



**36TH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON HEALTH, HOSPITALS & HUMAN SERVICES**

The Honorable Senator Ray Fonseca
Chair

Testimony Presented By
The Honorable Justa E. Encarnacion, RN, BSN, MBA/HCM
Commissioner of Health

On

Bill 36-0280, as amended by the Amendment in the Nature of Substitute offered by Senator
Hubert L. Frederick (Amendment No. 36-932)

1 Good day, Honorable Ray Fonseca, Chair of the Committee on Health, Hospitals and Human
2 Services; Honorable Hubert L. Frederick, Vice Chair; Committee members, and all non-
3 committee members, and to the viewing and listening audience. I am Justa Encarnacion,
4 Commissioner of Health for the Virgin Islands Department of Health. Joining me today are Dr.
5 Nicole Craigwell-Syms, Assistant Commissioner; Mackiesh Taylor-Jones, Chief Legal Counsel,
6 Hadiyah Charles, Deputy Commissioner, and Lorraine Benjamin-Matthew, Director of Vital
7 Records and Statistics (VRS).

8
9 Thank you for the opportunity to testify on **Bill No. 36-0280**, and a proposed Amendment in
10 Nature, No. 36-932. The Department views the proposed amendments as an opportunity to
11 ensure that the statutory framework governing birth records accurately reflect the manner in
12 which Vital Records and Statistics currently operate and the needs of the Virgin Islands
13 community we serve.

14 The Department of Health, Office of Vital Records and Statistics, is responsible for the
15 registration, maintenance, preservation, and dissemination of records concerning vital events
16 occurring within the Territory, including births and deaths. The Office of Vital Records and
17 Statistics also serves as a custodian of vital statistical information used for public health and
18 governmental purposes.

19 The Department's proposed amendments seek to update terminology and statutory references
20 under “Births” so that the law more accurately corresponds with forms and procedures currently
21 utilized by the Office of Vital Records and Statistics.

22 Birth registration is one of the first interactions an individual has with government. It creates a
23 permanent record of a person's birth and establishes information that may follow that person
24 throughout their lifetime.

25 **Alignment with the U.S. Standard Certificate Live Birth**

26 The Department currently utilizes the U.S. Standard Certificate Live Birth as the basis for
27 collecting and maintaining the information associated with birth registration. The Amendment
28 will clarify the use of the U.S. Standard Certificate of Live Birth and ensure that statutory
29 terminology corresponds with the standardized birth-registration forms used by the Department.

1 Data submitted from the U.S. Standard Certificate of Live Birth to the Centers for Disease
2 Control and Prevention's, or CDC, National Center for Health Statistics provides foundational
3 data for national public health surveillance, health research, and policymaking.

4 **Access to Birth Certificates and Requests by Mail**

5 The Amendment writes into law an option that we already offer. The present Birth Certificate
6 application includes an option for the parent to receive the certificate by mail upon payment of
7 an administrative fee. When requesting the birth certificate to be mailed, the parent must provide
8 the Office of Vital Records and Statistics with a stamped, self-addressed envelope so the
9 certificates can be returned with their copies of the Voluntary Certificate of Parentage Form. The
10 Amendment now gives the registrar no later than five business days after the certificate of live
11 birth, and the application is submitted, to mail the birth certificate to the parent.

12 **Acknowledgement of Paternity & Surname**

13 The Amendment substitutes an acknowledgment of paternity consistent with the
14 acknowledgment procedure in Title 16, Chapter 11, Establishing Paternity. This gives us one
15 recognized, uniform document across the code rather than differing terminology in different
16 chapters.

17 The proposed amendment is intended to address a longstanding issue concerning the surname
18 assigned to a child when the child is born outside of marriage, and paternity has not yet been
19 acknowledged or legally established. The new subsection establishes a clear and uniform
20 statutory rule for determining the surname to be entered on the child's birth certificate. Where
21 paternity has been acknowledged or otherwise legally established, the surname selected by the
22 mother shall be entered in accordance with the applicable statutory procedure. Where paternity
23 has not been acknowledged or established, the child shall be assigned the mother's surname.

24 The Virgin Islands Department of Health has historically received requests from mothers seeking
25 to assign their child a surname other than the mother's surname when paternity has not yet been
26 acknowledged or established. This issue is not new. On June 17, 1970, a memorandum was
27 issued by the Virgin Islands Department of Justice to provide guidance concerning how the
28 Department of Health should address the surname of a child in circumstances where paternity
29 had not been established. The Department has relied upon and followed that guidance in

1 administering birth registrations for decades. The proposed amendment codifies a longstanding
2 Department of Health practice and provides a clear statutory standard for determining a child's
3 surname at the time of birth registration. Establishing the rule in the Virgin Islands Code will
4 reduce uncertainty and inconsistencies, provide parents and healthcare providers with greater
5 clarity, and ensure that VRS personnel apply the requirement uniformly. This amendment will
6 strengthen the birth-registration process by providing a clear, consistent, and legally established
7 procedure moving forward.

8 We appreciate the Legislature's time and consideration of the amendments and look forward to
9 working collaboratively to ensure that the Virgin Islands' vital records and statistics laws
10 continue to serve the residents of the Territory effectively. We thank this body for its continued
11 support and collaboration. We stand ready to answer your questions.