

Advanced Birth Registration

2016 Regional Conference

Galveston (13 June) — Arlington (15 June) — San Angelo (17 June)

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TODAY'S TOPICS

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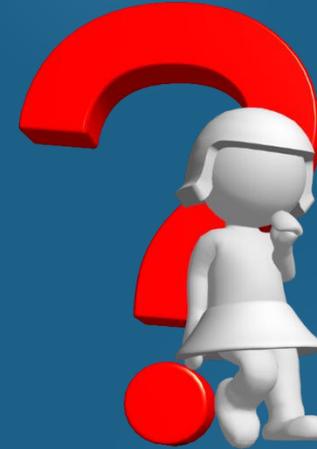
- ▶ Live Birth
- ▶ Birth Registration
- ▶ Filing a Birth Certificate
- ▶ Timeliness
- ▶ Naming Issues
- ▶ Foundlings
- ▶ Gestational Agreements
- ▶ Acknowledgment of Paternity
- ▶ Birth Registrar Certification
- ▶ Continuing Education
- ▶ Domestic Violence
- ▶ Hot Topics
- ▶ Q&A

STATUTES



- Texas Administrative Code (TAC)
- Texas Family Code (TFC)
- Texas Health and Safety Code (HSC)
- Texas Code of Criminal Procedure (CCP)

LIVE BIRTH



What is a live birth?

- Complete expulsion or extraction from its mother
- After separations, breathes or shows any other evidence of life:
 - Beating of the heart
 - Pulsation of the umbilical cord
 - Definite movement of voluntary muscles

TAC §181.1(17)

WHAT

IF

the placenta is still attached?

A birth is considered a “live birth” regardless of whether or not the placenta is attached.

TAC §181.1(17)

WHAT

IF

the umbilical cord
was cut after
delivery?

TAC §181.1(17) applies whether or not the umbilical cord has been cut or the placenta is attached. Neither are relevant in the definition of a live birth.

BIRTH REGISTRATION



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

WHAT

IF

...a midwife registers a home birth without using the TER system?

- ▶ She can't.
- ▶ Per TAC §181.13, all records must be electronic.

WHAT

IF

...your internet service is out?

- ▶ With approval from your local registrar, you may go to your local registrar's office to enter the record.
- ▶ You will need to log onto TER as your facility.
- ▶ Should no connection be available, you will need to hold onto your records until your internet service becomes available.



Birth registration is required.

The birth of each child born in this state shall be registered.

(HSC § 192.001)



A person required to file a birth certificate shall file the certificate **no later than the fifth day after the date of the birth.**

HSC § 192.003(d)

WHAT

IF

- the length of gestation is less than 40 weeks?
- there is little chance that the baby will survive?

A birth certificate must be filed for all live births regardless of:

- length of gestation; or
- chance of survival.

TAC §181.1(17)
HSC §192.003

WHAT IF

the parent requests
a delay in filing the
certificate?

Based on a parent's religious beliefs, a parent may request that a person required to file a birth certificate delay filing the certificate. However, the delay cannot be more than 15 days after the date of the child's birth.

HSC §192.003(e)

WHAT

IF

the parent requests
a delay in filing the
certificate?

The parents are responsible for getting back in touch with the hospital. If they fail to do so, the local registrar should file the record as “infant,” “baby boy,” or “baby girl,” along with the last name and release. Parents will have to amend the birth certificate later.

HSC §192.003(e)



What about...

...fetal death
certificates?

Fetal Death Certificates

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TAC § 181.1(10) defines fetal death as 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.

Fetal Death Certificates

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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.

TAC §181.7(a)

Fetal Death Certificates

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A certificate of fetal death (stillbirth) shall be filed with the local registrar within five days after the date of fetal death.

TAC §181.7(b)(2)

WHAT

IF

The weight is known?

If the weight is known, you must use the weight, not the gestational age.

- If the fetus is 350 grams or more, a certificate of fetal death is required
- If the fetus is under 350 grams, a certificate of fetal death is not required.

