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the
confidential nature
of birth records

Children's Bureau and

National Office of Vital Statistics

FEDERAL SECURITY AGENCY

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No. 332

the
confidential nature
of birth records

including the special registration problems of children
born out of wedlock, children of unknown parent-
age, legitimated children, and adopted children

a policy
recommended

by American Association of Registration Executives
Council on Vital Records and Statistics

and endorsed

by Children's Bureau and
National Office of Vital Statistics
FEDERAL SECURITY AGENCY

January 1949

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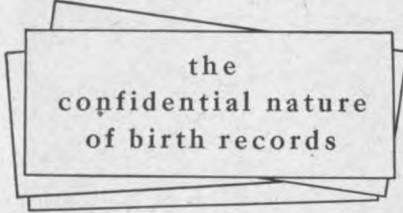
FOREWORD

The major purpose of this statement is to point out the need for a Nation-wide policy on the confidential nature of birth records that will:

1. Assure the confidential nature of birth records.
2. Improve the completeness and accuracy of information given in reports of births, adoptions, and legitimations.
3. Enable the individual to secure the essential information regarding his birth or family relationship.
4. Protect certain individuals from unnecessary and harmful revelation of embarrassing information.
5. Assist public agencies to secure personal information required in the administration of their programs.

This policy is recommended by the American Association of Registration Executives and the Council on Vital Records and Vital Statistics and is endorsed by the Children's Bureau and the National Office of Vital Statistics. It is therefore the result of the joint effort of these four organizations. State registration executives have approved it by a large majority.

In some States the adoption of this policy will require new legislation. In other States, the essential elements of the policy can be achieved by administrative regulations under existing laws. Detailed specifications will be necessary to make possible the translation of some of these broad policy statements into statutory language and into administrative regulation. The drafting of any necessary legislation will, of course, involve technical and legal questions that will have to be worked out in each case. The State departments of health and of welfare will need to cooperate closely in explaining the principles of this policy to the public and in strengthening legislation and procedures. The establishment and maintenance of satisfactory procedures for the recording of births throughout the Nation will require the combined efforts of interested agencies over a considerable period of time.

The title is enclosed in a graphic consisting of three overlapping rectangular boxes. The top box is the largest and contains the text. The middle and bottom boxes are smaller and partially overlap the top one, creating a layered effect.

the
confidential nature
of birth records

I. Statement of the Problem

There are many important legal, personal, public health, and social welfare reasons which make the complete and accurate registration of births essential. Individuals need certifications of the facts of birth to be used as evidence of age, of citizenship, and of family relationship. Social and health agencies need medical and social information concerning the child and his parents for administrative and statistical purposes. The latter type of information, if made generally available, may be embarrassing or harmful to the child and his parents, particularly if such facts as birth out of wedlock, congenital malformation, or residence of mother or father in a penal or mental institution are shown. At the present time, individuals are inadequately protected against the disclosure of this type of information.

The confidential nature of birth records can best be assured by a comprehensive Nation-wide policy implemented by State legislation and procedures. Through such a Nation-wide policy we can do much to improve the completeness and accuracy of registration. Particular attention should be given to the problems involved in the registration and certification of birth out of wedlock, birth to unknown parents, legitimation, and adoption. Serious deficiencies now exist in the completeness of reporting these events and in the accuracy of information given on reports which are filed. These deficiencies result, in part, from the fact that doctors, nurses, midwives, and parents have no assurance that such information will be kept confidential. They know, too, what harm the disclosure of such information can do. Their full cooperation in providing complete and accurate reports can best be secured by the general adoption of procedures which will protect the individual registrant and his family.

The policy set forth in this statement should provide a basis for great improvement in birth registration practice. However, the effect of the policy recommendations should be reviewed periodically to determine what progress has been made toward their adoption and incorporation in

Federal, State, and local registration practice. Undoubtedly, too, the policy will need occasional revision and strengthening.

For example, the various discussions leading up to this policy statement raised several urgent and unresolved questions which should be investigated during the coming months. These include:

- A. Should the birth card give the name acquired through usage, when it differs from the name on the birth certificate?
- B. Should the birth certificate carry the name of the father of a child born out of wedlock as alleged by the unmarried mother?
- C. What are the factors involved in obtaining on a Nation-wide basis data on legitimacy status?

