



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0009

Introduced 1/14/2021, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Vital Records Act. Removes language requiring that the State Registrar of Vital Records establish a new certificate of birth when he receives a declaration stating that a person has undergone treatment for the purpose of gender transition, or that the individual has an intersex condition, and that the sex designation on such person's birth record should therefore be changed. Provides that the State Registrar of Vital Records must establish a new certificate of birth when he receives a statement signed by the person in which the person attests to making the request for the purpose of affirming the person's gender identity or intersex condition and that the sex designation on the person's certificate of birth should therefore be changed. Provides that the fee for a new certificate of birth shall not be required from persons upon release from the Department of Corrections or the Department of Juvenile Justice, but the person is entitled to only one new certificate of birth fee waiver. Provides that the fee for a new certificate of birth shall be waived for specified persons. Provides that fees for a new certificate of birth and for a search of a birth record or a certified copy of a birth record shall be waived for all requests by a person who resides in a shelter for domestic violence. Requires the State Registrar of Vital Records to establish standards and procedures for the waiver of fees. Provides that a person who resides in a shelter for domestic violence must not be charged for verification. Provides that a person who knowingly or purposefully falsifies verification is subject to a penalty of \$100. Provides that a person who resides in a shelter for domestic violence shall be provided no more than 4 birth records annually under the provisions. Effective January 1, 2022.

LRB102 02773 CPF 12780 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Sections 17, 25.3, and 25.4 and adding Section 25.6 as
6 follows:

7 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

8 Sec. 17. (1) For a person born in this State, the State
9 Registrar of Vital Records shall establish a new certificate
10 of birth when he receives any of the following:

11 (a) A certificate of adoption as provided in Section
12 16 or a certified copy of the order of adoption together
13 with the information necessary to identify the original
14 certificate of birth and to establish the new certificate
15 of birth; except that a new certificate of birth shall not
16 be established if so requested by the court ordering the
17 adoption, the adoptive parents, or the adopted person.

18 (b) A certificate of adoption or a certified copy of
19 the order of adoption entered in a court of competent
20 jurisdiction of any other state or country declaring
21 adopted a child born in the State of Illinois, together
22 with the information necessary to identify the original
23 certificate of birth and to establish the new certificate

1 of birth; except that a new certificate of birth shall not
2 be established if so requested by the court ordering the
3 adoption, the adoptive parents, or the adopted person.

4 (c) A request that a new certificate be established
5 and such evidence as required by regulation proving that
6 such person has been legitimized, or that the circuit
7 court, the Department of Healthcare and Family Services
8 (formerly Illinois Department of Public Aid), or a court
9 or administrative agency of any other state has
10 established the paternity of such a person by judicial or
11 administrative processes or by voluntary acknowledgment,
12 which is accompanied by the social security numbers of all
13 persons determined and presumed to be the parents.

14 (d) (Blank). ~~A declaration by a licensed health care~~
15 ~~professional or licensed mental health professional who~~
16 ~~has treated or evaluated a person stating that the person~~
17 ~~has undergone treatment that is clinically appropriate for~~
18 ~~that individual for the purpose of gender transition,~~
19 ~~based on contemporary medical standards, or that the~~
20 ~~individual has an intersex condition, and that the sex~~
21 ~~designation on such person's birth record should therefore~~
22 ~~be changed. The information in the declaration shall be~~
23 ~~proved by the licensed health care professional or~~
24 ~~licensed mental health professional signing and dating it~~
25 ~~in substantially the following form: "I declare (or~~
26 ~~certify, verify, or state) under penalty of perjury that~~

1 ~~the foregoing is true and correct. Executed on (date)".~~
2 ~~The new certificate of birth shall reflect any legal name~~
3 ~~change, so long as the appropriate documentation of the~~
4 ~~name change is submitted.~~

5 (e) A statement signed by the person in which the
6 person attests to making the request for the purpose of
7 affirming the person's gender identity or intersex
8 condition and that the sex designation on the person's
9 certificate of birth should therefore be changed.

