

**REPORT ON  
ILLEGAL ACQUISITION AND USE  
OF BIRTH CERTIFICATES  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 22**

**COMMONWEALTH OF VIRGINIA  
DIVISION OF PURCHASES AND SUPPLY  
RICHMOND  
1979**



# COMMONWEALTH of VIRGINIA

*Department of Health*  
*Richmond 23208*

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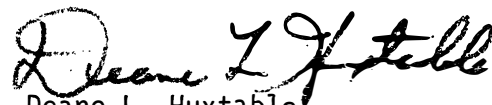
December 29, 1978

TO: The General Assembly of Virginia

The report contained herein is pursuant to House Joint Resolution No. 96 of the 1978 Session of the General Assembly of Virginia.

This report comprises the response of the State Registrar of Vital Statistics to the directive that a study be made of the problem of illegal acquisition and use of birth certificates as it affects the Commonwealth of Virginia.

Respectfully submitted,



Deane L. Huxtable  
State Registrar

HOUSE JOINT RESOLUTION NO. 96

*Requesting the State Registrar of Vital Statistics to study the illegal acquisition of birth certificates.*

WHEREAS, concern has been expressed both within and without the Commonwealth of Virginia as to the existence of a problem, said to be increasing in magnitude, respecting the false acquisition and use of birth certificates for various illegal purposes; and

WHEREAS, the relative ease with which such certificates may be falsely obtained apparently works to the benefit of aliens residing in this country illegally, and also to the benefit of other persons having the intent of defrauding public or private entities; and

WHEREAS, the General Assembly is, and of right ought to be, concerned for the security and proper legal use of official birth and death certificates and desirous of preventing any illegal use thereof; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Registrar of Vital Statistics is requested to study the problem of illegal acquisition and use of such certificates as it affects the Commonwealth of Virginia, and to make recommendations to the nineteen hundred seventy-nine Session of the General Assembly as to what action, if any, would be appropriate on the part of the General Assembly or the Bureau of Vital Statistics to assure the greater safeguarding of such official records from any fraudulent use.

## VIRGINIA SITUATION

The Federal Advisory Committee on False Identification established by the U.S. Attorney General in 1975 has determined that illegal documentation and false identification is a multibillion dollar national problem. A substantial number of such false documents are a result of illegally obtained or forged birth certificates which are used as "breeder documents" in obtaining other documents which, in turn, are used for identification. It should be noted that the birth certificate itself is not, and has never been intended to be, an identification document. It is a registration of facts that existed at the time of birth as amended by subsequent legal changes--such as adoption, legitimation, or court ordered change of name.

A review of the comments of the Federal Advisory Committee on False Identification regarding State birth certificates discloses the following observations. The Virginia situation follows each comment.

- a. Unsigned requests by mail for such documents are usually honored.

In Virginia fraudulent application, both by mail and in person, is discouraged by use of state-issued standard application forms requiring the applicant's signature, address, justification of request, and such items (parents' names) not generally available to imposters that can be used to detect false application.

- b. The birth certificate of deceased persons are not usually so designated and there is almost no correlation of birth and death records.

An imposter will generally search the news media for an infant death that occurred about the time of his own birth. In Virginia all infant deaths (under one year of age) are matched with the corresponding birth certificate and the record of birth is flagged accordingly.

- c. Records of births and deaths in many states are open for "browsing" by persons seeking false identification.

In Virginia all records are kept in security vaults. No persons other than bonded state employees have access to either the original records or the indexes thereto.

- d. Minimum standards are not available for issuance security and document security of birth certifications.

Virginia law and Board of Health regulations clearly spell out who may receive either data or certified copies of vital records. (Sec. 32-353.26 Code of Virginia)  
The statutes and regulations set adequate standards

concerning access. The documents issued as certified copies are as secure as is now possible by the Xerox system using American Bank Note paper which is virtually tamper-proof.

e. Many of the 7,000 local vital records offices are autonomous, which results in a wide variety of formats, seals, and safeguards provided for certifications, making it difficult to confirm or control the validity of local certifications.

The Virginia vital statistics system is centrally controlled and there are no local autonomous offices. Except when the original record is in the hands of the local health department (approximately one week) all certifications are issued at the state level on standard formats, a standard seal, and standard procedure. Any local forms are also standard.

f. Information on the abuse of birth certificates is often not given to the proper state authorities.

This is true. Most false documents are discovered by Federal agencies, and procedures are now being worked out for proper notification.

g. Abuse of birth certificates is not sufficiently covered by legislation at the state or federal level.

