

## TITLE 1 ADMINISTRATION

### *Part 3 Office of the Attorney General*

#### Chapter 55 Child Support Enforcement

##### *Subchapter J Voluntary Paternity Acknowledgment Process*

Rule §55.401. Scope.....	1
Rule §55.402. Definitions .....	1
Rule §55.403. Forms.....	2
Rule §55.404. Voluntarily Acknowledging Paternity .....	2
Rule §55.405. Denial of Paternity Form.....	2
Rule §55.406. Entities Providing Paternity Establishment Services .....	2
Rule §55.407. Certification .....	3
Rule §55.408. Parent Survey .....	3
Rule §55.409. Rescinding Acknowledgment or Denial .....	3

## TITLE 25 HEALTH SERVICES

### *Part 1 Department Of State Health Services*

#### Chapter 181 Vital Statistics

##### *Subchapter A Miscellaneous Provisions*

Rule §181.1. Definitions .....	4
Rule §181.2. Assuming Custody Of Body .....	6
Rule §181.3. Transportation Of Dead Bodies.....	7
Rule §181.4. Preservation Of Bodies .....	7
Rule §181.5. Embalming and Standards of the Funeral Industry .....	7
Rule §181.6. Disinterment .....	8
Rule §181.7. Fetal Death (Stillbirth) .....	8
Rule §181.8. Supplemental Birth Certificates .....	9
Rule §181.9. Access To Paternity Files.....	9
Rule §181.10. Availability of Birth Records to Ensure Confidentiality of Adoption Placement .....	10
Rule §181.11. Requests for Personal Data .....	10
Rule §181.13. Birth Certificate Form and Content.....	11
Rule §181.14. Death and Fetal Death Certificate Form and Content .....	11

##### *Subchapter B Vital Records*

Rule §181.21. Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death .....	11
Rule §181.22. Fees Charged for Vital Records Services .....	12
Rule §181.23. Indexes For Vital Records.....	13
Rule §181.24. Abused, Misused, Or Flagged Records.....	14
Rule §181.25. Application For Marriage License and Affidavit of Correction to Marriage License .....	14
Rule §181.26. Filing Of Birth Certificates For Infants Born Outside Of A Licensed Institution .....	15
Rule §181.27. Memorandum Of Birth Understanding with the Texas Funeral Service Commission.....	16
Rule §181.28. Instructions and Requirements for Issuance of Certified Copies of Vital Records by the State Registrar, Local Registrar, or County Clerk .....	17

Rule §181.29. Foreign Adoptions .....	20
Rule §181.30. Instructions and Requirements for Filing of Amendments to Medical Certification of Certificate of Death with a Local Registrar .....	21
Rule §181.31. Minimum Requirements for Adoption Reporting.....	22
Rule §181.32. Maintenance of Out-of-Business Child-Placing Agency Records and Health, Social, Educational and Genetic History Reports .....	22
Rule §181.33. Instructions and Requirements for Registering a Certificate of Death by Catastrophe .....	23
Rule §181.34. Instructions and Requirements for Reporting Assisted Reproduction Procedures Performed by a Health Care Facility Under a Gestational Agreement.....	24
Rule §181.35. Parental Consent of Underage Applicants to Marriage.....	24

*Subchapter C Central Adoption Registry*

Rule §181.41. Mutual Consent Voluntary Adoption Registries .....	25
Rule §181.42. Adoption Information by the Courts or Child-Placing Agencies .....	26
Rule §181.43. Requirement to Send Information to the Central Adoption Registry and the Coordination of the Release of Identifying Information with an Authorized Registry .....	26
Rule §181.44. Inquiry through the Central Index.....	26
Rule §181.45. Registration in the Voluntary Adoption Registry System.....	27
Rule §181.46. Notification of a Match and Requirements for Release of Information by Participating Voluntary Adoption Registries.....	27
Rule §181.47. Confidentiality and Release of Information by All Voluntary Adoption Registries.....	28

*Subchapter D Birth Registration Certification*

Rule §181.50. Scope.....	28
Rule §181.51. Definitions .....	28
Rule §181.52. Certification Requirements and Procedures. ....	29
Rule §181.53. Continuing Education .....	29
Rule §181.54. Application for Birth Registrar Certification/Re-Certification .....	30

*Subchapter E Delayed Registration*

Rule §181.60. Delayed Certification of Birth.....	30
Rule §181.61. Who May Request the Registration of a Delayed Certificate of Birth .....	31
Rule §181.62. Documentary Evidence; Requirements and Acceptability.....	31
Rule §181.63. Abstraction of Documentary Evidence.....	31
Rule §181.64. Verification by the State Registrar.....	32
Rule §181.65. Dismissal After One Year.....	32

## TITLE 1 -ADMINISTRATION

### Part 3 - Office of the Attorney General

---

#### *Chapter 55 - Child Support Enforcement*

##### Subchapter J - Voluntary Paternity Acknowledgment Process

###### *Rule §55.401 - Scope*

Fathers and mothers who wish to voluntarily establish paternity for their child or rescind a previously executed Acknowledgment of Paternity or Denial of Paternity may do so through any local child support office of the Office of the Attorney General, Child Support Division; the Texas Department of State Health Services, Vital Statistics Unit; a local birthing hospital or birthing center; or any entity certified by the Office of the Attorney General to provide such services. The Acknowledgment of Paternity must be executed according to the rules contained herein and under the Texas Family Code, Chapter 160, Subchapter D, Voluntary Acknowledgment of Paternity. Entities that are required by law to provide paternity establishment services and entities that voluntarily elect to provide paternity establishment services must abide by the rules of this subchapter.

###### *Rule §55.402 - Definitions*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Acknowledgment of Paternity form--An agreement affirming parentage for a child signed by both the man claiming to be the biological father and the mother, that is executed on a form prescribed by the Texas Department of State Health Services, Vital Statistics Unit. The mother and the father may sign separate acknowledgments before or after the birth of the child.
- (2) Denial of Paternity form--A statement executed by a presumed father denying parentage of the child of whom he is presumed to be the father, on a form prescribed by the Texas Department of State Health Services, Vital Statistics Unit.
- (3) Rescission of Acknowledgment of Paternity form--A statement executed by a signatory rescinding an Acknowledgment of Paternity or Denial of Paternity, on a form prescribed by the Texas Department of State Health Services, Vital Statistics Unit.
- (4) Certified entity--An agency, organization, or individual that is certified by the Office of the Attorney General to perform voluntary paternity establishment services. The certified entity must comply with all rules established for such certification.
- (5) Presumed father--A man who is legally assumed to be the father of a child because he meets the criteria found under Texas Family Code §160.204.
- (6) Parent Survey on the Acknowledgment of Paternity--A form promulgated by the Office of the Attorney General to assist parents and the certified entity in the completion of the Acknowledgment of Paternity.

### ***Rule §55.403 - Forms***

The certified entities offering voluntary paternity establishment services may obtain the prescribed Acknowledgment of Paternity and Denial of Paternity forms and the Rescission of the Acknowledgment of Paternity forms by contacting the Texas Department of State Health Services, Vital Statistics Unit.

### ***Rule §55.404 - Voluntarily Acknowledging Paternity***

- (a) A man claiming to be the biological father and the mother may establish paternity before or after the birth of their child by voluntarily acknowledging paternity through a certified entity providing such services. The mother and father must read the Acknowledgment of Paternity form. In addition, both must listen to or view a video presentation of the rights and responsibilities of a parent, and alternatives to and legal consequences of acknowledging or denying paternity. Both the mother and father, separately or together, must then:
  - (1) complete an Acknowledgment of Paternity form;
  - (2) return the form to a certified entity.
- (b) Both mother and father must present to the certified entity a valid driver license or another document (preferably a photo I.D.) to verify identity.
- (c) The certified entity is responsible for filing the Acknowledgment of Paternity form with the Texas Department of State Health Services, Vital Statistics Unit, and providing all signatories with a copy of the form.

### ***Rule §55.405 - Denial of Paternity Form***

If the mother declares in the Acknowledgment of Paternity form that there is a presumed father of the child, the acknowledgment must be accompanied by a Denial of Paternity form signed by the mother and the presumed father, unless the presumed father is the man who is acknowledging paternity. The Denial of Paternity is signed using the same procedures as the Acknowledgment of Paternity outlined in §55.404 of this title. The Acknowledgment of Paternity form and the Denial of Paternity form may be filed with the Texas Department of State Health Services, Vital Statistics Unit separately or simultaneously. If the acknowledgment and denial are both necessary, neither document is valid until both documents are filed.

### ***Rule §55.406 - Entities Providing Paternity Establishment Services***

- (a) The following entities must provide voluntary paternity establishment services after being certified by the Office of the Attorney General:
  - (1) all public and private birthing hospitals;
  - (2) all birthing centers;
  - (3) the Texas Department of State Health Services, Vital Statistics Unit; and
  - (4) a registered nurse working in a partnership program funded through the nurse-family partnership competitive grant program under Chapter 531, Subchapter M, Texas Government Code.
- (b) The following entities may provide voluntary paternity establishment services at their option, but only after being certified by the Office of the Attorney General:
  - (1) local birth registrars;
  - (2) public health clinics;
  - (3) private health care providers;
  - (4) certified nurse midwives;
  - (5) licensed midwives;
  - (6) agencies providing assistance or services under Title IV, Part A of the Social Security Act, agencies providing food stamp eligibility service, and agencies providing child support enforcement (IV-D) services;
  - (7) Head Start, child care facilities, and individual child care providers;
  - (8) community action agencies and community action programs;
  - (9) secondary education schools;
  - (10) legal aid agencies;
  - (11) private attorneys; and
  - (12) any public or private health, welfare or social services organization.

