



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
April 29, 2014

To: Honorable Mayor and Members of the City Council
From: Councilmember Susan Wengraf
Subject: In Support of AB 1951 (Gomez) to Require the California State Department of Public Health to Modify Birth Certificates to Recognize Same-Sex Parents

RECOMMENDATION:

Adopt a Resolution supporting AB1951 to require the California State Department of Public Health to modify birth certificates to recognize same sex families. AB 1951 would allow birth certificates to reflect two mothers and two fathers, as well as a gender-neutral parent option. Request that the City Clerk send signed copies to Governor Brown, Senator Loni Hancock and Assemblymember Nancy Skinner.

BACKGROUND :

AB 1951 requires the State Registrar to modify the certificate of live birth form to allow for gender neutral parent entries. Current practice for birth certificate registration limits entries to a birth mother and father. This creates a situation where same-sex couples are forced to limit entry to just one parent, or to inaccurately place one partner's name in the "mother" or "father" field. This exclusionary practice places additional stress on couples experiencing the birth of a child. Additionally, parentage is only officially recognized by the state when an individual is listed on a birth certificate; if a couple is forced to omit or misrepresent a partner, it may create discriminatory legal challenges in the future when parental decisions are required. AB 1951 would rectify this problem by replacing "Birth Mother and Father" entries with a line that provides each parent the option to choose between "Father, Mother or Parent."

There are currently more than 15,000 same-sex couples with children and 126,000 same-sex households in California as reported in the 2010 Census.

FINANCIAL IMPLICATIONS:

None

CONTACT:

Councilmember Susan Wengraf Council District 6 510-981-7160

Attachments:

1. Resolution
2. AB 1951 Text

RESOLUTION NO. ##,### N.S.

SUPPORT AB 1951 TO REQUIRE THE DEPARTMENT OF PUBLIC HEALTH TO
MODIFY BIRTH CERTIFICATES TO RECOGNIZE SAME-SEX COUPLES

WHEREAS, AB 1951 would require the State Registrar and the Department of Public Health to modify the certificate of live birth to contain one line that reads Father/Mother/Parent 1 and another line that reads Father/Mother/Parent2; and

WHEREAS, the current practice allows for only a "Birth Mother" and "Birth Father" to be recorded on a certificate of live birth; and

WHEREAS, this form excludes same-sex parents and forces them to omit the name of a partner or misrepresent a partner on a certificate of live birth; and

WHEREAS, AB 1951 would allow same-sex couples to accurately record their legal family when birthing a child; and

WHEREAS, the City of Berkeley has a long history of supporting the rights of same-sex couples.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby supports AB 1951 to require the Department of Public Health to modify birth certificates to reflect the legal status of same-sex parent families.

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1951

Introduced by Assembly Member Gomez

February 19, 2014

An act to amend Section 102425 of, and to add Section 102425.1 to, the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Gomez. Vital records: birth certificates.

Existing law prescribes the duties of the State Registrar of Vital Statistics and local registrars of births and deaths with respect to the registration of a live birth. Under existing law, a certificate of live birth is required to contain, among other things, the full name, birthplace, and date of birth of both the father and mother of a child, except as provided.

Existing law provides for the Vital Statistics Advisory Committee, which, among other things, is required to review and make recommendations to the State Registrar as to proposals for addition or deletion of items on the certificate of live birth and advise the State Registrar on the content and format of the certificate. Existing law requires the State Registrar to publish within 30 days of receipt of recommendations by the committee, both a list of the recommendations adopted and a list of the recommendations not adopted, with reasons for the action.

This bill would instead require the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain ~~one line that reads Father/Mother/Parent 1 and another line that reads Father/Mother/Parent 2~~ *lines that both read "Name of Parent"*

and contain, next to each parent's name, 3 check boxes with the options of mother, father, and parent to describe the parent's relationship to the child. The bill would require the State Registrar to submit a report to the Legislature regarding the modification within 30 days of the action. The bill would also require that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification. *The bill would make conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) Notwithstanding Sections 102465 and 102470~~
 2 ~~of the Health and Safety Code, the State Registrar of Vital~~
 3 ~~Statistics, with regard to identification of the parents, shall modify~~
 4 ~~the certificate of live birth to contain one line that reads~~
 5 ~~Father/Mother/Parent 1 and another line that reads~~
 6 ~~Father/Mother/Parent 2.~~

