Permits And Authorizations Associated With Fetal Death Registration

Chapter 3

Report Of Death Form (Form VS-115)
[25 TAC §181.2(a)]
The funeral director or person acting as such, who first assumes custody of a fetus, shall within 24 hours either mail or otherwise transmit a Report of Death to the local registrar of the district in which the death occurred or the body or fetus was found. A copy of the Report of Death form shall serve as authority to transport or bury the fetus within this state (serves as a Burial-Transit Permit).

Instructions For Completing The Report Of Death Form For A Fetal Death:
1) Type or print legibly in permanent blue or black ink the full name of the fetus. If the parents do not provide a first name, leave the first name blank. However, a last name MUST be entered.
2) Enter the date of delivery in the block marked “date of death”.
3) In the block marked “place of death”, enter the county and city, or precinct number, in which the delivery occurred.
4) Enter the sex and race of the fetus.
5) In the block marked “age in years at the last birthday” type or print “fetus”.
6) Enter the date the Report of Death form is mailed to the local registrar.
7) Provide the typed or printed name and signature of the funeral director.
8) Enter the funeral director’s license number and full address.

Burial-Transit Permit (form VS-116)
[HSC, §193.008, 25 TAC §181.2, §181.3]
A Burial-Transit Permit is required to ship or transport a fetus out of this state, or to transport a fetus by common carrier within this state. A Burial-Transit Permit is also required for cremation.

If an inquest is being conducted by the medical examiner or justice of the peace, authorization for cremation from the medical examiner or justice of the peace is required in addition to the Burial-Transit Permit.

A Burial-Transit Permit is not necessary if transporting a fetus within the state by means other than common carrier. A copy of the Report of Death form is sufficient.

The Burial-Transit Permit is issued by the local registrar, the registrar’s deputy, or some other authorized officer of the district in which the death occurred, or the district in which the body or fetus was found. The local registrar shall not issue a Burial-Transit Permit until the Certificate of Fetal Death, completed in so far as possible, has been filed.

The State Vital Statistics Office interpretation of “completed in so far as possible” means all of the information relating to the fetus, such as the name, date of delivery, place of delivery, and funeral director’s information is complete. In a few instances the physician may not have certified the cause of fetal death before removal from the district is desired.
It is the responsibility of the funeral director, or person acting as such, filing the partially completed Certificate of Fetal Death, and obtaining the Burial-Transit Permit, to assure that the fully completed Certificate of Fetal Death is filed with the local registrar as soon as possible. If an incomplete certificate is used to obtain the Burial-Transit Permit, the registrar may wish to validate that the fetus is no longer needed by the certifier of cause-of-death before issuing the permit, to assure that a completed fetal death certificate will be received.

A properly issued Burial-Transit Permit issued under the law and rules of a place outside this state, in which the fetal death occurred, authorizes the transportation of the fetus in this state. A cemetery or crematory shall accept the permit as authorization for burial, cremation, or other disposal of the fetus in this state.

It is unlawful for any sexton or other person in charge of a burial place to permit burial or other disposition of a fetus before a Burial-Transit Permit or a Report of Death is deposited with him. The sexton, or person in charge, may accept the permit of any state, country, or the District of Columbia.

There is no fee authorized for the issuance of a Burial-Transit Permit. Please contact the local registrar for information on how to obtain a Burial-Transit Permit when the local registrar’s office is closed.

**Authorization For Cremation**

[CCP, Art. 49.09, 49.25(10, 10a), 25 TAC §181.2]

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

A body may not be cremated within 48 hours after the time of death as indicated on the death certificate, unless the death certificate indicates the death was due to Asiatic cholera, bubonic plague, typhus fever or small pox, or unless the time requirement is waived in writing by the medical examiner or coroner.

If an inquest is being conducted by the medical examiner or coroner, authorization for cremation from the medical examiner or coroner is required in addition to a Burial-Transit permit. A fetus may not be cremated until the medical examiner or coroner has signed a certificate stating that an autopsy was performed, or that no autopsy was necessary.

