

1 S.82

2 Introduced by Senator Flory

3 Referred to Committee on

4 Date:

5 Subject: Health; vital records; marriage and civil union; divorce and  
6 dissolution; birth certificates; death certificates

7 Statement of purpose: This bill proposes to make a number of changes to the  
8 statutes relating to vital records.

9 An act relating to vital records

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

11 Sec. 1. 18 V.S.A. chapter 102 is added to read:

12 CHAPTER 102. VITAL RECORDS GENERALLY

13 § 5031. VITAL RECORDS; FORMS OF CERTIFICATES;

14 APPLICABILITY

15 (a) Certificates of birth, death, civil marriage, civil union, divorce,  
16 dissolution, and reports of fetal death and induced termination of pregnancy  
17 shall be in a form prescribed by the commissioner of health and distributed by  
18 the department of health.

19 (b) Beginning January 1, 2011, all originals and certified copies of  
20 certificates of birth, death, civil marriage, civil union, divorce, and dissolution

1 shall be issued on unique paper with antifraud features approved by the  
2 commissioner of health and available from the department of health.

3 (c) The provisions of this part apply to all certificates of birth, death, civil  
4 marriage, civil union, divorce, and dissolution and reports of fetal death and  
5 induced termination of pregnancy previously received by the department and  
6 in the custody of the commissioner or any other custodian of vital records as  
7 authorized by the commissioner.

8 (d) The secretary of human services may adopt rules pursuant to chapter 25  
9 of Title 3 as necessary to enable the department of health to conduct vital  
10 records administration.

11 § 5032. DEFINITIONS

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

14 (1) “Attending physician” means the physician who has completed  
15 medical training and residency and is responsible for coordinating a patient’s  
16 care, including supervising the care provided by interns, residents, or medical  
17 students, and who has final responsibility legally and otherwise for that  
18 patient’s care.

19 (2) “Commissioner” means the commissioner of health.

20 (3) “Dead body” means a human body or parts of a human body, the  
21 condition of which reasonably indicates that death has occurred.

1           (4) “Department” means the department of health.

2           (5) “Fetal death” means death prior to the complete expulsion or  
3           extraction from the mother of a product of conception, irrespective of the  
4           duration of pregnancy, and which is not an induced termination of pregnancy.

5           (6) “File” means the presentation and acceptance of a vital record or  
6           report provided for in this part for registration by the office of vital statistics.

7           (7) “Final disposition” means the burial, interment, cremation, removal  
8           from the state, or other authorized disposition of a dead body or fetus.

9           (8) “Form” means the appearance, content, layout, size, software,  
10          security devices, and all other features for the reporting of vital records to the  
11          office of vital statistics. A form may be a piece of paper, a computer interface  
12          or screen, a data file, or other medium approved by the commissioner for use  
13          in collecting and transmitting vital records.

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

19          (10) “Institution” means any establishment, public or private, which  
20          provides inpatient or outpatient medical, surgical, or diagnostic care or

1 treatment or nursing, custodial, or domiciliary care, or to which persons are  
2 committed by law.

3 (11) "Live birth" means the complete expulsion or extraction from the  
4 mother of a product of human conception, irrespective of the duration of  
5 pregnancy, which, after such expulsion or extraction, breathes or shows any  
6 other evidence of life, such as beating of the heart, pulsation of the umbilical  
7 cord, or definite movement of voluntary muscles, whether or not the umbilical  
8 cord has been cut or the placenta is attached.

9 (12) "Office of vital statistics" means an office of the department of  
10 health responsible for vital records and the system of vital statistics.

11 (13) "Registration" means the process by which vital records are  
12 completed, filed, and incorporated into the official records of the office of vital  
13 statistics and made available to the registrant, family, or other requesting party.

14 (14) "State registrar" refers to the supervisor of the office of vital  
15 statistics.

16 (15) "System of vital statistics" means the registration, collection,  
17 preservation, amendment, and certification of vital records; the collection of  
18 other reports required by this part; and activities related thereto, including the  
19 tabulation, analysis, publication, and dissemination of vital statistics.

1           (16) “Transmit” means the collection and delivery of vital records by  
2 required reporting sources to the office of vital statistics. Methods may include  
3 paper, secure fax, and secure electronic data exchange.

4           (17) “Vital records” means certificates or reports of birth, death, civil  
5 marriage, civil union, divorce, dissolution, fetal death, induced termination of  
6 pregnancy, and data related thereto.

7           (18) “Vital statistics” means the analyses of data derived from  
8 certificates and reports of birth, death, civil marriage, civil union, divorce,  
9 dissolution, fetal death, and induced termination of pregnancy and from related  
10 documents.

11 § 5033. CONFIDENTIALITY OF VITAL RECORDS

12           (a) Certified copies of vital records shall be made available only as  
13 provided in section 5011 of this title.

14           (b) Informational copies of vital records shall be made available only as  
15 provided in section 5012 of this title.

16           (c) The department may use the confidential information from vital  
17 records for public health purposes. The department may publish reports and  
18 share such confidential information publicly only in summary, statistical, or  
19 other form in which particular individuals are not identified. Confidential  
20 information from vital records may be shared for research purposes  
21 consistent with the Health Insurance Portability and Accountability Act of

1 1996 and with the agency of human services' institutional review board  
2 policies and practices. The department may share confidential information  
3 from vital records with federal agencies consistent with federal regulations  
4 and contractual obligations.

5 (d) The department may use and disclose such confidential information  
6 as is necessary in emergencies and may share information from vital records  
7 with other municipal, state, and federal governmental agencies for fraud  
8 investigations and other law enforcement purposes.

9 (e) Nothing in this section shall be construed to permit disclosure of  
10 information contained in the "Information for Medical and Health Use Only"  
11 section of the birth certificate unless specifically authorized by the state  
12 registrar for statistical or research purposes, consistent with subsection (c) of  
13 this section. Such data shall not be subject to subpoena or court order and shall  
14 not be admissible before any court, tribunal, or other judicial body.

15 (f) Nothing in this section shall be construed to permit disclosure of  
16 information contained in the "Information for Statistical Purposes Only"  
17 section of the certificate of civil marriage or civil union or the certificate of  
18 divorce or dissolution to any party other than the originating couple listed  
19 on the certificate unless specifically authorized by the state registrar for  
20 statistical or research purposes, consistent with subsection (c) of this

1 section. Such data shall not be subject to subpoena or court order and shall  
2 not be admissible before any court, tribunal, or other judicial body.

3 § 5034. OFFICE OF VITAL STATISTICS AND STATEWIDE SYSTEM

4 OF VITAL STATISTICS

5 (a) There is hereby established in the department of health an office of  
6 vital statistics which shall install, maintain, and operate the only system of  
7 vital statistics throughout this state.

8 (b) The commissioner shall:

9 (1) designate an employee of the department to serve as the state  
10 registrar, who shall be the supervisor of the office of vital statistics;

11 (2) oversee the administration of the system of vital statistics;

12 (3) provide for the preservation and security of the official records of  
13 the office of vital statistics;

14 (4) develop a statewide system of vital statistics and promote  
15 uniformity of policy and procedures pertaining to vital statistics throughout  
16 the state;

17 (5) prescribe, furnish, and distribute such forms for vital records as  
18 are required by this part or prescribe such other means for transmission of  
19 data as will accomplish the purpose of complete and accurate reporting and  
20 registration;

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

3           (c) The commissioner may establish or designate offices in the state to  
4           aid in the efficient administration of the system of vital statistics, including  
5           the Vermont state archives and records administration; department of health  
6           district offices; and city, town, and county clerk offices.

7           (d) The department shall provide such forms and reports as needed to  
8           perform the functions and duties necessary for the administration of the  
9           system of vital statistics.

10           § 5035. CONTENT OF CERTIFICATES AND REPORTS

11           (a) In order to promote and maintain nationwide uniformity in the  
12           system of vital statistics, the forms of certificates and reports prescribed by  
13           the commissioner may include as a minimum the items recommended by  
14           the federal agency responsible for national vital statistics.

15           (b) Each certificate, report, and other document required by this part  
16           shall be prepared and filed in the format prescribed by the commissioner.

17           (c) All vital records shall contain the date of registration.

18           (d) Information required in certificates, forms, records, or reports may  
19           be filed, verified, registered, and stored by photographic, electronic, or other  
20           means as determined by the commissioner.



1     § 5036. DUTIES OF TOWN AND COUNTY CLERKS

2           (a) Town clerks annually may compile and publish in the annual town  
3     report a count of the total number of births, deaths, and civil marriages that  
4     occurred for residents of the town during the preceding year.

5           (b) County clerks may compile and publish the same as a town clerk on  
6     behalf of an unorganized town or gore and may perform the same duties and  
7     will be subject to the same penalties as town clerks with respect to licenses,  
8     certificates, records, and returns of parties.

9           (c) Town clerks shall receive, number, and file for record the certificates  
10    of civil marriages and burial-transit and removal permits and shall preserve  
11    such documents in a manner approved by the department.

12          (d) Town clerks shall file for record and index in volumes all civil  
13    marriages and burial-transit and removal permits in a manner prescribed by  
14    the state archivist. Each volume or series shall contain an alphabetical  
15    index. Civil marriage certificates shall be filed for record in one volume or  
16    series and burial-transit and removal permits in another. All volumes shall  
17    be maintained in the town clerk's office as permanent records.

18          (e) The member of a couple that moves into and becomes a permanent  
19    resident of this state may cause to be recognized in the office of the clerk of  
20    the town where he or she resides or, if he or she resides in an unorganized  
21    town or gore, in the office of the clerk of the county wherein he or she

1 resides a certificate of his or her civil marriage or civil union embracing the  
2 statistics required by law. Such record shall not be returned to the office of  
3 vital statistics.

4 § 5037. PRESERVATION OF VITAL RECORDS

5 To preserve vital records, the state registrar is authorized to prepare  
6 typewritten, photographic, electronic, or other reproductions of certificates  
7 or reports in the office of vital statistics. Such reproductions, when verified  
8 and approved by the state registrar, shall be accepted as the original records,  
9 and the documents from which permanent reproductions have been made  
10 may be disposed of consistent with department record retention policies.

11 § 5038. PENALTIES

12 Any party with responsibility for transmitting an original or copy of a  
13 report or other information required by this part, including a certificate,  
14 certified copy, worksheet, preliminary report, or other supporting  
15 documentation required by law, shall be fined not more than \$500.00 for  
16 each occurrence of failure to provide said documents as required by statute  
17 or by rule.

18 § 5039. VITAL RECORDS COPIES

19 Upon payment of a \$15.00 fee, the state registrar shall provide certified  
20 copies of vital records or shall ascertain and verify what the vital records  
21 available to the state registrar show, except that prior to providing a copy of a

1 birth certificate, the word “illegitimate” shall be excluded from the copy and  
2 any verification. The fee for the search of the vital records shall be \$5.00,  
3 which shall be credited toward the fee for the first certified copy based upon  
4 the search.