### *Rule §55.407 - Certification*

All birthing hospitals, all birthing centers, the Texas Department of State Health Services, Vital Statistics Unit, a registered nurse working in a partnership program funded through the nurse-family partnership competitive grant program, and each certified entity must have staff who:

- (1) provide the mother and father the opportunity to voluntarily acknowledge paternity;
- (2) provide the mother and father an opportunity to speak, either by telephone or in person, with staff who are trained to clarify information and answer questions about paternity establishment;
- (3) receive training from the Office of the Attorney General at least once yearly on the requirements for voluntarily establishing paternity. (The training is not to exceed eight (8) hours at locations throughout the state established by the Office of the Attorney General and the Texas Department of State Health Services, Vital Statistics Unit.)
- (4) use only the Acknowledgment of Paternity and Denial of Paternity forms and Rescission of Acknowledgment of Paternity forms promulgated by the Texas Department of State Health Services, Vital Statistics Unit.
- (5) use the brochures and training manuals, including the oral and written information, provided by the Office of the Attorney General and the Texas Department of State Health Services, Vital Statistics Unit.
- (6) are periodically evaluated by the Office of the Attorney General.

### *Rule §55.408 - Parent Survey*

- (a) Each certified entity must provide the parents (and presumed father, if applicable,) with the opportunity to complete and sign the Parent Survey if the parent was provided the opportunity to voluntarily acknowledge paternity. The Parent Survey on the Acknowledgment of Paternity (AOP) may be found at: <http://www.oag.state.tx.us/cs/forms/1798patsurvey.pdf>.
- (b) If the parents or presumed father do not wish to complete the survey, the certified entity must note this on the form.
- (c) The certified entity must retain the parent survey in its files.

### *Rule §55.409 – Rescinding Acknowledgment or Denial*

Any signatory to an Acknowledgment of Paternity or Denial of Paternity may rescind an acknowledgment or denial through a certified entity providing such services. The rescinding party must:

- (1) Complete a Rescission of Acknowledgment of Paternity form.
- (2) Mail copies of the Rescission of Acknowledgment of Paternity form by certified or registered mail to all people who signed the original Acknowledgment of Paternity or Denial of Paternity and the Attorney General's Office, if required.
- (3) Submit to Texas Department of State Health Services, Vital Statistics Unit:
  - (A) the original Rescission of Acknowledgment of Paternity form; and
  - (B) the original proof of mailing of the copies.
- (4) Submissions to the Texas Department of State Health Services, Vital Statistics Unit must be made by the date a proceeding related to the child is initiated or the 60th day after the effective date of the acknowledgment, whichever comes earlier.

## TITLE 25 - HEALTH SERVICES

### Part 1 - Department Of State Health Services

---

#### *Chapter 181 - Vital Statistics*

##### Subchapter A - Miscellaneous Provisions

#### *Rule §181.1 - Definitions*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Applicant--A person who requests a service pertaining to a record of birth or death, verification of marriage or divorce, or release of personal data. (Also, see definition for properly qualified applicant).
- (2) Birth records--Records governing births filed pursuant to the Texas Vital Statistics Act, the Health and Safety Code, Title 3.
- (3) Certified--A certified statement, form, or letter, of the facts stated on the form or document as filed in the Vital Statistics Unit, certified by the State Registrar or duly appointed designee, over the respective signature and may bear the seal of the Vital Statistics Unit.
- (4) Certified copy--An abstract or photocopy of the original record issued as filed with the Vital Statistics Unit, and issued on a designated form or security paper which shall bear the "state seal", the Texas Department of State Health Services, Vital Statistics Unit or the seal of their office, and the facsimile signature of the State Registrar or the local registration official.
- (5) Dead body--A lifeless human body or such parts of the human body or the bones thereof from the state of which it may be reasonably concluded that death occurred.
- (6) Disinterment--To exhume, unbury, or take out of the grave.
- (7) Death records--Records governing deaths and fetal deaths filed pursuant to the Texas Vital Statistics Act.
- (8) Department--The Texas Department of State Health Services, formerly known as the Texas Department of Health.
- (9) Embalming--The act of disinfecting or preserving a human dead body, entire or in part, by the use of chemical substances, fluids, or gases in the body; or by the introduction of the same into the body by vascular or hypodermic injection; or by direct application into the organs or cavities; or by any other method intended to disinfect or preserve a dead body or restore body tissues and structures.
- (10) 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.
- (11) Genealogist--An individual who traces the descent of persons or families. He or she may be an individual family member or a person hired by the family to trace a family tree or do family research.
- (12) Identification of applicant--Each applicant must present a current form of government issued photo identification along with his or her application. If the applicant is unable to present a current form of photo identification, two valid supporting forms of identification may be presented, one of which bears the applicant's signature.

- (13) Immediate family member--The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.
- (14) Indexes--An index to or listing of birth records, death records, applications for marriage licenses, and reports of divorce or annulment of marriage.
- (A) Consolidated indexes--These indexes are vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event at the discretion of the State Registrar in the form prescribed.
  - (B) General birth and death indexes--These indexes are maintained or established by the Vital Statistics Unit or a local registration official which 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.
  - (C) Summary birth and death index--These indexes are maintained or established by the Bureau of Vital Statistics or a local registration official which 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.
- (15) Interment--Burial or the act of placing in a grave.
- (16) Legal representative (personal representative or 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.
- (17) Live birth--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.
- (18) Local registration official--A county clerk or person authorized by the Vital Statistics Act to maintain a duplicate system of records for each birth, death, or fetal death that occurs in the person's jurisdiction.
- (19) Non-institutional birth--A birth occurring outside a hospital or birthing center licensed by the Texas Department of State Health Services.
- (20) Person in charge of interment--Any person who places or causes to be placed a fetus, dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.
- (21) Properly qualified applicant (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 in §181.11 of this title (relating to Requests for Personal Data).
- (22) Registrant--The individual named on the certificate of birth, death, or fetal death; application for marriage license; or report of divorce or annulment of marriage.

- (23) Registrar--The State Registrar or a Local Registrar as recognized by the Texas Department of State Health Services, Vital Statistics Unit.
- (24) Research copy--A plain paper noncertified reproduction of the complete original document or a portion of the original document.
- (25) Search--The act of examining the files and/or indexes maintained by the Vital Statistics Unit for a specific record or information.
- (26) Signature--The name of a person written with his or her own hand; or by an electronic process approved by the State Registrar.
- (27) State Registrar--The Unit Director of the Vital Statistics Unit, Texas Department of State Health Services.
- (28) Supplemental Birth Certificate--A new birth certificate prepared and filed by the Vital Statistics Unit, which is based upon a paternity determination, or adoption. This new birth certificate replaces the original certificate of birth.
- (29) Birth Verification--A noncertified 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 Unit.
- (30) Death Verification--A noncertified 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 Unit.
- (31) Fetal Death Verification--A noncertified 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 Unit.
- (32) Marriage Verification--A noncertified statement only of the registrant's name, date of marriage, and place of marriage as it appears on the application for marriage license index filed with the Vital Statistics Unit.
- (33) Report of Divorce or Annulment of Marriage Verification--A noncertified statement only of the registrant's name, date of divorce, and place of divorce as it appears on the report of divorce or annulment of marriage index as it appears on the birth index filed with the Vital Statistics Unit.
- (34) Vital statistics--The registration, preparation, transcription, collection, compilation, distribution and preservation of data pertaining to births, adoptions, paternity determinations, deaths, fetal deaths, suits affecting parent child relationship, court of continuing jurisdiction, marital status, and such other data as deemed necessary by the department.
- (35) Vital Statistics Act--The Health and Safety Code, Title 3.
- (36) Vital Statistics Unit--The office, formally known as the Bureau of Vital Statistics, within the Texas Department of State Health Services, formerly known as the Texas Department of Health, charged with the implementation of the Texas Vital Statistics Act.

***Rule §181.2 - Assuming Custody Of Body***

- (a) 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 a Vital Statistics Unit system or complete a report of death before transporting the body. The report of death shall within 24 hours be mailed 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 Unit shall serve as authority to transport or bury the body or fetus within this state.
- (b) 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 a Vital Statistics Unit 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 (See §181.6 of this title (relating to Disinterment)).
- (c) The funeral director, or person acting as such, shall furnish the sexton or other person in charge of a cemetery with the information required.

### *Rule §181.3 - Transportation Of Dead Bodies*

- (a) Bodies shipped by common carrier.
  - (1) Any body shipped by common carrier must be placed in either:
    - (A) a sound casket enclosed in a strong outside shipping case; or
    - (B) a metal container specifically designed for this purpose.
  - (2) If the body is not embalmed or is in a state of decomposition, it may be shipped only after enclosure in an air-tight metal casket encased in a strong outside shipping case or in a sound casket encased in an air-tight metal or metal lined shipping case.
  - (3) Shipping containers and requirements for the shipping of dead bodies must meet or exceed any requirement imposed by the shipping company, the receiving state or foreign country.
  - (4) When any body is to be transported by common carrier, the burial-transit permit shall be enclosed in a strong envelope and attached to the shipping case. No separate transit permit shall be required.
- (b) Bodies transported by means other than common carrier.
  - (1) Any body transported by means other than a common carrier must be encased in a container which insures against seepage of fluid and the escape of offensive odors, provided, however, that bodies transported by a licensed funeral director in a vehicle used for such purpose need not be so encased.
  - (2) If a dead body is to be transported by means other than a common carrier and for a purpose other than preparation or storage, the report of death form shall be enclosed in a strong envelope and attached to the container in which the body is enclosed.
- (c) Duties of transportation companies. No transportation company shall accept any body for shipment until it has been ascertained that a properly completed burial-transit permit accompanies the body.

