

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Vital Records Act is amended by changing Section 25 and by adding Section 25.6 as follows:

(410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

Sec. 25. In accordance with Section 24 of this Act, and the regulations adopted pursuant thereto:

(1) The State Registrar of Vital Records shall search the files of birth, death, and fetal death records, upon receipt of a written request and a fee of \$10 from any applicant entitled to such search. A search fee shall not be required for commemorative birth certificates issued by the State Registrar. A search fee shall not be required for a birth record search from a person (1) upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections if the person presents a prescribed verification form completed by the Department of Corrections verifying the person's date of birth and social security number, or (2) placed on aftercare release under the Juvenile Court Act of 1987, upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Juvenile

Justice if the person presents a prescribed verification form completed by the Department of Juvenile Justice verifying the person's date of birth and social security number; however, the person is entitled to only one search fee waiver. If, upon search, the record requested is found, the State Registrar shall furnish the applicant one certification of such record, under the seal of such office. If the request is for a certified copy of the record an additional fee of \$5 shall be required. An additional fee for a certified copy of the record shall not be required from a person (1) upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections if the person presents a prescribed verification form completed by the Department of Corrections verifying the released person's date of birth and social security number, or (2) placed on aftercare release under the Juvenile Court Act of 1987, upon release on parole, mandatory supervised release, final discharge, or pardon from the Department of Juvenile Justice if the person presents a prescribed verification form completed by the Department of Juvenile Justice verifying the person's date of birth and social security number; however, the person is entitled to only one certified copy fee waiver. If the request is for a certified copy of a death certificate or a fetal death certificate, an additional fee of \$2 is required. The

additional fee shall be deposited into the Death Certificate Surcharge Fund. A further fee of \$2 shall be required for each additional certification or certified copy requested. If the requested record is not found, the State Registrar shall furnish the applicant a certification attesting to that fact, if so requested by the applicant. A further fee of \$2 shall be required for each additional certification that no record has been found.

Any local registrar or county clerk shall search the files of birth, death and fetal death records, upon receipt of a written request from any applicant entitled to such search. If upon search the record requested is found, such local registrar or county clerk shall furnish the applicant one certification or certified copy of such record, under the seal of such office, upon payment of the applicable fees. If the requested record is not found, the local registrar or county clerk shall furnish the applicant a certification attesting to that fact, if so requested by the applicant and upon payment of applicable fee. The local registrar or county clerk must charge a \$2 fee for each certified copy of a death certificate. The fee is in addition to any other fees that are charged by the local registrar or county clerk. The additional fees must be transmitted to the State Registrar monthly and deposited into the Death Certificate Surcharge Fund. The

local registrar or county clerk may charge fees for providing other services for which the State Registrar may charge fees under this Section.

Upon receipt of a written request from any applicant entitled to such a search, a local registrar or county clerk shall search available files for the death certificate of an active duty or retired service member of the United States military. If the death certificate requested by the applicant is found, the local registrar or county clerk shall furnish the applicant with one certified copy of the death certificate, under the seal of the local registrar's or county clerk's office, at no cost to the applicant. If the requested death certificate of the service member is not found, the local registrar or county clerk shall furnish the applicant, at no cost, with certification attesting to that fact if so requested by the applicant. A local registrar or county clerk shall not require a fee from the applicant of more than \$6 for any subsequent copy of the service member's death certificate or certification attesting that the death certificate of the service member was not found.

A request to any custodian of vital records for a search of the death record indexes for genealogical research shall require a fee of \$10 per name for a 5 year search. An additional fee of \$1 for each additional year searched shall be required. If the requested record is

found, one uncertified copy shall be issued without additional charge.

Any fee received by the State Registrar pursuant to this Section which is of an insufficient amount may be returned by the State Registrar upon his recording the receipt of such fee and the reason for its return. The State Registrar is authorized to maintain a 2 signature, revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawing-for-return cash received and determined insufficient for the service requested.

No fee imposed under this Section may be assessed against an organization chartered by Congress that requests a certificate for the purpose of death verification.

No fee imposed under this Section may be assessed against a victim of domestic violence as defined in the Illinois Domestic Violence Act of 1986. To qualify for the waiver of a fee, the person seeking the vital record must provide a certification letter as described in Section 25.6.

