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1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 28
3 entitled “An act relating to gender-neutral nomenclature for the identification
4 of parents on birth certificates” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. 18 V.S.A. § 5071 is amended to read:

9 § 5071. BIRTH CERTIFICATES; WHO TO MAKE; RETURN

10 (a) ~~Unless a physician or midwife is present, the head of the family in~~
11 ~~which a birth occurs, within 10 days thereafter, shall fill out and file with the~~
12 ~~town clerk a certificate of birth in the form prescribed by the department.~~
13 ~~Otherwise the certificate shall be filed by the attendant physician or midwife~~
14 On or before the fifth day of each live birth that occurs in this State, the
15 attending physician or midwife or, if no attending physician or midwife is
16 present, a parent of the child or a legal guardian of a mother under 18 years of
17 age shall file with the town clerk a certificate of birth in the form prescribed by
18 the Department. The certificate shall be registered if it has been completed
19 properly and filed in accordance with this chapter.

20 (b) At the time of the birth of a child, each parent shall furnish the
21 following information on a form provided for that purpose by the department

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1 ~~of health~~ Department of Health: the parent's name, address, and ~~social~~
2 ~~security~~ Social Security number and the name and date of birth of the child.
3 The forms and a copy of the birth certificate shall be filed with the ~~department~~
4 ~~of health not later than 10 days~~ Department of Health on or before the fifth day
5 after the birth of the child.

6 (c)(1) Whoever assumes the custody of a live-born infant of unknown
7 parentage shall complete a certificate of birth as follows:

8 (1)(A) ~~Name~~ name of the child as given by the custodian, and sex;

9 (2)(B) ~~Approximate~~ approximate date of birth as determined in
10 consultation with a physician;

11 (3)(C) ~~Place~~ place of birth as place where the child is found;

12 (4)(D) ~~In~~ in place of certifier, the custodian shall sign and indicate
13 "custodian" rather than "attendant," with date and address; and

14 (5)(E) ~~Parentage~~ parentage data and other child's data items shall be left
15 blank.

16 (2) If the child is identified and a certificate of birth is found or
17 obtained, the certificate created under this section and copies thereof shall be
18 sealed and deposited with the ~~commissioner of health~~ Commissioner of Health,
19 to be opened upon court order only.

20 (d) The name of the father shall be included on the birth certificate of the
21 child of unmarried parents only if the father and mother have signed a

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1 voluntary acknowledgment of parentage or a court or administrative agency of
2 competent jurisdiction has issued an adjudication of parentage.

3 (e) When a birth certificate is issued, a parent or parents shall be identified
4 with gender-neutral nomenclature.

5 Sec. 2. 18 V.S.A. § 5077a is added to read:

6 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE FORM

7 (a) If a parent of a person born in this State was unable to be listed as a
8 parent on the person's birth certificate due to the lack of gender-neutral
9 nomenclature on the birth information form provided by the Department of
10 Health, the person or the person's parent may petition the Probate Division of
11 the Superior Court of the district where the person was born in order establish
12 his or her parentage and be issued a new birth certificate.

13 (b) The Probate Division of the Superior Court, after hearing, shall
14 authorize the supervisor of vital records registration to issue a new birth
15 certificate and transmit it, together with any information identifying the
16 original birth certificate, to the clerk of the town where the person was born.

17 (c) The clerk shall file and index the new certificate in the most recent book
18 of births, shall also index them with births occurring at the same time, and
19 shall otherwise comply with the provisions of sections 5080 and 5081 of this
20 title. The new certificate shall contain a notation that it was issued by authority

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1 of this chapter, and it shall not contain the word “Amended” or other special
2 designation.

3 Sec. 3. 15 V.S.A. § 307 is amended to read:

4 **§ 307. VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE**

5 (a) In any case in which the parents of a child are not married, parents of
6 the child may acknowledge parentage by filling out and signing a Voluntary
7 Acknowledgment of Parentage form prescribed and made available by the
8 ~~department of health~~ Department of Health and by filing the form with the
9 ~~department of health~~ Department of Health. The Voluntary Acknowledgment
10 of Parentage form shall be confidential and shall include the parents’ mailing
11 addresses and Social Security numbers, instructions for filing the form with the
12 ~~department of health~~ Department of Health, information concerning the legal
13 implications of completing the form, including the procedure for establishing
14 parentage, parental rights and responsibilities, recognition by the federal
15 government and other states, and child support obligations.

