**44:09:05:03.  Documentary evidence required for amending records.** Amendments more than one year after the date of the event except as noted in § 44:09:05:06 shall be supported by one or more items of documentary evidence that supports the alleged facts.

Any document presented as evidence for amending a vital record, such as census, hospital, church, and school records, must be in the form of the original record, a certified copy, an authenticated copy, or a signed statement from the custodian of the record or document. An affidavit of personal knowledge may not be used to amend a vital record.

Any document submitted in evidence for persons seven years of age and older must be dated at least seven years before the date of application or within three years after the date of birth. For persons under seven years of age, a document must be dated at least one year before the date of application or within the first year of life.

If reason is found to question the validity or adequacy of the documentary evidence, the request for amendment shall be rejected and the applicant shall be advised of the right to an administrative hearing and judicial review.

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

**General Authority:** SDCL 34-25-51.

**Law Implemented:** SDCL 34-25-51.

**Cross-Reference:** Procedure for administrative hearings and judicial review, SDCL 1-26-16 to 1-26-37.