

**GENERAL INSTRUCTION MANUAL FOR TOWN/CITY CLERKS**

**UPDATED July 1, 2021**

---

<b>Section</b>	<b>Page</b>
<b>I. GENERAL INFORMATION</b>	<b>2</b>
<b>II. FILING AND PRESERVATION OF VITAL RECORDS</b>	<b>2</b>
<b>III. ACT 46 (VITAL RECORDS MODERNIZATION BILL)</b>	<b>3</b>
<b>IV. ACCESS TO THE STATEWIDE ELECTRONIC SYSTEM FOR BIRTHS AND DEATH RECORDS JANUARY 1, 1909-PRESENT</b>	<b>3</b>
<b>V. ISSUING AGENTS</b>	<b>4</b>
<b>VI. APPLICATION PROCESS FOR ISSUING A CERTIFIED BIRTH OR DEATH CERTIFICATE</b>	<b>6</b>
<b>VII. ACCEPTABLE FORMS OF IDENTIFICATION FOR OBTAINING CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES AND THE IDENTIFICATION REVIEW PROCESS</b>	<b>7</b>
<b>VIII. PRINTING OF CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES (<u>Error Notification by Town Clerk</u>)</b>	<b>9</b>
<b>IX. PRINTING OF NONCERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATEs</b>	<b>10</b>
<b>X. PRINTING CERTIFIED AND NONCERTIFIED COPIES OF CIVIL MARRIAGES AND CIVIL UNIONS</b>	<b>10</b>
<b>XI. PUBLIC INSPECTION OF VITAL EVENT CERTIFICATES</b>	<b>11</b>
<b>XII. REQUESTS FOR CONFIDENTIAL INFORMATION ON A VITAL EVENT CERTIFICATE</b>	<b>11</b>
<b>XIII. PHYSICAL REQUIREMENTS FOR SECURE STORAGE OF VITAL EVENT CERTIFICATES</b>	<b>13</b>
<b>XIV. STATE REGISTRAR AUDIT PROCESS FOR TOWN CLERK COMPLIANCE</b>	<b>14</b>
<b>XV. FEES</b>	<b>15</b>
<b>XVI. PRINTING VITAL EVENTS IN TOWN REPORT</b>	<b>16</b>
<b>XVII. VERMONT HEALTH DEPARTMENT RESPONSIBILITIES</b>	<b>16</b>

## I. GENERAL INFORMATION

The purpose of this manual is to:

- Acquaint town clerks and assistants with Vermont laws as they pertain to the registration of Vital Records.
- Provide a useful guide for instruction and training of new town clerks and assistants.
- Provide a quick reference guide on vital record procedures and requirements. Applicable state statutes are noted for further reference.

Additional Resources provided by Vital Records:

- Town Clerk Manual for Birth Registration
- Town Clerk Manual for Death Registration
- Town Clerk Manual for Civil Marriages
- Online resources: <http://www.healthvermont.gov/stats/vital-records>
  - Forms
  - User Manual for VRIMS (Vital Records Issuance Management System)
  - Act 46 Training Presentation
  - Birth, Death, and Marriage Manuals
  - Link to Public Searchable Index
  - Act 46 FAQs

## II. FILING AND PRESERVATION OF VITAL RECORDS (TITLE 18 V.S.A. § 5007, § 5008, § 5012 & TITLE 24 § 1153, § 1178)

As a town clerk, you are responsible for the filing and preservation of all vital records received by your office which includes all marriage and civil union certificates, burial transit permits, and paper copies of birth and death certificates registered prior to July 1, 2019. Birth and death records registered after July 1, 2019 shall be maintained electronically in a statewide registration system maintained by the State Registrar.

