**44:09:03:02.  Delayed registration of death.** A death record registered pursuant to SDCL 34-25-42 shall be on a delayed death record form prescribed by the Department of Health. The form shall be completed and filed as follows:

(1)  If the attending physician or coroner and the attending funeral director or person who acted as such are available to complete and sign the certificate of death, it may be completed without additional evidence and filed with the Department of Health; or

(2)  In the absence of the attending physician or coroner and the funeral director or person who acted as such, the certificate may be filed by another person having knowledge of the facts and shall be accompanied by two documents that establish the identity of the deceased person. Any such document shall include, as a minimum, the date of death, name, age, and place of death.

In any case, the Department of Health may require additional documentary evidence to prove the facts of death. The Department of Health shall retain a summary statement of the evidence submitted in support of the delayed registration.

**Source:** SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 26 SDR 89, effective January 9, 2000; 31 SDR 213, effective July 4, 2005.

**General Authority:** SDCL 34-25-42.

**Law Implemented:** SDCL 34-25-42.