

# **BUFF COLORED ISSUING BIRTH CERTIFICATES**

A **certified copy** or a **certified transcript** of a birth certificate may be issued only:

1. To the person named on the birth certificate, if 18 years of age or older;
2. To the parents of the person named on the birth certificate;
3. To the lawful representative of the person named or the parents of the person named on the birth certificate (need notarized release from person entitled to birth record or provide a court document dated within 1 year. The same stands for an attorney);
4. To a person with a New York State Court Order;
5. To the Commissioner of Health; or
6. To a municipal, state, or federal agency when needed for official purposes (**If the Department of Social Services is requesting a copy of a Birth Certificate and does not submit custody papers, then the copy or transcript must be stamped “For Government Use Only”**).

A **certification** of birth **can only** be issued:

1. To the person named on the birth certificate, **if under 18 years of age**.

A **certification** of birth may be issued:

1. To a person over 18 years of age, if a certification is what they prefer; or
2. To a person who can demonstrate the record is required for a judicial or other proper purpose (attorney with notarized released, municipal, state, federal agency or court document dated within 1 year).

**PROPER PURPOSE** – A list of proper purposes does not exist. However, a proper purpose does not exist when the record is requested for profit-making or to satisfy idle curiosity. Consult the Vital Records Section for guidance on determining proper purpose on an individual case basis.

**LEGAL GUARDIANS** – If a birth certificate is requested by the legal guardian of the person to whom the birth certificate relates, a certified transcript or certification may be issued only if the applicant produces court certified legal guardian papers (**must be dated within 1 year**). Proper identification is required. Ask the municipal attorney or contact the Vital Records Section for help determining if the papers submitted are acceptable.

**NON-LEGAL GUARDIANS AND RELATIVES** – If the request is made by a non-legal guardian or relative, the copy may not be issued directly to that person. In this case, the copy may be sent to the agency in need of the record (**must submit letter from agency**).

For example, a grandparent without legal custody may need a certified transcript for school enrollment of a grandchild in his or her care. Since the grandparent, in this case, does not have legal custody, it is permissible to send the record directly to the school district. Another situation that frequently arises is an adult child requesting a birth certificate for an elderly parent for the purpose of entering a nursing home or to establish Medicare or other eligibility. In this case, the copy may be sent directly to the agency in need of the birth certificate. With the signed, notarized consent of the parent authorizing the adult child to procure the birth certificate copy, the copy may be issued to the adult child.

**POWER OF ATTORNEY (POA)** – The POA must be an original and signed by the person named on the birth certificate and **dated within 1 year**. The language stated in the POA must be sufficient to allow the person given POA to obtain the birth certificate. Refer questions to the municipal attorney or to the Vital Records Section.