- Maintenance of paper copies of for civil marriages, civil unions, burial transit permits:
  - **Numbering and filing:** Towns with more than 500 residents shall maintain separate volumes for civil marriages, civil unions and burial transit permits. Towns with less than 500 residents may file civil marriages, civil unions and burial transit permits in one volume. Each volume of certificates shall also contain an alphabetical index.
  - **Indexing of Civil Marriage and Civil Union Records:** There will be two journal entries for each marriage - one alphabetized by each party's name – in the following form:

Book	Page	Groom to Bride	Date	Book	Page	Bride to Groom	Date
1	1	A to B	7/1/2019	1	1	B to A	7/1/2019

Book	Page	Party to Party	Date	Book	Page	Party to Party	Date
1	1	A to B	7/1/2019	1	1	B to A	7/1/2019

**III. ACT 46 (VITAL RECORDS MODERNIZATION BILL) EFFECTIVE JULY 1, 2019.**

Intent/purpose:

- Modernize the statewide system of Vital Records
- Enact common definitions and standards
- Eliminate inefficiencies and archaic language
- Implement reasonable protections for birth and death certificates of Vermonters to reduce the opportunity for identity theft and fraud
- Details of Act 46 as enacted may be found here:  
<https://legislature.vermont.gov/Documents/2018/Docs/ACTS/ACT046/ACT046%20As%20Enacted.pdf>

**IV. ACCESS TO THE STATEWIDE ELECTRONIC SYSTEM FOR BIRTHS AND DEATH RECORDS JANUARY 1, 1909-PRESENT**

The Statewide Registration System is the sole official repository of data from birth and death certificates registered on or after January 1, 1909. Access to this system is through the VITAL RECORDS ISSUANCE MANAGEMENT SYSTEM (VRIMS).

Town Clerks and Assistant Clerks must complete the *VRIMS Access and Confidentiality Agreement* in order to access the Vital Records Issuance Management System (VRIMS). Town Clerks who opt out of serving as Issuing Agents must still complete the agreement as they will need access to the system to report security paper used for certified copies of marriage certificates and pre-1909 birth and death certificates; to report voided security paper and to generate lists of birth and death records associated with their towns. However, if they opt out, the permissions to print certified and noncertified copies of birth and death certificates dated 1909 and later will be turned off.

Town Officials are responsible for ensuring the Vital Records Office at the Health Department is notified when a new Town Clerk or Assistant Town Clerk is elected or appointed. The Health Department will then issue a copy of the User Agreement to the new Town Clerk or Assistant Town Clerk. Town Clerks and Assistant Town Clerks will

not be given access to VRIMS without first completing the User Agreement. Any sharing of access codes among town staff is strictly prohibited.

The VRIMS User's Guide for Town Clerks can be found online:

- <http://www.healthvermont.gov/stats/vital-records>

## V. ISSUING AGENTS

**Issuing Agent** refers to a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of birth and death certificates from the Statewide Registration System.

**Opt-Out:** refers to the act of notifying the State Registrar that a town clerk would not like to participate as an Issuing Agent of the Statewide Registration System.

As of July 1, 2019, all town clerks will be designated as issuing agents of the Statewide Registration System. In accordance with 18 V.S.A. § 5000 (d)(2), a town clerk may opt out of serving as an issuing agent of the Statewide Registration System by filing written notice with the State Registrar.

The opt-out notification can be submitted at any time and notification can be submitted without limit.

It is important to note that if a town clerk is newly appointed or elected and the previous town clerk had opted out, the new town clerk may notify the State Registrar if they want the "opt-out" status to change.

The Vital Records Office will accept any clearly written "opt-out" statement from a town clerk via email or mail. A formal template will not be created or distributed.

If a town clerk decides to "opt-out" of the Statewide Registration System, the Vital Records Office will continue to notify the town of any corrections, amendments or replacements of birth or death certificates associated with their town. The Vital Records Office will notify towns of these changes by sending via mail or email a paper copy of the amended or new certificate.

If a town clerk decides to no longer opt-out but become an issuing agent of the Statewide Registration System, the Town Clerk should allow Vital Records at least 5 business days to process this request, obtain new user agreements and assign a new access code to the system.

