

Proposal 2

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.

Proposal 2

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.

Proposal 2

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

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

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

8 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE FORM

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

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

19 (c) The clerk shall file and index the new certificate in the most recent book
20 of births, shall also index them with births occurring at the same time, and
21 shall otherwise comply with the provisions of sections 5080 and 5081 of this

Proposal 2

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

4 Sec. 3. 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; or

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

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

18 **Sec. 4. AGENCY OF HUMAN SERVICES REPORT ON VOLUNTARY**

19 **ACKNOWLEDGEMENT OF PARENTAGE**

20 On or before January 15, 2015, the Secretary of Human Services, after
21 consultation with the court administrator, shall submit to the Senate Committee

Proposal 2

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

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

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

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

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.
20
21

1
2
3
4
5
6

(Committee vote: _____)

Senator

FOR THE COMMITTEE