

<b>Charleston County Coroner's Office Policy #21</b>
<b>Title:</b> Fetal Death/Fetal Demise/Stillbirth Deaths
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### 21.1 POLICY

A fetus is defined as an unborn human. Fetal demise is defined as the intrauterine death of a fetus at any time during pregnancy. In cases of fetal demise, i.e., where the fetus is not born alive and consequently does not take a first breath, there is no live birth, no birth certificate, therefore; there is no death of a person and no death certificate.

### 21.2 DEFINITION OF FETAL DEATH

According to the S.C. Department of Health and Control (DHEC), Code of Regulations Chapter 1, Section 12, Part 1, Section 101 H, a fetal death is defined as: Death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as the beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

### 21.3 LAW REGARDING DEATH REPORTING

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SECTION 17-5-530. Duty to notify coroner's or medical examiner's office of certain deaths and stillbirths; inquiry; findings; notification of next-of-kin; consent for certain actions.

(A) If a person dies:

- (1) as a result of violence;
- (2) as a result of an apparent suicide;
- (3) when in apparent good health;
- (4) when unattended by a physician;
- (5) in any suspicious or unusual manner;
- (6) while an inmate of a penal or correctional institution;
- (7) as a result of stillbirth when unattended by a physician; or**

(8) in a health care facility, as defined in Section 44-7-130(10) other than nursing homes, within twenty-four hours of entering a health care facility or within twenty-four hours after having undergone an invasive surgical procedure at the health care facility;

### 21.4 DETERMINING JURISDICTION

When the Coroner's Office is contacted regarding a fetal death or stillbirth the investigator shall:

1. Determine if the stillbirth was attended by a physician or unattended by a physician and the gestation and/or weight.
  - a. Stillbirths according to DHEC are those fetal deaths where the fetus has completed or passed the twentieth week of gestation or weighs 350 grams or more. (See Section 44-63-55 of the SC Code of Laws).
2. If the stillbirth was **Attended** by a physician the investigator shall then inquire the following:
  - a. Was stillbirth caused by trauma to the mother. i.e. assault, MVA, fall, etc.

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- b. Did the mother receive a drug screen? If yes: Were illegal substances found? If so, what were they. If no drug testing is completed, inquire as to why the mother was not tested.
  - c. If there is no trauma and no illegal substances, then the Coroner's Office has no authority to pursue further investigation.
  - d. If trauma and/or illegal substances are noted, then the investigator shall gather additional information in order to determine the Coroner's Office authority and shall contact the Chief Deputy or Coroner for further case discussion.
- 3. If the stillbirth was **Unattended** by a physician, then the Coroner's Office has jurisdiction and shall further investigate the stillbirth. Investigators shall contact the Chief Deputy or Coroner for all cases with any stillbirth unattended by a physician.
  - a. A "Certificate of Birth Resulting in Stillbirth" shall be completed by the Investigator if the fetus is determined to meet DHEC requirements, was unattended by a physician and delivered outside a hospital setting, and not transported to a hospital by EMS or family to a local hospital.

### 21.5 CREMATION REQUESTS

When a cremation permit request for a fetus is received from a funeral home/cremation service, this office will respond in the form of a letter. No cremation permit shall be issued. See "Cremation Permits and Procedures" policy.

Applicable laws:

SECTION 44-63-55. Certificate of birth resulting in stillbirth.

(A) The state registrar shall develop a form entitled " Certificate of Birth Resulting in Stillbirth" for distribution to all South Carolina delivering hospitals. The hospital shall provide and offer to complete this form, prior to discharge, for mothers whose delivery resulted in a fetal death of twenty completed weeks of gestation or more or a weight of three hundred fifty grams or more. The "Certificate of Birth Resulting in Stillbirth" must be filed with the county registrar within five days following the delivery. The "Certificate

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of Birth Resulting in Stillbirth" does not constitute proof of a live birth and does not replace the requirement to file a Report of Fetal Death as required in Regulation 61-19, Section 21.

(B) The person preparing the "Certificate of Birth Resulting in Stillbirth" pursuant to this section shall leave blank any reference to the stillborn's name if the parent or parents do not provide this information.

A fetal death is required to be reported if the fetus has completed or passed the twentieth week of gestation or weighs 350 grams or more. (Weight criteria effective in 1978). Vital Statistics Laws and Regulations 61-19: Vital Statistics, Section 21(a). Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.