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H.629

Introduced by Representatives Devereux of Mount Holly and Martin of
Wolcott

Date:

Subject: Government operations; health; vital records

Statement of purpose of bill as introduced: This bill proposes to amend
statutes related to the administration and issuance of vital records.

An act relating to the administration and issuance of vital records

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Vital Records Generally * * *

Sec. 1. REPEAL

18 V.S.A. chapter 101 (vital records generally) is repealed.

Sec. 2. 18 V.S.A. chapter 102 is added to read:

CHAPTER 102. VITAL RECORDS GENERALLY

§ 5031. DEFINITIONS

As used in this part, the words and phrases below shall have the following
meanings unless the context requires otherwise:

(1) “Attending physician” means a physician who has completed
medical training and residency and is responsible for coordinating a patient’s
care, including supervising the care provided by interns, residents, or medical

1 students, and who has final responsibility legally and otherwise for the
2 patient's care.

3 (2) "Certified copy" means a copy of a vital record certificate issued and
4 certified by the State Registrar or a designated custodian of vital records on
5 antifraud paper approved and furnished by the State Registrar.

6 (3) "Commissioner" means the Commissioner of Health.

7 (4) "Dead body" means a human body or parts of a human body, the
8 condition of which reasonably indicates that death has occurred.

9 (5) "Department" means the Department of Health.

10 (6) "Designated custodian" means a custodian of vital records
11 designated by the State Registrar in accordance with section 5035 of this title
12 to issue certified and informational copies of vital record certificates.

13 (7) "Fetal death" means death prior to the complete expulsion or
14 extraction from the mother of a product of conception, irrespective of the
15 duration of pregnancy, and which is not an induced termination of pregnancy.
16 The death is indicated by the fact that the fetus does not breathe or show any
17 other evidence of life such as beating of the heart, pulsation of the umbilical
18 cord, or definite movement of voluntary muscles.

19 (8) "Final disposition" means the burial, interment, cremation, removal
20 from the State, or other authorized disposition of a dead body or fetus.

1 (9)(A) A “form” may be a piece of paper, a computer interface or
2 screen, a data file, or other medium approved by the State Registrar for use in
3 collecting and transmitting vital records.

4 (B) “Format” means the appearance, content, layout, size, software,
5 security devices, and all other features for the reporting of vital records to the
6 Office of Vital Records.

7 (10) “Induced termination of pregnancy” means the purposeful
8 interruption of an intrauterine pregnancy with the intention other than to
9 produce a live-born infant and which does not result in a live birth. The term
10 does not include management of prolonged retention of products of conception
11 following fetal death.

12 (11) “Informational copy” means a copy of a vital record certificate,
13 other than a certified copy, issued by a public agency.

14 (12) “Live birth” means the complete expulsion or extraction from the
15 mother of a product of human conception, irrespective of the duration of
16 pregnancy, that, after such expulsion or extraction, breathes or shows any other
17 evidence of life, such as beating of the heart, pulsation of the umbilical cord, or
18 definite movement of voluntary muscles, whether or not the umbilical cord has
19 been cut or the placenta is attached.

1 (13) “Medical institution” means any establishment, public or private,
2 that provides inpatient or outpatient medical, surgical, or diagnostic care or
3 treatment or nursing, custodial, or domiciliary care.

4 (14) “Office of Vital Records” means an office of the Department of
5 Health responsible for vital records and the Statewide System of Vital
6 Statistics.

7 (15) “Registration” means the acceptance by the State Registrar of a
8 vital record certificate into the official records of the Office of Vital Records.

9 (16) “State Registrar” refers to the Supervisor of the Office of Vital
10 Records.

11 (17) “Statewide System of Vital Statistics” means the registration,
12 collection, preservation, amendment, and certification of vital records; the
13 collection of other reports required by law; and activities related thereto,
14 including the tabulation, analysis, publication, and dissemination of vital
15 statistics.

16 (18) “Town clerk” or “clerk of the town” means a town clerk, a city
17 clerk or city official, a county clerk acting on behalf of an unorganized town or
18 gore with respect to vital records, or the supervisor of the unified towns and
19 gores of Essex County, regardless of whether such official is “designated” by
20 the State Registrar pursuant to subsection 5035(a) of this title.

1 (19) “Transmit” means the sending and delivery of vital records by
2 required reporting sources to the Office of Vital Records through a method
3 authorized by the Registrar.

4 (20)(A) “Vital records” means certificates of birth, death, civil marriage,
5 civil union, divorce, or dissolution; reports of fetal death or induced
6 termination of pregnancy; and any other records associated with the creation,
7 processing, or copying of such certificates or reports.

8 (B) “Vital record certificate” means a certificate of birth, death, civil
9 marriage, civil union, divorce, or dissolution.

10 (21) “Vital statistics” means the analyses of data derived from vital
11 records.

12 § 5032. OFFICE OF VITAL RECORDS; STATEWIDE SYSTEM OF
13 VITAL STATISTICS; STATE REGISTRAR; DUTIES

14 (a) The Department shall maintain an Office of Vital Records which
15 shall install, maintain, and operate a Statewide System of Vital Statistics,
16 which shall be the only system of its kind in Vermont. Records of births
17 and deaths registered prior to 1909 shall not be incorporated into the
18 Statewide System of Vital Statistics.

19 (b) The Commissioner shall designate an employee of the Department to
20 serve as the State Registrar, who shall head the Office of Vital Records.

1 (c) The Commissioner may exercise any authority granted or fulfill any
2 duties conferred to the State Registrar under this part. The Department may
3 exercise any authority granted or fulfill any duties conferred to the Office of
4 Vital Records under this part.

5 (d) The State Registrar shall, consistent with the requirements of this
6 part:

7 (1) oversee the administration of the Statewide System of Vital
8 Statistics and fulfill the duties assigned to him or her under this part;

9 (2) provide for the preservation and security of the official records of
10 the Office of Vital Records, and for the matching of birth and death records
11 in order to prevent the fraudulent use of birth and death certificates of
12 deceased persons;

13 (3) promote uniformity of policy and procedures pertaining to vital
14 records and vital statistics throughout the State;

15 (4) prescribe the contents of vital record certificates and related
16 forms, and furnish such certificates and forms to persons authorized or
17 required to file such certificates or forms;

18 (5) maintain a Vital Records Alert System in order to track and
19 prevent misrepresentation, fraud, or illegal activities in connection with
20 vital records;

1 (6) implement audit and quality control procedures as necessary to
2 ensure compliance with vital records filing and reporting requirements;

3 (7) prescribe:

4 (A) the means for transmitting vital records in order to promote
5 complete, accurate, and timely reporting and registration of vital events;

6 (B) the required contents of applications for certified and
7 informational copies of birth and death certificates; and

8 (C) acceptable forms of identification required in connection with
9 applications for certified and informational birth and death certificates;

10 (8) adopt rules governing:

11 (A) acceptable content and limitations on the number of characters
12 on a birth certificate;

13 (B) the process for denying certified or informational copies of
14 birth or death records based on a Vital Records Alert System match or
15 evidence of fraud or misrepresentation, notifying affected persons of the
16 denial, and investigating and resolving the issue identified;

17 (C) the furnishing of lists of missing and kidnapped children to the
18 Office of Vital Records by the Department of Public Safety;

19 (D) the furnishing of reports of absolute divorces to the Office of
20 Vital Records by clerks of the Family Division of the Superior Court; and

1 (E) such other matters as may be necessary to enable the Office of
2 Vital Records to conduct vital records administration.

3 § 5033. APPLICABILITY

4 (a) This part shall govern vital records in the custody of the State
5 Registrar, the Vermont State Archives and Records Administration, and any
6 town clerk, regardless of when the records were acquired.

7 (b) For any other public agency with custody of vital records, the
8 requirements of sections 5039 and 5041 of this chapter limiting the
9 inspection of certified and informational copies of birth and death
10 certificates, and limiting the issuance of informational copies of birth and
11 death certificates, shall apply only to birth and death certificates acquired on
12 or after January 1, 2018. All other provisions of this part, including the
13 limitations on the issuance of certified copies of vital records certificates,
14 shall apply to vital records in the custody of such public agencies regardless
15 of when the records were acquired.

16 § 5034. FORMAT OF CERTIFICATES, FORMS, AND REPORTS

17 (a) Each certificate, form, or other report of vital events required by law
18 shall be prepared and filed in the format and manner prescribed by the State
19 Registrar.

1 (b) Custodians of information that is required for completion of a
2 certificate, form, or report shall verify and store the information as
3 prescribed by the State Registrar.