### *Rule §181.4 - Preservation Of Bodies*

No human body may be held in any place or be in transit more than 24 hours after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer in a manner approved by the Texas Funeral Service Commission, or by an embalmer licensed to practice in the state where death occurred or is encased in a container which insures against seepage of fluid and the escape of offensive odors.

### *Rule §181.5 – Embalming and Standards of the Funeral Industry*

- (a) The department adopts by reference the rules of the Texas Funeral Service Commission in 22 TAC §203.16, covering minimum standards for embalming.
- (b) The rules adopted by reference in subsection (a) of this section shall not require or infer a requirement for the embalming of a dead body prior to burial or cremation.

### *Rule §181.6 - Disinterment*

- (a) Except as is authorized for a justice of the peace acting as coroner or medical examiner under the Code of Criminal Procedure, Chapter 49, remains may not be removed from a cemetery except on written order of the State Registrar or the State Registrar's designee.
- (b) The licensed funeral director or professional archeologist to whom the disinterment permit is issued shall be responsible for the proper conduct of the disinterment and removal.
- (c) The State Registrar shall issue a disinterment permit so as to provide a copy for the State Registrar, a copy retained by the funeral director or professional archeologist to whom issued, a copy filed with the sexton or person in charge of the cemetery in which the disinterment is to be made, and a copy for the local registrar of the district in which the death occurred. The State Registrar and the Local Registrar shall file the disinterment permit as an amendment to the death certificate and consider it part of the death certificate. The State Registrar and the Local Registrar shall include a copy of the disinterment permit with any future certified copies of the death certificate that are issued.
- (d) A disinterment permit shall not be required if a body is to be disinterred and reinterred in the same cemetery.
- (e) A disinterment permit shall not be required to remove cremains.
- (f) Cremation is considered to be a final disposition of remains.
- (g) A disinterred body must be transported in a container which insures against the seepage of fluid or the escape of offensive odors. When shipped by common carrier, a disinterred body must be enclosed in an airtight metal casket encased in a strong outside shipping case, or in a sound casket encased in an airtight metal or metal-lined shipping case. This requirement shall not apply if the disinterred remains involve no soft parts.
- (h) 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. (See §181.2 of this title (relating to Assuming Custody of Body)).
- (i) A body kept in a receiving vault shall not be regarded as a disinterred body until after the expiration of 30 days.
- (j) All disinterred remains kept in receiving vaults shall be thoroughly embalmed in a manner approved by the Texas Funeral Service Commission and shall be enclosed in a permanently sealed casket.
- (k) The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent of the cemetery, the owner of the plot, and the decedent's next-of-kin.
- (l) The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent order from the county judge to disinter a body from a grave when the cemetery, plot owner, and the decedent's next-of-kin are unknown.

### *Rule §181.7 - Fetal Death (Stillbirth)*

- (a) 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.
- (b) A certificate of fetal death shall be considered properly filed:
  - (1) when all of the items thereon have been satisfactorily and definitely answered; and
  - (2) 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 (stillbirth).

*Rule §181.8 – Supplemental Birth Certificates*

- (a) When a supplemental certificate of birth is prepared and filed based on adoption or paternity determination, a copy of the supplemental birth certificate shall be forwarded to each local registration official in whose office is recorded the original birth record of such child.
- (b) Wherever possible, the local registration official shall remove from his or her files the original birth record and:
  - (1) Shred any paper birth records using a cross cut paper shredder; and
  - (2) Remove any birth records stored in electronic format from storage media using validated overwriting technologies and methods/tools that clear data using 1-3 overwrites in accordance with National Institute of Standards and Technologies (NIST) “Guidelines for Media Sanitation” (Publication SP-800-88).
- (c) Where it is not possible to remove the original birth record, the local registration official shall cancel such record in such manner as to preclude the disclosure of any information contained therein. In its place he or she shall substitute the supplemental certificate of birth.
- (d) A certificate of adoption for a child born outside the State of Texas shall, when received by the Vital Statistics Unit be forwarded to the proper registration official of the state or territory in which such birth occurred. (For foreign adoptions, see §181.29 of this title (relating to Foreign Adoptions)).
- (e) Where application is made for the filing of a supplemental certificate based on paternity, the applicant shall submit to the Vital Statistics Unit an Application for New Birth Certificate Based on Parentage (VS-166) signed by both parents in the presence of a Notary Public, and:
  - (1) a certified copy of the certificate of marriage indicating the subsequent marriage of the parents; or
  - (2) a copy of the Acknowledgment of Paternity (VS-159.1) if an Acknowledgment of Paternity is not already in the bureau files; or
  - (3) a certified copy of the court decree establishing If a court decree is presented, the Application for New Birth Certificate Based on Parentage only has to be signed by one of the parents in the presence of a Notary Public.
  - (4) a certified copy of the court decree establishing a gestational agreement. The Application for New Birth Certificate Based on Parentage must be signed by at least one parent in the presence of a Notary Public.
- (f) Voluntary Paternity must have a written consent of both parents.

*Rule §181.9 - Access To Paternity Files*

- (a) 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.
- (b) The Vital Statistics Unit shall notify the Office of the Attorney General, the Title IV-D agency for the State of Texas, in a manner agreed by both agencies of any supplemental birth records based upon acknowledgement of paternity.

*Rule §181.10 - Availability of Birth Records to Ensure Confidentiality of Adoption Placement*

- (a) This section establishes requirements governing the control of public accessibility to birth records and in order to ensure the confidentiality of adoption placements.
- (b) Availability of birth records generally.
  - (1) Copies of birth records are available for request by the public for searching or inspection, in accordance with Government Code, §552.115, on or after the 75th anniversary of the date of birth as shown on the record filed with the Vital Statistics Unit or the local registration official. Original birth records shall not be made available to the public in the interest of preservation of the records.
  - (2) The local registration official, upon receipt of a record of birth based on adoption or paternity must delete or expunge the birth record filed at the time of the event.

*Rule §181.11 – Requests for Personal Data*

- (a) The purpose of this section is to describe the criteria that the Committee on Requests for Personal Data will use in reviewing and recommending disposition when an application for personal data is received.
- (b) The Commissioner and/or his designee shall appoint a Committee on Requests for Personal Data (Committee) that serves in an advisory capacity. The committee reviews and makes recommendations regarding requests for personal data to be used for research purposes or for the official use of governmental agencies.
- (c) Procedures.
  - (1) If the department receives a request for personal data, the release of which has been determined to be legally discretionary, and there is a question as to whether the data should be released, the request shall be referred to the committee for its review and recommendation. The committee will review the request and make a recommendation regarding release to the commissioner or his designee.
  - (2) The committee will require each applicant for personal data to complete the application form as prescribed by the committee.
  - (3) If the personal data is released, a copy of the final project report, any publication, or presentation must be furnished to the committee. The department will be given credit as the source of the data.
  - (4) It is department policy to disapprove applications involving contact with any person, institution, or agency identified on the record unless the committee determines that there are substantial overriding reasons for the contact.
  - (5) It is department policy to disapprove applications involving research that does not serve a valid scientific or public health purpose.
  - (6) The Vital Statistics Unit shall charge the statutory fee for each vital record research copy as provided in the Health and Safety Code, §191.0045.
  - (7) Personal data application requests need to be submitted to the department's Institutional Review Committee if any of the following apply to the requested research:
    - (A) sponsored by the department;
    - (B) conducted by or under the direction of department employees or agents;
    - (C) conducted by or under the direction of department employees or agents using department property of facilities, or;
    - (D) involves the use of department nonpublic information to identify or contact human research subjects or prospective subjects.

*Rule §181.13 - Birth Certificate Form and Content*

- (a) The State Registrar shall determine the items of information to be contained on certificates of birth. The format of the items will be designated on department forms.
- (b) The State Registrar shall prescribe a User Agreement for the orderly implementation of electronic birth registration.
- (c) Hospitals, licensed birthing centers, midwives, and local registration officials must comply with the User Agreement in order to participate in electronic birth registration.
- (d) The Vital Statistics Unit may discontinue any institution or individual's participation in electronic birth registration for failure to comply with the User Agreement.

*Rule §181.14 - Death and Fetal Death Certificate Form and Content*

- (a) The State Registrar shall determine the items of information to be contained on certificates of death and fetal death. The format of the items will be designated in forms entitled "Certificate of Death" and "Certificate of Fetal Death".
- (b) Funeral directors or other persons in charge of disposition or in charge of removal of a body from a registration district for disposition may prepare and file the Certificate of Death and the Certificate of Fetal Death.

