**Section 500.30 Delayed Records of Birth**

a) Persons born within the State of Illinois for whom no prior registration of birth has been made and for whom no certificate of birth has been created may apply for and receive a certificate of birth provided all requirements of this Section are met.

b) Application may be made by the person to whom the record relates if the applicant is eighteen (18) years of age or older on the date of application. A parent or legal guardian may make application on behalf of an applicant who is under eighteen (18) years of age on the date of application. Application shall be made on forms provided by the State Registrar and shall be filed with the local registrar of the district in which the applicant was born. For purposes of this Section, a foundling whose place of birth is unknown shall be presumed to have been born in the district in which found.

c) The application shall include all information required by the application form, and shall be accompanied by documents which prove all facts necessary to complete the certificate of birth to the satisfaction of the State Registrar. In evaluating the proof submitted to substantiate the birth facts, the State Registrar shall take into consideration that documents created at the time of birth or immediately thereafter constitute the best evidence of the facts to be proved. Either the original document, a certified photograph or transcript of the original document, or a certified statement of the pertinent facts in a document may be accepted as proof. Documents shall show when and with what agency or official the information was originally recorded, including any particular identifying number and the complete address of such agency or official. If the birth occurred at home, the State Registrar may require the applicant to provide documents proving that the mother resided at the address where the child was born and that such residency included the date of birth of the child.

d) The State Registrar may verify the authenticity and accuracy of any document submitted and any statement made to prove any fact necessary to complete the certificate of birth. In the event that the documents are not acceptable to the State Registrar, the applicant shall be so advised. If the State Registrar determines that a document has apparently been altered or may be counterfeit, law enforcement authorities shall be so informed. Applications which are incomplete, based upon misrepresentation, or are accompanied by documents which appear to be altered or counterfeit shall be rejected, and the birth record shall not be filed until a court determination of the facts has been made.

e) The State Registrar may, but need not, return any documents, excepting only affidavits, to the persons who submitted the documents.

f) If the name of the person whose birth is to be registered has ever been changed, the name at birth and the name later acquired shall be entered in the appropriate items on the application. A certified copy of the court order or decree shall be submitted if the name was acquired by court action; otherwise, a statement explaining the circumstances relating to the change of name shall be submitted.

g) If the mother was not married to the father of the child either at the time of conception, birth, or any time in between, the name of the father shall not be entered on the birth record without the written consent of the mother and the person to be named as the father; unless a determination of paternity has been made by a court of competent jurisdiction, in which case a certified copy of the court order shall be submitted. The written consent may be furnished by separate statements by the mother and father, or by having both of them sign in the appropriate items on the application.

h) If the child is more than three (3) days and less than one (1) year of age on the date of application, the local registrar may require the parent or legal guardian to appear in person with the child as a prerequisite to forwarding the certificate of birth to the State Registrar. The birth shall be registered on the current Certificate of Live Birth and shall be signed by:

1) *The physician in attendance at or immediately* (within 72 hours) *after the birth, or in the absence of such a person;*

2) *Any other person in attendance at or immediately* (within 72 hours) *after the birth, or in the absence of such a person;* or

3) *The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.* (Section 12 of the Act).

i) When the certificate is signed by the father, mother, or the person in charge of the premises, it shall be accompanied by a statement by the physician who later gave medical care, if any, or a sworn statement by a third party present at the delivery or having personal knowledge of the delivery.

j) If the child is more than one (1) year and less than seven (7) years of age on the date of application, the Delayed Record of Birth shall be used and the Certificate of Live Birth shall not be used.

k) If the child/adolescent is more than seven (7) and less than eighteen (18) years of age on the date of application, the Delayed Record of Birth shall be used and the Certificate of Live Birth shall not be used. Public school records or equivalent private school records which provide name, enrollment and attendance of applicant in the school and the name of parent or legal guardian of the applicant shall be submitted with the application in addition to other documents. Excepting school records, all documents shall be more than five (5) years old.

l) If the applicant is eighteen (18) years of age or more on the date of application, the Delayed Record of Birth shall be used and the Certificate of Live Birth shall not be used. All documents shall be more than five (5) years old.

(Source: Amended at 15 Ill. Reg. 11706, effective August 1, 1991)