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Testimony of Jean M. Uhrich  
March 28, 2003  
Before the Nevada State Senate Judiciary Committee

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"The oppressed should rebel, and they will continue to rebel and raise disturbance until their civil rights are fully restored to them and all partial distinctions, exclusions and incapacitations are removed."

Those words were penned by Thomas Jefferson in 1776. And they ring just as true today – in this very hearing - as adult adoptees seek equal access, as the non-adopted, to their state held records of birth.

To the Honorable Mark Amodei, Chairman, and members of the Senate Judiciary Committee,

Good Morning! My name is Jean Uhrich. I come before you today representing Nevada Open and Bastard Nation: The Adoptee Rights Organization. On behalf of approximately 200,000 Nevada born adoptees, we seek your DO PASS Vote on Senate Bill 267.

As briefly as possible, with a broader scope encompassed in the exhibits before you, I will address several key issues to adult adoptees, including:

- Equal Access
- Proof of U.S. Citizenship
- The Public Interest
- Reunion Registry Validity – ISRR

We believe passage of Senate Bill 267 will rightly provide relief to these issues.

### Equal Access

Adult adoptees seek equal access to the non-adopted in acquiring their state held records of birth. The Nevada Constitution, in Article One, Section One, lays the foundation to protect ALL Nevada citizens: a promise of equality in acquiring, possessing, and protecting property. However the disparity of current code reveals access to one's own record of birth is not impartial, when it provides a true original certificate of birth to the non-adopted (NRS 440.650) and not to the adopted. (NRS 440.170 and NRS 440.310). Record provision to adult adoptees is NOT complete, when current code will only allow an adult adoptee a copy of the amended record, and not their original.

The state has established a clear standard for birth records access... "a direct and tangible interest in the matter". This may encompass a variety of persons. But WHO has a more

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EXHIBIT | Senate Committee on Judiciary

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tangible interest, than the person for whom the certificate was issued? The person whose birth the documents record?

It is not illegitimacy or bastardy that seals our records from us. Nor is it the termination of parental rights, or the voluntary relinquishing of parental rights. Under those circumstances, citizens may still receive their birth record in accordance with the state's standard. It is the process of adoption finalization that severs an adoptee from their true record of birth – their original birth certificate - and all other documents that record such a proceeding.

Senate Bill 267 maintains the privacy and confidentiality of those state held records. The bill does not seek to make the records public. Nor does it offer access to anyone except the adult adoptee – the person to whom the documents pertain. The standard of “a direct and tangible interest in the matter” is met and upheld. SB 267 does not seek special favor for adoptees. It seeks the equal application of law to all Nevada citizens.

### **Adequate Proof of U.S. Citizenship**

Adoptees, because they are issued only their amended birth certificate, often find difficulty in securing a passport. Birth certificates issued after the first year of birth are not considered adequate proof of U.S. Citizenship.

Upon application for a U.S. Passport, using a state issued amended birth certificate, adoptees can and do receive a letter of rejection, due to a suspicion of fraud, and a request for additional proof of citizenship. One such letter, from the United States Department of State, is provided for you review.

The Department of Health and Human Services Office of the Inspector General issued a September 2000 report entitled: Birth Certificate Fraud. In their findings, the report clearly states:

#### **A Birth Certificate is Proof Only that a Birth Occurred and was Recorded.**

It is important to recall the intended purpose of a birth certificate – to certify that a birth was documented and recorded. For that purpose, it is not unreasonable that State laws allow public access to these records. Efforts to restrict access to birth certificates would diminish their value for the purpose they were originally designed to serve. (page 6)

#### **State Practices Create Opportunities for Fraud**

Delayed, Amended, and Midwife Birth Registration Provide Opportunities for Fraud. State and local vital records staff say birth certificates issued based on delayed and amended birth registrations are more likely to be fraudulent.

Amended birth registration occurs when changes are made to the vital information contained on the original birth registration. While we do not specifically address amended birth registration in our survey, they were identified as problematic in our

discussions with Federal agency and State vital records office staff. The overall concern surrounding amended registrations is similar to that of delayed registrations in that some States do not require substantial evidence to amend birth registrations and that birth certificates issued based on amended registrations are not clearly marked as having been "amended". One state registrar also noted a growing problem in which adults are adopted by other adults, usually for inheritance purposes. In these cases, the adopted person undergoes a legal change of name and their birth record is altered, but the fact that the adoption took place is never recorded in any way on the original or amended birth certificate." (pages 14 - 15)

Nevada is unique from most states, in that it has set a time frame of 4 years, before establishing a delayed certificate of birth. (NRS 440.630) Nevada recognizes the admissibility in evidence of a "delayed" or "altered" certificate shall be subject to the discretion of the court, judicial or administrative body or official to whom any such certificate is offered as evidence. (NRS 440.640)

The discretion of the US State Department determines any certificate issued more than one year after the birth occurred is not adequate proof of United States citizenship. In Nevada issued amended birth certificates, there is no notation that the record is indeed amended. Therefore, it may be suspect for fraud, when an adoptee makes application for a passport.