Subchapter B - Vital Records

*Rule §181.21 - Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death*

- (a) Purpose. The purpose of this section is to describe:
  - (1) the criteria that the State Registrar will use in refusing to issue a certified copy of a record of birth, death, or fetal death when information is received that may contradict the information shown in such record; and
  - (2) the hearing procedures the department will use when the applicant wants to appeal the State Registrar's proposed refusal.
- (b) Criteria for refusal. The criteria for refusal to issue a certified copy of a record is based on information the State Registrar receives that contradicts the information shown in the record, such as:
  - (1) an order issued by a court of competent jurisdiction finding that the information shown in a record is false;
  - (2) a copy of an original record showing that the event in question occurred in a jurisdiction other than the State of Texas;
  - (3) affidavits executed by registrants, parents, attendants, or persons authorized to administer oaths attesting to the falsification of information in a record.
- (c) Hearing procedures.
  - (1) If the State Registrar proposes to refuse to issue a certified copy, the applicant shall receive written notification of the refusal, the reason for the refusal and his or her right to request a hearing before the department to determine if there is evidence to support the State Registrar's proposed action.
  - (2) If the applicant wants a hearing, he or she shall submit a written request for a hearing to the State Registrar within 20 days after receiving the notice of proposed refusal.
  - (3) The State Registrar, upon receiving the written request for hearing, shall request the department's Office of General Counsel to initiate a hearing procedure in accordance with the department's hearing procedures, contained in §§1.51-1.55 of this title.
  - (4) The State Registrar shall notify the applicant in writing when the hearing request has been sent to the Office of General Counsel. The notice shall include a copy of the department's hearing procedures.

*Rule §181.22 - Fees Charged for Vital Records Services*

- (a) The fee for a certified or research copy of a birth record shall be \$10.00. Additional copies shall be \$10.00 for each copy requested.
- (b) The fee for a certified or research copy of a death certificate shall be \$10.00 for the first or only copy requested, and \$3.00 for each additional copy of the same record requested in the same request.
- (c) A surcharge of \$2.00 shall be added to the fee for searching and issuing each certified copy of a certificate of birth, or conducting a search for a certificate of birth, as mandated by the Health and Safety Code, §191.0045.
- (d) The fee for issuing each heirloom birth certificate, or gift certificate for such, shall be \$50.00. If a record is not found, \$38.00 of the fee shall be returned to the applicant.
- (e) The fee for issuing each wedding anniversary certificate or gift certificate for such shall be \$50.00.
- (f) The fee to search for any record or information on file within the Vital Statistics Unit shall be \$10.00, regardless of whether a certified copy is issued or not.
- (g) The fee for a search to verify the existence of a birth or death record shall be \$10.00.
- (h) The fee for a search to verify a marriage or divorce record shall be \$10.00.
- (i) The fee for a search and identification of the court that granted an adoption shall be \$10.00.
- (j) The fee for filing an amendment to an existing certificate of birth or death on file with the Vital Statistics Unit shall be \$15.00. An amendment to a certificate includes adding information to a record to make it complete and changing information on a record to make it correct. An additional fee is required to issue a certified copy of the amended record.
- (k) The fee for filing an amendment based on a court ordered name change shall be \$15.00.
- (l) The fee for a new birth record based upon adoption or parentage determination shall be \$25.00.
- (m) The fee for filing a delayed record of birth shall be \$25.00.
- (n) The fee for a search of the Paternity Registry shall be \$10.00. The fee includes a certification stating whether or not the requested information is located in the Registry.
- (o) The fee for a search of the Acknowledgment of Paternity Registry shall be \$10.00. The fee includes a certified copy of the Acknowledgement of Paternity, if found.
- (p) Each person applying to the Central Adoption Registry shall pay a registration fee of \$30.00, which includes the \$5.00 fee for determining if an agency that operates its own registry was involved in the adoption. (Also see §181.44 of this title (relating to the Inquiry Through the Central Index)).
- (q) The fee charged for an expedited service shall be \$5.00 per request in addition to any other fee required. Expedited service is any service requested via fax or overnight mail service. The expedited fee is nonrefundable if a record or the information requested is not found.
- (r) The fee for the processing and issuance of a disinterment permit shall be \$25.00. The fee is to be paid by the applicant for the permit, and must be submitted with the application.
- (s) A Texas Online fee of \$10.00 shall be added to all requests for birth, death, marriage, and divorce record searches and document production.

*Rule §181.23 - Indexes For Vital Records*

- (a) The State Registrar shall establish and maintain an index of all vital records filed within the Vital Statistics Unit. Local registration officials shall establish and maintain an index of all vital records filed within their local registration area.
- (b) Birth indexes.
  - (1) General birth indexes maintained or established by the Vital Statistics Unit or a local registration official 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.
  - (2) 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. The Vital Statistics Unit and 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 of children who are the subjects of adoption placements.
  - (3) A summary birth index maintained or established by the Vital Statistics Unit or a local registration official 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.
- (c) Death indexes.
  - (1) A general death index maintained or established by the Vital Statistics Unit or a local registration official 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.
  - (2) 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.
  - (3) A summary death index maintained or established by the Vital Statistics Unit or a local registration official 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.
- (d) Indexes to marriage and divorce records shall be cross-referenced by the names of the husband and wife and include the date of the event and county of occurrence.
- (e) Consolidated indexes are indexes of vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event at the discretion of the State Registrar in the form prescribed.

### *Rule §181.24 - Abused, Misused, Or Flagged Records*

- (a) Abused birth record.
  - (1) 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.
  - (2) Local Registrars shall notify the Vital Statistics Unit of any abused record. Requests for additional certifications shall be made to the Vital Statistics Unit.
  - (3) When the State Registrar receives a request for an abused birth record, he/she shall refuse to issue any additional certifications until the registrant, minor registrant's parent who is not excluded by law, or registrant's guardian has satisfactorily explained, the reason for the additional request(s).
- (b) Misused record.
  - (1) A misused record is any birth or death record that has been used by any person for any fraudulent or illegal purpose.
  - (2) Upon notification or determination that a record has been misused, the State Registrar shall attach a flag or notice to the record.
- (c) Flagged record.
  - (1) 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 request, the State Registrar may place a flag on the record.
  - (2) The Vital Statistics Unit 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 Persons Clearinghouse.
  - (3) When a record has a notation, or addendum, the State and Local Registrar shall refuse to issue such a record until the conditions as stated on the notation, or addendum have been satisfied and the registrant or the requesting party has been notified.
- (d) A hearing may be requested as provided in §181.21 of this title (relating to Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death) to determine if flagged, abused, misused or records with an addendum or notation should be issued.

### *Rule §181.25 - Application For Marriage License and Affidavit of Correction to Marriage License*

- (a) The Vital Statistics Unit shall furnish application forms for a marriage license to each county clerk in the format as prescribed by the State Registrar.
- (b) The application form shall contain at a minimum the items and information prescribed in the Texas Family Code, §2.004.
- (c) When reproduced locally by the county clerk, the form shall be identical in content, format, and size as prescribed by the Vital Statistics Unit.
- (d) Although the Vital Statistics Unit is the custodian of marriage applications in the state of Texas, the county of record is the custodian of all marriage licenses it registers. Therefore, any amendment to the marriage license will be reflected at the county, and not at the state level.
- (e) To amend the marriage license, both parties are responsible for executing a notarized affidavit stating the error.
- (f) The affidavit to amend the marriage license must contain:
  - (1) the full names of applicants, including the maiden surname of the female applicant;
  - (2) the date on which the marriage occurred;
  - (3) a statement identifying the error to be corrected; and
  - (4) the corrected statement.
- (g) Upon receipt of the notarized affidavit, the county clerk shall file it as an amendment to the marriage license.
- (h) The affidavit is considered part of the marriage license.
- (i) The county clerk shall include a copy of the affidavit with any future certified copy of the marriage license issued by the clerk.

*Rule §181.26 - Filing Of Birth Certificates For Infants Born Outside Of A Licensed Institution*

- (a) All certificates of birth shall be filed as required by the Health and Safety Code, §192.001.
  - (1) Births occurring in a licensed institution shall be filed as required by the Health and Safety Code, §192.003. Licensed institutions include hospitals and birthing centers licensed by the department.
  - (2) Births occurring outside licensed institutions shall be filed as described in this section.
- (b) 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) 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.
- (c) The essential elements to register a noninstitutional birth are:
  - (1) evidence of pregnancy;
  - (2) evidence that there was an infant born alive;
  - (3) evidence that the birth occurred in the registration district; and
  - (4) evidence that the infant's birth occurred on the date stated.
- (d) Evidence of pregnancy, such as but not limited to:
  - (1) prenatal record;
  - (2) a statement from a physician or other health care provider qualified to determine pregnancy;
  - (3) a home visit by a public health nurse or other health care provider; or
  - (4) other evidence acceptable to the Local Registrar
- (e) Evidence that there was an infant born alive, such as, but not limited to:
  - (1) a statement from the physician or other health care provider who saw or examined the infant;
  - (2) an observation of the infant during a home visit by a public health nurse; or
  - (3) other evidence acceptable to the Local Registrar.
- (f) Evidence that the birth occurred in the registration district, such as, but not limited to the following.
  - (1) If the live birth occurred in the mother's residence:
    - (A) a rent receipt that includes the mother's name and address;
    - (B) any type of utility, telephone, or other bill that includes the mother's name and address;
    - (C) a credit or debit card receipt that includes the date and location of the transaction;
    - (D) a driver's license, or a State-issued identification card, which includes the mother's current residence on the face of the license/card; or
    - (E) other evidence acceptable to the Local Registrar.
  - (2) If the live birth occurred outside of the mother's place of residence, and the mother is a resident of this State, such evidence shall consist of:
    - (A) an affidavit from the tenant of the premises where the live birth occurred, that the mother was present on those premises at the time of the live birth;
    - (B) evidence of the affiant's residence similar to that required in paragraph (1) of this subsection;
    - (C) evidence of the mother's residence in the State similar to that required in paragraph (1) of this subsection or
    - (D) other evidence acceptable to the Local Registrar.
  - (3) If the mother is not a resident of this State, such evidence must consist of clear and convincing evidence acceptable to the Local Registrar.