4 (c) The State Registrar shall record the date of receipt of any vital record
5 certificate received by the Office of Vital Records as well as the date of
6 registration of any vital record certificate that he or she registers.

7 (d) All originals and certified copies of vital record certificates shall be
8 issued on antifraud paper approved by the State Registrar. The Office of Vital
9 Records shall issue antifraud paper only to custodians of vital records
10 designated by the State Registrar under section 5035 of this title.

11 § 5035. DESIGNATED CUSTODIANS; DUTIES OF ALL CUSTODIANS;

12 AUDITS

13 (a) The State Registrar shall designate the Vermont State Archives and
14 Records Administration as a custodian, and shall designate other qualified
15 custodians in the State, to aid in the efficient administration of the Statewide
16 System of Vital Statistics and in the issuance of certified and informational
17 copies of vital records certificates in accordance with sections 5040 and 5041
18 of this title. An office of a county clerk, the supervisor of unified towns and
19 gores after approval by the Board of Governors, or a town or city clerk after
20 approval by the legislative body of the municipality, may apply to be a

1 designated custodian by filing an application with the State Registrar on a form
2 prescribed by the State Registrar.

3 (b) Town clerks shall receive, number, file, and index certificates of
4 civil marriages and burial-transit and removal permits. On or before the
5 10th day of each month, the clerk of each municipality shall transmit to the
6 State Registrar certified copies of each civil marriage certificate filed in the
7 municipality in the preceding month.

8 (c) A member of a couple who becomes a permanent resident of this
9 State may cause a certificate of his or her civil marriage or civil union to be
10 recorded in the municipal office responsible for vital records administration
11 for the municipality where he or she resides. Such record shall not be
12 returned to the Office of Vital Records.

13 (d) The State Registrar shall prescribe physical requirements and security
14 standards for storage of vital record certificates and related supplies. The
15 requirements and standards shall be based on best practices issued by state and
16 federal law enforcement and public health organizations.

17 (e)(1) The State Registrar and all custodians of vital records, whether
18 designated or not, shall ensure that the following are stored in a fireproof safe
19 or vault:

20 (A) Materials used solely to create a certified vital record, including
21 blank copies of antifraud paper.

1 (B) Vital records that contain information designated by law as
2 confidential. The State Registrar shall provide guidance to custodians
3 regarding confidentiality requirements of law.

4 (C) Other vital records as may be specified by the State Registrar by
5 rule.

6 (2) Certified copies of birth or death records recorded or indexed in the
7 land records of a municipality shall not be required to be stored in a fireproof
8 safe or vault unless the record includes confidential information.

9 (f) Vital records in municipal and county offices shall be stored and
10 preserved as required by law, even if the office is not a designated custodian.

11 (g)(1) The State Registrar may conduct an audit of any municipal or county
12 office storing or issuing vital records. Any such office that does not pass the
13 audit shall not store or issue such records until it passes a new audit.

14 (2) The State Registrar shall offer to conduct a new audit within 30 days
15 of issuing a deficient audit result.

16 (3) Any municipality or county that fails an audit shall reimburse the
17 Office of Vital Records for the cost of removal and for reasonable storage costs
18 billed by the Office of Vital Records. Such costs shall be paid within 30 days
19 of billing.

1 (h) Upon request of a municipality that is not a designated custodian, the
2 State Registrar shall provide information about births and deaths of residents of
3 the municipality at least annually.

4 § 5036. CONFIDENTIALITY

5 (a)(1) A vital record, or information therein, that by law is designated
6 confidential or by a similar term, that by law may only be disclosed to
7 specifically designated persons, or that by law is not a public record, is
8 exempt from inspection and copying under the Public Records Act and shall
9 be kept confidential to the extent provided by law.

10 (2) Records or information described in subdivision (1) of this
11 subsection may be disclosed:

12 (A) for public health or research purposes in accordance with law;

13 (B) to a regulatory or law enforcement agency for enforcement
14 purposes, if the agency has agreed to accept the terms of an agreement with the
15 Department governing use and confidentiality of the information;

16 (C) to the vital records office of another state, if the subject of the
17 vital record was a resident of the other state at the time of the vital event
18 that led to creation of the record; or

19 (D) in a summary, statistical, or other format in which particular
20 individuals are not identified.

1 (b) Information contained in the “Information for Medical and Health Use
2 Only” section of a birth certificate and information contained in the
3 “Confidential Information” section of a certificate of civil marriage, civil
4 union, divorce, or dissolution are exempt from public inspection and copying
5 under the Public Records Act, shall be kept confidential, and shall not in any
6 civil action be subject to discovery or subpoena or be admissible before any
7 court, tribunal, or other adjudicative body. However, the person who is the
8 subject of the record or his or her representative shall be entitled to obtain the
9 information or report.

10 (c) Information in or received from the Vital Records Alert System
11 maintained by the Office of Vital Records is exempt from public inspection
12 and copying under the Public Records Act and shall be kept confidential,
13 except that, in addition to the exceptions to confidentiality provided for under
14 subdivision (a)(2) of this section, such information may be shared with
15 designated custodians in order to correct and prevent mistakes and criminal
16 activity.

17 § 5037. VIOLATIONS; PENALTIES

18 (a)(1) A person shall not:

19 (A) knowingly make a false statement in connection with any vital
20 record or application for vital record copies, or knowingly supply false

1 information intending that such information be used in the preparation of any
2 such vital record or application;

3 (B) without lawful authority and with the intent to deceive, make,
4 counterfeit, alter, or mutilate any vital record;

5 (C) without lawful authority and with the intent to deceive, obtain,
6 possess, or use, or sell or furnish to another any vital record that:

7 (i) has been counterfeited, altered, or mutilated;

8 (ii) is false in whole or in part; or

9 (iii) relates to another person, whether living or deceased;

10 (D) without lawful authority, possess any vital record knowing the
11 same to have been stolen or otherwise unlawfully obtained.

12 (2) A person who violates this subsection shall be fined not more than
13 \$10,000.00 or imprisoned not more than five years, or both.

14 (b)(1) A person shall not:

15 (A) knowingly refuse to provide information required by this part or
16 by rules adopted to carry out its purposes; or

17 (B) knowingly neglect or violate any of the provisions of this part or
18 refuse to perform any of the duties imposed upon him or her by this part.

19 (2) A person who violates this subsection shall be fined not more than
20 \$1,000.00 or imprisoned for not more than one year, or both.

1 (c) An employee of the Office of Vital Records or any designated custodian
2 who knowingly furnishes or processes a birth or death certificate or a certified
3 copy thereof with the knowledge or intention that it may be used for the
4 purposes of deception shall be fined not more than \$10,000.00 or imprisoned
5 not more than five years, or both.

6 (d) If a penalty is specified in this part that differs from the penalty
7 specified in this section, that penalty shall apply in lieu of the penalty specified
8 in this section.

9 § 5038. VITAL RECORDS COPIES; FEES

10 (a) For a certified copy of a vital record, the fee shall be \$15.00.

11 (b) For an informational copy of a vital record, the fee shall be \$5.00.

12 (c)(1) Notwithstanding 1 V.S.A. § 316(c), the Office of Vital Records or a
13 designated custodian of vital records other than a town clerk may charge a
14 search fee of \$5.00 to a person requesting a search of the Statewide System of
15 Vital Statistics or an index of vital records. A town clerk may charge a fee for
16 such searches in accordance with 32 V.S.A. § 1671.

17 (2) Search fees shall be credited toward the fee for the first certified or
18 informational copy provided as a result of the search.

19 (d) A fee shall not be charged for allowing a person to inspect vital records
20 that are available for inspection; however, the manner of inspection may be
21 prescribed by the State Registrar.

1 § 5039. BIRTH AND DEATH CERTIFICATES; ISSUANCE OF COPIES
2 AND RIGHT OF INSPECTION

3 (a) Copies of birth and death certificates.

4 (1) Certified copies of birth and death certificates shall be issued only
5 by designated custodians as provided in section 5040 of this title.

6 (2) Informational copies of birth and death certificates shall be issued
7 only as provided in section 5041 of this title.

8 (3) A certified copy of a birth or death certificate registered prior to
9 1909 shall not be issued, but the custodian may authenticate that the copy is a
10 true and accurate copy.

11 (b) Inspection of birth or death certificates. Except as provided in
12 subsection 5033(b) of this chapter:

13 (1) Certified copies of birth and death certificates shall not be
14 available for inspection.

