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## CHAPTER THREE

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### AMENDING THE CERTIFICATE OF DEATH

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## INTRODUCTION

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Once a record has been filed by the local registrar and forwarded to the Vital Statistics Unit (VSU) it may only be corrected by the amendment process. An original record or entry cannot be altered [[HSC 191.028](#)]. The amendment form becomes an addendum to the original record.

The \$15.00 fee for filing an amendment is separate from the \$22.00 fee for certified copies. Additional copies of the same death certificate are \$3.00 each.

A copy of the completed amendment to the Certificate of Death will be forwarded to the local registrar and/or county clerk of the registration district where the death originally occurred.

The [Application for Amendment to Certificate of Death \(VS-172\) \(60K .pdf\)](#) may be used to request completion of any item left blank on the original record or to correct any errors made during the completion of the original record, except information relating to medical certification to cause and manner of death and the date of death which requires an Amendment to Medical Certification of Certificate of Death (VS-174).

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## PROCEDURES FOR AMENDING CERTIFICATE OF DEATH

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A properly completed [Application for Amendment to Certificate of Death \(VS-172\) \(60K .pdf\)](#) must be submitted to the State Registrar with the required fee.

*THE FORM VS-172 SHOULD BE USED TO COMPLETE OR CORRECT ONLY THE NON-MEDICAL PORTION OF THE CERTIFICATE OF DEATH.*

A Certificate of Death may only be corrected with an application submitted by the informant, funeral director, immediate next-of-kin, or court of competent jurisdiction.

*ONLY THE ORIGINAL INFORMANT MAY AMEND THE MARITAL STATUS OF THE DECEASED.* If the informant is unable or unwilling to request this change, a court of competent jurisdiction may make the determination of the marital status of the deceased in the following situations:

- a party claims he or she is the surviving spouse and is not listed as such,
- two, or more parties claim to be the surviving spouse, or
- the record shows the deceased to have been divorced, never married, or widowed and no surviving spouse is listed, and a party is claiming to be the surviving spouse.

PART III must be completed and signed before a notary public.

Parts I, II, and III must be properly completed and submitted to VSU with documentation as required. A list of documents acceptable for submission in support of an amendment or correction to a Certificate of Death can be found on the reverse side of the application.

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## PART I

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Enter all information exactly as shown on the original death record. Item 3 should show the city and county of death; Item 5 should show the state file number if known; if not, leave blank.

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## PART II

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Enter the item name and number to be changed in block 8. Enter the incorrect or wrong information in block 9 as shown on the original certificate. Enter the correct information in block 10. Be very careful of spelling, etc. in block 10. This will be the new correct information entered on the record.

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## PART III

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This section must be signed before a notary public. A person who was acquainted with the facts at the time the death occurred, preferably by the informant, physician, or funeral director that signed the original certificate should sign this affidavit.

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## DOCUMENTATION

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Any significant or major change in the name of the deceased or the names relating to parents shown on the original record will require documentation. Generally, the affidavit and one acceptable document are sufficient. Part V on the back of the Application to Amend Certificate of Death provides examples of corrections and the types of documents required.

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## FILING MEDICAL AMENDMENTS

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To correct information on the medical portion of the death certificate (Items 3, and 30-41f), or to report the cause and manner of death for a certificate that was filed "Pending Investigation," an Amendment to Medical Certification of Certificate of Death (VS-174) must be completed through the Texas Electronic Death Registration System. A medical amendment must be filed to change the cause and manner of death. No changes or additions may be made on the face of an original record [[HSC 191.028](#)].

A medical amendment may be filed any time after the original death certificate has been filed with the local registrar. The amendment may be completed and submitted only by the attending physician, justice of the peace office, or medical examiner's office, that originally certified the death. There is one exception to this rule: if an inquest was conducted by a medical examiner of justice of the peace, the person conducting the inquest may sign the medical amendment if the death was originally certified by a physician.

If the original certifier is unable or unwilling to sign the Amendment to Medical Certification of Certificate of Death, a court order from a court of competent jurisdiction is required to file the amendment.