10 Each request for a new certificate of birth shall be
11 accompanied by a fee of \$15 and entitles the applicant to one
12 certification or certified copy of the new certificate. If the
13 request is for additional copies, it shall be accompanied by a
14 fee of \$2 for each additional certification or certified copy.
15 The fee for a new certificate of birth shall not be required
16 from a person (1) upon release on parole, mandatory supervised
17 release, final discharge, or pardon from the Department of
18 Corrections if the person presents a prescribed verification
19 form completed by the Department of Corrections verifying the
20 released person's date of birth and social security number, or
21 (2) placed on aftercare release under the Juvenile Court Act
22 of 1987, upon release on parole, mandatory supervised release,
23 final discharge, or pardon from the Department of Juvenile
24 Justice if the person presents a prescribed verification form
25 completed by the Department of Juvenile Justice verifying the
26 person's date of birth and social security number. However,

1 the person is entitled to only one new certificate of birth fee
2 waiver.

3 (2) When a new certificate of birth is established, the
4 actual place and date of birth shall be shown; provided, in the
5 case of adoption of a person born in this State by parents who
6 were residents of this State at the time of the birth of the
7 adopted person, the place of birth may be shown as the place of
8 residence of the adoptive parents at the time of such person's
9 birth, if specifically requested by them, and any new
10 certificate of birth established prior to the effective date
11 of this amendatory Act may be corrected accordingly if so
12 requested by the adoptive parents or the adopted person when
13 of legal age. The social security numbers of the parents shall
14 not be recorded on the certificate of birth. The social
15 security numbers may only be used for purposes allowed under
16 federal law. The new certificate shall be substituted for the
17 original certificate of birth:

18 (a) Thereafter, the original certificate and the
19 evidence of paternity, legitimation, or change of sex
20 designation shall not be subject to inspection or
21 certification except upon order of the circuit court,
22 request of the person named on the certificate of birth,
23 or as provided by regulation. If the new certificate was
24 issued subsequent to an adoption, then the evidence of
25 adoption is not subject to inspection or certification
26 except upon order of the circuit court or as provided by

1 rule, and the original certificate shall not be subject to
2 inspection until the adopted person has reached the age of
3 21; thereafter, the original certificate shall be made
4 available as provided by Section 18.1b of the Adoption
5 Act, and nothing in this subsection shall impede or
6 prohibit access to the original birth certificate under
7 Section 18.1b of the Adoption Act.

8 (b) Upon receipt of notice of annulment of adoption,
9 the original certificate of birth shall be restored to its
10 place in the files, and the new certificate and evidence
11 shall not be subject to inspection or certification except
12 upon order of the circuit court.

13 (3) If no certificate of birth is on file for the person
14 for whom a new certificate is to be established under this
15 Section, a delayed record of birth shall be filed with the
16 State Registrar of Vital Records as provided in Section 14 or
17 Section 15 of this Act before a new certificate of birth is
18 established, except that when the date and place of birth and
19 parentage have been established in the adoption proceedings, a
20 delayed record shall not be required.

21 (4) When a new certificate of birth is established by the
22 State Registrar of Vital Records, all copies of the original
23 certificate of birth in the custody of any custodian of
24 permanent local records in this State shall be transmitted to
25 the State Registrar of Vital Records as directed, and shall be
26 sealed from inspection except as provided by Section 18.1b of

1 the Adoption Act.

2 (5) Nothing in this Section shall be construed to prohibit
3 the amendment of a birth certificate in accordance with
4 subsection (6) of Section 22.

5 (Source: P.A. 100-360, eff. 1-1-18; 100-406, eff. 1-1-18.)

6 (410 ILCS 535/25.3)

7 Sec. 25.3. Homeless person birth record request.

8 (a) For the purposes of this Section, an individual's
9 status as a homeless person may be verified by a human services
10 agency, legal services agency, or other similar agency that
11 has knowledge of the individual's housing status, including,
12 but not limited to:

13 (1) a homeless service agency receiving federal,
14 State, county, or municipal funding to provide those
15 services or otherwise sanctioned by a local continuum of
16 care;

17 (2) an attorney licensed to practice in the State;

18 (3) a public school homeless liaison or school social
19 worker; or

20 (4) a human services provider funded by the State to
21 serve homeless or runaway youth, individuals with mental
22 illness, or individuals with addictions.

