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Anything That Can Happen, *Will* Happen

UNUSUAL BIRTH SCENARIOS



“Happy families are all alike; every unhappy family is unhappy in its own way.”
— Leo Tolstoy, *Anna Karinena*

“Murphy's law doesn't mean that something bad will happen. It means that whatever can happen, will happen.” — Matthew McCounaghey, *Interstellar*



Similarly, the mechanics of every birth are the same, but those events that surround a birth vary widely. When you get down to it, every birth scenario is unusual.

Births at a Licensed Institution



Section 192.003(a) of the Texas Health and Safety Code (HSC) states that the physician, midwife, or person acting as a midwife in attendance at a birth shall file the birth certificate with the local registrar of the registration district in which the birth occurs.

HSC §192.003(b) allows the hospital administrator, the birthing center administrator, or a designee of the appropriate administrator may file the birth certificate in lieu of a person listed by Subsection (a) if the birth occurred at a hospital or birth center.

Births at a Licensed Institution

The registrant must:

- obtain information needed for completion of the birth certificate from appropriate sources;
 - Mother of child
 - Mother's physician
 - Medical records
 - Immediate family or other sources
- complete a Certificate of Birth for each live birth that occurs in the hospital or en route to the hospital;
- provide an opportunity for the father to acknowledge paternity, including the Acknowledgment of Paternity (AOP) form and the required oral and written notification of rights and responsibilities (if parents unmarried);
- obtain the appropriate parents' signatures on the Verification of Birth Facts document; and
- file the certificate in the Texas Electronic Registrar (TER) system within five (5) days from the date of birth.

Right away we notice the term "other sources." We're already thinking of "unusual scenarios."



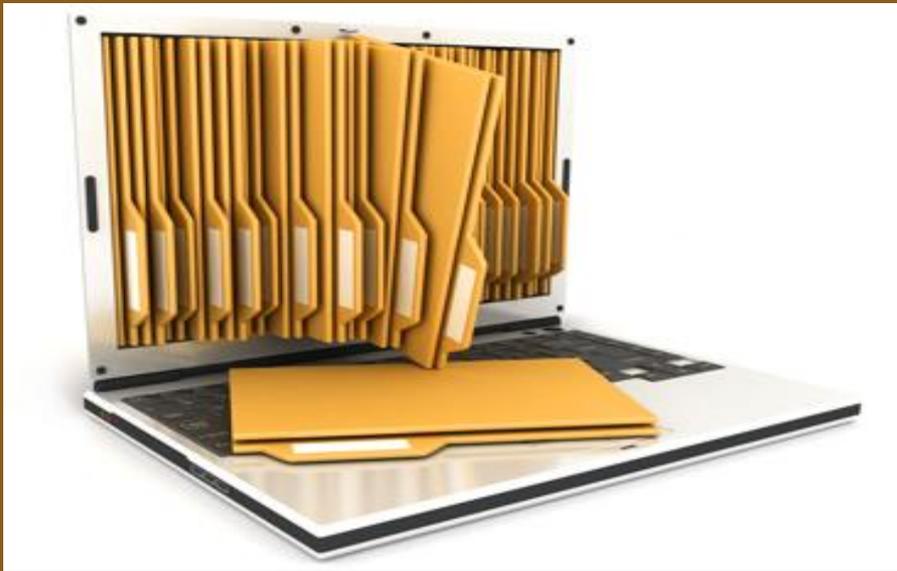
Non-Institutional Births



A non-institutional birth occurs in any institution that is not licensed.

If the birth was attended by a registered, certified, or documented health care provider (midwife, doctor, emergency medical technician), birth may be registered by attendant after presenting professional documentation to local registrar.

Non-Institutional Births



The registered, certified, or documented health care provider must:

- present his or her professional documentation to the local registrar;
- obtain information needed for completion of the birth certificate from appropriate sources;
 - Mother of child
 - Mother's physician
 - Medical records
 - Immediate family or other sources
- complete a Certificate of Birth;
- provide an opportunity for the father to acknowledge paternity, including the AOP form and the required oral and written notification of rights and responsibilities (if the parents are unmarried);
- obtain the appropriate parents' signatures on birth certificate;
- file the certificate in TER within five (5) days from the date of birth with the local registrar; and
- cooperate with the Vital Statistics Unit (VSU) and local registrars concerning queries on certificate entries.