Even though Virginia has certain penalties for misuse of birth certificates, they are not adequate. (Sec. 32-353.31 Code of Virginia) Increased penalty status from a misdemeanor to felony is recommended. (See recommendations) There is no federal legislation on the subject.

In addition to the above, it should be noted that requests for Virginia birth certificates are retained for a period of two years (for audit purposes) which allows the issuing office to assist in the detection and tracing of fraudulent requests.

In order to better ascertain the extent of the problem in Virginia, a letter and questionnaire were sent to selected agencies in the state. Those contacted were:

1. Mr. Archer L. Yeatts, Commissioner  
Department of Alcoholic Beverage Control  
2901 Hermitage Road  
Richmond, Virginia 23220
2. Mr. Vern L. Hill, Commissioner  
Division of Motor Vehicles  
2220 West Broad Street  
Richmond, Virginia 23220

3. Mr. William L. Lukhard, Commissioner  
Department of Welfare  
8007 Discovery Drive  
Richmond, Virginia 23229
4. Colonel Denny M. Slane  
Superintendent  
Virginia State Police  
Midlothian Turnpike  
Richmond, Virginia 23235
5. Mr. Clyde A. Archileti  
District Manager  
Social Security Administration  
400 North Eighth Street  
Richmond, Virginia 23240
6. Mr. Donald L. Baker  
Manager, PAD Department  
Travelers Insurance Company  
Post Office Box 26426  
Richmond, Virginia 23261
7. Mr. William Turnbull  
Senior Vice-President  
F & M Bank Card Center  
4901 Dickens Road  
Richmond, Virginia 23230

For copies of the letter and questionnaire, see attachments 1 and 2.

## Questionnaire Results

1. All agencies except the bank card center replied in the affirmative that copies of birth certificates are used as evidence in one or more of their operations. The same agencies also indicated that personal identification and proof of birth facts may be obtained from other types of documents and used as evidence. The bank card center is deleted from the remainder of this questionnaire analysis.
2. Specific programs in Virginia that use certified copies of birth certificates can be identified as follows:
  - a. To document age for life insurance applicants.
  - b. To verify age at time of life insurance policy maturity
  - c. Verify age at time of retirement
  - d. Social Security benefits
  - e. Eligibility for Medicare
  - f. Social Security Supplemental income
  - g. Verify age for purchase of alcoholic beverages
  - h. Obtain driver's license and photo ID cards
  - i. Criminal investigations
  - j. Employment applicant investigation
  - k. Aid to dependent children
  - l. Food stamp program
  - m. General welfare relief program
  - n. Eligibility for Medicaid

The above were obtained from the questionnaire. Other major uses in the State are known to be: entrance to school; work permits; military enlistment, and the like.

3. a. Many documents other than the birth certificate are acceptable to the agencies in order to prove the facts of birth. The birth certificate is generally the primary document; however, if it is not available, the following types of records are generally acceptable.
  1. Census reports
  2. Passports
  3. Immigration records
  4. Alien registration card
  5. Military records(Note that the foregoing are all federal government documents.)
  6. Baptismal records
  7. School records
  8. Marriage records
  9. Employment recordsand the like.
- b. Only one-half of the agencies reviewed required that the documents be certified. In other words, simple Xerox or other photo reproductions are acceptable.



- c. In all cases, however, the document is seen and reviewed by a member of the agencies' staff.
  - d. One-half of the agencies keep a copy of the document (birth record or other) for their files. All others are returned to the person concerned.
  - e. All agencies abstract or review the documents for evidence of name, age or date of birth, and place of birth. Three agencies do not require information on parentage.
  - f. Only Social Security uses the State assigned birth certificate number in its operations. It is known, however, that many school systems in the State require the certificate number as a student's record file number for administrative purposes.
  - g. Only Welfare commented that their staff frequently make use of both the birth certificate and the birth number to increase the validity of welfare documentation.
4. Only the insurance company and welfare indicated that they never have had occasion to question the validity of birth records presented as evidence. All others answered affirmatively.
  5. Of the agencies that did question the validity of some documents, none could give an actual count. Three agencies furnished an estimate of episodes of questionable validity during the past 12 months as: 2 percent; 10 cases; 500 cases. These, however, were generally not birth records but were other documents, such as driver's license.
  6. When validity of documents was questioned, three agencies indicated forgery or alterations, two agencies indicated use of someone else's record, and one agency indicated that unauthorized certifications were noted. One agency indicated that false documents had been printed by inmates in the printing shops of the Department of Corrections.
  7. Only three of the agencies admitted that occasionally false or invalid records probably had been accepted by the agency. The number of such episodes is unknown.
  8. In answer to the key question as to the agency's knowledge of any results or consequences of invalid or false documentation on the agency's activities, no agency could give any measurement concerning the amount of money involved, licenses issued, or other factors relating to the problem.

