

VERMONT2010

Access to Birth and Death Certificates: Recommendations for Legislative Changes

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SUMMARY

The original legislative request for compilation of this Vital Records' Office status report was to discuss the public's access to death certificates. However, the past twelve months have seen an increasing need to conduct a full review of all statutes governing registration and access to vital events' documents in Vermont.

1. As the number of "open records" states for birth and death certificates decrease, persons who engage in identity theft and fraudulent activity utilizing birth and death certificates will shift their activities to the few remaining open records states that have no limitations for access or appropriate tracking and security.
2. The complaints from Vermonters (and former Vermonters) who have their copies of birth and death certificates rejected by other states and federal agencies will continue to grow until Vermont adopts national standards and implements electronic vital events' systems.
3. The labor cost to maintain Vermont's paper-driven processes and decentralized model for birth and death certificates will continue to increase unless the statutes are streamlined and allow for new technology.

For these reasons, this is a critical time to carefully consider a revision for many of Vermont's vital events' statutes and to adopt the national Model Law with appropriate modifications to reflect Vermont's unique history and experiences.

BACKGROUND

A) Establishment of the Vermont Vital Records' Office

In Vermont, statewide vital events' registration began in 1857, when the General Assembly passed a bill requiring that towns report to the Secretary of State all births, marriages, and deaths occurring in their jurisdiction. Prior to that time, some towns kept such records in order to resolve questions concerning the distribution and inheritance of property. "Vital records," particularly death records, gradually became recognized as an important tool in studying the location and spread of epidemics. In 1896, the Legislature transferred responsibility for the vital records and statistics system to the newly formed Board of Health, the forerunner of the Vermont Department of Health (VDH). The VDH has retained this responsibility to the present day.

Until recently, the Vermont vital records program included six types of vital events: **births, deaths, marriages, divorces, fetal deaths, and abortions**. In 2000, with the passage of Act 91, the establishment and dissolution of **civil unions** and **reciprocal beneficiaries'** relationships were added. This was followed by the Marriage Equality Act in 2009 that established civil marriages, thereby replacing the civil unions' statutes.

Today, the Vital Records' Office is located at 108 Cherry Street in Burlington, Vermont. The Office works in partnership with the Vermont State Archives and Records Administration (VSARA) to ensure access and storage of all vital events' documents. The two offices collaborate on several projects, including a digitalization of all vital events' certificates for storage, retrieval, and printing.

The Vital Records' Office works in conjunction with numerous reporting sources and partners statewide. On a daily basis, the Office works directly with more than 900 statewide partners:

- 14 Hospitals
- 136 Funeral Directors
- 500 Physicians / Midwives
- 246 City / Town Clerks
- 32 Courts (18 Probate and 14 Family)
- 2 Federal Agencies: Centers for Disease Control (CDC); Social Security Administration (SSA)
- 3 State Agencies: Department of Children and Families (DCF); Department of Disabilities, Aging and Independent Living (DAIL); Secretary of State's Office (SOS).

The Vital Records' Office serves as one piece of a nationwide system of vital events' reporting to the Centers for Disease Control (CDC). In 1979, the Office was reorganized to sit within the VDH's "Center for Health Statistics" under Executive Order #35. This established the Vermont Vital Records' Office as a recipient of federal funds (the Vital Statistics Cooperative Program), which supports approximately 35% of the Office's operational budget. The remaining 65% is supported by state general funds.

B) Responsibilities / Activities

The Vital Records' Office serves two equally important missions:

Public Access Mission

To provide access to vital events' documents that will enable the public to prove citizenship, access public services, and provide a familial historical record.

Public Health Mission

To collect, analyze, and report public health data that will inform State programs on how to plan and allocate limited resources to address the demand for emerging health needs.

The Vital Records' Office is responsible for the registration, processing, and reporting of all vital events in Vermont: births, deaths, fetal deaths, marriages, divorces, civil unions, dissolutions, and induced terminations of pregnancy. Depending on the vital event, various entities report these vital events to the Vital Records' Office, including: physicians, hospitals, clinics, midwives, town clerks, funeral directors, and courts. During a normal calendar year the Office processes and registers:

- 6,200 births
- 5,000 deaths
- 5,500 marriages
- 2,200 divorces
- 40 civil union dissolutions
- 30 fetal deaths
- 1,600 induced terminations
- 1,500 court orders (e.g., adoptions; name changes; etc.)

Vermont's vital records program differs from many other states in that it must document divorces, abortions, and the dissolution of civil unions and reciprocal beneficiary relationships. These are not common activities for all states.

The Office issues approximately 1,500 "certified copies" of documents each year, which serve many purposes:

- **Birth Certificate**
 - Obtain a Social Security Number
 - Obtain state or federal benefits (e.g., Medicaid)
 - Obtain a U.S. Passport
 - Proof of citizenship
- **Death Certificate**
 - Close financial accounts
 - Prove inheritance rights
 - Obtain survivor's benefits

- Support court proceedings / investigations
- **Marriage / Civil Union Certificate**
 - Proof of decision-making power in medical situations
 - Access state benefits
- **Divorce / Dissolution Form**
 - Dissolve shared financial and legal responsibilities

The Vital Records' Office is contacted on a regular basis by researchers that seek access to the birth and death records. Examples include:

- **Genealogists:** Access to birth and death certificates to research family history.
- **Academics:** Access to death certificates to study the characteristics of specific causes-of-death.
- **Press / media:** Access to death certificates to investigate public issues and contact involved parties.
- **Government:** State and federal agencies conduct a variety of research and investigations, therefore requesting access to death certificates.

As stated earlier, the Vital Records' Office was placed under the oversight of the VDH in 1896 due to the significant role that these vital events play in the planning and implementation of public health programs. Over 97% of Vital Records' operations in the country are located within the respective state's Health Department. This is because health departments are experienced with protecting confidential medical information, providing services to the public in a timely manner, and utilizing information for public health planning and outreach. The Vital Records' Office is best aligned with the VDH because of the public health facet of vital events. Examples of the public health role include:

- **Birth Records**
 - Identify growing needs for maternal and child health programs to address: low birth weight babies; birth defects; complications of birth for mother and / or child; etc.
 - Track and forecast the number and type of events that will require increased health care or educational resources.
 - Report on the health status of mother and children based on region of the state, demographic characteristics, and health outcomes.
- **Death Records**
 - Monitor for deaths related to potential pandemics that may be diffused across the state, and enhance influenza surveillance;

- Identify causes-of-death and emerging diseases that need to be addressed: heart disease; cancer; chronic obstructive respiratory diseases; accidents; stroke; etc.
- Support the VDH's public health investigations into specific regional or community concerns: cancer; suicide; drug overdoses; etc.
- Report on the health status of all Vermonters based on region of the state, demographic characteristics, and health outcomes.

Without access to birth and death records in a timely manner, the VDH would be unable to plan for the state's regional and community health needs (e.g., Blueprint; Fit & Healthy) or respond effectively to community concerns (e.g. cancer deaths; drug overdoses; suicides).

Also, other state and federal agencies depend on the VDH to provide timely support and access to the vital events' records. For example:

Vermont Department of Education

- Births are used to create population estimates and forecast the number of children to be enrolled in schools. (This data has proven to be more accurate than the U.S. Census estimates.)

Vermont Department of Children and Families

- Births are used to assess eligibility of mother and child for state assistance / benefits.
- Births are used to identify parental rights in child custody, child support and other court proceedings (e.g., Office of Child Support).

Social Security Agency

- Deaths are used to inactivate Social Security Numbers in order to prevent fraudulent use (e.g., misappropriation of Social Security checks).

National Center for Health Statistics

- Births and deaths are used to identify emerging health concerns, nationally and regionally, for the overall population or specific demographic groups.

We also receive requests for assistance from the Veteran's Administration, Consumer Product Safety Commission, and various environmental agencies. All of these requests have a legitimate, public health purpose for accessing the vital events' records in a timely manner.

C) Current Status of the Vital Records' Office

The Vital Records' Office currently employs one supervisor and 4 FTE support staff, for a total of 5 FTE's to handle approximately 22,000 events per year. This is a rate of **4,400 events / documents** per 1 FTE. We believe this is one of the highest ratios for events processed compared to number of staff in the country. Meaning, our Vital Records' Office processes more events and requests, with fewer staff and less technology, than many other states.

The Vital Records' Office is supported by a combination of federal and state general funds. The National Center for Health Statistics (NCHS) provides approximately \$120,000 annually, which supports 35% of the Office operational budget. The state general fund pays for the remaining 65% of operations. The Office generates very little income from fees due to the comparatively low charge of \$10.00 per certified copy. The fee in more than 40 other states is higher than Vermont's, averaging between \$20 to \$25, per copy.

The majority of certified copies of birth and death certificates are produced at the city / town clerk level. In any given year, the Vital Records' Office may issue approximately 1,500 to 2,000 certified copies. Also, the Vermont State Archives and Records Administration (VSARA) issues approximately 6,500 certified copies from their facility in Middlesex, VT. However, the majority of people visit the city / town offices to obtain a copy. In an average year, the cities and towns issue a combined 95,000 to 100,000 copies.

Staffing for the Vital Records' Office has been a challenge in recent years due to the very low pay grades compared to private sector positions. The Vital Records' Office currently employs:

- 1 Vital Records Supervisor
- 1 Administrative Assistant
- 3 Clerks / Data Entry Operators

In the past 18 months, the Office has required the use of temporary assistance borrowed from other State offices to assist in meeting state and federal requirements for timeliness. In turn, this has caused a strain on the offices lending assistance. Also, it should be noted that the Vital Records' Office lost a full-time position in the workforce reductions in 2000 and a limited, half-time position ended in 2009. This equates to a 23% reduction in the staffing of the Office while their workload has increased by at least 20% during the same time period.

There are several existing challenges for sustainable operation of Vital Records, as well as several new challenges quickly approaching. These include:

- Growing number of court orders (e.g., adoptions; name changes; etc.) – an approximate 15% - 20% increase in volume in recent years;
- National standards and federal requirements for centralized operations, electronic communication, and integration with other information technology systems;
- Loss of historical knowledge / expertise approaching within the next two years from expected retirements of 50% of the Office staff;
- New reporting requirements from the NCHS for continued federal funding.

