

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH

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Commissioner



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**MEMORANDUM**

**To:** Connecticut Local Vital Records Registrars  
**From:** Jane Purtill, State Registrar of Vital Records  
**Date:** September 4, 2013  
**Re:** Land Records and Death Records

For many years, the issue has been raised about whether death certificates may be attached to, and filed along with land records. The issue has been unresolved for many years, leading to different practices throughout the 169 town clerk offices. Based upon its interpretation of the statutes, the Department holds the position that the death records should not be attached to land records, and to allow the practice runs contrary to the statute governing access to death records.

Connecticut General Statute section 7-51a(a), which governs access to death records, states, in pertinent part:

*"Any person eighteen years of age or older may purchase certified copies of marriage and death records, and certified copies of records of births or fetal deaths which are at least one hundred years old, in the custody of any registrar of vital statistics. The department may issue uncertified copies of death certificates for deaths occurring less than one hundred years ago, and uncertified copies of birth, marriage, death and fetal death certificates for births, marriages, deaths and fetal deaths that occurred at least one hundred years ago, to researchers approved by the department pursuant to section 19a-25, and to state and federal agencies approved by the Department. During all normal business hours, members of genealogical societies incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state shall (1) have full access to all vital records in the custody of any registrar of vital statistics, including certificates, ledgers, record books, card files, indexes and database printouts . . ."*

The statute makes clear that access to vital records is limited and conditional. With regard to death records, the following access is permissible:

1. Any person eighteen years of age or older may purchase a certified copy of a death certificate.
2. Researchers approved by the department may obtain an uncertified copy of a death certificate issued from the department.
3. Genealogists are allowed full access to death records.

The statute only allows members of the general public to obtain certified copies of death records. It does not grant the public full and direct access to vital records. Those privileges are reserved for genealogists. The statute also does not allow anyone, except researchers approved by the department, to receive uncertified copies of death certificates.



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Thus, the practice of attaching copies of death records to land records cannot be reconciled with the limitations prescribed in C.G.S. § 7-51a. Death records must be stored in secured locations, accessible only to vital records staff and genealogists, whereas land records are kept in open vaults, allowing any member of the public direct access to these records. By attaching a death record to the land record, and storing these records in the openly accessible land record vault, then open access to the death record also becomes available. Further, requests for copies of land records – which may be issued certified -- may result in the attached death record being issued with a raised seal. A death certificate containing the town seal will likely be construed as a certified copy of the death record even though the record does not meet the requirements of certification.

A misinterpretation of two statutes may be leading to some of the confusion surrounding this issue. One of the statutes is Connecticut General Statute § 45a-322 that requires the fiduciary of the estate of any deceased person who owned property in this state, to file a certificate with the town clerk of the town in which the property is located.

*The fiduciary of the estate of any deceased person who at the time of his death was the owner of any real property situated in this state or any interest in or mortgage or lien upon real property so situated shall, within two months after becoming qualified to act, lodge, with the town clerk of each town in which such real property is situated, his certificate in writing, stating the fact and date of the death of the decedent, the place where he last dwelt and whether the decedent left a will. Such certificate shall be recorded in the land records of such town.*

The certificate that is referenced in the statute is NOT the death certificate, as evidenced by the language about whether the decedent left a will. This information is not included on a death certificate, so recording a death certificate on the land record does not meet the requirements of § 45a-322.

The other statute that has sometimes been misapplied is Connecticut General Statute § 7-24(b). Town clerks have often questioned their ability to deny requests to attach death records to land records based upon what we believe is a misunderstanding of this statute – that they must comply with all requests to record all instruments. However, neither the Department, nor the Office of Public Records Administration, interprets the law so broadly. Connecticut General Statute § 7-24(b), regarding the recording of instruments, states:

*There shall be kept in each town proper books, or in lieu thereof a recording system approved by the Public Records Administrator, in which all instruments required by law to be recorded shall be recorded at length by the town clerk within thirty days from the time they are left for record.*

The statute makes clear that only “instruments required by law to be recorded” must be recorded. No town clerk is obliged to record any and all instruments, but rather only those instruments required by law. The attachment of death records to land records is not required by law, so there is no mandate that such recording must be done. On the contrary, as we have explained above, the filing of the death record with the land record undermines the law restricting direct access to death records. You should deny any such request, as you would if someone were to ask you to file birth records in the open land record vault.

In order to accommodate persons who request that a death certificate be attached to a land record, we suggest that you offer to attach an affidavit to the land record, affirming the facts of the death. The affidavit shall be prepared by the requester and state the name of the decedent and the date and place of death. If the affidavit is being used to satisfy the requirements of Connecticut General Statute § 45a-322, it should also include a statement about whether the decedent had a will at the time of death.

This memo has been reviewed by DPH legal staff as well as the Office of the Attorney General.