

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2045 Session of 2007

INTRODUCED BY YOUNGBLOOD, CRUZ, KIRKLAND, GRUCELA, JAMES,
READSHAW, WATERS, HELM, BEYER, MCGEEHAN, MOYER AND RAPP,
NOVEMBER 21, 2007

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, NOVEMBER 21, 2007

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," providing for verification
4 of United States citizenship and immigration status for all
5 children in foster care.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Public Welfare Code, is amended by adding a section to
10 read:

11 Section 748.1. Verification of United States Citizenship and
12 Immigration Status for All Children in Foster Care.--(a) The
13 department shall verify United States (U.S.) citizenship status
14 and immigration status for all children in foster care.

15 (b) The following documents verify citizenship:

16 (1) A U.S. birth record or birth document, showing birth in
17 one of the fifty states, the District of Columbia, American
18 Samoa, Guam, the Northern Mariana Islands, Puerto Rico, Swain's
19 Island or the U.S. Virgin Islands and for individuals whose

citizenship may be established for collectively naturalized individuals as designed, by Federal regulation or guidance, from the United States Secretary of Health and Human Services.

(2) A final adoption decree or statement from a state-approved adoption agency showing the individual's name and U.S. place of birth. In situations in which the adoption is not finalized and the state will not release a birth certificate prior to the final adoption decree, a statement showing the individual's name and U.S. place of birth and stating that the source of the place of birth information is an original birth certificate.

(3) An extract from a hospital record on hospital letterhead which was established at the time of the individual's birth that was created at least five years before the initial date of custody and indicates a U.S. place of birth. For a child under sixteen, the document must have been created near the time of birth or five years before the initial date of custody.

(4) A medical record from a clinic or doctor which was created at least five years before the initial date of custody and indicates a U.S. place of birth. For a child under sixteen, the document must have been created near the time of birth or five years before the initial date of custody.

(5) A statement of the individual's birth signed by the physician or midwife who was in attendance at the time of birth.

(6) A U.S. vital statistics official notification of birth registration.

(7) An amended U.S. public record which indicates a U.S. place of birth which was amended more than five years before the initial date of custody.

(8) A U.S. passport, unless it is issued with a limitation;

1 limited passports are issued through the Department of Homeland
2 Security (DHS). A passport does not have to be currently valid.

3 (9) A life insurance, health insurance or other insurance
4 record showing a U.S. place of birth and created at least five
5 years before the initial date of custody.

6 (10) A report of birth abroad of a citizen of the U.S. (FS-
7 240).

8 (11) A U.S. citizen identification card (I-197 or I-179).

9 (12) A Northern Mariana Islands identification card (I-873),
10 issued by the Immigration and Naturalization Service.

11 (13) A certificate of birth (FS-545), issued by a foreign
12 services post or certification of report of birth (DS-1350).

13 (14) A certificate of naturalization (N-550 or N-570).

14 (15) A certificate of U.S. citizenship (N-560 or N-561) for
15 children who derived their citizenship through a parent.

16 (16) A statement provided from a U.S. consular officer
17 certifying that the individual is a U.S. citizen.

18 (17) An American Indian Card (I-872) issued by the DHS with
19 the classification code "KIC" and a statement on the back
20 identifying U.S. citizenship of members of the Texas band of
21 Kickapoos living near the United States/Mexican border.

22 (18) A state match with the State Data Exchange (SDX) for
23 Supplemental Security Income (SSI).

24 (19) Birth information obtained through the Title IV-E
25 agency's data exchanges, as authorized by Federal regulation or
26 guidance from the United States Secretary of Health and Human
27 Services.

28 (20) A Federal or state census record showing U.S.
29 citizenship or a U.S. place of birth, including an individual's
30 age.

(21) Native American tribal documents, including, but not limited to:

(i) A Seneca Indian tribal census record.

(ii) The Bureau of Indian Affairs tribal census records of the Navajo Indians.

(iii) A certificate of Indian blood.

(iv) U.S. American tribal documents.

(v) Other Native American tribal documents.

(22) Affidavits made under penalty of perjury. Affidavits may be used only in rare circumstances when the agency is unable to secure evidence of citizenship from another listing. If the documentation requirement needs to be met through affidavits, the following rules apply:

(i) There must be at least two affidavits by people who have personal knowledge of the events establishing the individual's claim of citizenship. The two affidavits could be combined in a joint affidavit. At least one of the persons making the affidavit cannot be related to the individual and neither person can be the individual.

(ii) Persons making the affidavit must be able to provide proof of their own citizenship if the persons making the affidavit have information which explains why documentary evidence establishing the individual's claim of citizenship does not exist or cannot be readily obtained.

(iii) Such documents as the United States Secretary of Health and Human Services may specify, by regulation or guidance, that provided proof of U.S. citizenship or nationality.

(c) For all children who are determined noncitizens, the department shall obtain verification of their alien status.

1 (d) A qualified alien is defined as one of the following:

2 (1) An alien who is lawfully admitted for permanent
3 residence (I-551) or (I-94) under the Immigration and
4 Nationality Act (INA).

5 (2) An alien who is granted asylum (I-94) under section 208
6 of the INA.

7 (3) A refugee (I-94) or (I-571) who is admitted to the U.S.
8 under section 207 of the INA.

9 (4) An alien whose deportation is being withheld (I-688B) or
10 (I-766) under section 241(b)(3) or 243(h) of the INA.

11 (5) An alien who is granted conditional entry (I-94)
12 pursuant to section 203(a)(7) of the INA.

13 (6) A Cuban or Haitian entrant (I-551).

14 (7) An alien or the child or parent of an alien who has been
15 battered or subjected to extreme cruelty in the U.S.

16 (8) If a mother is a naturalized U.S. citizen and the baby
17 was not born in the U.S., the baby's citizenship status would
18 depend on whether the baby was born before or after the mother
19 became a U.S. citizen. In most cases, when the parent becomes a
20 naturalized U.S. citizen and the baby is living with the parent
21 in the United States, the baby would also become a U.S. citizen.

22 (e) A child who is in the U.S. under a visitor or tourist's
23 visa or under a student arrangement does not meet the qualified
24 alien status.

25 (f) The department shall ensure that U.S. citizenship and
26 immigration status verification documentation shall be kept in
27 the child's case record.

28 Section 2. This act shall take effect immediately.