

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: S. 28

Name of Bill: An act relating to gender neutral nomenclature for the identification of parents on birth certificates.

Agency/ Dept: AHS/DCF **Author of Bill Review:** Robin Arnell

Date of Bill Review: 5/20/14 **Status of Bill: (check one):**

☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies ☐ Fiscal

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill proposes to require the use of gender neutral nomenclature for the identification of parents on birth certificates.

Additionally, the bill requires the Agency of Human Services to submit a report proposing whether and how the voluntary acknowledgement of parentage process should be amended.

2. Is there a need for this bill? *Please explain why or why not.*

There is a need for use of gender neutral nomenclature on the Department of Health form and birth certificate to account for couples of the same sex.

The current version of the bill as passed by the Senate proposes that the Agency of Human Services submit a report on or before January 15, 2015 addressing whether and how the voluntary acknowledgement of parentage process should be amended to allow persons who are not the biological parent of a child to assume parental rights and responsibilities of a child through the completion of a voluntary acknowledgement form.

Currently, 18 V.S.A. sec. 5071(d) permits the inclusion of an unwed father on a birth certificate if both mother and father have signed a voluntary acknowledgement of parentage as prescribed by 15 V.S.A. sec. 307. Signing a voluntary acknowledgement form creates a presumptive legal determination of parentage with attendant rights and responsibilities.

The study requires that the Agency consider the impact of changing the voluntary acknowledgement of parentage process to allow persons who are not biological parents to assume parental rights and responsibilities of a child. The study will allow the agency to undertake research to make a meaningful recommendation to the Senate Committee on Health and Welfare and the House Committee on Human

Services. A recent Vermont Supreme Court decision raises various policy issues in parentage cases involving unwed couples and rights of potential putative fathers. (See *Columbia v. Lawton*, 193 Vt. 165, 71 A.3d 1218 (2013)).

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The bill will have no fiscal and programmatic implications for this Department.

However, Agency of Human Services employees will devote time to the researching, consulting with the court administrator and preparing a report on whether and how the voluntary acknowledgement of parentage process should be amended.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The bill may impact the Department of Health as new forms will have to be created.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Same sex couples are likely to support the proposal because the Department of Health forms and birth certificates will match their circumstance.

Unmarried same sex couples and biological parents are likely to support the proposal for an Agency study to ensure that any proposal conforms to state and federal laws and is consistent with court decisions and rules.

6.2 Who else is likely to oppose the proposal and why?

Unknown.

7. Rationale for recommendation: *Justify recommendation stated above.*

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*