The U.S. Department of State *Bureau of Consular Affairs Office of Public Affairs & Policy Coordination*, in their *May 2002 Foreign Entry Requirements*, specifically states:

**PASSPORTS:** U.S. citizens who travel to a country where a valid passport is not required will need documentary evidence of their U.S. citizenship and identity. Proof of U.S. citizenship includes an expired U.S. passport, a **certified (original) birth certificate**, Certificate of Naturalization, Certificate of Citizenship, or Report of Birth Abroad of a Citizen of the United States. To prove identity, a valid driver's license or government identification card are acceptable provided they identify you by physical description or photograph. However, for travel overseas and to facilitate reentry into the U.S., a valid U.S. passport is the best documentation available and unquestionably proves your U.S. citizenship.

<http://travel.state.gov/foreignentryreqs.html>

From my own personal experience, I can testify to being stopped and detained for 30 minutes at the US Border to British Columbia. My amended birth certificate, even with a valid driver's license, which includes physical description and photograph, was suspect of fraud.

Passage of Senate Bill 267 will allow a Nevada born adoptee, at the time of passport application to the United States Department of State, to provide a certified copy of both their original and amended certificates of birth, and the adoption decree. With this submission, Nevada born adoptees will be able to meet the federal standard of proof for U.S. citizenship.

### **Public Interest**

Nevada already recognizes the public benefit of records access, in the establishment of the Nevada Public Records Act. (NRS 239 et.seq.) Transparency and Accountability is needed, especially in state areas where the public does not have direct access. Without accountability to the very families it serves, the adoption industry can hide practices behind a veil of sealed records. Corruption potential and provision of false or incomplete information must be monitored. The expectation of open records brings better self-monitoring, and an opportunity for accountability.

Leading authorities in child advocacy and adoption in the United States stand in policy that upholds adult adoptee access to identifying information of their births and adoptions as a standard of excellence in adoption. Placing this policy into law serves the public interest. It provides best service to Nevadans.

### **Reunion Registry Validity**

SB 267 seeks to repeal the 1979 established State Reunion Registry. While it was then a progressive concept, with Nevada being the first of 21 states to institute a passive registry, it has sense proven an ineffective program, with a 4.4% rate of success, according to it's stated purpose - reunion.

In repeated attempts of telephone interview with The Division of Child and Family Services, Nevada Open was just yesterday able to update statistics, earlier collected by the American Adoption Congress. In 24 years of service, only 176 matches have been made. Birthparents and other birth relatives outnumber adoptee registrations 3 - 1. For adoptees seeking answers to their origins, the current sealed records law, except by court order, leaves little hope. And the decision to make contact to receive those answers is not necessarily desired, so much as reunion appears to be for birth families.

Adoptees find themselves in a unique position. In their quest to learn of themselves, of their own beginnings, they must consider making contact with their birth families - as it is only by mutual consent and a match, that they are allowed identifying information. Those two outcomes are not necessarily tied to intent. Birth families seek to know the

“rest of the story” Adoptees seek to know of themselves. It is peculiar to try and tie the two together. ONLY in providing adoptees direct access to their own birth and adoption information, can the registry find any validity.

In an already limited state budget, repealing a registry with a mere 4.4% success rate makes good fiscal sense to citizens. Further, The ISRR - International Soundex Reunion Registry – is located right here in Carson City. It is the largest free mutual consent registry in the world. Repealing Nevada’s State Registry will not deprive the families of adoption who desire contact. This service, which has also existed since the 1970’s, is well provided in the private sector. There is no need for duplication of services. The role of state government should not be reunion facilitation. It should return to the service of equal access to state held records of birth.

Senate Bill 267 seeks equitable treatment. Passage will advance the best interest of adopted persons, adoption practice, and the public interest. There is GREAT dignity in adoption. So Let’s Be Honest. I thank you for your consideration and respectfully seek your DO PASS vote.

## **“Tangible Interest”**

### **NRS 440.650 Issuance of certified copy of certificate; limitation.**

1. Upon request, the state registrar shall furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter.

2. The state registrar shall not issue a certified copy of a certificate or parts thereof unless he is satisfied that the applicant therefore has a direct and tangible interest in the matter recorded, subject, however, to review by the board or a court of competent jurisdiction under the limitations of NRS 440.170.