5 § 5040. CERTIFIED COPIES

6 (a) The state registrar and other custodians of vital records authorized by  
7 the state registrar to issue certified copies of birth and death records shall, upon  
8 receipt of an application, issue a certified copy of a vital record in his or her  
9 custody to the registrant or the registrant’s spouse, children, parents, siblings,  
10 or guardian or such person’s respective legal representative. The state registrar  
11 and other custodians may also issue a certified copy of a vital record to a  
12 specific individual pursuant to a court order finding that the record is needed  
13 for the determination or protection of the individual’s personal or property  
14 right.

15 (1)(A) An application for a certified copy of a birth or death certificate  
16 must contain from the requestor the following information:

17 (i) the requestor’s full legal name;

18 (ii) the requestor’s full date of birth;

19 (iii) the name of requestor’s organization, if any;

20 (iv) the requestor’s mailing address, including city or town, state,

21 and country;

1                   (v) the requestor's residence address, if different from the mailing  
2 address, including city or town, state, and country;

3                   (vi) the requestor's telephone number;

4                   (vii) the purpose of the request;

5                   (viii) the type of record requested;

6                   (ix) the first and last names of the person listed on the requested  
7 certificate;

8                   (x) the requestor's relationship to the person listed on the  
9 certificate;

10                  (xi) the year of the vital event; and

11                  (xii) the requestor's signature.

12                  (B) A certified copy shall not be provided if the requesting party  
13 cannot or will not provide this completed application.

14                  (2) An application for a certified copy of a birth or death certificate shall  
15 include identification documents to prove that the applicant is eligible to  
16 receive a certified copy. A valid government-issued identification document  
17 issued by an appropriate issuing authority shall be provided at the time of  
18 application.

19                  (A) Specific forms of government-issued identification that are  
20 acceptable include:

1                   (i) a valid photographic operator's license or enhanced driver's  
2 license issued by Vermont or another state of the United States;

3                   (ii) a valid photographic nondriver identification card issued by  
4 Vermont or another state of the United States;

5                   (iii) a valid driver's license or identification card issued by a  
6 possession or territory of the United States, the Commonwealth of Puerto Rico,  
7 or the District of Columbia;

8                   (iv) a valid tribal identification card containing the bearer's  
9 signature;

10                  (v) a valid United States armed services identification card  
11 containing the bearer's signature;

12                  (vi) a valid passport issued by the United States or a foreign  
13 jurisdiction;

14                  (vii) a valid visa, if it is contained within a passport and the  
15 bearer's signature is on the passport rather than the visa;

16                  (viii) a valid Resident Alien Card or Permanent Resident Card  
17 (Form I-551);

18                  (ix) a valid Employment Authorization Card (Form I-766 or  
19 Form I-688A);

20                  (x) a valid Temporary Resident Card (Form I-688).

1           (B) The following shall not be accepted as valid government-issued  
2 identification:

3           (i) a Matricula Consular ID Card;

4           (ii) a Mexican Voter Registration Card “Credencial Para Votar”;

5           (iii) an Alien Registration Receipt Card Form I-151 (replaced by  
6 the I-551);

7           (iv) a USA B1/B2 Visa/BCC (Form DSP-150);

8           (v) a Nonresident Border Crosser Card (Form I-586);

9           (vi) a Nonresident Alien Mexican Border Crosser Card  
10 (Form I-186);

11           (vii) a Nonresident Alien Canadian Border Crosser Card  
12 (Form I-185);

13           (viii) a U.S. Citizen Identification Card (Form I-197);

14           (ix) a school identification card;

15           (x) a tribal identification card that lacks the bearer’s signature;

16           (xi) a U.S. military identification card that lacks the bearer’s  
17 signature;

18           (xii) a driver’s license issued by a foreign jurisdiction;

19           (xiii) an international driver’s license.

20           (C) If a requestor does not have an acceptable or valid  
21 government-issued identification document, the state registrar may request

1 additional evidence of the requestor's identity, as appropriate. The state  
2 registrar may also request additional evidence of the requester's eligibility to  
3 receive the document.

4 (3) An application that appears to contain false or misleading  
5 information or that appears to include falsified, modified, or stolen  
6 identification documents shall be denied. A record of the fraudulent  
7 application shall be maintained in a fraud file and the state registrar shall refer  
8 the matter to the appropriate state and federal authorities.

9 (4) All application information shall be entered into a central tracking  
10 system and checked for any prohibitions on release of the record generally or  
11 release to the requesting party specifically.

12 (5) All copies of valid identification documents submitted pursuant to this  
13 subsection must be legible and contain an expiration date that has not passed, a  
14 photo, an address, a signature, and a unique number or bar code, such as a driver's  
15 license number or passport number, assigned to the person. If the photo is not clear  
16 on the valid government-issued identification document but all other information is  
17 legible, the identification document may be accepted, but the state registrar may  
18 request additional copies or information. All copies of identification documents  
19 shall be reviewed for evidence of tampering, expiration date, address, and a  
20 comparison of the signature with the signature on the application. Notarized

1 statements shall not be accepted in lieu of a valid government-issued identification  
2 document.

3 (b) The state registrar and other custodians of vital records authorized by the  
4 state registrar to issue certified copies of civil marriage, civil union, divorce, and  
5 dissolution records shall, upon receipt of a valid application and identification  
6 pursuant to subsection (a) of this section, issue a certified copy in his or her custody  
7 to the applicant.

8 (c) All forms and procedures used in the issuance of certified copies of  
9 vital records in the state shall be uniform and provided or approved by the  
10 commissioner. All certified copies issued shall have security features that  
11 deter the document from being altered, counterfeited, duplicated, or simulated  
12 without ready detection.

13 (d) Each certified copy issued under this subsection shall show the date of  
14 registration, if available, and, when applicable, shall be marked "Amended"  
15 and show the effective date of the amendment. Certified copies issued from  
16 records marked "Delayed" shall be similarly marked and shall include the date  
17 of registration and a description of the evidence used to establish the delayed  
18 certificate. Any certified copy issued of a "Certificate of Foreign Birth" shall  
19 comply with the provisions of section 5106 of this title, show the actual place  
20 of birth, and state that the certificate is not proof of United States citizenship  
21 for the adoptive child.



1       (e) Upon receipt of a written request, the state registrar may issue a  
2 certified copy of a death certificate to:

3           (1) the Social Security Administration;

4           (2) the Veterans' Administration;

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

7           (4) a funeral home or crematorium on behalf of the family of the  
8 decedent for whom burial or cremation services are rendered.

9       (f) A certified copy of a vital record, issued in accordance with subsections  
10 (a), (b), (c), (d), and (e) of this section shall be considered for all purposes the  
11 same as the original and shall be prima facie evidence of the facts stated  
12 therein.

13       (g) If the state registrar receives information that a certificate may have  
14 been registered through fraud or misrepresentation, the state registrar shall  
15 withhold issuance of any copy of that certificate pending an investigation. If  
16 the state registrar is unable to verify the accuracy of the certificate, the state  
17 registrar shall remove the certificate from the file and notify the individual  
18 requesting a copy of the certificate that the record cannot be certified. The  
19 certificate and evidence shall be retained by the department but shall not be  
20 subject to inspection or copying except upon order of the probate division of

1 the superior court or by the state registrar for purposes of administering the  
2 vital statistics program.

3 (h) No person shall prepare or issue any certificate which purports to be a  
4 certified copy of a vital record except as authorized in this section.

5 § 5041. INFORMATIONAL COPIES

6 (a) The state registrar and other custodians of vital records authorized by  
7 the state registrar to issue informational copies of birth and death records shall,  
8 upon receipt of an application, issue an informational copy of a vital record in  
9 his or her custody to the requesting party.

10 (1)(A) An application for an informational copy of a birth or death  
11 certificate must contain from the requestor the following information:

12 (i) the requestor's full legal name;

13 (ii) the requestor's full date of birth;

14 (iii) the name of the requestor's organization, if any;

15 (iv) the requestor's mailing address, including city or town, state,  
16 and country;

17 (v) the requestor's residence address, if different from the mailing  
18 address, including city or town, state, and country;

19 (vi) the requestor's telephone number;

20 (vii) the purpose of the request;

21 (viii) the type of record requested;

1                   (ix) the first and last names of the person listed on the requested  
2 certificate;

3                   (x) the requestor's relationship to the person listed on the  
4 certificate;

5                   (xi) the year of the vital event; and

6                   (xii) the requestor's signature.

7                   (B) An informational copy shall not be provided if the requesting  
8 party cannot or will not provide this completed application.

9                   (2) All application information shall be entered into a central tracking  
10 system maintained by the department and shall be checked for any prohibitions  
11 on release of the record generally or release to the requesting party specifically.

12                   (b) The state registrar and other custodians of vital records authorized by  
13 the state registrar to issue informational copies of civil marriage, civil union,  
14 divorce, and dissolution records shall, upon receipt of an application, issue an  
15 informational copy in his or her custody to the applicant.

16                   (c) All forms and procedures used in the issuance of informational copies  
17 of vital records in the state shall be uniform and provided or approved by the  
18 commissioner. An informational copy shall not be in the same format as that  
19 of a certified copy and will be in a generic report format that cannot be used  
20 for legal purposes.

1       (d) Each informational copy issued shall show the date of registration and,  
2       when applicable, shall be marked "Amended" and show the effective date of  
3       the amendment. Informational copies issued from records marked "Delayed"  
4       shall be similarly marked and shall include a description of the evidence used  
5       to establish the delayed certificate. Any informational copy issued of a  
6       "Certificate of Foreign Birth" shall comply with the provisions of section 5106  
7       of this title, show the actual place of birth, and state that the certificate is not  
8       proof of United States citizenship for the adoptive child.

9       (e) An informational copy of a vital record issued in accordance with  
10       subsections (a), (b), (c), and (d) of this section shall not be considered  
11       evidentiary value of a certificate or record or prima facie evidence of the facts  
12       stated therein.

13       (f) If the state registrar receives information that a certificate may have  
14       been registered through fraud or misrepresentation, the state registrar shall  
15       withhold issuance of any copy of that certificate pending an investigation. If  
16       the state registrar is unable to verify the accuracy of the certificate, the state  
17       registrar shall remove the certificate from the file and shall notify the  
18       individual requesting a copy of the certificate that the record cannot be  
19       certified. The certificate and evidence shall be retained by the department but  
20       shall not be subject to inspection or copying except upon order of the probate  
21       division of the superior court or by the state registrar for purposes of

1 administering the vital statistics program. The state registrar shall refer the  
2 matter to the appropriate state and federal authorities.

3 (g) No person shall prepare or issue any certificate which purports to be an  
4 informational copy of a vital record except as authorized in this section.

