



Senate

General Assembly

File No. 263

January Session, 2011

Substitute Senate Bill No. 1045

Senate, March 29, 2011

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROVIDING HOMELESS YOUTHS AND EMANCIPATED MINORS ACCESS TO BIRTH CERTIFICATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
4 unless the context otherwise requires:

5 (1) "Registrar of vital statistics" or "registrar" means the registrar of
6 births, marriages, deaths and fetal deaths or any public official charged
7 with the care of returns relating to vital statistics;

8 (2) "Registration" means the process by which vital records are
9 completed, filed and incorporated into the official records of the
10 department;

11 (3) "Institution" means any public or private facility that provides
12 inpatient medical, surgical or diagnostic care or treatment, or nursing,

13 custodial or domiciliary care, or to which persons are committed by
14 law;

15 (4) "Vital records" means a certificate of birth, death, fetal death or
16 marriage;

17 (5) "Certified copy" means a copy of a birth, death, fetal death or
18 marriage certificate that (A) includes all information on the certificate
19 except such information that is nondisclosable by law, (B) is issued or
20 transmitted by any registrar of vital statistics, (C) includes an attested
21 signature and the raised seal of an authorized person, and (D) if
22 submitted to the department, includes all information required by the
23 commissioner;

24 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
25 marriage certificate that includes all information contained in a
26 certified copy except an original attested signature and a raised seal of
27 an authorized person;

28 (7) "Authenticate" or "authenticated" means to affix to a vital record
29 in paper format the official seal, or to affix to a vital record in electronic
30 format the user identification, password, or other means of electronic
31 identification, as approved by the department, of the creator of the
32 vital record, or the creator's designee, by which affixing the creator of
33 such paper or electronic vital record, or the creator's designee, affirms
34 the integrity of such vital record;

35 (8) "Attest" means to verify a vital record in accordance with the
36 provisions of subdivision (5) of this section;

37 (9) "Correction" means to change or enter new information on a
38 certificate of birth, marriage, death or fetal death, within one year of
39 the date of the vital event recorded in such certificate, in order to
40 accurately reflect the facts existing at the time of the recording of such
41 vital event, where such changes or entries are to correct errors on such
42 certificate due to inaccurate or incomplete information provided by the
43 informant at the time the certificate was prepared, or to correct

44 transcribing, typographical or clerical errors;

45 (10) "Amendment" means to (A) change or enter new information
46 on a certificate of birth, marriage, death or fetal death, more than one
47 year after the date of the vital event recorded in such certificate, in
48 order to accurately reflect the facts existing at the time of the recording
49 of the event, (B) create a replacement certificate of birth for matters
50 pertaining to parentage and gender change, or (C) change a certificate
51 of birth, marriage, death or fetal death to reflect facts that have
52 changed since the time the certificate was prepared, including, but not
53 limited to, a legal name change or a modification to a cause of death;

54 (11) "Acknowledgment of paternity" means to legally acknowledge
55 paternity of a child pursuant to section 46b-172;

56 (12) "Adjudication of paternity" means to legally establish paternity
57 through an order of a court of competent jurisdiction;

58 (13) "Parentage" includes matters relating to adoption, gestational
59 agreements, paternity and maternity;

60 (14) "Department" means the Department of Public Health; [and]

61 (15) "Commissioner" means the Commissioner of Public Health or
62 the commissioner's designee; and

63 (16) "Certified homeless youth" means a person under eighteen
64 years of age who is a homeless child or youth, as defined in 42 USC
65 11434a, as amended from time to time, and has been certified as
66 homeless by (A) a school district homeless liaison, (B) the director of an
67 emergency shelter program funded by the United States Department
68 of Housing and Urban Development, or the director's designee, or (C)
69 the director of a runaway or homeless youth basic center or
70 transitional living program funded by the United States Department of
71 Health and Human Services, or the director's designee.

