LOCAL REGISTRAR HANDBOOK

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TEXAS Health and Human Services

Texas Department of State Health Services

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CHAPTER 1 – OVERVIEW

PURPOSE OF THIS HANDBOOK

The State Registrar is required to provide instructions and prescribe forms of collecting, recording, transcribing, compiling, and preserving vital statistics. The purpose of this handbook is to provide those instructions. [HSC §191.002 (a) (3)]

STATE REGISTRAR

The Director of the Department of State Health Services - Vital Statistics Section (VSS) is the State Registrar. The director must be a competent vital statistician. The State Registrar shall prepare and issue detailed instructions necessary for the uniform observance of this title and the maintenance of a perfect system of registration. [HSC §191.004]

To insure uniform compliance with this title, the State Registrar has supervisory power over Local Registrars, Deputy Registrars, and Sub-Registrars. [HSC §195.002 (a)]

REGISTRATION DISTRICTS

The state is divided into registration districts for the purpose of registering births, deaths, and fetal deaths. The registration districts are: each justice of the peace precinct; and each municipality with a population of 2,500 or more. [HSC§ 191.021(a)].

LOCAL REGISTRARS

The justice of the peace is the Local Registrar of births, deaths and fetal deaths in his or her justice of the peace precinct unless:

- The precinct has been consolidated; or
- The County Judge has appointed someone else. [HSC§191.022 (a)]

The municipal clerk or secretary is the Local Registrar of births, deaths and fetal deaths in his or her municipality with a population of 2,500 or more unless:

- The registration district has been consolidated; or
- If a Local Registrar fails or refuses to register each birth and death in the district or neglects duties under this title, the County Judge or the Mayor, as appropriate, shall appoint a new Local Registrar and shall send the name and mailing address of the appointee to the State Registrar. [HSC§191.022(e)]

The Local Registrar is responsible for birth, death and fetal death registration in his or her registration district. The Local Registrar shall secure a complete record of each birth, death, and fetal record.

The Local Registrar in each registration district shall enforce this title under the supervision and direction of the State Registrar. [HSC§195.001 (a)]

The State Registrar shall execute this title throughout the state. [HSC§195.002 (a)]

A Local Registrar, Deputy Registrar, or Sub-Registrar commits an offense if that person fails, neglects, or refuses to perform a duty under this title or under instructions and directions of the State Registrar given under this title. An offense under this section is a class "C" misdemeanor. *HSC §195.004 (c, d)]

The Vital Statistics Section of the Department of State Health Services offers training conferences throughout the year. It is recommended that the Local Registrars attend a minimum of one conference annually to keep up with vital registration policies and procedures.

LOCAL REGISTRAR SIGNATURE

The Local Registrar shall sign each report made to the Vital Statistics Section. Each Local Registrar shall appoint a Deputy Registrar so that a registrar will be available at all times for the registration of births, deaths and fetal deaths. [HSC §191.022(c) (d)]

Deputies may not sign the reports submitted to the Vital Statistics Section other than by the Local Registrar's facsimile stamp.

Death certificates completed and filed entirely in the TxEVER will have the local registration signature line completed. These death certificates do not need a signature once they have been numbered, dated and printed from the TxEVER system. Always check the "place of death" block (see image below) on an electronic record to be certain the death occurred in your local registration district before filing and releasing the record in TER. It is difficult to correct it once you have released it from the queue.

Once the Local Registrar has received a birth certificate from the state through the TxEVER system, the Local Registrar will number, date, print, sign and file the birth certificate. Always check the "place of birth" block (see image below) on an electronic record to be certain the birth occurred in your local registration district before filing the record.

CONFIDENTIALITY

Birth and death records have a specific exemption under the Public Information Act formerly known as the Open Records Act.

A birth or death record maintained by the Vital Statistics Section of the department of State Health services or a local registration official is excerpted from (required public disclosure), except that:

1) A birth record is public information and available to the public on and after the 75th anniversary of the date of birth as shown on the record filed with VSS or local registration official;

2) A death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with VSS or local registration official; [GC §552.115 (a-1, 2)]

The Texas Department of State Health Services has the authority to control accessibility to birth and death certificates and has adopted rules defining who may be qualified to obtain certified copies. Please see the next section on "**Properly Qualified Applicant**" for specific information. [HSC §191.051] [25 TAC§181.1(22) (17)] (See the chapter on issuance for more information on qualified applicants.)

Warning: A person commits an offense if the person knowingly violates Section 192.002 (b), knowingly induces or causes another to violate that section, or knowingly fails to comply with a rule adopted under that section. An offense under this section is a Class A misdemeanor. [HSC §195.003]

DEPUTY REGISTRAR

Each Local Registrar shall appoint a Deputy Registrar so that a registrar is available at all times for the registration of births and deaths. [HSC §191.022(c)]

In the absence of the Local Registrar, the deputy makes sure the functions of the office are carried out properly, under the signature of the Local Registrar (the Local Registrar is the registration district authority).

The Local Registrar shall sign each report made to the Vital Statistics Section. [HSC §191.022(d)]

The Local Registrar's signature shall be affixed to all vital records by signature or facsimile (stamp).

Each Deputy Registrar should be aware of the confidentiality of vital records. It is recommended that all Deputy Registrars and any other vital records staff take an oath of confidentiality.

CONSOLIDATION

To facilitate registration, the board may combine or divide registration districts. [HSC§ 191.021(b)].

The justice of the peace is the Local Registrar of births and deaths in a justice of the peace precinct. However, the duty of registering births and deaths may be transferred to the County Clerk if the justice of the peace and the County Clerk agree in writing and the agreement is ratified by the commissioner's court. *HSC§ 191.022(a)+

The municipal clerk or secretary is the Local Registrar of births and deaths in a municipality with a population of 2,500 or more. [HSC§ 191.022(b)]

The duties imposed by law relating to the maintenance of birth and death records of a municipality with a population of 2,500 or more may be transferred to the county in which the municipality is located, as provided by this section. [HSC§ 191.023(a)]

Once the consolidation process is completed the letters from both the Local Registrar that is being consolidated and the Local Registrar that is taking over the registration district must be sent to the State Registrar. The information that should be included in the letter is:

When the new registrar will be taking over the duties as Local Registrar; The name of the Deputy Registrar(s) being appointed;

A copy of the commissioner's court resolution and any other relevant documents.

REPORTS OF INFORMATION

On the State Registrar's demand, a person, including a physician, midwife, or funeral director, who has information relating to a birth, death, or fetal death shall supply the information electronically, in person, by mail, or through the Local Registrar. [HSC §191.024 (a)]

The Local Registrars have the authority to obtain the information necessary to secure a complete record of each birth, death and fetal death that occurs in the Local Registrar's jurisdiction. [HSC §191.026 (a, e, i)]

VOTER REGISTRATION ABSTRACT

The Local Registrar files a voter registration abstract with the voter registration office of the decedent's county of residence no later than the 10th day of the month following the month in which the abstract is prepared. [2TEC §16.001]

Each month the Local Registrar shall prepare an abstract of each death certificate issued in that month for a decedent 18 years of age or older who was a resident of the state at the time of death and who's death certificate is filed in that registration district. The Local Registrar of deaths shall file each abstract with the voter register of the decedent's county of residence no later than the 10th day of the month following the month in which the abstract was prepared. The abstract should include the decedent's name, date of death, date of birth, sex and residential address. However, each Local Registrar should also contact his or her voter registration representative and inquire about the format the representative would prefer for receiving the abstract data. [2TEC §16.001(a)]

For a complete listing of the voter registration offices, please contact the Secretary of State's Office, Elections Division.

PRESERVATION OF RECORDS

The Local Registrar is responsible for preserving the vital records in his or her office. Birth, death and fetal death certificates are permanent records.

Copies of birth records are available to the public for searching or inspection on or after the 75th anniversary of the date of birth as shown on the record filed with the state or the local registration official. Original birth records shall not be made available to the public in the interest of preservation of the records. [25 TAC §181.10(b-1)]

The State Registrar shall establish and maintain an index of all vital records filed within the Vital Statistics Section. Local registration officials shall establish and maintain an index of all vital records filed within their local registration area. [25 TAC §181.23(a)]

In addition to other fees collected under this section, a Local Registrar may collect a fee not to exceed $1 for the preservation of vital statistics records maintained by the registrar, including birth, death, fetal death, marriage, divorce and annulment records. A fee under this section shall be collected by the registrar on the issuance of a vital statistics record.

[HSC §191.0045 (d) (e) (f) (g) (h)]

DESTRUCTION OF PAPER RECORDS

The Local Registrar may, after the first anniversary of the date of registration of a birth, death, or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the Local Registrar if:

The Local Registrar has access to electronic records of births, deaths, and fetal deaths maintained by VSS.

Before destroying the records, the Local Registrar certifies to the State Registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the VSS database and that each record is included in the database or otherwise accounted for. [HSC §191.026(e)]

VERIFICATION/CERTIFICATION PROCEDURES FOR DESTROYING A PERMANENT BIRTH RECORD

A Local Registrar must follow the following guidelines before destroying a permanent birth record. The Local Registrar must request in writing a listing of his or her local birth records from VSS. The request must include:

- The birth year
- The Local Registrars name
- The registration district City or precinct number County

VSS will create an electronic or paper (hard) copy listing of local birth records that will contain the following data items:

- Child's name
- Date of birth Child's sex City of birth
- County of birth Mother's maiden name Father's name

- Local Registrar number (for birth years after 1991) Plurality (if a child is part of a multiple birth)
- Birth order (if child is part of a multiple birth)

The electronic file of local birth records (alphabetical order by the child's name and will contain one birth year listing per file) will be sent to the local office via mail (diskette) or FTP. VSS will charge a Local Registrar's office a fee for each year of data requested from our database.

The Local Registrar will verify that each birth record (including amendments) to be destroyed has an exact match to the birth records contained on the electronic VSS file listing.

CHAPTER 2 – REGISTRATION

REVIEW OF CERTIFICATE BY LOCAL REGISTRAR

When a Local Registrar is presented with a manual paper birth, death or fetal death record for registration, the Local Registrar shall carefully examine the record to determine if it is completed as required by this title 3 of the Health and Safety Code and by the State Registrar's instructions. If a death certificate is incomplete or unsatisfactory, the Local Registrar shall call attention to the defects in the return. If a birth certificate is incomplete, the Local Registrar shall immediately notify the informant and require the informant to supply the missing information if it can be obtained. [HSC §191.027(a, b, c)]

The instructions on how each item on a birth, death or fetal death record should be completed are in their respective handbooks, located on our website at:

dshs.texas.gov/vs/handbooks

- The Handbook on Birth Registration
- The Handbook on Death Registration
- The Handbook on Fetal Death Registration

Birth records registered in TxEVER are fully electronic. When reviewing a birth record filed electronically, ensure that the record is to be filed in your registration district. If the place of birth is not in your registration district, the record should be rejected by using the "Reassign/Reject" functions in TxEVER. See the **TxEVER User Guide** for more information.

In rare instances (usually in the case of home births and hospitals that don't usually deliver babies), a manual birth certificate may be required to be processed. In reviewing these birth records, check for the signatures of the certifier, including his or her title, the parent(s) and if applicable, required signatures for ImmTrac and a copy of the complete Acknowledgement of Paternity that was faxed into the Acknowledgement of Paternity Registry.

In reviewing paper vital records (record not completely filed electronically), do not accept blank items unless specifically allowed by the **Handbooks on Birth, Death and Fetal Death Registration**.

For those records not completely filed electronically, Local Registrars also ensure that all the necessary signatures appear on the vital records submitted to their office. This would include electronic signatures on death records partially completed in TER.

There should be no alterations, strike-outs, erasures, white-outs, or other obvious corrections on the face of the record. Do not accept notations on the face of any certificate submitted for filing unless specifically allowed by the Handbooks on Birth, Death and Fetal Death Registration.

Death records are registered in TxEVER (fully electronic). [HSC §193.002(4); HSC §193.005 (h)]

In the case of a partially-electronic record (Drop-to-paper) or a fully-manual record when reviewing death records, check for the signatures of the person completing the medical certification of death, including his or her title, and the funeral director or person acting as such.