5 (h) The fee for an informational copy shall be the same as the search fee set  
6 forth in section 5039 of this title.

7 § 5042. RECORDS OF OUT-OF-STATE EVENTS

8 (a) Copies of vital records for events occurring outside the state and filed  
9 with the state registrar or another custodian of vital records authorized by the  
10 state registrar to receive, store, and issue copies shall not be copied or certified.

11 (b) Information from vital records for events occurring outside the state and  
12 filed with the state registrar may be utilized only for public health and vital  
13 statistical purposes, fraud investigations, and birth and death matching.

14 § 5043. SAFES; VAULTS

15 (a) The commissioner shall establish the physical requirements and security  
16 standards that must be met for storage of vital records documents and supplies.  
17 The requirements and standards shall be based on best practices issued by state  
18 and federal law enforcement and public health organizations.

19 (b) At a minimum, the state registrar and other custodians of vital records  
20 authorized by the state registrar to issue copies shall utilize a fireproof safe or

1 vault to protect any confidential information and any materials that could be  
2 utilized to create a vital record.

3 (c) The state registrar may conduct an audit of any site storing and issuing  
4 vital records. Any site that does not pass the audit shall not provide storage  
5 and issuance services until the site passes a new audit. The state registrar shall  
6 offer to conduct a new audit within 30 days of issuing the previous deficient  
7 audit result.

8 § 5044. PENALTIES

9 (a) A fine of not more than \$10,000.00 or imprisonment of not more than  
10 five years or both shall be imposed on:

11 (1) any person who knowingly makes any false statement in a  
12 certificate, record, or report required by this part or in an application for an  
13 amendment thereto or in an application for a certified copy of a vital record or  
14 who knowingly supplies false information intending that such information be  
15 used in the preparation of any such report, record, or certificate or amendment  
16 thereto; or

17 (2) any person who, without lawful authority and with the intent to  
18 deceive, makes, counterfeits, alters, amends, or mutilates any certificate,  
19 record, or report required by this part or a certified copy of such certificate,  
20 record, or report; or

1           (3) any person who knowingly obtains, possesses, uses, sells, or  
2           furnishes or who attempts to obtain, possess, use, sell, or furnish to another for  
3           any purpose of deception any certificate, record, or report required by this part  
4           or certified copy thereof so made, counterfeited, altered, amended, or mutilated  
5           or which is false in whole or in part or which relates to the birth of another  
6           person, whether living or deceased; or

7           (4) any employee of the department or any office designated under this  
8           part who knowingly furnishes or processes a certificate of birth or death or a  
9           certified copy of a certificate of birth or death with the knowledge or intention  
10          that it may be used for the purposes of deception; or

11          (5) any person who without lawful authority possesses any certificate,  
12          record, or report required by this part or a copy or certified copy of such  
13          certificate, record, or report knowing the same to have been stolen or otherwise  
14          unlawfully obtained.

15          (b) A fine of not more than \$1,000.00 or imprisonment of not more than  
16          one year or both shall be imposed on:

17               (1) any person who knowingly refuses to provide information required  
18               by this part or rules adopted to carry out its purposes; or

19               (2) any person who knowingly transports or accepts for transportation,  
20               interment, or other disposition a dead body without an accompanying permit as  
21               provided in this part; or

1           (3) any person who knowingly neglects or violates any of the provisions  
2 of this part or refuses to perform any of the duties imposed upon him or her by  
3 this part.

4           (c) The penalties provided in this section are in addition to any other  
5 penalties that may be authorized by law.

6           § 5045. FRAUD FILE

7           (a) The department shall maintain a fraud file and check the names of  
8 parties requesting certified and informational copies of vital records and  
9 registrants against the file for any matches.

10           (b) In the event that a check of the fraud file identifies a match, the  
11 department shall delay issuance of the document and refer the case for  
12 investigation to the department of public safety. The original request for a  
13 certified or informational copy or registration of a vital event shall be  
14 completed upon clearance by an authorized representative of the department of  
15 public safety that the request is legitimate and not related to any fraudulent  
16 activity.

17           (c) The department shall incorporate into the fraud file any known or active  
18 fraudulent activities related to the creation, access, or copying of vital records  
19 reported by authorized representatives of other states, territories, and federal  
20 agencies.



1       § 5046. BIRTH AND DEATH MATCHING

2           To protect the integrity of vital records and to prevent the fraudulent use of  
3       birth certificates of deceased persons, the department shall match birth and  
4       death certificates. Certified and informational copies of birth certificates of  
5       people who have died shall be marked "Deceased."

6       § 5047. MISSING OR KIDNAPPED

7           (a) The department shall maintain and update the system of vital statistics  
8       for Vermont residents listed as missing or kidnapped. The list shall be  
9       provided by the department of public safety to the department of health on an  
10       agreed-upon schedule.

11          (b) The offices granted authority by the state registrar to issue certified or  
12       informational copies of birth certificates shall delay issuance of a copy of a  
13       birth certificate for a Vermont resident listed as missing or kidnapped and shall  
14       refer the case to the department of public safety for investigation. The request  
15       for a copy of the birth certificate shall be completed upon clearance by an  
16       authorized representative of the department of public safety that the requestor  
17       is not involved in the disappearance of the party listed on the birth certificate.

18       § 5048. SEVERABILITY

19           If any provision of this part or the application thereof to any person or  
20       circumstances is held invalid, such invalidity shall not affect other provisions  
21       or applications of the part which can be given effect without the invalid

1 provision or application, and to this end the provisions of the part are declared  
2 to be severable.

3 § 5049. CONSTRUCTION

4 The provisions of this part shall be applicable with respect to both past and  
5 future orders, judgments, decrees, and instruments relating to vital records.

6 Sec. 2. 18 V.S.A. chapter 104 is added to read:

7 CHAPTER 104. BIRTH RECORDS

8 § 5101. BIRTH REGISTRATION

9 (a) A certificate of birth for each live birth which occurs in this state shall  
10 be filed with the department within five days after such birth and shall be  
11 registered if it has been completed and filed in accordance with this chapter.

12 (b) At the time of birth of a child, each parent shall furnish the following  
13 information on a form or in a manner prescribed by the commissioner: the  
14 parent's name, address, and Social Security number and the name and date of  
15 birth of the child. The department may request additional information as  
16 needed to fulfill federal and state requirements.

17 (c) When a birth occurs in an institution or en route thereto, the person in  
18 charge of the institution or his or her designee shall obtain the personal data,  
19 prepare the certificate, certify that the child was born alive at the place and  
20 time and on the date stated either by signature or by an approved electronic  
21 process, and file the certificate as directed in this part. The physician or other

1 health care provider in attendance shall provide the medical information  
2 required by the certificate within 72 hours after the birth.

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

5 (1) the physician or midwife in attendance at or immediately after the  
6 birth;

7 (2) a parent of the child present at the birth;

8 (3) any other person in attendance at or immediately after the birth; or

9 (4) the person in charge of the premises where the birth occurred.

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

18 (f) For the purposes of birth registration, the mother is deemed to be the  
19 woman who gives birth to the child unless otherwise provided by state law or  
20 determined by the probate division of the superior court prior to the filing of  
21 the birth certificate.

1       (g)(1) The information about the other parent shall be entered on the birth  
2 certificate as follows:

3               (A) If the mother was married at the time of either conception or  
4 birth, or between conception and birth, the name of the spouse shall be entered  
5 on the certificate as the other parent of the child, unless one or more of the  
6 following applies:

7                       (i) Paternity has been determined otherwise by the family division  
8 of the superior court.

9                       (ii) The mother and the mother's spouse execute joint or separate  
10 affidavits attesting that the spouse is not the other parent of the child.  
11 Affidavits prepared in accordance with this subdivision shall be notarized, and  
12 the signatures of the mother and of the spouse shall be individually notarized  
13 on any joint affidavit. If this subdivision (ii) applies, information about the  
14 other parent shall be omitted from the certificate.

15                       (iii) The mother executes an affidavit attesting that the husband is  
16 not the father and that the putative father is the father, and the putative father  
17 executes a voluntary acknowledgment of parentage attesting that he is the  
18 father, and the husband executes an affidavit attesting that he is not the father.  
19 Affidavits may be joint, individual, or a combination thereof, and each  
20 signature shall be individually notarized. If this subdivision (iii) applies, the  
21 putative father shall be shown as the father on the certificate.

1           (B) If the mother was not married at the time of either conception or  
2           birth or between conception and birth and the mother and father have signed a  
3           voluntary acknowledgment of parentage or the family division of the superior  
4           court has issued an adjudication of parentage.

5           (2) Any affidavit executed pursuant to this subsection shall be filed with  
6           the department.

7           (h) In any case in which paternity of a child is determined by the family  
8           division of the superior court, the name of the father and the surname of the  
9           child shall be entered on the certificate of birth in accordance with the finding  
10           and order of the court.

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

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

17           (k) Certificates of birth filed after five days but within one year from the  
18           date of birth shall be registered on the standard form of live birth certificate in  
19           the manner prescribed in this section. Such certificates shall not be marked  
20           “Delayed.” The state registrar may require additional evidence in support of

1 the facts of birth before issuance of a birth certificate pursuant to this  
2 subsection.

3 (1) The state registrar shall not register any certificate of birth which is  
4 incomplete or for which the state registrar has reason to believe the  
5 information provided is not accurate. If the state registrar refuses to register a  
6 certificate of birth under this section, the person submitting the certificate for  
7 registration shall be referred to the probate division of the superior court for  
8 proceedings pursuant to section 5104 of this title.

9 § 5102. INFANTS OF UNKNOWN PARENTAGE; FOUNDLING

10 REGISTRATION

11 (a) Whoever assumes the custody of a live-born infant of unknown  
12 parentage shall report to the department on a form and in a manner prescribed  
13 by the commissioner within five days of assuming custody the following  
14 information:

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

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

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

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

21 (5) other data as required by the state registrar.

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

3       (c) A report registered under this section shall constitute the certificate of  
4       birth for the child.

5       (d) If the child is identified and a certificate of birth is found or obtained,  
6       the report registered under this section shall be placed in a special file and shall  
7       not be subject to inspection except upon court order or as provided by the  
8       department by rule. All copies of the report in the custody of any other  
9       custodian of vital records in this state shall be forwarded to the state registrar  
10       and sealed from inspection, as he or she shall direct. Any duplicate electronic  
11       records created as a result of the foundling registration shall be removed and  
12       destroyed.

13       § 5103. DELAYED REGISTRATION OF BIRTH

14       (a) When a certificate of birth of a person born in this state has not been  
15       filed within one year following the birth event, the person's parent or legal  
16       guardian or the person, if over the age of 18, may file with the department an  
17       application for a delayed certificate of birth. The application shall contain all  
18       of the information required for a certificate of birth pursuant to section 5101 of  
19       this title, reasons for the delay in filing, and evidence substantiating the facts of  
20       birth.

