

**SUBJECT:** Revised requirements for filing birth certificates

**COMMITTEE:** Public Health — committee substitute recommended

**VOTE:** 8 ayes — Delisi, Laubenberg, Jackson, Cohen, Coleman, Gonzales, S. King, Olivo

0 nays

1 absent — Truitt

**WITNESSES:** For — None

Against — None

On — (*Registered, but did not testify:* Sherry Crawford, Department of State Health Services)

**BACKGROUND:** Health and Safety Code, sec.192.003 regulates who may file a birth certificate. It states that a physician, midwife present during a birth, a hospital or birthing center administrator, parents, or the owner of the property where the birth occurred may file a birth certificate with the local registrar. It requires a person to file a birth certificate no later than five days after the birth. A parent may delay the filing for religious beliefs but must file the birth certificate within 15 days after the birth.

**DIGEST:** HB 1117 would amend Health and Safety Code, sec. 192.003 to regulate who may file a birth certificate. Under the bill, a doctor or health care practitioner who was licensed or otherwise authorized by the state and who was present at the birth would certify and have filed a birth certificate directly with the local registrar. An administrator of a hospital or birthing center where a birth occurred could file a birth certificate if it was certified by a doctor or health care practitioner who was in attendance at the birth. If a doctor or health care practitioner was not present at the birth, someone who was present at the birth would file the birth certificate. In that case, the local registrar could not accept the birth certificate unless the person filing it also presented:

- the sworn affidavit of someone who was present at the birth that stated that the child was born in the state; and
- the sworn affidavit of a physician, physician assistant, advanced practice nurse, or midwife who could verify the age of the child.

The Department of State Health Services could prescribe the form and contents of the affidavits.

The bill would take effect September 1, 2007, and would apply only to birth certificates filed on or after the effective date.

**SUPPORTERS  
SAY:**

CSHB 1117 would decrease the opportunities for people illegally obtaining birth certificates by ensuring the verification of births. While originally intended for birth registration, birth certificates now are used extensively by government entities and public organizations as proof of identification for employment purposes, to obtain social security cards or passports, and to apply for state welfare benefits. As a result, it has become increasingly important to ensure that birth certificates are valid and accurate.

The bill would require a medical professional to certify and verify the birth of a child. Currently, a father, mother, an administrator of the facility where a birth occurs, or the owner of the premises where a birth takes place may file the birth certificate attesting to the age of the child and the state in which the birth took place. This means that a birth certificate may be issued without a child ever seeing a medical professional who could attest to the birth. The absence of any certification by a medical professional creates an opportunity for identity fraud. To reduce the chance of this happening, CSHB 1117 would tighten requirements for who could file a birth certificate and what a filed certificate would be required to include.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The substitute added provisions that would require a physician or health professional present at the birth to certify the filed certificate. It also would allow hospital or birthing center administrators to file birth certificates if they were certified by the physician. The substitute would permit physicians, assistants, advanced practice nurses, and midwives to

attest to the approximate age of the child when a physician or health care practitioner was not present at the birth.