

Vital Records Rule

**1.0 Authority**

This rule is adopted pursuant to 18 V.S.A. §§ 5000 (e)(8) and (f) and 5112(b).

**2.0 Purpose**

The purpose of this rule is to establish the specific requirements for obtaining, creating, amending, and storing birth and death certificates in Vermont.

**3.0 Definitions**

**3.1** “Affidavit of Gender Identity” means the form published by the Department that is used to self-attest to an individual’s gender identity for the purpose of amending a birth certificate.

**3.2** “Affidavit of Homeless Status” means the form published by the Department that can be used to verify an individual’s status as a person experiencing homelessness for the purposes of obtaining a certified birth certificate.

**3.3** “Alternate means of identification” means two documents (exempting 3.3.12 and 3.3.13 when only one form of identification is needed) that between them shall contain a current address and a signature of the applicant. Alternate acceptable documents are:

3.3.1 Employment Identification Card with photo, accompanied by a pay stub or U.S. Internal Revenue W-2 form;

3.3.2 School, university, or college identification card with photo, accompanied by a report card or other proof of current school enrollment;

3.3.3 Federal or state identification issued by departments, bureaus, or agencies of corrections or prisons;

3.3.4 Social Security/Medicare Card that contains the bearer’s signature;

3.3.5 Pilot’s License;

- 3.3.6 Car registration or title with current address;
  - 3.3.7 U.S. Selective Service Card;
  - 3.3.8 Voter Registration Card;
  - 3.3.9 Filed Federal tax form that contains current address and signatures;
  - 3.3.10 Bank statement, property or utility bill (e.g. gas, water, electric, sewer, phone) with current address;
  - 3.3.11 U.S. or state court documents with current address;
  - 3.3.12 Documentation provided by the Vermont Department of Corrections or an out-of-state correctional facility in which the eligible person is incarcerated substantiating the identity of the eligible person (e.g. a photo identification sheet);
  - 3.3.13 A valid State of Vermont Employee identification when the application for a birth and/or death certificate is a bona fide request made within the scope of employment with the State;
  - 3.3.14 A receipt from a licensed healthcare provider with name and current address; or
  - 3.3.15 First class mail with name and current address.
- 3.4** “Applicant” means an eligible party seeking to obtain the vital records of a registrant.
- 3.5** “Custodian” means any person or entity who maintains official copies of vital records for access and inspection by the public, or any lawful purpose, including the Department of Health, Vermont State Archives and Records Administration and town clerks.
- 3.6** “Department” means the Vermont Department of Health.
- 3.7** “Eligible party” means the same as defined in 18 V.S.A. § 5016(b)(2):
- 3.7.1 The registrant; or their spouse, child, grandchild, parent, sibling, grandparent, or guardian; a person petitioning to open a decedent's

estate; a court- appointed executor or administrator; or the legal representative of any of these;

3.7.2 A specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant’s legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person's right;

3.7.3 An employee of a public agency authorized by the State Registrar as defined in 1 V.S.A § 317; or

3.7.4 In the case of a death certificate only, additionally to:

3.7.4.1 the individual with authority for final disposition as provided 18 V.S.A. § 5227, or a funeral home or crematorium acting on the individual's behalf;

3.7.4.2 the Social Security Administration;

3.7.4.3 the U.S. Department of Veterans Affairs; or

3.7.4.4 the deceased’s insurance carrier, if such carrier provides benefits to the decedent’s survivors or beneficiaries.

**3.8** “Gender marker” reflected on a birth certificate as “Sex” means:

3.8.1 “F” to represent female;

3.8.2 “M” to represent male; and

3.8.3 “X” to represent non-binary.

**3.9** “Generational identifier” means JR, SR, or numerals to designate the number of generations. Generational identifiers may not take the form of commonly conferred academic honorifics such as, but not limited to: MD, JD, DO, Esq., BA, BS, MA, MS, or PhD, or other designations not commonly used as generational identifiers.