TAC §181.7(a)

WHAT

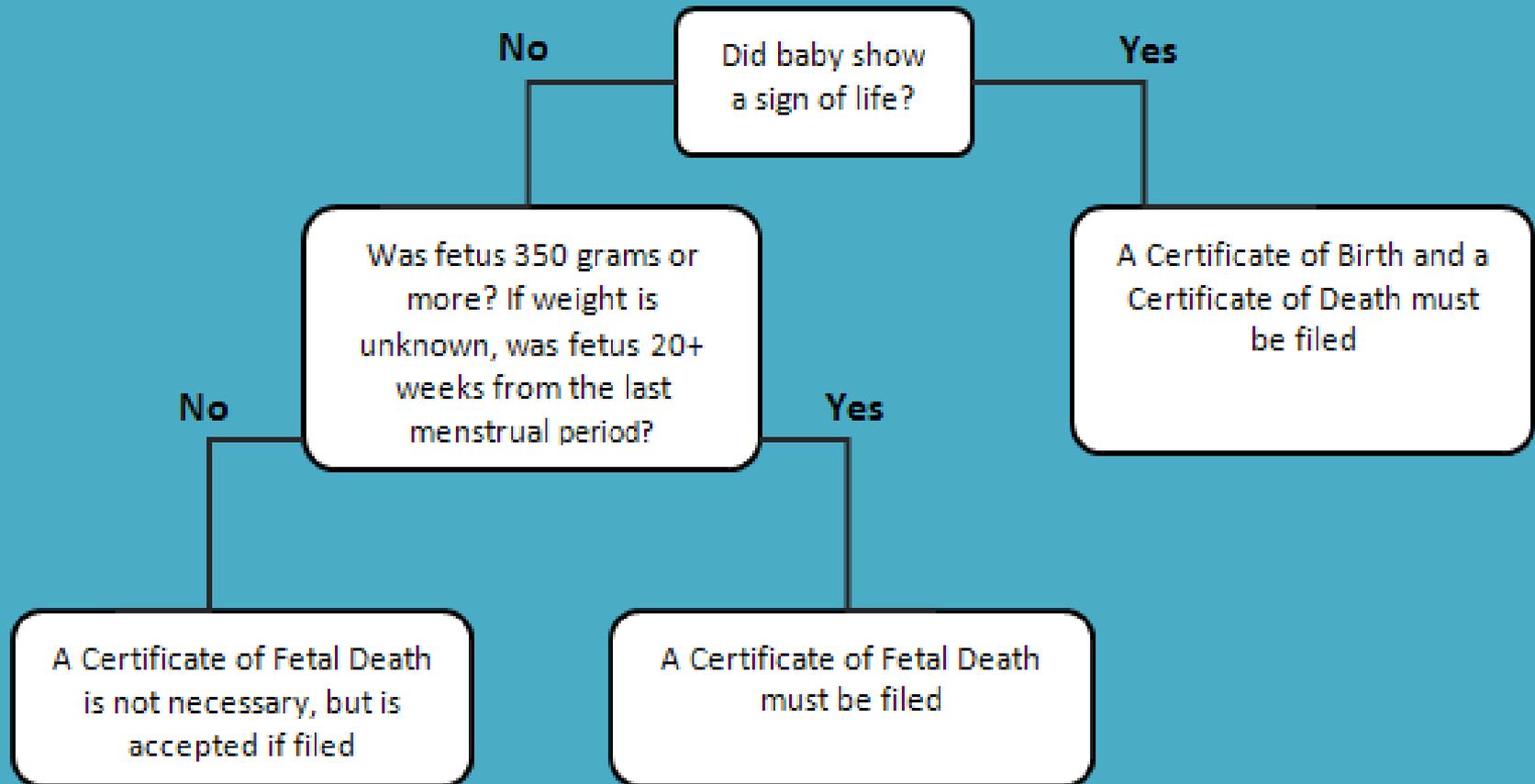
IF

The weight is unknown?

If the weight is unknown, use the gestational age.

- If the age is 20 weeks or more, a certificate of fetal death is required.
- If the age is under 20 weeks, a certificate of fetal death is not required.

When to file a Live Birth or Fetal Death Certificate



WHAT

IF

The parents want a fetal death certificate?

If the parents want a fetal death certificate, then two signatures of approval are needed:

- Doctor
- Funeral director

FILING A BIRTH CERTIFICATE

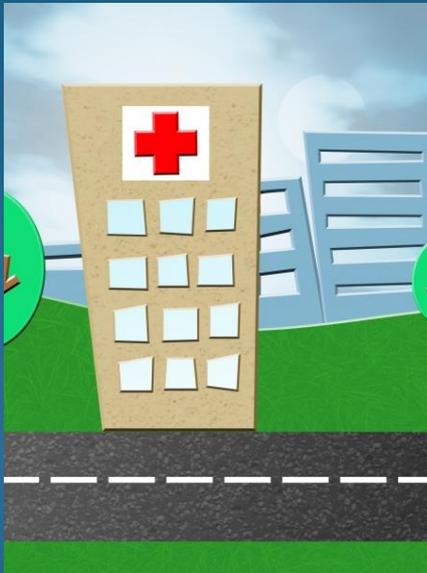
Who files the birth certificate?



