

# Local Registrars & Birth Registration

2021 Virtual Regional Conference – Local Registrars

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# Agenda

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Delayed Birth Certificate Process

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New Legislation



# Issuance

Birth Certificates



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# Issuance - Birth Certificates

## Question

A man comes into your office requesting his brother's birth certificate. Is this man a qualified applicant and what documentation do you need from him?

# Issuance - Birth Certificates

## Answer

Per 25 TAC 181.1, he's a qualified applicant as long as he can provide acceptable ID as specified in 25 TAC 181.28.

# Issuance - Birth Certificates

Texas Administrative Code 181.28 (i)(9):

All applicants must present identification consistent with the following requirements:

- Primary identification outlined in paragraph (10) of this subsection; or
- Secondary identification reflected in paragraph (11) of this subsection; and
- Supporting documentation stated in paragraph (12) of this subsection.

# Issuance - Birth Certificates

## Required Types of Identification

- Primary Identification – 1 Item
- Secondary Identification – 2 Items, one with signature
- Supporting Documentation – 1 Secondary and 2 Supporting

# Issuance - Birth Certificates

## Primary Identification

- Driver's License
- Federal or State ID card
- Federal, State, or City law enforcement employment ID card
- Offender ID Card issued by the Dept. of Criminal Justice correctional facility
- Military ID Card
- U.S. Citizen ID Card
- U.S. Passport

## Primary Identification

- Dept. of Homeland Security, U.S. Citizenship and Immigration Services
- Employment Authorization Document
- Permanent Resident Card
- Travel Documentation: Re-entry & Refugee Travel Permit and Advance Parole
- SENTRI Card
- Concealed Handgun License





# Issuance - Birth Certificates

## Secondary Identification

- Current student identification
- Any Primary ID that is expired
- Signed Social Security card
- DD Form 214
- Medicaid card
- Medicare card
- Veterans Affairs card
- Private Company Employment ID Card
- Form I-94 accompanied by the applicant's Visa or Passport

## Secondary Identification

- Medical insurance card
- Foreign Passport accompanied by a Visa issued by the U. S. Dept. of State
- Foreign Passport in accordance with the U.S. Dept. of State, Visa Waiver Program
- Certified birth certificate from the Dept. of State FS-240, DS-1350 or FS-545
- Mexican voter registration card
- Foreign ID with photo



# Issuance - Birth Certificates

## Supporting Identification

Other records or documents that verify the applicant's identity. Vital Statistics refers to their policy for acceptable supporting identification. The examining or supervisory personnel may determine that a supporting identification document may meet the department's requirements in establishing identity.

# Issuance - Birth Certificates

## 25 TAC 181.1: Definitions

Properly 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.

# Issuance - Birth Certificates

## 25 TAC 181.1: Definitions

Immediate family member – The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.

# Issuance - Birth Certificates

## Question

What if a you have a customer walk in and say they need to get a copy of a birth certificate for someone they used to babysit when they were a toddler?

What if the the customer presents to you a signed affidavit from the Certified Babysitter's Organization Club?

# Issuance - Birth Certificates

## 25 TAC 181.1: Definitions

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.

# Issuance - Birth Certificates

## Question

Someone comes into your office slightly frantic and desperately needing their birth certificate so they can get a driver's license. This person doesn't have any identification at all. What do you do?

# Issuance - Birth Certificates

Try to set the customer at ease by letting them know there are other options if a primary identification is not available. Advise the customer that they have options. You can accept a secondary forms of identification or forms of supporting documentation.

TAC 181.28 (i) (9)



# Issuance - Birth Certificates

## Question

What are some examples of demonstrating a direct and tangible interest in a given record?

# Issuance - Birth Certificates

- Wills
- Car Titles
- Insurance Policies

Per TAC 181.1, the applicant needs to show that he/she needs the record to implement a statutory provision or protect a personal property right.

# Issuance - Birth Certificates

## Question

Your office is busy with issuances, and you find that your office is running low on physical storage space for in-person birth certificate applications.

How many years should your office keep these applications on file before disposing of them?

# Issuance - Birth Certificates

3 years per TAC 181.28 ( e )

Record retention. An electronic record or paper application that includes the date issued, document control number, name, address and signature, and a photocopy of facsimile of the form of identification to whom the record was issued shall be made and maintained for a period of three years from the date issued.

# Issuance - Birth Certificates

## Abused Birth Record

Any birth record that has had 10 certifications issued since the original date of filing shall be considered an abused record. Such a notation shall be made on the birth record.

Local Registrars shall notify Vital Statistics of any abused records. Customer requests for additional certifications shall be made through the State.

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).