1       (b) A previously unreported birth shall be registered on a delayed  
2 certificate of birth form with the word “Delayed” at the top and show the date  
3 of registration. The delayed certificate shall contain a summary of the  
4 evidence submitted in support of the delayed registration.

5       (c) No delayed certificate of birth shall be registered for a deceased person.

6       (d) When an applicant does not submit the minimum documentation for  
7 delayed registration or when the state registrar has cause to question the  
8 validity or adequacy of the applicant’s sworn statement or the documentary  
9 evidence, and if the deficiencies are not corrected, the state registrar shall not  
10 register the delayed certificate of birth and shall advise the applicant of the  
11 reasons for this action and shall further advise the applicant of his or her right  
12 to seek an order pursuant to section 5104 of this title from the probate division  
13 of the superior court for the district in which the birth occurred. The state  
14 registrar shall refer the matter to the appropriate state and federal authorities.

15       § 5104. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF BIRTH

16       (a) If the state registrar does not register a certificate of birth pursuant to  
17 section 5101 of this title or a delayed certificate of birth pursuant to section  
18 5103 of this title, a petition signed and sworn to by the petitioner may be filed  
19 with the probate division of the superior court for the district in which the birth  
20 occurred for an order establishing a record of the date and place of the birth  
21 and the parentage of the person whose birth is to be registered.



1       (b) A petition filed pursuant to subsection (a) of this section shall be made  
2       on a form prescribed by the commissioner and shall include sufficient evidence  
3       of the following:

4           (1) that the person for whom a certificate of birth or delayed certificate  
5       of birth is sought was born in this state;

6           (2) that no certificate of birth or delayed certificate of birth of such  
7       person can be found in the department or in the office of any local, regional, or  
8       state custodian of birth certificates;

9           (3) that diligent efforts by the petitioner have failed to obtain the  
10       evidence required in accordance with the statutes and rules required for a  
11       certificate of birth or delayed certificate of birth;

12           (4) that the state registrar has not registered a certificate of birth or  
13       delayed certificate of birth for the individual pursuant to section 5101 or 5103  
14       of this title; and

15           (5) such other evidence as the court may require to prove the facts of the  
16       birth necessary for completion of a certificate of birth or delayed certificate of  
17       birth.

18       (c) The petition shall be accompanied by a statement of the state registrar  
19       made in accordance with section 5101 or 5103 of this title, as applicable, and  
20       all of the documentary evidence submitted to the state registrar in support of  
21       such registration.

1        (d) The court shall fix a time and place for hearing the petition and shall  
2        give the department 30 days' notice of such hearing. The department may  
3        appear and participate as a party in the proceeding.

4        (e) If the court finds from the evidence presented that the person for whom  
5        a certificate of birth or delayed certificate of birth is sought was born in this  
6        state, it shall make findings as to the place and date of birth, parentage, and  
7        such other findings as may be required and shall issue an order to establish a  
8        certificate of birth or delayed certificate of birth. This order shall include the  
9        birth date to be registered, a description of the evidence presented, and the date  
10       of the court's action.

11       (f) If the court finds that it appears the petitioner presented false or  
12       misleading evidence or evidence that appears to include falsified, modified, or  
13       stolen identification documents, the petition shall be denied and the department  
14       shall refer the matter to the appropriate state and federal authorities.

15       § 5105. REPORT OF ADOPTION

16       (a) For each adoption decreed by the probate division of a superior court in  
17       this state, the court shall prepare and register a report of adoption on a form  
18       prescribed and furnished by the commissioner.

19       (b) The report of adoption shall:

20           (1) include such facts as are necessary to locate and identify the  
21        certificate of birth of the person adopted or, in the case of a person who was

1 born in a foreign country, evidence from sources determined to be reliable by  
2 the court as to the date and place of birth of such person;

3 (2) provide information necessary to establish a new certificate of birth  
4 of the person adopted;

5 (3) identify any previous orders of adoption relative to the person;

6 (4) include the file number of the decree of adoption and the date on  
7 which the decree became final; and

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

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

14 (d) Whenever an adoption decree is amended or annulled, the clerk of the  
15 court shall prepare a report thereof which shall include such facts as are  
16 necessary to identify the original report of adoption and the facts amended in  
17 the adoption decree as shall be necessary to properly amend the birth record.  
18 The state registrar shall maintain the confidentiality of the adoption records  
19 and reports received from the court as required by law.

20 (e) Not later than the tenth day of each calendar month, the clerk of the  
21 court shall forward to the state registrar reports of adoption, reports of

1 annulment of adoption, and amendments of decrees of adoption which were  
2 entered in the preceding month. The state registrar shall maintain the  
3 confidentiality of the adoption records and reports received from the court as  
4 required by law.

5 (f) Upon receipt of a report of adoption, report of annulment of adoption, or  
6 amendment of a decree of adoption for a person born outside this state, the  
7 state registrar shall forward such report to the state registrar in the state of  
8 birth.

9 (g) If the birth occurred in a foreign country and the child was not a citizen  
10 of the United States at the time of birth, the state registrar shall prepare a  
11 “Certificate of Foreign Birth.” If the child was born in Canada, the state  
12 registrar shall also send a copy of the report of adoption, report of annulment  
13 of adoption, or amendment of a decree of adoption to the appropriate  
14 registration authority in that country. If the child was born in a foreign country  
15 but was a citizen of the United States at the time of birth, the state registrar  
16 shall not prepare a “Certificate of Foreign Birth” and shall notify the adoptive  
17 parents of the procedures for obtaining a revised birth certificate for their child  
18 through the United States Department of State.

1     § 5106. CERTIFICATES OF BIRTH FOLLOWING ADOPTION, COURT  
2                     DETERMINATION OF PATERNITY, AND PATERNITY  
3                     ACKNOWLEDGMENT

4             (a) The state registrar shall establish a new certificate of birth for a person  
5     born in this state when:

6                     (1) he or she receives a report of adoption, as provided in section 5105  
7     of this title;

8                     (2) he or she receives from the probate division of the superior court  
9     an order to issue a new birth certificate establishing the paternity of such  
10    person; or

11                    (3) he or she receives a voluntary acknowledgment of paternity form  
12    and both parents request that the surname be changed from that shown on the  
13    original certificate.

14             (b) When a new certificate of birth is established following an adoption, it  
15    shall show the actual city or town, county, and date of birth, and the adoptive  
16    parents as the parents. The new birth certificate shall not contain a statement  
17    as to whether the adopted person was illegitimate and shall not contain any  
18    content or statement that would distinguish it from any other original  
19    certificate of birth.

20             (c) The new birth certificate shall be substituted for the original certificate  
21    of birth in the office of vital statistics and at local, regional, and state facilities.

1 and the original certificate of birth and the evidence of adoption, court  
2 determination of paternity, or paternity acknowledgment shall not be subject to  
3 inspection until 99 years after the adoptee's date of birth or upon order of the  
4 probate division of the superior court for the district in which the birth  
5 occurred or as otherwise provided by Vermont law.

6 (d) Upon receipt of a report of an amended decree of adoption pursuant to  
7 section 5105 of this title, the certificate of birth shall be amended.

8 (e) Upon receipt of a report or decree of annulment of adoption pursuant to  
9 section 5105 of this title, the original certificate of birth shall be restored to its  
10 place in the files and the new certificate and evidence shall not be subject to  
11 inspection except upon order of the probate division of the superior court or as  
12 otherwise provided by Vermont law.

13 (f) If no certificate of birth is on file for a person for whom a new birth  
14 certificate is to be established under this section and the date and place of birth  
15 have not been determined in the adoption or paternity proceedings, a delayed  
16 certificate of birth shall be filed with the state registrar before a new certificate  
17 of birth is established. The new birth certificate shall be prepared on the  
18 delayed birth certificate form.

19 (g) When a new certificate of birth is established by the state registrar, all  
20 copies of the original certificate of birth in the custody of any other custodian

1 of vital records in this state shall be sealed from inspection or forwarded to the  
2 state registrar, as he or she shall direct.

3 (h) Unless specified in an order of adoption issued by the probate division  
4 of the superior court, the state registrar shall not establish a new birth  
5 certificate if he or she receives, accompanying the record of adoption, a written  
6 request that a new certificate not be established from either:

7 (1) the adopted person, if 14 years or older; or

8 (2) the adoptive parent or parents, if the adopted person is under 14  
9 years of age.

10 (i) The state registrar shall, upon request, prepare and register a certificate  
11 in this state for a person born in a foreign country who is not a citizen of the  
12 United States and who was adopted through a court of competent jurisdiction  
13 or through the birth country's government office with legal authority to issue  
14 adoption decrees. The certificate shall be established upon receipt of a report  
15 of adoption from the court or government office decreeing the adoption, proof  
16 of the date and place of the child's birth, and a request from the court or  
17 government office, the adopting parents, or the adopted person if 14 years of  
18 age or over that such a certificate be prepared. Such certificate shall be labeled  
19 "Certificate of Foreign Birth" and shall show the actual country of birth. A  
20 statement shall also be included on the certificate indicating that it is not  
21 evidence of United States citizenship for the child for whom it is issued. After

1 registration of the birth certificate in the new name of the adopted person, the  
2 state registrar shall seal and file the report of adoption and any associated  
3 records and documents, which shall not be subject to inspection except upon  
4 order of a court in this state or as otherwise provided by Vermont law.

5 (j) When the state registrar receives a report of adoption for a person born  
6 in another state, he or she shall forward a certified copy of the court order of  
7 adoption and a certified copy of the report of adoption to the state registrar in  
8 the state of birth, with a request that a new birth certificate be established under  
9 the laws of that state.

10 (k) Upon request by a person who was listed as a parent on an adoptee's  
11 original birth certificate and who furnishes appropriate proof of the person's  
12 identity, the state registrar shall give the person an informational copy of the  
13 original birth certificate.

14 § 5107. CORRECTIONS

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



1       (b) Within six months after the date of registration of the birth certificate,  
2       correction of obvious errors, of transpositions of letters in words of common  
3       knowledge, or of omissions and addition of the father to the birth certificate  
4       pursuant to a voluntary acknowledgment of parentage may be made by the  
5       state registrar upon his or her own observation. The state registrar may make  
6       corrections to or complete items which are not obvious errors upon written  
7       request of the parent or guardian, the hospital, the certifying attendant, or the  
8       town clerk in the town of occurrence or the town of residence on a form  
9       provided by the state registrar. The state registrar may correct or complete the  
10       certificate accordingly and shall certify thereon that such correction or  
11       completion was made pursuant to this section, with the date thereof.

12       (c) The state registrar shall destroy any current version of the corrected or  
13       completed birth certificate maintained at the department and at local, regional,  
14       and state facilities and replace it with the corrected or completed version.

