



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5654

by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

410 ILCS 535/17 from Ch. 111 1/2, par. 73-17
410 ILCS 535/25.3
410 ILCS 535/25.4

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 homeless persons, youths in care, and persons under the age of 27 who were youths in care. Effective January 1, 2021.

LRB101 20355 CPF 69900 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 as follows:

6 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

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

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

17 (b) A certificate of adoption or a certified copy of
18 the order of adoption entered in a court of competent
19 jurisdiction of any other state or country declaring
20 adopted a child born in the State of Illinois, together
21 with the information necessary to identify the original
22 certificate of birth and to establish the new certificate
23 of birth; except that a new certificate of birth shall not

1 be established if so requested by the court ordering the
2 adoption, the adoptive parents, or the adopted person.

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

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

1 ~~birth shall reflect any legal name change, so long as the~~
2 ~~appropriate documentation of the name change is submitted.~~

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

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

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

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

1 21; thereafter, the original certificate shall be made
2 available as provided by Section 18.1b of the Adoption Act,
3 and nothing in this subsection shall impede or prohibit
4 access to the original birth certificate under Section
5 18.1b of the Adoption Act.

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

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

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

26 (5) Nothing in this Section shall be construed to prohibit

1 the amendment of a birth certificate in accordance with
2 subsection (6) of Section 22.

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

4 (410 ILCS 535/25.3)

5 Sec. 25.3. Homeless person birth record request.

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

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

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

16 (3) a public school homeless liaison or school social
17 worker; or

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

21 Individuals who are homeless must not be charged for this
22 verification.

23 Anyone who knowingly or purposefully falsifies this
24 verification is subject to a penalty of \$100.

25 (b) Applicable fees under Section 17 for a new certificate

1 of birth and under Section 25 of this Act for a search for a
2 birth record or a certified copy of a birth record shall be
3 waived for all requests made by a homeless person whose status
4 is verified under subsection (a) of this Section.

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

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

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

11 (410 ILCS 535/25.4)

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

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

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

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

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

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

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

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

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

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

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

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

24 (c) A person shall be provided no more than 4 birth records
25 annually under this Section.

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2021.