7 ~~(b) Notwithstanding Section 102470 of the Health and Safety~~
 8 ~~Code, the State Registrar shall submit a report to the Legislature~~
 9 ~~regarding the modification within 30 days of the action.~~

10 ~~(c) A report to be submitted pursuant to subdivision (b) shall~~
 11 ~~be submitted in compliance with Section 9795 of the Government~~
 12 ~~Code.~~

13 ~~(d) (1) The certificate of live birth, as described in subdivision~~
 14 ~~(a), shall be used by all local registrars, deputy registrars, and~~
 15 ~~subregistrars.~~

16 ~~(2) The local registrars, deputy registrars, and subregistrars shall~~
 17 ~~update all forms to incorporate the modification and discard all~~
 18 ~~forms in use before the modification described in subdivision (a).~~

19 ~~SECTION 1. Section 102425 of the Health and Safety Code is~~
 20 ~~amended to read:~~

21 102425. (a) The certificate of live birth for any live birth
 22 occurring on or after January 1, 1980, shall contain those items
 23 necessary to establish the fact of the birth and shall contain only
 24 the following information:

- 25 (1) Full name and sex of the child.
- 26 (2) Date of birth, including month, day, hour, and year.
- 27 (3) Place of birth.

1 ~~(4) Full name of the father, birthplace, and date of birth of the~~
2 ~~father each parent, including month, day, and year, and the~~
3 ~~relationship of the parent to the child.~~~~¶~~

4 (A) *The full name of the mother shall be the birth name of the*
5 *mother.*

6 (B) *If the parents are not married to each other, the father's name*
7 *shall not be listed on the birth certificate unless the father and the*
8 *mother sign a voluntary declaration of paternity at the hospital*
9 *before the birth certificate is prepared. The birth certificate may*
10 *be amended to add the father's name at a later date only if paternity*
11 *for the child has been established by a judgment of a court of*
12 *competent jurisdiction or by the filing of a voluntary declaration*
13 *of paternity.*

14 ~~(5) Full birth name of the mother, birthplace, and date of birth~~
15 ~~of the mother including month, day, and year.~~

16 ~~(6)~~

17 (5) Multiple births and birth order of multiple births.

18 ~~(7)~~

19 (6) Signature, and relationship to the child, of a parent or other
20 informant, and date signed.

21 ~~(8)~~

22 (7) Name, title, and mailing address of the attending physician
23 and surgeon or principal attendant, signature, and certification of
24 live birth by the attending physician and surgeon or principal
25 attendant or certifier, date signed, and name and title of the certifier
26 if other than the attending physician and surgeon or principal
27 attendant.

28 ~~(9)~~

29 (8) Date accepted for registration and signature of local registrar.

30 ~~(10)~~

31 (9) A state birth certificate number and local registration district
32 and number.

33 ~~(11)~~

34 (10) A blank space for entry of the date of death with a caption
35 reading "Date of Death."

36 (b) In addition to the items listed in subdivision (a), the
37 certificate of live birth shall contain the following medical and
38 social information, provided that the information is kept
39 confidential pursuant to Sections 102430 and 102447 and is clearly
40 labeled "Confidential Information for Public Health Use Only":

- 1 (1) Birth weight.
- 2 (2) Pregnancy history.
- 3 (3) Race and ethnicity of ~~the mother and father~~ *each parent*.
- 4 (4) Residence address of the *birth* mother.
- 5 (5) A blank space for entry of census tract for the *birth* mother's
- 6 address.
- 7 (6) Date of first prenatal care visit, the number of prenatal care
- 8 visits, and commencing January 1, 2007, the date of last prenatal
- 9 care visit.
- 10 (7) Date of last normal menses and, commencing January 1,
- 11 2007, an obstetric estimate of completed weeks of gestation at
- 12 delivery.
- 13 (8) Description of complications and procedures of pregnancy
- 14 and concurrent illnesses, congenital malformation, and any
- 15 complication or procedure of labor and delivery, including surgery,
- 16 provided that this information is essential medical information and
- 17 appears in total on the face of the certificate.
- 18 (9) Commencing January 1, 2007, hearing screen results.
- 19 (10) ~~Mother's and father's~~ *Each parent's* occupations and kind
- 20 of business or industry.
- 21 (11) Education level of ~~the mother and father~~ *each parent*.
- 22 (12) Principal source of payment for prenatal care, which shall
- 23 include the following: Medi-Cal, private insurance, self-pay, other
- 24 sources, and any other categories as may be determined by the
- 25 State Department of *Public Health Services*.
- 26 (13) Expected principal source of payment for delivery, which
- 27 shall include the following: Medi-Cal, private insurance, self-pay,
- 28 other sources, and any other categories as may be determined by
- 29 the State Department of *Public Health Services*.
- 30 (14) An indication of whether or not the child's parent desires
- 31 the automatic issuance of a social security number to the child.
- 32 (15) On and after January 1, 1995, the social security numbers
- 33 of ~~the mother and father~~ *each parent*, unless subdivision (b) of
- 34 Section 102150 applies.
- 35 (c) Paragraph (8) of subdivision (b) shall be completed by the
- 36 attending physician and surgeon or the attending physician and
- 37 surgeon's designated representative. The names and addresses of
- 38 children born with congenital malformations who require followup
- 39 treatment, as determined by the child's physician and surgeon,

