

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-7-1-.08

Rule Title Delayed Registration of Birth Five or More Years After the Date of Birth

 New XXXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer

Date 8-18-22

REC'D & FILED

AUG 18 2022

LEGISLATIVE SVC AGENCY

**FORM APA2
10/17**

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-7-1-.08, Delayed Registration of Birth Five or More Years After the Date of Birth

INTENDED ACTION: To amend the current rule.

SUBSTANCE OF PROPOSED ACTION: To remove and replace outdated text in the existing rule and document the requirement for identification from an applicant requesting to register a delayed birth certificate.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on September 15, 2022, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on October 5, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Nicole H. Rushing, Center for Health Statistics, Alabama Department of Public Health, P.O. Box 5625, Montgomery, Alabama 36103-5625, Telephone Number: (334) 206-2679.



P. Brian Hale, Agency Secretary

420-7-1-.08 Delayed Registration of Birth Five or More
Years After the Date of Birth

(1) Prior to applying for registration of a delayed certificate of birth for an individual born in this state, the individual must have requested a search for his or her birth certificate and received a statement from the State Registrar that his or her birth certificate is not on file in the Center for Health Statistics.

(2) Upon receipt of the notification that his or her birth certificate is not on file in the Center for Health Statistics, the individual, ~~his or her~~ the parents of a minor individual or legal guardian, or other legal representative acting on ~~his or her~~ the individual's behalf and who knows the facts of birth may apply for registration of a delayed certificate of birth as provided in Code of Alabama 1975, § 22-9A-9 by submitting a notarized affidavit stating the facts of birth along with the required fee, valid identification, and the required documentary evidence.

(3) To be acceptable, the documentary evidence submitted must support the facts of birth as stated in the affidavit and must meet the following criteria:

(a) The name of the registrant, the date of birth, and the place of birth must be consistent on all documents accepted as evidence to support the facts of birth.

(b) Other than an affidavit of personal knowledge as specified in Code of Alabama 1975, § 22-9A-9(3)e, documents accepted as evidence to support the facts of birth must have been established at least five years prior to the date of application or prior to the tenth birthday of the individual, must be from independent sources, and must contain a statement or certification from the custodian of the record or document.

1. Acceptable documents include but are not limited to such documents as:
 - a. Certified copy of a marriage record;
 - b. Certified copy of a birth certificate of applicant's child;

- c. Early school records;
- d. Social Security records;
- e. Passport;
- f. Military records;
- g. Federal government census records;
- h. Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services; or
- i. Other documents acceptable to the State Registrar.

2. Family documents such as records from bibles or genealogical records are not acceptable.

(c) Only one document of each type may be used.

(4) Information contained on a delayed certificate of birth for births registered five or more years after the date of birth shall include, at minimum, the following:

(a) Name of registrant; date and location of birth; sex; mother's name; father's name if the father has been legally determined; information for legal purposes such as certificate number and date filed; and

(b) An abstract of the documentary evidence used to register the delayed certificate of birth that provides a description of the type of document, the date the original document was filed and by whom it was filed, and the information regarding the facts of birth contained in the document.

(5) If the applicant is unable to provide adequate documentary evidence to support the facts of birth, the birth may not be registered except as provided in Code of Alabama 1975, § 22-9A-10.

Author: Dorothy Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Alabama, 1975, §22-9A-2, §22-9A-6, §22-9A-9, §22-9A-10.

History: Repealed and Replaced: Filed June 20, 2007;
effective July 25, 2007. Amended: Filed XX-XX-XXXX;
effective XX-XX-XXXX.