Fetal death records are fully manual (Form VS-113). When reviewing fetal death records, check for the signatures of the certifier, including his or her title, and the funeral director or person acting as such. Paternity rules apply to a fetal death certificate if the unwed biological father's information is to appear on the fetal death certificate.

When reviewing birth, death, or fetal death records, carefully review dates for completeness and ensure that they correspond with one another. For example, the date of certification cannot occur prior to the date of birth or date of death.

Ensure correction of any record with errors or problems before forwarding it to VSS Records.

Information required on a certificate must be written legibly in durable blue or black ink or may be filed and registered by photographic, electronic, or other means as prescribed by the State Registrar. [HSC §191.025(d)]

DATE FILED BY LOCAL REGISTRAR

The Local Registrar shall sign each certificate to attest to the date the certificate is filed in the Local Registrar's office. [HSC §191.026 (b)]

NUMBERING

The first two digits of the local file number identify that local registration office. Each Local Registrar in a particular registration district will have an individual two-digit code. The remaining digits in the local file number consist of the consecutive number of the event. Consecutively number birth, death, and fetal death certificates in separate series, beginning with the number "1" for the first event in each calendar year.

The TxEVER system has a limited number of spaces for the registrar's file number. It is not necessary to include the event year in the registration file number, as the file date is also included on the record.

Example: Registrar's file number - 01-0001

Or the Local Registrar can enter the local file number without the dash.

Example: Registrar's file number - 010001

NUMBERING AND THE NEW YEAR

The Local Registrar shall consecutively number birth, death and fetal death certificates in separate series, beginning with the number "1" for the first birth, first death and the first fetal death in each calendar year. [HSC §191.026(b)]

Use a separate number series for numbering vital events (birth, death, fetal death), until completing the previous year's events. Assign the number "1" to the first certificate for each event occurring in the new calendar year. However, continue consecutively numbering the previous year's events with the events of that year.

For example, registrar 03 files a birth certificate on 12/31/09 and assigns the registrar's file number 03-398; on January 5, 2010 that registrar receives the first birth certificate for a baby born in 2010 and assigns that record the number 03-0001. The next day, a birth certificate arrives for another baby born on12/31/09; the registrar must assign that certificate the registrar's file number 03-399. The example also applies to death and fetal death certificates.

The Local Registrar should be very careful when assigning file numbers to the records as the TxEVER system will not be able to change numbers assigned in error.

INDEXING

The State Registrar shall establish and maintain an index of all vital records filed within VSS. Local registration offices shall establish and maintain an index of all vital records filed within their local registration area. [25 TAC §181.23 (a)]

There are three types of indexes: General, Summary and Consolidated.

General Birth Index

General birth indexes maintained or established by VSS or a local registration office shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the state or local file number, the name of the father, the maiden name of the mother and sex of the registrant.

A general birth index is public information and available to the public to the extent the index relates to a birth record that is public on or after the 75th anniversary of the date of birth as shown on the record unless the fact of an adoption or paternity determination can be revealed or broken or if the index contains specific identifying information relating to the parents of the child who is the subject of an adoption placement. VSS and the local registration officials shall expunge or delete any state or local file numbers included in any general birth index made available to the public because such file numbers may be used to discover information concerning specific adoptions, paternity determinations, or the identity of the parents who are subjects of adoption placements. [25 TAC §181.23 (b) (1, 2); GC§552.115 (a)(3)(b)]

Summary Birth Index

A summary birth index maintained or established by VSS or a local registration office shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant. A summary birth index or any listings of birth records are not available to the public for searching or inspection if the fact of adoption or paternity determination can be revealed from specific identifying information. [25 TAC §181.23 (b) (3);GC§552.115 (a)(4)]

General Death Index

A general death index maintained or established by VSS or a local registration office shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the registrant's social security number, sex, and marital status; the name of the registrant's spouse, if applicable; and the state or local file number.

A general death index is public information and available to the public to the extent the index relates to a death record that is public on or after the 25th anniversary of the date of death as shown on the record. [25 TAC §181.23 (c) (1, 2); GC §552.115 (a)(3)]

Summary Death Index

A summary death index maintained or established by VSS or a local registration office shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant. [25 TAC §181.23 (c) (3);GC§552.115 (a)(4)]

Consolidated Indexes

Consolidated indexes are indexes of vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event and may be prepared for any vital event at the discretion of the State Registrar in the form prescribed. [25 TAC §181.23 (e)]

RECORDING VITAL EVENTS

A municipality shall supply its Local Registrar, and each county shall supply the County Clerk, with permanent record books for recording the births, deaths and fetal deaths occurring in their respective jurisdictions. The record books must be in forms approved by the State Registrar. [HSC §191.025 (b)]

Local Registrars may use several methods for recording vital events. We recommend imaging or photocopying the actual birth, death, and fetal death records, keeping the copies in file number order by year, and permanently maintaining the photocopies in post-binders. Maintain separate post-binders for each type of vital record. Do not file birth, death and fetal death records together in the same binders. Microfilm or imaging of the actual records is also permissible, so long as your office can access and issue the records.

For Certificates of Birth and Fetal Death, photocopy only the section considered the "legal portion." The section of the birth and fetal death record entitled "For Medical and Health Use Only" is not part of the legal certificate. Information under that section of the certificate is confidential. The information may not be released or made public on subpoena or otherwise. [HSC §192.002 (b)]

The section of the birth certificate that includes spaces for recording the social security numbers of the mother and father and the signatures of the parent(s) are not part of the legal birth certificate and should not be included on any certified copies. [HSC§192.002 (c)]

For a Certificate of Death, the Local Registrar should retain the full photocopy of the complete death certificate, which includes cause and manner of death. For manual paper certificates of death, the Local Registrar is not required to include information marked "For Statistical Purposes Only and is not to be included on certified copies" on their file copy. Do not make a copy or issue the U.S. Armed Forces information on the back of the death certificate.

Another method of recording vital events consists of maintaining a permanent record book (columnar format) that provides columns for recording the essential information on each vital event in local file number order. When using this method, maintain a separate record book for each type of vital record. **VSS does not recommend this method for current registration, even though many older records are recorded in this way.**

MAILING RECORDS TO THE STATE

Birth and death certificates completed in TxEVER (fully electronic) are automatically sent to the state electronically via the TxEVER system and do not need to be mailed.

For manual birth records, manual and partially electronic (Drop-to-paper) death records, and fetal death records, the Local Registrar, on the 10th day of each month, shall send to the State Registrar:

- The original certificates that the Local Registrar registered during the preceding month
- A report of no births or deaths on a card provided for that purpose if no births or deaths occurred during the preceding month. [HSC §191.029]

However, Local Registrars are encouraged to mail records at least weekly.

The state office furnishes Local Registrars with envelopes, free of charge, in which the records may be mailed to Records Receiving. You may order these envelopes from VSS Supply at 1-512-458-7393.

IMPORTANT: Do not send checks or other fee-related items in these prepaid VSS envelopes.

The address for Records Receiving is:

Vital Statistics
MC1966
Texas Department of State Health Services
P.O. Box 149347
Austin, TX 78714-9812

MAILING RECORDS TO THE COUNTY CLERK

Not later than the 10th day of each month, the Local Registrar shall file with the commissioners court or the county auditor, as appropriate, a copy of each birth, death, and fetal death certificate filed with the Local Registrar during the preceding month. The copies shall be deposited in the County Clerk's office. This subsection does not apply in a municipality that has an ordinance requiring that a copy of each birth, death and fetal death certificate be permanently filed in the office of the municipality's registrar. [HSC §191.030(a, c, d)]

DELAYED REGISTRATION OF BIRTHS AND DEATHS

Registration of delayed births and deaths is a function of the state Vital Statistics Section.

Attorney General of Texas Opinion No. 0-3775 (September 5, 1941) advised the State Registrar that if a birth or death record is recorded in the office of a Local Registrar, but not in the Vital Statistics Section (VSS), the State Registrar is not authorized to file either the original certificate from the office of the Local Registrar or a certified copy made from the Local Registrar's original.

A person whose birth is recorded in the office of a County Clerk or Local Registrar but not in VSS should not file an application for a Delayed Certificate of Birth until it has been determined that a certificate issued by the local registration official is not acceptable as proof of birth facts.

If a birth or death is registered with VSS but is not recorded locally, VSS will furnish the Local Registrar, upon request, a plain copy of the original record for recording in his or her office.

A person who was born in another state and who wishes to file a Delayed Certificate of Birth should contact the state vital statistics office in the state where they were born for information and instructions on registering a delayed birth.

PATERNITY REGISTRY

VSS established a Paternity Registry for men to voluntarily assert their parental rights. The Paternity Registry protects the parental rights of men who assume responsibility for children they may have fathered and expedites the adoption of children whose biological fathers are unwilling to assume responsibility for their children. A man would not need to

register with the Paternity Registry if he is presumed to be the biological father on the child's birth certificate or has been adjudicated to be the biological father of the child by a court of competent jurisdiction.

A man who wishes to claim paternity for a child he may have fathered can register with the Paternity Registry by completing a "Notice of Intent to Claim Paternity" form (VS-130). [FC §160.256] The man may complete the form when he and the mother do not have a continuing relationship and / or he is not listed as a presumed father on the birth certificate. The "Notice of Intent to Claim Paternity "form will not establish a presumption of paternity, legally establish paternity, nor can it be used to add a man's name to the child's birth certificate. It is simply an assertion of belief that the man is the biological father of the child and wishes to preserve his rights as a parent.

A "Notice of Intent to Claim Paternity" form may be obtained from one of the following places:

- Hospitals and other birthing places in this state
- Licensed child-placing agencies
- County and district clerks
- Local Registrars
- Municipal clerks
- Justices of the peace
- Jails, prisons
- Facilities of the Texas Department of criminal Justice
- Texas Youth Commission

The form is also available on the Texas vital Statistics website at:

dshs.texas.gov/vs/patreg

The "Notice of Intent to Claim Paternity" form must be filed with VSS before or within 30 days of the birth of the child.

CENTRAL ADOPTION REGISTRY

The Central Adoption Registry is a voluntary mutual consent registry which allows adoptees, birth parents, and biological siblings, 18 years of age or older, to locate one another through a registry system. [FC §162.401; 162.403(a)]

The "match" occurs when the registry data base identifies two related persons, one who must be an adult adoptee. At least one hour of counseling is required to prepare registrants when the central adoption registry releases identifying information about each participant. [FC §162.413] The application may be printed from the DSHS website: http://dshs.texas.gov/vs/reqproc/adoptionregistry.shtm or by contacting the registry at 1-888-963-7111 or 512-458-7388.

$15 Central Adoption Registry (CAR) Fee

The clerk shall collect $15 for every adoption petition filed on a child or children. The required collection excludes adult adoptions. The clerk shall then send to vital statistics the fees collected. [FC §108.006] The fees can be sent to P.O. Box 149347, MC 2096, Austin, Texas, 78714.

For auditing purposes, the child's name prior to adoption, date of birth, and case number shall be referenced.

SUPPLEMENTAL RECORDS SENT TO LOCAL REGISTRARS

VSS distributes supplemental registrations based on paternity and adoption (VS-161) to Local Registrars through consolidated mail or TxEVER.

Supplemental registrations are mailed bi-weekly, usually to the County Clerk / Local Registrar office where the event occurred. Consolidated mail may also include amendments to birth and death records, legal name changes, birth / death transcripts, and delayed records.

VITAL RECORDS REGISTRATION OF LIVE BIRTHS

The birth of each child born in this state shall be registered. [HSC §192.001]

A certificate of birth must be filed for any product of conception meeting the definition of a live birth [Title 25 TAC §181.1 (18)] that occurs in the registrar's district. Should the child die, a death certificate must also be filed. For more information, please see the paragraph entitled **Infant Demise (Death) Verses a Fetal Death (Stillbirth)** under the sub-heading of ***Vital Records Registration of Deaths***.