Despite these existing and forthcoming challenges, the Vital Records' Office has been engaged in several "re-engineering" projects to slowly replace the antiquated, typewriter and paper-driven processes with computerized systems and electronic communication. Much of the work is ongoing, but examples include:

- Implementation of an **Electronic Birth Reporting System (EBRS)** with hospitals. This replaced a portion of the paper process for 80% of Vermont's births.
- Development of an **Electronic Death Reporting System (EDRS)** with physicians, funeral directors, and city / town clerks. Development began in 2007 and implementation started on July 1st, 2008. Once the EDRS roll-out is complete, the system will replace the current paper process by early 2011.
- Implementation of electronic reporting of induced terminations of pregnancy (abortions) with Planned Parenthood of Northern New England. The electronic reporting replaces the paper process for 80% of abortion reports. This is expected to be implemented in 2011.

However, even with the success of these ongoing re-engineering activities to make the operations function more efficiently and quickly, there are obstacles that require legislative support to overcome. **There are statutory limitations that are holding back or limiting implementation of more efficient, cost-effective systems, and this report presents recommendations for modifying the statutes.** This is perhaps the largest challenge for the Office: operating in a timely and accurate manner to meet the needs of Vermonters, while carefully monitoring and protecting the privacy of families and individuals.

As an "open records" state for access to birth and death certificates, Vermont does not require a person who requests to view or receive a copy of a vital record (e.g., birth or death certificate) to produce proof of identity or to show a need for the certificate. Anyone in the world can request and receive the vital record of a person who was born or died in Vermont. This puts Vermont in a rapidly shrinking minority of states with such open access. In the past five years, many states have enacted restrictions that either:

- Completely close (limit) access to birth and death certificates to only the individual, the family member, or a legal guardian, or
- Establishes a public version and a confidential version of the birth and death certificates, which allows only the individual, the family member, or a legal guardian to access the confidential version and obtain a certified copy for legal purposes.

These steps have been taken in other states to reduce the potential for fraud and identity theft, as well as protect the privacy of the individual and family. Currently, the status in the other states and jurisdictions is:

Birth Certificates

Open Records	4	This is a decrease from 15 states as recently as 2004.
Closed Records	49	

Death Certificates

Open Records	11
Closed Records	42

The numbers total to more than 50 since they include all 50 states, plus the separate jurisdictions of Puerto Rico, New York City, and Washington, D.C.

The recommendations for limiting access to Vital Records' certificates are discussed in greater detail in the **Approaches for Revising the Vermont Vital Records' Statutes** chapter.

D) Current and Forthcoming Federal Regulations

The world of Vital Records and vital events' registration is experiencing the most significant period of change since churches and towns first began collecting the records some 200 years ago. The changes are the result of many factors:

- Technology: pencil to typewriter to computer; file cabinets to databases; encryption / security; etc.
- New / Expanded Laws: surrogacy; parentage rights; same-sex couples; identity theft; access to federal / state benefits; etc.
- Fraud / Theft / Terrorism: proof of citizenship; "breeder" document to obtain driver's license and U.S. Passport; access to federal / state benefits (illicit use); etc.

As a result, all Vital Records' Offices in the country are grappling with how to swiftly change their business processes to ensure compliance with emerging regulations, policies, and national standards. Many states have already made significant changes to their statutes that control who, when, and how an individual may access or receive a birth or death certificate. Also, many have implemented electronic systems with a variety of security precautions. Vermont has been extremely limited in what steps can be taken due to our open records status for birth and death certificates.

As states and federal agencies enact more stringent rules and policies for what is considered an acceptable birth or death certificate, it creates new problems for Vermonters. Without similar changes made to Vermont's statutory authority and vital events' documents, more Vermonters will find that their certificate copies are not accepted by other states or federal agencies when issued by a local town office. There are a growing number of cases reported to our Vital Records' Office and to the city / town clerks that Vermont's certified copies are being rejected, thereby complicating the ability of individuals to obtain driver's licenses and passports and to apply for jobs.

For example, the State of Colorado will not accept certified copies of Vermont certificates issued by a Vermont city / town clerk. That state's agencies will only accept certified copies issued by the Vital Records' Office and VSARA due to concerns about the potential for fraud / theft at the local level. This rejection of Vermont's certificates is not limited to Colorado state agencies and is becoming an increasingly frustrating and expensive delay for Vermonters who move to other states. The problem will become worse in the near-term as more states' agencies begin to reject copies of Vermont certificates based on the same concerns. (It has been reported that Georgia and Alabama state agencies are beginning to refuse Vermont's certified copies when issued by a local town office.)

The most significant regulations, policies, and standards from the national level that are currently affecting our operations – and will increase during the next two to three years – are briefly described below.

1. Intelligence Reform and Terrorism Prevention Act of 2004

The Intelligence Reform and Terrorism Prevention Act of 2004 directed the Secretary of Health and Human Services to establish by rule a variety of requirements that would directly impact states' Vital Records' Offices. For example:

- New standards for format and content of birth certificates;
- Security requirements, including anti-fraud devices for paper (certificates) and building security;
- New software systems for proof and verification of people's identities before issuance of vital event documents;
- Limitations and / or closure of access to vital events' documents (e.g., closure of "public record" states as it relates to birth and death certificates).

The impact to Vermont would be greater than most states since their laws already incorporate many of the above-described restrictions and controls. Vermont statutes do not allow our Vital Records' Office to implement many of these potential requirements. For example:

1. Vermont statutes prohibit us from requiring information about a requesting party for a copy of a birth or death certificate. This would be considered an impediment to accessing an open record.
2. Vermont statutes require us to allow anyone in the world to access birth and death certificates and obtain a copy with no limitations. Otherwise, we would be impeding access to an open record.
3. The Vital Records' Supervisor does not have clear, established authority to implement audits or business controls to ensure that records maintained at the local level (town clerks; hospitals) are secure from fraud and identity theft activities.
4. The Vital Records' Office is limited by statute from implementing more secure and efficient systems and processes for the collection, reporting and tracking of vital records' documents. This is due to the decentralized model with overlapping authority among many parties in the statutes, leaving little clarity as to which party or organization makes the final determination as to systems and methods.

These limitations and weaknesses do not exist in the vast majority of other states, which allows them to prepare and implement changes that secure their records and reduce the potential for fraud and identity theft, and thereby meet the national standards and federal regulations. Therefore, significant changes to the Vermont statutes would be required in order for the Vital Records' Office to develop and implement safe, secure vital records' management systems to protect Vermonters.

As of this writing, the U.S. Department of Health and Human Services assigned rulemaking for the federal vital records regulations to the Centers for Disease Control and Prevention and its National Center for Health Statistics (NCHS). The draft rules are currently in development and have not yet been released for public comment.

2. The Real I.D. Act of 2005

The Real I.D. Act of 2005 primarily relates to drivers' licenses, and therefore, a variety of rules for the states' Department of Motor Vehicles. However, the Act also requires every Vital Records' Office to:

- Create a central database that contains the information from every birth and death certificate registered in the last 75 years. For the State of Vermont, this requires the data entry of 1.4 million paper documents, many of which were hand-written prior to 1950.
- Implement software that will connect the database to federal agencies, allowing for real-time verification of the information on a birth or death certificate. In other words, before a driver's license can be issued, the applicant must show a copy of their birth certificate and DMV must check it against the state's central database.

Setting-up this infrastructure is a monumental task for most states, but more so for Vermont since the records have been maintained as paper – not as electronic records. Some states had already moved their records to a database for easier tracking and issuance of copies during the 1990's. The Vital Records' Office has an incredible amount of work to complete by the spring 2011 to ensure compliance with the federal rules or else risk the possibility that Vermonters (and former Vermonters) will be unable to access federal benefits, obtain Passports and drivers' licenses, enter court buildings, etc.

As of this writing, the Vital Records' Offices in 24 states and jurisdictions have completed their preparation and implementation work. That number is expected to be 35 states and jurisdictions by Q4 2010. We expect to complete our work by the end of calendar year 2010, which brings us close to the deadline (allowing for time for the audit and any remediation work).

In August 2009, Congress began committee hearings on a bill to replace Real ID with a new law called PASS ID. The intent was to address some of the states' concerns about the difficult requirements for DMV offices. At this time, it is unclear what the future of the bill may be. However, it is likely to contain the same or very similar requirements for Vital Records' Offices as contained in the Real I.D. Act. Therefore, we must still move ahead with the technical and business process changes in our Office.

3. Social Security Administration – Policy

The Social Security Administration (SSA) has a fundamental interest in the operations of states' Vital Records' Offices. SSA issues Social Security Numbers, and approves or disapproves a variety of benefits based on the existence and information contained on birth and death certificates. Numerous federal studies have shown evidence of significant fraud that occurs utilizing modified or fake birth and death certificates to obtain benefits (or utilize an SSN). For this reason, SSA has policies that states must follow when issuing birth and death certificates. Most notably:

- Deaths should be reported by the Vital Records' office to the SSA within five (5) days of the event;
- Deaths should be reported by the Vital Records' office to the SSA utilizing software provided by SSA to the State;

- Specific fields of information are required from the birth and death certificates to be submitted electronically by the State to the SSA, and must follow format / content requirements.

Compliance with these policies requires significant diligence on the part of the Vital Records' staff. For example, records must be quickly entered into the central database for transmittal to SSA to comply with the five day requirement. Since deaths are often not reported to the Vital Records' Office until 48 hours after the event, that leaves the staff person with only one or two days to enter the record.

As of this writing, the Vital Records' Office has been meeting the expectations of SSA. This is primarily due to the development and implementation of the first release of our Electronic Death Registration System (EDRS) in Vermont. The EDRS has increased the speed of death reporting, as well as improved the speed of the availability of death certificates for the families.

4. National Center for Health Statistics – Model Law

NCHS published what is called the “Model Law” for states' legislatures to consider as the best practices for statutes that govern vital events' activities. The Model Law covers many topics, including access to records, operations / structure, and reporting. Many states have adopted in whole or a part of the Model Law. Vermont has not considered adopting any portion of the Model Law in the previous ten years, but since other states have done so, it impacts our state's interaction with them and federal agencies. As mentioned earlier, other states (e.g., Colorado, Alabama, etc.) are beginning to reject copies of birth and death certificates from Vermont when issued by a local town office because we do not follow the “best practices” (national Model Law) that control access and ensure secure records.

Our recommendations for changes to the Vermont statutes discussed within this report are based significantly, but not entirely, on the national Model Law and the experiences of other states in modifying it to meet the needs of the public.

VITAL RECORDS' CENTRAL OPERATIONS

A) Current Processes

Under state law, the Vital Records' Office prescribes the form of the vital events' certificates. The Office determines the content of the form (what is collected), the presentation of the form (how it appears and is laid out), and instruction for use of the form (where, when and who to use). The Vital Records' Supervisor is charged with providing guidance and support to all persons and organizations in the state that hold responsibility for utilizing the forms to collect, prepare, and / or submit vital events' information to Vital Records or other designated parties.