<b>RESPONSIBILITIES OF A VITAL RECORDS ISSUING AGENT</b>	
<b>ISSUING AGENT</b>	<b>OPT OUT AS ISSUING AGENT</b>
Must issue/print from VRIMS Certified Copies of >=1909 birth and death certificates.	<b>Cannot issue certified copies of birth and death certificates dated 1909 and later.</b>
Must issue/print from VRIMS Noncertified copies of >=7/1/2019 birth and death certificates.	<b>Cannot issue/print from VRIMS noncertified copies birth and death certificates dated July 1, 2019 and later.</b>
Can print from VRIMS noncertified (file copies) copies of >=1909 birth and death certificates to maintain for public inspection.	<b>Cannot print from VRIMS noncertified (file copies) copies of &gt;=1909 birth and death certificates to maintain for public inspection.</b>
Will receive automated emails of new, corrected and amended birth and death certificates.	Will receive copies of new, corrected and amended birth and death certificates. *
Can print birth and death lists from VRIMS	Can print birth and death lists from VRIMS
Must report in VRIMS the applicant and CPA paper used for certified copies of pre-1909 birth and death certificates.	Must report in VRIMS the applicant and CPA paper used for certified copies of pre-1909 birth and death certificates.
Must report in VRIMS the CPA paper used for certified copies of marriage and civil union certificates.	Must report in VRIMS the CPA paper used for certified copies of marriage and civil union certificates.
Must report in VRIMS VOIDED CPA paper	Must report in VRIMS VOIDED CPA paper
*VR will mail, or email updated and new copies to these towns.	
<b><i>18 VSA § 4999: "Issuing Agent" means a town clerk or duly authorized representative of the State Registrar who issues certified and noncertified copies of birth and death certificates from the Statewide Registration System.</i></b>	
<b><i>18 VSA § 5000 (d) (1): Except as provided in subdivision (2) of this subsection, town clerks in the state shall...and shall act as agents to issue copies of birth and death certificates from the Statewide Registration System in accordance with section 5016 of this title.</i></b>	

## VI. APPLICATION PROCESS FOR ISSUING A CERTIFIED BIRTH OR DEATH CERTIFICATE

Under Act 46, certified copies of birth and death certificates can be obtained from any town, regardless of whether the birth or death occurred there, or where the person was a resident.

Pursuant to 18 V.S.A. § 5016(b)(2), only certain persons are eligible for a certified copy of a birth or death certificate. These include:

- the registrant or his or her 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 the above;
- 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;
- an employee of a Vermont public agency authorized the State Registrar as provided in 18 V.S.A. § 5016 (a)(6); or
- in the case of a death certificate only, additionally to:
  - the individual with authority for final disposition as provided in 18 V.S.A. § 5227 or a funeral home or crematorium acting on the individual's behalf;
  - the Social Security Administration;
  - U.S. Department of Veteran's Affairs; or
  - the deceased's insurance carrier if such carrier provides benefits to the decedent's survivors or beneficiaries.

**Note: if a parent applies for a birth certificate, but his or her name does not appear on the certificate, the application should be rejected, and the applicant can be referred to the Vital Records Office with any questions.**

When an applicant requests a certified copy of a birth or death certificate in person, the following steps should be followed:

- Provide the applicant with the Department of Health application form to complete.
- After the application is completed, the issuing agent is responsible for reviewing the application to ensure:
  - The applicant is eligible to obtain a certified copy
  - The application has been completed in full
  - The application is signed and dated
  - The application is accompanied by a form of valid identification
- If the applicant refuses to sign the application or signs as a different person than what was shown on his/her identification, then the application should be rejected, and the applicant can be referred to the Vital Records Office with any questions or appeals. Likewise, if the applicant doesn't meet all the criteria listed above, the

application should be rejected. and the applicant referred to the Vital Records Office.

- The application should be filed and stored according to the administrative procedures of the issuing agent and the retention and disposition requirements established by the Vermont State Archives Records Administration (VSARA). A history will be stored of the application in the centralized statewide database maintained by the State Registrar.

An application is required for certified birth and death certificates, regardless of the certificate date.

All persons requesting a certified copy (including funeral directors or others known to the Issuing Agent) are required to complete an application form.

Alternate Means for Obtaining a Certified Copy:

Mail: If an applicant requests a certified copy of a birth or death certificate via the mail, the applicant must submit a completed application form and a photocopy of a valid government identification. The application should be reviewed by the Issuing Agent to ensure it meets all the criteria listed above. If the application is incomplete, it can be rejected, and the applicant can be referred to the Vital Records Office with any questions or appeals.

Email: If an applicant requests a certified copy of a birth or death certificate via email, the applicant must submit a completed application form and a scanned copy of a valid government identification. The application should be reviewed by the Issuing Agent to ensure it meets all the criteria listed above (see above). If the application is incomplete, it can be rejected, and the applicant can be referred to the Vital Records Office with any questions or appeals.