The physician, midwife or other person acting as midwife in attendance at a birth shall file the birth certificate with the State Registrar no later than the fifth day after the date of birth. [HSC§192.003(a, d)]

If a birth occurs in a hospital or birthing center, the hospital administrator, the birthing center administrator, or a designee of the appropriate administrator may file the birth certificate in lieu of the physician, midwife, or person acting as a midwife. [HSC§192.003(b)]

For comprehensive instructions on how to complete the items required on a Texas Certificate of Birth and to check their completeness, please consult the **Handbook on Birth Registration**.

Instructions for Filing Delayed Certificates of Birth

An application for Delayed Certificate of Birth can be made to the VSS Request Processing Division for children born in this state but who did not have a birth certificate filed within one year of the date of birth. Local Registrar offices cannot file Delayed Certificates of Birth. Once a delayed birth record packet is processed and accepted, one copy of the delayed

Certificate of Birth form (VS-122) will be kept by VSS and one copy sent to the County Clerk's office in the county in which the birth occurred.

If you have a customer that believes he or she needs to file a Delayed Certificate of Birth, the customer will need to send in an application to VSS for a certified copy of a birth certificate. This requires the customary fee and copy of required identification. Request Processing will then conduct a search for the record. If the record is found, VSS will issue the certified copy. However, if the record is not found VSS will retain the fee for the search and send the customer the application packet for requesting a Delayed Certificate of birth.

For questions regarding Delayed Certificates of Birth, call Request Processing at 1-888-963-7111 ext. 7384.

Definitions: Birth Certificate Filings

Licensed Institutions: hospitals or birthing centers licensed by the Department of State Health Services – Vital Statistics Section.

Non-Institutional Birth: any birth occurring outside a licensed institution.

Physician: physician licensed to practice medicine in Texas by the Board of Medical Examiners.

Midwife: a person who practices midwifery under the Texas Midwifery Act and has met the requirements and standards of the Midwifery Board as established by their rules.

Midwifery: the practice by a midwife of giving the necessary supervision, care, and advice to a woman during normal pregnancy, labor, and the post-partum period; conducting a normal delivery of a child; and providing newborn care.

A documented midwife who provides a copy of his or her documentation to the Local Registrar may mail completed certificates to the registrar and obtain blank forms by mail. The Local Registrar should verify signatures with those on file in his or her office. [25 TAC §181.26 (b)]

A midwife who normally does not practice in a registrar's district and has no documentation on file may still file a birth record in that Local Registrar's office. The midwife must send to the registrar a copy of his or her documentation and a photocopy of his or her picture ID, along with the birth record for filing. They may also come in person to the Local Registrar's office to file a non- institutional birth certificate as long as they bring their current identification and their non-expired midwifery license.

Certified Nurse-Midwife: a registered nurse licensed in Texas, recognized by the Board of Nurse Examiners as an advanced nurse practitioner, and certified by the American College of Nurse-Midwives.

A certified Nurse-midwife is not covered by the midwifery documentation program. At this time, there are no provisions for any documentation that can be provided to registrars on an annual basis.

If a Certified Nurse – midwife provides a copy of his or her certification from the Board of Nurse Examiners, then the Local Registrar should make a copy for his or her file and the certified nurse-midwife should be allowed to file a birth record as outlined for a documented midwife. [25 TAC §181.26 (b)]

Registered, Certified, or Documented Health Care Provider: any physician, nurse, EMT, or midwife that is licensed, registered or documented to practice in Texas.

Filings for births occurring outside an institution by health care providers who are not certified nurse-midwives are rare. In the event of such a filing, the Local Registrar shall require proof of license or registration before the birth record is filed. [25 TAC §181.26 (b)] Once the Local Registrar verifies the license or registration, the registrar can file the certificate without need of any further proof of birth facts.

Licenses and registration from foreign countries are not acceptable.

Birth certificate filings by an individual who is not a registered, certified or documented health care provider

If there is no registered, certified, or documented health provider (physician, midwife, or person acting as midwife) in attendance at a non-institutional birth, documentation is required from the parent(s) before a birth certificate may be filed.

To file a birth certificate with the appropriate Local Registrar the following proof must be presented to the Local Registrar by the person in attendance at the birth in the following order of preference:

- The father or mother of the child; or
- The owner or householder of the premises where the birth occurs.

The person(s) in attendance must meet the four essential elements required for filing; proof of pregnancy, proof the infant was born alive, proof the infant was born in the registration district, and proof the infant was born on the date stated. [25 TAC §181.26 (c)] If the child was delivered by emergency personnel (paramedics, fire fighters or police officers) the Local Registrar must receive a copy of the incident report from the agency whose personnel was in attendance. The person delivering the child will sign as the attendant on the birth certificate.

The Local Registrar may provide to the person filing the birth record a “Mother’s Work Sheet” (VS-109) and a “Medical Work Sheet” (VS-109.2) in order to gather the information to be placed on the birth record. It is also helpful to give them a print out of the four items required for filing a non-institutional birth. The Local Registrar

should make every effort to file the birth certificate for the parents. Documentation should be kept in the event that it is requested from VSS.

If the record exceeds the one-year filing period, it would be considered a delayed birth certificate and would need to be filed with the state.

Registration by Judicial Order (Births)

If a delayed birth certificate is not accepted for registration by the State Registrar, the person may file a petition in the county probate court of the county in which the birth occurred for an order establishing a record of the person's date of birth, place of birth and parentage. [HSC §192.027]

If VSS determines that the documentation submitted with the Delayed Certificate of Birth (VS-122) is unacceptable, a petition for a Court Ordered Delayed Certificate of Birth must be presented to the county court for probate matters of the county in which the birth allegedly occurred.

The county probate court may not consider any petition for a delayed registration of birth unless the applicant first attempted to file a delayed registration with VSS.

The petition must be made on a Court Petition for Delayed Certificate of Birth (VS- 123.1) and accompanied by a statement from the State Registrar explaining why VSS could not accept the application and documentation presented.

If the county court for probate matters approves the registration of the court ordered delayed birth, prepare the Court Ordered Delayed Certificate of Birth (VS-123) form in duplicate. One original should be forwarded to VSS and the other original filed by the County Clerk.

A delayed birth record is only as valid as the documentation upon which it is based. An abstract of the supporting documents should be carefully entered and annotated on the record filed.

For questions regarding Court Ordered Delayed Certificates of Birth, call Delayed Registration 1-888-963-7111 ext. 2544.

Non-Institutional Births

Births occurring outside licensed institutions shall be filed as described in this section. A registered, certified, or documented health care provider's signature on the birth certificate, or participation in electronic birth registration shall serve as prima facie evidence of the essential elements of proof required in subsection (c) – The essential elements to register a non-institutional birth of this section. The Local Registrar may accept certificates by mail when the signature of the registered certified, or documented health care provider is on file with that registrar's office. [25 TAC §181.26 (b)]

Blank birth certificate forms shall only be issued to licensed institutions, certified nurse midwives, documented midwives, and individuals by the Local Registrar or the State Registrar in reasonable amounts. No blank birth certificate forms shall be distributed by mail to anyone other than a registered, certified, or documented health care provider. Each Local Registrar shall maintain a record of the number of blank birth certificate forms and their control number issued to each individual. The Local Registrar shall submit a copy of this record to the State Registrar on a monthly basis. [25 TAC §181.26 (i.j)]

Required Documentation for a Home Birth

Proof of pregnancy: A notarized affidavit presented from a licensed, registered, or certified health care provider who is qualified to determine pregnancy as part of the scope of his or her license, registration, or certification

Proof that there was an infant born alive: A medical record or a letter from a licensed, registered, or certified health care provider or medical institution.

Proof that the birth occurred in the registration district: If the birth occurred outside of the mother's primary place of residence, proof shall consist of a notarized affidavit along with a photocopy of ID from a person having knowledge of the mother's presence in the registration district on the date of the birth.

Proof that the infant's birth occurred on the date stated: A medical record or a letter from a licensed, registered, or certified health care provider or medical institution. [25 TAC §181.26 (C)]

A non-institutional birth may only be filed upon personal presentation of the following evidence by the individual responsible for the preparation and registering of the certificate. An identifying document, with photograph, shall be presented in the registering of the certificate. An identifying document, with photograph, shall be presented in the following order of preference:

- A passport or certification of naturalization
- A military service or military dependent identification card
- A United States government identification card, or national identification card issued by another country A current driver's license or other state identification card
- An alien registration receipt card
- An employee or student identification card, with photograph

[25 TAC §181.26 (d)]

At the discretion of the Local Registrar, the requirements contained in this section may be supplemented with any additional requirements which may be needed to verify the circumstances of the birth. Such additional requirements may include, but are not limited to, one or more of the following:

- An unannounced visit to the mother's residence or the place of the alleged birth by a public health nurse, other health professional, registered staff, or other person including city, county, state, or federal law enforcement officer, prior to registering the alleged birth. (This paragraph does not permit or give authority to enter these premises unless permission is obtained from the occupant at the time of the visit.)
- Multiple forms of identifying documents, with or without photographs, when the documents described in this section are unavailable.
- Personal appearance of both parents, either together or separately
- Personal appearance of the infant whose birth certificate the parents are attempting to file.

If the required or supplemental evidence described in this section is not available and the registrar is otherwise unable to verify the circumstances of the birth, the birth may only be filed upon order of a court of competent jurisdiction. [25 TAC §181.26 (e, f)]

VITAL RECORDS REGISTRATION OF DEATHS

The person in charge of interment or in charge of removal of a body from a registration district for disposition shall obtain and file the death certificate or fetal death certificate, enter on the certificate the information relating to disposition of the body, and sign the certificate. [HSC §193.002]

In the case of a fetal or infant death, if the parents surrender the fetus to the hospital or birthing center for disposition, it is that institution's responsibility to file the respective certificate.

Not later than the 10th day after the date of a death that occurs in this state, a death certificate shall be filed with the Local Registrar of the registration district in which: the death occurs or the body is found, if the place of death is not known. [HSC §193.003 (a)]

Infant Demise (Death) Versus a Fetal Death (Stillbirth)

The complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born. [25 TAC §181.1 (18)] If any of the above-mentioned signs of life occur, no matter for how long, and then the infant dies, a certificate of live birth and a certificate of death must be filed for that infant for the purpose of registration.

For comprehensive instructions on how to complete the items required on a Texas Certificate of Death and to check item completeness, please consult the Handbook on Death Registration.

Fetal Death (Stillbirth)

Death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles. [25 TAC §181.1 (11)]

A certificate of fetal death shall be filed for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more as calculated from the start date of the last normal menstrual period to the date of delivery.

Note: *Gestational age is only used as a filing requirement when the weight of the fetus is unknown. If the weight is known, the weight is the only criterion that should be used to determine whether the registration of a fetal death is required.*

A certificate of fetal death shall be considered properly filed: when all of the items thereon have been satisfactorily and definitely answered; and when the certificate has been presented for filing to the Local Registrar of the registration district in which the fetal death (stillbirth) occurred or the fetus was found. A certificate of fetal death (stillbirth) shall be filed with the Local Registrar within five days after the date of fetal death. [25 TAC §181.7]

For comprehensive instructions on how to complete the items required on a **Texas Certificate of Fetal Death** and to check item completeness, please consult the **Handbook on Fetal Death Registration**.

INSTRUCTIONS AND REQUIREMENTS FOR REGISTERING A CERTIFICATE OF DEATH BY CATASTROPHE

When a catastrophe is deemed the cause of death, the Local Registrar shall prepare and file the certificate of death. The Local Registrar shall only prepare and file a certificate of death caused by catastrophe if: the body has not been found; and an affidavit has been submitted to the Local Registrar according to the guidelines set forth in the Health and Safety Code, and the affiant has followed the specific criteria laid out in the Health and Safety Code. A registrar completing a certificate of death that is a death by catastrophe shall complete the cause of death information as follows:

1) Type the words, “Death by catastrophe” in item number 35, Part 1a.
2) Do not complete the rest of item 35.
3) Complete items 36 through 40 if known.