If, after investigation of these problems, it seems that the policy should be amended, such amendments could be considered at the next annual Work Conference of the National Office of Vital Statistics.

Certain terms need to be defined for purposes of clarification. A list of these terms with brief definitions is attached at the end of this document. Sample forms are included in the appendix (p. 9-11).

II. Explanation and justification of policy

A. All birth records

1. A birth certificate, giving complete and accurate information, should be filed promptly by the attendant at the birth of every child. All important facts pertaining to the child's identity should be recorded and the record verified or reviewed by the parents, or parent.

Every person needs a birth certificate. It must be accurate with respect to all of the essential facts. Review by parents of the certificate and verification of the facts stated in it, particularly the personal and family identification items, should increase the correctness of the information.

2. All birth records should be considered confidential documents which would be open to inspection (except as specified in succeeding sections) only by the registrant, if of legal age; his parent or parents, guardian,

or their legal agents upon approval of the official custodian of vital records; or upon court order.

3. Certified copies of the complete birth record should be issued (except as specified in succeeding sections) only to the registrant, if of legal age; his parent or parents, guardian, or their legal representative; health and social agencies upon approval of the official custodian of vital records; or upon court order. Health and social agencies at the discretion of the custodian may be permitted to receive information necessary to provide services for the mother and child.

The public interest does not require that birth records, which are essential personal records, be open to public inspection. Evidence of citizenship, age and name, the most common uses of the birth certificate, can be provided without inspection of or a copy of the complete birth record. The registrant and his parents should have access to the complete record. Social and health agencies may have a need for a certified copy of the birth record; however, whenever possible they should use the standard confidential verification form. The necessity and right of all other agencies or persons to inspect the complete certificate should be decided by a court of law.

4. A birth card should be used and accepted throughout the country for most certification purposes. The birth card should contain only the name, sex, place of birth, date of birth, date of filing, and birth certificate number. All birth cards, including those for persons born out of wedlock or of unknown parentage and for legitimated or adopted persons, should be uniform in color, size, arrangement, and wording of items.

A birth card would be adequate in the vast majority of cases in which a copy of the birth certificate is now required. The name identifies the person, the date of birth shows age, and the place of birth shows citizenship. If issued in a uniform format, the birth card will protect the individual from unnecessary disclosures of such facts as birth out of wedlock, unknown parentage, and others involving stigma or embarrassment.

5. A standard confidential verification form should be accepted and used by all official agencies requiring parentage information.

All government agencies should accept a confidential verification of the facts of birth in lieu of certified copies of the complete certificate. Official requests for information on parentage should be limited to cases where national security or the rights and welfare of the individual require such information.

6. Nation-wide adoption of these policies will in themselves be of great assistance in solving the special problems involved in the registration and certification of facts for children born out of wedlock, children of unknown parentage, adopted children, and legitimated children.

Protection of the confidential nature of all birth records is essential to adequate protection of records of persons whose records contain embarrassing or stigmatizing information. It would be useless, for example, to refuse to issue a certified copy of a birth certificate of a child born out of wedlock, if such copies were routinely issued for persons born in wedlock. The difference in procedure would in itself strongly suggest difference in status.

B. Birth records of children born out of wedlock

1. Information concerning legitimacy status and medical details should be recorded on a separate section of the original birth certificate. If it is considered desirable to detach this section, after processing for statistical and administrative purposes, it should be cross-referenced by number with the remaining part of the certificate.

Placing such items as legitimacy status and medical details in a separate section of the birth certificate will assist in preventing unintentional release of such data in making confidential verifications or in reproducing parts of the birth record. This section of the certificate may be detached after processing for statistical and administrative purposes and after cross referencing by number to the remainder of the certificate.

2. The mother of a child born out of wedlock should enter on the birth certificate the surname by which she wants the child to be known. If documentary evidence of a change of name is presented later to the State registrar, he should make an amendatory birth record.

The child's interest requires that he be given a name. It need not be the mother's maiden name.

3. The right to inspect or to secure a certified copy of the original birth certificate of a person born out of wedlock should be restricted to the registrant, if of legal age; his parents or parent, guardian, or their legal representative; health and social agencies upon approval of the official custodian of vital records; or upon court order.

The restriction of the rights of inspection and complete certification is particularly important in these cases.