Remember "other sources."

Non-Institutional Births



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


**KEEP
CALM
&
FOLLOW
THE RULES**

To control fraudulent birth record filings and to control blank forms VSU and Texas Board of Health developed and approved rules for filing birth certificates for children born outside licensed institutions.

Non-Institutional Births

- To file a birth certificate with the appropriate local registrar, the following proof must be presented to the local registrar by the person in attendance at the birth:
 - The father or mother of the child; or
 - The owner or householder of the premises where the birth occurs.
- Registrar may provide to the person filing the birth record a “Mother’s Work Sheet” to gather information for the birth record.
- A birth can be filed only upon personal presentation of:
 - Proof of pregnancy;
 - Proof that the infant was born alive;
 - Proof that the infant was born in the registration district;
 - Proof that the infant was born on the date stated;
- Only one affidavit of personal knowledge of one of the four items can be used.



So let's take a look at a few unusual scenarios...



A mother was still on the ambulance and delivered while the ambulance was parked in the hospital's ambulance bay. How should the event be registered?

- A. Non-institutional
- B. En-route
- C. Born at facility



B. En-route

Although the ambulance was on the grounds of the hospital, the child was not first removed from the ambulance.

The hospital would file the birth record if the child was removed immediately afterward.



Who files a birth certificate if a birth occurs in...?



...McDonalds?

The parents, with the local registrar.



...a library?

The parents, with the local registrar.



...on a sidewalk?

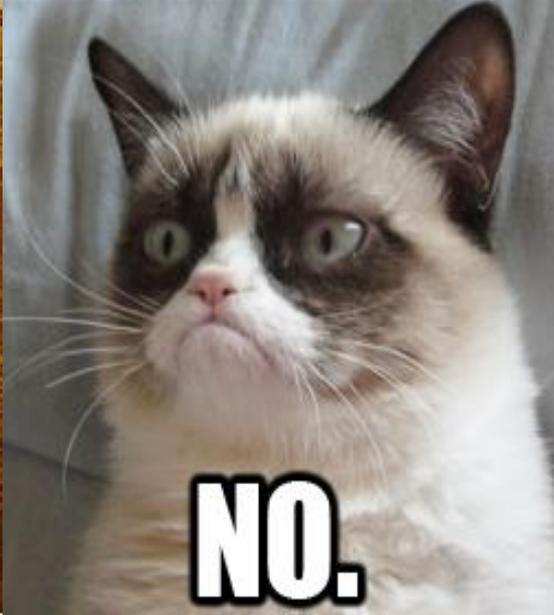
The hospital, since it was on their grounds.



...in a car?

The hospital, if removed at hospital. Otherwise, the parents, with the local registrar.

A local registrar office receives a home birth mailed from a midwife. Is the office required to file this homebirth?



“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.” (Section 181.26(b) of the Texas Administrative Code (TAC))

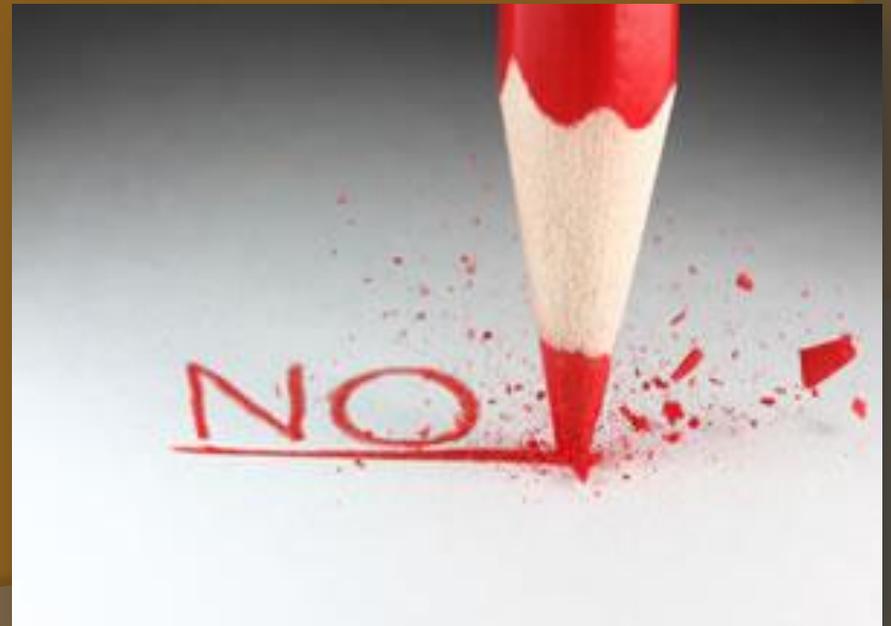
A licensed midwife or certified nurse midwife would fall under this section. However, if you do not have their licensing information on file, and they did not provide it to you along with their photo ID, then the office don’t really know who this person is.