- (g) Evidence that infant's birth occurred on the date stated, includes but is not limited to:
  - (1) prenatal record;
  - (2) a statement from a physician or other health care provider qualified to determine the date of birth; or
  - (3) other evidence acceptable to the Local Registrar.
- (h) A birth as described in subsection (c) of this section shall 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 following order of preference:
  - (1) a passport or certificate of naturalization;
  - (2) a military service or military dependent identification card;
  - (3) a United States government identification card, or national identification card issued by another country;
  - (4) a current driver's license or other state identification card;
  - (5) an alien registration receipt card; or
  - (6) an employee or student identification card, with photograph.
- (i) A certificate of birth concerning a child who is between one and four years of age may only be filed by the state registrar. The state registrar shall require the same proof and documentation as previously mentioned in this section and, in addition, an affidavit of the parents and the attendant, if any, as to why the certificate was not timely filed. If the proof and documentation are not available, the certificate may only be filed as prescribed by the Health and Safety Code, §192.027.
- (j) Each local registrar shall notify the state registrar's office of any suspicious documents or records submitted or filed with his/her office.
- (k) 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.
- (l) 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.

*Rule §181.27 – Memorandum Of Birth Understanding with the Texas Funeral Service*

*Commission*

- (a) The purpose of this section is to implement Texas Occupations Code, Chapter 651, and Health and Safety Code, Chapters 193 and 195. In an effort to better protect the public health, safety and welfare, it is the legislative intent of the laws for the Texas Department of State Health Services (department) and the Texas Funeral Service Commission (TFSC) to adopt by rule a memorandum of understanding to facilitate cooperation between the agencies by establishing joint procedures and describing the actual duties of each agency for the referral, investigation, and resolution of complaints affecting the administration and enforcement of state laws relating to vital statistics and the licensing of funeral directors and funeral establishments.
- (b) The department adopts by reference 22 TAC §201.16 of the TFSC rules.

*Rule §181.28 - Instructions and Requirements for Issuance of Certified Copies of Vital Records by the State Registrar, Local Registrar, or County Clerk*

(a) Birth certificates.

- (1) The State Registrar, Local Registrar, or county clerk shall issue only two types of certified copies:
  - (A) a full reproduction of the legal portion of the original record as filed in their office with any addendum(s); or
  - (B) an abstract of birth facts, taken from the original record. Probate records and delayed records may not be abstracted. An abstract shall be issued in one of three styles:
    - (i) a standard certified abstract;
    - (ii) an electronic or computer generated certified abstract prepared in accordance with Health and Safety Code, §192.005 or §192.011, or when the condition of the original record does not permit full reproduction; or
    - (iii) an heirloom style certified abstract which may only be issued by the State Registrar.
- (2) Each certified copy of a record, or abstract of birth facts, shall be issued over the signature or facsimile thereof of the officer to whom the record is entrusted, and shall bear the seal of their office, and a statement of certification:
  - (A) either as a part of the custodian's files; or
  - (B) as authorized to be issued from the State Registrar's file.
- (3) All certified copies of birth records shall include the following information, if known:
  - (A) state or local file number;
  - (B) given name(s);
  - (C) surname;
  - (D) date of birth;
  - (E) state, and city or county of birth;
  - (F) sex;
  - (G) father's name;
  - (H) mother's maiden name;
  - (I) date of filing;
  - (J) date certified copy issued;
  - (K) certification statement;
  - (L) signature or facsimile signature of the custodian; and
  - (M) the seal of their office.

(b) Death certificates.

- (1) The State Registrar, Local Registrar, or county clerk shall issue only two types of certified copies:
  - (A) a full reproduction of the original record and any addenda as filed in their office; or
  - (B) a certified abstract of death facts, taken from the original record.
- (2) All certified copies of death records shall include:
  - (A) state or local file number;
  - (B) given name(s);
  - (C) surname;
  - (D) date of death;
  - (E) date of birth;
  - (F) state, city or county of death;
  - (G) sex;
  - (H) date of filing;
  - (I) date certified copy issued;
  - (J) certification statement;
  - (K) signature or facsimile signature of the custodian; and
  - (L) the seal of their office.

- (c) 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 security features in accordance with the security standards adopted by the State Registrar:
- (1) consecutive numbers - documents that contain sequential numbers for control purposes;
  - (2) background security features - a repetitious design consisting of a pattern that hinders counterfeiting efforts;
  - (3) 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;
  - (4) an engraved border - a border that is produced from engraved artwork containing images from fine lines to very complex patterns;
  - (5) microline printing or security thread - a line of small alpha characters in capital letters that requires a magnifying glass to read;
  - (6) sensitized security paper - paper that is reactive to chemicals commonly used to alter documents;
  - (7) prismatic printing - a rainbow printing that is used as a deterrent to color copying;
  - (8) erasable fluorescent printing - fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable;
  - (9) non-optical brighteners - paper without added optical paper brighteners that will not fluoresce under ultraviolet light;
  - (10) 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;
  - (11) 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;
  - (12) 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;
  - (13) watermark - a three-dimensional graphic element molded into the paper in a continuous pattern during the paper manufacturing process.
- (d) Other permitted security features. Other security features such as, but not limited to the following, may also be incorporated in the paper used:
- (1) security laminate - a plastic laminate is placed over printed information as to reveal any attempts to alter the printed material; or
  - (2) a copy void pantograph - the word void appears when the document is photocopied.
- (e) Record retention. An electronic record or paper application that includes the date issued, document control number, name, address and signature, and a photocopy or facsimile of the form of identification to whom the record was issued shall be made and maintained for a period of three years from the date issued.
- (f) The Vital Statistics Unit will develop standards for procurement parameters regarding the purchase and distribution of the issuing medium for birth certificates, including paper.
- (g) The Vital Statistics Unit will explore options regarding establishment of a central database for the issuance of certified copies and abstracts of birth certificates by State and Local Registrars.
- (h) The Vital Statistics Unit will develop standards to limit access to archived paper birth certificates and set standards for the paper used to print certified copies and abstracts of birth.
- (i) Properly Qualified Applicant Acceptable Documentation.
- (1) In accordance with Health and Safety Code, §191.051, "Certified Copies," all lobby and mail-in applications submitted to obtain certified documents must meet the guidelines set out in this rule.

- (2) All applicants for certified documents must present proof of identity acceptable to the State Registrar.
- (3) All requests for certified documents must be submitted on a state-approved application or in a format that is acceptable to the State Registrar.
- (4) All lobby and mail-in applications submitted to obtain certified documents must contain the applicant's signature.
- (5) All applicants must sufficiently identify the vital record that is of interest at the time of request.
- (6) All primary identification documents must have a United States issuance origin.
- (7) All identification documents must be verifiable by the source that issued the document.
- (8) The Vital Statistics Unit shall retain a photocopy of all documents submitted and accepted as proof of identification in accordance with the retention period in subsection (e) of this section.
- (9) All applicants must present identification consistent with the following identification requirements:
  - (A) primary identification outlined in paragraph (10) of this subsection; or
  - (B) secondary identification reflected in paragraph (11) of this subsection; and
  - (C) supporting documentation stated in paragraph (12) of this subsection.
- (10) Primary Identification.
  - (A) Primary Identification documents do not require supporting instruments, unless otherwise specified.
  - (B) All acceptable Primary Identification documents must be current and valid.
  - (C) The applicant's identification must contain the applicant's name and photograph that establishes the applicant's identity.
  - (D) Acceptable forms of Primary Identification:
    - (i) Driver's License;
    - (ii) Federal or State Identification card;
    - (iii) Federal, State or City law enforcement employment identification card, or employment badge accompanied by employment identification card;
    - (iv) Offender Identification card issued by the Department of Criminal Justice correctional facility or institution;
    - (v) Military Identification card;
    - (vi) Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) issued:
      - (I) Employment Authorization Document (EAD);
      - (II) Permanent Resident Card (green card);
      - (III) Travel Documents:
        - (-a-) Re-entry Permit;
        - (-b-) Refugee Travel Permit; or
        - (-c-) Advance Parole.
      - (IV) SENTRI Card; or
      - (V) U.S. Citizen Identification Card.
    - (vii) United States Department of State issued:
      - (I) Border Crossing Card (B1 for business or pleasure or B2 medical purposes); or
      - (II) Visa.
    - (viii) Concealed Handgun License;
    - (ix) Pilot's license; or
    - (x) United States Passport.

(11) Secondary identification.

- (A) In the absence of a form of primary identification, applicants are permitted to submit secondary forms of identification to establish proof of their identity.
- (B) When submitting secondary forms of identification, applicants are required to produce:
  - (i) two forms of Acceptable Secondary Identification, of different types; or
  - (ii) one form of Acceptable Secondary Identification, plus two forms of Acceptable Supporting Identification of different types.
- (C) When submitting secondary forms of identification, the documents combined must confirm the identity of the applicant. At least one of the documents must contain the applicant's name, signature, or identifiable photo of the applicant.
- (D) Acceptable forms secondary identification:
  - (i) Current student identification;
  - (ii) Any Primary Identification that is expired;
  - (iii) Signed Social Security card, or Numident;
  - (iv) DD Form 214 Certificate of Release;
  - (v) Medicaid card;
  - (vi) Medicare card;
  - (vii) Veterans Affairs card;
  - (viii) Medical insurance card;
  - (ix) Foreign Passport accompanied by a Visa issued by the United States Department of State;
  - (x) Foreign Passport in accordance with the United States Department of State, Visa Waiver Program;
  - (xi) Certified birth certificate from the Department of State (FS-240, DS-1350 or FS-545);
  - (xii) Private Company Employment Identification card;
  - (xiii) Form I-94 - accompanied by the applicant's Visa or Passport;
  - (xiv) Mexican voter registration card; or
  - (xv) Foreign Identification with identifiable photo of applicant.

