~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2022

**H. 4834**

Introduced by Reps. Bernstein, Collins, Crawford, Fry and Felder

S. Printed 3/9/22--H.

Read the first time January 20, 2022.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4834) to amend Section 44‑63‑80, Code of Laws of South Carolina, 1976, relating to certified copies of an original birth certificate, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill allows DSS to obtain certified copies of a birth certificate from DHEC without court orders or other third-party records, pursuant to the terms of a written agreement entered into between the two departments.

**Department of Health and Environmental Control.** DHEC indicates that while the number of birth certificate requests will remain relatively the same, the agreement with DSS will optimize the agency’s processes but should not significantly reduce expenses. Therefore, there will be no impact to General Fund expenditures.

**Department of Social Services.** This bill eliminates the agency’s documentation requirement during the request process, which may result in minimal savings from staff time, office supply costs, and postage associated with the several hundred requests per year that will be reallocated within the program. Therefore, the bill will have no impact to general fund expenditures.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑63‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTIFIED COPIES OF AN ORIGINAL BIRTH CERTIFICATE, SO AS TO ADD A DEFINITION FOR “OTHER LEGAL REPRESENTATIVE”; TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO OBTAIN CERTIFIED COPIES OF ORIGINAL BIRTH CERTIFICATES PURSUANT TO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑80 of the 1976 Code is amended to read:

“Section 44‑63‑80. (A) Except as otherwise provided, certified copies of the original birth certificate or any new or amendatory certificate, exclusive of that portion containing confidential information, must be issued only by the state registrar and only to the registrant, if of legal age, his parent or guardian, or other legal representative, and upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The registrar shall include a copy of the pamphlet ‘South Carolina Family Respect’, as provided in Section 20‑1‑720, when it mails or sends the certified copy of the birth certificate. However, the certified copy of the birth certificate may not disclose the name of the father in any illegitimate birth unless the name of the father is entered on the certificate pursuant to Section 44‑63‑163 or Section 44‑63‑165. ~~The short form certificate or birth card may be furnished only to the registrant, his parent or guardian, or other legal representative by the state or county registrar.~~ For purposes of this subsection, ‘other legal representative’ means:

(1) a person or agency that has current legal custody of a registrant pursuant to any currently effective order of a court of competent jurisdiction, including a temporary order;

(2) the Department of Social Services, for any individual or registrant in foster care or in its legal custody;

(3) a caregiver, including a kinship caregiver, providing care to a registrant pursuant to any currently effective order of a court of competent jurisdiction, including a temporary order;

(4) an attorney representing either a registrant or a registrant’s parent listed on the birth certificate; and

(5) subject to the department’s verification process, on behalf of a homeless child or youth being served by them:

(a) a director or designee of a South Carolina governmental agency, or a nonprofit organization registered with the South Carolina Secretary of State’s Office, that receives public or private funding to provide services to the homeless; and

(b) a South Carolina school district’s McKinney‑Vento liaison for homeless children or youth.

(B) The Department of Social Services may obtain certified copies of a birth certificate in accordance with subsection (A) by making a written request for such copies pursuant to the terms of a written agreement that shall be entered into between the Department of Health and Environmental Control and the Department of Social Services. There is no requirement of copies of court orders or other third‑party records when the Department of Social Services makes a request for certified copies of a birth certificate pursuant to the written agreement entered into pursuant to this subsection.

(C) When one hundred years have elapsed after the date of birth, these records must be made available in photographic or other suitable format for public viewing.”

SECTION 2. This act takes effect upon approval by the Governor.

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