Any custodian of vital records, whether it may be the Department of Public Health, a local registrar, or a county clerk shall charge an additional \$2 for each certified copy of a death certificate and that additional fee shall be collected on behalf of the Department of

Financial and Professional Regulation for deposit into the Cemetery Oversight Licensing and Disciplinary Fund.

(2) The certification of birth may contain only the name, sex, date of birth, and place of birth, of the person to whom it relates, the name, age and birthplace of the parents, and the file number; and none of the other data on the certificate of birth except as authorized under subsection (5) of this Section.

(3) The certification of death shall contain only the name, Social Security Number, sex, date of death, and place of death of the person to whom it relates, and file number; and none of the other data on the certificate of death except as authorized under subsection (5) of this Section.

(4) Certification or a certified copy of a certificate shall be issued:

(a) Upon the order of a court of competent jurisdiction; or

(b) In case of a birth certificate, upon the specific written request for a certification or certified copy by the person, if of legal age, by a parent or other legal representative of the person to whom the record of birth relates, or by a person having a genealogical interest; or

(c) Upon the specific written request for a certification or certified copy by a department of the

state or a municipal corporation or the federal government; or

(c-1) Upon the specific written request for a certification or certified copy by a State's Attorney for the purpose of a criminal prosecution; or

(d) In case of a death or fetal death certificate, upon specific written request for a certified copy by a person, or his duly authorized agent, having a genealogical, personal or property right interest in the record.

A genealogical interest shall be a proper purpose with respect to births which occurred not less than 75 years and deaths which occurred not less than 20 years prior to the date of written request. Where the purpose of the request is a genealogical interest, the custodian shall stamp the certification or copy with the words, FOR GENEALOGICAL PURPOSES ONLY.

(5) Any certification or certified copy issued pursuant to this Section shall show the date of registration; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(6) Any certification or certified copy of a certificate issued in accordance with this Section shall be considered as prima facie evidence of the facts therein stated, provided that the evidentiary value of a

certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(7) Any certification or certified copy issued pursuant to this Section shall be issued without charge when the record is required by the United States Veterans Administration or by any accredited veterans organization to be used in determining the eligibility of any person to participate in benefits available from such organization. Requests for such copies must be in accordance with Sections 1 and 2 of "An Act to provide for the furnishing of copies of public documents to interested parties," approved May 17, 1935, as now or hereafter amended.

(8) The National Vital Statistics Division, or any agency which may be substituted therefor, may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Vital Statistics Division, or any agency which may be substituted therefor, unless so authorized by the State Registrar of Vital Records.

(9) Federal, State, local, and other public or private

agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the Department.

(10) The State Registrar of Vital Records, at his discretion and in the interest of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special notice of registration of birth.

(11) No person shall prepare or issue any certificate which purports to be an original, certified copy, or certification of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

(12) A computer print-out of any record of birth, death or fetal record that may be certified under this Section may be used in place of such certification and such computer print-out shall have the same legal force and effect as a certified copy of the document.

(13) The State Registrar may verify from the information contained in the index maintained by the State Registrar the authenticity of information on births, deaths, marriages and dissolution of marriages provided to a federal agency or a public agency of another state by a person seeking benefits or employment from the agency, provided the agency pays a fee of \$10.

(14) The State Registrar may issue commemorative birth certificates to persons eligible to receive birth certificates under this Section upon the payment of a fee to be determined by the State Registrar.

(Source: P.A. 102-739, eff. 1-1-23.)

(410 ILCS 535/25.6 new)

Sec. 25.6. Certification letter form. In order to seek a waiver of the fee for a copy of a vital record, the person seeking the record must provide the following certification letter:

Certification Letter for Domestic Violence Waiver for Illinois

Vital Records

Full Name of Applicant:.....

Date of Birth:.....

I,....., certify, to the best of my knowledge and belief, that on the date listed below, the above named individual is a victim or child of a victim of domestic violence, as defined by Section 103 of the Illinois Domestic Violence Act of 1986 (750 ILCS 60/103), who is currently fleeing a dangerous living situation. I provide this certification in my capacity as (check one below):

() an advocate at a family violence center who assisted the victim;

() a licensed medical care or mental health provider;

() the director of an emergency shelter or transitional housing; or

() the director of a transitional living program.

Signature:.....Date:.....

Title:.....Employer:.....

Email:.....Phone:.....

Address:.....City:.....

State:.....Zip:.....