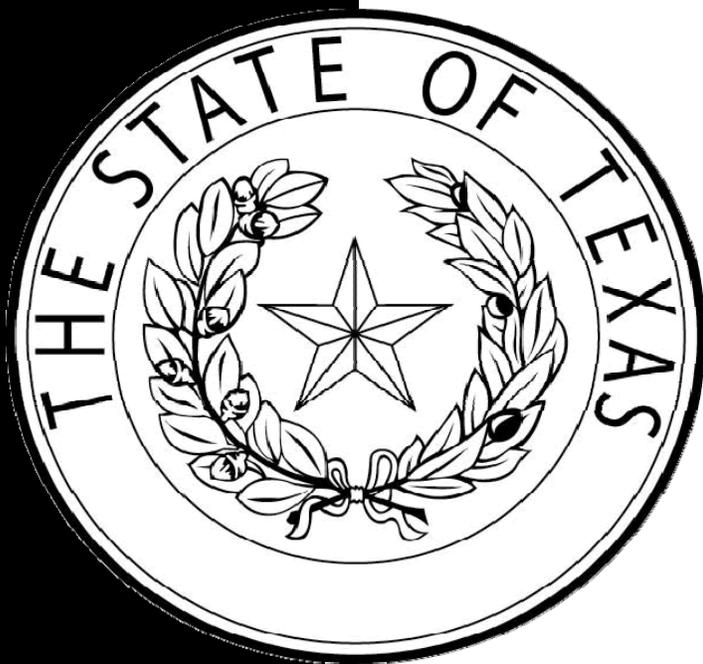


Texas Administrative Code

Selected Codes relevant to Vital Registration



DISCLAIMER

The Texas Vital Statistics Unit's *Statutes and Codes* book was designed to provide quick and easy access to Texas laws relevant to Vital Registration. Although every effort was made to create a comprehensive reference for this purpose, this document does not contain the law in its entirety. With each Legislative Session, Texas laws continue to be written and amended so that portions of this document will become outdated over time.

The following resources can be referred to for the most current versions of the laws:

- The Texas Constitution and Statutes Website: <http://www.statutes.legis.state.tx.us>
- The Vital Statistics Website: <http://www.texasvsu.org> (Click on Statutes and Rules)



TITLE 1 -ADMINISTRATION

Part 3 - Office of the Attorney General

Chapter 55 - Child Support Enforcement

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TITLE 25 - HEALTH SERVICES

Part 1 - Department Of State Health Services

Chapter 181 - Vital Statistics

Subchapter A - Miscellaneous Provisions

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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.

Source Note: The provisions of this §55.401 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761; amended to be effective September 7, 2011, 36 TexReg 5665.

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.

Source Note: The provisions of this §55.402 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761; amended to be effective September 7, 2011, 36 TexReg 5665.

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.

Source Note: The provisions of this §55.403 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective March 5, 2008, 33 TexReg 1761; amended to be effective September 7, 2011, 36 TexReg 5665.

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.

Source Note: The provisions of this §55.404 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761

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.

Source Note: The provisions of this §55.405 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761

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.

Source Note: The provisions of this §55.406 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective March 5, 2008, 33 TexReg 1761

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.

Source Note: The provisions of this §55.407 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761; amended to be effective September 7, 2011, 36 TexReg 5655.

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.

Source Note: The provisions of this §55.408 adopted to be effective March 5, 2008, 33 TexReg 1762; amended to be effective March 15, 2010, 35 TexReg 2152

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.

Source Note: The provisions of this §55.409 adopted to be effective September 7, 2011, 36 TexReg 5655.

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) Bureau of Vital Statistics (Bureau)--The office within the Texas Department of Health charged with the implementation of the Texas Vital Statistics Act.
- (4) Certified--A certified statement, form, or letter, of the facts stated on the form or document as filed in the Bureau of Vital Statistics, certified by the state registrar or duly appointed designee, over the respective signature and may bear the seal of the Bureau of Vital Statistics.

