

PROOF OF CHILD IDENTITY AND AGE **SECTION 63.2-1809 OF THE CODE OF VIRGINIA**

(HB 946 – 1998)

Rev. 3/12

The purpose of § 63.2-1809 of the *Code of Virginia* is to help identify missing children in regulated child day programs. It mandates that regulated child day programs require information from the person enrolling the child regarding the child's previous child care and school(s) attended, and to present proof of the child's age and identity.

If the parent, guardian, or other person enrolling the child in a regulated child day program for longer than two consecutive days, or other pattern of regular attendance, does not provide the required information within seven (7) business days of initial attendance, the regulated program shall immediately notify the local law-enforcement agency of the parent or guardian's failure to provide the requested information.

Regulated programs required to obtain this information include:

- **Licensed child day centers**
- **Licensed family day homes**
- **Voluntarily registered family day homes**
- **Religiously exempt child day centers**
- **Family day system homes**
- **Certified preschool or nursery school programs**

The *Code of Virginia* states that "**Proof of identity** means a certified copy of a birth certificate or other reliable proof of the child's identity and age." The following documents are acceptable forms of reliable proof:

- Certified copy of a birth certificate
- Birth registration card
- Notification of birth (hospital, physician, or midwife record)
- Passport
- Copy of placement agreement or entrustment agreement from a child placing agency (foster care and adoption agencies)
- Record from a public school in Virginia
- Certification by a principal or his designee of a public school in the U.S. that a certified copy of the child's birth record was previously presented
- Copy of the conferring temporary legal custody or entrustment agreement of a child to an independent foster parent.
- Child identification card issued by the Virginia Department of Motor Vehicles (DMV)

Child day programs are **NOT** required to keep the actual documentation or a copy of the documentation of the child's proof of age and identity. Child day programs are required to **maintain documentation** in the child's record that the program viewed one of the acceptable forms of proof of age and identity listed above.

Viewing the child's proof of identity is not necessary when the child attends a public school in Virginia AND the program assumes responsibility for the child directly from the school (i.e., after-school program) or the program transfers responsibility of the child directly to the school (i.e., before school program).

A parent's inability to provide the above information within the time frames outlined in the law does not prohibit enrollment or attendance of the child.

Parents or guardians should be referred to the Office of Vital Records, Virginia Department of Health (VDH) at 804-662-6200 for information on how to obtain a certified copy of a birth certificate for a child born in Virginia or by viewing the VDH website at www.vdh.virginia.gov.

It is recommended that the child's record include the following information as documentation that the program viewed one of the acceptable forms of proof of age and identity:

- The type of document viewed
- The person who reviewed the documentation
- The child's place of birth, birth date and the date the document was issued

In addition, it is also recommended that if a program does not receive and view the required documentation of proof of identity and age, the program documents the following information in the child's record:

- Date law enforcement was notified
- Name of person who called law enforcement
- Name of the person the child day program spoke to at the local law-enforcement agency

If you have additional questions about this law please contact your licensing inspector, licensing support technician, or VR contract agency representative.