

1 TO THE HONORABLE SENATE:

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

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

8 § 5071. BIRTH CERTIFICATES; WHO TO MAKE; RETURN

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

18 (b)(1) At the time of the birth of a child, each parent shall furnish the
19 following information on a form provided for that purpose by the ~~department~~
20 ~~of health~~ Department of Health: the parent’s name, address, and ~~social~~
21 ~~security~~ Social Security number and the name and date of birth of the child.

1 The forms and a copy of the birth certificate shall be filed with the ~~department~~
2 ~~of health not later than 10 days~~ Department of Health on or before the fifth day
3 after the birth of the child.

4 (2) The form provided to parents of a child by the Department of Health
5 under subdivision (1) of this subsection shall identify parents with
6 gender-neutral nomenclature.

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

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

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

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

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

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

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

1 (d) The name of ~~the father~~ a parent other than the birth mother shall be
2 included on the birth certificate of the child of unmarried parents only if the
3 ~~father and mother~~ and the other parent have signed a voluntary
4 acknowledgment of parentage or a court or administrative agency of competent
5 jurisdiction has issued an adjudication of parentage.

6 (e) When a birth certificate is issued, a parent or parents shall be identified
7 as indicated on the form completed under subsection (b) of this section.

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

9 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE FORM

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

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

20 (c) The clerk shall file and index the new certificate in the most recent book
21 of births, shall also index them with births occurring at the same time, and

1 shall otherwise comply with the provisions of sections 5080 and 5081 of this
2 title. The new certificate shall contain a notation that it was issued by authority
3 of this chapter, and it shall not contain the word “Amended” or other special
4 designation.

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

6 § 307. VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

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

18 (b) The ~~department of health~~ Department of Health shall make Voluntary
19 Acknowledgment of Parentage forms generally available to the public through
20 hospitals, medical offices, schools and the courts. Upon adoption of the
21 uniform national Voluntary Acknowledgment Form by the U.S. Department of

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

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

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

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 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

1 completes of a Voluntary Acknowledgment of Parentage form, the Department
2 of Health shall provide the person with information regarding recognition of
3 the 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.

1 Sec. 5. EFFECTIVE DATE

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

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5 (Committee vote: _____)

6

7

Senator

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FOR THE COMMITTEE