- (5) Certified copy--An abstract or photocopy of the original record issued as filed with the Bureau of Vital Statistics, and issued on a designated form or security paper which shall bear the "state seal", the Texas Department of Health-Bureau of Vital Statistics or the seal of their office, and the facsimile signature of the State Registrar or the local registration official.
- (6) 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.
- (7) Disinterment--To exhume, unbury, or take out of the grave.
- (8) Death records--Records governing deaths and fetal deaths filed pursuant to the Texas Vital Statistics Act.
- (9) Department--The Texas Department of Health.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) Immediate family member--The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.
- (15) 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 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, 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.
- (16) Interment--Burial or the act of placing in a grave.
- (17) 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.

- (18) 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.
- (19) 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.
- (20) Non-institutional Birth--A birth occurring outside a hospital or birthing center licensed by the Texas Department of Health.
- (21) 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.
- (22) 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).
- (23) 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.
- (24) Registrar--The State Registrar or a local registrar as recognized by the Texas Department of Health, Bureau of Vital Statistics.
- (25) Research copy--A plain paper noncertified reproduction of the complete original document or a portion of the original document.
- (26) Search--The act of examining the files and/or indexes maintained by the Bureau of Vital Statistics for a specific record or information.
- (27) Signature--The name of a person written with his or her own hand; or by an electronic process approved by the State Registrar.
- (28) State Registrar--The Chief, Bureau of Vital Statistics, Texas Department of Health.
- (29) Supplemental Birth Certificate--A new birth certificate prepared and filed by the Bureau, which is based upon a paternity determination, or adoption. This new birth certificate replaces the original certificate of birth.
- (30) 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 Bureau of Vital Statistics.
- (31) 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 Bureau of Vital Statistics.
- (32) 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 Bureau of Vital Statistics.
- (33) 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 Bureau of Vital Statistics.

- (34) 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 Bureau of Vital Statistics.
- (35) 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.
- (36) Vital Statistics Act--The Health and Safety Code, Title 3.

Source Note: The provisions of this §181.1 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 17, 1995, 20 TexReg 4687; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 Bureau of Vital Statistics 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 Bureau of Vital Statistics 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 Bureau of Vital Statistics 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.

Source Note: The provisions of this §181.2 adopted to be effective January 1, 1976; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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.

Source Note: The provisions of this §181.3 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective July 3, 2003, 28 TexReg 4904

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 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 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 amend the certificate of death filed in their respective offices.
- (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.

Source Note: The provisions of this §181.6 adopted to be effective January 1, 1976; amended to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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).

Source Note: The provisions of this §181.7 adopted to be effective January 1, 1976; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 forward it to the bureau. 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.

- (c) A certificate of adoption for a child born outside the State of Texas shall, when received by the bureau 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)).
- (d) Where application is made for the filing of a supplemental certificate based on paternity, the applicant shall submit to the bureau 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) an 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 paternity if the information concerning the court decree is not already in the bureau files. If a court decree is in the bureau files, 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.
- (e) 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 bureau 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.

Source Note: The provisions of this §181.9 adopted to be effective September 4, 1984, 9 TexReg 4502; amended to be effective August 9, 1998, 23 TexReg 7809; amended to be effective July 3, 2003, 28 TexReg 4904

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 to the public for searching or inspection on or after the 75th anniversary of the date of birth as shown on the record filed with the bureau 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.

Source Note: The provisions of this §181.10 adopted to be effective January 29, 1988, 12 TexReg 4785; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective March 16, 2000, 25 TexReg 2068; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 bureau may discontinue any institution or individual's participation in electronic birth registration for failure to comply with the User Agreement.

Source Note: The provisions of this §181.13 adopted to be effective October 7, 1996, 21 TexReg 9236; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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.

Source Note: The provisions of this §181.14 adopted to be effective August 19, 1999, 24 TexReg 630; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 that receives 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.

Source Note: The provisions of this §181.21 adopted to be effective February 1, 1984, 8 TexReg 5406; amended to be effective March 16, 2000, 25 TexReg 2068; amended to be effective July 3, 2003, 28 TexReg 4904

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 Bureau 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 bureau 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.

Source Note: The provisions of this §181.22 adopted to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective December 1, 2005, 30 TexReg 7876

Rule §181.23 - Indexes For Vital Records

- (a) The state registrar shall establish and maintain an index of all vital records filed within the Bureau of Vital Statistics. 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 bureau of vital statistics 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 bureau of vital statistics 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 bureau of vital statistics 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 bureau of vital statistics 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 bureau of vital statistics 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.