Items 41a through 41f must be completed on all certificates of death by catastrophe. [25 TAC§181.33(b, c, e)]

Delayed Registration of Death

A death that occurred more than 10 days but less than one year before the date of an application for registration of death may be recorded on a death certificate and submitted for filing with the Local Registrar of the registration district in which the death occurred. To file a record of a death that occurred in this state but was not registered within one year of the date of death, a person shall submit a record of the death to the county probate court in the county in which the death occurred. The Vital Statistics Section shall furnish a form for filing records under this section. Records submitted under this section must be on forms furnished by VSS. The State Registrar may accept a certificate that is verified as provided by this section. [HSC §193.007(a, b, c)]

A Delayed Certificate of Death may be filed only by the county probate court in the county in which the death occurred for individuals who died in Texas but did not have a death certificate filed within one year from the date of death.

The certificate must be presented in duplicate to the county probate court of the county in Texas in which the death occurred. Once complete and signed by the judge, one original should be forwarded to VSS and the other original filed by the County Clerk.

All items must be completed. If the information is not known, enter the word “unknown.” The probate court may require additional supporting documents.

VSS is not authorized to accept a delayed death record if the text of the affidavits of the standard forms has been changed in any respect, or if any supplemental documents are attached to the standard form.

If a delayed death record is found to be in error, application for correction of the record must be made to the probate court approving the original registration. Upon receipt of satisfactory evidence supporting the requested correction, the probate court will prepare an Amendment to Delayed Certificate of Death (VS-124.1) which will be forwarded to VSS Request Processing who will attach it to the original record. A copy of the amendment will also be filed behind the record filed in the office of the County Clerk.

If it is necessary to amend a Delayed Certificate of Death approved by a probate court, contact the VSS Supply Representative at 1- 888-963-7111 ext. 7393 and request the Amendment to Delayed Certificate of Death form VS-124.1.

CHAPTER 3 – REGISTERING BIRTH AMENDMENTS

AMENDMENTS TO RECORDS FILED ONLY IN A LOCAL REGISTRAR'S OFFICE

A Local Registrar may only file amendments at the local level when a record is filed in his or her office and VSS verifies that the record is not on file at the state level. The Local Registrar must require the same documentation (see the Application to Amend Certificate of Birth (VS-170) for documentation requirements). For amendments to records filed only in the Local Registrar's office complete the amendment form (VS-171.1), file the amendment as an addendum to the copy of the Local Registrar record, issue the record and amendment just as if the amendment were processed and sent from VSS. If a copy of the record is also kept separately by the County Clerk's office, the Local Registrar, if the Local Registrar is not the County Clerk, should forward a copy of the amendment to the County Clerk for his or her record.

AMENDMENTS FOR COURT ORDERED DELAYED RECORDS

Court ordered delayed records may not be corrected or amended except by the court granting the original action. For more information on amending a court ordered delayed record, contact the vital Statistics Delayed Registration Program (1-888-963-7111 ext. 5600).

COURT ORDERED CHANGE OF NAME

Subject to board rules, an adult whose name is changed by court order, or the legal representative of any person whose name is changed by court order, may request that the State Registrar attach an amendment showing the change to the person's original birth record. The State Registrar shall require proof of the change of name that the board by rule may prescribe. [HSC §192.010]

The fact that a person has acquired by usage or reputation a different name from that on his or her original birth record does not authorize an amendment to his or her original birth record noting a change of name. If, however, the change of name is made a matter of record by a court of competent jurisdiction order, the VSS Request Processing Division (Request Processing), upon receipt of a certified copy of the court order and required filing fee, can attach to the original birth record an amendment making note of the change of name.

An order of a court of competent jurisdiction changing the surname of a father does not authorize an amendment to the birth record of his or her minor child or children unless the order of the court specifically changes the name(s) of the minor child(ren).

If the name of a family is changed by order of the court at naturalization proceedings, the United States Department of Justice Form G-641, "Application for Verification of Information

from Immigration and Naturalization Service Records," should be completed and submitted to the nearest district office of the U.S. Immigration and Naturalization Service.

Forward the completed Form G-641 to Request Processing with an accompanying letter including the registrant's name, date and place of birth, and the names of the parents of the person(s) whose name was changed.

A court order changing the name of the parents and his minor child (ren) permits Request Processing to attach amendments to the original birth records of the minor child (ren) making note of the name change of both the child(ren) and parents.

When Request Processing files an amendment based on a court ordered change of name, a copy of the amendment is sent to the Local Registrar who has a copy of the original certificate on file in his or her office.

A complete copy of a Texas birth record that has been amended based on a court ordered change of name includes a reproduction of the original Texas birth record and the change of name amendment which shows the name as changed by court order.

No changes or additions can be made on the face of the original record.

PROCEDURES AND INSTRUCTIONS FOR FILING LEGAL NAME CHANGES

If the name of a person born in Texas is changed by court order, a certified copy of the order may be sent to Request Processing with a completed Application for Amended Birth Certificate Based on Court Ordered Name Change (VS-2318.1a).

The application is available on our website at:
dshs.texas.gov/vs/field/vsforms/localforms.shtm

The request should include the name before the change, date and place of birth, a certified court order, the required customary filing fee and if a certified copy of the amended certificate is needed, the current fee for a certified copy. Upon receipt of the request, Request Processing will prepare a change of name amendment.

AMENDING BIRTH CERTIFICATE

This section applies to an amending birth certificate that is filed under Section 191.028 and that completes or corrects information relating to the person's sex, color, or race. On the request of the person or the person's legal representative, the State Registrar, Local Registrar, or other person who issues birth certificates shall issue a birth certificate that incorporates the completed or corrected information instead of issuing a copy of the original or supplementary certificate with an amending certificate attached. [HSC§192.011.33(a, b)]

FILING OF SUPPLEMENTAL RECORDS BASED UPON AMENDMENTS

Most vital records are filed with the state and amendments to these records are processed through the state and sent to the Local Registrar office where the recorded event occurred. TxEVER provides the ability to amend some records electronically. Fully- electronic amendments will be sent through the TxEVER system.

Request Processing forwards completed amendments to the Local Registrar of the registration district in which the event occurred. The amendment (VS-171) becomes a part of the original record and must be filed as an addendum. Never make certified copies of amended records on two pieces of security stock. Shrink down the original information and the amended information to fit on one piece of security stock (front page only). This keeps the integrity of the information on the record intact.

FILING SUPPLEMENTAL RECORDS BASED UPON ADOPTION

Request Processing creates a supplemental record based on adoption (VS-161) when a customer sends in a certificate of adoption or a certified copy of the court decree from a Court of Competent Jurisdiction and the statutory fee, if the child was born in Texas or a foreign country and a new birth certificate based upon adoption must be filed. If the child was born in another state and the adoption was granted in Texas; the adoptive parents need to apply to the state in which the child was born for a new amended birth certificate based on the Texas adoption. That state can instruct the adoptive parents in their amendment procedures. Once VSS processes the request, the original birth certificate is replaced with a newly created supplemental record and the original birth record is sealed.

Request Processing also forwards a copy of the supplemental record based on adoption to the Local Registrar through consolidated mail or in the TxEVER Birth queues - Local Registrar print queue. The Local Registrar must print each one from the queue, make the necessary changes in their own record systems and put the new record in their files. Once the Local Registrar office receives the supplemental record based on adoption, the Local Registrar must replace his or her copy of the original birth record with the (VS-161) form and either destroy the copy of the original record or when it is not possible to remove the original record, the local; registrar must eliminate any information about the original record from his or her files.

Local Registrars must also remove any identifying information related to the original birth record (before adoption) from all indexes. Indexes must only reflect the name and other identifying information created by the adoption and listed on the (VS-161) form. (HSC 192.008)(25 TAC 181.10)

Note: *In TxEVER the Local Registrar should print the list of amendments from the print queue before processing the amendments. This will assist in identifying which amendment related to each of the original records.*

TxEVER prints a list that provides old and new names. You can identify which record in your files the supplemental record should replace by either a tag on the VS-161 (that should be removed) or by the Local Registrar file number listed on the supplemental record. If you are still unsure about which record in your files the VS-161 must replace, contact Request Processing toll free at 1-888-963-7111 for verification.

SUPPLEMENTAL RECORDS BASED UPON ADOPTION OF A CHILD BORN IN A FOREIGN COUNTRY

An official certificate of adoption must be prepared and submitted to VSS by the clerk of the court validating the foreign adoption. [25 TAC§181.29(b)]

Supplemental records for adopted children born in another country are created and filed only by VSS. Certified copies are issued only from the state office. For more information regarding foreign adoptions, please see The Texas Administrative Code 181.29.

SUPPLEMENTARY BIRTH RECORDS BASED ON PATERNITY DETERMINATIONS

The item on a birth certificate relating to the child's biological father shall be completed only if:

1) The child's mother was married to the biological father:
    a. At the time of the child's conception;
    b. At the time of the child's birth; or
    c. After the child's birth
2) Paternity is established by order of a court of competent jurisdiction; or
3) A valid acknowledgement of paternity executed by the father has been filed with the Vital Statistics Section as provided by subchapter D, Chapter 160, Family Code. [HSC§192.005]

A supplemental record based on paternity is created when Request Processing receives the necessary documents which are either through the Acknowledgement of Paternity process, legal marriage of biological parents or court order establishing paternity. The original birth certificate is replaced with a newly created supplemental record based on paternity and all information relating to the original birth certificate is eliminated from VSS indexes. The registrar is then able to download the newly created record through TxEVER. The Local Registrar must replace the copy of the original birth record and either destroys the copy of the original record or when it is not possible to remove the original record, the Local Registrar must ensure the information about the father or lack thereof is not disclosed.

FILING A SUPPLEMENTAL BIRTH RECORD BASED ON PARENTAGE USING A MARRIAGE LICENSE

To file a new birth certificate based on parentage using a marriage license, the applicant must submit:

- An application for new birth certificate based on parentage signed before a notary public by the biological mother and biological father of the child (VS-166), and
- A certified copy of the certificate of marriage of the natural parents, (when a marriage license is submitted without an AOP, parents should be advised that social security does not accept this as proof that the father is the biological father and may not grant SS benefits to the children. Also note that if the parents were married in another country, the marriage license has to have the apostil included to be accepted); and
- Required customary filing fee and, if a certified copy is needed, the current fee for a certified copy.

FILING A SUPPLEMENTAL BIRTH RECORD BASED ON PARENTAGE USING A COURT ORDER DETEMINING PATERNITY

To file a new birth certificate based on parentage using a court order determination, the applicant must submit:

- An application for new birth certificate based on parentage signed before a notary public by one parent, and
- A Certified Copy of Court Decree that establishes paternity from a court of competent jurisdiction. The certified copy must be certified by the District clerk's office where the court order is filed. (not the copy provided to the parents by the Attorney General's office), and
- Required customary filing fee and if a certified copy id needed, the current fee for a certified copy.

VSS accepts out-of-state court determinations on paternity for children born in Texas if a certified copy of the court decree and an "Application for 'New Birth Certificate Based on Parentage "form (VS-166) is submitted with the required fee.

An order of affiliation issued by an out-of-state court usually establishes paternity but does not include a name change for the child. If the child's name is to be changed, the request must be submitted with a court order change of name. The application for "New Birth Certificate Based on Parentage form (VS-166) must also be submitted with the required current fee.

FILING A SUPPLEMENTAL BIRTH RECORD BASED ON PARENTAGE USING AN AOP

To file a new birth certificate based on parentage using an AOP, the applicant must submit:

- An application for new birth certificate based on parentage signed before a notary public by the biological mother and biological father of the child (VS-166), and
- A valid acknowledgement of paternity (AOP) executed by the biological parents filed with the Vital Statistics Section. (If an AOP has been completed indicate on the VS-166 form when the AOP was faxed to VSS).
- Required customary filing fee and if a certified copy is needed, the current fee for a certified copy.

CHAPTER 4 – REGISTERING DEATH AMENDMENTS

AMENDMENTS FOR COURT ORDERED DELAYED RECORDS

Court ordered delayed records may not be corrected or amended except by the court granting the original action. For more information on amending a court ordered delayed record, contact the Vital Statistics Delayed Registration Program (1-888-963-7111 ext. 5600).

FILING DEMOGRAPHIC AMENDMENTS

The funeral home files the demographic amendment with the state Vital Statistics Section. In order to amend the demographic information on a certificate of death a properly completed Application to Amend Certificate of Death (VS-172) must be submitted to the state along with the statutory required fees. If the amendment is approved, the state will send the amendment to the Local Registrar's office in the registration district where the death certificate was filed for their records.