16 (b) The ~~department of health~~ Department of Health shall make Voluntary
17 Acknowledgment of Parentage forms generally available to the public through
18 hospitals, medical offices, schools and the courts. Upon adoption of the
19 uniform national Voluntary Acknowledgment Form by the U.S. Department of
20 Health and Human Services, it shall be adopted by the ~~department of health~~
21 Department of Health. The form shall contain language emphasizing the

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1 gravity of the effects of acknowledging parentage and the rights and
2 responsibilities which attach. The form shall also contain the following
3 statement: “Parentage creates specific legal obligations. This signed form
4 may be used in court in support of a parentage claim. You should seek legal
5 advice before signing this form if you have any questions or if you are
6 confused about your rights and responsibilities.”

7 (c) The ~~department of health~~ Department of Health shall only make the
8 completed Voluntary Acknowledgment of Parentage form available to the
9 parties who signed it and the ~~office of child support~~ Office of Child Support.
10 The ~~office of child support~~ Office of Child Support shall not have access to the
11 form except for the purpose of initiating a parentage or support proceeding on
12 behalf of a dependent child as defined in ~~section 3901(4) of Title 33 V.S.A.~~
13 § 3901(4), in which case the ~~department of health~~ Department of Health shall
14 make available to the ~~office of child support~~ Office of Child Support upon
15 explicit request, the appropriate information.

16 (d) A witnessed Voluntary Acknowledgment of Parentage form signed by
17 both ~~biological~~ parents under this section shall be a presumptive legal
18 determination of parentage upon filing with the ~~department of health~~
19 Department of Health provided no court has previously adjudicated parentage
20 or no legal presumption of legitimacy otherwise applies.

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1 (e) In an action brought under this chapter, documents on file with the court
2 that contain the Social Security number of the parties shall be released only to
3 the parties or the ~~state~~ State if it is involved in the matter.

4 (f) A person who has signed a Voluntary Acknowledgment of Parentage
5 form may rescind the acknowledgment within 60 days after signing the form or
6 prior to a judicial determination of parentage, whichever occurs first. The
7 rescission shall be in writing and shall be filed with the ~~department of health~~
8 Department of Health. If a Voluntary Acknowledgment of Parentage form is
9 not timely rescinded as provided for in this subsection, the determination of
10 parentage may be challenged only pursuant to Rule 60 of the Vermont Rules of
11 Civil Procedure. During the pendency of such a challenge, the legal
12 responsibilities, including child support obligations, of any signatory arising
13 from the acknowledgment may not be suspended during the challenge, except
14 for good cause shown.

15 (g) A person who is not a biological parent of a child may, with the consent
16 of the biological mother of the child, acknowledge parentage of the child by
17 filling out and signing a Voluntary Acknowledgment of Parentage form under
18 this section. Completion of a Voluntary Acknowledgment of Parentage form
19 by a person who is not a biological parent of a child does not limit or restrict
20 the rights of a biological parent to assert parentage under this subchapter or
21 other authority. When a person who is not a biological parent of a child

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1 completes a Voluntary Acknowledgment of Parentage form, the Department of
2 Health shall provide the person with information regarding recognition of the
3 acknowledgement of parentage by the federal government and other states.

4 Sec. 4. 15 V.S.A. § 308 is amended to read:

5 § 308. PRESUMPTION OF PARENTAGE

6 A person alleged to be a parent shall be rebuttably presumed to be the
7 natural parent of a child if:

8 (1) the alleged parent fails to submit without good cause to genetic
9 testing as ordered; or

10 (2) the alleged parents have voluntarily acknowledged parentage under
11 the laws of this ~~state~~ State or any other state, by filling out and signing a
12 Voluntary Acknowledgement of Parentage form and filing the completed and
13 witnessed form with the ~~department of health~~ Department of Health, provided
14 that completion of a Voluntary Acknowledgment of Parentage form by a
15 person who is not the biological parent of a child does not limit or restrict the
16 rights of a biological parent to assert parentage under this subchapter or other
17 authority; or

18 (3) the probability that the alleged parent is the biological parent
19 exceeds 98 percent as established by a scientifically reliable genetic test; or

20 (4) the child is born while the ~~husband and wife~~ alleged parents are
21 legally married to each other.

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1 Sec. 5. 18 V.S.A. § 5078 is amended to read:

2 § 5078. ADOPTION; NEW BIRTH CERTIFICATE

3 (a) ~~The supervisor of vital records registration~~ Supervisor of Vital Records
4 Registration shall establish a new birth certificate for a person born in the ~~state~~
5 State when the ~~supervisor~~ Supervisor receives a record of adoption as provided
6 in 15 V.S.A. § 449 or a record of adoption prepared and filed in accordance
7 with the laws of another state or foreign country.

8 (b) The new birth certificate shall be on a form prescribed by the
9 ~~commissioner of health~~ Commissioner of Health. The new birth certificate
10 shall include:

- 11 (1) the actual place and date of birth;
- 12 (2) the date of the filing of the original birth certificate; and
- 13 (3) the adoptive parents as though they were natural parents;
- 14 (3) ~~a notation that it was issued by authority of this chapter.~~

15 (c) The new birth certificate shall not contain a statement whether the
16 adopted person was illegitimate and it shall not contain any content or
17 statement that would distinguish it from any other original certificate of birth.

