

TESTIMONY

HB 4068 and 4069

Good Morning Representative Kurtz and Committee Members. My name is Karla Garcia. I am the Legislative Liaison for the Department of Community Health. With me today is Glenn Copeland, the State Registrar and Director of Vital Records and Health Statistics.

The Department of Community Health opposes House Bill 4068 and 4069.

Under the current law in order to obtain a certified copy of a live birth, an affidavit of parentage, or a record of stillbirth you must be one of the following:

- (i) The individual who is the subject of the record.
- (ii) The parent named on the record.
- (iii) An heir, a legal representative, or legal guardian of the individual who is the subject of the record.
- (iv) A court of competent jurisdiction.

In addition, the law allows for additional access to these records for administrative purposes to federal, state, local, and other public or private agencies for statistical or administrative purposes.

In releasing vital records copies, a certified copy would be released only to an individual or entity eligible to receive the record while an uncertified copy marked for administrative use only would be issued to any other eligible party for statistical or administrative purposes.

In all cases, the requestor is required to provide a written request, proof of identity and the required fee to assure that the vital records office not only is able to assure eligibility, but also has the required documentation to provide if there is evidence that there may have been fraudulent activities that would endanger the confidentiality of this individual's vital record.

These bills would change eligibility requirements, create confidentiality and privacy concerns, waive fees for certain persons in specific circumstances, would create staffing problems when mandating a very timely response and would waive the need for a written request, which is required for any type of request. As a result, we would have a system that is more sensitive to fraud and costs more to operate, yet, results in a reduction in revenue generated.

Our concerns with these bills are as follows:

Concern #1

The Department is concerned that the provisions of the bill would jeopardize the security and confidentiality of restricted vital records documents. These bills require the faxing of a certified copy of a vital record. Having a raised seal impressed or affixed to the copy is an essential feature of a certified copy. A fax communication cannot, however, transmit a raised seal. This would compromise the privacy of Michigan citizens and could lead to

fraudulent use of these records which can lead to identity theft. This makes it technically possible to comply with the terms of the bill as written but may result in a document that will not serve the purposes intended.

Concern #2:

House Bill 4068 mandates the release of acknowledgements, which are restricted vital records, filed within the parentage registry, based upon, among other things, a telephone call. Vital records access in general, and birth and paternity documents in particular, are carefully regulated in law. This requirement would make it impossible to assure that access to these sensitive documents is properly restricted as is required by law and administrative rule. The bill would not provide a mechanism to enable the vital records office to assure the requestor has an official need for the record nor to confirm the identity of the requestor.

Note that neither bill does anything to restrict such requests specifically to Michigan courts or Michigan attorneys.

Concern # 3:

The vital records office is not funded to provide customer services to support the activities of attorneys and courts. The vital records office does not receive general fund support and has not since 2003. This office is funded solely through fees paid for vital records services. Michigan law requires fees for vital records services with very few exceptions (**which are allowing veterans to receive one copy of a vital record in order to obtain veterans benefits and the law permits state and local vital records offices to release a copy of a vital record to licensed child placement agencies to facilitate an adoption. In both cases, however, a formal signed application is required.**)

Concern #4:

Mandating a service that is fast and free will undoubtedly generate a significant workload within the vital records office that can be expected to increase over time. This will cause increasing budgetary problems for the office, including overtime costs.

The office has already developed an internet based system that allows for access to the statewide Central Paternity Registry by staff in the Department of Human Services and prosecutors' offices, in addition to other IV-D agencies. This system is in the process of being expanded to interlink with the Michigan Birth Registry System. While the costs for the system are largely covered by IV-D federal funding, this funding support requires that any additional uses of the system by non IV-D agencies or individuals pay proportionally for their use of the system. These proposed bills would undermine this funding stream and cause increased difficulties in supporting the system.

In Conclusion:

The vital records eligibility standards in effect in Michigan are designed to assure appropriate restrictions on access to these sensitive records while providing the vital records office with the means to develop procedures that make oversight on the release of these records both practical and efficient. At the same time, budgetary decisions over recent years have led to an expectation that the vital records system be self-supporting. This philosophy is built on the premise that all users of the system, are expected to provide the revenue necessary to allow for the operation of this office.

These fees need to cover more than only the incremental cost of providing the service, but rather the full range of costs incurred including things such as forms preparation, vital records systems costs, registration preservation cost, development and distribution of instructions and training opportunities, and the preparation of statistical files and reports. While this has proven to be difficult in the past and budgetary shortfalls within the office do occur, it is clear that proposals to carve out special services and waivers of fees is not consistent with the idea of a self-supporting vital records system. Though the vital records office is here to serve the various needs of Michigan attorneys and courts, this office should not be expected to subsidize their operations.

Thank you for your time and we would be happy to answer any questions you may have.