Online: Requests for certified copies can be made through an online ordering system operated by the State of Vermont. The requestor must complete the application that includes type of identification, ID number, expiration date of the ID, etc. and then attest to the accuracy of the information provided. These orders are processed by the Vermont State Archives and Records Administration and the Department of Health.

## **VII. ACCEPTABLE FORMS OF IDENTIFICATION FOR OBTAINING CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES AND THE IDENTIFICATION REVIEW PROCESS**

In accordance with Vital Records rule, Subchapter 7, Section 4.0, in order to obtain a certified copy of a birth or death certificate, an applicant is required to provide a valid government-issued identification document or one of the other specified documents or two alternate forms of identification and must present the identification at time of signing the Vermont application for a certified copy of a birth or death certificate.

The Vital Records Office may request additional evidence as necessary for the positive identification of an applicant.

Any one of following forms of identification are acceptable:

- United States issued Driver's License or Identification card;
- United States Territories Driver's License or Identification card;
- Tribal Identification Card that contains bearer's signature;
- U.S. Military Identification Card that contains the bearer's signature;
- Passport issued by the United States, or by a foreign country recognized by the United States government;
- 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;
- U.S. Resident Alien Card, as known as a U.S. Green Card or the U.S. Permanent Resident Card (Form I-1551); or
- U.S. Employment Authorization Document/Card (Form I-765);
- Valid State of Vermont employee ID when the application for a birth or death certificate is a bona fide request made within the scope of employment with the State;
- Vermont Department of Health "Affidavit of Homeless Status" form signed by the applicant and the homeless services provider;
- Document from Vermont Department of Corrections substantiating the identity of the eligible person.

Any two of following forms of "alternate means of identification" , that together show applicant's current address and signature, are acceptable:

- Employment Identification Card with photo, accompanied by a pay stub or U.S. Internal Revenue W-2 form;
- School, university, college identification card with photo, accompanied by a report card or other proof of current school enrollment;
- Federal or state corrections or prisons issued ID;
- Social Security/Medicare Card that contains the bearer's signature;
- Pilot's License;
- Car registration or title with current address;
- U.S. Selective Service Card;
- Voter's Registration Card;
- Filed Federal tax form that contains current address and signatures;
- Bank statement, property or utility bill (gas, water, electric, sewer, phone) with current address;
- U.S. or state court documents with current address;

When reviewing an application Town Clerks are responsible for:

- Confirming that the identification document has not expired;
- Confirming that the name listed on the ID matches the name listed on the application form;
- Ensuring that the application form contains an ID number from the identification document, like a driver's license number.



- Confirm that the address on the identification matches the address provided in the application. If it does not match, the applicant will need to provide a second form of valid identification that reflects the address provided.

If any of the above conditions are not met, then the application is to be rejected and the applicant can be referred to the Vital Records Office with any questions or appeals.

### **VIII. PRINTING OF CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES**

- Certified copies of vital event certificates shall be issued on unique paper with antifraud features, available from the Vital Records Office. Issuing Agents will sign name and title, date, and emboss with town seal.
- Issuing Agents may issue certified copies of birth and death certificates only upon receipt of a completed application accompanied by a form of identification specified earlier. The information from the application gets entered in VRIMS.
- Certified copies of birth and death certificates registered prior to January 1, 1909 will be issued from paper copies on file with the town clerk, but the applicant and security paper must be reported in VRIMS.
- Certified copies of birth and death records registered on or after January 1, 1909 must be printed from VRIMS.
- Issuing Agents may complete a request, per application, of any record available from VRIMS.
- The word “illegitimate” shall be redacted from any certified copy of a birth certificate.
- NOTE: Issuing agents should not issue certified copies from informational certificates filed by the family when the event occurred out of state.

A certified copy of a birth or death certificate shall be prima facie evidence of the facts stated therein.

#### **Birth or Death Record Error Notification by Town Clerk:**

If an error is identified with a birth or death record in the Statewide Registration System by a Town Clerk (i.e. misspelling of a town, name, etc.) when he/she is attempting to print a copy of a birth or death record, the Town Clerk will pull the paper record and compare to the record in the system to confirm the error. Once the error is confirmed, the Town Clerk should send an email to the Vital Records Office to notify them of the error and include a scanned copy of the **original record** if they are town of event.