- It depends on where the birth occurred.
 - **Licensed institutional birth:** Hospital or birthing center
 - **Non-institutional birth:** occurs outside of a licensed institution
 - Attended
 - Non-attended

Licensed Institutional Births

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- ▶ Births occurring in a licensed institution shall be filed as required by the Health & Safety Code, 192.003 . Licensed institutions include hospitals and birthing centers licensed by the department.

TAC 181.26 (a)(1)

- ▶ If a birth occurs in a hospital or birthing center, 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).

HSC 192.003(b)

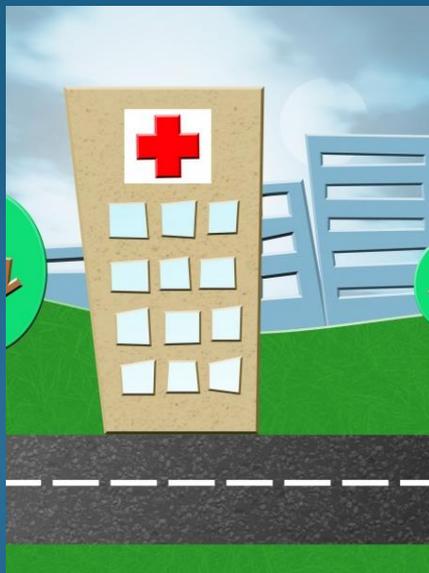
Licensed Institutional Births

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Responsibilities of Person Registering a Birth:

Obtain information needed to complete the birth certificate from an appropriate source:

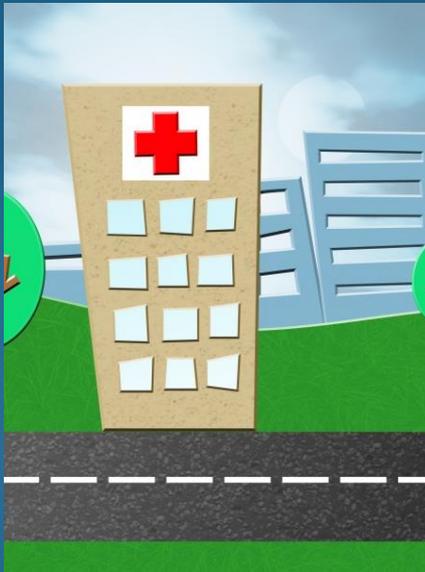
- The child's mother
- The mother's physician
- The infant's physician
- Immediate family
- Medical records



Licensed Institutional Births

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Responsibilities of Person Registering a Birth:



- Complete a Certificate of Birth for each live birth that occurs in the hospital or en-route to the hospital
- If the parents are not married to each other, provide the father with an opportunity to complete an Acknowledgment of Paternity (AOP) as well as required oral and written notification of rights and responsibilities.
- Obtain appropriate parents' signatures on the Verification of Birth Facts.

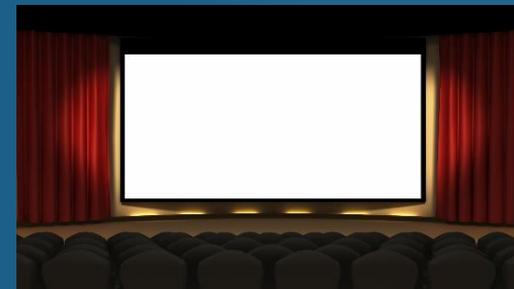


What about...

...Non-
institutional
births?

What Is a Non-Institutional Birth?

- ▶ A birth occurring outside a hospital or birthing center licensed by the Texas Department of State Health Services. (TAC 181.1(19))



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



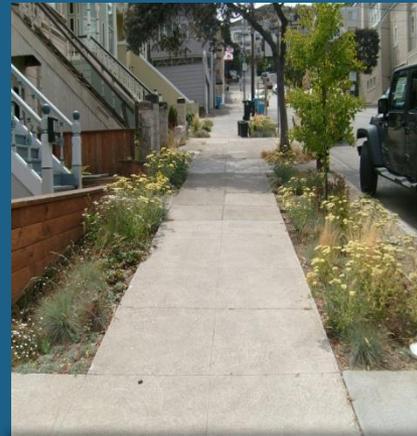
...McDonalds?