15 (2) Informational copies or originals of birth and death certificates
16 shall be available for public inspection. Persons inspecting such records
17 shall not capture images of them. Custodians of such records shall not
18 permit inspection by persons who possess any device capable of capturing
19 an image of the records.

1 § 5040. CERTIFIED COPIES OF VITAL RECORDS

2 (a) Certified birth and death certificates; issuance. Only the State Registrar
3 and designated custodians may issue certified copies of birth and death
4 certificates. The State Registrar and designated custodians may issue such
5 certified copies only upon receipt of a complete application accompanied by a
6 reliable type of identification as specified by the State Registrar. The State
7 Registrar shall maintain a database of all applications received under this
8 section. Except as provided in subsection (d) of this section, only the
9 following persons shall be eligible for a certified birth or death certificate:

10 (1) the subject of the certificate or his or her spouse, children, parents,
11 siblings, grandparents, guardian, petitioner for appointment as executor, or the
12 legal representative of any of these;

13 (2) in the case of a death certificate, the individual with authority for
14 final disposition as provided in section 5227 of this title; or

15 (3) a specific person pursuant to a court order finding that an
16 informational copy is not sufficient for the applicant's legal purpose, and that a
17 certified copy of the birth or death certificate is needed for the determination or
18 protection of a person's right.

19 (b) Civil marriage, civil union, divorce, or dissolution certificates; issuance.

20 Only the State Registrar and designated custodians may issue certified copies of civil

1 marriage, civil union, divorce, or dissolution certificates. Such copies may be issued
2 to any person; no application or identification shall be required.

3 (c) Contents of certified copies.

4 (1) Each certified copy issued under this section shall show the date of
5 registration, if available.

6 (2) When applicable, a certified copy shall be marked “Amended” and
7 show the effective date of the amendment.

8 (3) Certified copies issued from records marked “Delayed” shall be
9 marked “Delayed” and shall include the date of registration and a description
10 of the evidence used to establish the delayed certificate.

11 (4) Prior to issuing a certified copy of a birth certificate, the word
12 “illegitimate” shall be redacted from the copy.

13 (5) Any certified copy issued of a “certificate of live birth for a foreign
14 born child” shall comply with the provisions of section 5106 of this title, show
15 the actual place of birth, and state that the certificate is not proof of U.S.
16 citizenship for the adoptive child.

17 (d) Authorized release of certified copy of death certificate. Upon receipt
18 of a written request on a form or in a manner specified by the State Registrar,
19 the State Registrar may issue a certified copy of a death certificate to:

20 (1) the Social Security Administration;

21 (2) the U.S. Department of Veterans Affairs;

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

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

6 (e) Evidentiary value. A certified copy of a vital record certificate issued in
7 accordance with this section shall be considered for all purposes the same as
8 the original and shall be prima facie evidence of the facts stated therein.

9 (f) Limitation on issuance of a certified copy. A person shall not prepare or
10 issue any document that purports to be a certified copy of a vital record
11 certificate except as authorized in this section.

12 § 5041. INFORMATIONAL COPIES

13 (a) Any copy of a vital record certificate, other than a certified copy, that is
14 issued by a public agency is an informational copy.

15 (b) Informational copies of birth or death certificates from Statewide
16 System of Vital Statistics; issuance. Except as provided in subsection 5033(b)
17 of this chapter, only the State Registrar and designated custodians may issue
18 informational copies of birth or death certificates, and informational copies for
19 births or deaths registered on or after January 1, 1909 shall be issued solely
20 from the Statewide System of Vital Statistics. The State Registrar and
21 designated custodians shall issue an informational copy of a birth or death

1 certificate only after receiving an application accompanied by a reliable type of
2 identification as specified by the State Registrar. The State Registrar shall
3 maintain a database of all applications received under this section.

4 (c) Pre-1909 birth or death certificates. Birth or death certificates
5 registered prior to 1909 shall be available for public inspection and copying,
6 provided that a copy shall not be issued on antifraud paper.

7 (d) Informational copies of civil marriage, civil union, divorce, or dissolution
8 certificates; issuance. A public agency with custody of a civil marriage, civil union,
9 divorce, or dissolution certificate may issue an informational copy of the certificate
10 to any person upon request and payment of the required fee; no application or
11 identification shall be required.

12 (e) Legal effect. An informational copy shall not be used for legal
13 purposes, except as provided for in subsection (f) of this section.

14 (f) Contents of informational copies. Informational copies of vital records
15 certificates issued by the State Registrar and designated custodians shall satisfy
16 the following requirements:

17 (1) Each informational copy issued shall show the date of registration, if
18 available.

19 (2) When applicable, an informational copy shall be marked "Amended"
20 and show the effective date of the amendment.

1 (3) An informational copy issued from records marked “Delayed” shall
2 be similarly marked and shall include a description of the evidence used to
3 establish the delayed certificate.

4 (4) Prior to issuing an informational copy of a birth certificate, the word
5 “illegitimate” shall be redacted from the copy.

6 (5) An informational copy issued of a “Certificate of Live Birth for a
7 Foreign Born Child” shall comply with the provisions of section 5106 of this
8 title, show the actual place of birth, and state that the certificate is not proof of
9 U.S. citizenship for the adoptive child.

10 (g) Evidentiary value; land records recording.

11 (1) Except as provided in subdivision (2) of this subsection, an
12 informational copy of a vital record certificate issued under this section shall
13 not serve as prima facie evidence of the facts stated therein.

14 (2)(A) An informational copy of a birth or death certificate issued by the
15 State Registrar or a designated custodian under subsection (a) of this section
16 may be recorded in the land records of a municipality to establish the date of
17 birth or death of a person with an ownership interest in property.

18 (B) A reproduction of a certified vital record certificate, such as an
19 informational copy or a photocopy, may be recorded in the land records,
20 provided that the reproduction is not printed on antifraud paper.

1 Sec. 4. 18 V.S.A. chapter 104 is amended to read:

2 CHAPTER 104. BIRTH RECORDS

3 § 5101. BIRTH REGISTRATION

4 (a) As used in this section, “personal data” means the data described in
5 subsection (c) of this section.

6 (b) A birth certificate for each live birth that occurs in this State shall be
7 filed with the Office of Vital Records on or before five business days after
8 such birth. The State Registrar shall register the certificate if it has been
9 completed and filed in accordance with this chapter.

10 (c)(1) At the time of birth of a child, each parent shall furnish the following
11 personal data as prescribed by the State Registrar: the parent’s name, address,
12 and Social Security number, and the name and date of birth of the child. The
13 State Registrar may request additional personal data as needed to fulfill federal
14 and State requirements.

15 (2) Either of the parents of the child or, in the absence of both of the
16 parents, another informant shall verify the accuracy of the personal data to be
17 entered on the certificate in time to permit the registration of the certificate
18 within the five days prescribed in this section.

19 (d)(1) When a birth occurs in a medical institution or en route thereto, the
20 person in charge of the institution or his or her designee shall obtain the
21 personal data, prepare the birth certificate, certify that the child was born alive

1 at the place and time and on the date stated, and file the certificate as specified
2 by the State Registrar.

3 (2) When a birth occurs outside a medical institution, the certificate
4 shall be prepared and filed by one of the following in the indicated order of
5 priority:

6 (A) the physician or midwife in attendance at or immediately after
7 the birth;

8 (B) a parent of the child present at the birth;

9 (C) any other adult person in attendance at or immediately after the
10 birth; or

11 (D) the person in charge of the premises where the birth occurred.

12 (e) When a birth occurs on a moving conveyance within the United States
13 and the child is first removed from the conveyance in this State, the birth shall
14 be registered in this State and the place where the child is first removed shall
15 be considered the place of birth. When a birth occurs on a moving conveyance
16 while in international waters or air space or in a foreign country or its air
17 space, and the child is first removed from the conveyance in this State, the
18 birth shall be registered in this State, but the certificate shall show the actual
19 place of birth insofar as it can be determined.

1 (f) The woman who gives birth to the child shall be included on the birth
2 certificate of the child as a parent unless otherwise provided under State law or
3 otherwise determined by a court or administrative agency of competent
4 jurisdiction prior to the filing of the birth certificate.

5 (g) The name of a parent other than the woman who gave birth shall be
6 included on the birth certificate of the child of unmarried parents only if both
7 parents have signed a properly executed voluntary acknowledgment of
8 parentage or a court or administrative agency of competent jurisdiction has
9 issued an adjudication of parentage. Corrections and amendments to birth
10 certificates, and the issuance of new birth certificates, in connection with
11 voluntary acknowledgments of parentage or adjudications of parentage are
12 described in subsections 5106(a), 5107(c), and 5108(a) of this chapter.

