



Office of Legislative Council

VITAL EVENT CERTIFICATES & RECORDS OF DIVORCE:

CREATION, CORRECTION, AMENDMENT, & DELAYED ISSUE

CAVEATS: The slides that follow:

- Are intended to reflect what Vermont statutes state—as best as staff can understand them. Slides 3 and 11–13 do not reflect actual practice.
- Do not show the process for the creation of a “Certificate of Live Birth for a Foreign Born Child.”

Birth Certificates

Birth Certificate Creation



Birth Certificate Created

Within 5 days of birth
(18 V.S.A. § 5071(a))

Within 5 days of birth
(18 V.S.A. § 5071(b))



Certificate delivered
to Town Clerk in town
of birth

Certified copies each week or by the 10th of
each month (18 V.S.A. § 5010)



Certified copy of
certificate delivered
to Department of Health

By the 1st of each month
(18 V.S.A. § 5009)

Within 3 months
of birth
(18 V.S.A. § 5072)



Certificate delivered
to Town Clerk in town
of residence



"Notice of Birth
Registration" delivered
to parents of child

Correction of Birth Certificates

(for changes 6 months from date of birth)



Correction made Town Clerk in town where the birth occurred upon application

Application for correction may be made by the following individuals (18 V.S.A. § 5073(a)):

- Town Clerk (on recognizance)
- Parent (on request)
- Hospital (on request)
- Certifying Attendant (on request)
- Supervisor of Vital Records Registration

By the 1st of each month
(18 V.S.A. § 5009)

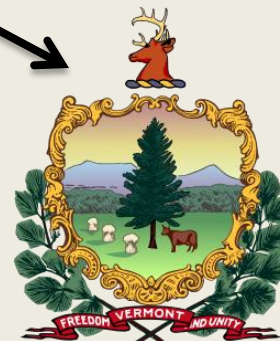
No time period specified
18 V.S.A. § 5073(a)

Corrected Certificates
(18 V.S.A. § 5073(a))

- Contain a notation as to the source of the amendment (the clerk's name and the date of change) in the margin
- However, certified copies are free of any evidence of correction



Certified copy of corrected certificate delivered to Town Clerk in town of residence



Certified copy of corrected certificate delivered to Department of Health

Amended/Delayed Birth Certificates



Decree of Delay/
Amendment issued by
Probate Division
after petition and hearing
(18 V.S.A. §§ 5075-76)

- Amended Certificates
(18 V.S.A. § 5076(b)(1))
- For changes to birth certificates after 6 months from date of birth
 - Marked "Court Amended"
 - Contains evidence of amendment

Certified copy of decree
delivered to Office of
Vital Records
(18 V.S.A. § 5076(b))



Department of Health

Certified copy of Decree delivered to Town Clerk in town of birth:

- In case of amendments, with instructions to amend the original certificate (18 V.S.A. § 5076(b)(1))
- In case of a delayed certificate, with a certificate prepared by the Supervisor of Public Records (18 V.S.A. § 5076(b)(2))

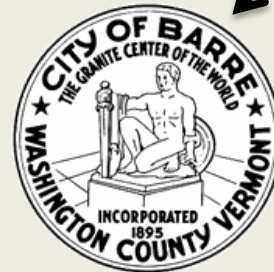


Town Clerk issues
amended
birth certificate



Certified copy of delayed/amended certificate delivered to
Department of Health (18 V.S.A. § 5076(b)(1)&(b)(2))

- Delayed Certificates
(18 V.S.A. § 5076(b)(2))
- For individuals for whom no birth certificate was filed within 1 year of birth
 - Marked "Delayed"



Certified copy of
delayed/amended
certificate delivered to
Town Clerk in town of
residence by the 1st of each
month (18 V.S.A. § 5009)

Marriage Certificates

Marriage Certificate Creation

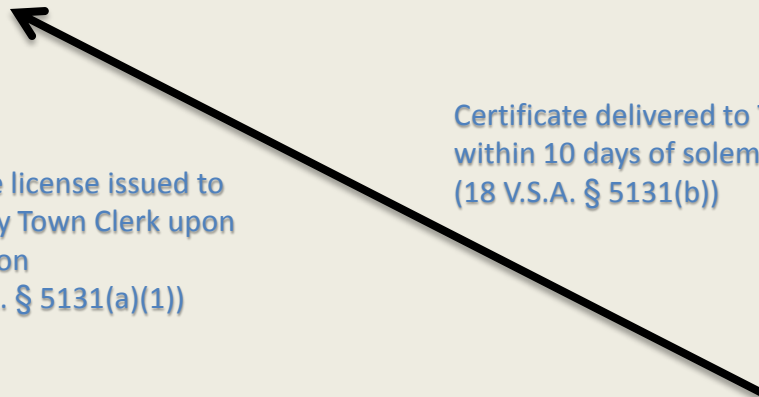


Certified copy of certificate delivered to Department of Health by the 1st of each month (18 V.S.A. § 5009)



