

**FAQs: Affidavit for Free Certified Copy of Birth Certificates**  
**Assembly Bill (AB) 1733**

**1. When does AB 1733 take effect?**

AB 1733 will take effect on and after July 1, 2015.

**2. Does AB 1733 only apply to birth records?**

Yes, AB 1733 is only for issuance of authorized live birth certificates.

**3. Can the State Registrar issue fee exempt copies of birth certificates?**

No, AB 1733 states only the local registrar or county recorder can issue, without a fee, a certified record of live birth.

**4. 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.

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

A general definition of a homeless person or homeless child or youth is attached. 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.

**6. What is a "homeless services provider?"**

Pursuant to Health and Safety Code Section 103577, a "homeless services provider" includes:

*"(A) 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.*

*(B) An attorney licensed to practice law in this state.*

*(C) 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.*

*(D) 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.*

*(E) 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.

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

Completed affidavits should be taken 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.

**8. Can the providers charge a fee for verifying the status of a homeless person or homeless child or youth?**

AB 1733 states that providers may not charge a fee for verification of eligibility.

**9. If a homeless person was not born in the county of search can counties charge a search fee?**

Counties may assist in searching for the record before the applicant makes a request. HSC Section 103575 provides that the state or local registrar or county recorder may, without a fee, verify date and place of birth, when the applicant presents sufficient information to identify the birth record. Counties may also refer applicants to the Quality Assurance and Intelligence Reform (QAIR) Section with the State Registrar at (916) 552-8116 to verify a county of birth. The homeless applicant can then contact the appropriate county to obtain the birth record.

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

Yes, as long as the person is considered a homeless child or youth. An authorized third party (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. However, an authorized third party may not make requests on behalf of another person/adult.

**11. Can county vital records' staff order a birth certificate on behalf of an applicant?**

No, the requestor must be the homeless person or homeless child or youth, or someone lawfully entitled to request on behalf of a homeless child or youth. However, counties may assist in providing information about the process.

**12. How may an applicant submit a request for processing?**

The best way to file an application is 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).

**13. 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.

**14. 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.

**15. 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.

**16. Is there a timeframe limit for an applicant to apply for a birth certificate after receiving the verification from the provider?**

A timeframe limit is not addressed in the bill and the counties should not enforce one.

**17. 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.”

**18. What are the guidelines for out of state requests?**

The guidelines are the same as in California requests, but they must be born in California to benefit from AB 1733.

**19. May an applicant request be mailed “care of” a government agency?**

Yes, the completed request would be mailed back to the address indicated on the application.