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.

Non-Institutional Birth

Four Essential Proofs



- Proof of Pregnancy
- Proof That the Infant Was Born Alive
- Proof That the Birth Occurred in the Registration District
- Proof That the Birth Occurred on the Date Stated

Non-Institutional Birth

Four Essential Proofs



- Proof of Pregnancy
 - Prenatal Record
 - Statement from physician or health care provider
 - Other evidence acceptable to local registrar
 - Notarized affidavit with a photo identification

Non-Institutional Birth

Four Essential Proofs



- Proof That the Infant Was Born Alive
 - Statement from physician or health care provider who saw or examined the infant
 - Observation of the infant during a home visit by a public health nurse
 - Other evidence acceptable to local registrar
 - Notarized affidavit with a photo identification

Non-Institutional Birth

Four Essential Proofs



- Proof that the birth occurred in the registration district
 - Live birth occurred in the mother's residence
 - Utility bill
 - Telephone bill
 - Rent receipt
 - Driver's license
 - Envelope with address
 - Notarized affidavit
 - Live birth occurred outside the mother's residence
 - Notarized affidavit with photo ID of the person with knowledge of the mother's presence in the registration district on the date of birth

Non-Institutional Birth

Four Essential Proofs



- Proof that the birth occurred on the date stated
 - Medical record
 - Notarized affidavit

WHAT

IF

The individuals attempting to file the birth record of a child not born in an institution cannot meet the four essential proofs required?

The local registrar will forward the record and all documentation to the state registrar for determination.



What about...

...en-route
births?

En-Route Births



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- If the mother is en-route to the hospital when the child is born and the hospital is the first place where the child is removed from the conveyance, “en-route” should be indicated.
 - Indicate the name of the city or town where the facility of destination is located on the birth record.
- If the child was not first removed from the conveyance at the hospital, the parents should file the birth record with the local registrar.
 - Indicate the city, town, village, or location where the child was first removed on the birth record.

TIMELINESS

Timeliness

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- ▶ Delay of Less Than One Year

- ▶ The local registrar may require evidence to substantiate the facts of the birth and may require a statement explaining the delay in filing the birth certificate. The local registrar may accept the certificate for filing if the evidence required by the local registrar is submitted. HSC §192.021 (b)

- ▶ Delay of More Than One Year But Less Than Four Years

- ▶ The State Registrar may require evidence to substantiate the facts of the birth and may require a statement explaining the delay in filing the birth certificate. The State Registrar may accept the certificate for filing if the evidence required by the State Registrar is submitted. HSC §192.023 (b)

Timeliness

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- ▶ Delay of More Than Four Years



- ▶ A birth that occurred four or more years before the date of the application for registration shall be recorded on a “Delayed Certificate of Birth” form.
- ▶ The form shall provide for:
 - ▶ the name and sex of the person whose birth is to be registered;
 - ▶ the place and date of the person's birth;
 - ▶ the names of the person's parents;
 - ▶ the place of birth of each parent;
 - ▶ the date of registration; and
 - ▶ any other information required by the state registrar.

HSC §192.024

Timeliness

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- ▶ Delay of More Than Four Years (continue)



- ▶ The State Registrar may require evidence to substantiate the facts of the birth and may require a statement explaining the delay in filing the birth certificate. The State Registrar may accept the certificate for filing if the evidence required by the State Registrar is submitted.

HSC §192.024

NAMING ISSUES

Naming Guidelines

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- ▶ 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.].
- ▶ The child's last name does not have to be the same as either parent. Also enter any suffixes following the last name.
- ▶ No obscenities, or non alphabetic characters are permitted.



Place Statute and/or code

WHAT

IF

The birth registrar or the certifier attempt to use special characters, or diacritical marks?

They can't.

Diacritical Marks

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À à Á á Ã ã Ä ä

Grave Acute Tilde Macron Breve

Đ đ Ê ê Ě ě Ę ę Ě ě

Bar Circumflex Caron Ogonek Dieresis/umlaut

Ğ ğ Ł ł Ś ś Ū ū Ũ ũ

Comma accent Slash Cedilla Ring Double acute accent

Characters with diacritical marks, i.e. “special characters”, are not permitted in TER and should not be entered.