[Part 20:199:1911; A 1955, 419] + [Part 5:119:1929; A 1945, 39; 1943 NCL § 5281] + [Part 45:199:1911; added 1941, 381; 1931 NCL § 5268.14]

# Guidelines for Proof of US Citizenship

## U.S. Department of State

*Bureau of Consular Affairs*

*Office of Public Affairs & Policy Coordination*

**PASSPORTS:** U.S. citizens who travel to a country where a valid passport is not required will need documentary evidence of their U.S. citizenship and identity. Proof of U.S. citizenship includes an expired U.S. passport, a **certified (original) birth certificate**, Certificate of Naturalization, Certificate of Citizenship, or Report of Birth Abroad of a Citizen of the United States. To prove identity, a valid driver's license or government identification card are acceptable provided they identify you by physical description or photograph. However, for travel overseas and to facilitate reentry into the U.S., a valid U.S. passport is the best documentation available and unquestionably proves your U.S. citizenship.

<http://travel.state.gov/foreignentryregs.html>

## U.S. Department of State

*Passport Services and Information*

[http://travel.state.gov/passport\\_obtain.html](http://travel.state.gov/passport_obtain.html)

### 2. Present Proof of U.S. Citizenship

You may prove U.S. Citizenship with any *one* of the following:

- Previous U.S. Passport
- Certified birth certificate issued by the city, county or state

**NOTE:** *A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within 1 year of your birth*

- Consular Report of Birth Abroad or Certification of Birth
- Naturalization Certificate
- Certificate of Citizenship



*A Delayed Birth Certificate filed more than one year after your birth may be acceptable if it:*

- Listed the documentation used to create it and
- Signed by the attending physician or midwife, or, lists an affidavit signed by the parents, or shows early public records.

If you do NOT have a previous U.S. passport or a certified birth certificate, you will need:

**1. Letter of No Record**

Issued by the State with your name, date of birth, which years were searched for a birth record and that there is no birth certificate on file for you.

**2. AND as many of the following as possible:**

- baptismal certificate
- hospital birth certificate
- census record
- early school record
- family bible record
- doctor's record of post-natal care

**NOTES:**

- *These documents must be early public records showing the date and place of birth, preferably created within the first five years of your life.*
- *You may also submit an Affidavit of Birth, form DS-10, from an older blood relative, i.e., a parent, aunt, uncle, sibling, who has personal knowledge of your birth. It must be notarized or have the seal and signature of the acceptance agent.*

**NOTE:** *The following are NOT proof of citizenship*

- Voter registration cards
- Army discharge papers

We have new information on foreign-born children adopted by U.S. citizens.

**NOTE:** If you travel extensively, you may request a larger, 48-page passport at no additional cost. To do so, please attach a signed request for a 48-page passport to your application.

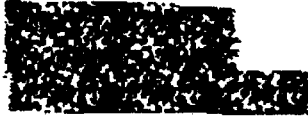
**FOR MINORS UNDER THE AGE OF 14:**

The citizenship evidence submitted for minors under the age of 14 must list both parents' names. Read more information on the citizenship requirements for minors under the age of 14



United States Department of State  
New Orleans Passport Agency  
One Canal Place  
365 Canal Street, Suite 1300  
New Orleans, Louisiana 70130-6508  
1-900-225-5674

August 11, 2000



Dear Ms. Morse:

Before further action can be taken on your passport application, you will need to submit acceptable evidence of your United States citizenship. The evidence submitted is not acceptable because the certificate shows that the birth was recorded more than one year after the birth occurred. The certificate does not show what evidence was used to create the delayed birth record.

Please submit a combination of other early public records which show your name, date and place of birth such as a baptismal certificate, early school record, and U.S. Census record (for births prior to 1950) or hospital birth record.

This application is denied unless you adequately address the requirements stated above for issuance of a passport. If we do not receive a response within ninety (90) days, your application will be filed without further action.

**PLEASE RETURN THIS LETTER WITH YOUR REPLY. THANK YOU.**

Sincerely,

Beverly Hitts-Christopic  
Regional Director

Enclosure(s):  
Form BC600

To Customer: If you have any questions regarding this letter or your passport application, contact the National Passport Information Center at 900-225-5674 (TDD: 900-225-7778), or 800-362-8668 (TDD: 800-444-3942) with a major credit card. Customer Service Representatives are available Monday - Friday, 8:30 a.m. to 5:30 p.m. ET, excluding Federal holidays. Also, for a wealth of passport and travel information, including where to apply, visit us at <http://travel.state.gov>.

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**Department of Health and Human Services**

**OFFICE OF  
INSPECTOR GENERAL**

**BIRTH CERTIFICATE  
FRAUD**

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**JUNE GIBBS BROWN  
Inspector General**

**SEPTEMBER 2000  
OEI-07-99-00570**

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## OFFICE OF INSPECTOR GENERAL

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OEI's Region VII, Kansas City office prepared this report under the direction of James H. Wolf, Regional Inspector General, and Brian Pattison, Deputy Regional Inspector General. Principal OEI staff included:

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<http://www.hhs.gov/oig/oei/>

# EXECUTIVE SUMMARY

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## PURPOSE

To provide an update on the nature and extent of birth certificate fraud.