FILING MEDICAL AMENDMENTS

An amending certificate (medical amendment) may be filed with the appropriate Local Registrar or State Registrar electronically through the VSS electronic death registration system to complete or correct medical certification information on a certificate of death that is incomplete or inaccurate. The medical amendment must be in a format as prescribed by the department. [25TAC§181.30(a)]

A certificate described in subsection (a) of this section shall only be filed upon completion by the individual responsible for the certification of the original death certificate. If the original was certified by a physician, and a justice of the peace (JP) or medical examiner's office (ME) has subsequently conducted an inquest as authorized by the Code of criminal Procedure, Chapter 49, the medical amendment may be filed by the JP or ME that conducted the inquest. [25 TAC§181.30(b)]

There is no fee authorized to file an Amendment to Medical Certification of Certificate of Death.

Fully Electronic Medical Amendments

Fully-electronic death records should be amended in the TxEVER system. This procedure can be completed in TxEVER when the record is fully-electronic and has completed the registration process. When an amendment is completed in TxEVER allow 24-48 hours for the TxEVER system to register the amended changes before retrieving the amendment from the Local Registrar print queue.

Medical amendments filed in TxEVER will be available to print from the Local Registrar queue.

Manual Medical Amendments

To correct information on the medical portion of the death certificate or to report the cause and manner of death for a certificate that was filed "Pending Investigation," an Amendment to Medical Certification of Certificate of Death must be completed and filed directly with the appropriate Local Registrar when the original record was not filed fully in TER. A medical amendment must be filed to change the date, cause and manner of death or to correct incomplete or incorrect information in the medical portion of the death record. No changes or additions may be made on the face of an original record.

For death records that are not fully electronic all information on the Amendment to Medical Certification of Certificate of Death VS- 174 must be typed or printed legibly in permanent black or blue ink. Photocopied forms will not be accepted. Each item on the medical amendment must be completed except those blocks containing information regarding an accident, which should be completed only if the manner of death is accident, suicide, or homicide. The name of the decedent must be shown as it appears on the original death certificate. (If the name of the decedent is incorrect, a VS-172 Application to Amend Certificate of Death must be completed to make any correction.) The place of death should include the city, or precinct number, and county in which the death occurred

The registrar shall carefully examine each medical amendment when presented for registration to determine if it is complete as required by the State Registrar's instructions. If the medical amendment is incomplete or unsatisfactory, the registrar shall call attention to the error and / or omission in the return. [25TAC§181.30(c, d)]

The registrar shall number the medical amendment with the same file number assigned to the original death certificate. The Local Registrar shall sign each medical amendment to attest to the date of the amendment is filed in the Local Registrar's office. The signature may be either electronic, handwritten or a facsimile stamp. The medical amendment shall be attached to and become a part of the legal record of the death if the amendment is accepted for filing. [25 TAC§181.30(e)]

The Local Registrar must retain a photocopy of the amendment and file it with the copy of the original death certificate. Subsequent certified copies of the death certificate must include the medical amendment.

The registrar shall forward all original non-electric, medical amendments to the State Registrar within 10 days of filing. [25 TAC§181.30(g)]

The address for VSS is:

Vital Statistics MC1966
Texas Department of State Health Services
P.O. Box 149347
Austin, TX 78714-9812

APPROPRIATE CERTIFIERS

Use the following guidelines in reviewing and determining the acceptability of an Amendment to the Medical Certification of Certificate of Death.

Amendments Signed by the Original Certifier

The Amendment to Medical Certification of Certificate of death should be signed by the original certifier.

Amendments Signed by Someone Other than the Original Certifier

If the original death certificate was signed by a physician, and a justice of the peace (JP) or medical; examiner (ME) has subsequently conducted an inquest, the medical amendment may be filed by the JP or ME who conducted the inquest.

CHAPTER 5 – ISSUANCE

FEES

A Local Registrar who issues a certified copy of a birth or death certificate shall charge the same fees as charged by the vital statistics section, including the additional fees required under Subsection (e), except as provided by Subsections (g) and (h).

In addition to fees collected by VSS under Subsection 9b), the state shall collect an additional $2 fee for each of the following;

1) Issuing a certified copy of the certificate of birth and;
2) Conducting a search for a certificate of birth.

The fees collected under Subsection shall be deposited in the state treasury to the credit of the work and family policies fund. Money in the fund may be used only for the purposes prescribed by Section 81.006 (a), Labor Code.

A Local Registrar that on March 31, 1995, was charging a fee for issuance of a certified copy of a birth certificate that exceeded the fee charged by the vital statistics section for the same type of certificate may continue to do so but shall not raise the fee until the fee charged by VSS exceeds the fee charged by the Local Registrar. A Local Registrar to whom this subsection applies shall charge the additional fee as required under Subsection (e).

In addition to other fees collected under this section, a Local Registrar may collect a fee not to exceed $1 for the preservation of vital statistics records maintained by the registrar, including birth, death, fetal death, marriage, divorce and annulment records. A fee under this section shall be collected by the registrar on the issuance of a vital statistics record.
[HSC §191.0045 (d) (e) (f) (g) (h)]

ISSUANCE OF VITAL RECORDS

Birth certificates - The State Registrar, Local Registrar, or County Clerk shall issue only two types of certified copies: a full reproduction of the legal portion of the original record as filed in their office with any addendum(s) or an abstract of birth facts, taken from the original record. Probate records and delayed records may not be abstracted.
[25 TAC §181.28 (a)]

Death certificates – The State Registrar, Local Registrar, or County Clerk shall issue only two types of certified copies: a full reproduction of the original record and any addenda as filed in their office or a certified abstract of death facts, taken from the original record.
[25 TAC §181.28 (b)]

A Local Registrar or County Clerk may issue a certification of any birth, death or fetal death record on file in his or her office. There are special requirements and confidentiality issues that must be followed in issuing copies of records.

ISSUANCE OF FORMS FOR FILING OF VITAL RECORDS

TER has replaced the need for many vital records registration forms.

Forms for registration of births, deaths, and fetal deaths must be approved by VSS. [HSC §191.025 (a)]

Some forms may be ordered online or via mail through the state.

A Local Registrar shall supply forms of certificates to persons who need them. The board shall establish and promulgate rules for strict accountability of birth certificates to prevent birth certificate fraud. [HSC §191.025 (c)].

Blank birth certificate forms shall only be issued to licensed institutions, certified nurse-midwives, documented midwives, and individuals by the Local Registrar or State Registrar in reasonable amounts. No blank birth certificate forms shall be distributed by mail to anyone other than a registered, certified or documented health care provider. [25 TAC §181.26 (i)].

SECURITY PAPER FEATURES

All paper used for certified copies of vital records must meet specific security requirements. When you request a bid from a paper vendor, you must include the security features in accordance with TAC 181.28(c)(d) listed on this page in the specifications that you submit to the vendor. These security features must be incorporated in each certified copy or abstract issued from your office.

Minimum Security Features

No certified copy or abstract shall be issued unless the issuing office provides security features in the paper used for issuance. Each sheet or document shall be made on paper which contains as a minimum the following features:

Consecutive numbers: documents that contain sequential numbers for control purposes

Background security features: a repetitious design consisting of a pattern that hinders counterfeiting efforts

Copy void pantograph: the word “void” appears when the document is photocopied

Engraved border: a border that is produced from engraved artwork containing images from fine lines to very complex patterns

Micro line printing or security thread: a line of small alpha characters in capital letters that requires a magnifying glass to read

Sensitized security paper: paper that is reactive to chemicals commonly used to alter documents

Prismatic printing: a rainbow printing that is used as a deterrent to color copying

Erasable fluorescent printing: fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable

Non-optical brighteners: paper without added optical paper brighteners that will not fluoresce under ultraviolet light

Complex colors: colors that are developed by using a mixture of two or more of the primary colors (red, yellow and blue) and black is required

Intaglio printing: the printing process in which the paper is firmly pressed into the inked engraved plate. Once the paper is removed, the ink sticks to the top of the paper, creating a texture that can be felt with your fingers

Latent image: designs in the engraved border that contains hidden images that appear only when viewed from a prescribed angle to a light source. The intaglio process can print these images

Watermark: a three-dimensional graphic element molded into the paper in a continuous pattern during the paper manufacturing process [25 TAC §181.28 (c)]

Other Permitted Security Features

Other security features such as, but not limited to the following, may also be incorporated in the paper used:

Security laminate: a plastic laminate is placed over printed information as to reveal any attempts to alter the printed material; or

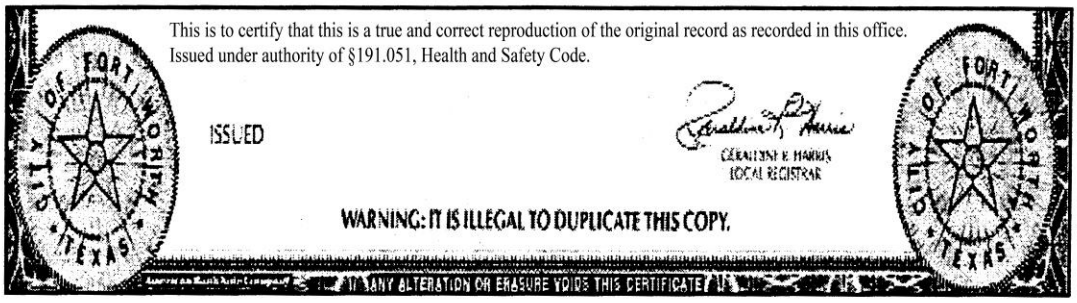
Security thread: micro printed polyester thread that is introduced into the paper during the forming process so that the thread is embedded and is an integral part of the paper. [25 TAC §181.28 (d)]

The seal of office and the Local Registrar's signature on a certification are also essential to a record's integrity/validity and should be included on the security paper. Security measures regarding blank security paper, seals, and signature stamps are also essential. Access to blank security paper should always be limited and any blank security paper should be locked up at the end of each work day.

Furthermore, request that the vendor include a sample of the paper with the bid they send to you. We recommend that Local Registrars work directly with VSS when they are purchasing paper and that they send us a sample to be sure that the paper meets these requirements before they accept the bid from a vendor.

Certification Statements

Example 1: *For records filed in the Local Registrar's office*


This is to certify that this is a true and correct reproduction of the original record as recorded in this office.
Issued under authority of §191.051, Health and Safety Code.

ISSUED

GERALDINE R. HARRIS
LOCAL REGISTRAR

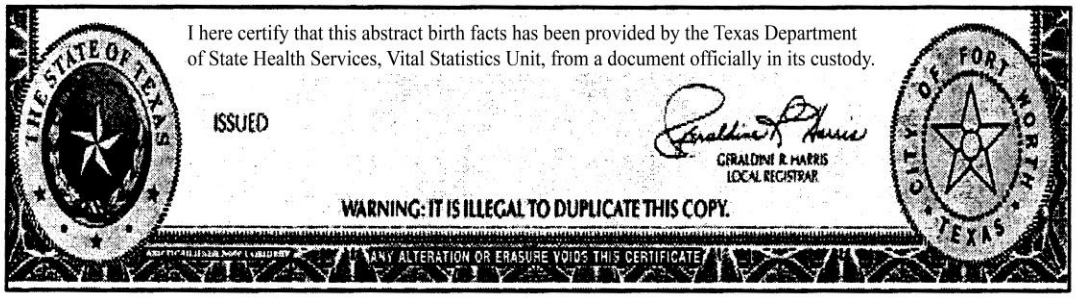
WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

This is to certify that this is a true and correct reproduction of the original record as recorded in this office. Issued under authority of

§191.051, Health and Safety Code.

Example 2: For Records Issued From Remote Access


I here certify that this abstract birth facts has been provided by the Texas Department of State Health Services, Vital Statistics Unit, from a document officially in its custody.

