

Date of Hearing: July 8, 2025

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 313 (Cervantes) – As Amended May 1, 2025

SENATE VOTE: 28-10

SUBJECT: VITAL RECORDS: BIRTH CERTIFICATES

KEY ISSUE: SHOULD EACH PARENT'S PLACE OF BIRTH THAT IS REQUIRED TO BE REPORTED ON A CHILD'S BIRTH CERTIFICATE BE INCLUDED IN THE CONFIDENTIAL PORTION OF THE BIRTH CERTIFICATE?

SYNOPSIS

Existing law regulates what information must be included on a birth certificate for each child born in California, divided between public and confidential information. Public information requirements include the child's full name, date of birth including hour, their sex, and place of birth. Currently, the public portion of a birth certificate also includes both parents' place of birth. The confidential portion includes birth weight, the mother's pregnancy history, each parents' race and ethnicity, residence information, education level, and social security numbers, if applicable. In light of the new presidential administration's immigration policies, the author has identified concern that the data relating to parents' place of birth may be used to target children born in California, who are therefore U.S. citizens, and their foreign-born parent or parents. This bill aims to protect these families' information by requiring the parents' place of birth to be included in the confidential portion of a child's birth certificate.

This bill is author-sponsored and is supported by Bastard Nation: the Adoptee Rights Organization. Oakland Privacy has submitted a position of support if amended. It was previously heard by the Assembly Committee on Health where it was approved on a vote of 12-1.

SUMMARY: Requires data relating to each parent's place of birth to be included in the confidential portion of a child's birth certificate.

EXISTING LAW:

- 1) Establishes the State Department of Public Health (DPH) and sets forth its powers and duties, including duties of the State Registrar relating to vital records and health statistics. (Health and Safety Code Section 102100 *et seq.* All further statutory references are to the Health and Safety Code unless otherwise noted.)
- 2) Makes the local health officer of an approved public health department the local registrar for all registration districts within that health jurisdiction and requires the local registrar to perform all the duties of a local registrar of births and deaths. Requires the State Registrar, in other areas, to appoint a local registrar of births and deaths for each registration district. (Section 102275 and Section 102280.)
- 3) Requires the certificate of live birth to include only the following information:
 - a) Full name and sex of the child;

- b) Date of birth, including month, day, hour, and year;
 - c) Place of birth;
 - d) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child;
 - e) Multiple births and birth order of multiple births;
 - f) Signature, and relationship to the child, of a parent or other informant, and date signed;
 - g) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date signed, and name and title of the certifier, if other than the attending physician and surgeon or principal attendant;
 - h) Date accepted for registration and signature of local registrar;
 - i) A state birth certificate number and local registration district and number; and,
 - j) A blank space for entry of the date of death with a caption reading "Date of Death".
(Section 102425 (a).)
- 4) Requires the certificate of live birth to additionally contain the following medical and social information, provided the information is kept confidential, and is clearly labeled "Confidential Information for Public Health Use Only":
- a) Birth weight;
 - b) Pregnancy history;
 - c) Race and ethnicity of the mother and any other parent;
 - d) Residence address of the birth mother;
 - e) A blank space for entry of census tract for the birth mother's address;
 - f) Date of first prenatal care visit, the number of prenatal care visits, and commencing January 1, 2007, the date of last prenatal care visit;
 - g) Description of complications and procedures of pregnancy and concurrent illnesses, congenital malformation, and any complication or procedure of labor and delivery, including surgery, providing that this information is essential medical information and appears in the total of the face of the certificate;
 - h) Commencing January 1, 2007, hearing screen results;
 - i) The occupations of the mother and father or parent and kind of business or industry;
 - j) Education level of the mother and father or parent;