Source Note: The provisions of this §181.23 adopted to be effective November 19, 1991, 16 TexReg 6297; amended to be effective March 16, 2000, 25 TexReg 2068; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 Bureau of any abused record. Requests for additional certifications shall be made to the bureau.

- (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 bureau 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(d) 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.

Source Note: The provisions of this §181.24 adopted to be effective November 19, 1991, 16 TexReg 6298; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

Rule §181.25 - Application For Marriage License

- (a) The bureau 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 bureau.

Source Note: The provisions of this §181.25 adopted to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 3, 2003, 28 TexReg 4904

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) proof of pregnancy;
 - (2) proof that there was an infant born alive;
 - (3) proof that the birth occurred in the registration district; and
 - (4) proof that the infant's birth occurred on the date stated.
- (d) 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.
- (e) At the discretion of the local registrar, the requirements contained in this section may be supplemented with any additional requirements which may be needed to verify the circumstances of the birth. Such additional requirements may include, but are not limited to, one or more of the following:
- (1) an unannounced visit to the mother's residence or the place of the alleged birth by a public health nurse, other health professional, registrar staff, or other person including city, county, state, or federal law enforcement officer, prior to registering the alleged birth. This paragraph does not permit nor give authority to enter these premises unless permission is obtained from the occupant at the time of the visit;
 - (2) multiple forms of identifying documents, with or without photographs, when the documents described in this section are unavailable;
 - (3) personal appearance of both parents, either together or separately; or
 - (4) personal appearance of the infant whose birth certificate the parents are attempting to file.
- (f) If the required or supplemental evidence described in this section is not available and the registrar is otherwise unable to verify the circumstances of the birth, the birth may only be filed upon order of a court of competent jurisdiction.
- (g) 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.

- (h) Each local registrar shall notify the state registrar's office of any suspicious documents or records submitted or filed with his/her office.
- (i) 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 any one other than a registered, certified, or documented health care provider.
- (j) 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.

Source Note: The provisions of this §181.26 adopted to be effective November 19, 1991, 16 TexReg 6298; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 four styles:
 - (i) a standard certified abstract;
 - (ii) a wallet-sized certified abstract;
 - (iii) a typewritten 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
 - (iv) 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 features:

- (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) a copy void pantograph - the word void appears when the document is photocopied;
- (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 capitol 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) 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.
- (e) Record retention. A record of the date issued, document number, name and address and form of identification to whom issued shall be made and maintained for a period of three years from the date issued. The application form, with the document number inserted, used to apply for a record will fulfill this requirement.

Source Note: The provisions of this §181.28 adopted to be effective March 16, 1995, 20 TexReg 1559; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 Bureau 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 shall bear the title "Certificate of Foreign 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 a court of competent jurisdiction.
 - (4) Once a file is sealed, a standard fee shall be charged for a search for the file and any copies of records.
- (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.

Source Note: The provisions of this §181.29 adopted to be effective July 17, 1995, 20 TexReg 4687; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 Bureau of Vital Statistics 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.

Source Note: The provisions of this §181.30 adopted to be effective August 9, 1998, 23 TexReg 7810; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

Rule §181.31 - Minimum Requirements for Adoption Reporting

- (a) The court that renders a decree of adoption shall send to the Bureau 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 Bureau determines that a certificate of adoption filed with the state registrar requires correction, the Bureau shall mail the certificate directly to the attorney of record for correction. Upon correction, the attorney shall return the corrected certificate to the Bureau. If there is no attorney of record, the Bureau shall mail 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 Bureau, as provided in subsection (a) to Bureau of Vital Statistics, P.O. Box 12040, Austin, Texas 78711-2040.

Source Note: The provisions of this §181.31 adopted to be effective March 4, 1999, 24 TexReg 1618; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936

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 Bureau 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 35, Part 1a.

- (2) Do not complete the rest of item 35.
- (3) Complete items 36 through 40 if known.
- (4) Items 41a through 41f must be completed on all certificates of death by catastrophe.

Source Note: The provisions of this §181.33 adopted to be effective July 22, 2004, 29 TexReg 6936