Department of Health

Certificate delivered to Town Clerk within 10 days of solemnization (18 V.S.A. § 5131(b))



Marriage license issued to couple by Town Clerk upon application (18 V.S.A. § 5131(a)(1))



License delivered to officiant within 60 days of issuance (18 V.S.A. § 5131(b))



Marriage certificate created by officiant upon signing the license following solemnization (18 V.S.A. § 5131(b))

Correction of Marriage Certificates

(for changes 6 months from date of solemnization)



Correction made by Town Clerk upon application

Application for correction may be made by the following individuals (18 V.S.A. § 5150(a)):

- A party to the marriage
- The individual who solemnized the marriage

By the 1st of each month
(18 V.S.A. § 5009)

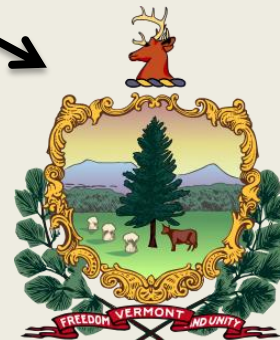
By the 10th of each month
18 V.S.A. § 5010

Corrected Certificates
(18 V.S.A. § 5150(a))

- Certified as corrected
- Contains evidence of correction



Certified copy of corrected certificate delivered to Town Clerk in town of residence (if different)



Copy of corrected certificate delivered to Department of Health

Amended/Delayed Marriage Certificates



Decree of Delay/
Amendment issued by
Probate Division
after petition and hearing
(18 V.S.A. §§ 5075-76)

Certified copy of decree
delivered to Office of
Vital Records
(18 V.S.A. §§ 5051(c),
5151(c))



Department of Health

Certified copy of decree delivered to Town Clerk in town of issue:

- i. In case of amendments, with instructions to amend the original certificate (18 V.S.A. § 5150(c))
- ii. In case of a delayed certificate, with a certificate prepared by the Supervisor of Public Records (18 V.S.A. § 5151(d))

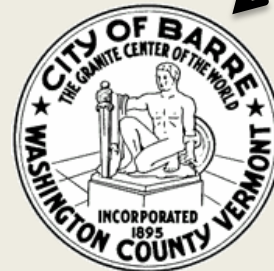
Certified copy of delayed/amended certificate delivered to
Department of Health (18 V.S.A. § 5076(b)(1)&(b)(2))

Amended Certificates (18 V.S.A. § 5150(c))

- For changes to marriage certificates after 6 months from date of solemnization
- Marked "Court Amended"
- Contains evidence of amendment



Town Clerk issues
amended
marriage certificate



Certified copy of
delayed/amended
certificate delivered to
Town Clerk in town of
residence (if different) by
the 1st of each month (18
V.S.A. § 5009)

Delayed Certificates (18 V.S.A. § 5151)

- For couples married in the State for whom for whom no certificate of civil marriage was filed
- Marked "Delayed"

Death Certificates

Death Certificate Creation

(When decedent is attended by a physician
and autopsy is not otherwise required)



Death Certificate created by
health care professional.



Certificate issued to
individual issuing burial
transit permit

Within 36 hours of death
(18 V.S.A. § 5207)

Within 24 hours of death
(18 V.S.A. § 5202(b))



Certificate delivered to
funeral director

Prior to burial, entombment,
or removal of body
(18 V.S.A. § 5207)



Certificate delivered to
family or person in charge
of body

With consent, funeral director may
fill out all items except certifying the
cause of death (18 V.S.A. § 5202(a))

Correction of Death Certificates

(for changes within 6 months of death)



Correction made by Town Clerk
in town where death occurred
upon application

Application for correction may be made by the following
individuals (18 V.S.A. § 5202a(a)):

- certifying physician*
- medical examiner*
- hospital
- nursing home
- funeral director

By the 1st of each month
(18 V.S.A. § 5009)

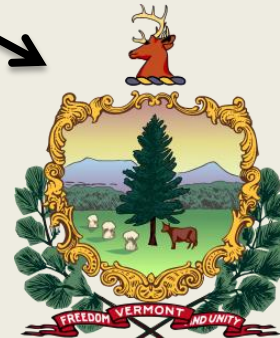
By the 10th of each month
18 V.S.A. § 5010

Corrected Certificates
(18 V.S.A. § 5202a(a))

- Certified as corrected
- Contains evidence of correction



Certified copy of corrected
certificate delivered
to Town Clerk in town
of residence (if different)



Copy of corrected
certificate delivered
to Department of Health

* Only the medical examiner or the certifying physician may apply to correct or complete the certificate as to the medical certification of the cause of death (18 V.S.A. § 5202a(c))

Amended Death Certificates



Decree of Amendment issued by Probate Division after petition and hearing (18 V.S.A. § 5202a(b)(2))

Certified copy of decree delivered to Department of Health (18 V.S.A. § 5202a(b)(2))

Amended Certificates
(18 V.S.A. § 5202a(b)(2))