4. In the case of births out of wedlock to nonresident mothers, copies of the birth certificates should not be transmitted to the local registrar in the place of the mother's residence. If desired for statistical purposes, a statistical report without personal identification should be used.

An unmarried woman frequently goes to another town so that the birth will not be known in her own locality. In some States this creates no problem because births are filed locally by place of occurrence, not by place of residence. However, in some States local registrars are required to send copies of certificates for nonresidents to the registrar in the place of residence. Where the mother or hospital knows this is the practice, the residence information will probably be falsified. Therefore, such nonresident reports should be confined to statistical information, without the names of the child and mother. Routine notifications of birth registration and queries should not be mailed to unmarried mothers for the same reason.

C. Birth records of children of unknown parentage

1. A birth certificate should be filed for every child of unknown parentage and should show all known or presumed facts relating to the birth. Information about the circumstances under which the child was found should be filed in a supplementary report to assist in later identification. A person of unknown parentage should be able to secure a birth card identical in format and content to other birth cards. If the child is later identified, the State registrar should make an amendatory birth record, and the original birth certificate should be sealed and filed separately.

The interests of the child require that every effort be made to determine all the facts of birth. The assistance of a social welfare agency should be enlisted in this process. If this is impossible, such facts as can be determined or approximated should be recorded. The child should be given a name.

2. The right to inspect or to secure a certified copy of the original certificate of a person of unknown parentage should be restricted to the registrant, if of legal age; parent or parents if later identified, guardian, or their legal representative; health and social agencies upon approval of the official custodian of vital records; or upon court order.

(See section A, paragraphs 2 and 3.)

D. Legitimated and adopted children

1. State laws should stipulate that the State registrar shall accept evidence of the marriage of the parents, together with an acknowledgment in writing of paternity by the father as satisfactory evidence of legitimation.

The purpose of such statutory provision is to relieve the registrar of the necessity of adjudicating the evidence. In most cases, legitimation recorded on the basis of this evidence will stand.

2. Complete reports of all court decrees of adoption and legitimation and annulments thereof should be sent to the State registrar on standard forms prescribed by him. These reports should be filed within a specified time limit and should contain sufficient information to identify the original birth certificate and to enable an amendatory birth record to be prepared, showing the essential facts about the adopting parents and the new name of the child if so desired by the adopting parents.

These reports should be made by the clerks of court to the State registrar in the State of legitimation or adoption at the end of each month. Use of a standard form by the various court clerks would improve the completeness of the report and assure its adequacy for registration and statistical purposes. It is very important that the child's original birth certificate be identified so that his complete birth record will be available to him when needed.

3. The original birth certificate of an adopted or legitimated child should be sealed and an amendatory record showing the new status of the child should be placed in the regular file. The amendatory record should be used in making certified copies.

To protect the person, all certifications for routine purposes should be made from the amendatory record and not the original certificate. The original certificate should be sealed to prevent its use except in the cases specified in section D, paragraphs 7 and 8.

4. Each State registrar should forward reports of adoptions and legitimations, or annulments thereof, for out-of-State births to the State registrar in the State where the child was born. In the State of birth, the State registrar should seal the original certificate and file an amendatory record indicating the new status of the child.

Routine reporting of adoptions and legitimations to the State registrar in the State of birth is essential both to complete the person's birth record and to prevent duplicate registration which is detrimental to the individual's own interests and to the efficiency of the vital registration system.

5. Standard forms for the reporting by courts to State registrars of legitimations and adoptions should be developed and adopted by all States.

Interstate reporting and the compilation of national statistics on legitimations and adoptions would be facilitated by the use of a standard form by all States.

6. If certifications are issued by local officials their record should conform to the record in the State office. The local registrar should be required to maintain the confidential nature of all birth records in the same degree as is required in the State office.

So long as it is possible to secure certifications from two or more different sources, great care must be taken to assure that the several records are identical and show the latest status of the person. It is also essential that in such cases the records in the local office be fully protected from inspection by the public.

7. The right to inspect or to secure a certified copy of the original birth certificate of a legitimated child should be restricted to the registrant, if of legal age; his parents or parent, guardian, or their legal representative; or upon court order.

(See section A, paragraphs 2 and 3.)

8. The right to inspect or to secure a certified copy of the *original birth certificate* of an adopted child should be restricted to the registrant, if of legal age; or upon court order. The right to inspect or to secure a certified copy of the *amendatory birth record* of an adopted child should be restricted to the registrant, if of legal age; the parents or parent by adoption or their legal representative; social and health agencies upon approval of the official custodian of vital records; or upon court order.

