

CHEERD BULLETIN

How to Obtain a Free Birth Certificate for Individuals Experiencing Homelessness

Under AB 1733, commencing July 1, 2015, Californians experiencing homelessness, as defined under the McKinney-Vento Homeless Assistant Act, are eligible to get free birth certificates.

- To be eligible, the person must meet the federal definition of homelessness. Click on the following link to view [the federal definition of homelessness](#) criteria, a copy of which is also attached as *Attachment 1*.
- An Affidavit must be completed by both the individual requesting the Birth Certificate and the Homeless Service Provider. Click on the following link to find the [affidavit forms and instructions](#), a copy of which is attached as *Attachment 2*.
- Submit the completed Affidavit to the County Recorder/Registrar where the individual was born. If possible, it is best for the person requesting the Birth Certificate on their own behalf or on behalf of his/her child to submit it in person to avoid the fee for a notarized statement. If submitted in person, a county official may take a statement sworn under penalty of perjury.
- If the County Recorder/Registrar is not local, you may mail the completed Affidavit but the request must be accompanied by a notarized statement sworn under penalty of perjury that requester is an authorized person.
- The following link will take you to all of the County Recorders/Registrars within the State of California. It is recommended that you view the county website where the information will be submitted to get contact information and hours of operation:

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CountyRecorderOffice.aspx>

Note that **AB 1733** is not applicable to individuals born out of the State
or outside of the United States.

- Depending on the county, it may take some time to get a copy so please plan ahead in submitting the request.
- For additional information, please see Frequently Asked Questions [excerpts from Housing California], attached as *Attachment 3*.

Also, starting January 1, 2016, individuals experiencing homelessness as a second part of AB 1733 will be able to get **Free State IDs at DMV**. Stay tuned for additional information to follow...

Should you have any questions, you can contact us at cheerd@dmh.lacounty.gov

ATTACHMENT 1

42 United States Code Section 11302 – General definition of homeless individual

(a) In general

For purposes of this chapter, the terms “homeless”, “homeless individual”, and “homeless person” means —

- (1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;
- (2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- (4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
- (5) an individual or family who —
 - (A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by —
 - (i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - (ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
 - (iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
 - (B) has no subsequent residence identified; and
 - (C) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who —
 - (A) have experienced a long term period without living independently in permanent housing,
 - (B) have experienced persistent instability as measured by frequent moves over such period, and
 - (C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

42 United States Code Section 11434a – Definitions

For purposes of this part:

- (1) The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.
- (2) the term “homeless children and youths”—
 - (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
 - (B) includes—
 - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) of this title);
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).
- (3) The terms “local educational agency” and “State educational agency” have the meanings given such terms in section 7801 of title 20.
- (4) The term “Secretary” means the Secretary of Education.
- (5) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
- (6) The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.

ATTACHMENT 2

State of California – Health and Human Services Agency

California Department of Public Health

AFFIDAVIT OF HOMELESS STATUS FOR FEE EXEMPT CERTIFIED COPY OF BIRTH CERTIFICATE

INFORMATION

- A fee exempt copy of a birth record may be obtained from the local registrar or county recorder office in the county where the registrant was born. A fee exempt copy cannot be obtained from the State Registrar.
- Each eligible person may only receive one fee exempt birth record, per application.
- Requests for fee exempt copies are still subject to other requirements outlined in the application for obtaining copies of birth records.
- Applications for a certified copy of a birth record may be obtained by contacting the vital records office in the county where the birth occurred.

Requirements for eligibility to receive a fee exempt copy of a birth certificate:

- Requests may be made by a homeless person, child or youth who can verify status as homeless.
- Requests may be made by a homeless person, child, or youth on behalf of themselves or by any person lawfully entitled to request a certified record of live birth on behalf of a homeless person, child, or youth.
- A “homeless person” and a “homeless child or youth” have the same meaning as defined in 42 United States Code Section (U.S.C.) 11301 et seq.
- A “homeless services provider,” as defined by statute, who has knowledge of a person’s status as homeless, must provide verification through completion of the affidavit.
- The affidavit will not be considered complete unless signed by both the homeless services provider and the person making the request for the birth record.

A “homeless services provider” includes:

- 1) A governmental or nonprofit agency receiving federal, state, or county or municipal funding to provide services to a “homeless person” or “homeless child or youth,” or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
- 2) An attorney licensed to practice law in this state.
- 3) A local educational agency liaison for homeless children and youth designated as such pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, or a school social worker.
- 4) A human services provider or public social services provider funded by the State of California to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, or public assistance or employment services.
- 5) A law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff’s department within the state.

**AFFIDAVIT OF HOMELESS STATUS FOR FEE EXEMPT
CERTIFIED COPY OF BIRTH CERTIFICATE**

PLEASE READ THE INFORMATION SECTION BEFORE COMPLETING THIS AFFIDAVIT
Pursuant to **Health and Safety Code Section 103577**, each local registrar or county recorder shall, without a fee, issue a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth. This affidavit must be used for the purpose of requesting a fee exempt certified copy of a Certificate of Live Birth.