- k) Principal source of payment for prenatal care, which includes the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by DPH;
 - l) Expected principal source of payment for delivery, which includes the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by DPH;
 - m) Any indication of whether or not the child's parent desires the automatic issuance of a social security number to the child; and
 - n) On and after January 1, 1995, the social security numbers of the mother and father or parent, unless the parent has good cause for not disclosing the parent's social security number. (Section 102425 (b).)
- 5) Provides that the race and ethnicity of the mother and any other parent, the occupations of the mother and father or parent and kind of business or industry, and the education level of the mother and father or parent shall not be required to be entered on the confidential portion of the birth certificate when an objection is made by either parent to providing the information. (Section 102425 (c).)
- 6) Requires access to the confidential section of the certificate of live birth to be limited to the following:
- a) DPH staff;
 - b) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively;
 - c) The county coroner;
 - d) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological, or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar;
 - e) The parent who signed the certificate or, if no parent signed the certificate, the mother;
 - f) The person named on the certificate;
 - g) A person who has petitioned to adopt the person named on the certificate of live birth;
 - h) The following state government departments requesting the information for official government business purposes as deemed appropriate by the State Registrar, that agree to maintain confidentiality: DPH, the State Department of Health Care Services, the Department of Finance, the Scholarshare Investment Board, for the purpose of implementing the California Kids Investment and Development Savings Program, and the Department of Health Care Access and Information; and
 - i) The birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records. Prohibits the

birth hospital from further disclosing the information or using the information for purposes other than allowed by this part. (Section 102430 (a).)

- 7) Requires DPH to maintain an accurate record of all persons who are given access to the confidential portion of the certificates. Requires the record to include all of the following: the name of the person authorizing access, the name, title, and organizational affiliation of persons given access, the dates of access, and the specific purpose for which the information is to be used. (Section 102430 (b).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: On January 20, 2025, the President issued Executive Order Number 14160 titled “Protecting the Meaning and Value of American Citizenship.” It ordered, despite long-standing legal precedent to the contrary, that a child born in the United States whose mother was either undocumented or was in the U.S. with temporary lawful status (such as a tourist visa) and whose father was a noncitizen without lawful permanent residency would not be a citizen at birth. In effect the order limits citizenship conferred at birth to children with at least one parent who is either a citizen or a lawful permanent resident. In issuing this directive, the order relies on the argument that the Fourteenth Amendment has “always excluded from birthright citizenship persons who were born in the United States but not ‘subject to the jurisdiction thereof.’” The order does not explicitly argue how children born in the U.S. born to noncitizen parents are *not* subject to the jurisdiction of the United States.

The order triggered a flurry of litigation challenging the order. United States District Courts for the District of Maryland, the Western District of Washington, and the District of Massachusetts granted preliminary injunctions blocking the order. The administration appealed those injunctions, and were denied by the Fourth, Ninth, and First Circuit Courts. Finally, the Administration petitioned the Supreme Court to partially stay the injunction to apply only to the petitioners in the cases arising out of Maryland, Washington, and Massachusetts. After initially declining to hear the Administration’s appeal of the lower courts’ injunction, the Court accepted the Administration’s petition. On June 27, in one of many controversial rulings for the session, the Supreme Court granted the administration’s request to partially pause the lower court’s injunctions. Importantly, the decision did *not* rule on the issue of birthright citizenship itself. Instead it focused on the issue of universal injunctions and whether the lower federal courts exceeded their authority by blocking the Executive Order is implemented nationwide. The decision also did not decide whether the lower courts’ injunctions would apply to the states challenging the order, instead directing them to “determine whether a narrower injunction is appropriate.” (*Donald J. Trump v. CASA, Inc.* (2025) 606 U.S. ____.) The decision ultimately leaves a potential for a patchwork quilt of citizenship laws and statuses across the country, depending on whether a court has enjoined the Order as applied to the parties for it in a given suit.

According to the author:

The birth certificate is often one of the first legal documents a person acquires, and its significance is sometimes overlooked. In the United States, birth certificates serve as proof of an individual’s age, citizenship status, and identity. They are essential for obtaining a Social Security number, applying for a passport, enrolling in schools, getting a driver’s license, securing employment, or applying for other benefits. Birth Certificates include sensitive information of a child’s parents, including their place of birth. However, CDPH, notes that

the bottom portion of the certificate, containing "Confidential Information for Public Health Use," is typically not included on routine copies unless specifically requested by the person named on the certificate, the parent who signed it, or, if no parent signed, the mother. Unfortunately, parent birthplace is not confidential information. The current federal administration, attempted by executive order, to deny citizenship to children born not only to undocumented parents, but to anyone with one parent who is either undocumented or is in the U.S. on a temporary visa or stay.

