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SENATE BILL NO. 1211

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact §§ 1-216, 11-8, and 32.1-271 of the Code of Virginia, relating to gender-specific terms.

Patrons—Ebbin; Delegate: Simon

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-216, 11-8, and 32.1-271 of the Code of Virginia are amended and reenacted as follows:

§ 1-216. Gender.

A. A word used in the masculine includes the feminine and neuter.

B. Unless the context clearly indicates otherwise:

1. The terms "father" and "mother" may mean any parent of a child.

2. The terms "husband" and "wife" mean either spouse to a marriage.

3. The terms "maternal" or "paternal" when describing any familial relationship may be used interchangeably.

§ 11-8. Instruments executed by minors or unmarried widows or widowers to obtain benefits under certain federal legislation.

Any person under the age of ~~eighteen~~ 18 or any widow or widower who has not remarried who is eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United States approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or hereafter amended, or other like federal law, shall be, upon complying with the terms of this section, qualified to contract for and purchase any real or personal property with respect to which the guaranteed loan is to be made, to execute the note or other evidence of the loan indebtedness, and to secure the debt by the execution of a deed of trust or chattel mortgage, or other instrument, upon the real or personal property acquired as aforesaid in connection with the proposed loan or theretofore acquired by such person, whether by purchase or otherwise, and such person shall, in all respects, be bound by such contracts or other instruments entered into as though he or she were of full age.

When any such person is under the age of ~~eighteen~~ 18 years, no contract, note, deed of trust, mortgage, or other instrument required to obtain benefits under such federal legislation shall be executed by such person unless the circuit or corporation court of the city or county, or judge thereof in vacation, in which the property is located or to be used, after a petition signed by any such person shall have been filed with it or him, approve the same. Such petition shall set forth the facts pertaining to the proposed transaction and shall state why the judge or court should approve and authorize the execution of the necessary instruments.

The petition shall be heard by the court without a jury and its decision thereon shall be final. A guardian ad litem shall be appointed who shall make an investigation and report in writing whether in his opinion the best interest of the petitioner would be served by permitting the petitioner to enter into such transaction and the report shall be filed with the papers in the case. No such petition shall be approved by the court unless such approval is recommended by the report of the guardian ad litem and unless it is also recommended by the testimony of at least two disinterested and qualified witnesses appointed by the court, or the judge thereof in vacation. The order of approval shall recite the recommendation of the guardian ad litem and the witnesses and also their names and addresses. And the judge of the court hearing the case shall fix a reasonable fee for the attorneys and guardians ad litem.

The court, if of opinion that entry into such transaction would benefit the petitioner, shall approve the prayer of the petition and the petitioner, if he enter into such transaction and execute any instrument required therein, shall be bound thereby as if of full age whether all or part of the obligation secured be so guaranteed.

All rights which have accrued or obligations which have arisen under this section prior to January 30, 1947, are hereby declared valid and binding.

If the court approve the prayer of the petition such approval shall operate to vest title and confer the power to encumber or convey title to real or personal property acquired pursuant to such approval.

Any infant spouse of an infant veteran permitted by the court to make loans under this section may unite in any conveyance to effectuate such a loan as if he or she was a spouse of an adult signing as provided under the provisions of § ~~55-42~~ 64.2-301, relating to the removal of disability of infancy in

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59 certain cases.

60 **§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to**
61 **compel disclosure; when certain records made public.**

62 A. To protect the integrity of vital records and to ensure the efficient and proper administration of
63 the system of vital records, it shall be unlawful, notwithstanding the provisions of §§ 2.2-3700 through
64 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or
65 to copy or issue a copy of all or part of any such vital records except as authorized by this section or
66 regulation of the Board or when so ordered by a court of the Commonwealth.

67 B. Data contained in vital records may be disclosed for valid and substantial research purposes in
68 accordance with the regulations of the Board.

69 C. Any person aggrieved by a decision of a county or city registrar may appeal to the State
70 Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital
71 records, such person may petition the court of the county or city in which he resides if he resides in the
72 Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond,
73 Division I, for an order compelling disclosure, inspection or copying of such vital record. The State
74 Registrar or his authorized representative may appear and testify in such proceeding.

75 D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of
76 death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar
77 shall, unless precluded from release by statute or court order, or at law-enforcement request, become
78 public information and be made available in accordance with regulations that shall provide for the
79 continued safekeeping of the records. All records that are public information on July 1, 1983, shall
80 continue to be public information. Original records in the custody of the State Registrar that become
81 public information shall be turned over to the Library of Virginia for safekeeping and for public access
82 consistent with other state archival records, subject to the State Registrar and the Library of Virginia
83 entering into a memorandum of understanding to arrange for continued prompt access by the State
84 Registrar to original records for purposes of amendments to those records or other working purposes.
85 The State Registrar's office may retain copies thereof for its own administrative and disclosure purposes.

86 E. The State Registrar or the city or county registrar shall disclose data about or issue a certified
87 copy of a birth certificate of a child to the grandparent of the child upon the written request of the
88 grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as
89 prescribed by Board regulation, for the data or birth certificate.

90 F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate
91 to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the
92 Board in regulation.

93 G. The State Registrar or the city or county registrar shall disclose data about or issue a certified
94 copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member
95 of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and
96 tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the
97 information disclosed includes the cause of death and any other medical information necessary to
98 determine the suitability of the organs, eyes and tissues for donation.

99 H. The State Registrar shall seek to enter into a long-term contract with a private company
100 experienced in maintaining genealogical research databases to create, maintain, and update such an
101 online index at no direct cost to the Commonwealth, in exchange for allowing the private company to
102 also provide such index to its subscribers and customers. The online index shall be designed and
103 constructed to have the capability of allowing birth, marriage, divorce, and death entries on the index to
104 be linked to a digital image of the underlying original birth, marriage, divorce, or death record once any
105 such underlying record has become public information, and the index shall be designed to allow the
106 Library of Virginia to create and activate such links to digital images of the original records. Any social
107 security numbers appearing on original birth, marriage, divorce, or death records shall be redacted from
108 the digital images provided to the public in the manner provided by law, which may include bulk
109 redaction of social security fields from the images via automated methods.

110 Following contract implementation, the State Registrar shall maintain a publicly available online vital
111 records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for
112 births (naming the child), marriages (naming the ~~bride and groom~~ *parties*), divorces (naming the parties
113 to the divorce), and deaths (naming the decedent), which vital records index information, except as
114 otherwise precluded from release by statute, court order, or law-enforcement request, shall be public
115 information from the time of its receipt by the State Registrar and shall be accessible on the State
116 Registrar's website and on or through the Library of Virginia website.