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## BACKGROUND

Legitimate birth certificates provide vital information about the person whose name appears on the certificate. Issuing birth certificates is the responsibility of State vital records registrars and numerous local issuing entities. While originally intended for the sole purpose of birth registration, birth certificates are now used extensively for employment purposes and to obtain benefits or other documents used for identification.

Over the last 25 years, a number of studies have addressed problems related to false identification and the misuse of birth certificates. These studies conclude that false identification is a major factor in crime, and that most, if not all, Federal fugitives and drug trafficking crimes are associated with false identification. They also conclude that stolen, counterfeit, and altered birth certificates are often used as "breeder documents" that allow the holder to obtain documents needed to create new identities. The Office of Inspector General has conducted three inspections focused specifically on birth certificate fraud that identified a number of vulnerabilities in birth certificate processes. Because so many Federal and State agencies rely on birth certificates to assist them in determining eligibility for services and benefits, it is important that these agencies have current information on the nature and extent of birth certificate fraud to assist them in the proper assignment and protection of benefits.

This inspection was initiated at the request of the Department of Health and Human Services to provide information which the Department could use in responding to responsibilities placed on it as a result of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

We used two mechanisms to gather information. We gathered general information regarding vital records policies and procedures from 53 primary vital records registrars using mail surveys. We also collected more in-depth information through personal interviews with State registrars, fraud investigators, and local and State vital records, Passport Services, Immigration and Naturalization Services, Social Security Administration, and public assistance staff in five States and New York City. We also met with the Center for Disease Control and Prevention (CDC), National Center for Health Statistics, staff who provided us with comments on the draft of this report.

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## FINDINGS

### Fundamental, Irreconcilable Conflicts Surround Birth Certificate Purposes and Uses

A certified copy of a birth certificate is proof only that a birth occurred and was recorded. For that purpose, it may be desirable that the public be allowed easy access to them. However, the agencies and organizations that use birth certificates as proof of

identification for employment purposes, to obtain benefits or other documents (e.g., driver's licenses, Social Security cards, and passports), and to assist them in determining eligibility for public assistance and other benefits, may have concerns with how easily certified copies of birth certificates can be obtained. These conflicting perspectives are at the very heart of the birth certificate controversy.

## **Birth Certificates Continue to be Used as "Breeder Documents" and are Easy to Obtain**

Virtually all Federal and State agencies agree that fraudulent birth certificates are used as "breeder documents" to obtain the genuine documents needed to create new identities, and that fraudulent birth certificates are easy to obtain. Factors which contribute to their use as "breeder documents" include the following:

- currently, *6,422 different entities issue birth certificates*. This large number of State, county, city, township, and other entities that issue birth certificates increases opportunities for fraud, theft, bribery, and other methods of illegally obtaining birth certificates;
- thirteen States allow "open" access* to birth records, which allows virtually anyone to purchase copies of any birth certificates on file; and
- birth certificates can be purchased without identification* from some vital records offices and issuing entities.

## **Birth Certificate Fraud is Hard to Detect**

Many altered or counterfeit birth certificates and genuine birth certificates held by imposters may go undetected. The reasons why these fraudulent birth certificates are hard to detect include the following:

- over 14,000 different versions of birth certificates are in circulation;*
- nearly 4 million United States births were registered in 1999;*
- security features* contained in the paper used to issue birth certificates, as well as formats and signatures, vary among State vital records offices and the many local entities issuing them;
- technological advances* in the Internet, scanners, color printers, and copiers make it easier to obtain genuine birth certificates and create counterfeit ones;
- between 85 and 90 percent of the birth certificate fraud encountered by the Immigration and Naturalization Services and Passport Services staff is the result of *genuine birth certificates held by imposters* – the most difficult fraud to detect; and
- Federal and State agency staff report receiving only *limited training* focused on the detection of fraudulent birth certificates.

## State Practices Create Opportunities for Fraud

It was the consensus of those we interviewed that a number of State practices create opportunities for fraud. Those practices include the following:

- delayed, amended, and midwife birth registrations* that are based on affidavits of personal knowledge, include no documentary evidence, and are not often marked or overlaid accordingly;
- delays in matching death and birth records* can make the identities of many deceased persons easy to assume between the time the person dies and the time the death and birth records are matched;
- questionable *physical security* situations that create opportunities for fraud; and
- limited oversight* of local issuing entities by State vital records offices.

## Birth Certificate Fraud is Seldom Prosecuted

Virtually all of the Federal and State agency staff we talked with indicate birth certificate fraud is seldom prosecuted unless it can be linked to large dollar losses or other punishable crimes. Most staff also indicate that many prosecutors are reluctant, or refuse to take birth certificate fraud cases in which the only charge is attempting to obtain another individual's birth certificate, or counterfeiting or altering a birth certificate. At the same time, misconceptions exist surrounding the security and integrity of birth certificates.