The right to citizenship is fundamentally important in American law, often described as a precious right. This status is not merely a privilege but a vital aspect of individual identity and rights within the nation. Consequently, it cannot be arbitrarily shifted, canceled, or diluted by the Federal Government, state governments, or any other governmental entities. Such a safeguard underscores the belief that citizenship carries with it a set of inherent rights and responsibilities that should remain protected from the whims of political entities. This principle ensures that every citizen maintains their status and the associated rights as a core element of American democracy.

SB 313 does not take away the authority of the Department of Health or the Office of Vital Records to authenticate any documents presented by applicants nor does it aim to reform birth certificates.

However, it does ensure the confidentiality of the parentage country of origin by designating it as confidential under the law, similar to other types of sensitive information that are already protected.

Senate Bill 313 requires the California Department of Public Health, upon an individual's birth in the U.S. to remove the parents' birthplace from the informational portion of the birth certificate, and include that information in the confidential portion of the document. This change aims to enhance the privacy of families by keeping personal information secure and away from public access. Although the practice of information sharing is not new, the implications of the lack of protection of personal information could be far-reaching, particularly in the context of increased scrutiny over personal data. No entity, should infringe upon privacy rights and confidentiality standards, it becomes increasingly crucial to prioritize the protection of sensitive personal information. Individuals must remain vigilant about how their data is shared and utilized, as any breach could have serious implications for their privacy and security. Ensuring robust safeguards and policies is essential in this evolving landscape, to maintain trust and protect the rights of individuals in an era where personal information is more vulnerable than ever.

Existing law regulates the information that is required to be included on a birth certificate for each child born in California, divided between public and confidential information. Public information requirements include the child's full name, date of birth including hour, their sex, and place of birth. Currently, the public portion of a birth certificate also includes both parents' place of birth. Generally, birth certificates and records of birth are public information but only certain individuals, such as parents and the individual themselves, can access a certificated copy of a birth certificate.

The confidential portion of a birth certificate includes birth weight, the mother's pregnancy history, each parents' race and ethnicity, residence information, education level, and social

security numbers if applicable. These data points are kept confidential except pursuant to Health and Safety Code Sections 102430 and 102447.

Section 102430 authorizes disclosure of these data to authorized individuals and entities including the local registrar's office staff and health department, when approved by the registrar and health department, the county coroner, and "persons with valid scientific interest as determined by the State Registrar." It also authorizes access by certain state departments that may request the data for government purposes including the State Department of Public Health, Department of Health Care Services, and Department of Finance, among others. Section 102447 allows disclosure of both parents' social security numbers when applicable to both the State Department of Child Support Services and their local agencies.

This bill attempts to provide additional protections to children born in California to non-citizens by requiring the information relating to the parents' birthplace to be included in the confidential portion of the child's birth certificate.

The California Public Records Act (CPRA) provides that public records are open to inspection at all times during the office hours of a public agency for inspection by the public, and subject to disclosure upon request, unless exempted. (Section Government Code 7922.525.) An exemption can be explicit in the CPRA itself, pursuant to another law, or justified by the agency's determination that, based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (See Government Code Sections 7922.000, 7922.525, 7922.530.)

This bill proposes to make information that is currently publicly accessible confidential, creating an exception to the CPRA. Such exceptions are not uncommon, and the question becomes whether such a restriction is justifiable. Here, the author seems to indicate that policies promoted by the current Presidential administration, including attempts to revoke birthright citizenship, justify removing the public's access to information related to parents' birthplace.