The organizational structure and business processes in Vermont has typically been a **decentralized model**. For example, a birth occurs at a hospital. The designated parties at the hospital complete the birth certificate and send the paper copy to the town clerk. Meanwhile, the birth data is sent electronically to the Vital Records' Office. The town clerk then processes and registers the birth certificate, followed by mailing a copy to the Vital Records' Office. Vital Records staff completes the process upon receiving the mailed copy. Until recently, death certificates followed a similar decentralized model in which the piece of paper flows from physician to funeral director to town clerk and finally to Vital Records.

In approximately 90% of states, the organizational structure and business processes are based on a **centralized model**. For example, a birth occurs at a hospital. The birth data is sent electronically to the Vital Records' Office. Vital Records staff creates and registers the birth certificate, and issues copies from the central office or from a database accessible at their district (county) offices. This model removes several time-consuming steps, reduces the amount of paper, and allows for better anti-fraud controls. In this model, the certificate is normally available to the family *sooner* than under the decentralized model.

B) Weaknesses

Vermont's decentralized model has several inefficiencies, as well as significant potential for fraud.

- 1) The decentralized model can lead to delays in the availability of a birth or death certificate for the family since the certificate must change hands several times instead of being prepared by one central organization.
- 2) There can be confusion regarding responsibility and / or authority for the completeness and legality of the documents when different steps are handled by different organizations.
- 3) The decentralized model is more costly to maintain. It is more efficient for one organization to handle all facets of preparing, issuing, and maintaining documents than splitting the role with two or three other organizations. (Note: Copies can still be made available to other organizations under a centralized model.)
- 4) There is greater likelihood for mistakes, lost documents, and unlawful interception when they are transferred between two or three different organizations – especially by hand / mail.

- 5) There are more opportunities for fraud with a decentralized model since more individuals have access to the personal information and the security paper used to establish an identity (birth) or claim benefits (death).
- 6) There is inconsistency in the use of standard business processes since each organization's operational environment (and resources) is different.

There are many examples in Vermont where the current decentralized model has resulted in significant delays to receive these legal documents. In nearly all cases, the delays would not have occurred under a centralized model.

BIRTH CERTIFICATES

	Average # of Days from Birth to Receipt & Filing at Vital Records' office	Median # of Days from Birth to Receipt & Filing at Vital Records' Office
1998	41	36
1999	36	32
2000	29	26
2001	31	27
2002	28	25
2003	27	25
2004	28	26
2005	19	20

***Note:** There has been some recent improvement since 2005, but still can be a week or longer.

DEATH CERTIFICATES

	Average # of Days from Death to Receipt & Filing at Vital Records' office	Median # of Days from Death to Receipt & Filing at Vital Records' Office
1998	36	27
1999	37	26
2000	37	26
2001	38	28
2002	39	29
2003	38	28
2004	38	28
2005	39	27
2006	37	28
2007	38	26
2008 (Jan – June)	36	25
2008 (July – Dec)*	5	4
2009*	4	3

***Note:** The Electronic Death Registration System went live on July 1st, 2008, and we changed the process so that Vital Records' Office issues the death certificate and makes it available to the family and towns.

On the matter of identity theft and fraud, the current decentralized model creates significant obstacles for auditing and identifying any such activities and the security gaps. For example:

1. The paper on which birth certificates are printed, and the engraved, security paper used for creating certified copies of birth and death certificates could be stolen from any of **262 organizations** under the current decentralized model, as compared to just **14 organizations** under a centralized model.
 - Decentralized: **Hospitals (14); Town Clerk's Offices (246); Vermont State Archives and Record Administration office;** and, **Vital Records' Office.**
 - Centralized: **Vermont State Archives and Record Administration office; Vital Records' Office;** and, Regional Offices, such as **District or County Offices (12 - 14).**

With a sheet of the "security" paper, it is relatively easy to create an official-looking Vermont birth certificate at home with a computer and printer that could be used as a new identity in other states.

Current estimates are that one sheet of unused security paper goes for \$2,000 to \$10,000 in the underground market for false identities.

2. A certified copy of an existing Vermont birth certificate could be requested and obtained by anyone without providing a reason or any tracking information (e.g., name). The certified copy could be modified slightly to create a new identity using cheap, easily available technology. Alternatively, someone could use the birth certificate without making any changes at all and simply adopt that individual's identity. With the certified copy, the person can then obtain a driver's license, Passport, or Medicaid and other state / federal benefits under that assumed (stolen) or newly created identity.

It should be noted that a certified copy is very different from an informational copy. The differences are:

- **Certified copies** are required for legal purposes and to meet federal requirements. For example, to prove citizenship or obtain a U.S. Passport. Certified copies are created on special "security paper" and contain a seal and signature of the issuing office.
 - **Informational copies** cannot be used to fulfill legal requirements or meet federal regulations. These copies are usually obtained by genealogists, the media, or interested community members. Informational copies are made on normal paper, such as a printer or photocopier.
3. A lack of audit tools / procedures overseen by one authority to protect against:
 - Hospital staff could create a birth certificate and submit a birth to the Vital Records' Office when a birth did not actually occur. (No audit process in place to ensure there was a baby.)
 - Midwife could submit false information and request the issuance of a birth certificate when a birth did not actually occur. (No audit process in place to ensure there was a baby.)

- No background checks on any of the individuals working with these legal documents or accessing the personal information, creating the potential for those with criminal records or histories in identity theft to obtain and sell the personal information (e.g., Social Security Numbers).
4. A member of a funeral home could use the Social Security Number of a deceased individual (from the death certificate) before the Vital Records' Office is informed of the death and informs SSA to shut-off the SSN. (This has occurred in several states before they implemented an EDRS system and centralized process.)

There are three important reasons to be concerned about the potential for fraudulent activity and lack of controls under Vermont's current decentralized model:

- **Money:** new identities sell for thousands of dollars on the black market, so it can be very enticing for a lower wage employee, especially if there is little oversight or audit controls.
- **Citizenship:** many of the fraudulent birth certificates in other states were obtained by organized crime and sold to individuals so they could "prove" citizenship or obtain a U.S. Passport.
- **Terrorism:** birth certificates are "breeder" documents. They provide access to obtain a U.S. Passport, a driver's license, etc. Several convicted terrorists have utilized fraudulent birth certificates obtained from other states.

Many states are constantly updating and improving their security and fraud prevention controls to ensure that birth and death certificates are not misused or obtained fraudulently. The risk of illegal activity related to these documents is much higher in an open records' state with a decentralized model that allows full access to the public to the entire legal certificate. Vermont has experienced fraud related to birth and death certificates, including the use as new identities. For example:

1. *A high-ranking state police officer in a neighboring state sold at least 18 sets of phony Vermont birth certificates to persons seeking American passports.*

The officer was able to accomplish this because anyone (with no questions asked) may obtain a certified copy of a Vermont birth certificate. The copy contains everything needed to make a realistic duplicate or make small modifications to create a new identity.

2. *A resident of Texas convicted of obtaining dangerous chemicals for the purpose of creating a dangerous weapon, was creating and selling false identification documents to persons in New York City. An intercepted package contained five false identification documents, including a phony Vermont birth certificate.*

Again, the individual could accomplish this because anyone in other states can obtain a certified copy of a Vermont birth certificate. The copy contains the same information as the original birth certificate. It is relatively simple to create counterfeit versions using the certified copy and today's scanners, color printers, etc.

3. *There are cases of individuals arrested in various states and a search of their vehicle or possessions has found numerous copies of birth certificates from Vermont and other "open*

records” states. The parties would not provide an explanation for why they were carrying so many copies of multiple individuals’ certificates.

There is no limit as to how many copies a person may obtain of a Vermont birth or death certificate. Also, the requesting party does not need to provide a reason. There is no tracking system to consult for those with convictions for identity theft / fraud and no warnings if the person requests a copy of a birth certificate of a missing / kidnapped child.

A recent case in Wisconsin demonstrates how serious the potential for fraud in Vermont is today with our open records environment for birth and death certificates. The Wisconsin Vital Records’ Office received an application for an original birth certificate **by mail** from an applicant purporting to be a U.S. citizen in Turkey who had lost his U.S. Passport and needed the new birth certificate to apply for a replacement passport at the U.S. Consulate in Istanbul. The application included a color photocopy of a U.S. Passport card, as well as DS-64 *Statement Regarding Lost or Stolen Passport*, a “Consular verification” statement, and a personal “Statement for State of Wisconsin Vital Records.”

The Wisconsin State Vital Records Office detected a number of fraud indicators in the documents and consulted the Fraud Prevention Manager at the U.S. Passport Agency in New Orleans, who confirmed the purported U.S. Passport card was entirely counterfeit, albeit in a bona fide U.S. citizen identity. Further investigations revealed the entire packet was false. The matter is being reviewed for a possible criminal investigation.

If this had been a request to Vermont’s Vital Records’ Office, VSARA, or to the town clerk offices, the fraudulent activity **would not have been detected and a copy of the legal birth certificate would have been sent to the applicant in Turkey.** This is because:

- We lack the authority to deny any request for a copy of a birth or death certificate;
- We lack the authority to request proof of their need for the certificate;
- We allow all persons, anywhere in the world, to receive a certified copy of a Vermont certificate, without any limits (other than paying the \$10.00 copy fee);
- We cannot require any identification documents since this would be considered an impediment to obtaining a public record;
- We have no centralized tracking of requests, no formal communication with anti-fraud units at state and federal agencies, and minimum personnel training on how to identify potential fraudulent i.d. documents (even if we were allowed to ask for such documents).

For these reasons, we are proposing that Vermont replace the current vital events’ statutes with a portion of the national Model Law that has already been adopted in whole or in part by nearly all states.

Our recommendation is to replace the current statutes related to vital records’ documents with selected portions of the national “Model Law,” with appropriate modifications to fit Vermont’s unique characteristics and needs.

The Model State Vital Statistics Act and Regulations (1992 Revision) – referred to as the “Model Law” was written by representatives of federal agencies and states’ Vital Records’ Offices to ensure appropriate safeguards for the privacy of the public and protection against inappropriate use of birth and death information. Also, the Model Law codifies standards and best practices across the country. A sizable majority of the states adopted the Model Law (with modifications to meet their own state philosophies), but it was not considered in Vermont.

It would be extremely difficult to make piece-meal changes to each section of Vermont's current statutes for vital records to address the existing inefficiencies and security gaps. Adoption of the Model Law, modified to reflect Vermont's characteristics, will best protect the privacy and confidentiality of Vermonters' records, while allowing the Vital Records' Office to implement necessary changes to meet federal and state regulations.

