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**AB-2967 Foster care: certified record of live birth.** (2017-2018)

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**Assembly Bill No. 2967**

**CHAPTER 551**

An act to add Section 103578 to the Health and Safety Code, relating to foster care.

[ Approved by Governor September 19, 2018. Filed with Secretary of State September 19, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2967, Quirk-Silva. Foster care: certified record of live birth.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the duties of the State Registrar relating to the uniform administration of provisions relating to vital records and health statistics. Existing law requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official.

This bill would require each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who demonstrates that he or she is a youth who has been placed in foster care, as defined. The bill would authorize the youth, or any person who is lawfully entitled to request that record on behalf of a youth placed in foster care, to make that request. The bill would require a county welfare agency that has relevant knowledge regarding the youth to verify that the youth has been placed in foster care for purposes of these provisions. The bill would also require the department to develop an affidavit attesting to an applicant's status as a youth placed in foster care and the completed affidavit, as described, would be deemed sufficient verification for these purposes. The bill would prohibit charging a person applying for a certified record of live birth a fee for verification of his or her eligibility. These provisions would become operative on July 1, 2019. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 103578 is added to the Health and Safety Code, to read:

**103578.** (a) Each local registrar or county recorder shall, without a fee, issue a certified record of live birth to any person who demonstrates that he or she is a youth who has been placed in foster care, as defined in subdivision (f) of Section 11400 of the Welfare and Institutions Code. A county welfare agency that has relevant knowledge regarding the youth shall verify that the

youth has been placed in foster care for purposes of this section. A certificate issued pursuant to this section shall not contain a stamp indicating that the certified record is for government use only.

(b) In accordance with all other application requirements as set forth in Section 103526, a request for a certified record of live birth made pursuant to this section shall be made by a youth who has been placed in foster care, on his or her own behalf, or by any person who is lawfully entitled to request a certified record of live birth on behalf of a youth placed in foster care. A person applying for a certified record of live birth pursuant to this section is entitled to one birth record per application for each eligible person verified as a youth who has been placed in foster care. For purposes of this subdivision, a completed affidavit as described in subdivision (c) is sufficient verification that a person is a youth placed in foster care. A person applying for a certified record of live birth pursuant to this section shall not be charged a fee for verification of his or her eligibility.

(c) The State Department of Public Health shall develop an affidavit attesting to an applicant's status as a youth placed in foster care. For purposes of this section, the affidavit shall not be deemed complete unless it is signed by both the person making a request for a certified record of live birth pursuant to subdivision (a) and a county welfare agency that has relevant knowledge regarding the youth to verify that the youth has been placed in foster care.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through an all-county letter or similar instructions from the director or State Registrar without taking regulatory action.

(e) This section shall become operative on July 1, 2019.

**SEC. 2.** To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.