The reasons for careful protection of the record of an adopted child are similar to those previously mentioned. In many cases, the original certificate will show that the child was born out of wedlock or that its parents are unknown. It is desirable, also, that the natural parents and adopting parents should remain unknown to each other.

E. Certification of records during interim period

1. When the system of certification by birth card and confidential verification for all routine purposes becomes well established, issuance of certified copies of the complete original or amendatory certificate will be limited to specifically authorized persons. During the interim period before this procedure is in full operation, all photostatic or typed copies of the complete birth certificate should be identical in form, color, wording, and arrangement of items. For legitimated and adopted persons the certified copy should be made from the amendatory birth record. Persons born out of wedlock and persons of unknown parentage cannot be completely protected when complete copies are issued, because of the difference in parentage information, but no other

distinction should be made on such copies. The section which includes the question of legitimacy should be excluded in making certified copies, except in cases in which issuance of a complete certified copy is permitted.

Regardless of the precise method used in making certifications, all possible protection should be given individuals against unnecessary disclosure of embarrassing facts. The confidential nature of such information is almost impossible to maintain when photostatic copies are made of certificates for persons born out of wedlock or born to unknown parents. Legitimated and adopted children can be protected only if certifications are made from the amendatory record and if this record does not differ in any way from all other birth certificates.

F. Program of statistics and research

1. Nation-wide adoption of these basic policies and procedures should be accompanied by the development of correlated statistics of births out of wedlock, births of unknown parentage, legitimations, and adoptions for all States.

At the present time, national statistics on the incidence of births out of wedlock are incomplete. At least 15 States do not require reporting of this item, and the accuracy of reporting in the other States is open to serious question. National data concerning adoptions are far from complete and information on legitimations simply does not exist. This information would be valuable to social agencies interested in the magnitude of the problem and the extent to which children are being absorbed into normal family units. If all States adopt procedures which fully protect the confidential nature of birth records, the development of interrelated statistics of births out of wedlock, births to unknown parents, adoptions and legitimations for the entire country would be practical and desirable.

III. Definition of terms

Original Birth Certificate—the record which gives the facts concerning the child and his parents as of the date of birth.

Certification—an officially issued document stating that the facts certified correspond to those in documents which are on file.

Birth Card—a short certification of only those facts of birth which constitute evidence of name, age, and citizenship.

Confidential Verification—official verification of certain facts of birth requested by an official agency or by the registrant.

Sectional Birth Certificate—a certificate form which clearly separates the items required for personal identification from the items used primarily for medical or statistical purposes.

Amendatory Birth Record—a new record, which is identical in format with an original certificate and which shows the present name and parentage of a person after adoption, legitimation, or other legal change of status.

Appendix

BIRTH REGISTRATION CARD	
COLUMBIA DEPARTMENT OF PUBLIC HEALTH	
DIVISION OF CAPITAL CITY	VITAL STATISTICS COLUMBIA
BIRTH NUMBER <u>100-00-000000</u>	
Name _____	
Date of Birth _____	Sex _____
Place of Birth _____	
Registration Date _____	Date Issued _____
This is a true certification of name and birth facts as recorded in this office.	
BY _____ Director, Division of Vital Statistics	<i>John R. Doe, M.D.</i> State Health Officer
STATE OF COLUMBIA	

(Actual size of card)

THE BIRTH REGISTRATION CARD

Above is the standard birth card as approved by the American Association of Registration Executives. It is a handy pocket-sized card which can be carried by the individual and used in a vast majority of the cases for which a copy of the birth certificate is now required. It is a certification of name and birth facts as recorded on the official registration. All State birth cards look essentially alike, and the format is quite similar from State to State. A primary advantage in the use of this card in contrast to a certified copy of the birth certificate is that it does not disclose facts concerning birth out of wedlock, adoption or medical facts of birth irrelevant to certification.