In this case, the office can respond by citing TAC 181.26 (b) and stating that they must provide their licensing credentials along with a photo ID before you can accept the birth certificate with just their signature.

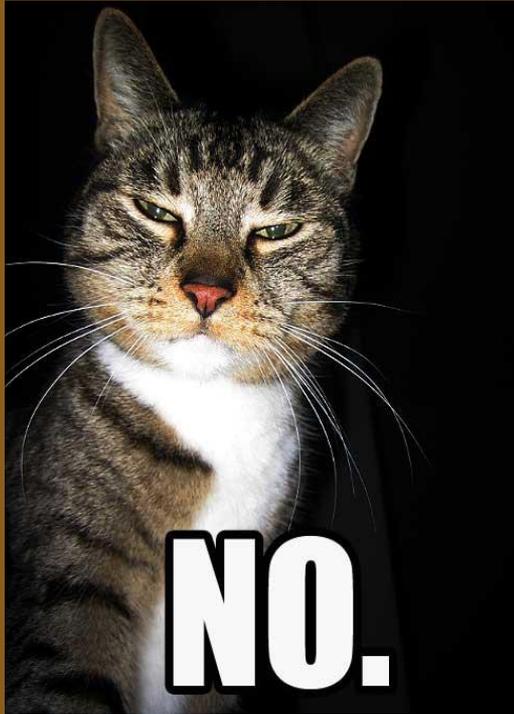
A midwife completes a birth certificate on the VS-111 form. She has left #27-#67 blank. The midwife informs the registrar that the child's mother refused to allow her to put that information on the form. Is this acceptable?

No. The midwife must put something in those fields.

Typing "Mother Refused Information" would be acceptable.



Kirsten and Sue have a baby in the state of Texas. They were married in Connecticut. Can Kirsten be listed as the father?



Texas does not recognize same sex marriages.

When obtaining the information, make sure they understand the purpose of the form and the questions that are being asked



A person commits an offense if that person intentionally or knowingly supplies false information, or intentionally or knowingly creates a false record, or directs another person to supply false information or create a false record, for use in the preparation of a certificate, record, report, or amendment under this title. (Section 195.003(b) of the Texas Health and Safety Code (HSC))

An offense under this section is a felony of the third degree. (HSC §195.003(b))

A baby was left at a hospital. How is the birth certificate filed?



The Texas Family Code allows for hospitals to take possession of a child appearing 60 days or younger.

Since 2007, VSU has been instructing birth registrars to file the birth certificate for these children in order to facilitate the adoption process

Remember to select “foundling” in TER in order to complete entry requirements.

Since the baby is found, there is no parent to provide prenatal info. Therefore, those fields are not required in order to allow the record to be completed and submitted to us.

No indication of foundling will be printed on the record.

A child is dropped off at a fire station.

The fire station transports the child to a hospital.

The hospital does not file the birth because it is not on the TER system.

A Child Protective Services (CPS) caseworker files the birth at the hospital.



What would be the procedure for filing the birth certificate?



