

**PETITIONERS INSTRUCTIONS FOR FILING A
COURT ORDER TO AMEND CAUSE OF DEATH (DPH 5054)**

November 2007

1. When do I need a court order to change information on a death certificate?

You need to obtain a court order to correct information on a death certificate in any of the following situations:

- a. The death occurred over 1 year (365 days) ago
- b. A correction has already been made to that same item on the certificate. For legal purposes, the entire cause of death section (item 46 parts 1 and 2) constitutes one item. Therefore if one part of the cause of death is corrected, another part cannot be corrected without a court order. Changing the manner of death from "pending" to a specific manner of death does not count as a first correction.
- c. The petitioner refutes the official determination of cause and/or manner of death [see item 2.d.4 below].

2. How do I get a court-ordered amendment for the medical certification portion of a death certificate?

- a. Call the State Vital Records Office at (608) 267-7812 and ask for a Court Order to Amend the Cause of Death Section of a Wisconsin Death Certificate (DPH 5054).
- b. Make arrangements to petition the Clerk of Court in the county where the death was pronounced.
- c. Make sure you have a certified copy of the death certificate showing how it now reads (with the incorrect information). You must present this document to the court in order to process your case.
- d. Assemble the proof for the correction to be made.

Examples of proof:

- 1) A certified copy of a vital record verifying the correct name of the decedent or his or her parents or spouse.
- 2) Notarized affidavit from the funeral director explaining the error made.
- 3) Notarized statement from a health care facility staff person or the county coroner/medical examiner verifying the correct date of death.
- 4) If the cause of death (either the current cause listed or the change being sought) involves a coroner/medical examiner case as defined in s. 979.01, the court will need a statement from the coroner or medical examiner of the county with jurisdiction to investigate the case.

3. Complete the front and the pertinent sections of the back of the DPH 5054 form.

4. Take the following items to court:

- a. The petition for the court
- b. Certified copy of the death certificate
- c. Proof (whatever you have that proves that the correction should be made)
- d. DPH 5054 form (with the pertinent portions completed)

5. If the judge is satisfied with the evidence, he or she will sign the form and have the court seal put on it.

6. Send the following to the State Vital Records Office (address at the bottom of this sheet):

- a. **The form (DPH 5054) signed and sealed by the court (it must contain the original signature of the judge, a court case number and the court seal).**
- b. **\$10.00 amendment filing fee.**
- c. If you want certified copies from the State Vital Records Office, **you must also send the fees for those copies** (\$20.00 for the first copy, \$3.00 for each additional copy).
- d. Do not send the certified copy of the record or the evidence used to change the record.

7. After our office processes the amendment, we will send a copy of the amended death certificate to the Register of Deeds in the county in which the death was pronounced. If you choose, you may wait and obtain your copies from that office. However, if you do not order the copies from the State Vital Records Office, our office will not notify you when the amendment has been completed.

8. IMPORTANT. The amendment will not be processed if:

- The DPH 5054 form contains white-outs, cross-outs or write-overs
- The DPH 5054 form is not signed by the judge or **does not have a court case number** or the court seal
- The \$10.00 fee is not included.

**SEND TO: PEGGY PETERSON
STATE VITAL RECORDS OFFICE
P O BOX 309
MADISON WI 53701-0309**