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## CONCLUSIONS

### Birth Certificates Alone do not Provide Conclusive or Reliable Proof of Identity

Many agencies and organizations request that individuals provide their birth certificates to receive a benefit or service, or to support the issuance of other documents often used for identity purposes (e.g., driver's license). However, agencies who rely on birth certificates as a means of establishing identity must understand the limitations of accepting a birth certificate as proof of age, citizenship, or identity. For example, genuine documents obtained with counterfeit birth certificates can be used to obtain genuine birth certificates. Thus, it is inherently illogical to require someone to prove their identity using potentially fraudulent identity documents spawned by false birth certificates in order to obtain a birth certificate.

### Further, it would be Impractical to Redesign Birth Certificates to Make them Reliable Identification Documents in and of Themselves

Efforts to make the birth certificate into a reliable identity document are complicated by the more than 14,000 different legitimate versions in existence, and the more than 6,000 entities which issue them and the processes they use to do so. Efforts are also complicated by the ease with which birth certificates can legitimately be obtained and counterfeited, and the fact that the majority of fraud is now being committed by imposters

using genuine birth certificates. Also, any changes to the birth certificate itself will take essentially a lifetime to become effective.

### **Some Efforts to Redesign Birth Certificates Might Even be Undesirable**

The primary purpose for which birth certificates were created -- to document and record births -- is served well by the large number of entities that issue them and the technology which makes them readily and quickly available. Because redesigning birth certificates could jeopardize their availability, to do so might be undesirable. Unfortunately, that availability contributes to fraud and the unreliability of birth certificates as identification documents.

### **Nevertheless, Since Birth Certificates can Play an Important Role in Establishing Identity, Their Integrity Should be Improved**

When used in combination with other documents, birth certificates can add to the level of proof in establishing eligibility and identity. As noted previously, many agencies use them in this way. Therefore, it is important that the processes used to issue birth certificates be standardized and recent advances in technology utilized to ensure birth certificate integrity parallels that of other identification documents. It is also important that user agencies be vigilant in their detection of fraudulent documents and documents held by imposters. We have included consensus suggestions for improving the birth certificate process and the detection of fraud in the body of the report.

### **In Addition, Federal and State Program Administrators Should Assess the Proofs of Identity They Will Accept**

Even if their security is improved, birth certificates may still not be the best proof of identity. For this reason, program administrators may not want to use birth certificates at all, or use them only with other documents, as noted above. Agencies need to specify documents and methods of proving identity (e.g., fingerprints, testimony of relatives) they will accept in determining eligibility for services. Given what we have learned, if program administrators continue to include birth certificates in the proofs of identity they will accept, they should also reconsider what steps they will take to detect fraudulent certificates and to secure valid ones.



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# FINDINGS

In conducting this inspection, we heard many stories of people whose lives have been adversely affected by birth certificate fraud -- people who were personally victimized by stolen identities and suffered financial ruin. Others stories were more far-reaching, describing the criminal use of fraudulent birth certificates to evade law enforcement for crimes already committed, commit bank or credit card fraud, or obtain services and benefits for which individuals were not entitled. We also heard stories about fraudulent birth certificates used by terrorists and drug traffickers to acquire passports for international travel, and by illegal aliens attempting to avoid detection and deportation. The common threads running through each of these stories are 1) fraudulent birth certificates were involved, 2) most false identity crimes go undetected, 3) once detected, few false identity crimes are successfully prosecuted, and ultimately, 4) each one of us is affected by birth certificate fraud every day.

Recent Congressional and media attention on the subjects of identity theft and the sale of false identification documents via the Internet, and the statements of State and Federal staff with whom we spoke, reflect concerns regarding the fraudulent use of birth certificates. Virtually everyone with whom we spoke indicated that they believe birth certificate fraud is increasing, and 34 State registrars responded in the survey that birth certificate fraud has increased in the last 10 years.

To this end, the primary focus of this report and the majority of our findings address the status of birth certificate fraud. However, one of our most striking findings is related to the disconnect between the intended purposes of birth certificates and the purposes for which they are used.

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## Fundamental, Irreconcilable Conflicts Surround Birth Certificate Purposes and Uses

**A Birth Certificate is Proof Only that a Birth Occurred and was Recorded.** It is important to recall the intended purpose of a birth certificate -- to certify that a birth was documented and recorded. For that purpose, it is not unreasonable that State laws allow public access to these records. Efforts to restrict access to birth certificates would diminish their value for the purpose they were originally designed to serve.

