



January 15, 2020

Sen. Michelle Benson, Chair
Senate Health and Human Services Finance and
Policy Committee
3109 Minnesota Senate Building
St. Paul, MN 55155

Sen. John Marty, Ranking Minority Member
Senate Health and Human Services Finance and
Policy Committee
2211 Minnesota Senate Building
St. Paul, MN 55155

Rep. Tina Liebling, Chair
House Health and Human Services Finance
Committee
477 State Office Building
St. Paul, MN 55155

Rep. Joe Schomacker, Ranking Minority Member
House Health and Human Services Finance
Committee
331 State Office Building
St. Paul, MN 55155

Sen. Jim Abeler, Chair
Senate Human Services Reform Finance and
Policy Committee
3215 Minnesota Senate Building
St. Paul, MN 55155

Sen. Jeff Hayden, Ranking Minority Member
Senate Human Services Reform Finance and Policy
Committee
2209 Minnesota Senate Building
St. Paul, MN 55155-1206

Rep. Rena Moran, Chair
House Health and Human Services Policy
Committee
575 State Office Building
St. Paul, MN 55155

Rep. Debra Kiel, Ranking Minority Member
House Health and Human Services Policy
Committee
255 State Office Building
St. Paul, MN 55155

Dear Committee Chairs and Leads:

This letter is in response to the legislative direction that the Department of Human Services (DHS), Department of Public Safety (DPS) and Department of Health (MDH) confer with one another and report back to the Minnesota Legislature regarding "...recommendations on providing homeless youth with access to birth records and Minnesota identification cards at no cost."¹

Wilder Research estimates that on any given night, 6,000 Minnesota youth experience homelessness. This includes an estimated 2,500 minors age 17 and younger, and 3,500 young adults age 18-24.² African American, American Indian, Asian, Hispanic or multiple race children are overrepresented, accounting for 73 percent of the homeless youth population.³ Nearly half have been homeless for more than a year. Many come from homes where they experienced domestic violence, abuse, neglect, and/or parental

¹ See: Laws of Minnesota 2019, 1st Special Session, Chapter 9, Article 1, Section 39.

² See: "Homelessness in Minnesota: Youth on their Own. Findings from the 2015 Minnesota Homeless Study" Wilder Research, page 1. April, 2017.
<http://mnhomeless.org/minnesota-homeless-study/reports-and-fact-sheets/2015/2015-homeless-youth-4-17.pdf>,
retrieved Dec. 1, 2019

³ Id. @ 2.

substance abuse or mental illness.⁴ Approximately one-third are parents of their own children.⁵ A majority, 57 percent, suffer from serious mental health issues, and more than one-third live with chronic physical health problems.⁶

To ensure these young people not only survive in Minnesota, but are able to thrive and achieve their highest potential, it is incumbent upon us as policy-makers to provide them with the services and other assistance needed to meet that goal. This excerpt from a National Network for Youth report is particularly apt in explaining why it is vital that youth experiencing homelessness have access to identification documents at no cost:

“For all people in America, access to valid government-issued photo identification is critical to fully accessing daily needs. This can include regular tasks such as picking up a package or prescription, entering public and private buildings or using interstate transportation. Access to identification is also critical for certain tasks that are vital to the survival of youth experiencing homelessness, or that allow them to access support, such as: obtaining a job, applying for public assistance, opening a bank account, establishing a mailbox, or enrolling in school or workforce programs.

“Minor-aged youth experiencing homelessness face unique challenges in obtaining an ID. Because of the general transiency of their lives, many youth experiencing homelessness may not have access to an existing ID, or the documentation necessary to obtain one. Many youth experiencing homelessness on their own do not have a relationship with a parent or guardian that makes them available for youth when their consent or action is needed to sign necessary documents. Finally, many youth experiencing homelessness lack access to the Social Security card, birth certificate and/or government-issued identification card needed to enroll in programs or complete required tax forms. This lack of access is often linked to their homelessness status.”⁷

Youth experiencing homelessness need access to Minnesota identification cards and birth certificates. The recommendations in this letter support the ability of youth experiencing homelessness to access the services and necessities of daily living so they can live in dignity and achieve their highest potential. They also help ensure that homeless youth receive responsive and efficient service from DPS and MDH to address their often urgent needs.