15       (d) The state registrar may refuse an application for correction or  
16       completion, in which case the applicant may petition the probate division of  
17       the superior court for the district in which the birth occurred for such  
18       correction or completion.

19       § 5108. AMENDMENTS

20       (a) Except as otherwise provided in subsection (b) of this section, after six  
21       months from the date of registration of the birth, the birth certificate of a

1 person born in this state may be amended only by the decree of the probate  
2 division of the superior court for the district in which the birth occurred. A  
3 petition for such amendment may be brought by the person, the person's parent  
4 or guardian, the hospital in which the birth occurred, the certifying attendant,  
5 the town clerk in the town of occurrence or the town of residence, or the state  
6 registrar, setting forth the reason for such petition and the amendment desired.  
7 After six months from the date of birth, the birth certificate may be amended to  
8 add the father pursuant to a voluntary acknowledgment of parentage only as  
9 provided in this section.

10 (b) The state registrar may amend a certificate of birth after six months  
11 from the date of registration of the birth without a decree from the probate  
12 division of the superior court when the amendment is to address an  
13 administrative error as a result of data entry, electronic imaging, or other  
14 records management activity. The state registrar may refuse an application for  
15 amendment of an administrative error, in which case the applicant may petition  
16 the probate division of the superior court for the district in which the birth  
17 occurred for such amendment.

18 (c) The probate division of the superior court for the district in which the  
19 birth occurred shall set a time for hearing on a petition filed under this section  
20 and may cause notice thereof, if it deems notice to be necessary, by posting a  
21 notice in the public area of the court's office. After hearing such proper and

1 relevant evidence as may be presented, the court shall make findings with  
2 respect to the birth of the person as are supported by the evidence, issue a  
3 decree setting forth the facts as found, and transmit a certified copy thereof to  
4 the state registrar.

5 (d) A certificate of birth that is amended by court order pursuant to this  
6 section shall have the words "Court Amended" at the top of the amended  
7 certificate and all copies thereof and the state registrar shall certify that the  
8 amendment was ordered by said court pursuant to this section with the date of  
9 decree. The amended information shall be notated on the amended certificate  
10 and all copies thereof to show the legal effects, including the date of the court  
11 order and specification of the information that was changed.

12 (e) The state registrar shall destroy any current version of the birth  
13 certificate maintained at the office of vital statistics and at local, regional, and  
14 state facilities and replace it with the amended version.

15 (f) Birth certificates that are amended pursuant to this section for  
16 corrections or additions that would have been permitted under subsection  
17 5107(b) of this section if requested within six months of the registration of the  
18 birth of the child shall be amended without payment of a court fee.

19 (g) Whenever a person changes his or her name pursuant to chapter 13 of  
20 Title 15, he or she shall provide the probate division of the superior court with  
21 a certified copy of his or her birth certificate and, if married or a party to a civil

1 union, a certified copy of his or her civil marriage or civil union certificate and  
2 a certified copy of the birth certificate of each minor child, if any. The register  
3 of probate with whom the change of name is filed and recorded shall transmit  
4 the certificates and a certified copy of the instrument of change of name to the  
5 state registrar. The state registrar shall amend the original birth certificate or  
6 certificates in accordance with the provisions of this section. Such amended  
7 certificates shall have the words "Court Amended" at the top of the amended  
8 certificate and all copies thereof and shall certify that the amendment was  
9 ordered by said court pursuant to this section. The amended information shall  
10 be notated on the amended certificate and all copies thereof to show the legal  
11 effects, including the date of the court order and specification of the  
12 information that was changed.

13 § 5109. FORM AND EFFECT OF NEW CERTIFICATES

14 All birth certificates issued pursuant to the provisions of this chapter shall  
15 have the same force and effect as though filed in accordance with the  
16 provisions of section 5101 of this title. Each certified copy of such a certificate  
17 shall have the same force and effect as though the original certificate is  
18 presented. A certified copy shall provide the necessary elements to meet the  
19 legal requirements of state and federal law but is not required to be an exact  
20 image of the original certificate.

1     § 5110. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

2     (a) If a participant in the program described in chapter 21, subchapter 3 of  
3     Title 15 who is the parent of a child born during the period of program  
4     participation notifies the physician or midwife who delivers the child or the  
5     hospital at which the child is delivered not later than 24 hours after the birth of  
6     the child that the participant's confidential address should not appear on the  
7     child's birth certificate, then the department shall not disclose such confidential  
8     address or the participant's town of residence on any public record. A  
9     participant who fails to provide such notice shall be deemed to have waived the  
10    provisions of this section. Notwithstanding the provisions of section 5101 of  
11    this title, if notice of a parent's participation in the address confidentiality  
12    program is received in a timely fashion, the attendant physician or midwife  
13    shall file the certificate with the state registrar within five days of the birth  
14    without the confidential address or town of residence and shall not file the  
15    certificate with the town clerk.

16    (b) The state registrar shall receive and file for record all certificates filed  
17    in accordance with this section and shall ensure that a parent's confidential  
18    address and town of residence do not appear on the birth certificate during the  
19    period that the parent is a program participant. The state registrar shall notify  
20    the secretary of state of the receipt of a birth certificate on behalf of a program  
21    participant.

1       (c) The department shall maintain a confidential record of the parent's  
2       actual mailing address and town of residence. Such record shall be exempt  
3       from public inspection and copying.

4       (d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation  
5       of program participation of any parent for whom the secretary of state received  
6       notice from the state registrar, the secretary of state shall notify the state  
7       registrar.

8       (e) Notwithstanding the provisions of sections 5107 and 5108 of this title,  
9       upon notice of the expiration, withdrawal, invalidation, or cancellation of  
10       program participation, the state registrar shall enter the parent's actual mailing  
11       address and town of residence on the original birth certificate and shall  
12       transmit the completed original birth certificate to all sites with designated  
13       authority by the state registrar to hold such records and issue copies.

14       § 5111. NAMES ON BIRTH CERTIFICATES

15       (a) A birth certificate is not complete and correct and acceptable for  
16       registration by the state registrar if such certificate contains:

17               (1) items completed with pictographs or ideographs or writing that is not  
18               part of the standard 26-letter English alphabet;

19               (2) given names or surnames written with symbols that have no phonetic  
20               standing on their own, provided, however, that numerals used for generational  
21               identifiers; common punctuation such as hyphens for hyphenated names,

1 apostrophes used as part of a given name or surname, commas to separate  
2 surnames from generational identifiers, and periods in generational identifiers;  
3 and initials and abbreviations used as part of a name shall be permitted; or

4 (3) given names and surnames that exceed a total of 50 characters in  
5 length for each of the first, middle, and last names, to include hyphens,  
6 apostrophes, and periods when used as part of the name.

7 (b) Only one generational identifier may be used after the surname.  
8 Generational identifiers may not take the form of commonly conferred  
9 academic honorifics, including M.D., J.D., D.O., Esq., B.A., B.S., M.A., M.S.,  
10 or Ph.D. or other designations not commonly used as generational identifiers.

11 § 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

12 (a) Upon receiving from the probate division of the superior court a court  
13 order that an individual's sexual reassignment has been completed, the state  
14 registrar shall issue a new birth certificate to show that the sex of the individual  
15 born in this state has been changed.

16 (b) An affidavit by a licensed physician who has treated or evaluated the  
17 individual stating that the individual has undergone surgical, hormonal, or  
18 other treatment appropriate for that individual for the purpose of gender  
19 transition shall constitute sufficient evidence for the court to issue an order that  
20 sexual reassignment has been completed. The affidavit shall include the  
21 medical license number and signature of the physician.

1       (c) A new certificate issued pursuant to subsection (a) of this section shall  
2       be substituted for the original birth certificate in official records. The new  
3       certificate shall not show that a change in name or sex, or both, has been made.  
4       The original birth certificate, the probate court order, and any other records  
5       relating to the issuance of the new birth certificate shall be confidential and  
6       shall not be subject to public inspection pursuant to 1 V.S.A. § 317(c);  
7       however an individual may have access to his or her own records and may  
8       authorize the state registrar to confirm that, pursuant to court order, it has  
9       issued a new birth certificate to the individual that reflects a change in name or  
10       sex, or both.

11       (d) If an individual born in this state has an amended birth certificate  
12       showing that the sex of the individual has been changed, and the birth  
13       certificate is marked "Court Amended" or otherwise clearly shows that it has  
14       been amended, the individual may receive a new birth certificate from the state  
15       registrar upon application.

16       § 5113. NAME CHANGE DUE TO THREAT TO PERSONAL SAFETY

17       (a) When a court of competent jurisdiction finds that there is an immediate  
18       and serious threat to the personal safety of an individual who has legally  
19       changed his or her name, the court may order the state registrar to issue a new  
20       birth certificate to the individual in the new name.



1        (b) The court order shall describe the type of violent threat and the  
2        evidence used to determine that serious harm would likely occur if the birth  
3        certificate was to show both the original and new names.

4        (c) The new birth certificate issued pursuant to this section shall not  
5        indicate any correction or amendment to the name.

6        (d) After registration of the birth certificate in the new name, the state  
7        registrar shall seal and file the original birth certificate and any associated  
8        records and documents, which shall not be subject to inspection except upon  
9        order of the probate division of the superior court for the district in which the  
10       birth occurred or as otherwise provided by law.

11       Sec. 3. 18 V.S.A. § 5202 is amended to read:

12       § 5202. ~~DEATH CERTIFICATE; DUTIES OF PHYSICIAN~~ DEATH  
13              REGISTRATION

14       (a) A certificate of death for each death which occurs in Vermont shall be  
15       filed with the department in the manner and form prescribed by the  
16       commissioner within 36 hours after death or the finding of a dead body and  
17       prior to final disposition and shall be registered if the certificate has been  
18       completed and filed in accordance with this chapter.

19       (1) The commissioner shall prescribe, furnish, and distribute such  
20       forms as are required by this section or prescribe such other means for

1 transmission of data as will accomplish the purpose of complete and  
2 accurate reporting and registration of deaths.

3 (2) If the place of death is unknown but the dead body is found in this  
4 state, the certificate of death shall be completed and filed in accordance with  
5 this chapter. The place where the body is found shall be shown as the place of  
6 death. If the exact date of death is unknown, the portions of the date known  
7 shall be entered as the date of death. If no portion of the date of death can be  
8 determined, the date of death shall be entered as unknown and the date the  
9 body was found shall be indicated as the date pronounced.

10 (3) When death occurs in a moving conveyance in the United States and  
11 the body is first removed from the conveyance in this state, the death shall be  
12 registered in this state and the place where it is first removed shall be  
13 considered the place of death. When a death occurs on a moving conveyance  
14 while in international waters or air space or in a foreign country or its air space  
15 and the body is first removed from the conveyance in this state, the death shall  
16 be registered in this state and the place where it is first removed shall be  
17 considered the place of death.