If the record containing an error belongs to another town, the Town Clerk will contact the clerk in the town of occurrence, where the record was filed, and that clerk shall follow the above process. **This same process applies to reporting records missing in VRIMS.**

This notification should be sent to the general email address of the Vital Records Office at: [VitalRecords@vermont.gov](mailto:VitalRecords@vermont.gov) **and include in the subject line of the email: Error Notification.** The Vital Records Office staff will check this inbox daily. Once the error notification is received from the Town Clerk, the Vital Records Office will have 2

business days to respond to the request. **Missing records may take 3-5 business days to be added to VRIMS.**

For example, if the Statewide Registration System lists a mother's date of birth incorrectly, the Town Clerk who notices the error will contact the Vital Records Office via email to notify them of the error. The Vital Records Office will confirm the correct date of birth and update the record in the system. This will occur within 2 business days of receiving the request.

## **IX. PRINTING OF NONCERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES**

- Noncertified copies are printed on plain, white paper.
- Noncertified copies can be issued to any requestor; no application or written request is required.
- Issuing Agents may fill a request for a noncertified copy of any record within the Statewide Registration System; access is no longer restricted to town of residence and town of occurrence.
- Noncertified copies of certificates registered on or after July 1, 2019 must be issued from the Statewide Registration System.
- Noncertified copies of certificates registered after January 1, 1909 and before July 1, 2019 may be issued from the Statewide Registration System
- Noncertified copies printed from the Statewide Registration System shall indicate the term "Noncertified" on their face.
- The word "illegitimate" shall be redacted from any noncertified copy of a birth certificate.

A noncertified copy of a birth or death certificate shall not serve as prima facie evidence of the facts stated therein, except that it may be recorded in the land records of a municipality to establish the date of birth or death of a person with an ownership interest in property.

## **X. ISSUING CERTIFIED AND NONCERTIFIED COPIES OF CIVIL MARRIAGES AND CIVIL UNIONS**

To prepare a certified copy of a civil marriage or civil union filed in your town:

- Photocopy the record directly onto the engraved paper provided by the Vital Records Office.
- Prepare the attest line at the bottom of the engraved paper and emboss with your town seal over your signature.
- Report the engraved paper used in VRIMS. Refer to the VRIMS User's Guide for instructions.

To prepare a noncertified copy of a record filed in your town, photocopy the record onto plain paper.

## **XI. PUBLIC INSPECTION OF VITAL EVENT CERTIFICATES**

The public shall be allowed access to view or inspect birth, death, marriage, divorce or civil union 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:

- Monitoring visitors;
- Requiring visitors to view/inspect certificates at a designated table or office;
- Retrieving only the vital event certificates requested by the visitor rather than providing unlimited access to all certificates;
- Requiring visitors to sign in and out when requesting access to vital event certificates; and/or
- Requiring visitors to show the contents of any bags, briefcases or other storage methods prior to departing the office.

The Statewide Registration System is the official data repository for birth and death certificates registered on or after January 1, 1909. Nothing precludes issuing agents from printing from the System and maintaining noncertified copies of birth and death certificates for public inspection (see 18 V.S.A. § 5000(c)(1)). If such noncertified copies are printed, it is expected that the town clerk or issuing agent will ensure the continued maintenance and protection of those copies and make them available for viewing by the public.

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

## **XII. REQUESTS FOR CONFIDENTIAL INFORMATION ON A VITAL EVENT CERTIFICATE**

**Definitions: Confidential Information:** refers to statutory provisions outlined in 18 VSA § 5014, as discussed below.

***Confidential Vital Records:*** As stated in 18 V.S.A § 5014, “Confidential Records include a vital record, or information therein, that by law is designated confidential or by a similar term, that by law may only be disclosed to specifically designated persons, or that by law is not a public record, is exempt from inspection and copying under the Public Records Act and shall be kept confidential to the extent provided by law.”

