

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~~

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

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

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

3 Sec. 3. 15 V.S.A. § 308 is amended to read:

4 § 308. PRESUMPTION OF PARENTAGE

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

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

9 (2) the alleged parents have voluntarily acknowledged parentage under  
10 the laws of this ~~state~~ State or any other state, by filling out and signing a  
11 Voluntary Acknowledgement of Parentage form and filing the completed and  
12 witnessed form with the ~~department of health~~ Department of Health; or

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

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

17 Sec. 4. AGENCY OF HUMAN SERVICES REPORT ON VOLUNTARY  
18 ACKNOWLEDGEMENT OF PARENTAGE

19 On or before January 15, 2015, the Secretary of Human Services, after  
20 consultation with the court administrator, shall submit to the Senate Committee  
21 on Health and Welfare and the House Committee on Human Services a report

1 addressing whether and how the voluntary acknowledgement of parentage  
2 process should be amended to allow persons who are not the biological parent  
3 of a child to assume parental rights and responsibilities of a child through  
4 completion of a voluntary acknowledgement of parentage form. The report  
5 shall include:

6 (1) a proposal for amending the voluntary acknowledgement of  
7 parentage process, including the acknowledgement form, to allow  
8 nonbiological parents to assume parental rights;

9 (2) a proposal for notifying a biological parent of the birth of a child  
10 when a voluntary acknowledgement of parentage form has been submitted by a  
11 nonbiological parent and the biological parent has a due process right to  
12 notification, including notice to the biological parents of any rights to assert  
13 parentage or parental rights; and

14 (3) a summary of whether voluntary acknowledgement of parentage by  
15 a nonbiological parent will be legally recognized in other jurisdictions,  
16 including by federal government assistance programs.

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

18 § 5078. ADOPTION; NEW BIRTH CERTIFICATE

19 (a) The ~~supervisor of vital records registration~~ Supervisor of Vital Records  
20 Registration shall establish a new birth certificate for a person born in the ~~state~~  
21 State when the ~~supervisor~~ Supervisor receives a record of adoption as provided

1 in 15 V.S.A. § 449 or a record of adoption prepared and filed in accordance  
2 with the laws of another state or foreign country.

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

6 (1) the actual place and date of birth;

7 (2) the date of the filing of the original birth certificate; and

8 (3) the adoptive parents as though they were natural parents;

9 ~~(3) a notation that it was issued by authority of this chapter.~~

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

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

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

20 (1) from the adopted person if 18 years of age or older; or

1           (2) from the adoptive parent or parents if the adopted person is under  
2           18 years of age.

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

8           Sec. 6. DEPARTMENT OF HEALTH REPORT; CERTIFIED COPIES OF  
9                            BIRTH AND DEATH RECORDS

10           On or before January 15, 2015, the Commissioner of Health shall submit to  
11           the House and Senate Committees on the Judiciary and the House and Senate  
12           Committees on Government Operations recommended requirements for the  
13           issuance of certified birth and death certificates in the State in a manner that  
14           complies with the generally accepted, national standards for the issuance of  
15           certified copies of birth and death certificates and that reduces the portential  
16           for identity theft. The recommendations shall include:

- 17                   (1) persons to whom a certified birth or death certificate may be issued;  
18                   (2) application requirements for a birth or death certificate;  
19                   (3) requirements for the custodians of certified birth or death  
20           certificates;

1           (4) proposed legislative changes necessary to implement any  
2           recommendation; and

3           (5) any other information that the Commissioner determines is relevant.

4           Sec. 7. EFFECTIVE DATE

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

6

7

8           (Committee vote: \_\_\_\_\_)

9

10

\_\_\_\_\_

Representative \_\_\_\_\_

11

FOR THE COMMITTEE