TAC 181.24(a)

# New Paper Vendor



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# New Paper Vendor

Veritrace, Inc., will be our new security paper vendor. They will provide all security paper certified copies of vital records. This includes all Texas local and state officials.

# New Paper Vendor

## Common FAQs for the New Paper Vendor

- Is paper our office ordered from the previous vendor still valid and able to be issued to customers?

Yes, you can continue to issue the previous vendor paper your office purchased to customers. The paper remains valid.

- When does the previous vendor paper expire?

Your office can exhaust your supply. The paper does not have an expiration date.



# New Paper Vendor

## Common FAQs for the New Paper Vendor

- Does this paper vendor meet statutory guidelines?

Yes, Texas Administrative Code Chapter 181 requires certain security features for security paper to deter forgery, counterfeiting, and document tampering. The new paper vendor meets all these requirements.

- What is the process for exchanging local registrar signature information?

Veritrace will have a proof process similar to the previous vendor.

# New Paper Vendor

## Common FAQs for the New Paper Vendor

- Do you need to order the new paper at a specific deadline?

No, you will only need to order from the new vendor when you need to replenish your stock of security paper.

- What is the process for ordering new security paper?

Once the initial set up is complete, the new paper vendor will be available for future orders.

# New Paper Vendor

## Common FAQs for the New Paper Vendor

- Why is there another vendor?

The current contract for security paper expired. HHS/DSHS requested bids for a new contract and the new paper vendor was awarded the new contract for security paper.

<https://dshs.texas.gov/vs/field/Veritrace-Inc--Security-Paper/>

# New Paper Vendor

How do I get an account setup with the new vendor?

Email your Field Representative and we will send you the CUS-07 Form to complete and return to your Field Representative along with any current Proofs.

# Home Births



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# Home Births

Texas Administrative Code 181.26

*Filing of Birth Certificates for Infants Born Outside of a Licensed Institution*

(c) The essential elements to register a non-institutional birth are:

- (1) Evidence of pregnancy
- (2) Evidence that there was an infant born alive
- (3) Evidence that the birth occurred in the registration district; and
- (4) Evidence that the infant's birth occurred on the date stated

# Home Births

What can be used for “Evidence of pregnancy?”

- Prenatal Record
- Statement from physician or health care provider
- Other evidence acceptable to Local Registrar
- Notarized affidavit with a photo identification

# Home Births

What can be used for “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



# Home Births

What can be used for

“Proof that the Birth Occurred your Registration District?”

Live birth occurred *in the mother's residence*

- Utility bill
- Telephone bill
- Rent receipt
- Driver's license
- Envelope with address
- Notarized affidavit

# Home Births

What can be used for

“Proof that the Birth Occurred your Registration District?”

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

# Home Births

What can be used for  
“Proof that the Birth Occurred on the Date Stated?”

- Prenatal record
- Medical record
- Other evidence acceptable to Local Registrar
- Notarized Affidavit

# Home Births

## Four Essential Proofs – Special Notation Reminders

- A notarized affidavit with a photo identification can **ONLY** be utilized once to satisfy one of the four essential proofs.
- The Local Registrar may use a “Mothers Work Sheet” for information gathering to conduct data entry for the Birth Registration.

# Home Births

## Question

Who shall report the birth of a child to the Local Registrar when the birth did NOT take place in a licensed institution?

# Home Births

Per Health and Safety Code 192.003

(b) if there is no physician, midwife, or person acting as a midwife in attendance at a birth and if the birth does not occur in a hospital or birthing center, the following listed shall report the birth to the local registrar.

- (1) the father or mother of the child; or
- (2) the owner or householder of the premises where the birth occurs.

# Home Births

## Mother's Worksheet – VS-109.1

- Use the mother's worksheet for both information gathering and data entry into the system.
- Statistical data is very important and legal information is crucial.

# Home Births

## Scenario

An out-of-state midwife flew from Oklahoma to your registration district to assist with a planned homebirth for an old college friend. One day after the birth the midwife shows in your office only with her Oklahoma Midwife ID Badge, Midwifery Certification and a mother's worksheet. She was informed that this was all that was needed to register the baby in your registration district.

What do you do?



# Home Births

TAC 181.26 states that, for filing a birth certificate for infants born outside of a licensed institution, a local registrar (and birth registrar) must obtain the following essential documents to proceed with the registration:

- Proof of pregnancy
- Proof that the infant was born alive
- Proof that the birth happened in the registration district
- Proof that the birth occurred on the stated date

# Home Births

## Scenario

You receive a phone call from an expecting mother in your county. She explains that she is planning a homebirth without a midwife. She would like to know the process to register her baby with the state of Texas. The expecting mother and the husband want to make sure she obtains a birth certificate with no issues.