FOUNDLINGS

Foundlings

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- The Texas Family Code allows the “hospital” to take possession of a child who appears to be 60 days old or younger if the child is voluntarily delivered to the hospital by the child’s parent and the parent did not express an intent to return for the child.
- Enacted to give children a chance to be adopted without consequences to the parents.
- Birth certificate is integral to make this statute meaningful and provide the child with a chance for a normal life.
- “Upon verifying that the case meets criteria for Baby Moses, the caseworker must inform hospital staff of the intention to name the infant within five calendar days. This ensures the hospital can file the infant’s birth certificate with the infant’s name on it. Either CPS staff or the infant’s first foster parents can name the infant (first, middle, and last names).” (The Department of Family Services Handbook on the Baby Moses Law)

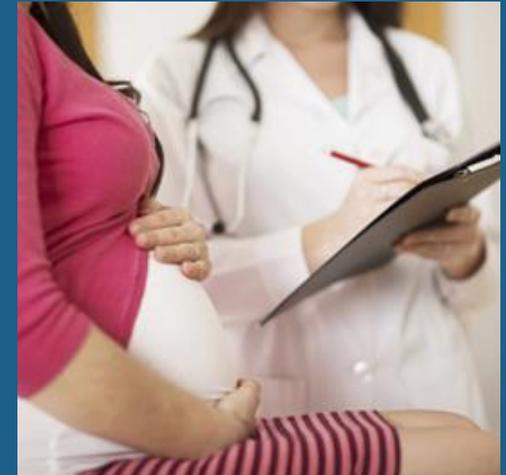


GESTATIONAL AGREEMENTS

Gestational Agreements

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TFC §160, Subchapter I authorizes an agreement between a woman and the intended parents of a child in which the woman relinquishes all her rights as a parent of a child conceived by means of assisted reproduction and that provides the intended parents become the parents of the child.

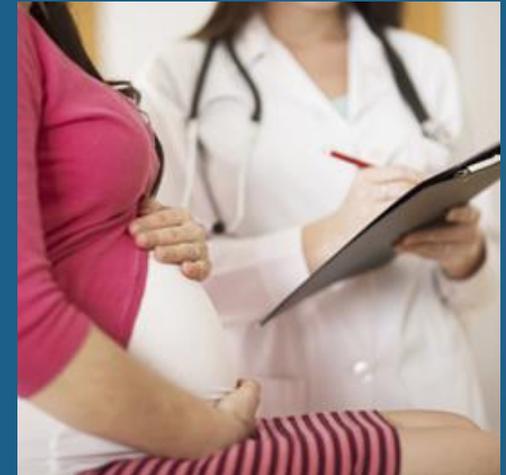


Gestational Agreements

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Definitions

- **Gestational Mother:** The woman carrying the unborn child (or gives birth to a child) conceived under the Gestational agreement.
- **Intended Parents:** individuals who enter into an agreement providing that the individuals will be the parents of a child born to a gestational mother by means of assisted reproduction, regardless of whether either individual has a genetic relationship with the child.