The recommendations herein were compiled primarily by DPS and MDH. They include a careful analysis of the statutes, rules, policies and costs that create barriers for homeless youth to access these important documents. For its part, DHS concurs with the findings and recommendations of those two agencies.

Both agencies have similar needs in verifying homelessness. DPS and MDH recommend jointly developing a solution for verifying homelessness at the county level ideally using one dual-agency form and a shared process that serves both agencies.

⁴ Id. @ 14

⁵ Id. @ 24

⁶ Id. @ 3

⁷ See: [National Network for Youth report](#), “A State-By-State Guide to Obtaining ID Cards”, retrieved Nov. 20, 2019.

Minnesota Department of Public Safety recommendations

To address the needs for identification for youth who are homeless, DPS recommends the following:

1. Amend Minnesota Statutes, Chapter 171 to allow for a variance to the identity document requirements for identifications cards that are not REAL ID compliant contained in Minnesota Rules, part 7410.0400 for homeless youth.

Meeting the current requirement is difficult for homeless youth. Because of their age and circumstances, many may have never obtained a Minnesota driver's license, identification card or permit, or may no longer have this document in their possession.

Without a Minnesota driver's license, identification card or permit, an applicant is required to provide primary and secondary documents to prove identity. Because the threshold of required documents is greater, individuals experiencing homelessness are unlikely to have all the requisite documents to successfully apply for an identification card.

The requirements in need of a variance are:

- Subpart C requires that at time of application for an identification card, the applicant is required to present one of the following:
 - ✓ A Minnesota driver's license, identification card or permit that is current or expired less than five years *with* a color photograph, electronically produced or digitized image; or
 - ✓ A Minnesota driver's license, identification card or permit that is current or expired less than one year *without* a color photograph, electronically produced or digitized image.
- In the absence of either card above, the required primary and secondary documents are:
 - ✓ One legible and unaltered primary document that contains the applicant's full name and date of birth if the applicant cannot present an item in subpart 1(C). The document serves as proof of name, date of birth and identity. (See attached list.)
 - ✓ One secondary document in addition to the primary document required in subpart 2. (See attached list.)
- The ability to grant an identity document variance to an applicant for an identification card is currently limited. Minnesota Rules, part 7410.0600, subpart 5 allows for a variance for a driver's license or identification card application only when all five of the following elements are present:
 - ✓ The documents required in 7410.0400 are either not reasonably available or do not exist;
 - ✓ Compliance with part 7410.0400 would cause an undue hardship for the applicant;
 - ✓ Granting the variance will have no adverse effect on the public;
 - ✓ Granting the variance will not jeopardize the integrity of the record system; and
 - ✓ The applicant has established the applicant's name and identity by trustworthy documentation.

2. Waive the statutory Minnesota identification fees for youth experiencing homelessness.

Minnesota Statutes, section 171.06, subdivision 2, requires a fee of \$11.25 for an identification card and a \$2.25 technology surcharge. This surcharge is credited to the driver and vehicle services technology account, which is for ongoing maintenance of the DVS systems.

Minn. Statutes, section 171.061, subdivision 4 requires a filing fee of \$8 for each application retained by the agent that takes in the application.

The total cost for an identification card is \$21.50.

The estimated costs for waiving the \$11.25 fee for an identification card and \$2.25 technology surcharge are below. The estimate ranges from all homeless youth through one-third of the estimated population receiving one identification card annually. This estimate does not include the cost of replacement cards or the \$8 filing fee retained by Driver's License Agents (DLA) for taking in the application.

