1 F. Issuance of a certified copy of the order filed with the
2 State Department of Health pursuant to this section shall satisfy
3 any and all requirements set forth in any statute requiring a death
4 certificate or order of any court requiring the issuance of a death
5 certificate.

6 SECTION 2. This act shall become effective November 1, 2019.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 February 12, 2019 - DO PASS
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