13 (h) If parentage of a child is determined by a court or administrative agency
14 of competent jurisdiction, the name of the parent and the surname of the child
15 shall be entered on the birth certificate in accordance with the finding and
16 order of the court or administrative agency.

17 (i) If the father is not named on the birth certificate, no other information
18 about the father shall be entered on the certificate.

19 (j) Certificates of birth filed after five days but less than one year from the
20 date of birth shall be registered on the standard form of live birth certificate in
21 the manner prescribed in this section. Such certificates shall not be marked

1 “Delayed.” The State Registrar may require additional evidence in support of
2 the facts of birth before registration of a birth certificate pursuant to this
3 subsection.

4 (k) The State Registrar shall not register any birth certificate that is
5 incomplete or for which the State Registrar has reason to believe the
6 information provided is not accurate. If the State Registrar refuses to register a
7 birth certificate under this section, the person submitting the certificate for
8 registration shall be referred to the Probate Division of the Superior Court for
9 proceedings pursuant to section 5104 of this title.

10 (l) When a birth certificate is issued, a parent or parents shall be identified
11 with gender-neutral nomenclature.

12 § 5102. INFANTS OF UNKNOWN PARENTAGE; FOUNDLING
13 REGISTRATION

14 (a) Whoever assumes the custody of a live-born infant of unknown
15 parentage in this State shall report the following information to the State
16 Registrar on a form prescribed by him or her within five days of assuming
17 custody:

18 (1) the date, city or town, and county of finding;

19 (2) the sex and approximate birth date of the child based on consultation
20 with a physician;

1 (3) the name and address of the custodian or other person or institution
2 with whom the child has been placed for care;

3 (4) the name given to the child by the custodian of the child; and

4 (5) other data as required by the State Registrar.

5 (b) The place where the child was found shall be entered as the place of
6 birth.

7 (c) A report registered under this section shall constitute the birth
8 certificate for the child.

9 (d) If the child is identified and a birth certificate is found or obtained, the
10 report registered under this section shall be placed in a special file and shall be
11 kept confidential except upon court order. All copies of the report in the
12 custody of any other custodian of vital records in this State shall be forwarded
13 to the State Registrar and the State Register shall seal such records and keep
14 them confidential. Any duplicate electronic records created as a result of the
15 foundling registration shall be removed and destroyed.

16 § 5103. DELAYED REGISTRATION OF BIRTH

17 (a) When a birth certificate of a person born in this State is filed one year or
18 later following the birth, the person's parent or legal guardian or the person, if
19 over 18 years of age, may file with the State Registrar an application for a
20 delayed birth certificate. The application shall contain all the information

1 required for a birth certificate pursuant to section 5101 of this title, reasons for
2 the delay in filing, and evidence substantiating the facts of birth.

3 (b) The State Registrar shall register a previously unreported birth on a
4 delayed birth certificate form, which shall have the word “Delayed” at the top
5 and show the date of registration. The delayed certificate shall contain a
6 summary of the evidence submitted in support of the delayed registration.

7 (c) A delayed birth certificate shall not be registered for a deceased person.

8 (d) When an applicant does not submit the minimum documentation for
9 delayed registration or when the State Registrar has cause to question the
10 validity or adequacy of the applicant’s sworn statement or the documentary
11 evidence, and if the deficiencies are not corrected, the State Registrar shall not
12 register the delayed birth certificate. In such case, the State Registrar shall
13 advise the applicant of the reasons for this action and of the applicant’s right to
14 seek an order pursuant to section 5104 of this title from the Probate Division of
15 the Superior Court for the district of the place of birth. If the State Registrar
16 has cause to question the validity of the applicant’s submissions, he or she
17 shall refer the matter to the appropriate State and federal authorities.

18 § 5104. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF BIRTH

19 (a) If the State Registrar does not register a birth certificate pursuant to
20 section 5101 or 5103 of this title, a person may file a petition with the Probate
21 Division of the Superior Court for the district of the place of birth for an order

1 establishing the facts of the birth necessary for completion of the birth
2 certificate.

3 (b) A petition filed pursuant to subsection (a) of this section shall be on a
4 form prescribed by the court in consultation with the State Registrar, and shall
5 include sufficient evidence of the following:

6 (1) that the person for whom a birth certificate is sought was born in this
7 State;

8 (2) that no birth certificate of such person can be found in the State;

9 (3) that the petitioner has made diligent efforts to obtain the evidence
10 required for a regular or delayed birth certificate;

11 (4) that the State Registrar has not registered a birth certificate for the
12 individual pursuant to section 5101 or 5103 of this title; and

13 (5) such other evidence as the court may require to prove the facts of the
14 birth necessary for completion of a birth certificate.

15 (c) The petition shall be accompanied by any statement of the State
16 Registrar denying registration under section 5101 or 5103 of this title, and all
17 documentary evidence submitted to the State Registrar in support of such
18 registration.

19 (d) The court shall fix a time and place for hearing the petition and shall
20 give the Office of Vital Records 30 days' notice of the hearing. The Office of
21 Vital Records may appear and participate as a party in the proceeding.

1 (e) If the court finds from the evidence presented that the person for whom
2 a birth certificate is sought was born in this State, it shall make findings as to
3 the facts of birth as may be required, and shall issue an order to establish a
4 birth certificate. This order shall include the birth date to be registered, a
5 description of the evidence presented, and the date of the court's action.

6 (f) If the court finds that it appears the petitioner presented false or
7 misleading evidence or evidence that appears to include falsified, modified, or
8 stolen identification documents, the court shall deny the petition and the Office
9 of Vital Records shall refer the matter to the appropriate State and federal
10 authorities.

11 § 5105. ADOPTION-RELATED REPORTS

12 (a)(1) For each adoption decreed by the Probate Division of a Superior
13 Court in this State, the court shall send the State Registrar a report of adoption
14 on a form prescribed by the State Registrar. The report of adoption shall:

15 (A) include such facts as are necessary to locate and identify the birth
16 certificate of the adoptee or, in the case of an adoptee who was born in a
17 foreign country, evidence the court determines to be reliable as to his or her
18 date and place of birth;

19 (B) indicate whether a new birth certificate is requested and, if
20 requested, provide information necessary to establish a new birth certificate of
21 the adoptee;

1 (C) include the file number of the decree of adoption and the date on
2 which the decree became final;

3 (D) identify any previous orders of adoption related to the
4 adoptee; and

5 (E) be certified by the clerk of the court.

6 (2) Information necessary to prepare the report of adoption shall be
7 furnished by each petitioner for adoption. An adoption agency or any person
8 having knowledge of the facts shall supply the court with such additional
9 information as may be necessary to complete the report of adoption, as
10 required by the court.

11 (b) Whenever an adoption decree is amended or set aside, the court shall
12 certify and send a report thereof on a form prescribed by the State Registrar.
13 The report shall include the facts necessary to identify the original report of
14 adoption and to amend or withdraw any new birth certificate that may have
15 been issued pursuant to the original report of adoption.

16 (c)(1) When the State Registrar receives a report of adoption, of
17 amendment of adoption, or of annulment of adoption, for an adoptee born in
18 another state, he or she shall forward a certified copy of the report and of the
19 related court order to the registrar in the state of birth. If a new, amended, or
20 restored original birth certificate has been requested, the State Registrar shall
21 ask that the request be honored under the laws of that state.

1 (2) For an adoptee born in Canada, the State Registrar shall send a copy
2 of the report of adoption, of amendment of adoption, or of annulment of
3 adoption to the appropriate registration authority in Canada.

4 (d) The State Registrar shall keep confidential adoption records and reports
5 received from the court as required by law.

6 § 5106. NEW BIRTH CERTIFICATES; RESTORED ORIGINAL BIRTH
7 CERTIFICATES; CERTIFICATE OF LIVE BIRTH FOR A
8 FOREIGN BORN CHILD

9 (a) The State Registrar shall issue a new birth certificate for a person born
10 in this State when he or she receives:

11 (1) All of the following:

12 (A) A report of adoption as provided in section 5105 of this title or a
13 report of adoption prepared in accordance with the law of another state or
14 country.

15 (B) A certified copy of the adoption decree.

16 (C) Information that a new birth certificate has been requested and
17 information necessary to identify the adoptee's original birth certificate and to
18 issue a new certificate. However, unless an order of adoption issued by the
19 Probate Division of the Superior Court directs the issuance of a new birth
20 certificate, the State Registrar shall not establish a new birth certificate in

1 connection with an adoption if he or she receives, accompanying the record of
2 adoption, a written request that a new certificate not be established from either:

3 (i) the adopted person, if 14 years of age or older; or

4 (ii) the adoptive parent or parents, if the adopted person is under
5 14 years of age.

