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INSTRUCTIONS FOR AMENDED OR DELAYED BIRTH CERTIFICATES

WHEN BIRTH RECORDS NEED TO BE CORRECTED

Sometimes an application for a birth certificate will be denied and the applicant will receive a letter from Vital Records stating that there is a discrepancy between the information provided on the application and the information contained in the official record. In this circumstance the applicant needs to have his birth certificate corrected. This is also referred to as amending a birth record. The most commonly encountered discrepancy is in the applicant's last name.

The Vital Records Unit may choose to withhold the birth certificate and instead send the applicant a Correction form with instructions for correcting the birth record. The Correction form will indicate what information is inaccurate, although it will not indicate what is the contrary information that is on the official document. The instructions will inform the applicant as to what documents are needed to amend the record to reflect the desired information. State correction requirements vary, but generally the applicant must submit an official document, such as a school or military record, which evidences the correct information. The document must be anywhere from 5 to 15 years old, depending on the state and is often required to be certified.

The applicant is instructed to write the correct information on the Correction form and to sign the form before a Notary Public. The notarized Correction form and the certified official document should be sent to Vital Records via Certified Mail, Return Receipt Requested. The applicant should also submit another birth certificate application with the appropriate fee, if required, and proof of identity. The Vital Records Correction Unit will amend the record if it is satisfied that the requirements have been met. Vital Records will then issue the corrected birth certificate.

Sometimes a client will already possess a birth certificate that has incorrect information which needs to be corrected. In that case, visit the state's Vital Records website to see if it contains instructions and forms for correcting birth records. If the instructions are not on the website, call the Vital Records Correction Unit and ask for advice.

WHEN BIRTH RECORDS ARE NOT FOUND

An applicant may receive a letter that his birth record was not found. If the client states that he had a birth certificate at one time, write a letter requesting that the Vital Records Unit recheck, and supply the names and dates of birth of the client's siblings if they were also born in that state. On occasion this will lead to the discovery of the record.

Many clients who receive a "Not Found" letter, report that they were born at home. In these cases the birth was never officially recorded, and a Delayed Birth Record needs to be created. The requirements for creating a Delayed Birth Record vary by state, but all require documentary evidence to establish the applicant's birth facts. This information must be contained in two to three official documents which include the person's name, date and state of birth, mother's maiden name, and father's name, if known. Additional facts may be needed; for instance, North Carolina also requires that one of the documents identifies the county where the person was born. The age of the documents also varies according to the state, from 5 to 15 years old. All states require that the records be certified.

The Vital Records Unit will provide the client with an instruction packet, explaining what information and documents must be provided. It is very important to read the instruction packet carefully to make sure that you obtain documents that contain exactly the birth facts required in the instructions. It's a good idea to review the list with the client to determine which documents are the most obtainable. Try to secure more than the number of documents required, because often a requested document will end up being unavailable or will contain inaccurate information.

Some Useful Documents for Proving Birth Facts

Although not exhaustive, the following is a list of documents which have proven most useful in establishing birth facts for a Delayed Birth Record:

Social Security Numident Record

This record verifies **name, date of birth, place of birth (city/town and state), and parents' names.**

The most useful document to obtain is the client's Social Security numident record. A numident record is the computer extract of the Social Security number application. It includes a person's full name, date and place of birth (county and state) and the parents' names. Appendix A contains a sample letter to the Social Security Administration requesting the numident record. You can download Appointment of Representative Form SSA 1696 by copying and pasting the following in your browser:

<http://www.socialsecurity.gov/online/ssa-1696.html>. You must include a check in the amount of \$16 made payable to the “Social Security Administration.” Do not request a certified record. Certified numident records cost an additional \$15 and bear a ribbon and seal. Simply request that the numident contain the red Social Security Administration stamp, which is accepted by Vital Records.

Note: The Pennsylvania Vital Records Unit provides a release for the client to sign so that it can obtain the information directly from the Social Security Administration. When assisting a Pennsylvania-born client in obtaining a Delayed Birth Record, it is unnecessary for the outside pro bono counsel (Counsel) to order the numident record.

School Records

This record verifies **name, date of birth, state of birth, and parents’ names.**

It is often easiest to obtain the admissions record from the last school (usually high school) your client attended. Find the contact information for the school district on the Internet and call to determine where to write for the record, what kind of release is required, and whether there is a fee for the obtaining the record. In the event the school no longer exists, use the Internet to identify the school district where the school was located. Place a call to the school district’s records department and ask where the records of that school are stored. When you write for the admissions record, be sure to ask that the document be certified. Some states, e.g., North Carolina, may require that you obtain the admissions record from the 1st grade, or that you explain why you cannot obtain that record. This can be difficult if the client is elderly and the school no longer exists. It is important that you read carefully the Vital Records specifications regarding the type of school record it will accept to be sure that you request the correct record. Appendix B is a sample letter requesting school records, and includes a sample release.