- | | |
|--|--|
| ▪ \$81,000 for 6,000 (all eligible applying) | ▪ \$54,000 for 4,000 |
| ▪ \$74,250 for 5,500 | ▪ \$47,250 for 3,500 |
| ▪ \$67,500 for 5,000 | ▪ \$40,500 for 3,000 |
| ▪ \$60,750 for 4,500 | ▪ \$33,750 for 2,500 (over 1/3 applying) |

3. An appropriation will be needed to pay the cost of providing no-cost identification cards to youth experiencing homelessness.

Driver and Vehicle Services (DVS) is funded primarily through fees for services provided; waiving the fees without offsetting the loss of revenue will impact DVS operations.

4. Offset the loss of filing fees for Drivers License Agents.

Identification cards are provided by DLA offices that are both public entities and private businesses. DLA offices receive an \$8 filing fee for each application, so a method to backfill that loss of revenue should be considered.

It is important to note under this proposal, DVS would issue ID cards that are noncompliant with the REAL ID Act of 2005. DVS cannot provide a variance to the federal identity and residency requirements.

Minnesota Department of Health recommendations

To address the needs for identification for youth who are homeless, MDH recommends the following:

1. Ensure that any Minnesota-born youth who is homeless, regardless of where they reside, be eligible for a free birth certificate.

- Birth certificates are legal documents that are used to provide proof of parentage, age and citizenship. Birth certificates are used to obtain other identity documents such as driver's

licenses, state identification cards and passports. Generally, birth certificates are presented when applying for other identity documents and returned to the individual for safe keeping and future use. Birth certificates have no expiration date, so many individuals use the same certificate throughout their lives.

- Birth certificates are printed on special security paper with features to protect against counterfeit and fraud. Lost and stolen certificates are vulnerable and valuable to those who seek to commit identity fraud.
- Birth certificates are issued from records for births that occur in Minnesota. People who request their Minnesota birth certificate may live outside of Minnesota. **Homeless youth who were born in Minnesota may be homeless in another state. If a law waives the fee for homeless youth, the law should address if a homeless youth who lives outside of Minnesota qualifies.**

2. Provide that the MDH Office of Vital Records (OVR) be the exclusive fulfillment center for issuing birth certificates to homeless youth.

OVR oversees the registration of Minnesota births and the issuance of Minnesota birth certificates. Having only OVR process and fulfill requests from homeless youth would:

- Minimize the burden on county offices to review and approve fee waivers and issue free certificates;
- Eliminate/minimize the IT costs necessary to view customer service history to see waived fees and track the number of free certificates, should there be a limit on free certificates;
- Help track information about free certificates.

3. Amend statute to allow homeless youth younger than age 16 to be eligible for access to birth certificates issued from confidential birth records.

- Birth records contain private health data and civil registration information. Birth records of children born to married mothers are public. Birth records of children born to unmarried mothers are confidential unless the mother chooses to make the record public at the time of registration.
- Certificates are legal documents issued from birth records, and certificates print information that is a subset of all of the data contained in a birth record.
- Minnesota Statute § [144.225](#) authorizes who can get legal certificates issued from public birth records and it restricts who can get data and legal certificates issued from confidential birth records.
- Confidential birth records require the subject of the record to be age 16 or older before they are eligible to get a legal birth certificate for themselves.

4. *Change identification and notary requirements for certificate requests to enable youth experiencing homelessness to qualify.*

- Per Minnesota Rule [4601.2600](#), individuals who request a legal certificate – birth and death certificates issued on security paper to be used for legal purposes – must present identification when making the request in person, and must have their signature on the application notarized when making the request via mail or fax. If a requestor does not have identification, someone who has known the requestor for two or more years may provide a statement to identify, or someone else who is eligible under the law may request the certificate on their behalf.
- Without a statement to identify, eligibility for birth certificates issued from confidential records is limited to only a parent or guardian of the child; to the child when the child is 16 years of age or older; or pursuant to a court order (M.S. 144.225).
- False statements and fraud related to vital records are misdemeanors under the law ([144.227](#)). If someone receives a certificate for free or a certificate that they are not eligible for, it may be considered a false statement.