**3.10** “Homeless services provider” means:

- 3.10.1 A governmental or nonprofit agency receiving federal, state, or municipal funding to provide services to a person experiencing homelessness or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.
- 3.10.2 An attorney licensed to practice law in Vermont and who is representing a client for whom the request for a certified birth certificate is being made.
- 3.10.3 A local educational agency liaison for homeless children and youth, or a school social worker.
- 3.10.4 A human services provider or public social services provider funded by the State of Vermont to provide homeless children or youth services, health services, mental or behavioral health services, substance use disorder services, public assistance, or employment services.
- 3.11** “Issuing agent” means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of vital records.
- 3.12** “Non-binary” means a person whose gender identity is not exclusively male or female, including, but not limited to, a person whose gender identity is intersex, agender, amalggender, androgynous, bigender, demigender, genderfluid, genderqueer, gender non-conforming, neutrois, nonbinary, pangender, third sex, transgender, Two-Spirit, or otherwise unspecified by the person.
- 3.13** “Person experiencing homelessness” and “Homeless,” mean the same as the definition found in 42 USC § 11302 for a “homeless individual”.
- 3.14** “Registrant” means the individual who is the subject of a vital record event certificate.
- 3.15** “Secure facility” means a building or room equipped with locks or other security devices that does not permit access during non-working or non-business hours.
- 3.16** “Valid government-issued identification” means a document that shall contain an expiration date that has not passed, a photograph, a current address, a signature and a unique number or barcode such as a driver’s license, or valid passport, assigned to the person. The following forms of government-issued identification

are acceptable:

- 3.16.1 United States issued Driver's License or Identification card;
- 3.16.2 United States Territories Driver's License or Identification card;
- 3.16.3 Tribal Identification Card that contains the bearer's signature;
- 3.16.4 U.S. Military Identification Card that contains the bearer's signature;
- 3.16.5 Passport issued by the United States, or by a foreign country recognized by the United States government;
- 3.16.6 Visa issued by the United States and that is included within a passport and the bearer's signature is on the passport and not on the Visa;
- 3.16.7 U.S. Resident Alien Card, also known as the U.S. Green Card or the U.S. Permanent Resident Card (Form I-551); or U.S. Employment Authorization Document / Card (Form I-765 or successor form).

#### **4.0 Documents Needed to Obtain a Birth or Death Certificate**

- 4.1** An applicant is required to provide a valid government-issued identification document or alternate means of identification and must present the identification at time of signing the Vermont application for a certified copy of a birth or death certificate.
- 4.2** An applicant may establish their identity by providing a minimum of two alternate means of identification (exempting 3.3.12 and 3.3.13 when only one form of identification is needed). The Office of Vital Records may request additional evidence as necessary for the positive identification of the applicant.
- 4.3** A person experiencing homelessness may establish their identity necessary to be eligible to receive a certified birth certificate by providing a completed Affidavit of Homeless Status, available on the Department's website. The Affidavit must be signed by both the applicant and the homeless services provider. The Office of Vital Records may request additional documentation as necessary for the positive identification of the applicant.

#### **5.0 Applications for Certified Copies of Birth and Death Certificates**

**5.1** The Vermont application for a certified copy of birth or death certificate must be submitted by an eligible party to:

5.1.1 the Vermont Office of Vital Records;

5.1.2 the Vermont State Archives and Records Administration;

5.1.3 a statutorily authorized issuing agent, such as town clerk's office;

5.1.4 a contractor of the State of Vermont that is providing application or processing services on behalf of the Vermont Office of Vital Records.

**6.0 Certification of Birth and Death Certificates by Town Clerks and Their Designees**

**6.1** Town clerks and their designees shall certify a birth or death certificate copy using one of the following methods:

6.1.1 Use of a town seal that does not include the town clerk's name, and ensures all documents are signed by either the town clerk, assistant town clerk, or another designated assistant clerk pursuant to state statute; or

6.1.2 Use of a town seal that includes the town clerk's name, and ensures all documents using that seal are signed by the town clerk whose name is on the seal.

**7.0 Issuance of Certified Copies of Births and Deaths During a Declared State of Emergency or Other Disruption**

**7.1** The State Registrar may temporarily suspend the requirement for issuing agents to utilize the statewide registration system for the issuance of certified copies of birth and death certificates. The reasons for a temporary suspension are limited to:

7.1.1 A declared state of emergency that covers the State of Vermont when the period has exceeded 48 hours;

7.1.2 A technical event with the statewide registration system that results in the system being inaccessible to issuing agents for a period that exceeds 48 hours.

**7.2** During a period in which a temporary suspension has been issued, the State Registrar shall provide instruction to the issuing agents for the methods to be used

to issue and track all certified copies, and for later recording in the statewide registration system when service has been restored.