**However, Birth Certificates are Used as Proof of Age, Citizenship, and Identity.** Birth certificates are widely recognized as proof of age, place of birth, and identity. They are also used extensively for employment purposes, to obtain benefits or other documents (e.g., driver's licenses, Social Security cards, and passports), to assist in determining eligibility for public assistance and other benefits, to enroll children in school, and as proof of age eligibility for sports and other age restricted activities. However, because

**Agencies Receive Little Training Focused on the Detection of Fraudulent Birth Certificates.** Staff who depend on birth certificates as proof of citizenship and eligibility for services or benefits report receiving little training focused on the detection of fraudulent birth certificates, and that training received is focused on "obvious attempts at counterfeiting." As such:

- SSA* district and field office staff, and *Department of Motor Vehicles* office employees indicate they receive only limited training focused on the identification of fraudulent birth certificates.
- Public Assistance* and *Food Stamps* agency staff note receiving little or no training to assist them in detecting fraudulent birth certificates.
- Immigration and Naturalization Service* staff receive internal training to assist them in the identification of fraudulent birth certificates, but it is limited.
- Passport Services Staff* in regional offices and the National Passport Services Center are responsible for issuing passports and receive training focused on birth certificate fraud. However, the over 4,500 acceptance agents located primarily in Post Offices and State and Federal Courts receive little training in the identification of fraudulent birth certificates.

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## State Practices Create Opportunities for Fraud

**Delayed, Amended, and Midwife Birth Registrations Provide Opportunities for Fraud.** State and local vital records staff say birth certificates issued based on delayed and amended birth registrations are more likely to be fraudulent. They also say they consider births registered by midwives, and other home births, to have a high potential for fraud.

*Delayed birth registration* occurs when a certificate of birth is not filed within the time specified by State law. Delayed birth registrations are sometimes the result of unattended home births, midwife births, and other out-of-hospital births. *The Model State and Vital Statistics Act and Regulations* require delayed certificates to be issued for births not filed within 1 year. Based on our survey responses, the State median time frame for filing delayed registrations is 1 year, but varies from State-to-State and ranges between 10 days and 4 years.

Federal and State staff alerted us to problems with delayed birth registration. These problems arise from the lack of evidence required to file a delayed birth in some States. Not all States include information with birth certificates about the documentary evidence they accept as proof a birth occurred, and upon which delayed registrations are allowed, with delayed birth certificates. Likewise, the documentary evidence required to register delayed births is inconsistent among States. Forty-seven States accept affidavits of

personal knowledge as proof a birth occurred, and 14 include no abstract of documentary evidence when issuing delayed birth certificates.

*Amended birth registration* occurs when changes are made to the vital information contained on the original birth registration. While we did not specifically address amended birth registrations in our survey, they were identified as problematic in our discussions with Federal agency and State vital records office staff. The overall concern surrounding amended registrations is similar to that of delayed registrations in that some States do not require substantial evidence to amend birth registrations and that birth certificates issued based on amended registrations are not clearly marked as having been "amended." One State registrar also noted a growing problem in which adults are adopted by other adults, usually for inheritance purposes. In these cases, the adopted person undergoes a legal change of name and their birth record is altered, but the fact that the adoption took place is never recorded in any way on the original or amended birth certificate.

*Midwife birth registrations* were also identified as an area of concern. Midwives provide a valuable service in insuring the healthy delivery of children and accurate registration of births. However, out-of-hospital births attended by midwives have raised concerns. Sixteen State registrars indicate they have encountered problems specifically linked to midwife birth registration. Our discussions with Federal, State, and local staff during our onsite visits indicate that problems associated with midwife registrations are concentrated along the United States-Mexico border. In fact, midwife registration has become such a problem in one border city we visited that they now require a police officer to be called to the scene shortly after any midwife delivery to verify that the birth actually occurred in the United States. All 41 States that allow midwives to register births have procedures and guidelines in place for such registration, but only 17 of those States require information in addition to or different from that required for hospital births. The additional information required to register midwife births in these States can include attendant affidavits, prenatal and/or post-partum records, and notarized statements or other documentation verifying the birth took place. In addition, some States require that midwives provide documentation that the mother lived in the State at the time the birth occurred.

#### **Delays in Matching Death and Birth Records Create Opportunities for Fraud.**

While our contacts all agreed that matching death and birth information is a strong deterrent to improper use of a genuine birth certificate, delays in matching those records present opportunities for fraud. In our interviews, we heard many stories in which the identity of a deceased person was assumed by obtaining a copy of their birth certificate. In these stories, imposters chose their new identities from names listed in newspaper obituary columns, from newspaper articles about individuals who had been murdered or killed in accidents, or from cemetery markers. Others had assumed the identities of deceased friends or family members. In each case, the imposter obtained a copy of the deceased person's birth certificate before it had been matched with the death registration.