The Vital Records' Office has conducted a review of the current statutes and is prepared to provide revised statutory language that is based on the Model Law and addresses the operational inefficiencies, as well as the fraud and security issues. We are including in this report a chapter that describes three approaches: **Minor (Administrative) Changes; Closure of Certified Copies;** and, **Closure of Birth and Death Certificates.** For each approach, we have listed the stakeholders, the costs and benefits, and the important points that need to be considered

Birth and Death Certificates

A) Current Processes

1. BIRTH CERTIFICATES

As described earlier, Vermont has a decentralized model, which requires that all vital events' documents pass through the hands of multiple parties before a certificate is completed. The **BIRTH CERTIFICATE** process is long and sometimes confusing due to the number of hands that must touch the document before it is available for the parents. The current process for a birth certificate under normal circumstances is:

Hospital Birth

- 1) Birth occurs at the hospital.
- 2) Medical records clerk collects birth information from the mother.
- 3) Medical records clerk data enters the information into the Electronic Birth Registration System (EBRS).
- 4) EBRS transmits the birth data to the Vital Records' Office.
- 5) Medical records clerk prints the birth certificate and mails it to the town clerk.
- 6) Town clerk reviews, signs, and registers the birth certificate.
- 7) Town clerk files the birth certificate in the vault and sends a copy to the Vital Records' Office, and to the town clerk for town of residence (if different from town of occurrence).
- 8) Vital Records' Office compares the paper copy to the electronic data. Follows-up with the hospital, physician, or town clerk regarding any discrepancies. Data enters the town clerk information into EBRS.
- 9) Vital Records' Office files the copy in the vault.

At-Home (Midwife) Birth

- 1) Birth occurs at home.
- 2) Midwife collects birth information from the mother.
- 3) Midwife sends the births worksheet to the Vital Records' Office.
- 4) Vital Records' Office data enters the information into EBRS and creates a birth certificate.
- 5) Vital Records' Office mails a copy of the birth certificate to the town clerk for town of occurrence.
- 6) Town clerk reviews, signs, and registers the birth certificate.
- 7) Town clerk files the birth certificate in the vault and sends a copy to the Vital Records' Office, and to the town clerk for town of residence (if different from town of occurrence).
- 8) Vital Records' Office files the copy in the vault.

The process for hospital births is electronic for the medical data (e.g., transmitted nightly to Vital Records), but still has a paper-based step (e.g., incomplete birth certificate sent to town clerk and then to Vital Records). This hybrid process of electronic and paper, with multiple parties, is inefficient and can result in delays or lost information. For example, should the Vital Records staff find a discrepancy between the electronic data and the paper copy, the paper copy has to be corrected and new versions distributed. This added work and delay are much more unlikely to occur under a centralized model.

2. DEATH CERTIFICATES

Similar to the birth certificate, the **DEATH CERTIFICATE** (or “**death certification**”) process is long, and sometimes confusing, due to the number of hands that must touch the document before it is available for the family. Prior to July 1st, 2008, the process for a death certificate under normal circumstances was:

Death at Home

- 1) Death occurs at a residence.
- 2) Family notifies physician who completes cause of death information on death certificate.
- 3) Funeral director or family retrieves death certificate from physician.
- 4) Funeral director or family collects demographic information from informant to complete death certificate.
- 5) Funeral director or family delivers completed death certificate to town clerk in town where death occurred.
- 6) Town clerk reviews, signs and registers the death certificate.
- 7) Town clerk sends copy of certificate to town of residence (if different) and to Vital Records' Office.
- 8) Vital Records' Office data enters the information from certificate into VDH database.
- 9) Vital Records' Office files copy in the vault.

Death at Hospital

- 1) Death occurs in hospital.
- 2) Physician last in attendance completes cause of death information on death certificate.
- 3) Funeral director or family retrieves death certificate from hospital.
- 4) Funeral director or family collects demographic information from informant to complete death certificate.
- 5) Funeral director or family delivers completed death certificate to town clerk in town where death occurred.
- 6) Town clerk reviews, signs and registers the death certificate.
- 7) Town clerk sends copy of certificate to town of residence (if different) and to Vital Records Office.
- 8) Vital Records' Office data enters the information from certificate into VDH database.
- 9) Vital Records' Office files copy in the vault.

Note: No matter where the event occurred, the physician or funeral director may start the death certificate, but the funeral director or family delivers the completed certificate to the town clerk.

The Vital Records' Office has made significant changes to the business processes to streamline the death certification process and make the death certificates available sooner for families. However, the statutes still create artificial delays and obstacles that are no longer relevant due to today's technology and rapidly changing needs.

Although a physician is responsible for filing the death certificate, the job may be, and often is, delegated to the funeral director. Most of the information needed to complete the death certificate is obtained from the family of the deceased. A physician, however, must complete the cause of death information and sign the death certificate. Since the changes made on July 1st, 2008, the

physician and funeral director submit a Preliminary Report of Death (PROD) to the Vital Records' Office, which then processes the PROD and registers the death. The registration creates the death certificate, which is made available to the family, funeral director, town clerk, or other requesting party.

An important partner for the Vital Records' Office in the death reporting and certification process is the Chief Medical Examiner. Vermont's Office of Chief Medical Examiner (OCME) is located within the VDH and is responsible for identifying the cause and manner of all sudden, unexpected, unattended, or injury-related deaths (18 V.S.A. § 5205), which represent about 20% of all Vermont deaths (1,000 to 1,200 per year). The OCME also reviews all requests for cremation (18 V.S.A. § 508), which is the method of disposing the body in over 57% of deaths. The Chief Medical Examiner has the authority to appoint assistant medical examiners (AME) to assist in the investigation of deaths. There are approximately 60 local volunteers around the state who serve as AME's after receiving training from the OCME on death investigation. Their backgrounds are varied, but typically they are advanced emergency medical technicians, paramedics, nurses, or physicians.

An AME is usually the first representative of the OCME to be contacted when a death occurs and is responsible for gathering initial information about the death, visiting deaths scenes, interacting with other people and agencies (e.g., family members, police and fire departments, and hospitals), and deciding — in consultation with the OCME — whether an autopsy or further investigation of the death is needed.

B) Weaknesses

As described earlier, the decentralized model is inefficient, and creates the potential for fraud. There are a number of steps in the current business processes of the decentralized model that can be problematic:

- 1) Town clerks are extremely busy (and often overwhelmed) with a growing number of responsibilities. The town clerks do consider the processing of birth and death certificates as an important priority, but they cannot always be done on the same day (or sometimes, the same week) as they are received. This is not due to negligence – it is simply the result of a significantly busy town office. **Also, many town clerk offices are open only part of a week and / or part of a day.** This makes it extremely difficult when parents may need their child's birth certificate quickly in order to:
 - Travel outside the country. Many parents travel to Canada or elsewhere within a few weeks of the birth, and this requires a birth certificate for the child.
 - Apply for Medicaid or other benefits. In order to apply for Medicaid benefits for the child, a birth certificate is required for proof of citizenship. Parents typically apply for these benefits within two or three weeks of the birth.
 - Travel inside the U.S. Parents that are in a civil union have found it important to carry a copy of the child's birth certificate when they are in another state. The birth certificate shows that the same-sex couple are the parents and have all rights for making medical decisions should the baby become ill.

- 2) Town clerk offices are rapidly running out of space to store paper documents and it is difficult to provide space with the appropriate safeguards for the public to view birth and death certificates. Again, the town clerk is extremely busy and doesn't always have the time to closely monitor the activities of someone viewing the certificates. (The vast majority of clerks attempt to monitor the activity, but cannot always do so. This leaves open the possibility for a birth or death certificate to be photographed or removed.) Also, there is little to no tracking as to who, when or why someone views a birth or death certificate.
- 3) Facilities for storage and protection of vital events' documents vary from town to town. Some communities have a vault with similar protections as those maintained at the Vital Records' Office. Smaller communities have only a safe. It is likely that the Intelligence Reform regulations will require a vault-type facility with minimum safeguards (e.g., alarm system with remote monitoring; fire suppression system; etc.).
- 4) Birth worksheets submitted by midwives to the Vital Records' Office are sometimes missing important information that requires follow-back or for the Office to accept it even though the form is incomplete. This can create problems and additional time for the Vital Records' Office. It would be reasonable for midwives to be required to use the Electronic Birth Registration System (EBRS) since this would ensure all necessary information is collected and software edit checks can reduce errors. Also, it would significantly reduce the parents' waiting time for a birth certificate.
- 5) Prior to implementation of the Electronic Death Reporting System (EDRS) in July 2008, there were no controls in the process to prevent fraudulent activity, such as modifying a death certificate without authority. Birth and death certificates are a very "hot" commodity and fraudulent or modified versions can sell on the black market for \$10,000 or more. Federal agencies are now tracking significant organized crime dedicated to obtaining birth and death certificates. Vermont is considered a prime target since it is one of the last remaining open records' states for both birth and death certificates.

The central database and EDRS can deter fraud by tracking all access to certificates and electronically documenting which records were changed, when and by whom.

- 6) There have been significant problems with the old-style, paper death certificates due to illegible handwriting, multiple versions of certificates, etc. Again, the EDRS and central database will eliminate these problems without impacting the town clerks or families. (Full implementation of EDRS will reduce the work and expense at the town clerk's office, and provide faster service to the families.)

In the area of **birth** certificates, the hospitals, physicians, midwives, and town clerks do a good job with reporting births to the Vital Records' Office. It is very rare that a birth is missed and that we discover it at a later time and follow-back to the party who should have reported the event. However, the current process has significant points of delay and potential for fraud since there are few built-in checks and too many hands touching the document(s).

Town clerks feel that making copies of birth certificates available and accessible to the public is an important part of their role in serving the community. However, there are very, very few that consider their step in the current process as necessary. Meaning, some town clerks would be comfortable with a change where the Vital Records' Office produced ("registered") the birth certificate and simply made it available to the town (e.g., from a central database, such as what is done with death certificates).

In the area of **death** certificates, the physicians, funeral directors, and town clerks, do a good job in reporting deaths to the Vital Records' Office, though historically the timeliness has been a problem. The implementation of EDRS is providing new safeguards and stream-lining the death certification processes. There is less paper being exchanged and the electronic forms and tools applied have improved security. However, the statutes still have significant points of delay and the potential for fraud.

