

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 Within five days of each live birth that occurs in this State, the attending  
14 physician or midwife or, if no attending physician or midwife is present, a  
15 parent of the child shall file with the town clerk a certificate of birth in the  
16 form prescribed by the Department. The certificate shall be registered if it has  
17 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 five days  
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 child 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(d) is amended to read:

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

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

12 § 308. PRESUMPTION OF PARENTAGE

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

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

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

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

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

5 Sec. 5. EFFECTIVE DATE

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

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13           (Committee vote: \_\_\_\_\_)

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Senator

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FOR THE COMMITTEE