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

20 (b) The death certificate shall contain at minimum: the name of the  
21 deceased person; the deceased person's date of birth; the deceased person's

1 date of death; the deceased's place of death; the name of the person certifying  
2 the death; whether the deceased person was a veteran of any war and, if so, of  
3 which war; and the cause of death. The department may request additional  
4 information as needed to fulfill federal and state requirements. The deceased  
5 person's Social Security number shall be collected but shall not be part of any  
6 public record and shall be exempt from inspection and copying.

7 (c) The physician attending licensed health care professional who is last in  
8 attendance upon a responsible for coordinating the care of the deceased person  
9 during his or her last illness shall immediately fill out complete a certificate of  
10 death on a form and in a manner prescribed by the commissioner, attest to the  
11 information by signature or an approved electronic process, and ensure that the  
12 completed certification of the death is provided to the state registrar within 24  
13 hours after the death. For purposes of this section, a licensed health care  
14 professional means a physician licensed pursuant to chapter 23 of Title 26,  
15 physician's assistant licensed pursuant to chapter 31 of Title 26, or advance  
16 practice registered nurse licensed pursuant to chapter 28 of Title 26, but does  
17 not include a resident, fellow, or other temporary licensee. If he the attending  
18 licensed health care professional responsible for coordinating the deceased  
19 person's care during the last illness is unable to state the cause of death, he or  
20 she shall immediately notify the physician, if any, in charge of the patient's  
21 care for the illness or condition which resulted in death, who shall fill out

1 complete the certificate. If neither physician is able to state the cause of death,  
2 the provisions of section 5205 of this title shall apply. The ~~physician licensed~~  
3 health care professional may, with the consent of the funeral director, the  
4 deceased's next-of-kin, or another individual in charge of disposition of the  
5 body, delegate to ~~said funeral director~~ such person the responsibility of  
6 gathering data for and ~~filling out~~ completing all items except those in the  
7 medical certification of cause of death section. ~~All entries, except signatures,~~  
8 ~~on the certificate shall be typed or printed. Such forms contain the following~~  
9 ~~questions:~~

10 (1) ~~Was the deceased a veteran of any war?~~

11 (2) ~~If so, of what war?~~

12 (b) ~~When death occurs to an admitted patient in a hospital and it is~~  
13 ~~impossible to obtain a death certificate from an attending physician before~~  
14 ~~burial or transportation, any physician who has access to the facts and can~~  
15 ~~certify that death is not subject to the provisions of section 5205, may complete~~  
16 ~~and sign a preliminary report of death on a form supplied by the commissioner~~  
17 ~~of health. The town clerk or his deputy shall accept this report and issue a~~  
18 ~~burial transit permit. This preliminary report of death may be destroyed six~~  
19 ~~months after a death certificate has been filed. This does not relieve the~~  
20 ~~attending physician from the responsibility of completing a death certificate~~  
21 ~~and delivering it to the funeral director within twenty four hours after death.~~

1       ~~(e) If a dead body must be removed immediately and a death certificate or~~  
2 ~~preliminary report cannot be obtained, the town clerk, deputy or law~~  
3 ~~enforcement officer may issue a temporary burial transit permit which shall~~  
4 ~~expire forty-eight hours after issuance. This does not relieve the attending~~  
5 ~~physician from the responsibility of completing a death certificate and~~  
6 ~~delivering it to the funeral director within twenty-four hours after death. Upon~~  
7 ~~receipt of the death certificate, the funeral director shall apply for and the~~  
8 ~~issuing authority shall issue a burial transit permit to replace the temporary~~  
9 ~~permit.~~

10       (d) Upon receipt of autopsy results or other information that would change  
11 the information in the cause-of-death section of the death certificate from that  
12 originally reported, the certifier shall immediately notify the department to  
13 correct the record, consistent with section 5204 or 5205 of this title, as  
14 applicable.

15       Sec. 4. 18 V.S.A. § 5202a is amended to read:

16       § 5202a. CORRECTION OF DEATH CERTIFICATE

17       ~~(a) Within six months after the date of death, the town clerk may correct or~~  
18 ~~complete a death certificate upon application by the certifying physician,~~  
19 ~~medical examiner, hospital, nursing home or funeral director. The town clerk~~  
20 ~~may correct or complete the certificate accordingly and shall certify thereon~~  
21 ~~that such correction or completion was made pursuant to this section, with the~~

1 date thereof. In his or her discretion, the town clerk may refuse an application  
2 for correction or completion, in which case, the applicant may petition the  
3 probate division of the superior court for such correction or completion.

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

7 (2) The probate division of the superior court to which such application  
8 is made shall set a time for hearing thereon and, if such court deems necessary,  
9 cause notice of the time and place thereof to be given by posting the same in  
10 the probate division of the superior court office and, after hearing, shall make  
11 such findings, with respect to the correction of such death certificate as are  
12 supported by the evidence. The court shall thereupon issue a decree setting  
13 forth the facts as found, and transmit a certified copy of such decree to the  
14 supervisor of vital records registration. The supervisor of vital records  
15 registration shall transmit the same to the appropriate town clerk to amend the  
16 original or issue a new certificate. The words "Court Amended" shall be typed,  
17 written or stamped at the top of the new or amended certificates, with the date  
18 of the decree and the name of the issuing court. registration of the death  
19 certificate, correction of obvious errors, of transpositions of letters in words of  
20 common knowledge, or of omissions may be made by the state registrar upon  
21 his or her own observation. The state registrar may make corrections to or

1 complete items which are not obvious errors upon written request of the next  
2 of kin or other informant, the hospital, the nursing home, the certifying  
3 physician, the medical examiner, the funeral director or other person  
4 authorized to dispose of the body, or the town clerk in the town of occurrence  
5 or in the town of residence on a form provided by the state registrar. The state  
6 registrar may correct or complete the certificate accordingly and shall certify  
7 thereon that such correction or completion was made pursuant to this section,  
8 with the date thereof.

9 (b) The state registrar shall destroy any current version of the death  
10 certificate maintained at the office of vital statistics and at local, regional, and  
11 state facilities, and replace it with the corrected or completed version.

12 (c) The state registrar may refuse an application for correction or  
13 completion, in which case the applicant may petition the probate division of  
14 the superior court for the district in which the death occurred for such  
15 correction or completion.

16 ~~(e)(d)~~ Provided, however, that only Only the medical examiner or the  
17 certifying physician may apply to correct or complete the certificate as to items  
18 in the medical certification of the cause of death section.

1       Sec. 5. 18 V.S.A. § 5202b is added to read:

2       § 5202b. AMENDMENT TO DEATH CERTIFICATE

3           (a) Except as provided in subsection (b) of this section, after six months  
4       from the date of registration of the death certificate of a person who died in this  
5       state, a death certificate may be amended only by the decree of the probate  
6       division of the superior court for the district in which the death occurred.  
7       Except as provided in subsection (h) of this section, a petition setting forth the  
8       reason for such petition and the amendment desired may be brought by the  
9       next of kin or other informant, the hospital, the nursing home, the certifying  
10       physician, the medical examiner, the funeral director, the town clerk in the  
11       town of occurrence or the town of residence, or the state registrar.

12           (b) The state registrar may amend a certificate of death after six months  
13       from the date of registration of the death certificate without a decree of a court  
14       when the amendment is to address an administrative error as a result of data  
15       entry, electronic imaging, or other records management activity. The state  
16       registrar may refuse an application for amendment of an administrative error,  
17       in which case the applicant may petition the probate division of the superior  
18       court for the district in which the death occurred for such amendment.

19           (c) The probate division of the superior court for the district in which the  
20       death occurred shall set a time for hearing on a petition filed under this section  
21       and cause notice thereof, if it deems such necessary, by posting a notice in the



1 public area of the court office. After hearing such proper and relevant  
2 evidence as may be presented, the court shall make such findings with respect  
3 to the death of the person as are supported by the evidence.

4 (d) The probate division of the superior court shall thereupon issue a decree  
5 setting forth the facts as found and transmit a certified copy thereof to the state  
6 registrar.

7 (e) A certificate of death that is amended by court order shall have the  
8 words "Court Amended" at the top of the amended certificate and all copies  
9 thereof, and the state registrar shall certify that the amendment was ordered by  
10 the court pursuant to this section with the date of decree. The amended  
11 information shall be notated on the amended certificate and all copies thereof  
12 to show the legal effects, including the date of the court order and specification  
13 of the information that was changed.

14 (f) The state registrar shall destroy any current version of the death  
15 certificate maintained at the office of vital statistics and at local, regional, and  
16 state facilities and replace it with the amended version.

17 (g) Death certificates that are amended under this section for administrative  
18 errors that would have been permitted within six months of the date of  
19 registration of the death certificate under section 5202a of this title shall be  
20 amended without payment of a court fee.

1       (h) Only the medical examiner or the certifying physician may apply to  
2       complete, correct, or amend a death certificate as to the medical certification  
3       section.

4       Sec. 6. 18 V.S.A. § 5203 is amended to read:

5       § 5203. DEATH CERTIFICATE; MEMBER OF ARMED FORCES

6       (a) Upon official notification of a death of a member of the armed forces of  
7       the United States while serving as such beyond the United States, not including  
8       the territories thereof, and provided the remains of the member are not returned  
9       to this country, the next of kin thereof or interested person may file with the  
10      ~~clerk of the town of the residence of such member~~ state registrar a certificate of  
11      death. Such certificate shall set forth the name; date of birth, ~~and;~~ date of  
12      death, if ~~the same~~ it can be determined; the names of the parents of the  
13      deceased; and such other information as may be deemed pertinent by the office  
14      of the adjutant general.

15      (b) The certificate shall be made on a form prescribed by the state registrar,  
16      and a certified copy thereof shall be forwarded to the office of the adjutant  
17      general.

1       Sec. 7. 18 V.S.A. § 5205 is amended to read:

2       § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN;

3               AUTOPSY

4               (a) When a person dies from violence, or suddenly when in apparent good  
5       health or when unattended by a physician or a recognized practitioner of a  
6       well-established church, or by casualty, or by suicide or as a result of injury or  
7       when in jail or prison; or any mental institution, or in any unusual, unnatural,  
8       or suspicious manner, or in circumstances involving a hazard to public health,  
9       welfare, or safety, the head of the household, the jailer ~~or~~ the superintendent of  
10      a mental institution where such death occurred, ~~or~~ the next of kin, ~~or~~ the person  
11      discovering the body, or any doctor notified of the death, shall immediately  
12      notify the medical examiner who resides nearest the town where the death  
13      occurred, and, immediately upon being notified, such medical examiner shall  
14      notify the state's attorney of the county in which the death occurred. The  
15      state's attorney shall thereafter be in charge of the body and shall issue such  
16      instructions covering the care or removal of the body as he or she shall deem  
17      appropriate until he or she releases same.