72 Sec. 2. Subsection (a) of section 7-51 of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*

74 *October 1, 2011*):

75 (a) The department and registrars of vital records shall restrict
76 access to and issuance of a certified copy of birth and fetal death
77 records and certificates less than one hundred years old, to the
78 following eligible parties: (1) The person whose birth is recorded, if
79 over eighteen years of age or if a certified homeless youth or a minor
80 emancipated pursuant to section 46b-150b; (2) such person's children,
81 grandchildren, spouse, parent, guardian or grandparent; (3) the chief
82 executive officer of the municipality where the birth or fetal death
83 occurred, or the chief executive officer's authorized agent; (4) the local
84 director of health for the town or city where the birth or fetal death
85 occurred or where the mother was a resident at the time of the birth or
86 fetal death, or the director's authorized agent; (5) attorneys-at-law and
87 title examiners representing such person or such person's parent,
88 guardian, child or surviving spouse; (6) members of genealogical
89 societies incorporated or authorized by the Secretary of the State to do
90 business or conduct affairs in this state; (7) agents of a state or federal
91 agency as approved by the department; and (8) researchers approved
92 by the department pursuant to section 19a-25. Except as provided in
93 section 19a-42a, access to confidential files on paternity, adoption,
94 gender change or gestational agreements, or information contained
95 within such files, shall not be released to any party, including the
96 eligible parties listed in this subsection, except upon an order of a court
97 of competent jurisdiction.

98 Sec. 3. Section 46b-150d of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2011*):

100 An order that a minor is emancipated shall have the following
101 effects: (1) The minor may consent to medical, dental or psychiatric
102 care, without parental consent, knowledge or liability; (2) the minor
103 may enter into a binding contract; (3) the minor may sue and be sued
104 in such minor's own name; (4) the minor shall be entitled to such
105 minor's own earnings and shall be free of control by such minor's
106 parents or guardian; (5) the minor may establish such minor's own

107 residence; (6) the minor may buy and sell real and personal property;
108 (7) the minor may not thereafter be the subject of (A) a petition under
109 section 46b-129 as an abused, dependent, neglected or uncared for
110 child or youth, (B) a petition under section 46b-128 or 46b-133 as a
111 delinquent child for any act committed before the date of the order, (C)
112 a petition under section 46b-149 alleging that the minor is a child from
113 a family with service needs, or (D) a petition under section 46b-150f
114 alleging that the minor is a youth in crisis; (8) the minor may enroll in
115 any school or college, without parental consent; (9) the minor shall be
116 deemed to be over eighteen years of age for purposes of securing an
117 operator's license under section 14-36 and a marriage license under
118 subsection (b) of section 46b-30; (10) the minor shall be deemed to be
119 over eighteen years of age for purposes of registering a motor vehicle
120 under section 14-12; (11) the parents of the minor shall no longer be the
121 guardians of the minor under section 45a-606; (12) the parents of a
122 minor shall be relieved of any obligations respecting such minor's
123 school attendance under section 10-184; (13) the parents shall be
124 relieved of all obligation to support the minor; (14) the minor shall be
125 emancipated for the purposes of parental liability for such minor's acts
126 under section 52-572; (15) the minor may execute releases in such
127 minor's own name under section 14-118; [and] (16) the minor may
128 enlist in the armed forces of the United States without parental
129 consent; and (17) the minor may access or obtain a birth certificate
130 under section 7-51, as amended by this act.

131 Sec. 4. Section 46b-150d, as amended by section 91 of public act 09-7
132 of the September special session, is repealed and the following is
133 substituted in lieu thereof (*Effective July 1, 2012*):

134 An order that a minor is emancipated shall have the following
135 effects: (1) The minor may consent to medical, dental or psychiatric
136 care, without parental consent, knowledge or liability; (2) the minor
137 may enter into a binding contract; (3) the minor may sue and be sued
138 in such minor's own name; (4) the minor shall be entitled to such
139 minor's own earnings and shall be free of control by such minor's
140 parents or guardian; (5) the minor may establish such minor's own