6 (2) An order of a court or administrative agency of competent
7 jurisdiction to issue a new birth certificate:

8 (A) establishing the parentage of such person; or

9 (B) directing the issuance of a new certificate adding a parent who
10 was unable to be listed as a parent due to a lack of gender-neutral
11 nomenclature on the form, issued pursuant to subsection (f) of this section.

12 (3) A properly executed voluntary acknowledgment of parentage form
13 and both parents request that the surname be changed from that shown on the
14 original certificate.

15 (b)(1) When a new birth certificate is established following an adoption, it
16 shall show the actual city or town, county, and date of birth, and the adoptive
17 parents as the parents.

18 (2) A new birth certificate established under this section shall not
19 contain any content or statement that would distinguish it from any other
20 original birth certificate.

1 (c) The State Registrar, the Vermont State Archives and Records
2 Administration, and town clerks shall substitute the new birth certificate for
3 any original birth certificate in their custody.

4 (d)(1) The original birth certificate and records supporting issuance of the
5 new birth certificate, including the evidence of adoption, order determining
6 parentage or the need to add a parent due to lack of gender-neutral
7 nomenclature, or acknowledgment of parentage, are exempt from public
8 inspection and copying under the Public Records Act and shall be kept
9 confidential, unless:

10 (A) 99 years have elapsed since an adoptee's date of birth, if
11 applicable;

12 (B) the person who requests an original birth certificate was listed as
13 a parent on an adoptee's original birth certificate and furnishes appropriate
14 proof of the person's identity, in which case the State Registrar shall give the
15 person an informational copy of the original;

16 (C) otherwise provided by order of the Probate Division of the
17 Superior Court for the district of the place of birth; or

18 (D) otherwise provided by law.

19 (2) Copies of the original birth certificate in the custody of the Vermont
20 State Archives and Records Administration or a town clerk shall be sealed or
21 forwarded to the State Registrar, as he or she may direct.

1 (e) If no birth certificate is on file for a person for whom a new birth
2 certificate is to be established under this section and the date and place of birth
3 have not been determined in the adoption or parentage proceedings, a delayed
4 birth certificate shall be filed with the State Registrar before a new birth
5 certificate is established. The new birth certificate shall be prepared on the
6 delayed birth certificate form.

7 (f)(1) 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, the
10 person or the person's parent may petition the Probate Division of the Superior
11 Court of the district where the person was born in order to establish his or her
12 parentage and be issued a new birth certificate.

13 (2) If the Probate Division, after hearing, determines that the parent was
14 unable to be listed on the person's birth certificate due to lack of
15 gender-neutral nomenclature, and finds facts supporting a parentage
16 determination, the court shall issue an order directing the State Registrar to
17 issue a new birth certificate and transmit it, together with any information
18 identifying the original birth certificate, to the State Registrar.

19 (g) Upon receipt of a report under section 5105 of this title of an adoption
20 decree that has been set aside, and of a request that the original birth certificate
21 be restored, the State Registrar, the Vermont State Archives and Records

1 Administration, and a town clerk with custody of the new certificate shall
2 substitute the original birth certificate for any new birth certificate in their
3 custody. The new certificate and evidence related to it shall be subject to the
4 confidentiality and sealing or forwarding provisions of subsection (d) of this
5 section.

6 (h)(1) The State Registrar shall prepare and register a “certificate of live
7 birth for a foreign born child” in this State for a person born in a foreign
8 country who is not a citizen of the United States, and who was adopted through
9 a court of competent jurisdiction or through the birth country’s government
10 office with legal authority to issue adoption decrees, upon receipt of:

11 (A) a report of adoption from the court or government office
12 decreeing the adoption;

13 (B) proof of the date and place of the child’s birth; and

14 (C) a request from the court or government office, the adopting
15 parents, or the adopted person if 14 years of age or over, that the certificate be
16 prepared.

17 (2) A certificate of live birth for a foreign born child shall on its face:

18 (A) be labeled “Certificate of Live Birth for a Foreign Born Child”;

19 (B) show the actual country of birth; and

20 (C) include a statement indicating that it is not evidence of U.S.
21 citizenship for the child for whom it is issued.

1 (3) The report of adoption and associated records are exempt from
2 public inspection and copying under the Public Records Act and shall be kept
3 confidential, except upon order of a court in this State or as otherwise provided
4 by law.

5 (4) If a child was born in a foreign country but is a citizen of the United
6 States at the time of birth, the State Registrar shall not prepare a certificate of
7 live birth for a foreign born child and shall notify the adoptive parents of the
8 procedures for obtaining a revised birth certificate for their child through the
9 U.S. Department of State.

10 § 5107. NOTICE OF REGISTRATION; CORRECTIONS

11 (a) As used in this section, “correct” or “correction” includes a correction
12 to, or completion of an item omitted from, a birth certificate.

13 (b) For each birth that occurs in this State, on or before three months after
14 registration of the birth, except for that of a child known to have died or to
15 have been surrendered for adoption, the State Registrar shall send a notice of
16 birth registration to the parents of the child. Such notice shall contain the
17 pertinent facts, including the child’s full name, the date and place of birth, and
18 the names of the parents, along with instructions and a form on which to apply
19 for corrections or additions.

20 (c) On or before six months after the date of registration of the birth
21 certificate, the State Registrar may:

1 (1) correct obvious errors or omissions upon his or her own observation;

2 (2) add the father to the birth certificate upon receipt of a properly

3 executed voluntary acknowledgment of parentage; or

4 (3) correct items that are not obvious errors, upon written request of the

5 parent or guardian, the medical institution, the certifying attendant, or the town

6 clerk of the municipality of the place of birth or of residence.

7 (d) If a birth certificate is corrected under this section, the State Registrar,

8 the Vermont State Archives and Records Administration, and town clerks shall

9 destroy any uncorrected version of the birth certificate in their custody and

10 replace it with the corrected version.

11 (e) The State Registrar may refuse an application for correction, in which

12 case the applicant may petition the Probate Division of the Superior Court for

13 the district of the place of birth for a correction.

14 § 5108. AMENDMENTS

15 (a)(1) Except as otherwise provided in subsection (b) of this section, after

16 six months from the date of registration of a birth, the birth certificate of a

17 person born in this State may only be amended pursuant to an order of the

18 Probate Division of the Superior Court for the district of the place of birth.

19 (2) Upon receipt of a report under section 5105 of this title of an

20 amended decree of adoption, and of a request that the adoptee's birth

1 certificate be amended, the State Registrar shall amend the birth certificate in
2 accordance with the decree.

3 (3) Upon receipt of a certified copy of an instrument of change of name
4 and the certificates required to be transmitted under 15 V.S.A. § 816, the State
5 Registrar shall amend the original birth certificate or certificates in accordance
6 with the instrument and the provisions of this section.

7 (4) In other cases, a petition for an amendment may be brought by the
8 person, the person's parent or guardian, the medical institution in which the
9 birth occurred, the certifying attendant, the town clerk of the municipality of
10 the place of birth or of residence, or the State Registrar. The petition shall state
11 the reason for the petition and the amendment desired. A person who files a
12 petition to amend a birth certificate that could have been corrected under
13 subsection 5107(c) of this title if the correction was requested within six
14 months of registration shall not be required to pay a court fee.

15 (5) Notwithstanding the authority conferred under subsection (b) of this
16 section, the State Registrar shall not amend a birth certificate to add a father
17 pursuant to a voluntary acknowledgment of parentage after more than six
18 months from the date of registration of birth, but shall instead proceed under
19 this subsection.

20 (b)(1) The State Registrar may amend a birth certificate after six months
21 from the date of registration of the birth without a Court order only when the

1 amendment is to address an administrative error as a result of data entry,
2 electronic imaging, or other minor errors related to records management
3 activity. The State Registrar shall fix the error as if it were a correction as
4 specified in section 5107 of this title.

5 (2) The State Registrar may refuse an application for amendment under
6 this subsection if he or she is unable to confirm the existence of the
7 administrative error, in which case the applicant may petition the Probate
8 Division of the Superior Court as provided in this section.

9 (c) The Superior judge shall set a time for hearing on a petition filed under
10 this section and, after hearing the evidence presented, make such findings with
11 respect to the birth of the person as are supported by the evidence. The
12 Superior judge shall issue a decision on the petition and transmit a certified
13 copy of the decision to the State Registrar.

