

If an error or omission is made on a birth certificate, you can change it in one of three ways. First, if the record has not been filed by the local registrar's office or state BVS, you can make a "correction." (See the next section of this handbook entitled "Corrections to Birth Certificate Records.") Second, if a record has been filed by the local registrar's office or State BVS and an error that was made by the hospital or midwife is discovered within 6 months from the date of birth, a "Duplicate for Correction" may be filed in certain circumstances. (See the section entitled "Duplicates Filed for Correction," which starts on page 57.) Third, if a record has been filed by the local registrar's office and by the state BVS and can not be corrected by a "Duplicate for Correction," it may be corrected or changed only by filing an amendment with the state office. [HSC, §191.028] The amendment becomes an addendum to the original record. See the section entitled "Amendments to Birth Records after Filing with Local and State Registrars."

### Corrections to Birth Certificate Records

The Certificate of Birth is a permanent legal document that is very important to the registrant for his or her entire life. If it appears altered in any way, the registrant may be questioned about its authenticity and asked to supply further documentation or proof of identity.

When an error is detected on a birth record in items 1 through 21 (the "legal" portion), we prefer that you create a new, corrected record and obtain new signatures. Hospitals using Certificate Manager are able to reprint a record before electronic transmission occurs.

In a few instances, a correction can be made without altering the appearance of the record (For example, very neatly correcting one letter of a word or number of a date, etc.). Do not attempt to correct an entire name or entry. Strikeovers or cross-outs are not acceptable. However, if you do make corrections to original records, remember to do so very carefully. Changes made with blue out or lift off tape as well as typewritten additions to computer-generated certificates can appear as alterations. When the certificate is reproduced for certification and the document appears altered, the individual presenting the document may encounter problems.

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**Note:** Any time a correction of any kind is made on the original birth certificate, it may be rejected by the local or state vital statistics office.

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### Correcting Records Prior to Filing with Local Registrar

The following steps should be taken in making corrections based on various circumstances:

**The paper record is still at the hospital and the electronic record has not been transmitted:**

1. Correct the electronic record and reprint the certificate. Obtain the certifier's signature and parents' signatures.
2. Destroy the incorrect certificate. File the new one with the appropriate local registrar and transmit the electronic record to the state.

**The paper record is still at the hospital, but the electronic record has been transmitted:**

The error is in the upper "legal" portion of the certificate (above item 18):

1. Prepare a new, typewritten record.
2. Obtain the certifier's signature and parents' signatures.
3. Destroy the certificate containing the errors.
4. Make a photocopy of the corrected record and highlight the fields you changed on

the photocopy. Attach the photocopy to the new original record and file them both with the appropriate local registrar.

The error is in the lower portion of the certificate (below item 18):

- a) For the “long form” birth certificate:
  1. Make the correction on the original certificate neatly and legibly.
  2. Photocopy the corrected certificate.
  3. Highlight, on the photocopy, any corrections you have made.
  4. Paper clip the highlighted copy behind the original certificate and file with the appropriate local registrar.
- b) For the “short form” birth certificate:

Complete a Data Correction Request form, VS-177 and mail it directly to the Bureau of Vital Statistics.

### Correcting Records after Filing with Local Registrar

If the paper record has been sent to (and filed by) the local registrar and the electronic record has been transmitted, do one of the following:

- a) The error is in the upper “legal” portion of the certificate (above item 18):
  1. If the birth occurred within the past six months, the correction can be made by filing a “Duplicate for Correction.” Instructions for filing a “Duplicate” can be found in this chapter on page 57.
  2. If the error is found after six months, or the local registrar will not file a “Duplicate,” the certificate must be corrected by filing an amendment.
- b) The error is in the lower portion of the certificate (items 19d, 19e, 21 through 38g):

The error can be corrected without producing a “Duplicate” or filing an amendment regardless of the length of time since the date of birth. Complete a Data Correction Request form, VS-177, and mail it to:

Attn: Data Quality  
Texas Department of Health  
Bureau of Vital Statistics  
1100 West 49th Street  
Austin, Texas 78756-3191