(12) Supporting Identification--Other records or documents that verify the applicant's identity. The Vital Statistics Unit refers to their policy for acceptable supporting identification. The examining or supervisory personnel may determine that a supporting identification document may meet the department's requirements in establishing identity.

*Rule §181.29 - Foreign Adoptions*

- (a) Purpose. The purpose of this section is to establish guidelines for the procedure of filing adoptions for residents of the State of Texas who adopt children in foreign countries.
- (b) A certified copy of the decree of adoption granted in a foreign country and information with translation into the English language relating to the adoptive parent(s) and adoptee should be submitted to a court of competent jurisdiction of this state for validation. It is the responsibility of the applicant(s) to have all required documents translated into the English language. An official certificate of adoption must be prepared and submitted to the Vital Statistics Unit by the clerk of the court validating the foreign adoption.
- (c) Certificate of birth. The State Registrar shall prepare a new certificate of birth for a person born in a foreign country, and adopted under the laws of a foreign country or under the laws of this state, when the State Registrar receives the following from a resident of this state:

- (1) a request by the resident adoptive parent(s) to file a new certificate of birth in the adoptive parent(s)' names;
  - (2) an official certificate of adoption prepared and filed in accordance with the laws of this state by the court which registered or validated the adoption; and
  - (3) payment of all applicable fees.
- (d) Guidelines. The State Registrar shall use the following guidelines when preparing a new certificate of birth.
- (1) The State Registrar shall not alter or change the place of birth or the date of birth from the information contained in the documentation presented.
  - (2) The new certificate shall be prepared on the current certificate form in the same manner as an in-state adoption is prepared and reflect the foreign country of birth.
  - (3) As prescribed in the Health and Safety Code, §192.008, all documentation used to prepare the new certificate of birth shall be placed in a sealed file and accessed by an applicant only upon presentation of a certified copy of an order from the Texas district court that validated the foreign adoption.
  - (4) Once a file is sealed, a standard fee shall be charged for a search for the file and any copies of records issued as prescribed in Health and Safety Code §191.0045.
- (e) Exceptions. The guidelines, as stated in subsection (d) of this section, do not apply if a child was born in a foreign country and was a citizen of the United States at the time of birth. This record may only be processed by the United States Department of State.

***Rule §181.30 - Instructions and Requirements for Filing of Amendments to Medical Certification of Certificate of Death with a Local Registrar***

- (a) An amending certificate (medical amendment) may be filed with the appropriate Local Registrar or State Registrar electronically through a Vital Statistics Unit 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.
- (b) 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.
- (c) 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.
- (d) If the medical amendment is incomplete or unsatisfactory, the registrar shall call attention to the error and/or omission in the return.
- (e) 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 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.
- (f) The registrar shall duplicate the medical amendment as authorized by the Local Government Code, Chapters 201 or 204. The duplicate shall be permanently preserved in the local registrar's office as the local record, in the manner directed by the state registrar.
- (g) The registrar shall forward all original non-electronic, medical amendments to the state registrar within 10 days of filing.

*Rule §181.31 - Minimum Requirements for Adoption Reporting*

- (a) The court that renders a decree of adoption shall send to the Vital Statistics Unit a certificate of adoption on Form VS-160. The clerk of the court shall send the form not later than the 10th day of the first month after the month in which the court renders the adoption decree. The certificate shall include the information as prescribed in Texas Family Code, §108.003.
- (b) When the Vital Statistics Unit determines that a certificate of adoption filed with the State Registrar requires correction, the Vital Statistics Unit shall mail the certificate directly to the attorney of record for correction. Upon correction, the attorney shall return the corrected certificate to the Vital Statistics Unit. If there is no attorney of record, the Vital Statistics Unit shall mail a photocopy of the certificate to the clerk of the court for correction.
- (c) When the clerk of the court collects the \$15 fee required by the Texas Family Code, §108.006(b), for each adoption petition filed, the clerk shall attach the fee to the certificate of adoption(s), and forward to the Vital Statistics Unit, as provided in subsection (a) of this section to Vital Statistics Unit - Mail Code 2096, P.O. Box 12040, Austin, Texas 78711-2040.

*Rule §181.32 - Maintenance of Out-of-Business Child-Placing Agency Records and Health, Social, Educational and Genetic History Reports*

- (a) At or prior to the time a child-placing agency ceases to function as a child-placing agency, it shall notify the Texas Department of State Health Services- Vital Statistics Unit, where its adoption records shall be kept for permanent safekeeping.
- (b) The Vital Statistics Unit maintains many records of closed adoption agencies and is one entity a child-placing agency may designate to preserve its adoption records. An agency may also designate another Texas licensed child-placing agency to preserve its records.
- (c) If a child-placing agency designates the Vital Statistics Unit to house its records, the agency shall assume the responsibility of shipping the records to a designation specified by the Vital Statistics Unit. The agency must ensure that the records are free from insects and rodents, and mildew-free and dry. The records shall be shipped in sturdy cardboard boxes (no larger than 12 inches x 15 inches) via an insured carrier.
  - (1) Each record series shall be alphabetized by the birth mother's maiden name or the birth mother's name at the time of relinquishment. The adoptive parents' file and the child's file shall be placed behind the birth mother's file. Each file shall include the birth mother's name as a cross-reference. Staples, paper clips and brackets shall be removed.
  - (2) The agency must provide two index cards for each adoption file, one that cross-references the birth mother's name with the adoptive parents' and adoptee's name, and one cross-referencing the adoptive parents' names with the birth mother's and adoptee's name. Each card must include the date of birth of each child and the child's adoptive name. The information may also be provided electronically in a format compatible or acceptable to the Vital Statistics Unit's standards.
- (d) If the child-placing agency designates the Vital Statistics Unit to maintain and preserve its records, a redacted or de-identified copy of the birth and/or adoption record shall be prepared by the Vital Statistics Unit for a qualified requestor under the Texas Family Code, §162.018, Access to Information. Charges for copies shall be as allowed by the Open Records Act, Government Code, Chapter 552.

- (e) If a birth relative provides post-adoption medical or social information to the Vital Statistics Unit and the Vital Statistics Unit houses the records of the closed child-placing agency, the Vital Statistics Unit may place the information with the original child-placing agency's file. If a birth relative provides post-adoption medical or social information to the Vital Statistics Unit, the adoption occurred outside of a licensed child-placing agency, and the Vital Statistics Unit readily identifies the sealed adoption file, the Vital Statistics Unit shall place the updated information in the Health, Social, Education and Genetic History record series in the date received and cross-referenced in the Vital Statistics Unit's database.
  - (1) The Vital Statistics Unit shall make a diligent effort to locate the last known address of the adoptive parents and attempt to inform them of their right to examine the redacted or de-identified portion of the record.
  - (2) Upon request of a qualified requestor under Texas Family Code, §162.006, Right to Examine Records, the information will be prepared and redacted or de-identified for release to that person.
- (f) If a child is biologically unrelated to the prospective adoptive parents and placed outside of a licensed child-placing agency, the adopting attorney shall provide to the Vital Statistics Unit a copy of the Health, Social, Education and Genetic History report (HSEGH) as prescribed by the Family Code. Within a reasonable amount of time, the Vital Statistics Unit shall provide a certificate to the adopting attorney acknowledging receipt of the report.
- (g) International adoptions. If a child born in a foreign country is placed with prospective adoptive parent(s) who reside in this state and the child is being adopted in this state, the adopting attorney shall file a HSEGH with the Vital Statistics Unit along with all foreign documents relating to the child's history prior to being placed for adoption, along with each document's English translation. If no information is available about the child prior to placement with its prospective adoptive parent(s), the adopting parents may state that no other information except for the aforementioned documents is available concerning the child's background.
- (h) The HSEGH report as described in subsections (e)-(g) of this section shall be legible and ready for microfilming or scanning.

***Rule §181.33 - Instructions and Requirements for Registering a Certificate of Death by Catastrophe***

- (a) Catastrophe is defined in the Health and Safety Code, §193.010.
- (b) When catastrophe is deemed the cause of death, the Local Registrar shall prepare and file the certificate of death.
- (c) The Local Registrar shall only prepare and file a certificate of death caused by catastrophe if:
  - (1) The body has not been found; and
  - (2) An affidavit has been submitted to the Local Registrar according to the guidelines set forth in the Health and Safety Code, §193.010(b), and the affiant has followed the specific criteria laid out in Health and Safety Code, §193.010(b).
- (d) The Vital Statistics Unit may prepare and file a certificate of death by catastrophe for a minor or a person for whom a guardian has been appointed who is the subject of a custody or guardianship dispute only if all parties to the dispute submit an affidavit under the Health and Safety Code, §193.010(b).
- (e) 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 33, Part 1a.
  - (2) Do not complete the rest of item 33.
  - (3) Complete items 36 through 39 if known.
  - (4) Items 40a through 40f and 41 must be completed on all certificates of death by catastrophe.

*Rule §181.34 - Instructions and Requirements for Reporting Assisted Reproduction Procedures Performed by a Health Care Facility Under a Gestational Agreement*

- (a) Healthcare facilities in this state at which assisted reproduction procedures are performed under gestational agreements must report reproduction procedures under gestational agreements and the current status of embryos created for said procedures on the Report of Assisted Reproduction Procedures Under Gestational Agreements.
- (b) The Vital Statistics Unit in accordance with the guidelines of Texas Family Code, §160.763 shall prescribe the form and content of the reporting form.
- (c) Reporting healthcare facilities must submit this report to the Vital Statistics Unit on a yearly basis.
- (d) The reporting form must be submitted no later than January 31st for the previous calendar year.