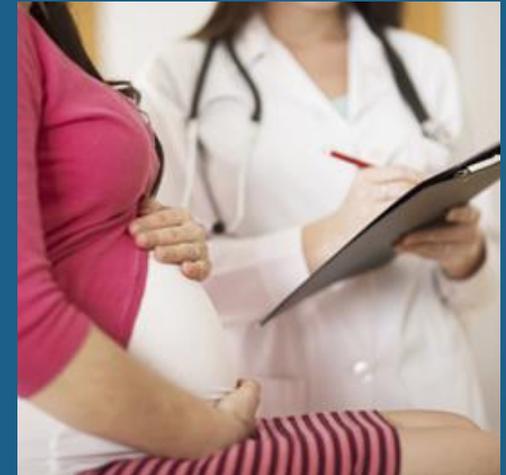


Gestational Agreements

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Criteria

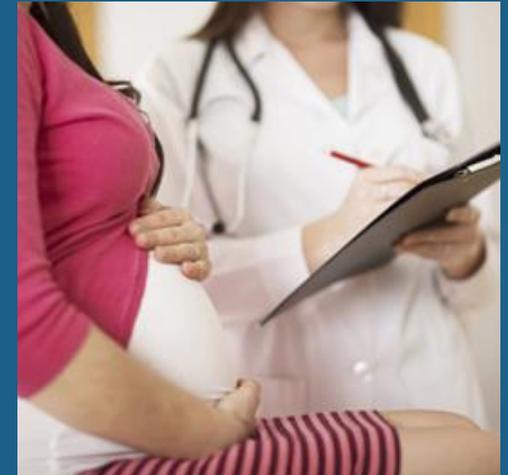
- TFC §160.754(b) requires:
 - intended parents to be married to each other; and
 - each intended parent to be a party to the gestational agreement.
- TFC §160.754(c) requires the eggs used in the assisted reproduction procedure be retrieved from an intended parent or a donor. The gestational mother's eggs *may not* be used in the assisted reproduction procedure.
- TFC §160.756(b)(5) states that the prospective gestational mother:
 - Has had at least one previous pregnancy and delivery; and
 - carrying another pregnancy to term and giving birth to another child would not pose an unreasonable risk to the child's health or the physical or mental health of the prospective gestational mother.



Gestational Agreements

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- Always have your legal department review the gestational agreement and provide you with approval in writing.
- If the court **approved** the agreement, retain the certified copy of the court order with your records.



ACKNOWLEDGMENT OF PATERNITY

Acknowledgment of Paternity

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- ▶ If the mother of a child is not married to the father of the child, a person listed in HSC §192.003 who is responsible for filing the birth certificate shall:
 - ▶ (1) Provide an opportunity for the child's mother and putative father to sign an acknowledgment of paternity as provided by TFC §160; and
 - ▶ (2) Provide oral and written information to the child's mother and putative father about:
 - ▶ (A) Establishing paternity, including an explanation of the rights and responsibilities that result from acknowledging paternity; and
 - ▶ (B) The availability of child support services.



Acknowledgment of Paternity

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- ▶ Entities that Shall Provide Acknowledgments of Paternity
 - ▶ (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.



TAC §55.406(a)

BIRTH REGISTRAR CERTIFICATION

Birth Registrar Certification

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- Established in 2013.
- Required by TAC §181.50.
- **Purpose:** to improve birth registration and accurately represent the health of Texans by standardizing data collection and data entry practices of birth registrars.
- Improving birth registration is critical to ensure individuals receive a valid birth certificate.

Certification Requirements

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- ▶ The person required to register the birth of a child in this state must meet the requirements of the birth registrar certification. **TAC 181.50**
- ▶ **Certification Required.** A birth registrar may not complete any aspect of the birth registration process without holding a current certification issued by the Vital Statistics Unit. **TAC 181.52 (a)**



Birth Certification Process

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Certification for Birth Registrars **requires** the completion of the following:



1. Acknowledgment of Paternity training course;
2. TER--Birth Registration online training course;
3. be a TER user with an individual User Identification and password;
4. oath of confidentiality (on file at facility);
5. a completed Application for Birth Registrar Certification/Re-certification; and
6. physicians, midwives or persons acting as midwives must provide current licensing information with their respective licensing bodies.

TAC §181.52(b)

Re-Certification Process

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- ▶ Birth registrars who actively register births in this state are required to obtain **8** hours of continuing education every two-year renewal period.
- ▶ Birth registration process occurring at facilities or by midwives may be inspected upon the submission of an Application for Birth Registrar Certification/Re-certification.



TAC §181.52(c) (e)

CONTINUING EDUCATION

Continuing Education

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- ▶ Electronic Registration - one credit hour. This course must at least cover principals of electronic birth registration for this state.
- ▶ Other training - Seven credit hours. These approved courses should cover laws, rules, best practices, policies and procedures relevant to the registration of births in this state. **TAC 181.53 (a) (b)**
- ▶ VSU offers continuing education at regional and annual conferences.



Continuing Education

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- ▶ It is the responsibility of the licensee to track the number of hours accumulated during a certification period.
- ▶ The Vital Statistics Unit will not renew the certification of an individual who fails to obtain the continuing education requirements of this section.



Continuing Education

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- ▶ Any birth registrar receiving credit for continuing education obtained fraudulently shall be reported and/or investigated by the State Registrar or the State Registrar's representative and, if necessary, shall report a violation of this section to the appropriate district or county attorney for prosecution.