23 Individuals who are homeless must not be charged for this
24 verification.

25 Anyone who knowingly or purposefully falsifies this

1 verification is subject to a penalty of \$100.

2 (b) Applicable fees under Section 17 for a new certificate
3 of birth and under Section 25 of this Act for a search for a
4 birth record or a certified copy of a birth record shall be
5 waived for all requests made by a homeless person whose status
6 is verified under subsection (a) of this Section.

7 The State Registrar of Vital Records shall establish
8 standards and procedures consistent with this Section for
9 waiver of such applicable fees.

10 (c) A homeless person shall be provided no more than 4
11 birth records annually under this Section.

12 (Source: P.A. 100-506, eff. 1-1-18.)

13 (410 ILCS 535/25.4)

14 Sec. 25.4. Youth in care birth record request.

15 (a) For the purposes of this Section, an individual's
16 status as a youth in care may be verified:

17 (1) with a copy of the court order placing the youth in
18 the guardianship or custody of the Department of Children
19 and Family Services or terminating the Department of
20 Children and Family Services' guardianship or custody of
21 the youth; or

22 (2) by a human services agency, legal services agency,
23 or other similar agency that has knowledge of the
24 individual's youth in care status, including, but not
25 limited to:

1 (A) a child welfare agency, including the
2 Department of Children and Family Services; or

3 (B) the attorney or guardian ad litem who served
4 as the youth in care's attorney or guardian ad litem
5 during proceedings under the Juvenile Court Act of
6 1987.

7 A person described in subsection (b) of this Section must
8 not be charged for verification under this Section.

9 A person who knowingly or purposefully falsifies this
10 verification is subject to a penalty of \$100.

11 (b) The applicable fees under Section 17 for a new
12 certificate of birth and under Section 25 of this Act for a
13 search for a birth record or a certified copy of a birth record
14 shall be waived for all requests made by:

15 (1) a youth in care, as defined in Section 4d of the
16 Children and Family Services Act, whose status is verified
17 under subsection (a) of this Section; or

18 (2) a person under the age of 27 who was a youth in
19 care, as defined in Section 4d of the Children and Family
20 Services Act, on or after his or her 18th birthday and
21 whose status is verified under subsection (a) of this
22 Section.

23 The State Registrar of Vital Records shall establish
24 standards and procedures consistent with this Section for
25 waiver of the applicable fees.

26 (c) A person shall be provided no more than 4 birth records

1 annually under this Section.

2 (Source: P.A. 100-619, eff. 1-1-19; 101-81, eff. 7-12-19.)

3 (410 ILCS 535/25.6 new)

4 Sec. 25.6. Fee waiver; persons who reside in a shelter for
5 domestic violence.

6 (a) The applicable fees under Section 17 of this Act for a
7 new certificate of birth and Section 25 of this Act for a
8 search of a birth record or a certified copy of a birth record
9 shall be waived for all requests by a person who resides in a
10 shelter for domestic violence. The State Registrar of Vital
11 Records shall establish standards and procedures consistent
12 with this Section for waiver of the applicable fees. A person
13 described under this Section must not be charged for
14 verification under this Section. A person who knowingly or
15 purposefully falsifies this verification is subject to a
16 penalty of \$100.

17 (b) A person who resides in a shelter for domestic
18 violence shall be provided no more than 4 birth records
19 annually under this Section.

20 Section 99. Effective date. This Act takes effect January
21 1, 2022.

1 INDEX

2 Statutes amended in order of appearance

3 410 ILCS 535/17 from Ch. 111 1/2, par. 73-17

4 410 ILCS 535/25.3

5 410 ILCS 535/25.4

6 410 ILCS 535/25.6 new