This bill does not have any formal opposition. However, Oakland Privacy has submitted a position of support if amended. While they appear to agree with the underlying intent of the measure ("SB 313 would protect individuals born in California if born to immigrant parents by keeping the birthplace of parents confidential"), they raise the concern that the measure "if passed as is would impact the right of public access. [...] By keeping the birthplace of parents confidential, it would make it harder for the public to obtain background information on public figures and fact-check statements." They provide the example of Senator Ted Cruz, who "has publicly spoken out against birthright citizenship. However, fact-checking journalism has illuminated his lineage, including where Cruz was born and where his parents immigrated from."

To strike a balance between providing bolstered protections for children of immigrants and ensuring continued access to information necessary to keep public figures accountable, Oakland Privacy suggests two new elements: first, a process by which individuals could petition a court to gain access to the confidential information, and second, setting a sunset date.

The points made by Oakland Privacy are well taken. It is true that part of the underlying purpose of ensuring access to public information is to allow for fact-checking and accountability. However, it seems unlikely that access to a public figure's parent's place of birth would be a common fact that would be the subject of widespread public interest. Conversely, to the extent it may actually be kept confidential, a child's parent's place of birth may be widely relevant in the

context of this administration's immigration policies. Therefore, allowing for the default status of such information to be confidential while establishing a mechanism to allow for its disclosure in appropriate circumstances may very well strike the appropriate balance. *As the bill progresses, the author may wish to consider working with the Judicial Council of California to develop an effective process by which someone may petition for the disclosure of the parents' birth place that would otherwise be confidential information.*

ARGUMENTS IN SUPPORT: This bill is supported by Bastard Nation: the Adoptee Rights Organization. Oakland Privacy has submitted a position of support if amended. In support of a prior version of the bill, Bastard Nation: the Adoptee Rights Organization submits the following:

SB 313 mandates that all birth certificates issued by the State of California for babies born on and after effective date certify that they are US citizens by birth as per the 14th Amendment.

This is hardly a radical idea, The US Constitution makes birthright citizenship absolutely clear. The Citizenship Clause of the 14th Amendment, ratified in 1868 states that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State where the reside."

[...]

As adopted people, domestic and internationally, we know that our legal rights and welfare are dependent on the tide of public opinion and the rule (and sometimes whim) of government.

[...]

Here are citizenship challenges we face now:

For US-born adoptees this challenge is usually due to amended birth certificates (ABC) issued and certified by states after an adoption is ordered and the OBC seized and sealed by the state. The ABC legally changes the original identity of the adoptee and their parents and for some older adoptees the date and place of birth. This is particularly problematic for adoptees with ABCs filed 30 day or longer after birth, older persons adopted later in life, and those adopted by stepparents or through the foster care system. As a result officials can arbitrarily consider a state issued and certified ABC to be "unsatisfactory." Passports, Social Security benefits, and security clearances (among others) are routinely denied with demands that an OBC be presented even though state law—including

California's) prohibits adoptees from easily or ever) obtaining it. Court appeals are time-consuming, expensive, and sometimes denied. Even states that legalize access to the OBC stamp on the that it cannot be used for identification purposes.

International adoptees face even bigger. Dangers. The Citizenship Act 2000 of granted citizenship to those adopted cross-country after February 27 1983. Those adopted before that are not protected. At least 40,000 of these older adoptees, despite what they were led to believe their entire lives, are not US citizens and are subject currently to ICE interrogations street-grabs, and deportations because adoptive parents, adoption agencies and lawyers, and state and federal agencies did not follow-through for any number of reasons with naturalization procedures at the time of adoption. Immigration courts have little wiggle-room

to deny deportation orders. There is a long list of adoptees deported under previous administrations, including veterans and those with US-citizen spouses and children. There is no reason to believe that these deportations won't be ramped up by the current administration. The irony of this is that at these adoptions were encouraged by US foreign policy and through the assistance of the US State Department. To make matters worse, attempts to create citizenship procedures for older adoptees are routinely in the US House and Congress and ignored

REGISTERED SUPPORT / OPPOSITION:**Support**

Bastard Nation: the Adoptee Rights Organization

Support if Amended

Oakland Privacy

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334