



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

November 25, 2015

ALL COUNTY INFORMATION NOTICE NO. I-90-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS
(CalWORKs) INSTRUCTIONS ON FEE WAIVERS AND
IMPLEMENTATION OF ASSEMBLY BILL (AB) 1733.

REFERENCE: MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION [40-126.332](#); WELFARE AND INSTITUTIONS CODE SECTION [11275.10](#);
ALL COUNTY LETTER (ACL) [NO. 14-26](#); CALIFORNIA DEPARTMENT
OF PUBLIC HEALTH ACL NO.15-05 (see attachment); AND [AB 1733](#)
(CHAPTER 764, STATUTES OF 2014)

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All County Information Notice (ACIN) is to provide information to County Welfare Departments (CWDs) regarding the implementation of AB 1733 (Quirk-Silva). AB 1733 requires local registrars or county recorders to issue a birth certificate without a fee to any person who can verify his/her status as a homeless person or a homeless child or youth. The California Department of Public Health (CDPH) issued ACL 15-05, "*Fee Waiver For Homeless Person Or A Homeless Child Or Youth*," which provides instruction on the use of affidavits by homeless persons requesting a certified copy of a birth certificate. CWDs can find ACL 15-05 attached to this letter as a reference.

Pursuant to [MPP Section 40-126.332](#) and [Welfare and Institutions Code Section 11275.10](#), CWDs are required to cover fees if necessary on behalf of any applicant or recipient in order to help families obtain required information or verification to receive benefits. This is necessary if an applicant or recipient is unable to pay the fees needed to acquire the verification and shows a good-faith effort to obtain it. This issue is further addressed in [ACL No. 14-26](#), which issued a revised CW 2200. The CW 2200 informs clients that if there is a cost associated with providing verification, the CWD may be able to cover the fee for the client.

Pursuant to CDPH ACL No. 15-05 (see number 6 in the frequently asked questions), CWDs are considered a "homeless services provider." Therefore, in cases where a CWD encounters a homeless client in need of obtaining a birth certificate and the CWD does not cover the fee specifically through their own processes and procedures, the CWD must assist the client in

obtaining the birth certificate from the local registrar or county recorder as a homeless service provider by following the instruction provided in ACL 15-05. All other instances involving the CWD covering verification fees should continue to be determined on a case-by-case basis, pursuant to current regulations and statute.

If CWDs have questions regarding this ACIN, please contact the CalWORKs Eligibility Bureau at (916) 654-1322. For general questions about AB 1733, unrelated to CalWORKs, please contact the Department of Public Health at (916) 552-8116.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
CalWORKs Employment and Eligibility Branch

Attachments



KAREN L. SMITH, MD, MPH
Director and State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

May 22, 2015

15-05

TO: LOCAL REGISTRARS OF BIRTHS
CHIEF DEPUTY REGISTRARS OF BIRTHS
COUNTY RECORDERS

SUBJECT: Assembly Bill (AB) 1733 – Fee Waiver For Homeless Person Or A
Homeless Child Or Youth

This All County Letter (ACL) serves to provide information on AB 1733 (Quirk-Silva), Chapter 764, Statutes of 2014. Effective July 1, 2015, AB 1733 adds Section 103577 to the Health and Safety Code. The passage of AB 1733 states that each local registrar or county recorder is mandated to issue a birth record without fee to an eligible homeless person, or homeless child or youth. Eligible persons must present an affidavit signed by an agent for a homeless services provider to receive a fee-exempt copy. Completed affidavits should be taken at face value and processed the same as sworn statements when applicants sign under penalty of perjury. County vital records offices are not responsible for verifying if a homeless services provider is legitimate.

Attached is the affidavit with instructions, Frequently Asked Questions, updated VS 5 form, along with the statutory definition of a homeless individual and homeless child or youth, to assist counties with the fee waiver process.

If you have any questions regarding this matter, please contact the California Department of Public Health – Vital Records, Quality Assurance and Intelligence Reform Section at (916) 552-8116.

Sincerely,

Original signed by:

Tony Agurto, MPA
State Registrar
Assistant Deputy Director

Enclosures

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** _____

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?"

- 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. County offices are not responsible for making a determination on who is considered a qualified provider.

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?

No, 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) 558-8116 to verify a county of birth. The homeless applicant should 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. 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.

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 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).

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.

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) ¹ 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.