18              (b) The medical examiner and a designated law enforcement officer shall  
19      thereupon together immediately make a proper preliminary investigation.

20              (c) Unless the cause and manner of death is uncertain, such medical  
21      examiner shall complete and sign a certificate of death in the manner

1 prescribed by the commissioner. He or she and the designated law  
2 enforcement officer shall each submit a report of investigation to the state's  
3 attorney and the chief medical examiner. If, however, the cause or  
4 circumstances of death are uncertain, he or she shall immediately so advise the  
5 state's attorney of the county where the death occurred, and notify the chief  
6 medical examiner.

7 (d) The state's attorney of each county, with the advice of the  
8 commissioner of public safety or ~~his~~ designee, the sheriff, and the chief of  
9 police of any established police department, shall prepare a list of law  
10 enforcement officers in his or her county qualified to make an investigation  
11 and report. This list shall be made available to the medical officers concerned  
12 and such other persons as the state's attorney deems proper.

13 (e) If an undertaker or embalmer ~~shall~~, in the course of his or her  
14 employment, ~~find~~ finds evidence of physical violence on the body or evidence  
15 of an unlawful act sufficient to indicate to such a person that death might have  
16 been the result of an unlawful act, he or she shall immediately notify the state's  
17 attorney of the county where the body is then located and shall proceed no  
18 further with the preparation and embalming process of such body until  
19 permitted to do so by the state's attorney.

20 (f) The state's attorney or chief medical examiner, if either ~~deem~~ deems it  
21 necessary and in the interest of public health, welfare, and safety, or in

1 furtherance of the administration of the law, may order an autopsy to be  
2 performed by the chief medical examiner or under his or her direction. Upon  
3 completion of the autopsy, the chief medical examiner shall submit a report to  
4 such state's attorney, the designated law enforcement officer investigating the  
5 case, and the attorney general and shall complete and sign a certificate of death  
6 in the manner prescribed by the commissioner.

7 (g) When a person who is committed to the custody of the department of  
8 corrections or who is under the supervision of the department of corrections  
9 dies, the commissioner of corrections may request to be provided with a copy  
10 of any and all reports generated pursuant to subsection (f) of this section. No  
11 such request shall be granted where the medical examiner is unable to  
12 determine a manner of death or the manner of death is classified as a homicide.  
13 In other circumstances, the request shall be granted in the discretion of the  
14 medical examiner for good cause shown. Reports disclosed pursuant to this  
15 subsection shall remain confidential as required by law and shall not be  
16 considered to be a public record pursuant to 1 V.S.A. § 317.

17 Sec. 8. 18 V.S.A. § 5207 is amended to read:

18 § 5207. CERTIFICATE FURNISHED FAMILY; BURIAL PERMIT

19 The physician or person filling out the medical certification section of the  
20 certificate of death or preliminary report of death, within ~~thirty six~~ 24 hours  
21 after death, shall deliver the same to the family of the deceased, if any, or the

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

9 Sec. 9. 18 V.S.A. § 5207a is added to read:

10 § 5207a. DELAYED REGISTRATION OF DEATH

11 (a) When a certificate of death of a person who died in this state has not  
12 been filed within one year after death, the next-of-kin of the deceased may file  
13 with the department an application for a delayed certificate of death. The  
14 application shall contain all information required for a certificate of death  
15 pursuant to section 5202 of this title, reasons for the delay in filing the death  
16 registration, and evidence substantiating the alleged facts of death.

17 (b) The death shall be registered on a delayed certificate of death form,  
18 which shall feature the word "Delayed" at the top and show on its face the date  
19 of registration. The delayed certificate shall contain a summary statement of  
20 the evidence submitted in support of the delayed registration.



1 the state, by ~~any town clerk in the state~~ the clerk of the town in which the  
2 marriage will be solemnized.

3 \* \* \*

4 (d) A copy of the certificate of each marriage performed in Vermont shall  
5 be forwarded by the town clerk to the state registrar within 30 days following  
6 the filing of the certificate.

7 Sec. 11. 18 V.S.A. § 5132 is amended to read:

8 § 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS  
9 CONFIDENTIALITY PROGRAM

10 (a) If a participant in the program described in subchapter 3 of chapter 21  
11 of Title 15 notifies the town that the participant's confidential address should  
12 not appear on the civil marriage license or certificate, then the town clerk shall  
13 not disclose such confidential address or the participant's town of residence on  
14 any public records. A participant who fails to provide such notice shall be  
15 deemed to have waived the provisions of this section. If such notice is  
16 received, then notwithstanding section 5131 of this title, the town clerk shall  
17 file the marriage certificate with the ~~supervisor of vital records registration~~  
18 state registrar within ten days of receipt, without the confidential address or  
19 town of residence, and shall not retain a copy of the marriage certificate.

20 (b) The ~~supervisor of vital records registration~~ state registrar shall receive  
21 and file for record all certificates filed in accordance with this section, and



1 shall ensure that a person's confidential address and town of residence do not  
2 appear on the marriage certificate during the period that the person is a  
3 program participant. A certificate filed in accordance with this section shall be  
4 a public document. The ~~supervisor of vital records~~ state registrar shall notify  
5 the secretary of state of the receipt of a marriage certificate on behalf of a  
6 program participant.

7 (c) The department shall maintain a confidential record of the person's  
8 actual mailing address and town of residence. Such record shall be exempt  
9 from public inspection.

10 (d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation  
11 of program participation of any person of whom the secretary of state received  
12 notice from the ~~supervisor of vital records registration~~ state registrar, the  
13 secretary of state shall notify the ~~supervisor of vital records registration~~ state  
14 registrar.

15 (e) Upon notice of the expiration, withdrawal, invalidation, or cancellation  
16 of program participation, the ~~supervisor of vital records registration~~ state  
17 registrar shall enter the actual mailing address and town of residence on the  
18 original marriage certificate and shall transmit the completed original marriage  
19 certificate to the town clerk where the certificate was issued.

20 (f) The town clerk shall process certificates received in this manner in  
21 accordance with the provisions of this chapter.

1 Sec. 12. 18 V.S.A. § 5150 is amended to read:

2 § 5150. CORRECTION OF MARRIAGE CERTIFICATE

3 \* \* \*

4 (b) After six months from the date a marriage is solemnized, a civil  
5 marriage certificate may only be corrected or amended pursuant to decree of  
6 the probate division of the superior court in which district the original  
7 certificate is filed. The probate division of the superior court to which such  
8 application is made shall set a time for hearing thereon and, if such court  
9 deems necessary, cause notice of the time and place thereof to be given by  
10 posting the same in the probate division of the superior court office and, after  
11 hearing, shall make such findings, with respect to the correction of such civil  
12 marriage certificate as are supported by the evidence. The court shall  
13 thereupon issue a decree setting forth the facts as found, and transmit a  
14 certified copy of such decree to the ~~supervisor of vital records registration. The~~  
15 ~~supervisor of vital records registration shall transmit the same to the~~  
16 appropriate town clerk to amend the original or issue a new certificate. The  
17 words “Court Amended” shall be typed, written or stamped at the top of the  
18 new or amended certificate with the date of the decree and the name of the  
19 issuing court.

1        (c) A copy of each corrected or amended certificate shall be forwarded by  
2        the town clerk to the state registrar within 30 days following the filing of the  
3        corrected or amended certificate.

4        Sec. 13. 18 V.S.A. § 5151(c) and (d) are amended to read:

5        (c) The court shall issue a decree setting forth the facts as found and  
6        transmit a certified copy of said facts to the ~~supervisor of vital records~~  
7        ~~registration~~ state registrar.

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

17       Sec. 14. 18 V.S.A. § 5152 is added to read:

18       § 5152. COURT CLERKS; DIVORCE RETURNS

19       (a) A record of each order of divorce of marriage, annulment, and  
20       dissolution of civil union in Vermont shall be transmitted by the clerk of the  
21       family division of the superior court to the commissioner on a schedule and in

1 a format established by the commissioner, but no less frequently than once  
2 each month.

3 (b) The record shall be prepared by the petitioner or his or her legal  
4 representative in a form prescribed by the commissioner and shall be presented  
5 to the clerk of the family division of the superior court with the petition. In all  
6 cases, the completed record shall be a prerequisite to the entry of the order.

7 (c) The record transmitted from the court to the commissioner shall  
8 contain:

9 (1) the names of the parties;

10 (2) the date of marriage or civil union;

11 (3) the number of children;

12 (4) such other statistical information available from the family division  
13 of the superior court clerk's file as may be required by the commissioner.

14 (d) The commissioner shall maintain a copy of the record of the divorce or  
15 dissolution and provide informational or certified copies on request as  
16 provided in section 5040 or 5041 of this title.

17 (e) The clerk of the family division of the superior court shall also send  
18 to the commissioner a report of the number of divorces and dissolutions  
19 which became absolute during the preceding month on a schedule and in a  
20 format established by the commissioner.

1 Sec. 15. 18 V.S.A. § 5168 is amended to read:

2 § 5168. CORRECTION OF CIVIL UNION CERTIFICATE

3 \* \* \*

4 (c) The probate division of the superior court shall set a time for a hearing  
5 and, if the court deems necessary, give notice of the time and place by posting  
6 such information in the probate division of the superior court office. After a  
7 hearing, the court shall make findings with respect to the correction of the civil  
8 union certificate as are supported by the evidence. The court shall issue a  
9 decree setting forth the facts as found, and transmit a certified copy of the  
10 decree to the ~~supervisor of vital records registration. The supervisor of vital~~  
11 ~~records registration shall transmit the same to the~~ appropriate town clerk to  
12 amend the original or issue a new certificate. The words "Court Amended"  
13 shall be typed, written or stamped at the top of the new or amended certificate  
14 with the date of the decree and the name of the issuing court.

15 (d) A copy of each corrected or amended certificate shall be forwarded by  
16 the town clerk to the state registrar within 30 days following the filing of the  
17 corrected or amended certificate.

18 Sec. 16. 18 V.S.A. § 5169(c) and (d) are amended to read:

19 (c) The court shall issue a decree setting forth the facts as found, and  
20 transmit a certified copy of ~~said~~ the 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~~ state  
9 registrar within 30 days following the filing.