*Rule §181.35. Parental Consent of Underage Applicants to Marriage*

- (a) The county clerk shall issue a marriage license to an applicant who is 16 years of age or older, but under 18 years of age, if parental consent is given.
- (b) A parent or person who has legal authority to consent to marriage for an underage applicant who gives consent shall provide:
  - (1) proof of the parent's or person's identity; and
  - (2) proof that the parent or person has the legal authority to consent to marriage for the applicant.
- (c) In accordance with Texas Family Code §2.009(b), proof of the parent's or person's legal identity must be established by:
  - (1) a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license;
  - (2) a United States passport;
  - (3) a current passport issued by a foreign country or a consular document issued by a state or national government;
  - (4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph;
  - (5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;
  - (6) an original or certified copy of a birth certificate issued by a vital statistics registrar for a state or a foreign government;
  - (7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;
  - (8) an original or certified copy of a court order relating to the applicant's name change or sex change;

- (9) school records from a secondary school or institution of higher education;
  - (10) an insurance policy continuously valid for the two years preceding the date of the application for a license;
  - (11) a motor vehicle certificate of title;
  - (12) military records, including documentation of release or discharge from active duty or a draft record;
  - (13) an unexpired military dependent identification card;
  - (14) an original or certified copy of the applicant's marriage license or divorce decree;
  - (15) a voter registration certificate;
  - (16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;
  - (17) a license to carry a concealed handgun under Government Code, Chapter 411, Subchapter H;
  - (18) a temporary driving permit or a temporary identification card issued by the Department of Public Safety; or
  - (19) an offender identification card issued by the Texas Department of Criminal Justice.
- (d) Proof that the parent or person has the legal authority to consent to marriage for the applicant must be in the form of a certified document, which may include:
- (1) a certified copy of a birth certificate issued by this state, another state, or a foreign government;
  - (2) a report of birth abroad;
  - (3) an adoption decree with adopting parents' names; or
  - (4) a court order from a court of competent jurisdiction establishing custody or guardianship.

## Subchapter C – Central Adoption Registry

### *Rule §181.41 - Mutual Consent Voluntary Adoption Registries*

- (a) An agency, licensed by the Texas Department of Protective and Regulatory Services (PRS) which applies the minimum standards and guidelines for child-placing agencies to place children for adoption, or an association of those agencies, that was in existence on or before January 1, 1984, may establish or operate a voluntary adoption registry, but only in compliance with the Texas Family Code, §§162.401 - 162.422.
- (b) The bureau shall operate a Central Adoption Registry in compliance with the Texas Family Code, §§162.401-162.422.
- (c) An adoptee, a birth parent or a biological sibling may register with the registry of the agency through which the adoptee was adopted or placed for adoption and with the Central Adoption Registry. If the client initially registers with the child-placing agency's registry, that registry shall forward a copy of the registrant's application, along with appropriate identification, to the Central Adoption Registry.

*Rule §181.42 - Adoption Information by the Courts or Child-Placing Agencies*

- (a) At the time an adoption order is rendered, the district court that grants the adoption shall provide to the adoptive parents information provided by the Vital Statistics Unit describing the functions of voluntary adoption registries. If the adopted child is 14 years of age or older, the court shall provide the information to the child.
- (b) A licensed child-placing agency shall provide to each of the adopted child's known biological parents similar information when the parent signs an affidavit of relinquishment of parental rights, an affidavit of status of child, or an affidavit of waiver of interest in a child.
- (c) The information shall include the right of the child or biological parent to refuse to participate in the registry.

*Rule §181.43 - Requirement to Send Information to the Central Adoption Registry and the Coordination of the Release of Identifying Information with an Authorized Registry*

- (a) An authorized voluntary adoption registry shall send to the Central Adoption Registry (CAR) duplicate information of all registrant information it maintains in its registry. This includes all registrant file information and Form VS - 2271. The child-placing agency's adoption case files are not needed, unless the information contained in those files provides information to benefit or aid the match process. Registrant information shall also include proof of age and identity of each registrant, and all known names, dates of birth, and places of birth of each person for whom the registrant is searching, if known. Subsequent documentation including address changes of the registrant received by the registry shall be forwarded to the CAR.
- (b) Registrant information obtained by a registry on or after June 1, 1999, shall be forwarded to the CAR by the 15th day of the following month after the registration application becomes active.
- (c) If a match is identified by the CAR between two applicants, and one of the applicants is registered only with an authorized registry and not the CAR, the CAR shall notify that agency's registry and confirm the biological relationship. The CAR shall then notify the applicant who is registered with the CAR that a match has been made and allow the applicant to either decide to register with the other matching registry or to request matching procedures with only the CAR. If the latter is chosen, the CAR shall provide to the agency's registry copies of all documentation used during and up to the release of identifying information. If the applicant who is registered only with the CAR requests matching procedures with the agency's registry, then the CAR shall release any documentation necessary for the agency's registry to coordinate the release of identifying information. The registry shall provide to the CAR copies of all documentation used during and up to the release of identifying information.

*Rule §181.44 - Inquiry through the Central Index*

- (a) The Vital Statistics Unit charges a fee of \$5.00 to determine if a child-placing agency that operates its own registry was involved in a specified adoption. An eligible applicant may send the inquiry, along with the appropriate fee and proof of age and identity to the Vital Statistics Unit - Mail Code 2096, Attention: Central Adoption Registry (CAR), P.O. Box 140123, Austin, Texas 78714-0123 or may inquire in person at the Vital Statistics Unit, 1100 West 49th Street, Austin, Texas.
- (b) Each applicant must provide proof of age and identity, in the form of a photo ID and, if the applicant's name has changed due to marriage, a copy of his or her birth certificate or marriage certificate. If the applicant is a birth sibling, a copy of his/her birth certificate must be included. If his or her name has been legally changed, a certified copy of the court order verifying the name change shall accompany the request.
- (c) The CAR shall provide the child-placing agency's name, address, telephone number, and E-mail address, if appropriate, if that agency operates its own registry to which a person may apply. If the CAR finds inconclusive information to determine which agency handled the adoption, the person is entitled to apply only to the CAR.

*Rule §181.45 - Registration in the Voluntary Adoption Registry System*

- (a) To register with the Central Adoption Registry (CAR) or any other authorized registry as defined in Texas Family Code, §162.403(b), a person must comply with the following requirements:
  - (1) complete registration form (VS - 2271) and any other information the authorized registry deems necessary to identify the person(s) the applicant is searching for. Form VS - 2271 shall provide a space to include the registry's mailing address if different than the CAR; and
  - (2) provide proof of age and identity, in the form of a government-issued photo ID and, if the applicant's name has changed due to marriage, a copy of his or her birth certificate or marriage certificate. If the applicant is a birth sibling, a copy of his/her birth certificate shall be included. If his or her name has been legally changed, a certified copy of the court order shall accompany the registration form; and
  - (3) meet the eligibility requirement for registration in the Texas Family Code, §162.406.
- (b) If the applicant is a male birth parent, he may register, but will not be recognized as a birth parent unless:
  - (1) the birth mother in her application to the registry names him as the biological father and other information on the adoptee is consistent with the father's claim of paternity;
  - (2) he was adjudicated as or presumed to be the biological father under Texas Family Code, Chapter 160; or
  - (3) he signed a consent to adoption, affidavit of relinquishment, affidavit of waiver of interest in the child, or other written instrument releasing the child for adoption. If he signed a document or other instrument denying or refusing to admit paternity, he shall not be recognized as a birth parent.
- (c) A registrant's application will be reviewed within 45 days after the date the application is received. If accepted, an application is valid for 99 years unless a shorter period is specified or the registration is withdrawn.

*Rule §181.46 - Notification of a Match and Requirements for Release of Information by Participating Voluntary Adoption Registries*

- (a) If the administrator of any authorized voluntary adoption registry matches a registrant with another registrant, each registrant shall be notified by certified mail, return receipt requested and delivery restricted to addressee only, that a match has been made. The notice shall state the sex and type of birth relative the registry has matched with the adoptee.
- (b) The notification must also state that the registrant:
  - (1) may withdraw his registration before identifying information is released;
  - (2) must sign a consent to disclosure;
  - (3) must participate in at least one hour of counseling with a social worker or mental health professional who has expertise in postadoption counseling to prepare the registrant for the reunion. A mental health professional must have at least a bachelor's degree from an accredited college with a major in social work, psychology, sociology, counseling or other related field. The mental health professional is not required to be licensed in the field of mental health, but must have expertise in postadoption counseling;
  - (4) must prove that the counseling requirement has been completed by requesting written notification which includes a brief synopsis of the counseling provided and the counselor's recommendations; and
  - (5) provide any other information that the registry deems appropriate for the success of the reunion.

