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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date:** April 22, 1992  
**Revised:** May 4, 2006  
**Revised:** August 20, 2010

**Number:** D-0401

## **Birth Certificate: Foster Child**

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<b>Purpose</b>	To provide guidelines for obtaining birth certificates, amending birth certificates, and registering births for children in out-of-home care.
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<b>Approved</b>	This policy was approved by Gary Taylor, CFS Director on August 20, 2010. <i>Signature on file.</i>
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<b>Background</b>	<p>A birth certificate is an important document for a child and serves as verification of date of birth, place of birth, and parentage. Birth certificates are also significant documents to Children and Family Services (CFS) staff providing services to the child. They are routinely required for a variety of purposes including school enrollment, participation in sports and other extracurricular activities, passports for out-of-county travel, social security cards, and proof of age.</p>
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State legislation effective July 1, 2003, aimed at reducing identity theft, made changes in the way copies of birth certificates are issued in California.

- A **Certified Copy** is only issued to authorized individuals and can be used to establish the identity of the person named
  - A **Certified Informational Copy** can be issued to persons that are not eligible to receive certified copies. This document will contain the same information but use is limited. It will have a legend across the face of the document stating "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY"
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## Legal Mandates

[Health & Safety Code Sections 102400–102415](#) mandate each live birth to be registered within 10 days of delivery. However, if the timeframe is not met, the same process applies if registering the birth within the child's first year.

[Health & Safety Code Sections 102575–102585](#) require specific evidence and affidavits to document the birth for children not registered within the first year.

[Health & Safety Code Sections 103450–103490](#) set out requirements of court proceedings to establish a record of birth, when the code sections above are not applicable.

[Health & Safety Code Section 103526](#), effective July 1, 2003, describes the two types of certified copies of birth certificates issued.

California Department of Social Services Eligibility and Assistance Standards Manual, [Section 42-111](#) and [Section 42-433](#), list the acceptable documents necessary to verify the child's age and citizenship for foster care eligibility.

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## POLICY

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### Obtaining Birth Certificates

CFS staff or Foster Care Eligibility will obtain a certified copy or certified informational copy of a birth certificate for children in out-of-home placement at the earliest date possible. Steps to obtain certificates within the child's first year will be taken to prevent delays in case services and funding. This may involve registering the birth and/or locating an existing, official record of birth.

A **certified copy** of a birth certificate is required when:

- A. The Juvenile Court has terminated parental rights and the child is acknowledged as free for adoptive placement by the California Department of Social Services (CDSS).
- B. Requesting Juvenile Court to modify a child's legal name or date of birth on a dependency case file.
- C. Complying with Welfare and Institutions Code (WIC) § 391 requirements for children reaching the age of majority.
- D. Applying for a passport for a child's out-of-county travel.

- E. Youth request a California ID card.
- F. Applying for a Social Security Number (SSN)

A **certified informational copy** of a birth certificate is acceptable for age and citizenship verification that is required by Eligibility and Assistance Standards for AFDC-FC funds.

**Existing Records**

When there is an existing certificate (child's birth registration previously done by the hospital or parents), CFS staff will submit requests for a certified or certified informational copy, defined above, as the program directs for either foster care or service case needs.

If there is difficulty locating the existing record, the child's parent, relative, or family friend may be interviewed regarding the date/place of birth, change of names, or any other variance in birth information. For additional help, family or friends may have knowledge of available forms of verification such as:

- Physician or midwife birth record
- Baptismal certificate
- Church record of confirmation
- School records
- Indian agency records (if applicable)
- Immigration papers
- Naturalization papers
- Adoption decree
- Passport
- Entries in family Bible or other record

The Search unit also provides a service of searching Orange County birth records when there is difficulty locating the child's record. A *Search Referral (F063-28-109)* will be completed to request this assistance.

**Registration—  
Child Under  
One Year of  
Age**

When a certificate does not exist, the birth will need to be registered. For children under one year of age, registration is done with the local **Orange County Health Care Agency (HCA), 1200 N. Main Street, Suite 100-A, Santa Ana, CA 92704, phone (714) 480-6700**. There is no fee. The registration is done by appointment only and the child, parent, and/or social worker must be present.

When births occur outside a hospital setting, parents are responsible for registration. Parents will be referred to HCA at the above phone number to request an appointment. If parents are unavailable, CFS staff will initiate the request for registration with HCA.