- For changes to death certificates after 6 from date of death
- Marked "Court Amended"
- Contains evidence of amendment



Certified copy of decree delivered to "appropriate" Town Clerk with instructions to amend the original certificate (18 V.S.A. § 5202a(b)(2))

Copy of amended certificate delivered to Office of Vital Records by the 10th of each month (18 V.S.A. § 5010)



Town Clerk issues amended death certificate



Certified copy of amended certificate delivered to Town Clerk in town of residence (if different) by the 1st of each month (18 V.S.A. § 5009)

Record of Divorce

Record of Divorce vs. Divorce Decree

Record of Divorce

**DEPARTMENT OF HEALTH
VERMONT RECORD OF DIVORCE OR ANNULMENT**

Docket # [REDACTED] Dept. of Health Use ONLY
State File # _____

APPLICANT A HUSBAND WIFE SPOUSE (Check one)

1a. Name (First, Middle, Last) [REDACTED] 1b. Last Name at Birth [REDACTED] 1c. Sex Female Male

2a. State of Residence Vermont 2b. City or Town of Residence St Albans City 3. Date of Birth (month, day, year) [REDACTED]

APPLICANT B HUSBAND WIFE SPOUSE (Check one)

4a. Name (First, Middle, Last) [REDACTED] 4b. Last Name at Birth [REDACTED] 4c. Sex Female Male

5a. State of Residence Vermont 5b. City or Town of Residence St Albans City 6. Date of Birth (month, day, year) [REDACTED]

MARRIAGE

7a. State or foreign country of this marriage Vermont 7b. City or Town of this marriage St Albans 7c. Date of this marriage (month, day, year) [REDACTED]

8a. Date couple last resided in same household (month, day, year) [REDACTED] 8b. Number of children under 18 in this household as of the date in item 8a. [REDACTED]

9a. Name of Petitioner's Attorney _____ 9b. Attorney's Address (street, city/town, state, zip) _____

NO ATTORNEY

DECREE

10. I certify that this decree became absolute (final) on (month, day, year) [REDACTED] 11. Type of decree (check one) Divorce Annulment 12. County of decree FRANKLIN

13. Legal grounds for decree (specify) Parties have lived separate in excess of 6 consecutive months 14. Court Manager's Name [Signature] 15. Date signed (month, day, year) [REDACTED]

9/09 SML VDH-VR-DIV-9/2009

Divorce Decree

Form 879U STATE OF VERMONT
SUPERIOR COURT Unit FAMILY DIVISION
Docket No. [REDACTED]

Plaintiff's Name [REDACTED] DOB [REDACTED] v. Defendant's Name [REDACTED] DOB [REDACTED]

**FINAL DECREE and ORDER
Based on Stipulation(s) of the Parties**

This matter is before the Court based on the request of one or both parties for a Final Decree.

A final hearing is waived. Based on the stipulated request of the parties and having concluded that the requirements of V.R.F.P. 4(e) have been met, a final hearing is waived.

A final hearing was held. The following persons appeared at the hearing:

Plaintiff Attorney for Plaintiff
 Defendant Attorney for Defendant

Based on the stipulation(s) filed by the parties, it is hereby ORDERED:

- Decree:** Notice and residence proved, the court grants:
 - A divorce from the bonds of matrimony;
 - A legal separation;
 - A dissolution of the parties' civil union; on the grounds that the parties have lived separate and apart in excess of six consecutive months and the resumption of their relationship is not reasonably probable. Decree nisi to become absolute on [REDACTED]
- Children:**
 - The parties have no minor children.
 - The terms of the parties' stipulation or the court's previous temporary order re Parental Rights and Responsibilities and Parent Child Contact are approved by the court and hereby incorporated into this Final Decree.
 - Child Support
 - A final Child Support order has been issued.
 - The matter should be set for a final child support hearing.
- Property, Assets, Spousal Support**
The terms of the parties' stipulation on property, assets and spousal support are approved by the court and hereby incorporated into this Final Decree.
- Former Name**
Plaintiff/Defendant may resume his/her former name if he/she so desires.

Date _____ Presiding Judge _____
Assistant Judge _____
Assistant Judge _____

8/11 SML

Creation of Record of Divorce



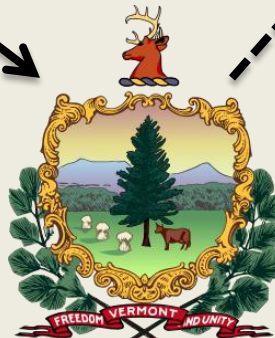
Record of divorce created by parties to divorce and finalized by Family Division (18 V.S.A. § 5004)



Database data transferred to the Office of Child Support (not mandated by State statute, but federal law requires OCS to obtain information)

By the 10th of each month
18 V.S.A. § 5004

No time limit specified
(not mandated by statute)



Copy of record delivered to the Department of Health, which manually enters the data into a database

Upon application



Certified copy of record delivered to parties (not mandated by statute)