# Voluntary Mutual Consent Adoption Registries

Oregon, Oregon registries that not participants in the 1993 and 1996 editions of this survey. All 21 registries responded in 1998, but four still do not keep statistics on the number of registrants and matches. Oklahoma, which recently introduced its adoption statute to introduce a more active registry, reports to be still reporting data from interested applicants and has yet to begin matching the estimated 5,000 or more adoptees and birth relatives who have signed up for their new program since November of last year. Data compiled by Barbara Dambert, Esq., American Adoptions Congress, Inc. C. Neal, M.Ed., AAC and the NJ Coalition for Openness in Adoption (1993 & 1996) and Melissa Mitchell, AAC and The Missouri Coalition for TRUTH in Adoption (1998).

State	Year Opened	Total # of ADs	Total # of Births	Total # of M/ADs	Total # registered 93/96	Total # registered in 1998/ increase	% who registered between 90 & 98	Total # of Matches (state '92)	% of Matches in 93 and 98	Avg. # matches per year	Funding for Registry	Staffing for Registry	Registry Fee	Triad Members Who May Sign up with the Registry
AR	1987	N/A	N/A	N/A	N/A	1000	N/A	@15	N/A	1.25	Adoptive	Adoptive	\$20	Adoptive Birth Parents
FL	1982	2,522	1,321	13394	30 (93)	4070 (+4040)	99%	@168 (state '92)	3.5%	24	Adoptive	Adoptive	\$35 (up to \$10)	Adoptive, Adoptive Parents, Birth Parents/Siblings
ID	1985				4 (93)	858 (+852)	99%	38	1.9%	2.7	Adoptive	Adoptive	\$10	Adoptive, Birth Parents
IL	1985	1073	801	32 (BS)	684 (93)	1906 (+4621)	33%	37	4.4%	2.65	Adoptive	Adoptive	FREE	Adoptive, Birth Parents
IN	1988	@7300	@4800	@90 (BS)	1285 (98)	12,189 (+8977)	74%	1594*	1.9%	145	Adoptive	Adoptive	\$40	Adoptive, Birth Parents/Siblings
LA	1982	900	400	20 (BS)	9 (93)	1320 (+1170)	85%	185	3.9% (96)	11	Adoptive	Adoptive	\$25	Adoptive Birth Parents & Siblings
MAE	1979	787	616	31 (BS)	1160 (93)	1478 (+170)	11.5%	48	2%	2.4	Adoptive	Adoptive	\$20	Adoptive, Adoptive Parents, Birth Parents & Siblings
MID	1986	N/A	N/A	N/A	473 (93)	1132 (+176)	16%	@23	2%	1.76	Adoptive	Adoptive	\$25	Adoptive, Birth Parents & Siblings
MO	1986	2140	998		956 (96)	3138 (+1657)	53%	35	1.4%	2.69	Adoptive	Adoptive	FREE	Adoptive, Birth Parents
NE	7777	N/A	N/A	N/A	N/A	@ 500	N/A	N/A	N/A	N/A	Adoptive	Adoptive	FREE	Adoptive, Birth Parents
NV	1978				1035 (93)				4.4%	N/A	Adoptive	Adoptive	FREE	Adoptive, Birth Parents
NY	1983	6737	2244		3051 (93)	8981 (+1)	-5%	265	1.86%	16.5	Adoptive	Adoptive	\$75/ \$200**	Adoptive, Birth Parents
OH	1985	1536	9862	BS total w/BR	9488 (96)**	11,398 (+4051)	36%	255	2.9%	18.2	Adoptive	Adoptive	FREE***	Adoptive, Birth Parents & Siblings
OK	11/1997	N/A	N/A	N/A	7347 (96)	@6000		N/A	N/A	N/A	Adoptive	Adoptive	\$20	Adoptive, Birth Parents
OR	1984	1283	566	189 (BS + AD)	1356 (93)	2038 (+278)	14%	179	2.1%	11.3	Adoptive	Adoptive	\$25	Adoptive, Adoptive Parents, Birth Parents & Siblings
RI	1993	365	116	15 (BS)	1760 (96)	496 (+298)	60%	20	4%	3.3	Adoptive	Adoptive	\$25	Adoptive Birth Parents/Adoptive
SC	1985	N/A	N/A	N/A	180 (93)	N/A	N/A	N/A	4.1 (93)	4 (93)	Adoptive	Adoptive	\$10	Adoptive/Birth Parents
SD	1984	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2.8	Adoptive	Adoptive	FREE	Adoptive/Birth Parents
TX	1984	1067	516	213 (BS)	2275 (93)	1796 (-511)	-22%	42	0.3%	2.8	Adoptive	Adoptive	\$20	Adoptive, Birth Parents
UT	1987	592	275	36 (BS)	239 (93)	903 (+214)	24%	40	4.2%	3.3	Adoptive	Adoptive	\$25	Adoptive, Adoptive Parents, Birth Parents & Siblings
WV	1991	N/A	N/A	N/A	N/A	N/A	N/A	2	4.4%	2.5	Adoptive	Adoptive	FREE	Adoptive, Birth Parents

\*Includes total inclusion adoptions & birth parents registries in order to obtain volume of adoption file and original birth certificate. \*\*Total includes adoptive parents who have since been matched from the New York Registry. \*\*\*Highest fee for adoptees; includes non-identifying info. \*\*\*\*Registry requires adoptees to pay \$50 fee court order.