5. *Require that free certificates be issued with an expiration date that is sufficient for the homeless youth to obtain other identification — perhaps three to six months from the issuance date.*

Birth certificates are used to obtain driver's licenses, passports, state ID cards and other identification. Generally the individual is not required to surrender a birth certificate to obtain other identification documents. Applying an expiration date to certificates issued for free would:

- Allow a homeless youth to obtain other identity documentation;
- Protect the homeless youth's identity in the event a birth certificate is lost or stolen;
- Reduce the value of birth certificate in an illegal market;
- Mean a homeless youth could exchange an expired certificate for a new certificate rather than obtain multiple certificates, reducing the security and fraud risks.

6. *Ensure that OVR is allowed sufficient time to implement a process to issue free certificates to homeless youth.*

7. *Waive the statutory fees for obtaining birth records for youth experiencing homelessness.*

Minnesota has a statewide vital records system that helps standardize processes and provide uniform service. It allows all 111 state and county offices to issue from the same electronic database and charge the same \$26 fee for a birth certificate, regardless of where a subject is born or requests a certificate ([M.S. 144.226](#)).

- ✓ Minnesota law currently allows veterans, their next of kin and veteran services officers to get certified vital records (birth or death) at no cost (M.S. [197.63](#)). These certificates are issued from any Minnesota vital records office and the certificates are printed with language that restricts their use for purposes outlined in the law.

- ✓ All other certifications and services require the requestor to pay a non-refundable fee at the time of application.
- ✓ Minnesota vital records offices receive many requests for free or reduced-cost certificates from individuals who qualify for *in forma pauperis* in the courts, offenders who are preparing for release from correctional facilities, domestic abuse victims who have left documentation behind, individuals who have lost certifications to natural disasters and fires, students and others.

8. *Appropriate adequate funds to pay the cost of providing no-cost birth records to youth experiencing homelessness.*

- OVR is responsible for registering and updating birth records, and providing copies of such records upon receipt of an appropriate request. Although there is a state appropriation, OVR is fully funded through fees for services provided.
- Minnesota's statewide electronic vital records system allows all vital records offices access to a statewide database so that requests for records may be made conveniently from any county regardless of where the vital event occurred. Although the system allows issuers to see some history on records, payment information is not viewable. **Tracking the number of free certificates issued to homeless youth would require investments to create IT system enhancements allowing this functionality.**
- Documentation submitted to support fee waivers requires vital records staff to review, verify and validate information. Vital records offices are busy places of business. **Validation of homelessness and authenticating documentation to support fee waivers would require additional staff time and resources.**
- Unless otherwise specified, government documentation is public. Documentation submitted to support fee waivers would be consider public information unless otherwise specified in law. **Record retention for supporting documentation would require additional vital records staff time and resources.**

9. *The number of birth certificates issued to homeless youth may be a security risk.*

To protect against fraud, vital records offices monitor the number of certificates issued from a birth record. OVR policy is to report when four or more certificates have been issued from the same record. Generally birth certificates are used as identity documents and are not required to be surrendered. Multiple certificates may pose a security risk — lost or stolen certificates and those resold to others may be used by others to gain access to services and benefits and for identity fraud. Expiring birth certificates issued at no cost and exchanging expired birth certificates would minimize security risks.

Please feel free to contact our respective legislative liaisons if you have questions or would like technical assistance on drafting legislation.

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- Minnesota Department of Health: Lisa Thimjon, 651-201-5808, lisa.thimjon@state.mn.us
- Minnesota Department of Public Safety: Katie Knutson, 651-201-7169, katie.knutson@state.mn.us

Thank you for your attention to the needs of our homeless youth population.

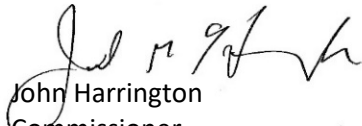
Sincerely,



Jodi Harpstead
Commissioner
Minnesota Department of Human Services



Jan Malcolm
Commissioner
Minnesota Department of Health



John Harrington
Commissioner
Minnesota Department of Public Safety