- In this particular case, the CPS worker can file the record with the local registrar.
 - 7A – Other (Specify): Foundling
 - 7B – Fire station number and street address
 - 8A – Social worker could be listed as attendant; include social worker's name and office address
 - 8B – Other (Specify): CPS Caseworker
 - 9A – Signature of caseworker
 - 9B – Other (Specify) – CPS caseworker

There are no clear cut rules in foundling situations – each foundling is different.

A 22-week- old baby was born at home and transferred by ambulance to the hospital, where it expired. The baby did take a breath but it was only 487 grams.

Does the hospital complete a birth certificate?

No.

“Non-institutional Birth—A birth occurring outside a hospital or birthing center licensed by the Texas Department of Health” (TAC §181.1 (20))



A 22-week- old baby was born at the hospital, where it expired. The baby did take a breath but it was only 353 grams.

Does the hospital complete a birth certificate?

Yes.

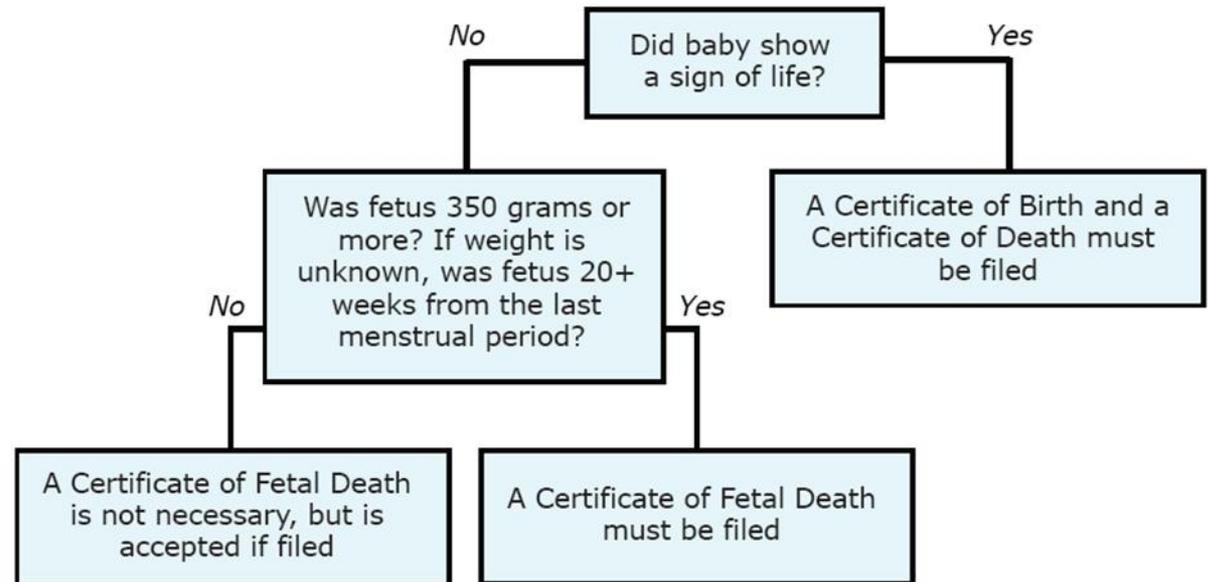
“The birth of each child born in this state shall be registered.” (HSC §192.001)

“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...” (TAC § 181.1(18))

Register Fetal Death

When there is a fetal death, a certificate of fetal death form (VS-113) must be filed when the fetus:

- Weight is 350 grams or more
- Age is 20 weeks or more



TER won't allow a birth registrar to complete a birth certificate because the weight falls below the minimum allowed. What should be done?



Enter the minimum (227 grams).

After the record is released, e-mail the TER Help Desk with the subject line, "Statistical Correction on a Birth Certificate."

Identify the record, including the name of child, the date of birth, and the parents' names.

Explain situation and provide the correct weight.

The rationale for 227 grams came from combination of recommendations from the National Center for Health Statistics and VSU at that time.

Most likely, there was little to no instance of babies surviving below 227 grams.

A mother is pregnant with twins. 12 weeks into the pregnancy, she miscarries one of the babies. She delivers only one child at 36 weeks pregnant. Is this birth still considered twins or a single birth?

The birth should be considered as single.

The miscarriage should be marked in the "Other Pregnancy Outcomes."