### Duplicate Records Filed for Correction

#### Conditions Required for Filing Duplicates

When an error is detected on a certificate that has already been filed with the State BVS, a duplicate record may be filed with the local registrar under certain circumstances. The following conditions must be met before a Duplicate may be filed for correction:

1. The birth must have occurred in the past six months. Duplicates will be rejected if filed by the local registrar past the six month time limit.
2. The local registrar must be willing to accept the Duplicate record. Always check with the local registrar before creating a Duplicate.
3. A Duplicate should be filed only to correct a major mistake in the upper, legal portion of the

birth certificate (above line 18) and only when the mistake is the fault of the person or facility creating the original certificate. A Duplicate may not be filed to change information originally provided—and subsequently changed—by the informant.

4. A Duplicate cannot be filed to alter the paternity of a child (i.e., add a father, remove a father, name a different father) except in very limited situations. If the father of a child signed the original Certificate of Birth and the hospital left the father's information off the record in error, a Duplicate will be accepted only if it is signed by both the father and the mother. Contact our office for assistance in other situations related to altering paternity information.
5. There is no charge for filing a Duplicate for Correction.

### **Procedures for Filing a Duplicate for Correction**

To File a Duplicate for Correction, follow these procedures:

1. Create a complete, new certificate and obtain all original signatures. As stated previously, the parents' signatures should be obtained.
2. In the left margin, type the words "Duplicate for Correction," and indicate the item number(s) that contain the corrected information. Do not make any notation along the top of the certificate.
3. Forward the Duplicate to the appropriate local registrar.
4. The local registrar will review the certificate, give it the same Local Registrar's File number that was placed on the original record, and show the date that the Duplicate was received. The record will then be forwarded to the Bureau of Vital Statistics for filing.

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**Note:** The original record filed will not be removed from the files; the Duplicate record will be filed behind the original. Certified copies will then be issued only from the Duplicate Filed For Correction.

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5. Hospitals using Certificate Manager will have to use a typewriter to create a new certificate. Do not transmit the new Duplicate record electronically; prepare the record as instructed above. Do not transfer the form number from the original certificate.

For further assistance in filing Duplicates, contact the Records Receiving Program at (512) 458-7365.

## **Amendments to Birth Records after Filing with Local and State Registrars**

### **General Information**

The Application to Amend Certificate of Birth (see Appendix K) may be used in requesting completion of any item left blank on the original birth certificate or to correct any errors made during the completion of the original record, except information relating to paternity.

The Application may not be used to change any entry on the certificate if such entry was correct at the time the record was filed or if the change relates to paternity.

Documentation submitted in support of the amendment application will be abstracted and included as part of the amendment. The original documentation will be returned to the applicant.

The fee for filing an amendment is \$15.00. The applicant should send an additional \$11.00 for each certified copy of the amended record.

A copy of the completed amendment will be forwarded to the local registrar and/or county clerk in the registration district in which the birth originally occurred.

A person may not make an affidavit regarding his or her own record. When an older relative or friend is not available, an exception may be granted by the State Registrar provided satisfactory documentary evidence is submitted.

Amendments pertaining to the name of the registrant cannot be accepted subsequent to a Legal Change of Name Order.

Should you have any questions about providing supporting documents or filing an amendment, you may call the Request Processing Division at (512) 458-7693.

### **Procedures for Amending Certificate of Birth**

The applicant must submit an Application to Amend Certificate of Birth (VS- 170), the proper fee, and documentation (if required).

Both parents must sign the affidavit when correcting a minor child's information unless the child has a single parent or guardian.

When the signature of a parent or older relative is not available, then the signature of the person having the best knowledge of the facts and the supporting documentary evidence required to justify the correction must be submitted.

A list of suggested acceptable documents to be submitted in support of the correction or amendment is included on the reverse side of the application form. (See Appendix K) This is not an inclusive list. Documentation must support and verify the facts being corrected or amended.

### **Instructions for Completing the Application to Amend Certificate of Birth, VS-170**

The information related to the applicant, including name, address, telephone number, and signature, should be filled in at the top of the form (before Part I).

#### **Part I**

Enter the registrant's information as shown on the original birth certificate. Item 3 should show the city and county of birth. Item 5 should show the state file number, if known; otherwise, leave item 5 blank.