Staff will also initiate registration when the child is a **Safely Surrendered Baby** born outside of a hospital. Records of special circumstances will be needed by HCA that provides the child's birth weight and place of surrender. Additional items that may be requested include the minute order declaring dependency, the blue application for petition, police report, hospital baby assessment form, and the Emergency Medical Technician (EMT) report. The child will need to attend the appointment with the caregiver and social worker and the social worker may be asked to complete *Certificate of Finding of Unknown Child (VS 136)* prior to the appointment.

**Registration—  
Child Over  
One Year of  
Age**

Registration for a child over the age of one year must be requested directly from the state **Office of Vital Records (OVR), M.S. 5103, P.O. Box 997410, Sacramento, CA 95899-7410, phone (916) 445-2684**. There is a fee that will include one certified copy of the birth certificate. Forms are available through the local HCA or from the state OVR website. The specific form used will depend on the procedure that applies, as described below.

A. **Registration With Sufficient Documentation:**

Delayed Registration is available when enough documentation exists to meet the state's requirements for proof of birth. *Application for Delayed Registration of Birth (VS 85)* is completed and submitted with supporting documents. OVR requires one of the following options to meet their definition for proof of birth.

1. Two documents which confirm the birth place/date; one must include the parent's names.
- OR–
2. One document and one affidavit signed by the physician or other principal attendant at birth (on lower portion of *Application for Delayed Registration of Birth [VS 85]*).
- OR–
3. One document and two affidavits signed (on lower portion of *Application for Delayed Registration of Birth [VS 85]*) by the mother, father, or other persons having knowledge of the facts of birth. Persons signing the

affidavit must have been at least five years old at the time of the birth.

These documents need to be an original or certified copy of a record such as a:

- Photocopy of hospital birth record or other medical records
- Photocopy of school records
- Photocopy of U.S. census record
- Original Social Security Numident printout (not SSN card)
- Certified copy of birth certificate of applicant's child
- Newspaper notice of birth (needs entire page from newspaper)

To be valid for registration purposes, each of these records must not only show the date and place of birth but also the date the document was written. The date of the document must be at least five years prior to the request for children age 12 years and older, two years prior for children age 2–11 years, and within the first six months of life for children under two years of age.

All documentation submitted to the OVR for proof of birth will be kept as evidence. The processing time is estimated at three months.

**B. Registration Without Sufficient Documentation:**

When documents are not available to qualify for the above Delayed Registration, a Court order is necessary to establish the facts of birth. *Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS 108)* is needed for the court process:

1. County Counsel will initiate a petition to Probate Court to establish the facts of birth, regardless of the child's birthplace, and will file a WIC § 827 petition if disclosure of the child's dependency file is necessary for evidence.
2. Documents supporting the child's birth place/date are submitted at the hearing as well as the prepared state form *Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS 108)*. When the petition is granted, the court order is used as the qualifying documentation for a delayed registration of birth described above but it now becomes a Court Order Delayed Registration of Birth.

This processing time is estimated at three months also, per the OVR.

**Amending  
Birth  
Certificates**

Specified errors can be corrected on existing birth records through the OVR. *Affidavit to Amend a Record (VS 24)*, is completed and submitted with two signatures on the Affidavit section of the form of persons having knowledge of the facts. A copy of the current, incorrect birth record and documentation specific to the request is sent with the form. There is no fee for amendments made within one year of the date of birth but a fee needs to be included to receive a copy of the newly amended birth certificate (**Exception:** gender errors). Amendments requested for records past one year require a fee to amend the record.

A. **Spelling Errors:**

For requests to correct spelling of the child's name, one of the affidavits will be signed by hospital personnel, when the spelling is hospital error. For parents' information, documentation to correct spelling errors must be included (i.e., copy of their birth certificate, passport, driver's license.)

B. **Date/Time/Place of Birth:**

The physician, physician's assistant or nurse, or certified midwife who attended the birth must sign one of the affidavits. If unavailable, the hospital administrator may sign.

For these amendments, the original record on file remains unchanged and the amended record becomes page two of the birth certificate.

C. **Gender Errors:**

Additional requirements for these requests are specific signatures related to cause of gender error on the affidavit section of the form and a fee. One of the signatures will be the hospital administrator, if hospital error, the local registrar, if a registration error, or the physician attending the birth and parent or relative present at the birth.