1 shall be furnished by the physician and surgeon to the local health
2 officer, if permission is granted by either parent of the child.

3 (d) The parent shall only be asked to sign the form after both
4 the public portion and the confidential medical and social
5 information items have been entered upon the certificate of live
6 birth.

7 (e) (1) The State Registrar shall instruct all local registrars to
8 collect the information specified in this section with respect to
9 certificates of live birth. The information shall be transcribed on
10 the certificate of live birth in use at the time and shall be limited
11 to the information specified in this section.

12 **Information**

13 (2) *Information* relating to concurrent illnesses, complications
14 and procedures of pregnancy and delivery, and congenital
15 malformations shall be completed by the physician and surgeon,
16 or the physician and surgeon's designee, who shall insert in the
17 space provided on the confidential portion of the certificate the
18 appropriate number or numbers listed on the VS-10A supplemental
19 worksheet. The VS-10A supplemental form shall be used as a
20 worksheet only and shall not in any manner be linked with the
21 identity of the child or the *birth* mother, nor submitted with the
22 certificate to the State Registrar. All information transferred from
23 the worksheet to the certificate shall be fully explained to the parent
24 or other informant prior to the signing of the certificate. ~~No~~
25 ~~questions~~ *Questions* relating to drug or alcohol abuse ~~may~~ *shall*
26 *not* be asked.

27 (f) (1) The Vital Statistics Advisory Committee, in accordance
28 with Section 102465, shall conduct a review of the contents of the
29 certificate of live birth to coincide with decennial revisions by the
30 National Center for Health Statistics to the United States Standard
31 Certificate of Live Birth. The Vital Statistics Advisory Committee
32 shall make recommendations to the State Registrar regarding the
33 adoption of modifications to the state certificate of live birth that
34 are similar to those made to the federal certificate.

35 (2) Notwithstanding Section 102470, the State Registrar shall
36 review the Vital Statistics Advisory Committee recommendations
37 and, at the State Registrar's discretion, shall submit to the
38 Legislature, for approval, additions or deletions to the certificate
39 of live birth.

1 *SEC. 2. Section 102425.1 is added to the Health and Safety*
2 *Code, to read:*

3 *102425.1. (a) Notwithstanding Sections 102465 and 102470,*
4 *the State Registrar of Vital Statistics, with regard to identification*
5 *of the parents, shall modify the certificate of live birth to do both*
6 *of the following:*

7 *(1) Contain two lines that both read "Name of Parent."*

8 *(2) Contain, next to each parent's name, three checkboxes to*
9 *choose from with the following options to describe the parent's*
10 *relationship to the child:*

11 *(A) Mother.*

12 *(B) Father.*

13 *(C) Parent.*

14 *(b) Notwithstanding Section 102470, the State Registrar shall*
15 *submit a report to the Legislature regarding the modification*
16 *within 30 days of the action.*

17 *(c) A report to be submitted pursuant to subdivision (b) shall*
18 *be submitted in compliance with Section 9795 of the Government*
19 *Code.*

20 *(d) (1) The certificate of live birth, as described in subdivision*
21 *(a), shall be used by all local registrars, deputy registrars, and*
22 *subregistrars.*

23 *(2) The local registrars, deputy registrars, and subregistrars*
24 *shall update all forms to incorporate the modification and discard*
25 *all forms in use before the modification described in subdivision*
26 *(a).*