ISSUED

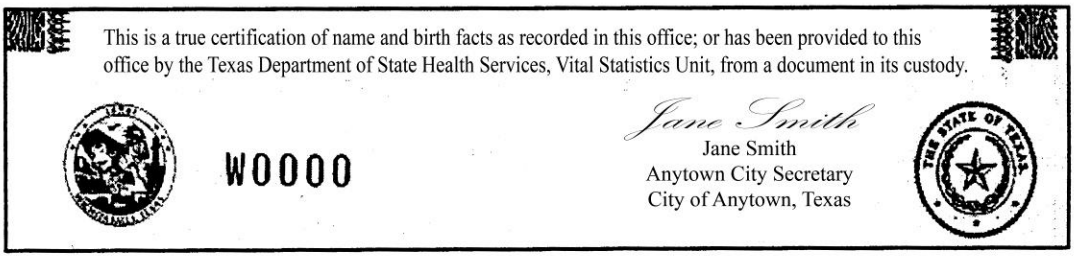
GERALDINE R. HARRIS
LOCAL REGISTRAR

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

I here certify that this abstract birth facts has been provided by the Texas Department of State Health Services, Vital Statistics Section, from a document officially in its custody.

Example 3: For Records Filed in the Local Registrar's Office and/or Issued from the Remote Birth Access.


This is a true certification of name and birth facts as recorded in this office; or has been provided to this office by the Texas Department of State Health Services, Vital Statistics Unit, from a document in its custody.

W0000

Jane Smith
Jane Smith
Anytown City Secretary
City of Anytown, Texas

This is a true certification of name and birth facts as recorded in this office; or has been provided to this office by the Texas Department of State Health Services, Vital Statistics Section, from a document in its custody.

Document Security Number Log

Every Local Registrar must account for each certified copy issued from his or her office by maintaining a document security log. Record the name of the registrant next to the appropriate document security number in the log by using information from the customer application. Make notations for any voided copies on the log. Some Local Registrar offices also maintain a separate security destruction log containing more detailed information. This log includes the type of record [birth or death], control number(s), reason for the void, the date, and the initials of the person who voided the record. Each voided copy should be destroyed once it is recorded in the log. The log is retained in accordance with the record retention schedule for your office. Remember to follow the Void Packet procedure from the VSS Remote Security Department regarding any Remote system voided stock.

BIRTH AND DEATH MATCHING

On receipt of the death certificate of a person younger than 55 years of age whose birth is registered in this state, the State Registrar shall make a conspicuous notation on the decedent's birth certificate that the person is dead. The State Registrar shall provide computer-generated abstracts, transcripts, or copies of the death certificate to the County Clerk of the county in which the decedent was born and to the Local Registrar of the registration district in which the decedent was born. On receipt of the notification of death, the County Clerk or Local Registrar shall make a conspicuous notation on the decedent's birth record that the person is dead. [HSC §191.034]

The Fraud Prevention Program notifies Local Registrars and County Clerks of individuals 55 years of age or younger who were born in their registration district or county and have died, when a death certificate is matched to a possible birth record. The fraud Prevention Program will issue a letter, signed by the State Registrar, to the Local Registrars and County Clerks when an exact match (deceased name, deceased date of birth, deceased sex, and deceased parent's names) is made between a death certificate and a possible birth certificate.

When a death record is filed at the Local Registrar's office and it is not noted that the decedent had also been born in that city, the Local Registrar should pull the birth record and make a notation on that record by typing "DECEASED" or "DEATH FILE EXISTS" in the top right corner, approximately ½ inch above the record. A note can be added to the back of the record with the date of death for future reference.

Issue only full certified photo copies of these birth records conspicuously marked "Deceased" to ensure that someone does not attempt to assume a false identity.

ADMINISTRATIVE FILING OF BIRTH RECORDS

The Local Registrar should complete and file an administrative record of birth for the purpose of Infant Birth/Death matching when an infant death occurs, a birth certificate has not been filed, and a record is not available from the attendant. The Local Registrar should

obtain the required information from the Medical Examiner / JP (Coroner), law enforcement agency, Funeral Director, hospital or any individual with knowledge of the facts of birth.

NOTE: *This process can be completed in TxEVER.*

PROCEDURES FOR ADMINISTRATIVE FILING OF BIRTH RECORDS

The Local Registrar will obtain as much information as possible to complete the birth record.

Information blocks on the record for information that is not available or cannot be obtained should be marked "unknown" or "not available". This includes information related to the attendant at birth.

The Local Registrar will file the birth record in his or her records, assigning a registrar's file number. The date the record is received or filed by the Local Registrar will be shown as the date filed, and the Local Registrar signs the certificate as both certifier and registrar.

Send the certificate to the Records Receiving Program with a letter of explanation stating the reason for the administrative filing. Upon receipt, Records Receiving will date, number, and file the certificate as a current record. The record will be permanently stamped "Administrative Filing" in the upper left side margin.

The Birth/Death Cross-Match Unit will mark both the paper and electronic records "deceased" and make the proper notations in the event the infant dies.

PROCEDURES FOR OPENING SEALED ADOPTION FILES

Except as provided by subsection (e), only the court that granted the adoption may order access to an original birth certificate and the filed documents on which a supplementary certificate is based. A person applying for access to an original birth certificate and the field documents on which the supplementary certificate is based is entitled to know the identity and location of the court that granted the adoption. If that information is not on file, the State Registrar shall give the person an affidavit stating that the information is not on file with the State Registrar. Any court of competent jurisdiction to which the person presents the affidavit may order the access. [HSC §192.008 (d, e)]

PROCEDURES FOR AN ADULT ADOPTEE TO RECEIVE A PLAIN COPY OF THEIR BIRTH CERTIFICATE

An adult adoptee who is applying for access to the person's original birth certificate and who knows the identity of each parent named on the original certificate is entitled to a noncertified copy of the original birth certificate without obtaining a court order. [HSC §192.008]

New legislation has made it possible for an adult adoptee to receive a plain copy of their original birth certificate. If the adult adoptee can exactly identify the parental information

on the original birth certificate, they no longer need a court order to open the sealed file to receive a photocopy of the original birth certificate. Issuance is restricted to the adult adoptee only.

PROCEDURES FOR OPENING SEALED PATERNITY FILES

All Texas paternity files are sealed.

Access to paternity Files—After the supplemental certificate of birth based on paternity is filed, any information disclosed from the record shall be made from the supplemental certificate, and access to the original certificate of birth and related documents shall not be authorized except upon order of a court of competent jurisdiction. [25 TAC §181.9]

The applicant must petition any Texas District Court or a Court of Competent Jurisdiction in another state for an order directing the State Registrar of the Vital Statistics Section to open the sealed file. The order must include the name of the registrant after paternity, date and place of birth.

Upon receipt of the request, a certified copy of the order and the required customary fees, Request Processing will furnish copies of the documents in the file to the individual designated in the order.

TYPES OF CERTIFICATIONS ISSUED

A copy of a birth, death or fetal death record registered under this title that is certified by the State Registrar is prima facie evidence of the facts stated in the record. [HSC §191.052]

The instructions and requirements for the issuance of certified copies of vital records can be found in [25 TAC §181.28.]

Birth Certificates

The State Registrar, Local Registrar, or County Clerk shall issue only two types of certified copies: a full reproduction of the legal portion of the original record as filed in their office with any addendum or an abstract of birth facts, taken from the original record. Probate records or delayed records may not be abstracted. An abstract shall be issued in one of three styles:

- A standard certified abstract
- A typewritten certified abstract
- An heirloom style certified abstract

Death Certificates

The State Registrar, Local Registrar or County Clerk shall issue only two types of certified copies: a full reproduction of the original record and any addendum as filed at their office or a certified abstract of death facts, taken from the original record. [25 TAC §181.28 (a, b)]

Long Form

A complete, full image of a record shows all the information above the Local Registrar's signature. This portion is traditionally known as the "legal portion" of the record. Generally, a full image of the "legal portion" of the birth certificate is required for court, passport, and immigration purposes. Always make a full copy of a death record, unless you are completing a verification or certification of death facts, which is described later. A full image is generally needed for insurance purposes.

Long Form with Amendment

Certified copies or abstracts of records must include the amendment(s) or information contained in the amendment(s) as part of the issuance on the front side of one piece of security paper. If you are using letter-size security paper and the amendment(s) will not fit below the original record on the front side of the security paper, reduce the record and amendment on the photocopier, and/or use legal-size security paper. Reduced copies must still be legible.

Note: *Do not issue any amendment(s) on the back side of the security paper or on separate pieces of security paper.*

Birth Abstract Certification (short form)

This format is generally issued by computer and contains only the essential elements for identification (name, date and place of birth, father's and mother's names, date issued, gender, file date, file number, registrar's signature and title). Abstracts (short forms) have broad use in issuance of birth records, however, many more customers ask for full records of birth certificates as passport requirements change. There are no abstracts of death available at this time.

School Certificate

On the request of a child's parent or guardian, the State Registrar shall issue without fee a certificate necessary for admission to school or to secure employment. The certificate shall be limited to a statement of the child's date of birth. [HSC §191.0046]

Heirloom Certificate

An heirloom birth certificate must contain the same information as, and have the same effect of, a certified copy of another birth record. [HSC §192.0021(a)]

Verifications

Local Registrars may issue Verifications of birth and death records that validate the facts of an event in lieu of certified copies when the applicant is not properly qualified to receive a certified copy. These verifications include only the name of the registrant, the date and place of the event, and the file number.

Birth Verification

A non-certified statement only of the registrant's name, date of birth, and place of birth as it appears on the birth index filed with the Vital Statistics Section.

Death Verification

A non-certified statement only of the registrant's name, date of death, and place of death as it appears on the death index filed with the Vital Statistics Section.

Fetal Death Verification

A non-certified statement only of the registrant's name, date of delivery, and place of delivery as it appears on the fetal death index filed with the Vital Statistics Section. [25 TAC§ 181.1(30-32)]

APPLICATION

VSS requires that all Local Registrar offices issuing vital records utilize a written application for persons requesting copies of records. The application or letter completely identifies the requested record and provides the requestor's relationship and purpose for obtaining the record. The application becomes proof of issuance, documents the request under the Public Information Act, and provides an audit trail for fees and document security numbers.

At a minimum the application for a certified copy of a birth or death record should include the following:

- Registrant's name
- Registrant's date of birth and/or death Registrant's sex
- Registrant's place of birth and/or death
- Registrant's full name of father and mother, including mother's maiden name
- Applicant's name, address and telephone number
- Applicant's relationship to the registrant *25 TAC§181.1(22)(17)+ Applicant's purpose for requesting the record
- Applicant's signature and date requested
- Applicant's type of identification supplied and identification number *25 TAC§181.1(13)+

The following statement preprinted on the form immediately above or below the signature line:

Warning: The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine of up to $10,000. A person commits an offense if the person intentionally or knowingly makes a false statement or directs another person to make a false statement in an application for a certified copy of vital records. [HSC§195.003(a-4)]

The Local Registrar must retain the application including the date issued, document security number(s), and applicant's name, address and form of identification for a minimum of three years from the date issued.

Forms of Identification

All applicants for certificates must present proof of identity satisfactory to the department. All documents must be verifiable. There are three categories of documents that may be presented to establish proof of identity. A copy will be made of the identification and retained with the certificate order. While the authenticity of the identification presented by the customer is to be determined by the processor and the department, the following rules regarding acceptable identification must be followed:

Every applicant must present:

- One piece of primary identification (Group A), or
- Two pieces of secondary identification (Group B) of different types, or
- One piece of secondary identification (Group B) plus two pieces of supporting documents (Group C) of different types

Group A – Primary Identification

These items are complete within themselves and require no supporting instruments. All of these may not be expired for more than 90 days and must include a photo.

