

Live Birth vs. Fetal Death

Did baby show a sign of life?

Determining if a LIVE BIRTH occurred

Code of Iowa, Chapter 144

144.1.9 Definitions:

'Live birth' means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. In determining a live birth, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

When determining if a live birth occurred, the following evidence has been charted:

- ✓ beating of the heart (*as distinguished from transient cardiac contractions*)
- ✓ pulsation of the umbilical cord
- ✓ definite movement of voluntary muscles

When determining if a live birth occurred, the following criteria are NOT applicable:

- ✓ estimate of clinical gestation (i.e., duration of pregnancy)
- ✓ whether or not the umbilical cord has been cut
- ✓ whether or not the placenta is attached
- ✓ weight of the baby
- ✓ length of time the baby showed signs of life
- ✓ amount of Apgar score
- ✓ fleeting respiratory efforts or gasps

Determining if a FETAL DEATH occurred

Code of Iowa, Chapter 144

144.1.5 Definitions:

'**Fetal death**¹' means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. In determining a fetal death, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

When determining if a fetal death occurred, the following evidence has NOT been charted:

- ✓ beating of the heart (*as distinguished from transient cardiac contractions*)
- ✓ pulsation of the umbilical cord
- ✓ definite movement of voluntary muscles

The following criteria are NOT applicable:

- ✓ estimate of clinical gestation (i.e., duration of pregnancy)
- ✓ whether or not the umbilical cord has been cut
- ✓ whether or not the placenta is attached
- ✓ weight of the baby
- ✓ length of time the baby showed signs of life
- ✓ amount of Apgar score
- ✓ fleeting respiratory efforts or gasps

¹ **Fetal death and stillbirth are one and the same.**

Who files a LIVE BIRTH certificate?

Code of Iowa, Chapter 144

144.13 Birth certificates

1. Certificates of births shall be filed as follows:

- a. A certificate of birth for each live birth which occurs in this state shall be filed as directed by the state registrar, within seven days after the birth and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter.
- b. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, and file the certificate as directed by the state registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth either by signature or as otherwise authorized by rule and provide the medical information required by the certificate within seven days after the birth.
 - *Delivering hospitals register all live births occurring at their facility online through the Iowa Vital Events System (IVES). Certifying signatures are obtained within the child's medical records, eliminating the need for extra time to have the certifier sign the birth worksheet.*
- c. When a birth occurs outside an institution and not en route to an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority.
 - 1) The physician in attendance at or immediately after the birth.
 - 2) Any other person in attendance at or immediately after the birth.
 - 3) The father or the mother.
 - 4) The person in charge of the premises where the birth occurred.

The state registrar shall establish by rule, the evidence required to establish the facts of birth.

- *Hospitals may not file certificates for births which did not occur at their facility. For infants transferred to the hospital immediately after birth, however, hospitals may complete a birth worksheet and mail it, along with appropriate documentation, to the state vital records office for direct entry. For home births not transferring to a hospital, parents or their midwife must contact the state vital records to apply for a home birth worksheet packet.*
- *Always contact state birth registration staff at (515) 725-2522 with questions concerning proper procedure for non-delivering hospital or home births.*

When is a FETAL DEATH certificate filed?

Code of Iowa, Chapter 144

144.29 Fetal Deaths

A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or greater, or for a fetus with a weight of three hundred fifty grams or more shall be filed as directed by the state registrar within three days after delivery and prior to final disposition of the fetus. The certificate shall be registered if it has been completed and filed in accordance with this chapter.

The county in which a dead fetus is found is the county of death. The certificate shall be filed within three days after the fetus is found. If a fetal death occurs in a moving conveyance, the county in which the fetus is first removed from the conveyance is the county of death.

Who files a FETAL DEATH certificate?

Code of Iowa, Chapter 144

144.30 Funeral Director's Duty

The funeral director who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. The person filing the certificate shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the person responsible for issuing and signing the certification. When a person other than a funeral director assumes custody of a fetus, the person shall be responsible for carrying out the provisions of this section.

Who completes the FETAL DEATH medical certification?

Code of Iowa, Chapter 144

144.31 Medical Certificate

The medical certification shall be completed within seventy-two hours after delivery by the physician in attendance at or after delivery except when inquiry is required by the county medical examiner.

When a fetal death occurs without medical attendance upon the mother at or after delivery or when inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification within seventy-two hours after taking charge of the case. The person completing the medical certification of cause of fetal death shall attest to its accuracy either by signature or as authorized by rule.

FOR FILING A ‘CERTIFICATE OF FETAL DEATH’

Does **NOT** include an induced termination of a pregnancy in progress. In this instance, the physician is responsible for filing a confidential Termination of Pregnancy report. Refer the physician’s office to the vital records office if they are unaware of the requirements (ph. 515-281-5153).

DOES include an induction of labor for which a fetal death has already occurred prior to labor.

Who obtains the burial-transit permit for a FETAL DEATH when the fetus is removed from the place of death?

Code of Iowa, Chapter 144

144.32 Burial-transit Permit

If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead body or fetus, the person shall secure a burial-transit permit. To be valid, the burial-transit permit must be issued by the county medical examiner, a funeral director, or the state registrar. The permit shall be obtained prior to the removal of the body or fetus from the place of death and the permit shall accompany the body or fetus to the place of final disposition.

To transfer a dead body or fetus outside of this state, the funeral director who first assumes custody of the dead body or fetus shall obtain a burial-transit permit prior to the transfer. The permit shall accompany the dead body or fetus to the place of final disposition.

A dead body or fetus brought into this state for final disposition shall be accompanied by a burial-transit permit under the law of the state in which the death occurred.

A burial-transit permit shall not be issued to a person other than a funeral director when the cause of death is or is suspected to be a communicable disease as identified by rule of the department.

What else is available to parents IN ADDITION TO the Certificate of Fetal Death?

144.31A Certificate of birth resulting in stillbirth

1. As used in this section:
 - a. “*Certificate of birth resulting in stillbirth*” means a document issued based upon a properly filed fetal death certificate to record the birth of a stillborn fetus.
 - b. “*Stillbirth*” means stillbirth as defined in section 136A.2.
2. After each fetal death that occurs in the state which is also a stillbirth, the person required to file the fetal death certificate pursuant to section 144.30 shall advise any parent named on the fetal death certificate that the parent may request the preparation of a certificate of birth resulting in stillbirth following registration of a fetal death certificate.
3. The department may prescribe by rules adopted pursuant to chapter 17A the form and content of a request and the process for requesting a certificate of birth resulting in stillbirth.
4. The department shall prescribe by rules adopted pursuant to chapter 17A the form and content of and the fee for the preparation of a certificate of birth resulting in stillbirth.
 - a. At a minimum, the rules shall require that the certificate of birth resulting in stillbirth contain all of the following:
 - (1) The date of the stillbirth.
 - (2) The county in which the stillbirth occurred.
 - (3) A first name, middle name, last name, no name, or combination of these as requested by the parent.
 - (4) The state file number of the corresponding fetal death certificate.
 - (5) The statement: “This certificate is not proof of live birth.”
 - b. The fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with section 144.46.
5. Only a parent named on the fetal death certificate may request a certificate of birth resulting in stillbirth. A certificate of stillbirth resulting in stillbirth may be requested and issued at any time regardless of the date on which the fetal death certificate was issued.
6. A certificate of birth resulting in stillbirth is not required to be filed or registered.
7. A certificate of birth resulting in stillbirth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a stillbirth.