Town clerks feel that making copies of death certificates available and accessible to the public is an important part of their role in serving the community. Most town clerks are comfortable with the EDRS and central database that electronically stores the records and allows them to retrieve a certificate, as needed. Statewide implementation of a central database at the Vital Records' Office that would allow for any town clerk to access and retrieve a death certificate for the public would significantly reduce the town clerks' time for processing paper. In addition, this would reduce the burden of future requirements for facility modifications.

Many of the town clerks are beginning to accept that electronic storage and retrieval of these records is not a bad idea and can address many of today's challenges. Electronic storage reduces expenses, implements security controls, and makes a certificate available faster for the families. The concept was tested with a group of town clerks to access and retrieve a death certificate from a Vital Records' central database in 2009. The results were very positive and technical enhancements were made in 2010. Access for all town clerks is underway and will be completed this year. We continue to obtain feedback on improvements for the system in preparation for expanding the central database to also include birth certificates.

For these reasons, we are proposing that Vermont replace the current vital events' statutes with the national Model Law that has been adopted in whole or in part by nearly all other states. However, the Model Law should be modified to reflect the unique characteristics of Vermont. For specific detail about the possible approaches, see chapter **Approaches for Revising the Vermont Vital Records' Statutes**.

MARRIAGE AND CIVIL UNION CERTIFICATES

A) Current Processes

The processing and registration of civil marriages (and until recently, civil unions) are primarily the responsibility of town clerks. The Vital Records' Office prescribes the form to be used by the town clerk, but that is the extent of its involvement. The town clerk issues the license and the certificate once the marriage is solemnized (within 60 days of issuance of the license).

Upon registration of the civil marriage certificate, the town clerk sends a copy to the Vital Records' Office for filing and for issuing certified copies, on request. If a party requires a correction (within six months) or an amendment (after six months) of the civil marriage, the Vital Records' Office is then involved in the changes to the certificate (re: requests the change to be made by the town clerk).

The supervisor of Vital Records provides consultation and support to the town clerks on questions related to civil marriages and civil unions. For example: who may enter into a marriage / civil union; who may solemnize a marriage or civil union; age restrictions; etc.

Historically, the decentralized approach for the management and issuance of marriages and civil union licenses and certificates has worked well. The town clerks work closely with the applicants and other parties (e.g., ministers; justices of the peace; etc.). Since the wedding normally occurs in the town clerk's community, it is more convenient for the parties to work directly with the town clerk than with a central office in Burlington.

B) Weaknesses

There are very few weaknesses with the current processes and statutes for civil marriages. However, there are three areas in which parties have expressed an interest in seeing changes considered:

- 1) Vermont law requires that both parties be physically present for the marriage. In other words, one of the parties cannot be represented from a remote location via telephone or computer. There have been occasions when members of the military have requested to marry their partner over the telephone or video link via the web. Vermont law prohibits this, forcing him or her to wait until an opportunity to visit Vermont. This can cause hardships for the couple, especially if the person serving in the military dies in combat before making it home on a visit. The partner might not qualify for military benefits.
- 2) The Vital Records' Office receives court orders to amend a marriage or civil union certificate, forwards those to town clerks who make the changes, and then return copies of the amended certificate back to the Vital Records' Office. It would make more sense for the court orders to be sent directly to the town clerk.
- 3) There is no system or method in place to check whether either of the applicants is already in a marriage or civil union in Vermont (or any other state). The town clerk asks the question, but is forced to assume they receive a truthful response.

DIVORCE AND DISSOLUTION CERTIFICATES

A) Current Processes

The Vital Records' Office has very little responsibility for the processing and registration of divorces and dissolutions. 18 VSA 5001 states that the Health Department shall prescribe and distribute the form. 18 VSA 5004 states that the family court clerk shall send a monthly report for statistical purposes of the divorces that became absolute. The statistics are used to publish an annual report of the number of all vital events in Vermont.

It is rare for the Vital Records' Office to receive a request for a copy of the divorce, but VSARA does process a significant (and growing) number of requests for a copy of the divorce form. This is due to applications for state and federal documents (Passports; driver licenses) requiring proof as to why a person's name has changed. (It doesn't match the person's previous document or other records on file by that state or federal agency.)

B) Weaknesses

There are very few weaknesses with the current processes and statutes for divorces and dissolutions. However, there is duplication of activity that is unnecessary and can be reduced.

- 1) The current process involves double data entry. The exact same form that is filled out by the attorney is entered first into the Family Court's database (by a court clerk) and it is then sent to the Vital Records' Office for data entry into the divorces database. In other words, two state employees at two different agencies perform the same activity.
- 2) Copies of the final, absolute divorce forms are maintained at the courts, but requestors are sent to the Vital Records' Office in Burlington, VT. This adds unnecessary time and complexity if the requestor lives near the Family Court in their region.
- 3) The statutes do not specifically require the Family Court to send a copy of the form to the Vital Records' Office. Only the statistics are required by law to be sent to the Office.

Approaches for Revising the Vermont Vital Records' Statutes

As discussed earlier, we recommend that the national Model Law be adopted for Vermont, with appropriate modifications to reflect Vermont's unique history and traditions. A copy of the national Model Law is available on request. In addition, we have identified and drafted statutory language that would follow the Model Law, but maintain important characteristics of Vermont's current statutes.

To what extent should the Model Law be implemented is a challenging question. We have identified three models or approaches for consideration, including a list of affected parties, the costs and benefits, and other relevant details for consideration. After weighing the costs and benefits to the stakeholders and to Vermonters, we recommend the second approach, **Closure of Certified Copies**.

Approach / Model A: Minor (Administrative) Changes

This approach would not make any change to the conditions for accessing or obtaining a copy of a birth or death certificate. The statutes would remain "as is" – meaning, any person in the world may request and obtain a certified copy of anyone's birth or death certificate. There would be no tracking of the request.

What would change under this approach are administrative and supervisory activities conducted by the Vital Records' Office. For example:

- 1. The statutes would be modified to allow the Vital Records' Office to make changes to a birth or death certificate if there is an administrative error identified on the document (e.g., misspelled street; transposed numbers in the date; mistyped the sex; etc.).**

Under current statute, if the administrative error is found six months after the birth or death, the person or family must go to Probate Court, request a court order for the change to be made, and pay a court fee. This is unnecessary for administrative errors and penalizes the person or family for an error caused by the State, forcing them to spend time and money to obtain a change. Also, it is an unnecessary burden on the Probate Courts.

A modification to the current statutes that allows the Vital Records' Office to conduct administrative corrections at any point in time would be relatively simple, benefits all parties, and there are no additional costs. Also, as part of this change, we would request that the Vital Records' Office be given the authority to designate who may request an administrative change. For example, city / town clerks would be a stakeholder that we would allow to request a change on behalf of the person or family if they can provide evidence of the administrative error (e.g., street address error).

- 2. The statutes would be modified to clarify that the Vital Records' Office has the authority to conduct audits of all reporting sources and implement technology that improves operations.**

There is some lack of clarity in the current statutes as to whether the Vital Records' Office may audit the reporting sources (e.g., physicians; hospitals; towns; etc.) and require specific remediation steps by the organizations. Also, the statutes need to be revised to reflect today's technology (e.g., forms can be electronic and not just paper).

3. There are a variety of inconsistencies with the current statutes that need to be addressed, such as the time requirement for reporting deaths.

It would be appropriate to update the statutes to reflect national standards for reporting of birth and death events. These requirements would be: report of death (death certificate) within 48 hours; and, report of birth (birth certificate) within 5 days.

4. The section on fees and penalties does not carry any weight as currently written. Penalties for not reporting a birth or death, or for doing so falsely, are less than a typical speeding ticket. Also, the fees for a certified copy (\$10.00) and an informational copy (\$2.00) are among the lowest in the country and do not adequately cover the expense of labor or infrastructure.

It would be appropriate to update the fees and penalties to reflect the national average and ensure timely and accurate reporting of events. For example, a reasonable fee structure would be \$20.00 for certified copies and \$5.00 for informational copies.

Does this approach / model improve security and identity protections?

No. This approach does not change the ability for anyone in the world to access any Vermont birth or death certificate, obtain a certified copy, and do so without any stated purpose or tracking.

Does this model improve efficiency of the Vital Records' Office and the business processes of stakeholders' operations?

Partially. This approach would clean-up a handful of inconsistencies, loopholes, and unclear areas of the current law. Also, it would make it clear that Vital Records has the authority to conduct audits, implement technology, and operate as the central coordinating office for the business flow of the birth and death certificate.

Does this model address other existing concerns or needs, such as acceptance of copies by other state and federal agencies?

No. The current problems with certain state and federal agencies refusing to accept Vermont certified copies would continue to grow. The complaints from former Vermonters who pay for copies of their certificates and have them rejected would continue, as well. Vermont would continue to lack certain national standards and processes, which would jeopardize future funding from CDC and other federal agencies.

Approach / Model A (Minor Changes): Costs / Impact Table

Stakeholders	Potential Impact?	Any Financial Costs?	Role or Access Changes?
Vermont public	Positive	Minor (only if fees increased)	Yes (streamlined process)
City / Town Clerks	Positive	None	No
Probate Courts	Positive	Minor (less fees collected)	Yes (fewer court orders)
Funeral Homes / Crematoriums	No Change	None	No
Hospitals & Physicians	No Change	None	No
Genealogists	No Change	Minor (only if fees increased)	No
VSARA (State Archives)	Positive	None	No
Vital Records' Office	Positive	None	Yes (streamlined process for correcting certificates)
Federal Agencies	Positive	None	Yes (receive timely birth and death reports)
Other States' Agencies	No Change	None	No
Media	No Change	None	No

Approach / Model B: Closure of Certified Copies

This approach would include all of the “administrative” changes discussed under the **Minor Changes** (see above). In addition, this approach would implement a significant change to who and how birth and death certificates can be accessed. The change is a “partial” closure for access to certificates, but not a complete closure. Most states have transitioned to a complete closure, since a partial closure still allows for the information on a birth and death certificate to be accessed by anyone.

The key changes for the **Closure of Certified Copies** are as follows:

1. **Anyone requesting a certified copy of a birth or death certificate would need to provide proof that he / she is either the person listed on the certificate, a family member, a legal guardian, or other court-appointed custodian. Certified copies would be restricted to only those persons that can prove one of the above-mentioned relationships.**

The restriction of certified copies to only the individual, their family, or a legal guardian, is a reasonable change to consider for Vermont’s statutes. The need for a certified copy is only for **legal purposes**, such as proof of citizenship (U.S. Passport; driver’s license; Medicaid benefits), proof of disposition (insurance benefits upon death), and court-related activities. There is no reasonable argument that a certified copy should be obtainable by an individual with no connection to the person or family.