- Driver's License
- Federal or State ID
- Military ID
- U.S. Passport
- License to Carry a Firearm
- Pilot's license
- Law Enforcement Employment ID (Federal, State, or City)
- Offender ID issued by the Texas Department of Criminal Justice or an ID from a federal or U.S. state correctional facility or institution
- Department of Homeland Security, United States Citizenship and Immigration Services issued:
    - Employment Authorization Document (EAD)
    - Permanent Resident Card (green card)
    - Travel Documents:
        - Re-entry Permit
        - Refugee Travel Permit
        - Advance Parole
    - SENTRI Card
    - U.S. Citizen ID

- United States Department of State issued:
    - Border Crossing Card (B1 for business or pleasure or B2 medical purposes)
    - Visa

Group B – Secondary identification

In the absence of a primary form of identification, the secondary identification serves to establish identity; however, the customer is required to produce either two pieces of secondary identification of different types, or one piece of secondary identification plus two pieces of support identification of different types. The secondary identification is classified as government issued documents, documents that require identification to establish, or documents that contain biometric identifiers. Consular Certification documents from El Salvador and Honduras are accepted as foreign identification with identifiable photo of applicant. The El Salvadoran "DUI" unique identity card is an acceptable form of identification.

- Current Student ID
- Any Primary Acceptable ID from Group A that is expired
- Signed Social Security card or Numident
- DD Form 214 Certificate of Release
- Medicaid or Medicare Card
- Veterans Affairs Card
- Medical Insurance Card
- Foreign Passport accompanied by a Visa issued by the United States Department of State
- Foreign Passport in accordance with the United States Department of State, Visa Waiver Program
- Certified Birth Certificate from the Department of State (FS-240, DS-1350, or FS-545)
- Private Company Employment ID
- Form I-94 - accompanied by the applicant's Visa or Passport
- Mexican Voter Registration Card
- Foreign Identification with identifiable photo of applicant (including El Salvador Consular Certification, El Salvadoran Unique Identity Card (DUI), and Honduran Consular Certification.

The Honduran matricula consular, also known as the Honduran consular ID, is not accepted.

Our office does not accept the Matricula Consular as an independent form of valid identification because:

- The Mexican consulate that issues the Matricula Consular does not authenticate the documents used to obtain it. The issuing consulate does not verify the source documents.

- The issuing consulate does not compare the documents to computerized data files administered by the government of the United Mexican States.
- The U.S. Immigration and Naturalization Service do not recognize the Matricula Consular as proper identification.
- According to testimony before the U.S. Congress, the Department of Justice and the Federal Bureau of investigation have concluded that the Martricula Consular is not a reliable form of identification.
- After a survey of the states, DSHS/VSS has found only three that accept the Martricula Consular for this purpose.
- The Matricula Consular is issued on the day it is requested, with visual inspection of supporting documents presented by the 47 Mexican consulates, but no independent verification of the identity of the requestor.

It is the conclusion of DSHS/VSS that the Martricula Consular identity cards are not secure enough to meet the standards that this agency requires under the authority vested in it by the statutes of the State of Texas and the administrative rules adopted to implement them. Therefore, DSHS/VSS cannot accept the Matricula Consular as verification of identity for the purchase of birth certificates or for obtaining confidential records.

Group C – Supporting Documents

These items consist of other records or documents that aid examining personnel in establishing the identity of the applicant. The following items are not all inclusive. The examining or supervisory personnel may determine that an unlisted document meets the department's needs in establishing identity.

- Recent utility bill or cell phone bill with current address
- Recent paycheck stub
- Any Secondary Acceptable ID from Group B that is expired
- Public assistance applications or letters
- Signed valid voter's registration card
- Police report of stolen identification
- Official school transcript
- Bank account statement
- Social Security letter
- Marriage license or divorce decree
- Certified birth certificate from a state other than Texas, District of Columbia, or other country
- Automobile insurance card or contract
- Lease agreement
- Loan or installment payment contract
- Promissory note or loan contract
- Court order

- Property title or lien
- Automobile title or registration
- Library card
- Fishing or hunting license
- Recent medical record or bill
- Religious record w/signature of religious official
- Recent rent receipt with address and name
- Federal, state, or local tax records
- Department of Homeland Security notice or correspondence

Other Documents from Otherwise Non-qualified Applicants

Other documents may be presented to enable an otherwise non-qualified applicant capable of obtaining a document for an individual. Some of these are:

- Notarized authorization form – This is an authorization form signed by the individual authorizing another person to obtain their documents. The form must either be notarized or must have a copy of the registrant's identification attached.
- Foreign court papers that reference an individual may be used to obtain the death certificates for an individual. Examples of this are wills, probate forms, testamentary letters, property liens and titles, and promissory notes.
- Powers of attorney must either be specific power of attorney authorizing the agent to obtain the documents, or must be general or durable powers of attorney.
- Documents in a foreign language are acceptable, but must be translated into English. If personnel is not available that can
- verify the accuracy of the translation, the documents must be translated by a certified translator.
- A social worker that is the caseworker for an individual may get their client's documents for them. They must present documentation indicating that the registrant is in their care. If the registrant is in the care of an organization or institution, the documentation must indicate the organization or institution, and the social worker must present documentation showing they are working on behalf of that organization or institution.

Note: *An affidavit must be executed before an official authorized to take oaths or affirmations.*

Insufficient ID

If the applicant does not have an acceptable ID, an alternative would be to have an immediate family member become the applicant and send a photocopy of their ID.

If the applicant has or is applying for public assistance of any sort, the case worker or social worker assigned to their case may become the applicant in their stead and provide their employment photo ID and obtain the birth record for the applicant.

Review Officer

If an application or identification are not accepted, applicants may call the Vital Statistics Section's customer service, 1-888-963-7111. If the issues are not fully resolved, the applicant may contact a Vital Statistics Section review officer at 1-888-963-7111 extension 3010 or 512-776-3010. Applicants who are denied their birth certificate should be informed of this process, the phone number and existence of the review officer.

Properly Qualified Applicant

Properly qualified applicant -The registrant or immediate family member either by blood, marriage or adoption; his or her guardian, or his or her legal agent or representative. Local, state and federal law enforcement or governmental agencies and other persons may be designated as properly qualified applicants by demonstrating a direct and tangible interest in the record when the information in the record is necessary to implement a statutory provision or to protect a personal legal property right. A properly qualified applicant may also be a person who has submitted an application for a request to release personal information and has been approved as outlined in181.11 of this tile (relating to Requests for Personal Data.) [25 TAC§181.1(22)]

Immediate Family Member

An immediate family member is a qualified applicant to receive a certified copy. Immediate family member (by blood or marriage) is defined as:

- Self
- Father (when listed on the record; if not listed, has a court order stating he is the father)
- Mother
- Grandfather
- Grandmother
- Brother
- Sister
- Husband
- Wife
- Legal Guardian (a copy of the legal guardianship papers is required as proof)
- Legal Representative (document from the qualified applicant needed)

Further Explanation of Qualified Applicant

Local, State, and Federal Agencies or Law Enforcement: These agencies are considered properly qualified applicants when the need for the record is to implement a statutory provision or to protect a property right. Quite often the agency cannot completely identify a record (name, date and place of event, mother's and father's name). Agencies may need only certain information or verification of information therefore the Local Registrar may be able to verify or validate information without issuing a certified copy (provide birth/death verification).

Legal Representative (Personal Representative/Agent): An attorney in fact, a funeral director, or any other person designated by affidavit, contract, or court order acting on behalf and for the benefit of the registrant or his or her immediate family. In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or County Clerk shall require a designation document or an attested statement to that effect. [25 TAC§181.1(17)]

Local Registrar offices should require additional information on the letterhead of the attorney explaining the need for the record. In some rare cases, the legal representative may not be known to the registrant or family; in those cases, an attested document (i.e. court order, will, notarized affidavit, etc.) would be required. If a Local Registrar's office questions the validity of the notarized letter or authorization form or feels uncomfortable providing the requested information, forward the request to VSS.

Demonstrating Direct and Tangible Interest in the Record: In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or County Clerk shall require a designation document or an attested state to the effect. Any person or organization who presents written documentation that demonstrates a direct and tangible interest in the record to protect a personal property right has the right to receive a certified copy of the record.

Examples may include an insurance company, mortgage or lien holder, searcher for land and mineral property rights, loan officer, attorney for an opposing party, etc., so long as written documentation of a direct and tangible interest has been presented.

Open Records: A person or organization does not have to meet the requirements of a properly qualified applicant to obtain copies of records that fall outside the 75 birth/25 death year exemption in the Public Information Act. Applicants must still complete an application, provide identification and provide a reason for obtaining the record. If the Local Registrar's office is uncomfortable fulfilling an applicant's request for records falling outside the prescribed confidentiality years, they should forward the request to VSS. [GC §552.115 (a – 1, 2)]

Restrictions on Issuance

In addition to the qualified applicant requirements outlined previously, other records may be restricted or certain types of certificates cannot be issued:

Delayed or Probate Records: A full image is required to be issued for delayed and probate birth records. Abstract (Short) form (abstracts), or heirloom certificates cannot be issued. These records can only be issued from VSS, not any local registration office.

Probate records and delayed records may not be abstracted. [25 TAC §181.28(a-1-B)]

Birth/Death Matched Records: Certified copies may be issued for those birth records that have been marked as "deceased." Only a full photocopy of the birth record should be issued and the record must conspicuously note that the individual is deceased.

Abstract (Short) form certificates of those records should not be issued.

ISSUANCE OF DEATH RECORDS

Report of Death

Fully Electronic Records

The funeral director or person acting as such, who assumes custody of a dead body or fetus, shall obtain an electronically filed report of death through the TxEVER system or complete a report of death before transporting the body. The report of death shall within 24 hours of the death be mailed, faxed, or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found. A copy of the completed or electronically filed report of death as prescribed by the Vital Statistics Section shall serve as authority to transport or bury the body or fetus within this state. [25 TAC § 181.2(a)]

Manual or Partially Manual (Drop-to-Paper) Records

With the initiation of TxEVER for deaths, most funeral homes no longer fax Reports of Death to the Local Registrar and County Clerk offices. TxEVER includes a queue that lists outstanding deaths, so locals can keep up with the deaths occurring in their district. Go to "Utilities," click on "Record Status" and click on the filter "All Local Pending." This will list all outstanding deaths in date of death order. The Local Registrar or County Clerk can print the listing to use as a reference. Funeral homes may fax a copy of the Verification of Death Facts to the Local Registrar office in lieu of the Report of Death, especially if a Burial-Transit Permit is needed.

Burial Transit Permit

If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a Burial-Transit Permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through the VSS electronic death registration system (TER). The registrar shall not issue a Burial-Transit Permit until a certificate of death, completed in so far as possible, has been presented. [25 TAC §181.2(b)]

With the implementation of TxEVER, a Local Registrar may now accept a faxed copy of the "Facts of Death Verification" from the system to issue a Burial-Transit Permit.

A death or fetal death certificate does not have to be completed in all respects prior to the issuance of a Burial-Transit Permit. At the very least, it must have the name of the deceased, date and place of death or delivery, name and address of funeral service first assuming custody of the body, and signature and license number of the funeral director. Be

sure to work closely with your medical examiner or JP/coroner and funeral homes so that all parties understand the Burial-Transit Permit procedure in your district.

Before issuing a Burial-Transit Permit, the Local Registrar should ensure by whatever means available that the final completed death certificate can and will be signed by the physician, medical examiner or JP/coroner and that the medical examiner or JP/coroner has no further need for the body. Your medical examiner or JP/coroner may require a "Cremation Authorization Letter" before you can issue the Burial/Transit Permit for cremation. If the death is to be filed totally electronically (funeral home, certifier and Local Registrar all using TER), the funeral home usually procures the Burial-Transit Permit from VSS via the TxEVER system. Local Registrars and County Clerks can ask the funeral home to fax copies of the cremation authorization letter and permit to file behind their death certificate in their death registers.

A Report of Death does not take the place of a Burial-Transit Permit for cremation. A Burial-Transit Permit must be obtained for cremation.