141 residence; (6) the minor may buy and sell real and personal property;
 142 (7) the minor may not thereafter be the subject of (A) a petition under
 143 section 46b-129 as an abused, dependent, neglected or uncared for
 144 child or youth, (B) a petition under section 46b-128 or 46b-133 as a
 145 delinquent child for any act committed before the date of the order, or
 146 (C) a petition under section 46b-149 alleging that the minor is a child
 147 from a family with service needs; (8) the minor may enroll in any
 148 school or college, without parental consent; (9) the minor shall be
 149 deemed to be over eighteen years of age for purposes of securing an
 150 operator's license under section 14-36 and a marriage license under
 151 subsection (b) of section 46b-30; (10) the minor shall be deemed to be
 152 over eighteen years of age for purposes of registering a motor vehicle
 153 under section 14-12; (11) the parents of the minor shall no longer be the
 154 guardians of the minor under section 45a-606; (12) the parents of a
 155 minor shall be relieved of any obligations respecting such minor's
 156 school attendance under section 10-184; (13) the parents shall be
 157 relieved of all obligation to support the minor; (14) the minor shall be
 158 emancipated for the purposes of parental liability for such minor's acts
 159 under section 52-572; (15) the minor may execute releases in such
 160 minor's own name under section 14-118; [and] (16) the minor may
 161 enlist in the armed forces of the United States without parental
 162 consent; and (17) the minor may access or obtain a birth certificate
 163 under section 7-51, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	7-36
Sec. 2	October 1, 2011	7-51(a)
Sec. 3	October 1, 2011	46b-150d
Sec. 4	July 1, 2012	46b-150d

Statement of Legislative Commissioners:

In Sec. 2 a comma after "age" was deleted for purposes of clarity.

KID

Joint Favorable C/R

PH

PH *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Public Health, Dept.	GF - Potential Revenue Gain	0 - 300	0 - 300

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Revenue Gain	0 - 200	0 - 200

Explanation

The bill, which gives certified homeless youths under 18 and emancipated minors the ability to obtain certified copies of their birth certificates, results in an annual potential General Fund revenue gain of up to \$300, and a potential municipal revenue gain of up to \$200. It is anticipated that each year no more than ten individuals will request certified copies of their birth certificates from the Department of Public Health (DPH), paying a fee of \$30 per copy (for a total of \$300), and no more than ten individuals will do so from various town clerks or registrars, paying a fee of \$20 per copy (for a total of \$200).

The Out Years

The ongoing fiscal impact identified above would continue into the future subject to the number of homeless youths and emancipated minors requesting certified copies of birth certificates from DPH or various town clerks or registrars.

OLR Bill Analysis**SB 1045*****AN ACT PROVIDING HOMELESS YOUTHS AND EMANCIPATED MINORS ACCESS TO BIRTH CERTIFICATES.*****SUMMARY:**

This bill gives (1) a person under age 18 who is certified as homeless and (2) an emancipated minor the ability to access and obtain his or her own birth certificate. Currently, only a person over age 18 has access and authority to obtain his or her own birth certificate.

With respect to “homeless youth,” the bill applies the federal definition and designates who may make the certification. By law, an emancipated minor is self-supporting and independent of parental control, usually as a result of a court order (see BACKGROUND). In Connecticut, emancipated minors are, as of January 1, 2010, under age 17 and on and after July 1, 2012, under age 18.

EFFECTIVE DATE: October 1, 2011; and July 1, 2012, for the provision that raises the age for emancipated minors (the date the change to the age of emancipation becomes effective).

HOMELESS CHILDREN AND YOUTH

“Homeless children and youth” means individuals who have no fixed, regular, and adequate nighttime residence (42 U.S.C. 11434a). They include youths who:

1. share other people’s housing because of a loss of housing, economic hardship, or a similar reason;
2. live in motels, hotels, trailer parks, or camp grounds because of a lack of alternative adequate accommodations;

3. live in emergency or transitional shelters;
4. are abandoned in hospitals;
5. are awaiting foster care placement;
6. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping place;
7. live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
8. are migratory children living in any of the circumstances described above.

CERTIFIED HOMELESS YOUTH

The certification required by the bill can be made by:

1. a school district homeless liaison;
2. the director, or his or her designee, of a U.S. Department of Housing and Urban Development-funded emergency shelter program; or
3. the director, or his or her designee, of a U.S. Department of Health and Human Services-funded runaway or homeless youth basic center or transitional living program.

BACKGROUND

Emancipated Minor

A minor is emancipated, as a result of a superior or probate court order, who (1) willingly lives separate and apart from his or her parents or guardian and manages his or her own financial affairs, (2) has shown good cause that emancipation is in the best interest of the minor, (3) is in a valid marriage, or (4) is on active duty with any of the U.S. armed forces. Pursuant to PA 09-7, September Special Session, emancipated minors are, as of January 1, 2010, under age 17 and on

and after July 1, 2012, under age 18 (CGS § 46b-150b).

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 12 Nay 0 (03/03/2011)

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/14/2011)