10 Sec. 17. 15 V.S.A. § 816 is amended to read:

11 § 816. CERTIFICATE OF CHANGE; CORRECTION OF BIRTH AND  
12 CIVIL MARRIAGE RECORDS

13 Whenever a person changes his or her name, as provided in this chapter, he  
14 or she shall provide the probate division of the superior court with a copy of  
15 his or her birth certificate and, if married, a copy of his or her civil marriage  
16 certificate, and a copy of the birth certificate of each minor child, if any. The  
17 register of probate with whom the change of name is filed and recorded shall  
18 transmit the certificates and a certified copy of such instrument of change of  
19 name to the ~~supervisor of vital records registration~~ state registrar. The  
20 ~~supervisor of vital records registration~~ state registrar shall amend the birth  
21 certificates in accordance with 18 V.S.A. § 5108 and shall forward the

1 marriage certificate and a copy of such instrument of change of name to the  
2 town clerk in the town ~~where the person was born within the state, or~~ wherein  
3 the original certificate is filed, with instructions to amend the original marriage  
4 certificate and all copies thereof in accordance with the provisions of ~~Title 18,~~  
5 chapter ~~101~~ 104 of Title 18. Such amended marriage certificates shall have the  
6 words “Court Amended” ~~stamped, written, or typed~~ at the top and shall show  
7 that the change of name was made pursuant to this ~~chapter~~ section, along with  
8 the date of decree.

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

10 § 1-101. DEFINITIONS

11 In this title:

12 \* \* \*

13 (7) “Department” means the department ~~of social and rehabilitation~~  
14 services for children and families.

15 \* \* \*

16 (22) “State registrar” and “state registrar in the office of vital statistics”  
17 mean the supervisor of the office of vital statistics in the department of health.

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

20 (23) “~~Supervisor of vital records~~” means ~~the supervisor of vital records~~  
21 ~~registration of the department of health.~~

1 Sec. 19. 15A V.S.A. § 3-705(a) is amended to read:

2 (a) A decree of adoption shall state or contain:

3 \* \* \*

4 (6) information to be incorporated into a new birth certificate to be  
5 issued by the ~~supervisor of vital records~~ state registrar in the office of vital  
6 statistics, unless the petitioner or an adoptee who has attained 14 years of age  
7 requests that a new certificate not be issued;

8 \* \* \*

9 Sec. 20. 15A V.S.A. § 3-801 is amended to read:

10 § 3-801. REPORT OF ADOPTION

11 ~~(a)~~ Within 30 days after a decree of adoption becomes final, the clerk of the  
12 court shall prepare a report of adoption ~~on a form furnished by the supervisor~~  
13 ~~of vital records and certify and send the report to the supervisor. The report~~  
14 ~~shall include:~~

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

19 ~~(2) information necessary to issue a new birth certificate for the adoptee~~  
20 ~~and a request that a new certificate be issued, unless the court, the adoptive~~



1 ~~parent, or an adoptee who has attained 14 years of age requests that a new~~  
2 ~~certificate not be issued; and~~

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

5 ~~(b) Within 30 days after a decree of adoption is amended or set aside, the~~  
6 ~~clerk of the court shall prepare a report of that action on a form furnished by~~  
7 ~~the supervisor of vital records and shall certify and send the report to the~~  
8 ~~supervisor of vital records. The report shall include information necessary to~~  
9 ~~identify the original report of adoption, and shall also include information~~  
10 ~~necessary to amend or withdraw any new birth certificate that was issued~~  
11 ~~pursuant to the original report of adoption as provided in 18 V.S.A. § 5105.~~

12 Sec. 21. 15A V.S.A. § 3-802 is amended to read:

13 § 3-802. ISSUANCE OF NEW BIRTH CERTIFICATE

14 ~~(a) Except as otherwise provided in subsection (d) of this section, upon~~  
15 ~~Upon receipt of a report of adoption prepared pursuant to section 3-801 of this~~  
16 ~~title, a report of adoption prepared in accordance with the law of another state~~  
17 ~~or country, a certified copy of a decree of adoption together with information~~  
18 ~~necessary to identify the adoptee's original birth certificate and to issue a new~~  
19 ~~certificate, or a report of an amended adoption, the supervisor of vital records~~  
20 ~~shall:~~

1           ~~(1) issue a new birth certificate for an adoptee born in this state and~~  
2           ~~furnish a certified copy of the new certificate to the adoptive parent and to an~~  
3           ~~adoptee who has attained 14 years of age;~~

4           ~~(2) forward a certified copy of a report of adoption for an adoptee born in~~  
5           ~~another state to the supervisor of vital records of the state of birth;~~

6           ~~(3) issue a certificate of foreign birth for an adoptee adopted in this state~~  
7           ~~and who was born outside the United States and was not a citizen of the United~~  
8           ~~States at the time of birth, and furnish a certified copy of the certificate to the~~  
9           ~~adoptive parent and to an adoptee who has attained 14 years of age;~~

10           ~~(4) notify an adoptive parent of the procedure for obtaining a revised~~  
11           ~~birth certificate through the United States Department of State for an adoptee~~  
12           ~~born outside the United States who was a citizen of the United States at the~~  
13           ~~time of birth; or~~

14           ~~(5) in the case of an amended decree of adoption, issue an amended birth~~  
15           ~~certificate according to the procedure in subdivision (a)(1) or (3) of this section~~  
16           ~~or follow the procedure in subdivision (2) or (4) of this section.~~

17           ~~(b) Unless otherwise specified by the court, a new birth certificate issued~~  
18           ~~pursuant to subdivision (a)(1) or (3) or an amended certificate issued pursuant~~  
19           ~~to subdivision (a)(5) of this section shall:~~

20           ~~(1) be signed by the supervisor of vital records;~~

21           ~~(2) include the date, time and place of birth of the adoptee;~~

1           ~~(3) substitute the name of the adoptive parent for the name of the person~~  
2 ~~listed as the adoptee's parent on the original birth certificate;~~

3           ~~(4) include the filing date of the original birth certificate and the filing~~  
4 ~~date of the new birth certificate;~~

5           ~~(5) contain any other information prescribed by the supervisor of vital~~  
6 ~~records.~~

7           ~~(c) The supervisor of vital records, and any other custodian of such records,~~  
8 ~~shall substitute the new or amended birth certificate for the original birth~~  
9 ~~certificate. The original certificate and all copies of the certificate in the files~~  
10 ~~shall be sealed and shall not be subject to inspection until 99 years after the~~  
11 ~~adoptee's date of birth, except as provided by this title.~~

12           ~~(d) If the court, the adoptive parent, or an adoptee who has attained 14 years~~  
13 ~~of age requests that a new or amended birth certificate not be issued, the~~  
14 ~~supervisor of vital records may not issue a new or amended certificate for an~~  
15 ~~adoptee pursuant to subsection (a) of this section, but shall forward a certified~~  
16 ~~copy of the report of adoption or of an amended decree of adoption for an~~  
17 ~~adoptee who was born in another state to the appropriate office in the adoptee's~~  
18 ~~state of birth.~~

19           ~~(e) Upon receipt of a report that an adoption has been vacated, the~~  
20 ~~supervisor of vital records shall:~~

1           ~~(1) restore the original birth certificate for a person born in this state to~~  
2           ~~its place in the files, seal any new or amended birth certificate issued pursuant~~  
3           ~~to subsection (a) of this section, and not allow inspection of a sealed certificate~~  
4           ~~except upon court order or as otherwise provided in this title;~~

5           ~~(2) forward the report with respect to a person born in another state to the~~  
6           ~~appropriate office in the state of birth; or~~

7           ~~(3) notify the person who is granted legal custody of a former adoptee~~  
8           ~~after an adoption is vacated of the procedure for obtaining an original birth~~  
9           ~~certificate through the United States Department of State for a former adoptee~~  
10          ~~born outside the United States who was a citizen of the United States at the~~  
11          ~~time of birth.~~

12          ~~(f) Upon request by a person who was listed as a parent on an adoptee's~~  
13          ~~original birth certificate and who furnishes appropriate proof of the person's~~  
14          ~~identity, the supervisor of vital records shall give the person a noncertified~~  
15          ~~copy of the original birth certificate, a report of an amended decree of~~  
16          ~~adoption, or a report or decree of annulment of adoption, pursuant to 18 V.S.A.~~  
17          ~~§ 5105, the state registrar shall establish a new or amended certificate of birth~~  
18          ~~as provided in 18 V.S.A. § 5106.~~

19          Sec. 22. 15A V.S.A. § 5-108(c) is amended to read:

20          (c) Within 30 days after a decree of adoption becomes final, the clerk of the  
21          court shall prepare a report of the adoption for the ~~supervisor of vital records~~

1 state registrar in the office of vital statistics, and, if the petitioners have  
2 requested it, the report shall instruct the ~~supervisor~~ state registrar to issue a  
3 new birth certificate to the adoptee, as provided in ~~Article 3, Part 8 of this title~~  
4 18 V.S.A. § 5106.

5 Sec. 23. 24 V.S.A. § 1164 is amended to read:

6 § 1164. CERTIFIED COPIES; FORM

7 A town clerk shall furnish certified copies of any instrument on record in  
8 his or her office, or any instrument or paper filed in his office pursuant to law,  
9 on the tender of his fees therefor, and his attestation shall be a sufficient  
10 authentication of the copies, except that the town clerk shall ~~not copy~~ exclude  
11 the word "illegitimate" from any copy of a birth certificate that he or she  
12 furnishes. A town clerk may furnish a certified copy of a vital record if his or  
13 her office has been designated by the health commissioner pursuant to  
14 18 V.S.A. § 5034(c). Copies of vital records for events occurring outside the  
15 state, filed with a town clerk pursuant to ~~section 5015~~ 18 V.S.A. § 5036(e),  
16 shall not be copied and certified.

17 Sec. 24. 32 V.S.A. § 1715 is amended to read:

18 § 1715. VITAL RECORDS SEARCH

19 (a) Upon payment of a ~~\$10.00~~ \$15.00 fee, the commissioner of health or  
20 the Vermont state archives and records administration shall provide certified  
21 copies of vital records or shall ascertain and certify what the vital records

1 available to the commissioners show, except that the commissioners shall not  
2 copy the word “illegitimate” from any birth certificate furnished. The fee for  
3 the search of the vital records is ~~\$3.00~~ \$5.00 which is credited toward the fee  
4 for the first certified copy based upon the search.

5 \* \* \*

6 Sec. 25. REDESIGNATION

7 Chapter 103 of Title 18 shall be redesignated as “Birth information  
8 network.”

9 Sec. 26. REPEALS

10 The following are repealed:

11 (1) 18 V.S.A. chapter 101 (vital records generally).

12 (2) 18 V.S.A. §§ 5071–5083, inclusive (birth certificates).

13 (3) 18 V.S.A. § 5204 (certified copy of death certificate forwarded to  
14 adjutant general).

15 (4) 18 V.S.A. § 5206 (penalty for failure to furnish death certificate).

16 (5) Sec. 6 of No. 151 of the Acts of the 2009 Adj. Sess. (2010).

17 Sec. 27. Sec. 7 of No. 151 of the Acts of the 2009 Adj. Sess. (2010) is  
18 amended to read:

19 Sec. 7. EFFECTIVE DATE

20 This act shall take effect on passage ~~except that Sec. 6 shall take effect on~~  
21 ~~January 1, 2012.~~