14 (d) The State Registrar shall amend the birth certificate as ordered by the
15 court. The amended certificate and all copies thereof shall include:

16 (1) the words "Court Amended" at the top;

17 (2) a certification that the amendment was ordered by the court pursuant
18 to this section and the date of the court order;

19 (3) the date of amendment; and

20 (4) an indication of the information that was changed.

1 (e) The State Registrar, the Vermont State Archives and Records
2 Administration, and town clerks shall destroy any unamended version of the
3 birth certificate in their custody and replace it with the amended version.

4 § 5109. STATUS OF NEW, FOUNDLING, DELAYED, CORRECTED,
5 AND AMENDED CERTIFICATES

6 All new, foundling, delayed, corrected, and amended birth certificates
7 issued pursuant to the provisions of this chapter shall have the same force and
8 effect as though filed in accordance with the provisions of section 5101 of this
9 title.

10 § 5110. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

11 (a) If a participant in the Address Confidentiality Program established in
12 15 V.S.A. chapter 21, subchapter 3 is the parent of a child born during the
13 period of Program participation, and notifies the physician or midwife who
14 delivers the child, or the medical institution at which the child is delivered, not
15 later than 72 hours after the birth that the participant's confidential address
16 should not appear on the child's birth certificate, then the birth certificate shall
17 be filed with the State Registrar without the confidential address or town of
18 residence. A participant who fails to provide notice under this subsection shall
19 be deemed to have waived the provisions of this section.

20 (b) The State Registrar shall receive and file for record all certificates filed
21 in accordance with this section and shall ensure that a parent's confidential

1 address and town of residence do not appear on the birth certificate during the
2 period that the parent is a Program participant. The State Registrar shall notify
3 the Secretary of State of the receipt of a birth certificate on behalf of a Program
4 participant.

5 (c) The parent's actual mailing address and town of residence are exempt
6 from public inspection and copying under the Public Records Act and shall be
7 kept confidential by all custodians unless otherwise provided in this section.

8 (d) Upon the expiration, withdrawal, invalidation, or cancellation of
9 program participation of any parent for whom the Secretary of State received
10 notice from the State Registrar, the Secretary of State shall notify the State
11 Registrar.

12 (e) Notwithstanding the provisions of sections 5107 and 5108 of this title,
13 upon notice of the expiration, withdrawal, invalidation, or cancellation of
14 Program participation, the State Registrar shall enter the parent's actual
15 mailing address and town of residence on the original birth certificate and
16 destroy copies in his or her custody that lack this information.

17 * * *

18 Sec. 5. 15A V.S.A. § 3-801 is amended to read:

19 § 3-801. ~~REPORT OF ADOPTION~~ ADOPTION-RELATED REPORTS

20 (a) Within 30 days after a decree of adoption becomes final or after a
21 decree of adoption is amended or set aside, the clerk of the court shall prepare

1 a report of adoption on a form furnished by the supervisor of vital records and
2 certify and send the report to the supervisor. The report shall include:

3 (1) information in the court's record of the proceeding for adoption
4 which is necessary to locate and identify the adoptee's birth certificate or, in
5 the case of an adoptee born outside the United States, evidence the court finds
6 appropriate to consider as to the adoptee's date and place of birth;

7 (2) information necessary to issue a new birth certificate for the adoptee
8 and a request that a new certificate be issued, unless the court, the adoptive
9 parent, or an adoptee who has attained 14 years of age requests that a new
10 certificate not be issued; and

11 (3) the file number of the decree of adoption and the date on which the
12 decree became final.

13 (b) ~~Within 30 days after a decree of adoption is amended or set aside, the~~
14 ~~clerk of the court shall prepare a report of that action on a form furnished by~~
15 ~~the supervisor of vital records and shall certify and send the report to the~~
16 ~~supervisor of vital records. The report shall include information necessary to~~
17 ~~identify the original report of adoption, and shall also include information~~
18 ~~necessary to amend or withdraw any new birth certificate that was issued~~
19 ~~pursuant to the original report of adoption~~ State Registrar and certify and send
20 it to the State Registrar as provided in 18 V.S.A. § 5105. Upon receipt of such
21 report, the State Registrar shall proceed as provided in 18 V.S.A. § 5106.

1 Sec. 6. REPEAL

2 15A V.S.A. § 3-802 (issuance of new birth certificate) is repealed.

3 Sec. 7. 15A V.S.A. § 5-108(c) is amended to read:

4 (c) Within 30 days after a decree of adoption becomes final, the clerk of the
5 court shall prepare a report of the adoption for the ~~supervisor of vital records~~
6 State Registrar of the Office of Vital Records, and, if the petitioners have
7 requested it, the report shall instruct the ~~supervisor~~ State Registrar to issue a
8 new birth certificate to the adoptee, as provided in ~~Article 3, Part 8 of this title~~
9 18 V.S.A. § 5106.

10 * * * Death Certificates * * *

11 Sec. 8. REPEAL

12 18 V.S.A. §§ 5204 (certified copy of death certificate forwarded to Adjutant
13 General), 5206 (penalty for failure to furnish death certificate), and 5221
14 (definition of fetal death) are repealed.

15 Sec. 9. 18 V.S.A. chapter 107 is amended to read:

16 CHAPTER 107. DEATHS, BURIALS, AUTOPSIES

17 Subchapter 1. General Requirements

18 § 5201. PERMITS; REMOVAL OF BODIES; CREMATION; WAITING
19 PERIOD; INVESTIGATION INTO CIRCUMSTANCES OF
20 DEATH

1 § 5201a. CONTENTS OF DEATH CERTIFICATES; FILING AND
2 REGISTRATION; DUTY TO REPORT UPDATED
3 INFORMATION

4 (a) Contents of death certificates.

5 (1) At minimum, and except as otherwise provided in this section, death
6 certificates shall contain:

7 (A) The deceased person's name, date of birth, date of death, and
8 place of death. The person's Social Security number shall be provided as part
9 of the death certificate filing, but shall not be included on the death certificate
10 or publicly released.

11 (B) The name of the person certifying the death.

12 (C) Whether the deceased person was a veteran of any war and, if so,
13 of which war.

14 (D) The cause of death.

15 (E) Additional information specified by the State Registrar needed to
16 fulfill federal and State requirements.

17 (2) If the place of death is unknown, the place where the body is found
18 shall be shown as the place of death. If the exact date of death is unknown, the
19 portions of the date known shall be entered as the date of death. If no portion
20 of the date of death can be determined, the date of death shall be entered as

1 unknown and the date the body was found shall be indicated as the date
2 pronounced.

3 (3) When death occurs in a moving conveyance in the United States and
4 the body is first removed from the conveyance in this State, the death shall be
5 registered in this State and the place where it is first removed shall be
6 considered the place of death. When a death occurs on a moving conveyance,
7 while in international waters or air space or in a foreign country or its air
8 space, and the body is first removed from the conveyance in this State, the
9 death shall be registered in this State and the place where it is first removed
10 shall be considered the place of death.

11 (4) In all other cases, the place where death is pronounced shall be
12 considered the place where death occurred.

13 (b) Filing and registration. Death certificates shall be filed with the State
14 Registrar within 24 hours of the death or notification of the death. The State
15 Registrar shall register death certificates completed and filed in accordance
16 with this chapter.

17 (c) Updated cause-of-death information. Upon receipt of autopsy results or
18 other information that would change the information in the cause-of-death
19 section of the death certificate from that originally reported, the certifier or the
20 pathologist who conducted the autopsy shall immediately notify the State

1 Registrar to correct the record, consistent with section 5202a or 5202b of this
2 title, as applicable.

3 * * *

4 § 5202a. CORRECTION OF DEATH CERTIFICATE

5 (a) ~~Within six months after the date of death, the town clerk may correct or~~
6 ~~complete a death certificate upon application by the certifying physician,~~
7 ~~medical examiner, hospital, nursing home, or funeral director. The town clerk~~
8 ~~may correct or complete the certificate accordingly and shall certify thereon~~
9 ~~that such correction or completion was made pursuant to this section, with the~~
10 ~~date thereof. In his or her discretion, the town clerk may refuse an application~~
11 ~~for correction or completion, in which case, the applicant may petition the~~
12 ~~probate division of the superior court for such correction or completion.~~

13 (b)(1) ~~After six months from the date of death a death certificate may only~~
14 ~~be corrected or amended pursuant to decree of the probate division of the~~
15 ~~superior court in which district the original certificate is filed.~~

16 (2) ~~The probate division of the superior court to which such application~~
17 ~~is made shall set a time for hearing thereon and, if such court deems necessary,~~
18 ~~cause notice of the time and place thereof to be given by posting the same in~~
19 ~~the probate division of the superior court office and, after hearing, shall make~~
20 ~~such findings, with respect to the correction of such death certificate as are~~
21 ~~supported by the evidence. The court shall thereupon issue a decree setting~~

1 ~~forth the facts as found, and transmit a certified copy of such decree to the~~
2 ~~supervisor of vital records registration. The supervisor of vital records~~
3 ~~registration shall transmit the same to the appropriate town clerk to amend the~~
4 ~~original or issue a new certificate. The words "Court Amended" shall be~~
5 ~~typed, written, or stamped at the top of the new or amended certificates, with~~
6 ~~the date of the decree and the name of the issuing court.~~

7 ~~(e) Provided, however, that only the medical examiner or the certifying~~
8 ~~physician may apply to correct or complete the certificate as to the medical~~
9 ~~certification of the cause of death.~~

10 As used in this section, "correct" or "correction" includes a correction to, or
11 completion of an item omitted from, a death certificate.