#### **Part II**

Part II is used to show which item(s) needs to be corrected.

Enter the item number(s) that needs to be corrected in block 8. The item numbers must be obtained from the original birth record.

Enter the incorrect or wrong information in block 9, just as it appears on the original certificate.

Enter the correct information in block 10; this will be the correct information that the applicant desires to be shown on the record.

#### **Part III**

Part III is the affidavit portion of the form and must be signed before a notary public. The notary public's signature, seal, and commission expiration date must be on the form.

If the change or correction is to be made to a minor child's record (17 years old or less), this affidavit must be signed by both parents. If the registrant is 18 or older, one parent, an older relative, or a family friend may sign the affidavit in the presence of a notary public. The older and closer the relationship of the affiant (person making the affidavit), the stronger the document will be.

In addition to the signature, the address of the affiant, the relationship of the affiant to the registrant, and the date the affidavit was signed must be stated.

## Documentation

Any significant or major change in the information already recorded on the certificate will require documentation. Such a change involves information that is completely different from what is shown on the original record. Any documentation submitted must show the correct name, date and place of birth, and the names of the parents. Copies must be certified, or they will not be accepted. Examples of acceptable documents include school, baptismal, hospital, military or social security records.

## Types of Documents Required as Supporting Evidence

Generally, the affidavit included in the Application to Amend Certificate of Birth and one acceptable document are sufficient for correction.

### Amending Registrant's Information

1. Adding information—Items Left Blank on the Original Certificate  
(Except for last names or father's information)
  - (a) Registrant up to 17 years of age— Affidavit signed by both parents.
  - (b) Adult Registrant (18 and over)— Affidavit signed by parent(s) or older relative.
2. Correcting the Spelling of a First, Middle or Last Name  
(Names having the same sound or diminutive)
  - (a) For registrant up to 17 years— Affidavit signed by both parents.
  - (b) Adult registrant (18 and over)— Affidavit signed by parent(s) or older relative.
3. Changing or Dropping First or Middle Name(s)
  - (a) Under one (1) year of age— Affidavit signed by both parents.
  - (b) One (1) year to 17 years— Affidavit signed by both parents and one document. If document is unobtainable, a certified copy of a court order is required.
  - (c) Adult (over 18 years)— Affidavit signed by parent(s), or older relative and one document. If a document is unobtainable, a certified copy of a court order is required.
4. Changing the Last Name
  - (a) Under one (1) year of age— Affidavit signed by both parents.
  - (b) One to four (1–4) years of age and changing the last name of the child from that of the mother to that of the father, or vice versa, *when the child's last name on the original certificate includes both parents' last names*— Affidavit signed by both parents.
  - (c) One to four (1–4) years and adding or deleting a hyphen— Affidavit signed by both parents.
  - (d) Any other change for a child over one (1) year of age— Certified copy of a court order.
5. Changing the Order of the First or Middle Names
  - (a) Registrants up to 17 years of age— Affidavit signed by both parents.

(b) **Adult Registrant (18 and over)— Affidavit signed by parent(s) or older relative.**

**6. Changing the Day of Birth**

(a) **Registrants up to 17 years of age— Affidavit signed by both parents.**

(b) **Adult Registrants (18 and over)— Affidavit signed by parent(s) or older relative.**

**7. Change in the Month or Year of Birth**

(a) **One (1) year to 17 years— Affidavit signed by attending physician or medical records clerk or affidavit signed by both parents and one document.**

(b) **Adult (over 18 years)— Affidavit signed by parent(s) or older relative and one document.**

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**Note: Date of birth must not be after the local registrar's file date or date signed by attendant/certifier.**

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**8. Changing the Sex When the Name Identifies Gender**

(a) **Registrant up to 17 years of age— Affidavit signed by both parents.**

(b) **Adult Registrant (18 and over)— Affidavit signed by parent(s) or older relative.**

**9. Changing the Sex When the Name Does Not Identify Gender**

(a) **Registrants up to 17 years of age— Affidavit by medical attendant or medical records clerk or an affidavit by both parents and one document.**