From the above it must be concluded that representative Virginia agencies recognize that there exist some illegal usage and falsification of identification documents in the State. The problem, however, does not appear to be wide-spread nor a disruption of normal activities. Also, it is evident that the birth certificate is generally not the false document at issue.

As a former member of the Federal Advisory Committee on False Identification, the Virginia Registrar of Vital Statistics held the opinion that the only real resolution of the problem was the implementation of a national identification program with the utilization of a unique number. The program would necessarily require federal legislation but could be decentralized and operated by the states. This recommendation was not accepted by the Committee. In view of this, there is very little that can be accomplished by a single state operating independently.

As a result of meetings held during the summer of 1978 with the Department of Justice, the Federal Bureau of Investigation, Social Security Administration, Immigration and Naturalization Service, and the Department of Transportation, the State Registrar of Vital Statistics was informed that the Virginia Vital Statistics System was as secure as any other single state, and that the nation's problems existed in other areas. Virginia does not have the fraudulent record problem that applies to California, New York, Illinois, Florida, and the Southwest border states.

There are, however, items that could improve the situation in Virginia.

#### Recommendations.

1. Virginia law (Sec. 32-353.31, Code of Virginia) should be amended to impose a felony penalty for violations of paragraph (a) within the section. Also, an increased misdemeanor status should be assigned to paragraph (b). This has been referred to the Virginia Code Commission.
2. After many previous attempts, the 1978 session of the General Assembly authorized the Bureau of Vital Records and Health Statistics \$360,000 to automate the Commonwealth's birth records during the current biennium. This will produce a more secure document for certified copies, preserve data now disintegrating on old original records, and materially speed up service to the public. The above amount will not complete the total conversion process and it is anticipated that a like amount will be required during the budget period 1980 - 1982. It is recommended that the required sum be appropriated by the legislature during the next biennium.
3. The statutes provide that the State Registrar shall be custodian of all vital records. At the present time the data processing and computer applications of such records are not under the control of the Health Department. The General Assembly should consider adequate safeguards to assure security of data elements and documents when not under the control of the official custodian.

Letter accompanying Birth Certificate Utilization Questionnaire

April 14, 1978

Please note the enclosed copy of House Joint Resolution No. 96 approved by the 1978 Virginia General Assembly requiring the State Registrar of Vital Statistics to study the problem of illegal acquisition of birth certificates for fraudulent purposes.

The true extent of the problem is unknown in Virginia, but because the birth certificate is used as a "breeder document" to obtain other identification or privileges, it is felt that your agency may be in a unique position to contribute to the study.

A recent report of the Federal Advisory Committee on False Identification outlines what is known about the extensive illegal use of documents in the United States for fraudulent purposes in obtaining driver's licenses, welfare benefits, social security, credit cards and related problems such as illegal aliens, insurance frauds and the like. Several sections of the Committee's report are directed to the issuance and control of birth records for the above and other purposes.

Because of interstate commerce and population movement, it is difficult for a single state to have much impact on the problem. I am assured, however, that Federal agencies such as the National Center for Health Statistics, the Passport Division of the State Department, the Immigration and Naturalization Service, among others, will support us by consultation as we feel our way along in this study. Virginia could, in fact, become a demonstration area for potential solutions to be recommended elsewhere.

In view of the above, it is requested that you designate a person in your agency or organization knowledgeable in identification matters or document control who may be contacted by the undersigned. Depending upon the response received to this letter, which is being sent to several State agencies, and private organizations, it will be determined whether personal interviews will suffice or whether one or two meetings of all concerned would be appropriate.

Your consideration of this request and an early reply will indeed be appreciated.

Sincerely,

DEANE HUXTABLE  
State Registrar



4. Do you have occasion to question the validity of certificates/documents presented to your agency as evidence? yes no

5. If you keep records of those episodes of questioned validity, or otherwise have knowledge of such episodes, how many during the past 12 months? (Otherwise, please estimate):

actual count \_\_\_\_\_  
estimate \_\_\_\_\_

6. When you question the validity of such certificates/documents is it because they appear to be:

forged or altered yes no  
someone else's certificate yes no  
unauthorized certifications yes no  
other (specify)

7. Other than the above, do you have reason to suspect that occasionally false or invalid certificates/documents are presented to and accepted by your agency? yes no

If yes, please explain

8. Do you have any information for your agency indicating the results or consequences of invalid or false documentation, such as number of I.D. or licenses issued, amount of money involved, or other such measurement that would indicate extent of the problem? yes no

Comments:

Name and title of respondent:

Name of agency:

Your telephone number:

