

Act 46 – Changes to Vermont’s Vital Records Law

Frequently Asked Questions

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Certified Copy Requests

1. Will the Health Department’s Office of Vital Records be creating and providing a template form to use for applications of certified copies of birth and death certificates?

Yes. We will provide a template that all issuing offices may provide for applicants. We will make it available online and printed copies.

2. Are we required to use the template form provided by the Vital Records Office or can we use our own?

You are not required to use the template, but any alternate form that you use must be reviewed and approved by the Vital Records Office. This is to ensure that any alternate forms capture all the required information and contain the necessary legal statements for the applicant to read.

3. Is the applicant required to sign the application form when requesting a certified copy of a birth or death certificate?

Yes. For security and legal purposes, the application form will require a signature and date by the applicant. If the applicant refuses or signs as a different person than what was shown on his/her identification, then the application is to be rejected and the applicant can be referred to the Vital Records Office with any questions or appeals.

This only applies to paper application forms. The public already has (and will continue to have) the ability to submit applications online, which go directly to the State of Vermont for processing. The

application online will require the new items that are on the paper application form (e.g. type of identification, ID number, expiration date of ID).

4. What proof of relationship is necessary for an applicant to obtain a certified copy of a birth or death certificate?

Proof of relationship of the applicant to the person listed on the certificate is not required by the law. The applicant must indicate the type of relationship (e.g. parent, sibling, grandparent, legal guardian) on the application form, but there is no verification of that relationship. Issuing offices are not responsible for verifying the relationship stated on the application. There is no liability to town clerks, Vermont State Archives Records Administration (VSARA) or the Vital Records Office if someone provides relationship information and later discovered to have provided false information.

The purpose for including and collecting the relationship information is to prosecute fraud cases in which the applicant obtained a certified copy, but was not legally entitled to receive the copy.

The issuing offices' responsibilities are limited to assuring that the application has been completed in full prior to acceptance and verifying some pieces of information. There would only be liability if the application form was accepted without the required information.

5. What proof of identity is necessary for an applicant to obtain a certified copy of a birth or death certificate?

Applicants are required to provide an approved identification document to show they are the requestor. A final list of approved identification documents will be available by June 2018. There will also be a process for confirming the identity of people who may not have an approved identification document (e.g. lost items in a flood).

6. What are town clerks, the Vermont State Archived Records Administration and the Vital Records Office responsible for when gathering identification documents?

Town clerks, the Vermont State Archives Records Administration and the Vital Records Office are responsible for:

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

If either of the three conditions above 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.

Town clerks, the Vermont State Archived Records Administration and the Vital Records Office are **not**:

1. Responsible for confirming or validating the legitimacy of an identification document
2. Liable if an identification document used on an application is later found to be fraudulent

7. What should town clerks do if an applicant presents an ID that is obviously forged?

If an applicant presents an obvious forgery, the application should be rejected, and the applicant can be referred to the Vital Records Office with any questions or appeals. There is no liability to town clerks, VSARA or the Vital Records Office if someone provides an ID that is later discovered to be fake. All liability rests with the applicant.

8. What kind of identification is required for applications sent by mail?

Applications submitted by mail must be accompanied by a photocopy of the applicant's ID. If the photocopy is not provided, or if it doesn't match the information on the application, the application should be rejected. The applicant can be referred to the Vital Records Office with any questions or appeals.

9. Will everyone need to complete an application form, including funeral directors or other people that we know personally and can vouch for their identity and need for the certified copy?

Yes, everyone must complete an application form. All applicants must provide the same required information.

10. Can certified copies of birth and death certificates be obtained from any town clerk's office, regardless of whether that town was the town of residence or occurrence? (For example, the birth occurred in Burlington, and the residence town was Winooski. Could a certified copy be obtained from Williston?)

Yes. The law allows the applicant to obtain a certified copy of a birth or death certificate from any town, regardless of where the birth or death occurred, or where the person was a resident. Town clerks and VSARA will be using the centralized statewide system, which contains all birth and death certificates, thereby allowing access and printing of any certificate.

11. Will a funeral director be able to obtain a certified copy from a town that is not the resident town?

Yes. The law allows the applicant to obtain a certified copy of a birth or death certificate from any town, regardless of where the birth or death occurred, or where the person was a resident. Town clerks and VSARA will be using the centralized statewide system, which contains all birth and death certificates, thereby allowing access and printing of any certificate.

12. Will an executor or administrator designated by probate be an approved requestor?

Yes. The law specifically states that a person designated by the court can obtain a certified copy.

13. Will researchers be able to obtain certified copies?

No. The generic category of "researchers" – such as genealogists – are not allowed to obtain a certified copy of a birth or death certificate. The exceptions are if they have a family relationship (e.g. parent, sibling, grandparent) or are acting as a court-appointed legal representative to act on behalf of the family.

"Researchers" generically refers to anyone who wants a certified copy for their own purposes, interest or for-profit activity, that is not allowed by the law. For example, a faculty member from a university

who is conducting “research” on persons who died from cancer is a “researcher” and not allowed to obtain a certified copy. (However, “researchers” are allowed to obtain noncertified copies.)

Complaints or requests for appeal can be referred to the Vital Records Office.

14. Will records be kept of those who have requested and received certified copies?

Yes. A history will be stored of the application in the centralized statewide database maintained by the State Registrar. This includes applications for pre-1909 records.

15. Will the application form be required for requests of certified copies of a pre-1909 certificate?

Yes. The application is required for all certified copies of birth and death certificates, regardless of the original date.

16. Will town offices be required to keep the application form in storage after all of the information is entered in the system?

Yes. The paper application form needs to be kept for a period of time. The Vital Records Office is working with the Vermont State Archives Records Administration to determine both retention and disposition requirements, which will likely be relatively short (i.e. six or 12 months). Since the new statewide system will permanently maintain the history of each request, the database will retain enough information to serve as evidence in any legal proceedings. The Vital Records Office will provide a procedures manual that will clarify the retention process.

17. How much will certified copies cost?

The fee for certified copies remains unchanged.

18. Do towns get to keep the certified copy fees?

Yes. There is no change.

19. How will town clerks and assistant town clerks be signing the certified copy? As “Town Clerk/Assistant Town Clerk” or “Registrar/Assistant Registrar”?

Beginning July 1, 2018, the new statutes clarify that there is only one “registrar” for the state. Town clerks are “issuing agents”, which are parties that have legal authority to access, search, print, provide and charge for copies of the certificates.

For example, after July 1, 2018, birth certificates will be registered at the Vital Records Office, and there will no longer be a place for a town clerk’s signature. When you issue a certified copy, it should be your title (either Town Clerk or Assistant Town Clerk).

20. What seal should be used on certified copies? The Town Seal, the Town Clerk Seal, or a State Seal?

Notary seals are never to be used on certified copies. There are two options for using a seal on certified copies:

Use a town seal that does not include the town clerk’s name, and ensure all documents are signed by either the town clerk, assistant town clerk or another designated assistant clerk per state statute, or;

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

21. If the new rules require each town to have a seal that does not have the town clerk's name on it, who is responsible for that cost if a new seal need to be purchased??

It would be the responsibility of the town to obtain a town seal. There will be the opportunity for towns to comment on the draft rules.

22. By law, Town Clerks must appoint "Deputy Registrars" for burial transit permits when our office is not open. Are Town Clerks "Registrars"?

Burial transit permits are not certificates. The burial transit permit serves a different purpose, and has its own requirements and procedures separate from that of certificates. A "deputy registrar" for a permit isn't the same as a registrar for vital Records certificates.

Birth Certificate Changes

23. Will the birth certificate format, content or size be changing?

Yes. The content of birth and death certificates will be changing due to the requirements of the new law. Some items will be removed. The layout of the birth certificate will likely be similar to that of the death certificate and drop the current "boxes" layout.

The actual size of the birth certificate will not change.

24. Will Town Clerks register home births? Any type of births?

No. As they do now, midwives will send the birth worksheet to the Vital Records Office for data entry. Once entered, it will become "registered" and available in the centralized statewide system for all town clerks to access. Additionally, there are no plans to give midwives access to the Electronic Birth Registration System due to security concerns of the computers and software in their home environments.

Date regarding hospital births will be entered by hospital staff into the Electronic Birth Registration System, reviewed by Vital Records Office, and then "registered" and available in the centralized statewide system for all town clerks to access.

In other words, towns will not be "registering" any birth certificates. The data will flow directly to Vital Records Office and registered. An electronic notification will be sent to the town clerk's email to notify of a new birth or death, or of a correction or amendment of an existing birth or death certificate.

25. How will home births be registered if there is no midwife in attendance?

In the very rare event of a birth without a skilled attendant present, the Health Department sends a public health nurse to the home to check on the health of the baby and mother, offer a variety of services, and gather the information for the birth certificate. The nurse brings the information back to Vital Records Office to enter the data and register the record in the statewide system.

We also have the occasional birth in which someone other than a midwife attended, such as a family member, neighbor or friend. In those cases, the Vital Records Office talks with the person who was in attendance, gathers the information, and data enters it in the system.

26. Will there be changes to the deadline for registering births?

The current law requires registration of a birth within five calendar days. The new law changes this to five business or working days. In other words, a weekend or holiday does not “count” when calculating the registration deadline.

Noncertified Copy Requests

27. What is a noncertified copy?

This is what you may typically have called “an informational copy.” It is not printed on the security paper, does not contain a raised seal, and cannot be used for legal purposes. It will be issued from the centralized statewide system on plain paper.

28. Will an application be required to request a noncertified copy?

No. There are no limitations to who may obtain a noncertified copy. With the new statewide system, town clerks will be able to print noncertified copies without an application.

29. How much will noncertified copies cost?

The fee for noncertified copies remains unchanged.

30. Do towns get to keep all of the noncertified copy fees?

Yes. There is no change.

31. May a town clerk make a photocopy of a paper version of a birth or death certificate that is stored in their vault?

Yes. Town clerks may still make a photocopy of the birth and death certificates that are stored in their vaults, and the requesting party does not need to complete an application form. Additionally, that copy would not be entered into the centralized statewide system. This photocopy is neither a certified or noncertified copy, and falls outside of the law’s requirements.

The town clerk should not stamp that photocopy with anything since it has no legal purpose or benefit. It is not considered as a noncertified copy since those can only be printed from the centralized statewide system, which holds the most recent version. (That photocopy of the paper version may not be the most up-to-date version.)

32. Why might a requesting party want a photocopy of the paper version stored in the vault?

The centralized statewide system contains most of the information that exists on the paper versions. However, the system does not contain everything. For example, the centralized statewide system might not contain “plurality” (child was a single birth, twin, triplet, etc.) and therefore a certified or noncertified copy will not show that piece of information. But, a member of the family may want a copy

of the original certificate that shows that piece of information. Therefore, a photocopy of the paper version is allowable.

Marriage Certificates

33. Since copies of birth and death certificates will be produced from the centralized statewide system and it will be tracking the security paper numbers, how will the numbers be tracked for marriage certificates?

Copies of marriage certificates won't be produced from the centralized statewide system. The Vital Records Office is developing the tracking and inventory system now, and will share the proposed system with stakeholders as soon as possible.

34. Will the application form be required for the pre-paid marriage license copy when it's issued after the license is filed?

No. Requests for copies of marriage certificate will not be entered into the system. Town clerks' processes for handling marriage licenses and certificates will be unchanged except for the tracking of the security paper used to make copies.

Divorce Certificates

35. What will happen with divorce certificates?

Divorce certificates will continue to only be managed at the state level by VSARA and the Vital Records Office.