## **8.0 Physical Security Requirements for Creation and Storage of Birth and Death Certificates**

**8.1** Activities to support the creation, storage, and issuance of certified copies of Vermont birth and death certificates shall occur in secure, government- operated buildings. The area of the building that houses the Vermont birth and death certificates, and materials utilized to create, modify, or access the certificates, and the computers used to access the statewide registration system, shall meet the following requirements:

- 8.1.1 Contains appropriate sensor, warning systems, or controls in place to monitor for fire, smoke, or other emergencies;
- 8.1.2 Contains a fire suppression method, which may be dry- or wet-suppression, and/or fire extinguishers;
- 8.1.3 Is a secure facility;
- 8.1.4 Employee workspace is separated from the public, such as by service counter, service window, locked door, or other physical barrier;
- 8.1.5 Non-employees, such as, but not limited to, visitors, vendors, delivery personnel, and cleaning staff, must identify themselves to the town clerk or their designee, and request access to the space that contains the birth and death certificate materials, the certificates themselves, and/or the computers used to access the statewide registration system, providing a valid and reasonable reason for such access. These non-employees shall be escorted to the designated area. If cleaning is done during nonworking hours, only preapproved cleaning personnel shall be permitted access to the space that contains the birth and death certificate materials, the certificates themselves, and/or the computers used to access the statewide registration system;
- 8.1.6 All materials used for certification of the birth and death certificates, such as, but not limited to, equipment (computers, printers, town seal), security paper, and any other documents or confidential files/records, shall be locked in a secure area or cabinets accessible only to the town clerk and their designees;

8.1.7 Visitors shall be accompanied when such visitors may have access to the materials used for certification of birth and death certificates, or access to the statewide registration system.

**8.2** If an existing government-operated building does not have a fireproof safe or vault as specified in 18 V.S.A. § 5001(b), the town clerk shall ensure that these rules are complied with and confirm in writing to the State Registrar that all reasonable precautions and safeguards have been implemented to protect the birth and death certificate materials, the birth and death certificates, and the computer used to access the statewide registration system.

**8.3** The public shall be allowed access to view or inspect birth and death certificates stored at issuing agent's offices during the standard business hours of the office. Issuing agents may implement reasonable precautions to protect the certificates from potential harm or theft, such as, but not limited to:

8.3.1 Monitoring visitors;

8.3.2 Requiring visitors to view/inspect certificates at a designated table or office;

8.3.3 Retrieving only the birth and death certificates requested by the visitor rather than providing unlimited access to all certificates;

8.3.4 Requiring visitors to sign in and out when requesting access to birth and death certificates; and/or

8.3.5 Requiring visitors to show the contents of any bags, briefcases, or other storage methods prior to departing the office.

**9.0 Criteria for Acceptance of Child's Name on Birth Certificates**

**9.1** In order to be valid, names on birth certificates shall:

9.1.1 Not contain pictographs or ideographs or writing that is not part of the standard twenty-six letter English alphabet;

9.1.2 Not contain symbols other than:

9.1.2.1 Numerals used for generational identifiers;



- 9.1.2.2 Common punctuation such as hyphens for hyphenated names, apostrophes used as part of a given name or surname, and periods in generational identifiers or when an initial or abbreviation is used as part of a name; or
- 9.1.2.3 Special characters that are commonly used, such as accent marks and tildes.
- 9.1.3 Not exceed a total of 50 characters in length for each of First, Middle, and Last Name. The count of maximum allowable characters shall include hyphens, apostrophes, and periods when used as part of the name.
- 9.1.4 Contain a last name.
- 9.1.5 Contain no more than one generational identifier after the last name.

## **10.0 Amending a Gender Marker on a Birth Certificate**

**10.1** A registrant born in Vermont may amend the gender marker on their birth certificate.

10.1.1 Any person 16 years or older may amend their gender marker.

10.1.2 Any person under the age of 16 may amend their gender marker with signed consent from a parent or legal guardian.

**10.2** A registrant may amend their gender marker to reflect their identity through self-attestation by filing the Affidavit of Gender Identity available on the Department's website.

**10.3** To file for an amendment under Section 10.0, registrants shall submit a notarized Affidavit of Gender Identity, signed by the registrant, or if applicable, the registrant's parent or legal guardian, by mail or in-person to the Vermont Department of Health, Vital Records Office.

**10.4** A new certificate issued pursuant to this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made.