***Exempt from Public Inspection:* the following information is exempt from public inspection and copying under the Public Records Act, and shall be kept confidential, and, in any civil action, shall not be subject to discovery or subpoena or be admissible:**

**(A) Social Security information and information collected only for medical and health purposes in reports of birth;**

**(B) Social Security numbers in reports of death or in preliminary reports of death;**

**(C) prior marriage and legal guardianship information and elections to dissolve a civil union in a marriage or civil union license or license application;**

**(D) such other information contained in a vital record as the State Registrar may designate through a rule adopted pursuant to 3 V.S.A. chapter 25, but only if the designation is necessary to protect the privacy of an individual.**

**The person who is the subject of the record or his or her authorized representative shall be entitled to obtain a copy of the information.**

**Information in or received from the Vital Records Alert System is exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that, in addition to the exceptions to confidentiality provided in subdivision 18 V.S.A. 5014 (a)(2) of this section, such information may be shared with an issuing agent in order to correct and prevent mistakes and criminal activity.**

If a person who is the subject of a vital event record or his or her authorized representative wishes to obtain access to confidential information associated with a record, they must complete an application form provided by the Vital Records Office of the Department of Health and establish their identity by providing a valid government-issued identification document or alternate means of identification. The identification must be presented at the time the application for confidential information is submitted.

When a person requests access to confidential information from a Vital Record, the following steps should be followed:

1. Provide the applicant with the Department of Health application form to complete.
2. After the application is complete, the Issuing Agent is responsible for reviewing the application to ensure:
  - A.) The applicant is eligible to access confidential information from a Vital Record;
  - B.) The application has been completed in full;
  - C.) The application is signed and dated; and
  - D.) The application is accompanied by a form of valid identification.

If the applicant does not meet all the criteria above, the application should be rejected, and the applicant referred to the Vital Records Office.

3. The application should be emailed to the Vital Records Office at the [VitalRecords@vermont.gov](mailto:VitalRecords@vermont.gov) along with a photocopy of the identification.
4. The Vital Records Office will respond directly to the applicant within three business days of receiving the request for confidential information.
5. A copy of the application should then be filed and stored according to the administrative procedures of the issuing agent and the retention and disposition requirements established by the Vermont State Archives and Records Administration (VSARA).

Note: Confidential information associated with a record is not accessible via the electronic Vital Records Issuance System and therefore all requests for confidential information must be routed to the Vital Records Office.

### **XIII. PHYSICAL REQUIREMENTS FOR SECURE STORAGE OF VITAL EVENT CERTIFICATES**

#### **Definitions:**

- **Custodian:** refers to 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.
- **Designated Area:** refers to an area that is sufficiently distinct from areas where materials used to create certified vital records are located. A designated area allows the public to know where they may review the records and gives town officials an easy way to determine that an individual is in an appropriate space to view the records.
- **Secure Facility:** refers to practices and procedures implemented to protect birth and death certificates and the materials used for creating certified copies of birth and death certificates. Namely, the protection of security paper, computers used to access the statewide registration system, and the town seal. For example, “secure” means that certified paper is not left in a printer overnight, or a computer with access to the statewide system can only be accessed by personnel employed, or approved of, by the municipality. The Department’s understanding is that this is common practice, given the nature of the materials, and this procedure doesn’t ask more of towns than their current exercise of caution.

Custodians of vital records are required to follow guidelines related to the security of the records on file at their office. 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:

- Contains appropriate sensor, warning systems, or controls in place to monitor for fire, smoke or other emergencies

- Contains a fire suppression method, which may be dry or wet suppression, and/or fire extinguishers;
- Is a secure facility;
- Employee workspace is separated from the public, such as by service counter, service window, locked door, or another physical barrier;
- 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 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; this does not require non-employees be accompanied or monitored throughout their stay. If cleaning is done during non-working 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;
- 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 kept in a locked, secure area or cabinets accessible only to the town clerk and their designees;
- 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. Visitors should never have unlimited access to tools used to create certified birth and death certificates that would allow them to commit fraud.

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. Examples of reasonable precautions and safeguards include:

- Antifraud paper used for printing certified copies will be put in the tray of the copier only when certified copies are being printed; excess paper will be removed and returned to secure storage when printing has been completed.
- Town clerks and other custodians will ensure that birth and death certificates, and antifraud paper will not be left on counters, desktops, or other workstations.
- Voided certificate documents, including antifraud paper that has been voided due to damage or misprint, will be stored in a locked/secured area until secure shredding takes place.