If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a burial-transit permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through the VSS electronic death registration system. The registrar shall not issue a burial –transit permit until a certificate of death, completed in so far as possible, has been presented. The funeral director or person acting as such shall furnish the sexton or other person in charge of a cemetery with the information required. [CCP Art. 49.25 Sect. 10]

Before anybody, upon whom an inquest is authorized by the provisions of this Article, can be lawfully cremated, an autopsy shall be performed thereon as provided in this article, or a certificate that no autopsy was necessary shall be furnished by the medical examiner. Before any dead body can be lawfully cremated, the owner or operator of the crematory shall demand and be furnished with a certificate, signed by the medical examiner of the county in which the death occurred showing that an autopsy was performed on said body or that no autopsy thereon was necessary. [CCP Art. 49.25 Sect. 10]

In counties where Justices of the Peace conduct death inquests, only deaths that are under inquest require a cremation authorization from the JP before a crematory can cremate. [CCP Art. 49.09 (b)]

The body of a deceased person shall not be cremated within 48 hours after the time of death as indicated on the regular death certificate, unless the death certificate indicates death was caused by the pestilential diseases of Asiatic cholera, bubonic plague, typhus fever, smallpox, or unless the time requirement is waived in writing by the county medical examiner or in counties not having a county medical examiner, a justice of the peace. In a public health disaster, the commissioner of public health may designate other

communicable diseases for which cremation within 48 hours of the time of death is authorized.JP/coroner. [25 TAC §181.2(b, c)]

A burial-transit permit issued under the law and rules of a place outside of this state in which a death or fetal death occurred authorizes the transportation of the body in this state. A cemetery or crematory shall accept the permit as authorization for burial, cremation, or other disposal of the body in this state. [HSC §193.008(a)]

Each Local Registrar shall appoint a Deputy Registrar so that a registrar will be available at all times for the registration of births and deaths. [HSC §191.022(c)]

This statute would cover the issuance of Burial-Transit Permits at all times, so Local Registrars shall make provisions for the issuance of a Burial-Transit Permit after hours, during weekends and on holidays.

Funeral homes may occasionally need Burial-Transit Permits to expedite the shipment of a decedent by common carrier within Texas or to ship out to another location other than during normal Local Registrar business hours. Some Local Registrar offices make arrangements with their Police Departments to issue Burial/Transit Permits or assign pagers to their staff for funeral homes to

contact them when they need a permit outside normal business hours. Since access to the permit is limited and the Local Registrar usually keeps track of issuance, it is not advisable to give blank permits to funeral homes. However, it is up to the Local Registrar to establish his or her after-hours procedure, but every effort must be made to accommodate funeral homes needing an after-hours Burial-Transit Permit.

Disinterment Permit

The disinterment permit issued by the State Registrar shall serve as the authority to disinter, transport by means other than a common carrier, and re-inter a body within this state. [25TAC §181.6(h)]

If the body is to be removed from this state, transported by common carrier within this state, or cremated, a Burial-Transit Permit must also be obtained. The Local Registrar may issue Burial-Transit Permits in conjunction with Disinterment Permits when the body is buried in his or her registration district, but the death certificate was filed in another state. If the body is to be disinterred and reinterred in the same cemetery, a Disinterment Permit is not required. [25TAC §181.6(d)]

A Disinterment permit is not required to remove cremated remains. Cremation is considered final disposition of remains. [25TAC§181.6(e, f)]

The application, consent forms, and customary filing fee must be sent to the state office. Please refer to the **Handbook on Death Registration** for more complete and detailed instructions.

Letter of Non-Communicable Disease

If a letter of non-communicable disease is needed contact the local registration office to assist in obtaining this letter from a local health authority of the county to transport a body out of the country.

REMOTE BIRTH ACCESS

The Remote Birth Access is made available through a contractual relationship between the VSS and Local Registrar offices. Special requirements in the contract must be met and VSS charges a set fee for each copy the Local Registrar issues. For more information on Remote Birth Access, please contact the State Registrar's Office at 1-888-963-7111 ext.7366.

Remote Birth Access provides convenient and timely access to certified abstracts of birth within the state of Texas. It allows customers to get a birth certificate where they live, instead of being limited to VSS or the vital records office where they were born. The Local Registrar office is electronically linked via modem to the VSS birth data base which enables them to create a short form for anyone born in Texas from 1926 to present unless it is a delayed or probated record, the registrant is deceased and the remote system has been updated with the birth and death matching procedure or the record has been flagged.

If your office is utilizing Remote Birth Access, by contract, banknote security paper is required. Along with the minimum security features, banknote security paper incorporates the additional optional security features listed on this page. When you request a bid from a paper vendor, be sure to include both the minimum and additional optional security features in the specifications that you submit to the vendor. [25 TAC §181.28 (c) (d)]

ABUSED, MISUSED OR FLAGGED RECORDS

Any birth record that has had 10 certifications issued since the original date of filing shall be considered as an abused record. Such a notation shall be made on the birth record. Local Registrars shall notify VSS of any abused record. Requests for additional certifications shall be made to VSS. [25 TAC§181.24(a – 1, 2)]

If the Vital Statistics Section or any local registration official receives an application for a certified copy of a birth, death or fetal death record to which an addendum has been attached under Section 191.033, the application shall be sent immediately to the State Registrar. After examining the application, the original record, and the addendum, the State Registrar may refuse to issue the certified copy of the record or part of the record to the applicant. [HSC §191.057 (b)

If the Vital Statistics Section or any local registration official receives an application for a certified copy of a birth, death or fetal death record to which an addendum has been attached under Section 191.033, the application shall be sent immediately to the State Registrar. After examining the application, the original record, and the addendum, the State

Registrar may refuse to issue the certified copy of the record or part of the record to the applicant. [HSC §191.057 (b)]

A misused record is any birth or death certificate that has been used by any person for any fraudulent or illegal purpose. Upon notification or determination that a record has been misused, the State Registrar shall attach a flag or notice to the record.

A flagged record is any record with a notation that a request was received to not issue the record or to which an addendum, based on evidence of contradictory birth facts, has been attached. The registrant, minor registrant's parent who is not excluded by law or registrant's guardian can request that no further copies of the record be released. After such a request, the State Registrar may place a flag on the record. VSS will flag the record of any missing child who is under the age of eleven, when notified by a law enforcement agency or the Missing Person's Clearinghouse. When a record has a notation, or addendum, the state and Local Registrar shall refuse to issue such a record until conditions as stated on the notation or addendum have been satisfied and the registrant or the requesting party has been notified. A hearing may be requested as provided in TAC 181.24(d) of this title to determine if flagged, abused, misused or records with an addendum or notation should be issued. [25 TAC§181.24(b, c, d)]

A Local Registrar shall report immediately to the State Registrar a violation of this title of which the Local Registrar has knowledge by observation, by complaint of another person, or by other means. (HSC 195.001). [HSC §195.001 (b)].

VOLUNTARY FLAGS

A flagged record is any record with a notation that a request was received to not issue the record or to which an addendum, based on evidence of contradictory birth facts, has been attached. The registrant, minor registrant's parent who is not excluded by law or registrant's guardian can request that no further copies of the record be released. After such a request, the State Registrar may place a flag on the record. [25 TAC §181.24 (c)].

PROCEDURES FOR PLACING A VOLUNTARY FLAG ON A BIRTH OR DEATH RECORD

Make the request to the Vital Statistics Section - Fraud Prevention Program. The Fraud Program will send two forms to the qualified applicant making the request. He or she completes signs and returns the forms and statement, VSS attaches one of the forms to the original record and the other form is mailed, faxed or emailed to the local registration office where the event occurred.

The Local Registrar then flags the record filed in his or her office by attaching the form to his or her copy of the birth or death record. If the voluntary flag request pertains to a birth record, VSS will also flag the record in the Remote Birth Access System.

Voluntary flag requests are applicable for one year from the date the request is made.

PROCEDURES FOR HANDLING A VOLUNTARILY FLAGGED RECORD REQUEST

If a Local Registrar receives a request for a flagged record filed in his or her office, refer the customer to the VSS Fraud Prevention Program at 1-888-963-7111 ext.7508.

For those offices utilizing Remote Birth Access, the system automatically prevents the issuance of a voluntarily flagged birth record. In that case, the local registration office should also refer the customer to the VSS Fraud Program. The code of the flag will appear on the screen with instructions to refer them to the Fraud Program.

Every effort will be made by VSS to honor these types of requests. We will ask for verification of the information on the request form prior to issuing a copy of the record. We are required to issue the record to any properly qualified applicant. However, the requestor of the voluntary flag will be notified of the individual making the request.

LOCATING MISSING CHILDREN

Law Enforcement or the Missing Persons Clearinghouse must notify VSS of a missing child who is under the age of eleven (11). [CCP Art. 63.020 (a)] The VSS Fraud Prevention program then flags the birth certificate for that child, and notifies the appropriate Local Registrar, who will also flag his or her copy of the birth certificate.

PROCEDURES FOR HANDLING (FLAGGED) MISSING CHILDREN REQUESTS OF BIRTH RECORDS FILED IN YOUR OFFICE

You should NEVER tell the requesting party that the request concerns a missing child.

DO NOT PRINT a full record on a flagged record. Use the following procedure:

DO NOT ALERT the register that the record is flagged. Just say, “I’m sorry, but we are unable to print the record at this time. Please complete this application and we will mail the certified copy(ies) to you as soon as our system is functional again”.

Requests in person MUST include:

- Child’s (registrant’s) complete name
- Child’s (registrant’s) date of birth
- Mother’s complete maiden name
- Father’s complete name (if listed on the birth record)
- Applicant’s name, address and daytime telephone number
- Applicant’s relationship to the child on the record
- Purpose for obtaining the record
- Applicant’s signature

Make a photocopy of the applicant’s driver’s license or other photographic identification.

Take the fees for the certified copy (ies) and give the applicant the normal receipt. Say, “We will mail your certified copy (ies) as soon as our system is working properly. We apologize for the inconvenience.”

Accept the request form and processing fee, and advise the requesting party that a copy of the certificate will be sent by mail. (Possible explanation to the requestor: “Not all records are computerized yet. A hand search must be conducted. We will mail your certificate to you.” The requesting party should be mailed a copy of the requested record on or after the 21st day after the date of the request. [CCP Art. 63.021 (3)]

DO NOT INFORM the applicant how many days delay before mailing the copies. (Certified copies will be mailed 21 days after the request, which gives law enforcement agency a chance to stake out the residence to retrieve the child).

When the applicant leaves: Call 1-512-424-2810 – Missing Persons Clearinghouse immediately, notify your local law enforcement agency, and VSS Fraud Prevention Program at 1-512-458-7508. Tell them you have a code 500(kidnapping). Give them particulars of the applicant, including a physical description if possible.

Make a photocopy of the application, identification, check, money order or credit card receipt and the cash register receipt for our records. Make an additional set for the law enforcement agencies. Make a permanent folder to house those copies in your office files.

The same procedure also applies to applicants who mail in their requests.

The VSS Fraud Prevention Program and Local Registrars are responsible for notifying the appropriate law enforcement agency that a request has been made and provide any supporting documentation. [CCP Art. 63.021 (a)]

Once the missing child’s case has been cleared, the law enforcement agency will notify the VSS Fraud Prevention Program, who will in turn notify the Local Registrar to remove the flag from the record. [CCP Art. 63.022]

PROCEDURES FOR HANDLING MISSING CHILDREN REQUESTS OF BIRTH RECORDS ON REMOTE BIRTH ACCESS

Follow the same procedures as described above for handling missing children requests for records filed in your office. NEVER tell the applicant this regards a missing child.

Since the system automatically prevents the issuance of a flagged birth record, the local registration office should refer the customer to VSS. You can say, “The remote System has been acting up all day. We will mail your request when it is available.”

Forward a copy of the customer request form and identification to the VSS Fraud Prevention Program.

Once the missing child's case has been cleared, the law enforcement agency will notify the VSS Fraud Prevention Program, who will in turn notify the Local Registrar to remove the flag from the record. [CCP Art. 63.022]

CHAPTER 6 – MARRIAGE LICENSE

Although the Vital Statistics Section keeps a copy of the application for a marriage license, the license is issued and filed only at the county level (primarily by a County Clerk in the county in which the license was granted. Information on processing marriage applications and issuing marriage licenses can be found in the Marriage Registration Handbook of the Texas Vital Statistics Section's website. Statutes regarding marriage licenses can be found in Chapter 2 of the Texas Family Code, also located on the Texas Vital Statistics Section's website. If you have a question about marriage registration that is not addressed here, consult your county attorney.

TxEVER

Texas Electronic Vital Events Registrar

dshs.texas.gov/txever

Visit DSHS Vital Statistics online at:

dshs.texas.gov/vs