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

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## INSTRUCTIONS FOR COMPLETING A MEDICAL AMENDMENT IN TER

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### MEDICAL AMENDMENT CREATION PROCESS

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1. The Medical Certifier or Staff Member searches for and retrieves the record. The record will be locked at this point.

2. The Medical Certifier or Staff Member clicks on the Medical Amendment Icon .
3. The user will then be prompted with the message, "Are you sure you want to add a Medical Amendment to this record?"
4. The Medical Certifier or Staff Member clicks on the "Yes" button to continue with the medical amendment.
5. The record will then be unlocked so the user can make the desired changes.
6. The Medical Certifier or Staff Member saves the amendment. Once the medical amendment was successfully saved, the user will be prompted with the message, "The medical amendment request was saved successfully."
7. The amendment will then go into the Medical Amendment Review Queue to be reviewed and approved by the Medical Certifier. See Medical Amendment Review Process for step by step instructions on how to complete this process

### MEDICAL AMENDMENT REVIEW PROCESS

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1. The Medical Certifier searches for and retrieves the record.
2. The Medical Certifier clicks on the Review Medical Amendments icon. 
3. The Medical Certifier enters their pin.
4. The Medical Certifier reviews the pending medical amendments then selects either the Accept  or Reject  icons. Rejecting the amendments will permanently remove all of the pending amendments for the record.
5. Once the medical amendment is successfully accepted, the user will be prompted with the message, "The medical amendment request was successfully accepted."

PLEASE NOTE: CHANGES WILL NOT BE SEEN IN TEDR AND YOU WILL NOT BE ABLE PRINT A NEW MEDICAL ABSTRACT WITH THE AMENDED INFORMATION UNTIL VSU PRINTS AND OFFICIALLY FILES THE MEDICAL AMENDMENT. THIS PROCESS CAN TAKE AT LEAST 2 BUSINESS DAYS AFTER THE MEDICAL AMENDMENT REVIEW PROCESS IS COMPLETE.

## AUTHORIZATIONS

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### REPORT OF DEATH FORM (VS-115)

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The funeral director or person acting as such, who first assumes custody of a dead body or 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 was found. [[25 TAC 181.2 \(a\)](#)]

A copy of the Report of Death form shall serve as authority to transport or bury the body within Texas. The report of death can be printed from the TEDR system once the record has been entered.

### BURIAL-TRANSIT PERMIT (VS-116)

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A Burial-Transit Permit is required to ship or transport a body out of the state or to transport a body by common carrier within the state. A Burial-Transit Permit is also required for cremation. [[HSC 193.008](#), [25 TAC 181.2](#), [181.3](#)]

If an inquest is 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 the body within the state by means other than common carrier. A copy of the Report of Death form is sufficient.

The local registrar, the deputy registrar, or some other authorized officer of the district in which the death occurred, or the district in which the body was found issues the Burial-Transit Permit. The local registrar shall not issue a Burial-Transit Permit until the Certificate of Death, completed in so far as possible, has been presented.

"Completed in so far as possible" means all of the information relating to the deceased, such as the name, date of death, place of death, and funeral director's information is complete. In a few instances, the physician may not have certified the cause of death before removal from the district.

The [Texas Health and Safety Code 191.022\(c\)](#), states that each local registrar must appoint a deputy registrar so that a registrar is available at all times for the registration of vital records. The funeral director should look for any notices posted outside the office regarding an alternate for vital registration for his or her area. This may also include a message on his or her telephone answering machine.

It is the responsibility of the funeral director filing the Certificate of Death completed as far as possible, and obtaining the Burial-Transit Permit, to assure that the fully completed Certificate of 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 confirm that the body is no longer needed by the certifier before issuing the permit. This helps assure that a completed death certificate will be received.