12 (b) On or before six months after the date of registration, the State
13 Registrar may:

14 (1) Correct obvious errors or omissions in a death certificate upon his or
15 her own observation.

16 (2) Correct items that are not obvious errors, upon written request by the
17 next of kin, medical institution or nursing home where the deceased was last
18 treated, certifying licensed health care professional, medical examiner, funeral
19 director or other person authorized to dispose of the body, or town clerk of the
20 place where the death occurred or where the deceased last resided. However,
21 the State Registrar shall not correct any portion of the medical certification

1 section unless the certifying licensed health care professional or medical
2 examiner applies for the correction.

3 (c) The State Registrar may refuse an application for correction, in which
4 case the applicant may petition the Probate Division of the Superior Court for
5 the district of the place of death for such correction.

6 (d) If a death certificate is corrected under this section, the State Registrar,
7 the Vermont State Archives and Records Administration, and town clerks shall
8 destroy any uncorrected version of the death certificate in their custody and
9 replace it with the corrected version.

10 § 5202b. AMENDMENT TO DEATH CERTIFICATE

11 (a) Except as provided in subsection (b) of this section, after six months
12 from the date of registration of the death certificate of a person in this State, a
13 death certificate may be amended only by the decree of the Probate Division of
14 the Superior Court for the district of the place of death. A petition setting forth
15 the amendment desired and the reason for it may be brought by the persons
16 listed and qualified under subsection 5202a(b) of this title.

17 (b) The State Registrar may amend a death certificate after six months from
18 its date of registration without a decree of a court when the amendment is to
19 address an administrative error as a result of data entry, electronic imaging, or
20 other records management activity, and fix the error as if it were a correction
21 as specified in section 5202a of this title. The State Registrar may refuse an

1 application for amendment of an administrative error, in which case an
2 applicant may petition the Probate Division of the Superior Court for the
3 district of the place of death for such amendment.

4 (c) The Superior judge shall set a time for hearing on a petition filed under
5 this section and, after hearing the evidence presented, make such findings with
6 respect to the death of the person as are supported by the evidence. The
7 Superior judge shall issue a decision on the petition and transmit a certified
8 copy of the decision to the State Registrar.

9 (d) The State Registrar shall amend a death certificate as ordered by the
10 court. The amended certificate and all copies thereof shall include:

11 (1) the words "Court Amended" at the top;

12 (2) a certification that the amendment was ordered by the court pursuant
13 to this section and the date of the court order;

14 (3) the date of amendment; and

15 (4) an indication of the information that was changed.

16 (e) The State Registrar, the Vermont State Archives and Records
17 Administration, and town clerks shall destroy any unamended version of the
18 death certificate in their custody and replace it with the amended version.

19 (f) A person who petitions under this section to amend a death certificate to
20 correct administrative errors shall be exempt from any court fee.

1 § 5203. DEATH CERTIFICATE; MEMBER OF ARMED FORCES

2 Upon official notification of a death of a member of the ~~armed forces of the~~
3 ~~United States~~ U.S. Armed Forces while serving as such beyond the United
4 States, not including the territories thereof, and provided the remains of the
5 member are not returned to this country, the next of kin thereof or interested
6 person may file with the ~~clerk of the town of the residence of such member~~
7 State Registrar a death certificate of death on a form prescribed by the State
8 Registrar. Such certificate shall ~~set forth the name, date of birth, and date of~~
9 ~~death, if the same can be determined, the names of the parents of the deceased~~
10 ~~and such other information as may be deemed pertinent by the office of the~~
11 ~~adjutant general~~ include the contents set forth in section 5201a of this chapter.
12 The State Registrar shall register completed certificates and forward a certified
13 copy thereof to the Office of the Adjutant General.

14 * * *

15 § 5207. CERTIFICATE FURNISHED TO FAMILY; BURIAL PERMIT

16 The ~~physician~~ licensed health care professional or person filling out the
17 ~~certificate of~~ medical certification section of the death certificate or
18 preliminary report of death, within ~~thirty-six~~ 24 hours after death, shall deliver
19 the same to the family of the deceased, if any, or the undertaker or person who
20 has charge of the body. Such certificate or preliminary report of death shall be
21 filed with the person issuing the certificate of permission for burial,

1 entombment, or removal obtained by the person who has charge of the body
2 before such dead body shall be buried, entombed, or removed from the town.
3 When such certificate or preliminary report of death is so filed, such officer or
4 person shall immediately issue a ~~certificate of permission~~ permit for burial,
5 entombment, or removal of the dead body under legal restrictions and
6 safeguards.

7 * * *

8 § 5222. REPORTS

9 (a) The following ~~fetal deaths~~ shall be reported by the hospital, physician,
10 or funeral director directly to the ~~commissioner~~ Commissioner within seven
11 days after delivery or termination on forms prescribed by the ~~board~~ Board:

12 (1) All fetal deaths of 20 or more weeks of gestation or, if gestational
13 age is unknown, of fetuses weighing 400 or more grams, ~~15 or more ounces,~~
14 ~~fetal weight~~ shall be reported; Spontaneous miscarriages and ectopic
15 pregnancies of less than 20 weeks' gestation are not required to be reported.

16 (2) All therapeutic or induced ~~abortions~~ terminations of pregnancy, as
17 legally authorized to be performed, of any length gestation or weight shall be
18 reported;

19 ~~(3) Spontaneous abortions and ectopic pregnancies of less than 20~~
20 ~~weeks gestation are not required to be reported.~~

1 Sec. 11. 32 V.S.A. § 1671 is amended to read:

2 § 1671. FEES TO TOWN CLERK CLERKS RELATED TO RECORDS

3 (a) ~~For the purposes of~~ As used in this section, a “page” is defined as a
4 single side of a leaf of paper on which is printed, written, or otherwise placed
5 information to be recorded or filed. The maximum covered area on a page
6 shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth
7 inch in height or in at least eight point type. Unless otherwise provided by law,
8 the fees to town clerks shall be as follows:

9 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
10 § 1155, \$10.00 per page;

11 (2) For filing or recording a copy of a complaint to foreclose a mortgage
12 as provided in 12 V.S.A. § 4523(b), \$10.00 per page;

13 (3) For examination of records by town clerk a fee of \$5.00 per hour
14 may be charged but not more than \$25.00 for each examination on any one
15 calendar day;

16 (4) For examination of records by others a fee of \$2.00 per hour may be
17 charged;

18 (5) Town clerks may require fees for all filing, recording, and copying
19 to be paid in advance;

1 Sec. 12. 32 V.S.A. § 1712 is amended to read:

2 § 1712. TOWN CLERKS

3 Town clerks shall receive the following fees in the matter of vital
4 registration:

5 (1) For issuing and recording a civil marriage or civil union license,
6 \$45.00 to be paid by the applicant, \$10.00 of which sum shall be retained by
7 the town clerk as a fee, \$20.00 of which shall be deposited in the Domestic and
8 Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of
9 which sum shall be paid by the town clerk to the State Treasurer in a return
10 filed quarterly upon forms furnished by the State Treasurer and specifying all
11 fees received by him or her during the quarter. Such quarterly period shall be
12 as of the first day of January, April, July, and October.