Department of Veterans Affairs DD-214

This record verifies **name, date of birth** and **state of birth.**

Form DD-214 is the Department of Defense record that is created when the service member is discharged from the military. It contains the veteran’s full name as well as date, place and state of birth. The client can request a copy of his DD-214 for free by completing Standard Form 180 and mailing it to: National Personnel Records Center (Military Personnel Records), 1 Archives Drive, St. Louis, MI 63138-1002. If you request that the DD-214 be sent to your office, the veteran must co-sign Form SF-180 next to your signature. Be sure to request that the DD-214 be certified. Copy and paste

in your browser: <http://www.archives.gov/veterans/military-service-records/> to download the forms.

Voter Records

This record verifies **name** and **date of birth**.

If your client registered to vote a number of years ago, ask him if he had registered during the period that Vital Records has indicated is old enough to prove birth facts. Voters may request a copy of their original application form from the Voter's Registration Office. The Voter Registration Office may require the client to come in personally to apply; but if the client no longer lives in that jurisdiction or is elderly or disabled, call and explain the circumstances and why he needs the record.

Marriage Records

This record verifies **date of birth, place of birth, and parents' names**.

Obtain a copy of the application your client completed when applying for a marriage license. Refer to the State Death, Marriage and Divorce Table available from VoteRiders.com for information on where to locate and how to order a certified copy of your client's application for a marriage license.

Employment Record

This record usually only verifies the **date of birth**.

Obtain a letter from the client's employer (past or present) that indicates the date the client began working and the information contained in his personnel file. Only order this record if the client has an employee file that falls with the acceptable timeframe.

Hospital, Doctor, or Health Department Record

This record usually only verifies **name** and **date of birth** but may conceivably contain **parents' names** if it is a childhood immunization record or a record from a pediatrician.

Ask the client when he first became a patient of the provider to determine whether the record will satisfy the state's age-of-document requirement. The record must be certified, which can be done in one of two ways. The provider can send a photocopy of the patient's chart which bears the office stamp; or the provider may choose to send a letter on its office letterhead, stating the date the patient was first seen, the date of birth on file, and the names of the parents if they were in fact recorded on the chart. Unless the client hand-delivers your request, you should have your client sign a HIPAA-approved release to include with such request.

Driver's License Record

This record verifies **name** and **date of birth**.

Obtain a statement from the licensing agency (even if located in a different state from the birth state) that shows information recorded on the driver's license application if that document is old enough to submit. Contact the Department of Motor Vehicles (or whatever it is called in that state) to learn the requirements for ordering this record.

Child's Birth Record

This record verifies **name, state of birth** and **age**.

Request the birth certificate for the client's child from the state where the child was born. Be specific in stating that you need the birth certificate to include the parents' names, ages and their states of birth. This information is contained on the application completed by the parents when registering the child's birth and is not normally provided by Vital Records when responding to a birth certificate request. Some offices refer to this as an "immigration (dual citizenship)" birth certificate, or information from the "book copy." This record will only list the parents' ages at the time of the child's birth – not their dates of birth.

Sibling's Birth Record

This record may verify the applicant's **parentage**.

Some Vital Records Units will look up the birth records of the applicant's siblings who were also born in that state to verify the parents' names. If your client has siblings born in the state where your client is applying, call the clerk to request that the siblings' birth records be checked.

Census Record

This record may prove **name, age** and **state of birth**.

This record is used as a last resort because it is expensive (\$65) and is often not found. Even if it is found, it may be incomplete. If you need to obtain a census transcript, copy and paste the following in your browser:

www.census.gov/genealogy/www/bc-600.pdf. You will find the instructions and application at that site.

What to do When You Receive the Requested Documents

Review each document carefully to confirm that all the birth facts, contained in each, conform to the birth facts your client is asserting in his or her Delayed Birth Certificate application. It is not uncommon to receive

documents with conflicting information. If any of the documents contain information which conflicts with the birth facts your client is asserting, that document cannot be used.

Review the documents and check carefully for: 1) accuracy, 2) that they are old enough to satisfy the state's age-of-documents requirement, and 3) that they are certified. Vital Records Units require original copies, but photocopies that contain an embossed seal or a stamp are sufficient. Letters on official letterhead, such as verification of birth facts by an employer or doctor, are also acceptable.

Not All of the Records on the List Are Created Equal; Understanding the Different Types of Proof Required

Mistakes occur if Counsel fails to understand the evidentiary components of the various documents listed above. Not all the documents on the list contain enough information to satisfy every category of proof necessary for establishing proof-of-birth facts. The Vital Records Units have specific requirements for the information that must appear in the records that need to be submitted. The following is an example of the requirements for the creation of a Delayed Birth Record in South Carolina and the types of information that might be supplied:

Applicants must submit three different certified records that are at least ten years old. These records fall into three categories, and no record submitted to satisfy one category may be used to satisfy another category. The three categories below specify the types of information that must appear in that record. Each category is followed by suggestions of the types of record that may satisfy that category.