A change of this nature (restricting access) is significant because it will require:

- The office issuing a certified copy will need to receive, review, and determine if the documents presented as proof of relationship are adequate before issuing a certified copy. This could increase the amount of time to process a request from a typical 5-10 minutes up to 15 minutes.
 - The office issuing a certified copy will need to be trained on how to review documents that are presented as proof of relationship.
 - The office issuing a certified copy will need to collect and track information about the requestor: name; contact information; purpose; etc. The information will need to be stored in a central database accessible by all issuing offices.
2. **A decision would need to be made on whether there should continue to be 246+ local issuing offices or a transition of these activities to a regional / district / county level (e.g., court office; city / town clerk of the county’s hospital town; etc.).**

A change to the statutes that restricts access to certified copies is not difficult to implement. Most states have already limited or closed access to these records and require proof of relationship. Therefore, we have many states with existing business controls, training programs, and rules / procedures that Vermont can adopt. However, it is the authority for issuance of the certified copies that is the more difficult decision.

- This decision depends on whether the State would rather train, support, and audit 246+ local issuing offices, or adopt a different organizational model. For example, the Vital Records’ Office could continue its current role and then designate VSARA and 14 regional offices for issuance of certified copies.

- This decision would require discussion and consideration of several important points:
 - What would happen to the existing paper records at the local town offices (if anything)?
 - What is the impact of the revenue lost by the local town offices if they are no longer issuing certified copies?
 - Is it a major impediment for Vermonters to travel to a regional (county) office rather than to their town office?
- The Vital Records' Office would need to implement its central database containing all birth and death certificates with all 246+ city / town clerks. This would allow for them to search and print a certified copy, and enter any necessary tracking information, including the type of documents used to prove the relationship.

3. An exception should be considered that removes the restriction after 100 years for birth certificates and after 50 years for death certificates.

The reason to include this exception that causes these records to revert back to full access is to allow genealogists access to certified copies on the older records. There are individuals and organizations that perform familial research on behalf of persons, and a certified copy is necessary when submitting application for membership in certain historical organizations.

However, such an exemption is probably not necessary since the genealogist could inform their client of the state's restrictions and he / she could then obtain the certified copy for themselves (as a family member).

Does this approach / model improve security and identity protections?

Partially. This approach reduces the opportunity for persons to obtain and modify a certified copy of a birth or death certificate for unlawful purposes. It limits access to these legal documents to only those persons with a legitimate purpose. Also, this approach implements a central tracking system for all issuance of copies, ensuring uniformity and audit / business controls.

However, this approach does not completely remove the potential for identity theft / fraud or protect individual privacy. Under this model, anyone may still obtain an **informational copy** of any birth or death certificate. Although an informational copy cannot be used for legal purposes, it still contains all of the same information found on a certified copy. Therefore, a person or organization can still obtain the information necessary to engage in unlawful activities utilizing someone else's personal information. Also, the paper records would still be accessible (viewable) by anyone at the city / town clerk's vault or at the VSARA office in Middlesex.

Does this model improve efficiency of the Vital Records' Office and the business processes of stakeholders' operations?

Yes. This model would implement a central database for issuance of all copies, and allow for more uniformity. It would reduce or eliminate the amount of paper documents flowing back and forth between towns, the Vital Records' Office, and VSARA. In order to be successful, the changes to the statutes would need to provide clear authority for the Vital Records' Office to implement, oversee, and enforce the vital events' reporting requirements and the training of local or regional offices, as well as ensuring that minimum standards for security of the records are met.

However, this approach may increase the time necessary to process a request for a certified copy. This would be a significant impact for clerks' offices that are already overstretched. Also, more time (and training) required for 246 offices may be a significant drain on Vital Records' resources. For both the clerks and Vital Records, the impact is more significant if there is no increase in the certified copy fee.

If a "regional" approach were implemented, there would be a decrease in the workload of some city / town offices (along with a reduction in fees collected), and an increase in the workload of any designated regional offices. For very small towns, the loss of fees would be minor since they issue very, very few certified copies. The financial impact would be more noticeable for the medium- to large-size cities and towns, especially any clerk offices that are fee-based.

It is difficult to forecast how much time difference there will be in the processing of a request under a restricted environment. Based on feedback from city / town clerks, we estimate that the processing time may double or triple. However, some city / town clerks indicated that the additional time may be minimal since they would utilize the central database for issuance rather than retrieving a paper copy from their vault. We believe that processing time is most likely to double (to approximately 10-15 minutes) due to the review of identification documents and entering requestor information into the database.

The processing time is an important concern since city / town clerks currently are very busy. This may require them to accept a request, process it at a later time, and then provide the copy when the requestor returns. But, that would require the clerk to check the requestor's identification twice – once at application and again at pick-up. Additionally, some requestors send a person to pick up the copy on their behalf.

Are there any liability issues in the event that a certified copy is provided to a party that utilizes fraudulent identity documents?

The states that have adopted this model have not reported any liability issues on the part of their staff when the state's protocols and procedures are followed.

We know that some states add protections in their statutes. For example, South Dakota included the following,

No employee of the state vital records office, local registrar, or deputy registrar may be held personally liable for any unintentional issuance of any certified copy of any vital record fraudulently obtained.

The above statement could easily be included as part of the model and new statutes to provide additional assurances.

Does this model address other existing concerns or needs, such as acceptance of copies by other state and federal agencies?

Partially. If the issuing offices (whether 246+ cities / towns or 14 regional / county offices) were to use a central database developed, supported, and updated by the Vital Records' Office, and the certified copies showed **one** State Registrar signature and had **one** State Seal, then we expect this to meet the requirements of other states' agencies and the federal agencies. Also, if the Vital Records' Office was training and "certifying" the issuing offices, and incorporated tracking or audit tools as part of the database, this should address the security standards.

However, continuing to allow 246+ cities / towns to issue certified copies that have different signatures and seals, will not address the concerns of other state and federal agencies. There would continue to be rejection of locally-issued certified copies.

Approach / Model B (Closure of Certified Copies): Costs / Impact Table

Stakeholders	Potential Impact?	Any Financial Costs?	Role or Access Changes?
Vermont public	Positive	Minor (only if fees increased)	Yes (certified copies only if prove the relationship)
City / Town Clerks	Negative (unless duties moved to a regional level)	Yes (less fee revenue)	Yes (additional review, tracking)
Probate Courts	Positive	Minor (less fees collected)	Yes (fewer court orders)
Funeral Homes / Crematoriums	Minor Change	None	Yes (change to requesting copies on behalf of families)
Hospitals & Physicians	No Change	None	No
Genealogists	No Change	Minor (only if fees increased)	No
VSARA (State Archives)	Positive	None	Yes (additional review, tracking)
Vital Records' Office	Positive	None	Yes (streamlined processes; additional review, tracking)
Federal Agencies	Positive	None	Yes (meet future requirements)
Other States' Agencies	Positive (only if central database and issuance changes)	None	Yes (accept VT certified copies – if issuance changes are made)
Media	No Change	None	No

Approach / Model C: Closure of Birth and Death Certificates

This approach would include all of the “administrative” changes discussed under the **Minor Changes** (see above). In addition, this approach would implement a significant change to who and how birth and death certificates can be accessed. The change is a full closure for access to certificates. Most states have transitioned to a complete closure, since a partial closure still allows for the information on a birth and death certificate to be accessed by anyone.

The key changes for the **Closure of Birth and Death Certificates** are as follows:

1. **Anyone requesting ANY copy of a birth or death certificate – either a certified copy or an informational copy – would need to provide proof that he / she is either the person listed on the certificate, a family member, a legal guardian, or other court-appointed custodian. Also, access to view either the original certificate or a copy of the certificate would be restricted to only those persons that can prove one of the above-mentioned relationships.**

The restriction on obtaining any copy of these certificates or viewing the original or copy would be a significant change to the current statutes. It is the approach adopted by a sizable majority of states and part of the national Model Law. The reasons to consider a model for full closure are as follows:

- The restriction of certified copies to only the individual, their family, or a legal guardian, is a reasonable change to consider for Vermont’s statutes. The need for a certified copy is only for **legal purposes**, such as proof of citizenship (U.S. Passport; driver’s license; Medicaid benefits), proof of disposition (insurance benefits upon death), and court-related activities. There is no reasonable argument that a certified copy should be obtainable by an individual in another country with no connection to the person or family.
- The restriction of informational copies to only the individual, their family, or a legal guardian, is common in most states for the protection of a person and their family’s privacy. Informational copies contain the same information found on a certified copy, which could be utilized for unlawful purposes to create a new or modified birth or death certificate. Also, some individuals and organizations are concerned about the level of detail found on certificates and made available to the public (e.g., cause-of-death).
- The restriction on viewing original or copies of the certificates to only the individual, their family, or a legal guardian, is common in most states for the reasons described above. If anyone is allowed to access and view a record, then they may be able to write down the information, take a picture of the record with a cell phone or other electronic device, or mentally note key information from the certificate. Town clerks go to considerable effort to prevent visitors from taking pictures with cell phones and other electronic media, but there are reports that this has occurred.

A change of this nature (restricting access) is significant because it will require:

- The office issuing an informational or certified copy will need to receive, review, and determine if the documents presented as proof of relationship are adequate before

issuing a certified copy. This could increase the amount of time to process a request from a typical 5-10 minutes up to 15 minutes.

- The office issuing an informational or certified copy will need to be trained on how to review documents that are presented as proof of relationship.
- The office issuing an informational or certified copy will need to collect and track information about the requestor: name; contact information; purpose; etc. The information will need to be stored in a central database accessible by all issuing offices.

2. A decision would need to be made on whether there should continue to be 246+ local issuing offices or a transition of these activities to a regional / district / county level (e.g., court office; city / town clerk of the county's hospital town; etc.).

A change to the statutes that restricts access to informational and certified copies is not difficult to implement. Most states have already limited or closed access to these records and require proof of relationship. Therefore, we have many states with existing business controls, training programs, and rules / procedures that Vermont can adopt. However, it is the authority for issuance of the informational and certified copies that is the more difficult decision.

- This decision depends on whether the State would rather train, support, and audit 246+ local issuing offices, or adopt a different organizational model. For example, the Vital Records' Office could continue its current role and then designate VSARA and 14 regional offices for issuance of informational and certified copies.
- This decision would require discussion and consideration of several important points:
 - What would happen to the existing paper records at the local town offices (if anything)?
 - What is the impact of the revenue lost by the local town offices if they are no longer issuing informational and certified copies?
 - Is it a major impediment for Vermonters to travel to a regional (county) office than to their town office?
- The Vital Records' Office would need to implement its central database containing all birth and death certificates with all 246+ city / town clerks (or with 14 regional offices). This would allow for them to search and print a certified copy, and enter any necessary tracking information, including the type of documents used to prove the relationship.