For gender error, the original record is sealed by the OVR and a new birth certificate created.

D. **Removing Parent's Names on Safely Surrendered Baby Record:**

When parental identifying information is inadvertently added to the child's birth record, staff will request the Court to order

the OVR to remove the parentage from the child's birth record and clarify how the child's name should be recorded. The minute order as well as the completed *Application to Amend a Birth Record (VS 21)* will be submitted to the OVR to amend the record.

**CWS/CMS Documentation** The Court Services public health nurses will enter birth information received from parents at the Detention Hearing interview. Delayed and amended information will be entered by the assigned Senior Social Worker (SSW). Birth record information for the child is entered into CWS/CMS on the child's ID and Client Demographics Page (see [CWS/CMS Data Entry Standards—Updating the Client Notebook](#)).

**Child's Court File** When birth information is received and documented, the SSW worker will also request any changes needed to the Court file to match that of the birth certificate. This request may be done by Ex Parte or at a scheduled Status Review hearing. A copy of the certified birth certificate will be attached to the request sent to Court.

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## REFERENCES

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**Attachments and CWS/CMS Data Entry Standards** Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [CWS/CMS Data Entry Standards—Updating the Client Notebook](#)

**Hyperlinks** Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- [Orange County Health Care Agency \(HCA\)](#), 1200 N. Main Street, Suite 100-A, Santa Ana, CA 92704. Phone (714) 480-6700
- [California Department of Health Services, Office of Vital Records \(OVR\)](#), M.S. 5103, P.O. Box 997410, Sacramento, CA 95899-7410. Phone (916) 445-2684

**Other Sources** Other printed references include the following:

None.

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## REQUIRED FORMS

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**Online Forms** Required forms that may be printed out and completed, or completed online, are listed below and may be accessed by clicking on the link provided.

Form Name	Form Number
<a href="#">Search Referral</a>	F063-28-109
<a href="#">Issuance Memo</a>	F063-04-57
<a href="#">Request for Vital Records (Adoptions)</a>	F063-18-275

**Hard Copy Forms** Required forms that must be completed in hard copy (including multi-copy NCR forms) are listed below, and must be obtained in the CFS forms rooms. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Request for Certified Birth Certificates (FC Eligibility form)	F063-30-101

**California Office of Vital Records Forms** The following forms from the California Office of Vital Records (OVR) must be completed in hard copy, and can be ordered by contacting the OVR by phone, mail, or the [OVR website](#).

Form Name	Form Number
Affidavit to Amend a Record	VS 24
Order Establishing Fact of Birth/Court Order	VS 108
Delayed Registration of Birth	
Application for Delayed Registration of Birth	VS 85
Application to Amend a Birth Record	VS 21
Certificate of Finding of Unknown Child	VS 136

**Brochures** Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

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## PROCEDURE

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Required Actions— New Certified Birth Certificate	The following actions will be completed when obtaining a new certified birth certificate.	
Staff Responsible	Step	Required Action
ET	1.	<p>Determine whether eligibility case contains an existing birth certificate copy.</p> <ul style="list-style-type: none"> <li>• If birth certificate copy is on file, forward a copy to SSW</li> <li>• If birth certificate is not on file and the child was born in Orange County, obtain certified Birth Certificate from Orange County Vital Records website; retain photocopy and forward original certificate to assigned SSW</li> <li>• If birth certificate is not on file and the child was not born in Orange County or cannot be located on the Orange County Vital Records website, complete <i>Request for Certified Birth Certificates (F063-30-101)</i> and submit request for birth certificate to Financial Resources, Bldg. #151</li> </ul> <p>When certified birth certificate is received for child's eligibility file, retain photocopy and forward original certificate to assigned SSW.</p> <p>If efforts are unsuccessful at obtaining record, notify SSW.</p>
SSW	2.	<p>If copy of certificate is received, file certificate on <i>Medical Acco (F063-25-1115)</i> in service file.</p> <p>Proceed to Step 9 to obtain certified birth certificate for service file needs.</p>
	3.	<p>If ET is unable to locate certificate, interview available parent, relative, or family friend regarding date/place of birth, change of names, any other information or document known to exist for the child.</p>

