

WHO CAN OBTAIN VITAL RECORDS

Access to West Virginia's vital records, both those held by the Vital Registration Office and those held by county clerks offices, is restricted by West Virginia Code and accompanying Rules. Both Code and Rules designate those who have a tangible interest and, thus, right to the copies of the records and makes allowances for others who can demonstrate the need for a record to prove a personal or property right. Restricted access applies to only those records of births for births less than 100 years old and marriage and death records less than 50 years old. That is, birth records, other than information that would be deemed medical or is in some manner prohibited for release, older than 100 years are "open access" records. Death and marriage records older than 50 years are "open access" records.

Who May Obtain Birth Records Less Than 100 Years Old?

1. The registrant (the person named on the birth certificate)
2. A member of the registrant's immediate family
3. The registrant's legal guardian
4. An authorized representative of the registrant or another who is authorized to obtain a certified copy.

Who May Obtain Death Records Less Than 50 Years Old?

In the case of a death record, any surviving relative who has a direct or tangible interest in the record, or his or her authorized representative. This would normally extend to the immediate family. The informant (the person who provided personal information for the completion of the death certificate) and any party that contributed personal or medical information under signature for the completion of the death certificate would be considered to have a direct and tangible interest.

Who May Obtain Marriage Records Less Than 50 Years Old?

In the case of marriage, the parties married, their adult children, adult grandchildren and additional generations or their authorized representatives.

Who Else May Have Access To Restricted Vital Records Who Are Not Specifically Stipulated?

ANY person or entity who can PROVE that they have a direct and tangible interest in the content of the record AND that the information contained in the record is necessary for the determination of a personal or property right.

Who Is Included In The Term "Immediate Family"?

The term "immediate family" includes: a mother or father; a son or daughter; the brother or sister; a husband or wife; a mother in law or father in law; a son in law or daughter in law; grandparents, great grandparents, and additional generations of same; grandchildren, great grandchildren, and additional generations of same; a stepmother or stepfather; and a stepchild.

Who Is Included In The Term "Authorized Representative"?

The term "authorized representative" includes an attorney, physician, funeral director, or other designated agent acting on behalf of the registrant or his or her immediate family or his or her guardian.

Adoptions

By law (WV Code §48 4A 1 et seq.), all proceedings and documents relating to an adoption that took place in West Virginia or for a birth that occurred in West Virginia are "closed" or "sealed" by the court that ordered the adoption. Records relating to the adoption or the pre-adoption birth records may only be "opened" or "unsealed" at the order of a court of competent jurisdiction in the county in which the adoption occurred.