3. An exception should be considered that removes the restriction after 100 years for birth certificates and after 50 years for death certificates.

The reason to include this exception that causes these records to revert back to full access is to allow genealogists access to informational or certified copies of the older records. The activities of genealogists are important for families, especially when a family member is unable to travel to a location to conduct their own research. Typically, a genealogist is only

interested in records older than 50 years. Many states have their birth records revert back to open access after 100 years and death records after 50 years.

Does this approach / model improve security and identity protections?

Yes. This approach addresses all of the significant concerns and opportunities for identity theft and fraud, and also addresses the issue of privacy.

- This approach reduces the opportunity for persons to obtain and modify a certified copy of a birth or death certificate for unlawful purposes. It limits access to these legal documents to only those persons with a legitimate purpose.
- This approach implements a central tracking system for all issuance of copies, ensuring uniformity and audit / business controls.
- This approach prevents anyone from obtaining an informational copy of a birth or death certificate, thereby gaining access to personal information that could be used to create or modify other documents.
- This approach restricts the public from viewing an original or copy of a certificate that is stored at a State office or any designated storage and issuance facilities.

Although this approach proposes that the records revert to open access after a specified period of time (100 / 50 years), the potential for fraud and identity theft is minimum after that amount of time.

Does this model improve efficiency of the Vital Records' Office and the business processes of stakeholders' operations?

Yes. This model would implement a central database for issuance of all copies, and allow for more uniformity. It would reduce or eliminate the amount of paper documents flowing back and forth between towns, the Vital Records' Office, and VSARA. In order to be successful, the changes to the statutes would need to provide clear authority for the Vital Records' Office to implement, oversee, and enforce the vital events' reporting requirements and the training of local or regional offices, as well as ensuring that minimum standards for security of the records are met.

However, this approach may increase the time necessary to process a request for an informational or certified copy. This would be a significant impact for clerks' offices that are already overstretched. Also, more time (and training) required for 246 offices may be a significant drain on Vital Records' resources. For both the clerks and Vital Records, the impact is more significant if there is no increase in the informational or certified copy fee.

If a "regional" approach were implemented, there would be a decrease in the workload of some city / town offices (along with a reduction in fees collected), and an increase in the workload of any designated regional offices. For very small towns, the loss of fees would be minor since they issue very, very few informational and certified copies. The financial impact would be more noticeable for the medium- to large-size cities and towns, especially any clerk offices that are fee-based.

It is difficult to forecast how much time difference there will be in the processing of a request under a restricted environment. Based on feedback from city / town clerks, we estimate that the processing time may double or triple. However, some city / town clerks indicated that the additional time may be minimal since they would utilize the central database for issuance rather than retrieving a paper copy from their vault. We believe that processing time is most likely to

double (to approximately 10-15 minutes) due to the review of identification documents and entering requestor information into the database.

The processing time is an important concern since city / town clerks currently are very busy. This may require them to accept a request, process it at a later time, and then provide the copy when the requestor returns. But, that would require the clerk to check the requestor's identification twice – once at application and again at pick-up. Additionally, some requestors send a person to pickup the copy on their behalf.

Are there any liability issues in the event that a certified copy is provided to a party that utilizes fraudulent identity documents?

The states that have adopted this model have not reported any liability issues on the part of their staff when the state's protocols and procedures are followed.

We know that some states add protections in their statutes. For example, South Dakota included the following,

No employee of the state vital records office, local registrar, or deputy registrar may be held personally liable for any unintentional issuance of any certified copy of any vital record fraudulently obtained.

The above statement could easily be included as part of the model and new statutes to provide additional assurances.

Does this model address other existing concerns or needs, such as acceptance of copies by other state and federal agencies?

Yes. If the issuing offices (whether 246+ cities / towns or 14 regional / county offices) were to use a central database developed, supported, and updated by the Vital Records' Office, and the certified copies showed **one** State Registrar signature and had **one** State Seal, then we expect this to meet the requirements of other states' agencies and the federal agencies. Also, if the Vital Records' Office was training and "certifying" the issuing offices, and incorporated tracking or audit tools as part of the database, this should address the security standards.

However, continuing to allow 246+ cities / towns to issue certified copies that have different signatures and seals, will not address the concerns of other state and federal agencies. There would continue to be rejection of locally-issued certified copies.

Does full "closure" provide any added value (protection) to the person or the community? Is there really an identity theft risk in allowing the public to obtain an informational copy?

The challenge is that these records – even informational copies – can be utilized for personal gain that will harm the public. An informational copy contains a person's name, date of birth, place of birth, parents' names, mailing and residential address, etc. This is enough information - compiled all on a single document – to allow a person to seek out further personal information. For example, he / she could use this to locate the individual's current address, identify their family members (including mother's maiden name), and obtain other information that can assist in assuming their

identity (e.g., school graduated; membership in professional organizations; etc.). This is all very easy to do with today's Internet resources.

Therefore, the risk with allowing informational copies to be available to the public is that they provide a "one stop shop" for much of the personal information that can be used to obtain the remaining pieces necessary to utilize someone's identity and request a certified copy of their birth certificate. For example, with the information from the informational copy (and simple Internet searches with that data), enough is learned so that he / she can pose as the person and thereby obtain access to other documents (copy of utility bill; phone records; etc.) It is true that this same information can be obtained by searching through someone's garbage, but access to the informational copy of a birth certificate makes it much simpler.

Once a person has obtained these additional documents (e.g., copy of utility bill; school records; etc.), then he / she can apply for credit cards, open bank accounts, obtain a Social Security Number, and purchase multiple copies of a certified copy of the birth certificate. In some states, when a person doesn't have a driver's license, Passport or other photo identification, the state allows for proof of identity to be a combination of other documents. For example, in South Dakota it is a copy of a current utility bill and a copy of a bank statement.

Approach / Model C (Closure of Birth and Death Certificates): Costs / Impact Table

Stakeholders	Potential Impact?	Any Financial Costs?	Role or Access Changes?
Vermont public	Positive	Minor (only if fees increased)	Yes (copies and viewing only if prove the relationship)
City / Town Clerks	Negative (unless duties moved to a regional level)	Yes (less fee revenue)	Yes (additional review, tracking)
Probate Courts	Positive	Minor (less fees collected)	Yes (fewer court orders)
Funeral Homes / Crematoriums	Minor Change	None	Yes (change to requesting copies on behalf of families)
Hospitals & Physicians	No Change	None	No
Genealogists	Unclear	Minor (only if fees increased)	Yes (access only after period of 100 years – births and 50 years – deaths)
VSARA (State Archives)	Positive	None	Yes (additional review, tracking)
Vital Records' Office	Positive	None	Yes (streamlined processes; additional review, tracking)
Federal Agencies	Positive	None	Yes (meet future requirements)
Other States' Agencies	Positive (only if central database and issuance changes)	None	Yes (accept VT certified copies – if issuance changes are made)
Media	Negative	None	Yes (no access to birth or death certificates)

Costs

The financial impact of implementing any of the three options is minor for most stakeholders. The Vital Records' Office would not require additional staff to implement the operational and organizational changes if provided with a period of twelve months for roll-out and training. Also, the hardware and software requirements would be manageable since the Vital Records' Office and the VDH ITS Development staff are in the process of developing and integrating software that could support most of the data management. There would be significant time demands to make any changes necessary to meet the final statutory wording, but twelve months should provide adequate time to make business process changes.

We expect some one-time expenses for the Vital Records' Office and VSARA, such as new manuals and communication materials, security training, in-state travel and supplies. Additionally, changes would be required to the current web site that receives Internet orders for certificate copies. The changes would involve additional identity verification and credit card orders. It is unknown how much these modifications would cost and depends on the statutory requirements.

Overall, the cost of implementing changes for any of the three options would be manageable for the State agencies / departments. However, it is difficult to forecast the revenue impact for city / town clerks if they would no longer be issuing informational or certified copies of birth and death certificates. As stated earlier, approximately 95,000 to 100,000 certified copies are issued by the cities and towns each year. (This includes copies of marriage certificates, which we are not proposing to change access.) Therefore, approximately 70,000 copies of birth and death certificates are issued each year, at \$10.00 per copy. There are some towns that issue less than 100 copies per year, and then there are hospital towns that can issue 3,000+ copies per year.

In addition, city / town clerks issue an unknown number of informational copies at \$2.00 per copy. It should be noted that revenue from informational copies may decrease in the future since there are discussions underway with Ancestry.com on whether to give free access to Vermonters to view Vermont birth and death certificates at their web site. Normally, their organization charges a subscription fee for people to search and view a record. Ancestry.com has indicated that they are willing to give Vermonters free access for a specified period of time. However, this would result in fewer visitors to the city / town clerk offices to request and pay \$2.00 for an informational copy.

Any loss in revenue (which may be minimal for some towns) needs to be balanced against the costs to address space / vault issues, improved physical security, and expanded monitoring of visitors, if the towns were to continue storage and issuance of these records (instead of moving to a centralized model). It is very likely that these expenses would be greater for the towns than the loss of copy fee revenue for a number of years.

Also, if a "regional" approach (instead of a town-level approach) for the issuance of copies is to be implemented, there will be operational issues and expenses to address. For example, a regional or county office may encounter problems with inadequate parking, counter / customer service space, and vault capacity, if they are handling the activities that had been performed by several local towns. (If records were not fully closed from viewing, then would the paper records at the other towns need to be moved to the regional office?)¹ There would also be a workload issue if staffing levels were not adjusted. These questions would need to be addressed as part of any statutory changes and will involve an undetermined cost to implement.

¹ If access to copies and / or viewing of records is limited or restricted, and a transition made to a central database for issuance of copies, the paper copies currently stored in city / town vaults, Vital Records' Office, and VSARA's facility should be **maintained and not destroyed**. These are important historical documents and need to remain available in case there are any questions about the accuracy or validity of the information in the central database.

