Update 2015-30: Common Place Handbook
Birth Certificates for Homeless Clients

**Background**

Pursuant to state policy, counties are required to cover fees, if necessary, on behalf of any applicant or recipient, in order to help families obtain required verifications. In Santa Clara County, Social Services Agency (SSA) Accounts Payable staff are responsible for processing requests and submitting payments to the appropriate party.

In addition, Assembly Bill (AB) 1733, adds Section 103577 to the Health and Safety Code requiring local Registrars or County Recorders to issue a certified birth certificate without a fee to any person who can verify his/her status as a homeless person or a homeless child or youth.

**Changes**

The California Department of Public Health (CDPH) issued policy on the use of fee waivers for homeless individuals to request a certified copy of a birth certificate. Since Santa Clara County SSA is considered a homeless services provider, in cases where any worker encounters a homeless client in need of obtaining a certified copy of a birth certificate, the worker must assist the client by completing the “Affidavit of Homeless Status for a Fee Exempt Certified Copy of Birth Certificate.”

[Refer to “Fee Exempt Birth Certificates,” page 21-7.]

**Federal Definition of Homeless**

For the purpose of completing the Affidavit of Homeless Status, homeless is defined by 42 United States Code Section 11302 as follows:

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence; or
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; or

3. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements; or

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; or

5. An individual or family who:

   a. Will imminently lose their housing, including housing they own, rent, or live without paying rent, are sharing with others, and rooms in hotels or motels, as evidenced by:

      (1) A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days; or

      (2) 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

      (3) 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.

---

**Affidavit**

The “Affidavit of Homeless Status For Fee Exempt Certified Copy of Birth Certificate” (SCD 2435) is provided by the State of California, Health and Human Services Agency, Department of Public Health. This form has been posted to the DEBS Form’s Library for departmental usage.

**Instructions**

The “Affidavit of Homeless Status For Fee Exempt Certified Copy of Birth Certificate” is processed the same as sworn statements when the applicant signs under penalty of perjury. The affidavit is completed as follows:
### Who

<table>
<thead>
<tr>
<th>Client</th>
<th>SSA Staff</th>
</tr>
</thead>
</table>
| • Informs any SSA staff of need to obtain a certified copy of a birth certificate. | • Identifies client as having a need to obtain a certified copy of a birth certificate.  
• Determines that client meets federal definition of homelessness.  
• Accesses the affidavit (SCD 2435) via DEBS Forms Library.  
• Assists client in completing Section I of Affidavit, as needed.  
• Completes and signs Section II of the affidavit:  
  - On the Entity Name of Homeless Services Provider Furnishing Verification of Homelessness line, enter “Santa Clara County Social Services Agency” and use the district office address.  
  - On the Signature of Agent for Provider, provide signature and date. |
| • Signs SCD 2435. | • Takes Affidavit to County Recorder’s office and completes application for birth certificate, per County Recorder’s policies and procedures. |

### FAQ

Below are Frequently Asked Questions (FAQs) and answers:

**Q1:** 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) may request a copy of a birth certificate on behalf of a homeless child or youth as long as they are lawfully entitled.

**Q2:** 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 recorders, 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.

**Q3:** 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.

**Q4:** 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.

**Q5:** 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.

---

**Implementation**

This Update is effectively immediately upon receipt.

**Supervisors**

Supervisors must review the information contained in this Update with their staff at their next unit meeting but no later than January 8, 2016.

DENISE BOLAND, DIRECTOR,
Department of Employment and Benefit Services

Contact Person: Jesus Manzanero, Application & Decision Support Specialist II, (408) 755-7540.