A Burial-Transit Permit, properly issued under the law and rules of a place outside this state in which the death occurred, also authorizes the transportation of the body in this state. A cemetery or

crematory shall accept the permit as authorization for burial, cremation, or other disposal of the body in this state. [[HSC 193.008 \(a\)](#)]

If a body is buried, then later disinterred and taken out of this state, the funeral director must obtain a Burial-Transit Permit from the local registrar in the district in which the death occurred in addition to a Disinterment Permit.

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 during non-business hours and/or holidays.

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## TRANSPORTING A BODY TO A FOREIGN COUNTRY

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### MEXICO

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To ship a body from Texas to Mexico a Burial-Transit Permit, a certified copy of the Texas Certificate of Death and an Apostille from the Texas Secretary of State's Office is generally required. In addition, the funeral director or person acting as such may need to have the death certificate and Apostille translated into Spanish. Then the body may be shipped to Mexico in accordance with specific local custom at the point of entry.

A Burial-Transit Permit, required to remove a body from this state, must be obtained from the local registration office of the district in which the death occurred. In addition, a certified copy of the Texas Certificate of Death may also be obtained from the local registration office of the district in which the death occurred.

The purpose of an Apostille is to authenticate a document so that it will be accepted in a foreign country. The Secretary of State has the authority to prepare an Apostille for any document created within the state's jurisdiction, including a Texas Certificate of Death.

Please contact the [Texas Secretary of State's office](#) form more information regarding Apostille:

[Secretary of State](#)

Statutory Document Section

P. O. Box 12887

Austin, Texas 78701

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### COUNTRIES OTHER THAN MEXICO

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To ship a body from Texas to a country other than Mexico, check with the consulate of that country for specific requirements. If the body is removed from Texas, a Burial-Transit Permit must be obtained.

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## AUTHORIZATION FOR CREMATION

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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. [[CCP Art. 49.09](#), [CCP Art. 49.25\(10\)](#), [25 TAC 181.2](#)]

A body may not be cremated until 48 hours after death as indicated on the Certificate of Death unless the death certificate indicates the death was due to Asiatic cholera, bubonic plague, typhus

fever, or small pox. The time requirement may also be waived in writing by the medical examiner or justice of the peace.

If an inquest is conducted by the medical examiner or justice of the peace, authorization for cremation from medical examiner or justice of the peace is required in addition to a Burial-Transit Permit. The body may not be cremated until the medical examiner or justice of the peace has signed a certificate stating that an autopsy was performed or that no autopsy was necessary.

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### DISINTERMENT PERMIT (VS-2219)

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The Disinterment Permit issued by VSU serves as the authority to disinter, transport, and reinter a body within this state. If the body is to be removed from the state, transported by common carrier within the state, or cremated, a Burial-Transit Permit must also be obtained. [[HSC 694.001](#), [HSC 711.004](#), [25 TAC 181.6](#)]

A Disinterment Permit shall not be required if a body is to be disinterred and reinterred in the same cemetery.

The [Application for a Disinterment Permit \(VS-271\) \(39K .doc\)](#), must be signed by the funeral director or embalmer licensed by the Texas Funeral Commission making application for the permit. The sole responsibility for obtaining the consent of the cemetery, the owner of the plot, and the deceased's next-of-kin rests with the funeral director or embalmer making application for a Disinterment Permit. The application, consent forms, and \$25.00 required fee must be sent to VSU.

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

A Disinterment Permit is good for one (1) year from the date of issuance.

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## INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR A DISINTERMENT PERMIT (VS-271)

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*Please type or print except where signatures are required. Names may be typed beneath the signature for clarification.*

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1. Enter the full name of the deceased as it appears on the Certificate of Death.
2. Enter the exact date of death. This information is vital in locating and identifying the Certificate of Death.
3. Enter the city, county, and state of death.
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 deceased is buried. The state should always be Texas, as we cannot issue a Disinterment Permit for an out of state burial.
5. Enter the place the body 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 reburied.
6. Enter the funeral director's full name and state license number along with the full name, address, and telephone number of the funeral home.
7. Provide the date and signature of the funeral director submitting the application.

Please type or print except where signatures are required. Names may be typed beneath the signature for clarification.