(b) **Adult Registrant (18 and over)— Affidavit by medical attendant or medical records clerk or affidavit by parent(s) or an older relative and one document.**

**Documents Most Commonly Used to Correct Registrant's Information**

**1. Under Six (6) Years Old**

**Hospital Record  
Baptismal Record  
Immunization Record**

**2. Six (6) Years and Older**

**Hospital Record  
Baptismal Record  
Early School Record  
Social Security Record  
Military Service Record  
Birth Certificate of Child  
Census Record**

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**Note: You may call (512) 458-7693 to discuss other documentation that may be acceptable.**

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## Amending Registrant's Parents' Information

1. Correcting a First, Middle or Last Name of Registrant's Parents
  - (a) Correcting the spelling (name has the same sound or diminutive)— Affidavit signed by affected parent(s).
  - (b) Adding a First or Middle Name— Affidavit signed by affected parent(s).
  - (c) Dropping or totally changing a First, Middle, or Last Name— Affidavit signed by parents and one document which must be dated prior to the child's birth. If a document is unobtainable, a certified copy of a court order is required.
  
2. Changing the Place of Birth of Registrant's Parents
  - (a) Change of State— Affidavit signed by parent(s).
  - (b) Change of Country— Affidavit signed by parent(s) and one document.
  - (c) Change from Foreign Country to United States— Affidavit signed by parent(s) and one document
  
3. Age or Date of Birth of Registrant's Parents
  - (a) Change is Less than two (2) years— Affidavit signed by parent(s).
  - (b) Change is Over two (2) years— Affidavit signed by parent(s) and one document.
  
4. Color or Race— Affidavit signed by parent(s).

### Documents Most Commonly Used to Correct Registrant's Parents' Information

Hospital Record  
Marriage License of Parents  
Birth Certificate of older child born to same parents  
Birth Certificate of the parent whose information is being changed  
Passport

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**Note:** You may contact the State BVS to discuss other documentation that may be acceptable. For additional assistance in completing and filing the VS-170, Application to Amend the Certificate of Birth, call the Request Processing Division at (512) 458-7693.

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### Instructions for Completing the Application for Amended Birth Certificate Based on Paternity, VS-166

The Application for Amended Birth Certificate Based on Paternity (See Appendix K) is used to change, add, or remove the name of the father to a birth certificate that is already filed with the local and state registrars. The application must be signed by both parents in the presence of a notary public. When paternity is established by a court decree, only one parent must sign the application before a notary public.

**The completed application must be sent to the Bureau of Vital Statistics in Austin (the address is on the back of the form) along with the required fee and one of the following three types of documentation:**

- 1) Certified copy of a marriage license**
- 2) Notarized Acknowledgment of Paternity**
- 3) Certified Declaration of Paternity or Certified copy of Court Decree**

**The fee for filing an amendment to paternity is \$25.00. The applicant should also send an additional \$11.00 for each certified copy of the amended record.**

**If the change involves adding a father's information to a birth certificate on which the father's information was left blank, either the certified copy of a marriage license or a notarized Acknowledgment of Paternity can be used as the supporting document. However, if the change involves removing the father's information or removing one man's information and adding the information of another man, then the supporting document must be a Certified Declaration of Paternity or a court decree.**

**The Bureau of Vital Statistics will create a new supplemental record based on paternity (VS-161) and will remove the original from the records and file the supplemental. A copy of the supplemental record will also be forwarded to the local registrar and will replace the original record in the local registrar's files. The State BVS will place the Application to Amend Based on Paternity, supporting documents, and the original birth certificate in a sealed paternity file upon acceptance for filing. This sealed file can be opened only by a district court or court with family law jurisdiction.**

**Since 1966, most paternity actions through Texas courts have been reported to the Bureau of Vital Statistics. If a court has provided sufficient information to validate an adjudicated action, the State BVS will not require a certified copy of the court decree. (The State BVS can use the record already in its file.)**

**When an application to amend is submitted along with a certified copy of a marriage license or a notarized Acknowledgment of Paternity, the parents can change the child's name without the need of a court ordered change of name. If the application to amend is supported with an adjudicated action, the court order must specify the new name of the child for the new name to be incorporated into the supplemental certificate.**