A baby is born in a hospital. Neither parent has a last name. The parents' first names are listed as FNU (First name Unavailable) and the first name is listed as the last name. The baby is taking the dad's first name as the last name. How would the attendant proceed with the birth certificate?



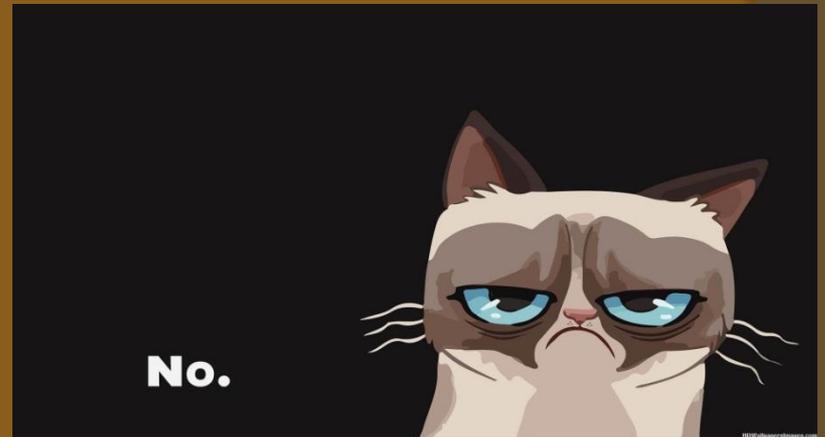
In TER, the attendant should enter one dash in the first name field for the mother and father and enter the name in the last name fields.

The attendant should not enter "FNU" or None in their first name fields.

Enter the parents' "first" name in the last name field.



Could parents have name their child "Athena Who Came In 2 This World From the Head of Her Father Zeus, Causing Him Perhaps the Largest Migraine the Universe Has Ever Seen Before or Since Franklin?"



A full name can have no more than 150 characters, including spaces.

No numerical characters can be used in names; however, you may spell out a number in a name. [Example: One, Two, Three, etc.].

Otherwise, parents may name the infant any name they desire, as long as it will fit in the space provided on the certificate.

The parents do not have to give the child their surname; for instance, Jeff Vance and Angela Waldrop, husband and wife, may name their child Tommy Green, Jr.



Consult with an attorney, or your legal department if you have one. Have them review the gestational agreement for a legal opinion before proceeding.

Two couples come to the hospital for a surrogacy birth with a gestational agreement. How is the record filed?

Remember, the facility will be legally responsible, so it is important to get a legal opinion before filing.

A surrogate mother delivers twins at a hospital. Two men will be the parents of the babies, and one is the sperm donor. The hospital has received a letter from the legal parents along with a order validating gestational surrogacy agreement. The parent who is sperm donor wants his name on the birth certificate.

1. How does the hospital fill out the birth certificate since they are not married?
2. Does the hospital put the surrogate mother's name and information in the birth record and the legal parent? What does it answer for the husband's information?
3. Can the hospital complete an Acknowledgement of Paternity?



A court order must specifically state that the male parent is to be placed on the birth record as the father.

The surrogate mother listed as the legal parent *unless* court order specifically states that she is not to be listed on the birth record.

If the court order only terminates the rights of the mother and her husband, you would still put the mother on the birth record.

Her husband's information does not need to be placed on the birth record if the court order says to put the other man on the record as the father.

The court order is the adjudication of parentage.



Mom delivers baby, ex-boyfriend says it is his, boyfriend thinks it could be his, and husband won't sign a denial for either man because he doesn't like them. How should the birth certificate be filed?

Paternity first needs to be established.

Paternity Establishment: The process of determining the legal father of a child born to parents who are not married.

This is done through Acknowledgment of Paternity (AOP).

AOP: A form for parents to voluntarily establish legal paternity for their child.

All AOP questions should be directed to the representatives from the Office of the Attorney General.

Resources

- **TER Help Desk**
 - 512-776-3490
 - 888-963-7111 Ext 3490
 - help-TER@dshs.state.tx.us

- **TER Online Training**
 - <http://texasvsu-ed.org>

- **VSU**
 - <http://texasvsu.org>