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|   | 4.  | Submit search referral, if needed, for a search of county birth records (birth must have occurred at least six weeks prior for this assistance).  |
| <b>Search Unit</b>                        | 5.  | Review records of Orange County births; report to SSW any data variation found for child.   |
| <b>SSW</b>                                | 6.  | Share new data information with ET.   |
| <b>ET</b>                                 | 7.  | Attempt again to obtain certificate, retain photocopy and forward original document to SSW, if successful.  |
| <b>SSW</b>                                | 8.  | When copy of certificate is received, file document on <i>Medical Acco (F063-25-1115)</i> in service file.  |
|   | 9.  | Complete referral to social work support unit, clerical, or program designee to obtain new certified birth certificate, as program dictates.  |
| <b>SWA, Clerical, or Program Designee</b> | 10. | If birth occurred in Orange County, submit request in person at Hall of Finance and Records, Room 106, 12 Civic Center Plaza, Santa Ana, CA 92701, phone (714) 834-3005.<br><br><b>Option:</b> Send request by pony to Bldg. #12, using the application form from website (above).<br><br><b>Note:</b> Orange County waives fee but certificate will be stamped "to be used only for official Orange County business." If certificate will be given to the child or used to obtain a passport for the child, submit <i>Request for Certified Birth Certificate (F063-30-101)</i> to Financial Resources (Bldg. #151) to add fee.<br><br>If birth occurred out-of-county or out-of-state, submit the above form, copy of minute order declaring dependency, and copy of county identification badge to Financial Resources.<br><br>When received, forward certified birth certificate to assigned SSW. |
| <b>SSW</b>                                | 11. | Add certified birth certificate to the <i>Medical Acco (F063-25-1115)</i> , child's service file.   |

12. Check child's birth information in CWS/CMS for accuracy. Refer to [CWS/CMS Data Entry Standards—Updating the Client Notebook](#) for instructions.

**Required Actions—  
Birth Registration  
for Child Under  
One Year**

The following actions will be completed when registering a birth within the child's first year.

<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>
<b>SSW</b>	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<p>If the child was born at home, refer parent(s) to register the birth at Orange County Health Care Agency (HCA,) website above. Instruct to call for an appointment and take documents verifying proof of pregnancy and residence.</p> <p>If parent unavailable, schedule appointment to register birth in person specifying special circumstance (i.e., parent not available and what documentation SSA does or does not have, including minute order declaring dependency).</p> <p><b>Note:</b> Child must attend appointment.</p> <p>If the child is a Safely Surrendered Baby, take any available birth/medical report or Emergency Medical Technician (EMT) report with child's birth weight and date/place minor was surrendered, Blue Application for Petition and Minute Order declaring the child a dependent. List parent names as unknown.</p> <p>Follow steps above to obtain certified copy after allowance of several weeks following registration. When certificate is received:</p> <ol style="list-style-type: none"> <li>a. File certificate on <i>Medical Acco (F063-25-1115)</i> in service file.</li> <li>b. Enter birth record information in CWS/CMS. Refer to <a href="#">CWS/CMS Data Entry Standards—Updating the Client Notebook</a> for instructions.</li> </ol>

**Required Actions—  
Birth Registration  
for Child Over One  
Year**

The following actions will be completed when registering a birth for a child over one year of age and there is sufficient documentation available substantiating date/place of birth.

**Staff  
Responsible**

**Step**

**Required Action**

**SSW**

1.
  - a. Complete and submit a typed, original *Application for Delayed Registration of Birth (VS 85)* along with notarized, sworn statement of authorized person and fee to State Registrar, Office of Vital Records, at the address above. Check website for current fee, to order form, or for other information.
  - b. Attach the required documentary evidence to form, outlined in policy above.
  - c. Complete Issuance memo and submit to Accounting (Bldg. #122) to request issuance of petty cash for fee. The fee will include one certified copy of the certificate as well as the registration.

**Note:** If child's birth occurred after December 31, 1996, father's name cannot be added unless certified marriage certificate or legible copy of Declaration of Paternity is signed by both parents and registered with Department of Child Support Services.

2. When certificate is received:
  - a. File certificate on *Medical Acco (F063-25-1115)* in service file.
  - b. Enter birth record information in CWS/CMS. Refer to [CWS/CMS Data Entry Standards—Updating the Client Notebook](#) for instructions.

