



State of South Carolina

Department of Social Services

Policies and Guidelines: Child Welfare Services

Title	Requesting and Obtaining Birth Certificates for Children in Foster Care
Document No.	591
Authority	S.C. Code § 11-35-4860(2), 44-63-80, 44-63-100
Standards	Guiding Principles and Standards (GPS) Practice Model
Application	Child Welfare Services Staff
Purpose	
To guide child welfare services staff in requesting and obtaining birth certificates needed for South Carolina Department of Social Services (SCDSS) objectives from the South Carolina Department of Public Health (DPH) Office of Vital Statistics or another states equivalent office.	
Policy Statement	
Child welfare services staff are responsible for requesting and obtaining birth certificates needed for all children who are in the legal custody of SCDSS.	
Policy Administration	
The Division of Child Welfare Services' Office of Permanency is the owner of this policy. The Director of the Office of Permanency, or designee, shall review this policy annually from the date published in the Child Welfare Manual Policy Manual, or as needed due to changes in law or practice.	
Policy Guidelines	
A. Requesting and Obtaining Birth Certificates for Children Born in South Carolina	- Each county or regional SCDSS office must designate 1-2 employees who will have access to the birth certificate portal that was created between DPH and SCDSS. This information needs to be shared with SCDSS State Office Adoptions who will then provide the portal link to the designated staff member. - The SCDSS designated staff member is responsible for inputting the following information into the portal: - The child's full name; - Mother's full maiden name; - Father's full name (if known); - County of child's birth; - Case identification number (special instructions box); - Child's person ID number (special instructions box); - Child's date of birth; and - Child's sex. - After submitting the request, the designated employee emails the following information to requestedbirthcertificates@dss.sc.gov: - Child's name; - Case ID number; - Confirmation number; and

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	d. Date of request.
B. Requesting and Obtaining Birth Certificates for Children Born Outside of South Carolina but Within the United States	1. The designated staff member will obtain the needed form for the child's birth state to request the birth certificate and provide all required information. 2. The other states form and an original court order along with a check for the required fees will need to be mailed to that state's vital statistics office for processing.
C. Infants Surrendered Under the Safe Haven Act (Daniel's Law) Considerations	1. If a child enters foster care through the Safe Haven Act (Daniel's Law), the birth certificate request must be made by the program manager who leads State Office Adoptions. The following information will need to be provided: a. County of birth; b. Date of birth (approximate if unknown); c. Case ID number; and d. Person ID number. 2. If the child's birth was not found in the Vital Records system and the child was born in South Carolina, a delayed birth registration will need to be completed. 3. If the child is under the age of one (1), medical records showing the care that the child has been receiving since birth that include the mother and child's date of birth. 4. After collecting medical records, the Vital Statistics form will be completed to include the name of the child, the mother's maiden name, date of birth, county of birth, and sex. 5. A letter from Vital Statistics showing the birth was not registered and contains a raised seal along with the required fees will be sent to the Vital Statistics Office. Note: SCDSS may not know the mother's name or date of birth under these circumstances. SCDSS will attempt to obtain the birth certificate from Vital Statistics and if the birth is not registered, SCDSS shall obtain guidance from Vital Statistics for next steps.
D. Special Considerations	1. If the child's birth is not registered and they are over the age of one (1), SCDSS must complete the following: a. A petition will need to be filed in family court and Vital Statistics must be named as the party to the order, for an order establishing a record of the name at birth, gender changes, subsequent name changes, gender at birth, gender changes, date of birth, and the full name of the biological father of the person whose birth is sought to be registered by way of a Delayed Certificate of Birth Established by Court Order:

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	i. The petition must allege that the person for whom a delayed certificate of birth is sought was born in South Carolina, that no record of birth exists, and that the petitioner has failed to produce the minimum required documentation to the State Registrar of Vital Statistics for an administrative establishment of a delayed birth certificate; ii. A certification from the State Registrar of Vital Statistics must be attached to the petition stating that no birth record has been located in the records of South Carolina. iii. This certification must be dated less than two (2) years before the petitions filing date; iv. According to statute 44-63-100, the court will determine, and the order will include the registrants name at birth, subsequent name changes, gender at birth, gender changes, the date of birth, the county of birth, the full name of the mother prior to any marriages, the full name of the biological father, and any additional finds the court deems necessary; v. The order must also include a description of the evidence presented to the court; vi. The order must be forwarded by the clerk of the court to the State Registrar no later than 30 days following the month in which the order was entered by the court; and vii. After completion, SCDSS will apply for the birth certificate and pay all associated costs for the registration of the birth and to obtain the birth certificate. Note: <i>SCDSS has historically taken an original clocked order to the Bureau of Vital Statistics along with all required fees to obtain a birth certificate immediately.</i> 2. If the child's name is listed incorrectly or not on the birth certificate, SCDSS shall complete the following: a. Until the registrants first birthday, names may be added for unnamed registrants upon receipt of an affidavit of amendment form created by the Bureau of Vital Statistics and signed by parents named on the record or the legal guardian of the registrant; b. For a person aged one (1) to 10 years of age, names may be added for unnamed registrants upon presentation of one (1) piece of documentary evidence (e.g. pediatricians statements, court order if the child's full name and date of birth is listed, etc.) in accordance with the Bureau of Vital Statistics regulations; or c. For a person older than 10 years of age, names may be added for unnamed registrants upon presentation of two (2) pieces of documentary evidence, with at least one (1)
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	of the documents having been created within the first 18 years of life.
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Forms and Related Documents	N/A
Related Management Reports	N/A

Glossary
N/A