**Social Work Speaks, Volume 5, p. 131**

"The need and right of adoptees to know their birth origin should be recognized and respected. This right extends to requests by adult adoptees for identifying information. If a reunion is requested by a birth relative, the service providers should attempt to provide counseling and intermediary services, being fully cognizant of the sensitivities of all parties involved. Both adoptive parents and birth parents should be informed of the limits of confidentiality."

*Policy Statement approved by the NASW Delegate Committee, November 1987, and reconfirmed by the Delegate Committee, August 1993. Social Work Speaks*

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**CHILD WELFARE LEAGUE OF AMERICA**  
Founded in 1920

## **CWLA Standards of Excellence in Adoption**

[http://www.cwla.org/programs/adoption/open\\_records4.htm](http://www.cwla.org/programs/adoption/open_records4.htm)

- The agency providing adoption services should support efforts to ensure that adults who were adopted have direct access to identifying information about themselves and their birth parents.
- The prevailing legal practice in the United States prohibits adults who were adopted as children from obtaining access to their original birth certificates or to identifying information contained in their adoption records.
- The practice of sealing records has come under scrutiny as the benefits of openness in adoption for the adopted individual, birth parents, and adoptive parents have come to be understood. The interests of adopted adults in having information about their origins have come to be recognized as having critical psychological importance as well as importance in understanding their health and genetic status. Because such information is essential to adopted adults' identity and health needs, the agency should promote policies that provide adopted adults with direct access to identifying information.
- This trend toward openness has already been recognized by the Indian Child Welfare Act (P.L. 95-608). Under that Act, courts must unseal records for American Indian children, on request, and provide information necessary for the adopted individual to ascertain his or her tribal affiliation and membership. Such information may include the names of the adopted child's birth parents.

*Child Welfare League of America Standards of Excellence for Adoption Services, 2000. Section 6.22, p. 87.*

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**National Adoption Center**

*There are no unwanted children, just unfound families.*

## **OPEN RECORDS POLICY STATEMENT**

<http://www.adopt.org/whoweare/policy.html#Open%20Records>

The National Adoption Center believes it is an inalienable right of all citizens, including adopted adults, to have unencumbered access to their original birth certificates. In keeping with this position, we believe that copies of both the original and the amended birth certificate should be given to the adoptive family at the time of finalization unless specifically denied by the birth parents. In any case, the National Adoption Center advocates that the adoptee, at age 18, be granted access to his/her original birth certificate.

The National Adoption Center also supports an adult adoptee's unencumbered access to all medical and historical records.\* These records should be given to adopting families prior to finalization.

\*Historical records refer to that information acquired about the child before coming into his/her final adoption placement. Such information includes, but is not limited to, foster care placements, childhood photos, information about siblings, number of moves before adoption, reason for entering foster care, details of school history and related school documents and any early history of development which may includes pertinent medical records.

Approved by the Board of Directors - June 15, 2000

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## **NACAC Policy Statements:**

[http://www.nacac.org/about\\_policystatements.html](http://www.nacac.org/about_policystatements.html)

### **Access to Original Birth Certificates**

NACAC supports access to original birth certificates to any adult adoptee at age of majority. (December 5, 1986)

### **Access to Original Birth Certificates**

Recognizing that many adult adoptees have a need for more complete information about their birth families, NACAC supports their right to this information and supports access to original birth certificates to any adult adoptee at age of majority. (April 11, 1992)

### **Full Disclosure of Background Information**

We believe that foster and adoptive families have a right to full disclosure of background information from agency, court, school, mental health and medical files. Such information is critical to the success of placements. (December 7, 1991)

## **Holt International Children's Services Statement of Support on Open Records**

Holt International Children's Services supports access by adoptees and birth parents to identifying information about each other.

Adoptees and birth parents should have access to identifying information about each other through any of the following methods:

- The original birth certificate
- Passive registry
- Assisted search process through a state licensed intermediary
- Opening sealed adoption records

Holt International supports the right of both adoptees and birth parents to express their wishes to each other regarding contact, and believes this option gives those who feel powerless a voice. We encourage both adoptees and their birth parents to express their preferences regarding contact.

Holt International respects and abides by the laws of the countries where we have programs, and in and the policies of our overseas partner agencies. We recognize that laws governing Holt International, both in the U.S. and abroad, may not permit the opening of the sealed adoption records, or other methods of access to identifying information that we support.

Holt International Children's Services is committed both in spirit and action to positive adoption reform, and works proactively to support the opening of adoption records.

2002

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