If needed, request Court to change birth information in Court file to match that of the birth record.

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**Required Actions—  
Insufficient  
Documentation  
(Child Over One  
Year of Age)**

The following actions will be completed when registering a birth for a child over one year of age and there is not sufficient documentation available for the delayed registration process.

**Staff**

**Responsible**

**Step**

**Required Action**

**SSW**

1. Refer case to County Counsel to initiate the Probate Court process: “Petition to Establish Fact of Birth of Minor” and file WIC § 827 if information from the dependency file needs to be disclosed to establish the child’s facts of birth.
2. Complete a typed *Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS108)* prior to the hearing and provide to County Counsel on or before the hearing along with any available documents supporting the date/place of minor’s birth. Check website above for current fee, to order form, or other information.
3. Mail the following items to the Registrar, OVR, address above, after Probate Court grants the petition:
  - a. Certified copy of the *Order Establishing Fact of Birth/Court Order Delayed Registration of Birth* (top portion of *VS 108*) with an original seal and written signature of the Judge (printed name unacceptable).
  - b. Completed *Court Order Delayed Registration of Birth* (lower portion of *VS 108*).
  - c. Stamped self-addressed envelope.
  - d. Fee. The fee will include one certified copy of the birth record.
4. When certified birth certificate received:
  - a. File certificate on *Medical Acco (F063-25-1115)* in service file.

- b. Enter birth record information in CWS/CMS. Refer to [CWS/CMS Data Entry Standards—Updating the Client Notebook](#) for instructions.

**Required Actions—Amending Birth Certificates** The following actions will be completed when amending existing birth records: correcting spelling errors, parents’ statistical information, gender, or when deleting parentage for a safely surrendered baby.

<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>
SSW	1.	<p>a. <b>For spelling error—Child:</b> Contact hospital, if hospital error, and request amendment of record.</p> <p>b. <b>For spelling error—Parent:</b> Contact and refer parent to complete <i>Affidavit to Amend a Record (VS 24)</i>, typed or black ink and legible, and submit to OVR, address above. Inform parent to include a copy of their birth certificate, passport, or driver’s license to verify correct spelling. Form available from <a href="#">OVR website</a>.</p> <p>If hospital or parent not correcting the above error, complete <i>Affidavit to Amend a Record (VS 24)</i>, typed or completed in black ink and legible.</p> <p>Request petty cash issuance, Accounting (Bldg. 122) for the fee. Submit the request to OVR, address above. Attach:</p> <ul style="list-style-type: none"> <li>• Photocopy of child’s current birth certificate</li> <li>• Photocopy of parent’s birth certificate</li> <li>• Hospital document supporting error, if correcting their error, including hospital staff signature on affidavit</li> <li>• Fee and notarized sworn statement of authorized person</li> </ul> <p><b>Note:</b> Amending fee is waived for child less than one year of age, but certified copy requires a fee.</p>

Receive and file two-page birth certificate on *Medical Acco (F063-25-1115)*. The original record remains unchanged, and the amendment becomes page 2.

c. **For gender error:**

Complete *Affidavit to Amend a Record (VS 24)* (typed or black ink and legible) with two signatures on lower portion of form, one of which must be:

- Hospital administrator (if hospital error)
- Local registrar (if registration error)
- Or–
- Attending physician and parent/relative who attended the birth

Send the request form to OVR, address above, with attachments:

- Notarized sworn statement of authorized person
- Fee (check website, above, for current fee)
- Photocopy of child's current certificate

Receive and file new birth certificate, *Medical Acco (F063-25-1115)*. The previous record is sealed upon replacement by OVR. Destroy old copy in file.

d. **For removing parent's name from Safely Surrendered Baby's certificate:**

Request Court to order the OVR to remove the parentage from the child's birth record and clarify how the child's name should be recorded.

Complete *Application to Amend a Birth Record (VS 21)*, obtained from website above, and submit form and minute order to the OVR for amending the record.

Receive and file the amended birth certificate, *Medical Acco (F063-25-1115)*. The OVR will create a new record and seal the previous one.

2. Enter corrected birth information into CWS/CMS. Refer to [CWS/CMS Data Entry Standards—Updating the Client Notebook](#) for instructions.
3. Request Court to change information in Court file to match child's corrected birth record, per the policy above, attaching a copy of the new birth record to the request.