Conclusion

As the number of “open record” states for access to birth and death certificates has diminished, the activity of persons and organizations seeking these records for improper or illegal purposes will continue to shift to the remaining unrestricted states. In Vermont, we may be starting to see the signs of such a shift as there are increasing requests for copies of these records coming from overseas. However, without authority to collect and maintain information on these requests, we are unable to quantify the anecdotal information. Also, we have identified that parties outside our state are using unverifiable documents in an attempt to create or modify Vermont birth certificates. States that have closed or limited access to their birth and death certificates in recent years, such as New Jersey, have experienced significant reductions in the number of fraudulent records reported to them and number of cases referred to law enforcement.²

We recommend that the Vermont Legislature consider enacting a number of changes to the current vital records’ statutes in the next legislative session. The options outlined in this report provide a foundation for discussion and the Vital Records’ Office is prepared to assist with constructing a model that protects Vermonters’ privacy and identity. For additional information regarding Vital Records’ operations, the national Model Law, or access to vital events’ documents, please contact the Vermont Department of Health’s:

Public Health Statistics Chief

802-651-1862

or

Vital Statistics Information Manager

802-651-1636

² New Jersey indicated that they have seen a noticeable reduction in fraud cases over the past six years since closing access to the general public. They previously had experienced a significant problem with fraudulent NJ birth certificates being used in Guatemala and were receiving a dozen faxes each week to verify / investigate those documents. Since closure of their records, that has reduced to about two per quarter (less than one each month). Also, their state’s DMV has seen a reduction in fraudulent birth certificates being presented as part of a license application.

Appendix

The Vermont statutes potentially impacted by this report's recommendations are as follows:

Title 15: Domestic Relations

Chapter 13: Change of Name

§ 816. Certificate of change

Title 18: Health

Chapter 101: Vital Records Generally

- § 5001. Vital records; forms of certificates
- § 5002. Returns; tables
- § 5003. Forms
- § 5004. Family court clerks; divorce returns
- § 5005. Unorganized towns and gores
- § 5006. Vital records published in town reports
- § 5007. Preservation of data
- § 5008. Town clerk; recording and indexing procedures
- § 5009. Nonresidents; certified copies
- § 5010. Report of statistics
- § 5011. Penalty
- § 5012. Town clerk to provide general index; marriages and civil unions
- § 5013. Town clerk; single index births and deaths
- § 5014. Repealed. 1963, No. 103, § 8, eff. May 22, 1963.
- § 5015. Statistics by head of family becoming resident
- § 5016-5018. Repealed. 1979, No. 142 (Adj. Sess.), § 26.
- § 5019. Repealed. 1973, No. 249 (Adj. Sess.), § 111, eff. April 9, 1974.
- § 5020. Supervisor of vital records registration

Title 18: Health

Chapter 103: Birth Records

- § 5071. Birth certificates; who to make; return
- § 5072. Notice to parent for correction or completion
- § 5073. Amendment of minor errors on birth certificate
- § 5074. Penalty
- § 5075. Issuance of new or corrected birth certificate by probate court-Application
- § 5076. -Notice; hearing; decree; record
- § 5077. New birth certificate of child of unwed parents who subsequently marry
- § 5078. Adoption; new birth certificate
- § 5078a. Birth certificate for foreign-born child adopted in Vermont
- § 5079. Repealed. 1979, No. 142 (Adj. Sess.), § 26.
- § 5080. Form and effect of new certificate
- § 5081. Filing of new certificate
- § 5082. Construction
- § 5083. Participants in address confidentiality program
- § 5084-5086. Repealed. 2001, No. 87 (Adj. Sess.), § 5, eff. June 30, 2003.
- § 5087. Establishment of birth information network

- § 5088. Birth information network; confidentiality
- § 5089. Advisory committee

Title 18: Health

Chapter 105: Marriage Records and Licenses

- § 5131. Issuance of marriage license; solemnization; return of marriage certificate
- § 5132. Marriage license; participants in address confidentiality program
- § 5133-5135. Repealed. 1985, No. 114 (Adj. Sess.), § 2, eff. April 9, 1986.
- § 5136. [Omitted.]
- § 5137. Issuance of license
- § 5138. Repealed. 1985, No. 114 (Adj. Sess.), § 2, eff. April 9, 1986.
- § 5139. Clerk's duties; penalty
- § 5140. Penalty for misrepresentation
- § 5141. Proof of legal qualifications of parties; penalty
- § 5142. Restrictions as to minors and incompetent persons
- § 5143. -Penalties
- § 5144. Persons authorized to solemnize marriage
- § 5144a. Temporary officiant for marriages
- § 5145. Marriage license required for solemnization
- § 5146. Penalty for solemnization without license or failure to return
- § 5147. Solemnization by unauthorized person; penalty; validity of marriage
- § 5148. Evidence of marriage
- § 5149. Repealed. 1973, No. 201 (Adj. Sess.), § 12.
- § 5150. Correction of marriage certificate
- § 5151. Delayed certificates of marriage

Title 18: Health

Chapter 106: Civil Union; Records and Licenses

- § 5160. 5160-5165. Repealed. 2009, No. 3, § 12, eff. Sept 1, 2009.
- § 5166. Certification by unauthorized person; penalty; validity of civil unions
- § 5167. Evidence of civil union
- § 5168. Correction of civil union certificate
- § 5169. Delayed certificates of civil union

Title 18: Health

Chapter 107: Deaths, Burials, Autopsies

- § 5201. Permits; removal of bodies; cremation; waiting period; investigation into circumstances of death
- § 5202. Death certificate; duties of physician
- § 5202a. Correction of death certificate
- § 5203. Death certificate; member of armed forces
- § 5204. -Forms; certification
- § 5205. Death certificate when no attending physician; autopsy
- § 5206. Penalty for failure to furnish death certificate
- § 5207. Certificate furnished family; burial permit
- § 5208. Repealed. 1979, No. 142 (Adj. Sess.), § 26.

- § 5209. Death out of state; burial permit
- § 5210. Form of burial or removal permit
- § 5211. Unauthorized burial or removal; penalty
- § 5212. Permit to remove dead bodies
- § 5212a. Removal; objections
- § 5212b. Unmarked burial sites special fund
- § 5213. Removal; form and disposition of permit
- § 5214. Duties of sexton; no burial or removal without permit
- § 5215. Burial returns
- § 5216. -Penalty
- § 5217. Repealed. 1973, No. 99, § 2.
- § 5218. Determination of death
- § 5219. Persons missing and presumed dead; issuance of presumptive death certificate
- § 5220. Decision-making regarding remains; reciprocal beneficiary
- § 5221. Definitions
- § 5223. Unidentified fetus
- § 5224. Disposition of remains; permits
- § 5225. Penalty
- § 5226. Definitions
- § 5227. Right to disposition
- § 5228. Forfeiture
- § 5229. Cost of disposition
- § 5230. Rights of funeral director or crematory operator
- § 5231. Civil action
- § 5232. Procedures generally
- § 5233. Limited liability

Title 18: Health

Chapter 121: Cemeteries

- § 5301. Application of chapter
- § 5302. Definitions
- § 5303. Policy declared
- § 5304. Limitation of powers
- § 5305. Right to make rules and regulations
- § 5306. Perpetual care funds
- § 5307. -Rule against perpetuities
- § 5308. -Custodian of funds; bond
- § 5309. -Investment of funds
- § 5310. Plats
- § 5311. -Recording of plats
- § 5312. -Limitation of sales
- § 5313. Records; burial records open to public
- § 5314. Sale of property for interment purposes; disposition of receipts
- § 5315. Sale of property for other than burial purposes; disposition of proceeds
- § 5316. Encumbrance of cemetery property prohibited
- § 5317. Tax exemptions
- § 5318. Public use of cemetery for other purposes
- § 5319. Disposition of remains of dead
- § 5320. -Temporary vaults
- § 5321. Improvement of private burial grounds; duties of officers

- § 5322. Temporary access to cemeteries
- § 5361. Appropriations and regulations by towns
- § 5362. Repair; expense; notice
- § 5363. Penalty
- § 5364. Fences; penalty
- § 5365. Damages for want of fence; liability
- § 5366. -Not liable until notified
- § 5367. Duties of selectmen
- § 5368. Exceptions
- § 5369. Removal
- § 5370. Notice; headstones
- § 5371. Town or city to furnish headstone
- § 5372. Appropriation for cemetery associations
- § 5373. Cemetery commissioners
- § 5374. -Term
- § 5375. Laying out and improving grounds; burial without charge
- § 5376. Sale of lots; tax exemption
- § 5377. Proceeds of sale; expenditure
- § 5378. Bylaws and regulations
- § 5379. Report of cemetery commissioners
- § 5380. -Auditors
- § 5381. Transfer of care from commissioners to selectmen
- § 5382. Town trust funds-Acceptance of property
- § 5383. -Acceptance of money in trust
- § 5384. Payment to treasurer; record; investment
- § 5385. -Accounts; expenditures
- § 5386. -Report
- § 5387. -Money received prior to 1895
- § 5431. Cemetery associations; corporations
- § 5432. Organization and operation
- § 5433. Authority; powers
- § 5434. Penalty for doing business as a cemetery association without authority
- § 5435. Sales of lots, crypts and niches; how income applied; rules
- § 5436. Perpetual care fund
- § 5437. -Investment
- § 5438. Cemetery accounts; annual reports
- § 5439. Dissolution of cemetery associations
- § 5440. Merger of cemetery associations
- § 5481. Acquisition of land and property-Purchase or gift
- § 5482. Eminent domain
- § 5483. Acquisition of land by town
- § 5484. Acquisition of gravel by town or association
- § 5485. Appeal to superior court
- § 5486. Repealed. 1965, No. 142.
- § 5487. Acquisition of land by cemetery associations generally
- § 5488. Enlargement of cemeteries by associations-Petition to superior court to acquire land
- § 5489. -Service of petition; appointment of commissioners
- § 5490. -Notice; hearing
- § 5491. -Survey; damages
- § 5492. -Report, filing
- § 5493. -Judgment on report; costs
- § 5494. -Title to lands taken

- § 5531. Disposal of lot by will; descent; burial rights of husband and wife
- § 5532. Escheat of cemetery lots-Definition
- § 5533. -Escheat when owner's whereabouts unknown
- § 5534. -Petition; hearing
- § 5535. -Notice; publication
- § 5536. -Order
- § 5537. -Heirs
- § 5571. Location
- § 5572. Plats
- § 5573. Construction requirements
- § 5574. Inspection
- § 5575. Use before completion prohibited
- § 5576. Sales before the completion of building; bond
- § 5577. Mausoleum becoming untenable
- § 5578. Perpetual care funds
- § 5579. Penalties

Title 24: Municipal and County Government

Chapter 35: Town Clerks

- § 1164. Certified copies; form
- § 1178. Safes; vaults

Title 32: Taxation and Finance

Chapter 17: Fees and Costs

- § 1714. Burial certificates
- § 1715. Vital records search