18 (d) The new certificate, and sufficient information to identify the original
19 certificate, shall be transmitted to the clerk of the town of birth to be filed
20 according to the procedures in 15 V.S.A. § 451.

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1 (e) The ~~supervisor of vital records registration~~ Supervisor of Vital Records
2 Registration shall not establish a new birth certificate if the ~~supervisor~~
3 Supervisor receives, accompanying the record of adoption, a written request
4 that a new certificate not be established:

- 5 (1) from the adopted person if 18 years of age or older; or
6 (2) from the adoptive parent or parents if the adopted person is under
7 18 years of age.

8 (f) When the ~~supervisor of vital records registration~~ Supervisor of Vital
9 Records Registration receives a record of adoption for a person born in another
10 state, the ~~supervisor~~ Supervisor shall forward a certified copy of the record of
11 adoption to the state registrar in the state of birth, with a request that a new
12 birth certificate be established under the laws of that state.

13 Sec. 6. 18 V.S.A. § 5021 is added to read:

14 § 5021. CERTIFIED COPIES OF BIRTH AND DEATH RECORDS

15 (a) Issuance of certified copies. Except as provided in subsection (f) of this
16 section, beginning on January 1, 2015, the Supervisor of Vital Records
17 Registration and other custodians of vital records designated by the State
18 Registrar to issue certified copies of birth and death records shall, upon receipt
19 of an application, issue a certified copy of a birth or death record in his or her
20 custody to the registrant or the registrant's spouse, children, parents, siblings,
21 grandparents, guardian, petitioner for appointment as executor for a deceased

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1 registrant, or such person's respective legal representative. In addition to those
2 previously listed, when the registrant is deceased, a certified copy of the death
3 record shall be issued, upon receipt of an application, to the individual with
4 authority for final disposition as provided in section 5227 of this title. The
5 Supervisor of Vital Records Registration and other designated custodians of
6 vital records may also issue a certified copy of a birth or death record to a
7 specific individual pursuant to a court order finding that a noncertified copy is
8 not sufficient for the applicant's legal purpose, and that a certified copy of the
9 birth or death record is needed for the determination or protection of an
10 individual's right.

11 (b) Application requirements. The Department of Health shall adopt by
12 rule requirements for the application of a certified copy of a birth or death
13 records. The rule shall address:

14 (1) the information to be required from the applicant, including the
15 purpose of the request;

16 (2) methods for submitting the application, including a method of
17 electronic application; and

18 (3) the specific forms of government-issued identification that will be
19 acceptable from an applicant for a certified copy.

20 (c) Forms and procedures. All forms and procedures used in the issuance of
21 certified copies of vital records in the State shall be uniform and provided or

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1 approved by the Commissioner of Health. All certified copies issued shall have
2 security features that deter the document from being altered, counterfeited,
3 duplicated, or simulated without ready detection.

4 (d) Authorized release of certified copy of death record. Upon receipt of a
5 written request on a form provided by the Department of Health, the
6 Supervisor of Vital Records Registration may issue a certified copy of a death
7 record to:

8 (1) the Social Security Administration;

9 (2) the Veterans' Administration;

10 (3) the deceased's insurance carrier, if such carrier provides benefits to
11 the decedent's survivors or beneficiaries; or

12 (4) a funeral home or crematorium on behalf of the individual with
13 authority for final disposition, as provided in section 5227 of this title, for the
14 decedent for whom burial or cremation services are rendered.

15 (e) If the Supervisor of Vital Records Registration receives information that
16 a vital record may have been registered through fraud or misrepresentation, the
17 Supervisor of Vital Records Registration shall withhold issuance of any copy
18 of a vital record pending an investigation. If the Supervisor of Vital Records
19 Registration is unable to verify the accuracy of the vital record, the Supervisor
20 of Vital Records Registration shall remove the vital record from the file and
21 notify the individual requesting a copy that the record cannot be certified. The

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1 vital record and evidence shall be retained by the Department but shall not be
2 subject to inspection or copying except upon order of the Civil Division of the
3 Superior Court or by the Supervisor of Vital Records Registration for purposes
4 of administering the vital statistics program.

5 (f) Limitation on issuance of a certified copy. No person shall prepare or
6 issue any certificate which purports to be a certified copy of a birth or death
7 record except as authorized in this section or rules adopted under this section.

8 Sec. 7. EFFECTIVE DATE

9 This act shall take effect on July 1, 2014.

10

11

12 (Committee vote: _____)

13

14

Representative _____

15

FOR THE COMMITTEE