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## INSTRUCTIONS FOR COMPLETING THE DISINTERMENT CONSENT FORM (VS-271.1)

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### Procedures for Completing the Cemetery Consent Form

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The first portion of the Cemetery Consent Form must be completed by the cemetery owner or keeper.

- Enter the full name of the deceased as it appears on the Certificate of Death.
- Enter the plot and block number where the body is buried.
- Enter the full name of the plot owner(s).
- The signature line should be completed by the cemetery owner or keeper.
- Enter the date the form was signed.
- Enter the title of the person signing for the cemetery.
- Enter the full name of the cemetery where the body is buried.

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## PROCEDURES FOR COMPLETING THE PLOT OWNER CONSENT FORM

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The middle portion of the Plot Owner Consent Form should be completed by the owner of the plot where the body is buried.

- Enter the plot and block number where the body is buried.
- Enter the complete name of the cemetery where the body is buried.
- Enter the full name of the deceased as it appears on the Certificate of Death.
- The signature line should be completed by the owner of the plot.
- Enter the date signed, along with the address and telephone number of the plot owner.

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## NEXT-OF-KIN

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The third portion of the form entitled Next-of-kin Consent Form must be completed by the next-of-kin in order of priority [[HSC 711.004 \(a\)](#)]:

- the decedent's surviving spouse;
- the decedent's surviving adult children;
- the decedent's surviving parents;
- the decedent's adult siblings; or
- the adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

Please Note: A person listed above may consent to the removal only if there is no person in a priority listed before that person. [[HSC 711.004\(b\)](#)]

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## PROCEDURES FOR COMPLETING THE NEXT-OF-KIN CONSENT FORM:

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- Enter the relationship of the signer to the deceased.
- Enter the full name of the deceased as it appears on the Certificate of Death.
- Enter the full name of the cemetery where the body is to be reburied.
- The signature line should be completed by the next-of-kin.
- Enter the date signed.

If all the required consent signatures cannot be obtained, the remains may be removed by permission of the county court of the county in which the cemetery is located. [[HSC 711.004 \(c\)](#)]

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## DELAYED REGISTRATION OF DEATH

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### OVERVIEW

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If a death is registered with the Vital Statistics Unit (VSU), but is not recorded locally, VSU may furnish the local registrar, upon request, a plain copy of the original record for recording in his or her office.

If a death record over one (1) year old is recorded in the office of a local registrar, but not with the VSU, the Attorney General of Texas in Opinion No. 0-3775 (September 5, 1941) advised the State

Registrar that he or she is not authorized to accept for filing either the original certificate in the office of the local registrar or a certificate made from it.

The statutes that govern registration by judicial order (deaths) can be found in the [Texas Health & Safety Code 193.007](#).

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## DEATH REGISTRATION BY JUDICIAL ORDER

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A delayed death certificate may be filed only by the county probate court in the county in which the death occurred for individuals who died in Texas but did not have a death certificate filed within one (1) year from the date of death.

The Court-Ordered Delayed Certificate of Death (VS-128) must be supported by the following affidavit(s):

Affidavit A must be signed by either the:

- Physician last in attendance,
- Funeral director in charge of disposition, or person acting as such, or
- Any person who signs Affidavit A must also be listed as the informant in Item 21 and enter his or her address in Item 22 and obtain his or her signature in Item 23.

Affidavit B must also be signed when:

- Affidavit A is signed by someone other than last physician in attendance or the funeral director in charge of disposition. In these cases, Affidavit B is signed by a person acquainted with the death facts, but not related to the deceased by blood or marriage.

The certificate must be presented in duplicate to the county probate court of the Texas County in which the death occurred. Once completed and signed by the judge, one original is forwarded to VSU and the other original is filed by the county clerk. All items must be completed. If the information is not known, enter the word "Unknown." The county probate court may require additional supporting documents.

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

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

If it is necessary to amend a Delayed Certificate of Death approved by a probate court, contact the VSU Supply Representative and request the Amendment to Delayed Certificate of Death (VS-124.1).