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Puerto Rico Birth Certificate Changes Provide Challenges

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Philadelphia VIP, with the help of our volunteer attorneys, provides assistance to low-income Philadelphians in a wide variety of civil legal matters including legal name changes and birth certificate corrections. Though some of these clients are parents seeking assistance to correct or change their child's name as it appears on the child's birth certificate, the majority of our name change clients are adults seeking to correct or change their name on their own birth certificate so they can obtain government-issued photo identification.

A large number of our clients reach adulthood and learn that the name they have used throughout their lives differs from the name reflected on their birth certificate. By the time our clients learn of the mismatch, most, if not all, of their documentation is in the name they have used and not the name that is shown on their birth certificate. They find themselves in the situation where their Social Security card, utility bills and non-government identification reflects the name they have always believed to be their legal name.

Philadelphia VIP's volunteers also work with clients who, when requesting a copy of their birth certificate, learn that their birth was never properly recorded. In these cases, clients are referred to us for help obtaining a delayed birth certificate through administrative procedures or a court order when an administrative remedy is not available.

It was not until I started working with these clients and their volunteer attorneys at Philadelphia VIP that I fully appreciated how having an incorrect birth certificate or no birth certificate at all impacts an individual's life. The majority of the clients we assist with name changes and delayed birth certificates do not possess government-issued photo identification because of the mismatch between the name on their birth certificate and the other documents they possess that are commonly required and accepted as proof of identity and residency when applying for government photo identification. Their inability to obtain photo identification

negatively impacts their ability to access public benefits, obtain subsidized housing, obtain employment, open a bank account and, soon, their ability to vote.

As we do in many legal areas, Philadelphia VIP recruits, trains and supports volunteer attorneys who represent these clients. Our volunteer attorneys assist these clients to petition the court for an order granting the client's name change or, in the case of a delayed birth certificate, establishing the fact of a client's birth so a birth certificate can finally be issued. The court orders are then submitted to the appropriate vital records office with a request that the office issue a new birth certificate for the client. In most cases, it is a relatively simple process for both the volunteer and the client — unless the client was born in Puerto Rico.

In 2011, the Supreme Court of Puerto Rico issued a ruling in *Rodriguez Contreras v. Estado Libre Asociado de Puerto Rico*, 2011 TSPR 176, which directly impacts our name change and delayed birth certificate clients born in Puerto Rico. The *Rodriguez Contreras* ruling requires that court orders issued by a state court in the United States go through an enforcement procedure in the Superior Court of Puerto Rico validating the court order before the Puerto Rico Demographic Registry (the equivalent of vital records here in Pennsylvania) can honor the order and issue a corrected birth certificate.

According to the *Rodriguez Contreras* opinion, Annette Rodriguez Contreras brought suit against the Commonwealth of Puerto Rico and the Puerto Rico Demographic Registry after the Demographic Registry altered her minor child's birth certificate pursuant to a court order issued by a New York state family court. The court order directed the Demographic Registry to cross out the name of the child's father. Rodriguez Contreras argued that the birth certificate should be restored to its original version because the order of the New York court had not gone through the enforcement procedure in the Puerto Rico Superior Court. The opinion further states that the Commonwealth of Puerto Rico opposed Rodriguez Contreras' request, noting that historically the enforcement procedure requirement had been limited to court orders issued by foreign jurisdictions other than state courts in the United States. Despite this history of not requiring validation of U.S. state court orders, the Supreme Court of Puerto Rico ruled that all foreign court orders, including those issued by state courts in the United States, were subject to the enforcement procedure requirement.

As explained in *Rodriguez Contreras*, the enforcement procedure requires that the individual seeking to enforce the foreign court order commence an action in Puerto Rico Superior Court. This requirement creates what generally is an insurmountable hurdle for our clients and their volunteers. Most of our volunteers are not licensed to practice in Puerto Rico and therefore cannot file the required action in Puerto Rico Superior Court. Our clients are left without an attorney to provide assistance in this part of the process. The incomplete resolution of the name change client's case is frustrating for our clients.

It is important to note that the impact of the *Rodriguez Contreras* ruling extends beyond our name change and delayed birth certificate clients. One of our volunteers recently assisted a client with the adoption of client's relative who was born in Puerto Rico. The adoption was successfully completed; however, it is almost a year later and the volunteer is still unable to obtain an amended birth certificate showing the name of the child's adoptive parent.

In June 2012, staff from Philadelphia VIP met with staff from legal and social service agencies that work on and refer many of these cases to us. During the meeting, a productive discussion was had regarding the issues faced by clients born in Puerto Rico who need new or amended birth certificates. It is my hope that the collaboration started in that meeting can continue and we will be able to find creative solutions to this difficult problem that impacts so many members of our community.

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