

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
OFFICE OF VITAL RECORDS
SP-094-PHS-VRS**

**Clarification of Requirements for Delayed Birth Certificate Registration for Native Americans
Born Before 1970**

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes § 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to notify the public of the Department's interpretation of requirements in Arizona Administrative Code (A.A.C.) R9-19-207 and the documentary requirements for delayed birth registration for Native Americans born before 1970.

Arizona Revised Statute (A.R.S.) § 36-333.02(A) states that “a person authorized by this chapter may submit to the state registrar information and evidentiary documents that support the creation and registration of a delayed birth certificate” for a person who is born in this state and whose birth certificate “is not registered within one year after the date of birth.” A.R.S. § 36-333.02(B) states that the “state registrar may waive the information and evidentiary document requirements in subsection A of this section for a birth that occurred before 1970.”

Native Americans born before 1970 may obtain a delayed birth certificate by providing documentation that establishes the following birth facts:

- 1) The full name of the applicant at birth,
 - 2) The date of birth,
 - 3) The place of birth, and
 - 4) The parents' names.
1. The documentation shall include an original or certified copy of the official tribal enrollment record or other official tribal record which contains all four birth facts listed above (i.e. full name of the applicant at birth, the date of birth, the place of birth, and the parent's names) and contains the seal or other authentication from the issuing federally recognized Tribal Authority and the date of issuance , and, in addition;
 2. At least **one other document** that **independently verifies** the four birth facts listed on the official tribal enrollment record or other official tribal record. If the official tribal enrollment record is missing any of the four birth facts, two documents must be submitted relating to that missing birth fact. For example, if the official tribal enrollment record does not contain place of birth, then two documents must be submitted that verify the place of birth. The following documents commonly contain all of the required four birth facts and are accepted for verification:
 - a. Hospital or physician records of birth
 - b. Ambulatory Care Record/Clinic Record from Indian Health Service
 - c. An affidavit of facts of birth described in A.A.C. R9-19-207(B)

- d. A copy of the applicant's application for a Social Security card obtained from the Social Security Administration.
3. If the items in Sec. 2 do not contain all four birth facts, (i.e. full name of the applicant at birth, the date of birth, the place of birth, and the parent's names), other documentation which might be used to verify the missing birth facts include, but are not limited to:
 - a. U.S. census records
 - b. Probate or other court documents
 - c. A birth certificate for a child of the applicant
 - d. Permanent Census School Card
 - e. Tribal Census
 - f. Certificate of Indian Blood
 - g. Family Card from the Tribal Census Office.
 - h. Church documentation
 - i. Military Discharge or other military documentation
 - j. Marriage Licenses
 - k. Insurance policies which often identify the parents and child's name
 - l. Baptismal records
 - m. Newspaper stories which announce the birth

If documents submitted in support of an application for a delayed birth certificate registration for an individual born before 1970 do not meet these standards, the state registrar (Department Director) will review the documents submitted and determine whether or not to create and register a delayed birth.

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