Centralized Statewide System

36. Will there be any charge to the towns to use the centralized statewide system or a software purchase cost?

No. All towns (except those that choose to "opt out") will be given usernames and passwords to the centralized statewide system and will be trained and supported by the Vital Records Office staff at no charge.

37. Will any software need to be installed or downloaded to our computers?

It is unlikely that towns will need special software as a result of this law, but this decision isn't final. If you are currently able to use the Electronic Death Registration System (EDRS), you probably won't need anything new for your computer. The exception could be Adobe Acrobat, which is typically a free download. The goal is to keep these processes web-based rather than introduce any new software.

38. What will the centralized statewide system contain?

Starting July 1, 2018, the centralized statewide system will contain all birth and death certificates from January 1, 1909 to present. Any town will be able to search and find, review and make copies of any birth or death certificate from that period.

The statewide system will have some additional search capabilities and some restrictions will be removed.

The public will be provided with an electronic method for searching the birth and death certificates from the Health Department's web site. This will allow the public to identify a specific town in which the paper version of certificate is stored and could be viewed. However, the search function will not provide the public with the ability to see all the information that is stored within the centralized statewide system or that exists on the paper version.

39. Will we be able to search for death certificates for deaths that occurred before 30 days prior to the search?

Yes. To print a certified copy, it is not limited to a one-month span. A user will enter a variety of information, but the date of death can be any date, and it searches the entire database. So, a person could request a death from two weeks ago or twenty years ago, and the search will come back with a list of the most likely matches.

Searching only by name will not be possible.

40. What information will be needed to query for a death certificate?

Searches must be performed with both a name and date of death. Otherwise, the database would likely return hundreds or thousands of matching names. However, there are cases in which the date of death is only partially known, such as only the year of death. The Vital Records Office is investigating how the search and printing functionality may need to be adjusted so that towns can find the correct record and print a copy.

The new law specifies that an applicant must know and provide enough information to identify the requested certificate. This means the applicant must be able to provide the name and specific date. In other words, the statute doesn't allow for extensive searching based on limited information. If someone cannot identify the name and very close to an exact date, then there is no guarantee that the applicant has a legal right to the copy.

In addition to the public search ability mentioned earlier, the public may also use Ancestry.com with free access via the [Vermont Library system](#). That option can help a person do the research necessary if they don't know the exact date or name.

Storage and Vaults

41. Will the vaults and/or offices be inspected by Vital Records staff?

The statutes allow for audits by the Vital Records Office to ensure compliance with the law and rules. However, there will not be any audits prior to July 1, 2018. After that date, an audit would happen only if the Vital Records Office had concerns about the integrity of the vital Records documents or the materials used to create copies, such as security paper. Such concerns would be discussed with the town before considering any on-site audit and advance notice would be provided.

42. Will town clerks keep the existing paper birth and death certificates from previous years?

Yes. All existing paper versions of birth and death certificates are required to be maintained for viewing by the public. However, the actual location for storage (either at the town vault or at State Archives) would be determined by the town and VSARA.

43. For new birth and death certificates that are created on or after July 1, 2018, must a paper copy be printed and kept in the vault?

There is no requirement for towns to keep paper copies of birth and death certificates created on or after July 1, 2018. It is up to town clerks to decide if they want to continue doing this as a service for the public. There is nothing in the new law that prohibits a town from doing so.

44. Our town doesn't have a vault. Will we be prohibited from the centralized statewide system and making copies for the public?

No. The Vital Records Office will address this in rule-making this winter and will ensure there is language allowing towns to continue to be part of the centralized statewide system even if they lack a vault so long as certain precautions are in place. Those precautions will be described in the rules and there will be an opportunity for clerks to provide feedback.

Other / Miscellaneous

45. How will the public be notified about these changes?

The Health Department will share information so that the public is aware of these changes prior to the law going into effect on July 1, 2018.