



COMMONWEALTH of VIRGINIA

Department of Health

JANET M. RAINEY
DIRECTOR AND STATE REGISTRAR

DIVISION OF VITAL RECORDS
2001 MAYWILL STREET
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RICHMOND, VA 23218-1000
(804) 662-6200

Mr. David Bernd
CEO
Sentara Obici Hospital
2800 Godwin Blvd.
Suffolk, VA 23434

January 22, 2015

Dear Mr. Bernd:

Based on the October 6, 2014 U. S. Supreme Court ruling letting stand the ruling of the United States Court of Appeals for the Fourth Circuit making same sex marriage legal in the Commonwealth of Virginia; there have been a number of questions on how birth certificates will be handled for children of same sex married couples.

When there are two female spouses in a legal marriage both spouses can be listed on their child's birth certificate when one of the spouses is the gestational mother. This is based on the assumption that the child was conceived by assisted conception.

We are revising the Hospital Worksheet and the Electronic Birth Certificate (EBC) application to capture the information on the gestational mother's female spouse. These changes may not be completed before a child of a same-sex female couple is born. Therefore, the gestational mother's female spouse information will be captured in the father's section of the Hospital Worksheet and EBC. Although her information will be captured in the father section, the certified birth certificate issued by the Division of Vital Records will not show the title "FULL NAME OF FATHER" but "FULL NAME OF PARENT". Until all changes are made and to prevent any certified birth certificate being mistakenly issued with "Full Name of Father" it is important that the Birth Registrar and/or the parents send any applications for a certified birth certificate to the attention of Janet Rainey or Michelle Reid. Again, these instructions only apply to same-sex female couples that are in a legal marriage.

We will keep you updated as new policies and procedures are made and ask that you bear with us as we move through these uncharted waters. If you have parents with questions or concerns regarding the preparation of their child's birth record in these instances please feel free to refer them to our office and we will do our best to help them.

As always, for all you do we thank you.

Best Regards,

Janet M. Rainey
Director and State Registrar

Michelle Reid
Assistant State Registrar

Xc: Hattie Boone, Director of Womens Center
Miranda Powell
Yolanda Moore