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# Virginia Regulatory Town Hall

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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12VAC5-550-330
<b>Regulation title</b>	12VAC5-550-330. New Certificate
<b>Action title</b>	To create a Certificate of Live Birth form and a Certified Birth Certificate that shows the parents' designation as 'Name of Parent'
<b>Final agency action date</b>	August 11, 2009
<b>Document preparation date</b>	August 11, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

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On April 22, 2005, the Virginia Supreme Court in a case styled *Davenport v. Little-Bowser*, 269 Va. 546, held that the plain language of Virginia Code § 32.1-261 required the Health Department's Division of Vital Records to issue new birth certificates for Virginia-born children adopted by out-of-state same sex couples. Because the Supreme Court did not invalidate the Health Department's current regulations regarding issuance of birth certificates, the Attorney General's Office has advised the Registrar to continue issuing birth certificates with one same-sex partner's name in the space reserved for 'Mother' and the other partner's name in the space reserved for 'Father' until such time as the current regulation may be amended. Adoptive same-sex parents have indicated dissatisfaction with the certificates as currently issued. The Division of Vital Records is promulgating an amendment to the current regulations changing the birth certificate form to permit the parents' designations to be 'Name of Parent' for a child that is adopted by a same-sex couple rather than 'Mother' and 'Father'.

## Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On August 11, 2009, the Deputy Commissioner by delegation and signing on behalf of the State Health Commissioner, vested with the authority of the State Board of Health, approved this action to amend 12VAC-5-550-330.

## Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulation will have no impact on the institution of the family or family stability.