- 1) One of the three records must verify the applicant's name, the full name of the mother prior to any marriages and the full name of the father.
 - Social Security numident record, marriage record, school record, sibling's birth record
- 2) One of the three records must verify the applicant's name, full date of birth **or** age, and the place of birth.
 - Social Security numident record, military DD-214 record, school record, child's birth record, census record
- 3) One of the three records must verify the applicant's name and the full date of birth (month, date and year).
 - Social Security numident record, military DD-214 record, school record, voter record, marriage record, employment record; hospital,

doctor or health department record; driver's license record, census record.

As you can see, some documents satisfy all three categories, but each document may only count as one record. This concept can be confusing for Counsel to comprehend. Be sure that when you are looking to satisfy the categories of records that you are not "double counting" the same document for two categories.

Problems May Occur When Records Contain Conflicting Information

The Social Security numident record is the best document if it is accurate, but sometimes it contains conflicting information. The information is recorded from the initial application for a Social Security number, and additional information is recorded each time the person applies for a replacement card. It is not unusual to find three or four different dates of entries and to discover that information in some of the entries conflicts with information in other entries. Sometimes applicants lie about their year of birth to enable them to enlist in the armed services, obtain a job, or to collect retirement benefits. If a record contains any discrepancies, it cannot be used for any category. This is the case even if the record is being submitted to prove birth facts which have not been recorded inaccurately. For example, the date of birth conflicts, but you would like to submit the record to prove the names of the client's parents. This record is not acceptable.

Other Documents

Some Vital Records Units require the client to complete an application for a Delayed Birth Record and to sign it before a Notary Public. This document will become a permanent official record and should be written in black ink. It is advisable to make a photocopy of the form and to complete it as a rough draft in the event you make any mistakes. After you review the information on the draft, carefully copy the information onto the form. Your client should then sign it before a Notary. The form will be rejected if there are any cross-outs, white outs or erasures, so it is imperative that you complete it carefully and accurately.

Some Vital Records Units require you to submit the records first and will send a form for the applicant to sign before a Notary Public only after it has determined that the evidence is sufficient and it has created the Delayed Birth Record.

Some states may include a form with its instruction letter called "Affidavit of Personal Knowledge." This form is to be completed by someone who has knowledge of the applicant's birth, and must be signed before a Notary

Public. An Affidavit of Personal Knowledge is often unattainable, particularly if your client is elderly. It is not, however, a pre-condition for obtaining the Delayed Birth Record.

Putting the Packet Together

The following is a check-list for assembling the Delayed Birth Record packet:

- Check the list of categories required against the records you intend to submit
- Check to be sure that none of the records contain inaccuracies
- Check to be sure that all the records are old enough
- Check to be sure that all the records are certified
- The application for Delayed Birth Record is: accurate, without correction, notarized
- Notarized Affidavit of Personal Knowledge, if obtainable
- Representation Agreement and copies of attorney's photo ID and State Bar license
- Payment for creation of the Delayed Birth Record (after confirming payee as provided below)
- Cover letter, on firm letterhead, identifying you as the applicant's attorney and listing everything you are sending

Before You Seal the Envelope

Call the Delayed Birth Record Unit to ask if someone is willing to review your documents for you if you transmit them by fax. Many clerks are happy to do this because it helps them to avoid the task of returning the packet if something is missing. If the clerk cannot accept the packet via fax, ask if he or she is willing to review the documents with you over the phone.

While speaking to the clerk, find out to whom the check should be made payable. In some states the check is made payable to the clerk of the county recorder where the person was born, rather than to the State Vital Records Unit.

Always mail the packet by Certified Mail, Return Receipt Requested.

APPENDIX A

DATE

Social Security Administration
Office of Public Disclosure
3-A-6 Operations Building
6401 Security Boulevard
Baltimore, MD 21235

FREEDOM OF INFORMATION REQUEST

RE: XXXXXXXXX
SS#: XXX-XX-XXXX

Dear Sir or Madam:

I represent XXXXXXXXXXX, D.O.B. XXXXX, SS# XXX-XX-XXXX. I am writing to request a copy of her numident record under the Freedom of Information Act. The record will be used to help establish birth facts, so I ask that the record include the red Social Security Administration stamp.

I have enclosed a duly-signed SSA form 1696 signed by my client, which permits you to release this information to me, along with a check for \$16.00 and a copy of my driver's license and attorney identification.

Sincerely,

APPENDIX B

DATE

Name of School District
Records Information Center
Address

RE: Certified Admissions Applications

Dear Records Clerk:

I represent a client who was born at home and is trying to have a Delayed Birth Certificate created. I am writing to request a certified admissions application which will identify his date of birth, state of birth and the names of his parents. I have enclosed a release signed by my client, which permits you to send this information to me.

If you have any questions, please call me directly on my cell at xxx-xxx-xxxx or e-mail me at...

Sincerely,

RELEASE OF INFORMATION AUTHORIZATION

I, (Client's Name), D.O.B _____, SS# _____, do hereby authorize School District to release to my attorney, (Attorney's Name), of (Name of Firm), located at (Address of Firm), my certified admissions application.

CLIENT'S NAME

DATE