#### **XIV. STATE REGISTRAR AUDIT PROCESS FOR TOWN CLERK COMPLIANCE**

The State Registrar may audit town offices that store or issue vital records to determine compliance with the requirements of vital records filing and reporting.

- Audits can be helpful tools for reviewing operations and assisting with issues, questions or concerns on a one-to-one basis when factors such as staff turnover, limited training opportunities, new technologies, and statutory and regulatory changes leave the town offices under-informed about reporting and other requirements for vital events.
- Town offices may be prioritized for audit when the:
  - State Registrar receives a complaint or concern directly or through a constituent
  - State Registrar receives repeated questions from a town office and believes assistance is needed
  - Town office is unable to attend statewide training or experiences staff changes

While the exact date of the audit will not be provided, notice will be sent to the town clerk at least 30 business days in advance of the Registrar's onsite visit.

- An audit checklist with criteria for meeting/passing an audit will be included with the notice. Audits will address the following areas: compliance with filing and reporting requirements related to vital events and meeting physical requirements and security standards for storage of vital events and related supplies.
- Within 15 business days of an audit the State Registrar will provide the Town Clerk with a written summary of the audit findings, including notification of meeting/passing or failure of the audit. In the event of audit failure, reason(s) for the failure will also be provided along with the process for acceptance or appeal of the audit findings.
- Follow-up audits will be completed in the following situations: a town office fails an initial audit and their appeal is denied OR a town office fails an initial audit and does not file an appeal. In both situations, the State Registrar will complete a follow-up audit within 30 days of the town's final determination of a failed audit status via a denied appeal or the decision not to appeal the initial finding. The process and criteria used for completing the follow-up audit will be the same as the initial audit.
- After a failed follow-up audit, the town office may be asked to temporarily cease issuing certified copies of vital records while the audit findings are addressed and resolved. The State Registrar will complete additional audits every 30 days until the town meets/passes the audit.

In addition to participation in audits by the State Registrar, Town Clerks are required to complete self-audits annually and submit results to the State Registrar.

- The State Registrar will distribute to Town Clerks a checklist for use in completing a self-audit.

## **XV. FEES**

Town clerks are entitled by statute to collect set fees for issuing marriage licenses and vital event certificates. Refer to:

- 32 V.S.A. §1712
- 18 V.S.A. § 5017

**XVI. PRINTING VITAL EVENTS IN TOWN REPORT (18 V.S.A. § 5006)**

Towns **MAY** publish nonconfidential information and statistics concerning births, marriages, and deaths of residents during the preceding calendar year in the annual report.

- Reports for births and deaths may be printed from VRIMS. Refer to VRIMS User’s Guide for instructions.
- Upon request, the State Registrar shall furnish a town clerk such information and statistics.

**XVII. VERMONT HEALTH DEPARTMENT RESPONSIBILITIES (18 V.S.A. § 5000)**

Vermont laws define the vital registration system. These laws provide for the Commissioner of Health to designate a member of the Health Department as the State Registrar.

The State Registrar and the Vital Records Office Staff provide consultation to town clerks, hospital personnel, licensed health care professionals, midwives, funeral directors, clergy, probate judges, and all other persons involved in vital records for the purpose of promoting uniformity of procedures in order to promote the complete, accurate, timely, and lawful creation, registration, processing, modification, and disclosure of vital records.

The State Registrar shall:

- Administer the Statewide Registration System;
- Provide for the preservation and security of the official records of the Office of Vital Records, and for the matching of birth and death records in order to prevent the fraudulent use of birth and death certificates;
- Promote uniformity of policy and procedures pertaining to vital records and vital statistics throughout the State;
- Prescribe the contents and form of reports, certificates, and related applications and documents;
- Maintain a Vital Records Alert System in order to track and prevent misrepresentation, fraud, or illegal activities in connection with vital records.
- Implement audit and quality control procedures as necessary to ensure compliance with vital records filing and reporting requirements;
- Prescribe:
  - the contents and form of applications for a certified copy of a birth or death certificate;



- the manner in which vital records shall be submitted;
- physical requirements and security standards for storage of vital event certificates and related supplies;
- the manner in which the Department of Public Safety shall furnish lists of missing and kidnapped children to the State Registrar; and
- procedures governing the public's inspection of birth and death certificates;