TAC §181.53(3)(4)(5)



DOMESTIC VIOLENCE

Domestic Violence

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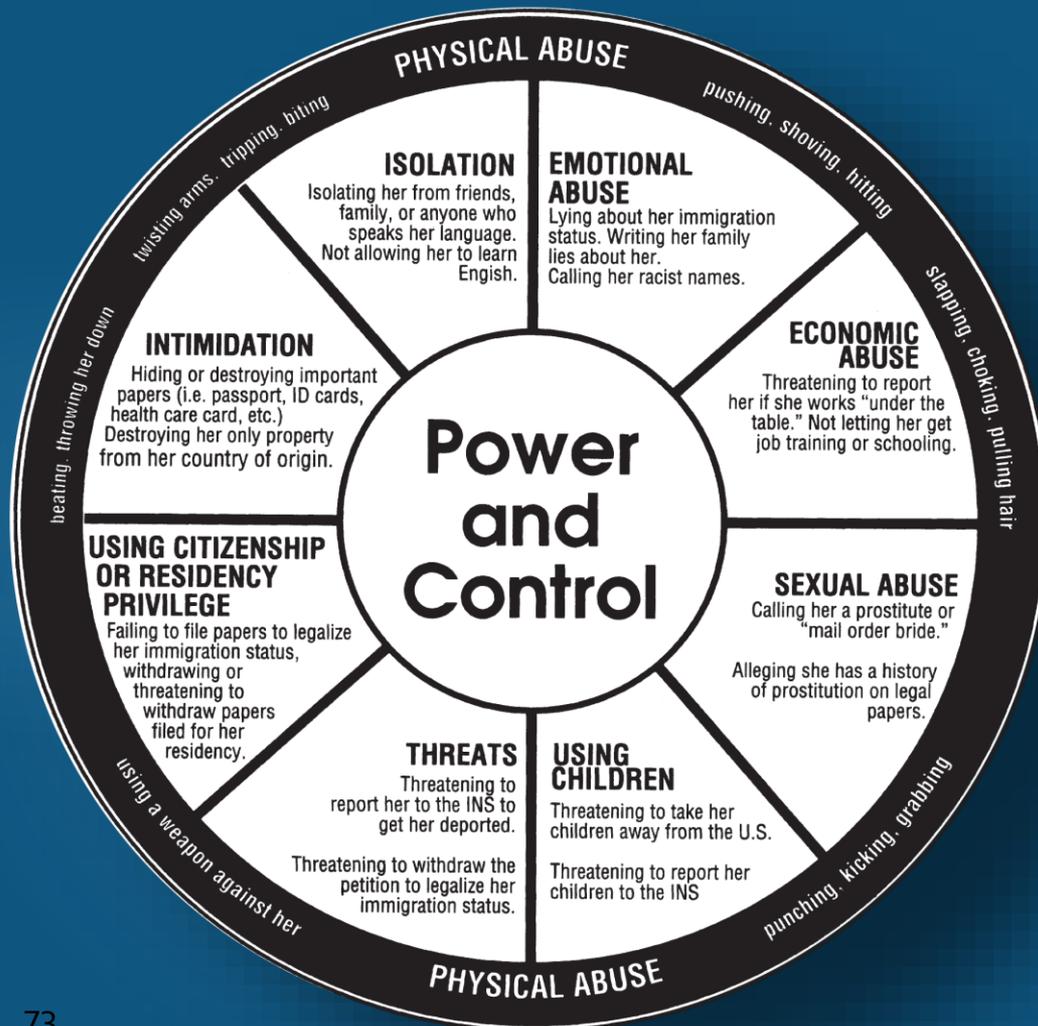
- ▶ Domestic violence is a a pattern of behavior and tactics used to gain or maintain **power and control** over a current or former intimate partner that can include physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

Power and Control Wheel

Domestic violence is

NOT

just physical or sexual assault!



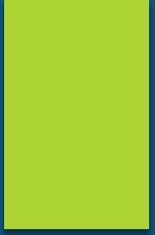


From the Centers for Disease Control and Prevention...

Domestic Violence / IPV:

“...is a serious, yet **preventable**
public health problem...”

Texas Prevalence Study



- ▶ 1 in 3 Texas women experience domestic violence.
- ▶ Of women reporting intimate partner violence in their lifetime, **over 22% became pregnant as a result of the abuse.**

Pregnancy and IPV / DV

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- ▶ Pregnant women are at nearly twice the risk of experiencing intimate partner violence (IPV).
- ▶ The severity of violence may sometimes escalate during pregnancy or the postpartum period and result in severe injury or death.
- ▶ **132** women were killed by their current / former intimate male partners in 2014. We know that two were pregnant.