SECTION I.

To be completed by the person making the request for the certified birth record (hereafter: "requestor")

I, _____ swear or affirm, to the best of my knowledge and belief,
Printed Name of Requestor

that on the date listed below in this section, I am:

_____ a homeless person, or homeless child or youth;

OR,

_____ a person lawfully entitled to request a certified record of live birth on behalf of the
_____ following homeless child or youth

_____ Printed Name of Homeless Child or Youth

who is homeless, as defined by 42 U.S.C. Section 11301 et. seq.

Signature of Requestor _____ **Date** _____

SECTION II.

To be completed by a "homeless services provider" (See authorized list on reverse side)

Entity Name of Homeless Services Provider Furnishing Verification of Homelessness:

Address _____

Phone Number _____ E-Mail _____

I, _____ swear or affirm, to the best of my knowledge and belief
Printed Name of Agent for Provider

that on the date listed below in this section, _____
Printed Name of Homeless Person or Homeless Child or Youth

is a homeless person or homeless child or youth, as defined by 42 U.S.C. Section 11301 et seq., and that I meet the requirements of a "homeless services provider" as defined within California Health and Safety Code Section 103577.

Signature of Agent for Provider _____ **Date** _____

ATTACHMENT 3

FREQUENTLY ASKED QUESTIONS

Who is eligible to request a fee exempt birth certificate pursuant to AB 1733?

A homeless person or a homeless child or youth on behalf of themselves can make a request for a birth certificate, or any person lawfully entitled to request a birth certificate on behalf of a child, if the child has been verified as a homeless person or a homeless child or youth.

Who is considered a homeless person or child or youth? How can the county verify an individual as homeless?

View the [definition of "homeless person" and "homeless child or youth."](#) A child or youth refers to a minor under the age of 18 years. A homeless services provider, pursuant to Health and Safety Code (HSC) Section 103577(d)(3), is responsible for making the determination on who is considered homeless. County vital records offices are not responsible for verifying a person's homeless status. See number 6.

What is a "homeless services provider?"

- 1) A governmental or nonprofit agency receiving federal, state, or county or municipal funding to provide services to a "homeless person" or "homeless child or youth," or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
- 2) An attorney licensed to practice law in this state.
- 3) A local educational agency liaison for homeless children and youth designated as such pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, or a school social worker.
- 4) A human services provider or public social services provider funded by the State of California to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, or public assistance or employment services.
- 5) A law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff's department within the state.

This information is included on the affidavit instruction page. No person or entity should verify homelessness unless they are specifically permitted to do so under AB 1733.

How does a county recorder verify if a provider is legitimate? Are the counties responsible for verifying this information?

Completed affidavits should be accepted at face value and processed the same as sworn statements, when applicants sign under penalty of perjury. In this case, the requestor and homeless service providers are swearing or affirming as to the knowledge of the facts on the affidavit.

Can someone make a request on behalf of another homeless person?

Yes, as long as the person is considered a homeless child or youth. A person (i.e., parent, guardian, legal guardian, grandparent, brother, sister, or government agency) other than the registrant may request a copy of a birth certificate on behalf of a homeless child or youth as long as they are lawfully entitled.

How may an applicant submit a request for processing?

The best method would be to submit in-person at a local county office and a county official may take a statement sworn under penalty of perjury (HSC Section 103526).

Frequently Asked Questions (Cont.)

Can an applicant order multiple certificates?

A person applying for a certified record of live birth is entitled to only **one** birth record per application for each eligible person verified as a homeless person or a homeless child or youth.

How may a homeless individual obtain notarization for the required sworn statement if he or she cannot afford the notarization fee?

The notarization is a statutory requirement, homeless services providers will need to assist applicants with this requirement. County offices will not be able to assist, unless the applicant makes an in-person request in the same county as they were born. A homeless applicant may appear in-person at a local county and a county official may take a statement sworn under penalty of perjury.

Should county offices stamp birth certificates, "For Government Use Only?"

No, typically a homeless person, or homeless child or youth applicant would need to request a certified record of live birth for use in obtaining benefits and identification. Stamping "For Government Use Only" will limit the use of the certificate and will not be beneficial to the requestor or for the purpose of this legislation.

Is the original signature required for the affidavit?

HSC Section 103526(a)(1) states: "If the State Registrar, local registrar, or county recorder receives a written, faxed, or digitized image of a request for a certified copy of a birth, death, or marriage record pursuant to Section 103525 that is accompanied by a notarized statement sworn under penalty of perjury, or a faxed copy or digitized image of a notarized statement sworn under penalty of perjury, that the requester is an authorized person, as defined in this section, that official may furnish a certified copy to the applicant pursuant to Section 103525."