*Rule §181.47 - Confidentiality and Release of Information by All Voluntary Adoption Registries*

- (a) Each authorized adoption registry shall ensure that the confidentiality of the records in the registry shall be maintained and may not be disclosed except in the manner authorized by the Family Code, Chapter 162.
- (b) The administrator of any authorized adoption registry releases identifying information to registrants, who have not withdrawn their registrations and who have consented in writing to disclosure. Disclosure may include the registrant's information.
- (c) If the registrant is a birth parent, is deceased at the time the match has been made, and consented to the postdeath disclosure of identity, information may be released provided that:
  - (1) each child of the deceased birth parent is an adult; or
  - (2) the surviving parent, guardian, managing conservator or legal custodian of each child has consented in writing to the release of information.
- (d) If a match cannot be made because of the death of an adoptee, a birth parent or biological sibling who has not registered or who registered and did not agree to the postdeath disclosure, the Central Adoption Registry shall notify the affected registrant. If appropriate, the registry may disclose nonidentifying information concerning the cause of death, any underlying causes leading up to the cause of death and other non-identifying information about the deceased.

Subchapter D – Birth Registration Certification

*Rule §181.50 - Scope*

The purpose of this Subchapter is to establish certification requirements for the person required to register the birth of a child in this state as set forth by Health and Safety Code, Chapter 192, Subchapter A, General Registration Provisions. The person required to register the birth of a child in this state must meet the requirements of the birth registrar certification and must abide by the rules of this subchapter.

*Rule §181.51 - Definitions*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Acknowledgment of Paternity Training--Training from the Office of the Attorney General as prescribed in 1 TAC Chapter 55, concerning Child Support Enforcement.
- (2) Application for Birth Registrar Certification/Re-certification--An online application prescribed and provided by the Vital Statistics Unit to assess the knowledge and skills of a birth registrar.
- (3) Birth registrar--Person responsible for filing a birth certificate as prescribed in Health and Safety Code, §192.003(a) and (b).
- (4) Birth Registrar Certification (BRC)--A certification program required for all birth registrars.
- (5) Certification period--The certification period two years from certification date.
- (6) Continuing education--Educational training that contributes to the advancement, extension, and enhancement of the professional skills and knowledge of the birth registrar in the practice of registering births in this state and be open to all birth registrars.
- (7) Hour of continuing education--A 50 minute clock hour completed by a birth registrar in attendance at an approved continuing education program.

- (8) Midwife--An individual currently licensed under the Texas Board of Nursing as an Advanced Practice Registered Nurse as defined in 22 TAC Chapter 222, or an individual currently licensed with the Texas Midwifery Board to legally practice midwifery in this state.
- (9) Physician--An individual currently licensed under the Texas Medical Board to actively practice medicine in this state.
- (10) Texas Electronic Registrar (TER) - Birth Registration Online Training Course--An online birth training provided by the Vital Statistics Unit.

***Rule §181.52. Certification Requirements and Procedures***

- (a) Certification Required. A birth registrar may not complete any aspect of the birth registration process without holding a current certification issued by the Vital Statistics Unit.
- (b) Certification Process. Certification for Birth Registrars requires the completion of the following:
  - (1) Acknowledgment of Paternity training course;
  - (2) TER--Birth Registration online training course;
  - (3) be a TER user with an individual User Identification and password;
  - (4) oath of confidentiality (on file at facility);
  - (5) a completed Application for Birth Registrar Certification/Re-certification; and
  - (6) physicians, midwives or persons acting as midwives must provide current licensing information with their respective licensing bodies.
- (c) Re-certification Process. Birth registrars who actively register births in this state are required to obtain 8 hours of continuing education every two-year renewal period.
- (d) The certification renewal period issued under subsection (a) of this section is two years beginning on the 1st day of the month following the issuance of the certification to the birth registrar.
- (e) Birth registration processes occurring at facilities or by midwives may be inspected upon the submission of an Application for Birth Registrar Certification/ Re-certification.
- (f) Certain Grounds for Denial or Revocation of a Certification are as follows. The Vital Statistics Unit may refuse to issue a new certification or to renew a certification or may revoke a certification of a birth registrar if it determines that the certification application contains false information, or has violated the electronic registration user agreement as prescribed by §181.13 of this title (relating to Birth Certificate Form and Consent).

***Rule §181.53. Continuing Education***

- (a) Purpose. Each birth registrar holding an active certification and registering births in this state is required to participate in continuing education as a condition of certification renewal.
- (b) Credit hours required.
  - (1) Birth registrars who actively register births in this state are required to obtain 8 hours of continuing education every two-year renewal period. A birth registrar may receive credit for a course only once during a renewal period.
  - (2) The following are mandatory continuing education hours and subjects for each renewal period.
    - (A) Electronic Registration - 1 credit hours. This course must at least cover principals of electronic birth registration for this state.
    - (B) Other training - 7 credit hours. These approved courses should cover laws, rules, best practices, policies and procedures relevant to the registration of births in this state.

- (3) It is the responsibility of the licensee to track the number of hours accumulated during a certification period.
- (4) Failure to comply. The Vital Statistics Unit will not renew the certification of an individual who fails to obtain the continuing education requirements of this section.
- (5) Any birth registrar receiving credit for continuing education obtained fraudulently shall be reported and/or investigated by the State Registrar or the State Registrar's representative and, if necessary, shall report a violation of this section to the appropriate district or county attorney for prosecution.

***Rule §181.54. Application for Birth Registrar Certification/Re-Certification***

- (a) Each birth registrar must complete an online Application for Birth Registrar Certification/Re-Certification provided by the Vital Statistics Unit.
- (b) The completed Application for Birth Registrar Certification/Re-Certification must be submitted, along with the other certification requirements set forth by this subchapter, on or before the end of the certification renewal period.
- (c) Each birth registrar must permanently retain a completed copy of the Application for Birth Registrar Certification/Re-Certification. This retention may be in an electronic format.
- (d) Birth registrars knowingly making a false statement on the Application for Birth Registrar Certification/Re-Certification will be subject to immediate revocation of their certification and have their electronic registration privileges revoked.

**Subchapter E – Delayed Registration**

***Rule §181.60 - Delayed Certification of Birth***

- (a) When a certificate of birth of a person born in this state has not been registered before the one-year anniversary of the date of birth, a delayed certificate of birth may be submitted in accordance with regulations of the Vital Statistics Unit. No delayed certificate of birth shall be registered until the evidentiary requirements as specified in regulation have been met.
- (b) A certificate of birth submitted under this section shall be marked "Delayed" and show the date of registration. The delayed certificate of birth shall contain a summary statement of the evidence submitted in support of the delayed registration. Probate records and delayed records may not be abstracted.
- (c) An application to file a delayed certificate of birth for a birth in this state not registered before the one-year anniversary of the date of birth shall be made to the State Registrar.
- (d) No delayed certificate of birth shall be registered for a deceased person.
- (e) When an applicant as defined by regulation does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar has cause to question the validity or adequacy of the applicant's (sworn, notarized, witnessed) statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate of birth. The State Registrar shall advise the applicant of the reasons for this action, and shall further advise the applicant of his or her right to 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.
- (f) The State Registrar may provide for the dismissal of an application that is not actively pursued.

*Rule §181.61 - Who May Request the Registration of a Delayed Certificate of Birth*

- (a) Any person 18 years of age or older born in the State of Texas whose birth is not recorded in this state may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State Registrar. The information on the form must be subscribed and sworn to, before an official authorized to administer oaths, by:
  - (1) the person whose birth is to be registered; or
  - (2) the person's parent, legal guardian, or legal representative if the person is incompetent to swear to the information.
- (b) Each application for a delayed certificate of birth shall be signed and sworn to, before an official authorized to administer oaths, by the person whose birth is to be registered if such person is 18 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the application shall be signed and sworn to by the person's parent, legal guardian, or legal representative if the person is incompetent to swear to the information.

*Rule §181.62 - Documentary Evidence; Requirements and Acceptability*

- (a) To be acceptable for registration, the name of the person at the time of the birth and the date and place of birth entered on a delayed registration of birth shall be supported by at least:
  - (1) one piece of acceptable documentary evidence that will establish to the satisfaction of the State Registrar the name of the parent(s);
  - (2) three pieces of acceptable documentary evidence that will establish to the satisfaction of the State Registrar the facts and date of birth as alleged in the application; and
  - (3) facts of parentage shall be supported by at least one document.
- (b) The State Registrar shall determine the acceptability of all documentary evidence submitted.
  - (1) Documents must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.
  - (2) Documents may include but are not limited to:
    - (A) census records;
    - (B) hospital records;
    - (C) military records;
    - (D) Social Security records;
    - (E) school records; or
    - (F) other documents as designated by the State Registrar.
  - (3) For persons 15 years of age or older, all documents submitted in evidence, other than an affidavit of personal knowledge, must be at least 5 years old.
  - (4) At least 1 document submitted in evidence should have been created within the first 10 years of life.
  - (5) Documents shall not be contradictory.

*Rule §181.63 - Abstraction of Documentary Evidence*

- (a) The State Registrar or his or her designated representative shall abstract on the delayed certificate of birth a description of each document submitted to support the facts. This description shall include:
  - (1) the title or description of the document;
  - (2) the name and address of the custodial organization, if any;
  - (3) the creation date of the original document; and
  - (4) all birth facts required by §181.62 of this title (relating to Documentary Evidence; Requirements and Acceptability) contained in each document accepted as evidence.

- (b) Original documents submitted in support of the delayed certificate of birth shall be returned to the applicant after review. Copies of all items submitted shall be maintained and indexed by the State Registrar.

*Rule §181.64 - Verification by the State Registrar*

The State Registrar, or his or her designated representative, shall verify:

- (1) that no prior certificate of birth is registered in this state for the person whose birth is to be recorded;
- (2) that he or she has reviewed the evidence submitted to establish the facts of birth; and
- (3) that the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

*Rule §181.65 - Dismissal After One Year*

An application for a delayed certificate of birth that has not been completed within one year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and documents submitted in support of such registration shall be returned to the applicant.