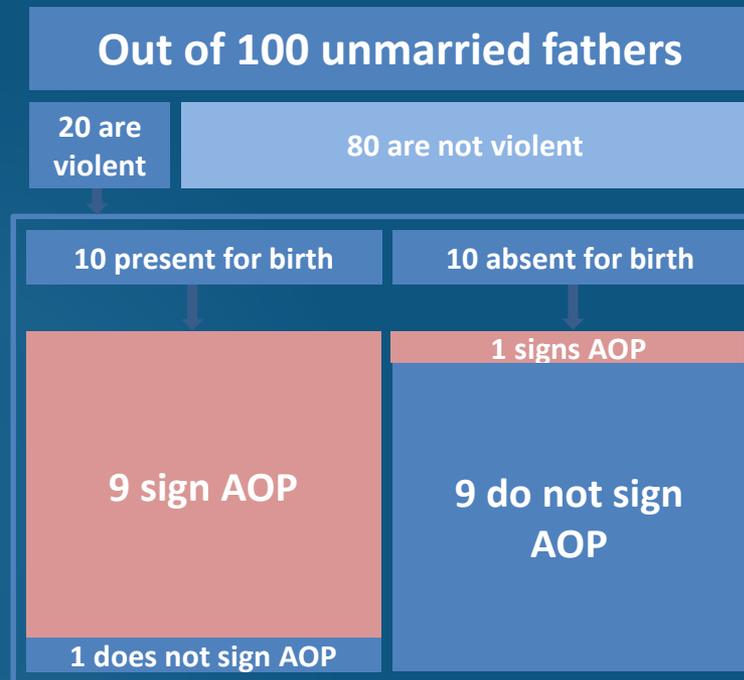
Dads on the Dotted Line

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“Birth registrars need clear guidelines and support around how to identify and respond to cases of family violence...”

Paternity Establishment Survey

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Dads on the Dotted Line

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“The existence of family violence is a critical consideration in the in-hospital paternity establishment decision...

...the preferred method of paternity establishment in cases of family violence is through the court system.”

24 Hour Safety Planning Resources



1-800-799-SAFE (7233)

1-800-787-3224 (TTY)

Live chat at

www.thehotline.org

1-866-331-9474

Text “loveis” to 22522

Live chat at

www.loveisrespect.org

Texas Council on Family Violence

Krista Del Gallo

kdelgallo@tcfv.org

(512) 794-1133

www.tcfv.org

Defining Success

“Success is measured by our efforts to reduce isolation and to improve options for safety.”

Futures Without Violence

HOT TOPICS

Hot Topics



- ▶ Relating to a Delayed Birth Certificate; Creating a Criminal Offense.
 - ▶ On the state registrar's refusal to register a certificate, the state registrar shall:
 - ▶ furnish the applicant a statement of the reason(s) for the refusal; and
 - ▶ advise the applicant of the right to appeal to the statutory probate court or district court in the county in which the birth occurred, or in the statutory probate court or district court in the county in which the person resides. [HSC §192.026(b)]

Hot Topics



- ▶ Relating to a Delayed Birth Certificate; Creating a Criminal Offense.
 - ▶ If a delayed birth certificate is not accepted for registration by the state registrar, the person may file a petition in the statutory probate court or district court in the county in which the birth occurred, or in the statutory probate court or district court in the county in which the person resides, for an order establishing a record of the person's date of birth, place of birth, and parentage. [HSC §192.027(a)]

Hot Topics

- ▶ CRIMINAL BACKGROUND CHECK REQUIRED.
- ▶ A person may not access vital records maintained by the department under this chapter and may not access the department's vital records electronic registration system unless the department, or another person acting on behalf of the department, has conducted a fingerprint-based criminal background check, using state and federal databases, on the person in accordance with department policy and the person's record is satisfactory as determined under department policy. [HSC §191.071]



Resources

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▶ **TER Help Desk**

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

▶ **TER Online Training**

- ▶ <http://texasvsu-ed.org>

▶ **BRC**

- ▶ <http://individual.vsusurvey.org/user/login>

▶ **VSU**

- ▶ www.dshs.texas.gov/vs
- ▶ E-mail: fieldservices@dshs.texas.gov

QUESTIONS?