13 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
14 ~~§ 5009 to be paid by the town. [Repealed.]~~

15 (3) ~~\$2.00 for each birth certificate completed or corrected under the~~
16 ~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078,~~
17 ~~for the correction of each a civil marriage certificate under the provisions of~~
18 ~~15 V.S.A. § 816, and 18 V.S.A. § 5150; and~~ for the correction or completion of
19 ~~each a civil union certificate under the provisions of 18 V.S.A. § 5168, and for~~
20 ~~each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to~~
21 ~~be paid by the town.~~

1 (4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil~~
2 ~~unions, and marriages, transmitted to the Commissioner of Health in~~
3 ~~accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with~~
4 ~~the cost of binding the certificate shall be paid by the town. [Repealed.]~~

5 (5) Fees for vital records shall be equivalent to those received by the
6 ~~Commissioner of Health~~ State Registrar or the Vermont State ~~Archivist~~
7 Archives and Records Administration pursuant to subsection 1715(a) of this
8 title.

9 Sec. 13. 32 V.S.A. § 1715 is amended to read:

10 § 1715. VITAL RECORDS COPIES, SEARCH

11 (a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5038,
12 ~~the commissioner of health~~ Office of Vital Records or the Vermont state
13 ~~archives and records administration~~ State Archives and Records
14 Administration shall provide certified copies of vital ~~records~~ record certificates
15 or shall ascertain and certify what the vital ~~records available to the~~
16 ~~commissioner and the Vermont state archivist~~ record certificates show, except
17 that ~~the commissioner and the Vermont state archivist~~ it shall not copy redact
18 the word “illegitimate” from any birth certificate furnished. ~~The fee for the~~
19 ~~search of the vital records is \$3.00 which is credited toward the fee for the first~~
20 ~~certified copy based upon the search.~~

1 (b) Fees collected under this section shall be credited to special funds
2 established and managed pursuant to subchapter 5 of chapter 7 of this title, and
3 shall be available to the charging departments to offset the costs of providing
4 those services.

5 * * * Conforming and Miscellaneous Changes * * *

6 Sec. 14. REPLACEMENTS

7 (a) In 15A V.S.A. § 3-705, the phrase “supervisor of vital records” is
8 replaced with “State Registrar of the Office of Vital Records.”

9 (b) In 18 V.S.A. § 1103, “5071” is replaced with “5101.”

10 (c) In 18 V.S.A. §§ 5132, 5150, and 5168, the phrase “supervisor of vital
11 records registration” is replaced with “State Registrar” wherever it appears.

12 (d) In 18 V.S.A. § 5139, “section 5005” is replaced with “subdivision
13 5131(a)(3).”

14 (e) In 18 V.S.A. § 5202, “commissioner” is replaced with “State Registrar”
15 wherever it appears.

16 Sec. 15. 15 V.S.A. § 816 is amended to read:

17 § 816. CERTIFICATE OF CHANGE; CORRECTION OF BIRTH ~~AND~~
18 ~~CIVIL MARRIAGE RECORDS~~

19 Whenever a person changes his or her name, as provided in this chapter, he
20 or she shall provide the ~~probate division of the superior court~~ Probate Division
21 of the Superior Court with a copy of his or her birth certificate and, if married,

1 a copy of his or her civil marriage certificate, and a copy of the birth certificate
2 of each minor child, if any. The register of probate with whom the change of
3 name is filed and recorded shall transmit the certificates and a certified copy of
4 such instrument of change of name to the ~~supervisor of vital records~~
5 ~~registration~~ State Registrar of the Office of Vital Records, unless the change of
6 name arises from a spouse's change of name in connection with a civil
7 marriage. The ~~supervisor of vital records registration~~ State Registrar shall
8 amend the birth certificate in accordance with 18 V.S.A. § 5108 and, if the
9 original certificate is in the custody of a town clerk, shall forward such
10 ~~instrument of change of name~~ the amended certificate to the town clerk in the
11 ~~town where the person was born within the state, or towns~~ wherein the original
12 certificate is filed, with instructions to ~~amend~~ replace and destroy the original
13 certificate and all copies thereof in accordance with the provisions of ~~chapter~~
14 ~~401 of Title 18 V.S.A. § 5108.~~ Such amended certificates shall have the words
15 "Court Amended" ~~stamped, written, or typed~~ at the top and shall show the date
16 of amendment and of the decree and indicate that the change of name was
17 made pursuant to this chapter.

18 Sec. 16. 15A V.S.A. § 1-101 is amended to read:

19 § 1-101. DEFINITIONS

20 As used in this title:

21 * * *

1 (22) “State Registrar” and “State Registrar of the Office of Vital
2 Records” means the supervisor of the Office of Vital Records in the
3 Department of Health.

4 (23) “Stepparent” means a person who is the spouse or surviving spouse
5 of a parent of a child but who is not a parent of the child.

6 ~~(23) “Supervisor of vital records” means the supervisor of vital records~~
7 ~~registration of the Department of Health.~~

8 Sec. 17. 18 V.S.A. § 5131(a)(3) is amended to read:

9 (3) At least one party to the proposed marriage shall sign the certifying
10 application to the accuracy of the facts so stated. The license shall be
11 issued by:

12 (A) the clerk of the town where either party resides;

13 (B) the clerk of the county where an unorganized town or gore is
14 situated, if both parties reside in an unorganized town or gore in that county, or
15 if one party so resides and the other party resides in an unorganized town or
16 gore in another county or outside the State; or;

17 ~~(C) if neither is a resident of the state, by any town clerk in the state~~
18 State if neither party is a resident of the State.

19 Sec. 18. 18 V.S.A. § 5131(c) is amended to read:

20 (c) Such certificate shall be returned within ten days to the office of the
21 town clerk from which the license issued by the person solemnizing such

1 marriage. The town clerk shall retain and file the original according to
2 ~~sections 5007 and 5008~~ section 5035 of this title.

3 Sec. 19. 18 V.S.A. § 5151 is amended to read:

4 § 5151. DELAYED CERTIFICATES OF CIVIL MARRIAGE

5 * * *

6 (d) Where a delayed certificate is to be issued, the ~~supervisor of vital~~
7 ~~records registration~~ State Registrar shall prepare a delayed certificate of civil
8 marriage and transmit it, with the decree, to the clerk of the town where the
9 civil marriage license was issued. This delayed certificate shall have the word
10 “Delayed” printed at the top and shall certify that the certificate was ordered by
11 a court pursuant to this chapter, with the date of the decree. The town clerk
12 shall file the delayed certificate and, ~~in accordance with the provisions of~~
13 ~~section 5010 of this title~~, furnish a copy to the ~~department of health~~
14 Department within 30 days following the filing.

15 * * *

16 Sec. 20. 18 V.S.A. § 5169 is amended to read:

17 § 5169. DELAYED CERTIFICATES OF CIVIL UNION

18 * * *

19 (c) The court shall issue a decree setting forth the facts as found, and
20 transmit a certified copy of said facts to the ~~supervisor of vital records~~
21 ~~registration~~ State Registrar.

1 (d) Where a delayed certificate is to be issued, the ~~supervisor of vital~~
2 ~~records registration~~ State Registrar shall prepare a delayed certificate of civil
3 union, and transmit it, with the decree, to the clerk of the town where the civil
4 union license was issued. This delayed certificate shall have the word
5 “Delayed” printed at the top, and shall certify that the certificate was ordered
6 by a court pursuant to this chapter, with the date of the decree. The town clerk
7 shall file the delayed certificate and, ~~in accordance with the provisions of~~
8 ~~section 5010 of this title~~, furnish a copy to the ~~department of health~~
9 Department within 30 days following the filing.

10 * * *

11 * * * EFFECTIVE DATES * * *

12 Sec. 21. EFFECTIVE DATES AND TRANSITION PROVISION

13 (a) Effective dates.

14 (1) This section and in Sec. 2, 18 V.S.A. § 5032(d)(8) (rulemaking
15 authority of State Registrar) shall take effect on passage.

16 (2) Secs. 3, 4, 5, 6, 7, 8, 9, 12, 14(b), and 15 shall take effect on
17 January 1, 2017.

18 (3) In Sec. 2, 18 V.S.A. § 5031(1), (7), (10), (12), (13), and (16)
19 (various definitions) shall take effect on January 1, 2017.

20 (4) All other sections of this act shall take effect on January 1, 2018.

1 (b) Transition provision. Notwithstanding 18 V.S.A. §§ 5005(b),
2 5006–5010, 5013, and 5015, on and after January 1, 2017, town and county
3 clerks shall be relieved of any role or duties with respect to receipt, reporting,
4 filing, recording, copying, forwarding, or indexing any birth or death
5 certificates, and shall not be subject to a fine under 18 V.S.A. § 5011 with
6 respect to failure to transmit birth or death certificates under 18 V.S.A. § 5010.