(1949 Revision of Standard Certificate)
CERTIFICATE OF LIVE BIRTH

STATE OF		BIRTH NO.	
1. PLACE OF BIRTH		2. USUAL RESIDENCE OF MOTHER (Where does mother live?)	
a. COUNTY		a. STATE	b. COUNTY
b. CITY (If outside corporate limits, write RURAL and give township) OR TOWN		c. CITY (If outside corporate limits, write RURAL and give township) OR TOWN	
c. FULL NAME OF (If NOT in hospital or institution, give street address or location) HOSPITAL OR INSTITUTION		d. STREET (If rural, give location) ADDRESS	
3. CHILD'S NAME (TYPE OR PRINT)		a. (First)	b. (Middle) c. (Last)
4. SEX	5a. THIS BIRTH SINGLE <input type="checkbox"/> TWIN <input type="checkbox"/> TRIPLET <input type="checkbox"/>	5b. IF TWIN OR TRIPLET (This child born) 1ST <input type="checkbox"/> 2ND <input type="checkbox"/> 3RD <input type="checkbox"/>	6. DATE OF BIRTH (Month) (Day) (Year)
FATHER OF CHILD			
7. FULL NAME a. (First) b. (Middle) c. (Last)			8. COLOR OR RACE
9. AGE (At time of this birth) YEARS	10. BIRTHPLACE (State or foreign country)	11a. USUAL OCCUPATION	11b. KIND OF BUSINESS OR INDUSTRY
MOTHER OF CHILD			
12. FULL MAIDEN NAME a. (First) b. (Middle) c. (Last)			13. COLOR OR RACE
14. AGE (At time of this birth) YEARS	15. BIRTHPLACE (State or foreign country)	16. CHILDREN PREVIOUSLY BORN TO THIS MOTHER (Do NOT include this child)	
17. INFORMANT		a. How many OTHER children were born living?	b. How many OTHER children were born alive but are now dead?
I hereby certify that this child was born alive on the date stated above.		18b. ATTENDANT AT BIRTH	
		M. D. <input type="checkbox"/> MIDWIFE <input type="checkbox"/> OTHER (Specify)	18d. DATE SIGNED
19. DATE REC'D BY LOCAL REG.	20. REGISTRAR'S SIGNATURE	21. DATE ON WHICH GIVEN NAME ADDED BY (Registrar)	
FOR MEDICAL AND HEALTH USE ONLY (This section <i>MUST</i> be filled out)			
22a. LENGTH OF PREGNANCY WEEKS	22b. WEIGHT AT BIRTH LB. OZ.	23. LEGITIMATE YES <input type="checkbox"/> NO <input type="checkbox"/>	
(SPACE FOR ADDITION OF MEDICAL AND HEALTH ITEMS BY INDIVIDUAL STATES)			

(Reduced from sheet 8" x 7")

THE CERTIFICATE OF LIVE BIRTH

Above is shown the 1949 revision of the Standard Certificate of Live Birth. Birth certificates are required in all States and they all have the same general informational content as found in the Standard Certificate.

APPLICATION FOR CONFIDENTIAL VERIFICATION OF BIRTH

Name of Vital Record Office _____
 Address _____
 City and State _____ Date _____ 19____

Verification of the following items is needed for the official purposes of the agency named at the bottom of this form.

Signature of person making request _____

FILL IN EVERY ITEM IN THIS BOX

1. Full Name of Child			2. Cert. No. If Known		
3. Date of Birth			4. Sex		5. Color
MONTH	DAY	YEAR			
6. Place of Birth:					
CITY		COUNTY		STATE	
7. Full Name of Father			8. Maiden Name of Mother		
9. Other Pertinent Data					

DO NOT WRITE IN THIS BOX

Corrections of above statements made by vital records office according to facts on file:

Certificate No. _____

File Date _____

This is to verify that the above data as corrected are true and correct according to the record on file in this office. These data are confidential and cannot be used in any manner except for the official purposes of the agency below.

Verified by: _____

Date _____

Name and address of agency to which verification is to be sent:

Name of Agency _____

Street and No. _____

City and State _____

Agency's own file number or other identification may be placed below.

(Reduced from letter size)

THE APPLICATION FOR CONFIDENTIAL VERIFICATION OF BIRTH

The above form is designed to provide a simple method of verification of birth facts to official agencies to whom copies of records are issued free of charge, and who have a legitimate interest in parentage. The form can be initiated by the agency or individual, sent to the vital records office for verification and then sent direct by that office to the agency. The advantages of the form are that it produces economies in State office procedure, speeds up verification, and minimizes problems arising from unwarranted disclosures of facts concerning birth out of wedlock and adoption.