If no inquest is being held, a certificate signed by the medical examiner or coroner is not necessary prior to cremation and a Burial-Transit Permit will suffice.

**Disinterment Permit (form VS-2219)**

[HSC, §694.001, §711.004, 25 TAC §181.6]

The Disinterment Permit issued by the State Registrar shall serve as the authority to disinter, transport and re-inter a fetus within this state. If the fetus is to be removed from this state, transported by common carrier within this state, or cremated, a Burial-Transit Permit must also be obtained.

A Disinterment Permit shall not be required if a fetus is to be disinterred and reinterred in the same cemetery.
The Application for Disinterment Permit (Form VS-271) must be signed by a funeral director or embalmer licensed by the Texas Funeral Commission making the application for the permit. The sole responsibility for obtaining the consent of the cemetery, the owner of the plot, and the decedent’s next-of-kin rests with the funeral director or embalmer making the application for a disinterment permit. The application, consent forms and required fee must be sent to the State Vital Statistics Office.

The State Registrar shall issue the Disinterment Permit in four parts. The funeral director to whom the permit is issued shall retain one copy, one copy is to be filed by the sexton of the cemetery in which the reinterment is to be made, one copy shall be filed by the local registrar with the local registrar’s copy of the Certificate of Fetal Death, and one copy will be filed by the State Registrar with the original Certificate of Fetal Death.

Instructions For Completing The Application For The Disinterment Permit For A Fetal Death:
Please type or print, except where signatures are required. Names may be typed beneath the signature for clarity.

1) Enter the full name of the fetus as it appears on the Certificate of Fetal Death.
2) On the line marked “date of death”, enter the date of delivery. This information is vital in locating and identifying the fetal death certificate.
3) On the line marked “place of death”, enter the city, county and state in which the delivery occurred.
4) Enter the place of interment. These items must be completed with the full name of the cemetery, plot number (section, block, lot, and space or niche), city, county, and state in which the fetus is buried. The state should always be Texas as we cannot issue a Disinterment Permit for a burial in another state.
5) Enter the place the fetus is to be reinterred (items a-d). These items must be completed with the full name of the cemetery, plot number (section, block, lot, and space or niche), city, county, and state where the body will be reinterred.
6) Enter the full name of the funeral director, license number, and the full name, address and telephone number of the funeral home.
7) Provide the date and signature of the funeral director submitting the application.

Instructions For Completing The Disinterment Consent Forms For A Fetal Death:
Please type or print, except where signatures are required. Names may be typed beneath the signature for clarity.

1) The first portion of the form entitled “Cemetery consent form” must be completed by the cemetery owner or keeper.
   a) Enter the full name of the fetus as it appears on the Certificate of Fetal Death.
   b) Enter the plot and block number where the fetus is buried.
   c) Enter the full name of the plot owner(s).
   d) The signature line should be completed by the cemetery owner or keeper.
   e) Enter the date the form was signed.
   f) Enter the title of the person signing for the cemetery.
   g) Enter the full name of the cemetery where the fetus is buried.

2) The center portion of the form entitled “Plot owner consent form” should be completed by the owner of the plot where the fetus is buried.
   a) Enter the plot and block number where the fetus is buried.
   b) Enter the complete name of the cemetery where the fetus is buried.
c) Enter the full name of the fetus as it appears on the Certificate of Fetal Death.
d) The signature line should be completed by the person owning the plot.
e) Enter the date signed, and address and telephone number of the plot owner.

3) The third portion of the form entitled “Next-of-kin consent form” must be completed by the next of kin.
   a) Enter the relationship of the person signing to that of the fetus.
   b) Enter the full name of the fetus as it appears on the Certificate of Fetal Death.
   c) Enter the full name of the cemetery where the fetus is to be reinterred.
   d) The signature line should be completed by the next of kin.
   e) Enter the date signed.