How should you advise?

# Home Births

## 1. Evidence of pregnancy

- Before the birth, visit with a Medically Licensed Doctor to get a letter stating that you are pregnant with the date of the visit on the letter.

## 2. Evidence that there was an infant born alive

- After the birth, visit with a Medically Licensed Doctor to have your baby checked out. Get a letter from them stating the child is alive and well.

## 3. Evidence that the birth occurred in the registration district

- Get a Bill, Lease or something with their name and address on it indicating where baby was delivered.

## 4. Evidence that the infant's birth occurred on the date stated

- Have husband or any witness who is with you when your baby was born to sign an affidavit stating the baby was born on that date

# Acknowledgement of Paternity

What if were not AOP Certified?



# Acknowledgements of Paternity

What if we're not AOP Certified?

What options do you have if nobody in your office is AOP certified?

# Acknowledgement of Paternity

Explain to the mother that your office does not have staff that is AOP Certified and that the immediate objective is to register the baby within the required timeframe. AOP's can be done after the birth record is released and there is no deadline for this.

You may refer the parents to the OAG's website for more information and they may also complete them at their office.

<https://www.texasattorneygeneral.gov/child-support/paternity>

AOP Hotline Telephone Number – (866) 255-2006

# Acknowledgement of Paternity

## Acknowledgement of Paternity Basics

An Acknowledgement of Paternity (AOP) is a legal document that allows parents who aren't married to establish legal paternity.

An AOP is usually used when the parents aren't married but agree on the identity of the child's father. When the completed AOP is filed with the State, the genetic father becomes the child's legal father with all the rights and duties of a parent.

# Acknowledgement of Paternity

## AOP Benefits

The purpose of the paternity is to officially and legally establish who the parents of the child are when the parents are not married to each other.

Establishing paternity provides important benefits to the child, including the right to claim VA benefits, social security, inheritances, life insurance, and medical insurance coverage. It also can help the child form an emotional bond with both parents and lets both parents share in the life of the child.



# Acknowledgement of Paternity

True or False

During the registration of the baby, parents must present documentation to prove proof of marriage?

# Acknowledgement of Paternity

False

Complete the birth registration on what the mother states. Parents do not have to provide marriage documentation.

# Acknowledgement of Paternity

True or False

The woman who gives birth to a child is automatically a parent unless excluded by a gestational agreement or she relinquishes her rights.

# Acknowledgement of Paternity

True

Unless a gestational agreement is involved, or the mother relinquishes her rights, the woman who gives birth is the assumed parent.

# Acknowledgement of Paternity

## TxEVER AOP Checklist: Pre/Post Birth AOP

- Login and go to Pre/Post Birth AOP Registration
- Fill out the AOP form
- Search for a partial AOP match
- Capture AOP signatures
- Print the AOP
- Submit the AOP
- Search for a birth match
- Release the AOP-birth match

# Delayed Birth Certificate Process



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# Delayed Birth Certificate Process

## Delayed Birth Registration

Births occurring in Texas should be officially registered within the first year. If this does not occur, the customer can apply for a Delayed Certificate of Birth through Vital Statistics.

<https://www.dshs.texas.gov/vs/birth/>

# Delayed Birth Certificate Process

## How to Apply for a Delayed Certificate of Birth

- A formal search must first be conducted to determine that the birth record is not on file. Submit an application or written request for a certified copy of the birth certificate, along with the fee of \$22.00 to Vital Statistics in Austin.
- If a birth record is found, Vital Statistics will send a certified copy of the record. If record is not found, Vital Statistics will provide forms and instructions for filing a Delayed Certificate of Birth. Vital Statistics will retain the \$22.00 as a search fee.



# Delayed Birth Certificate Process

## How to Apply for a Delayed Certificate of Birth

- When accepted for filing, the Delayed Certificate of Birth form (VS-122) will become the original birth certificate. It must be completed neatly and legibly, signed before a notary public, and submitted along with the necessary supporting documentation to Vital Statistics in Austin. There are several acceptable forms of documentation, and they are explained in detail in the instructions provided. The cost for filing a Delayed Certificate of Birth is \$25.00. Certified copies of the Delayed Certificate of Birth are \$22.00 each.

# Delayed Birth Certificate Process

## How to Apply for a Delayed Certificate of Birth

- Supporting Documentation must be verified by Vital Statistics staff, sometimes with outside entities such as schools, churches, etc. Due to this requirement, the processing time generally takes 8 to 10 weeks or longer.
- If the supporting documentation is not sufficient to file the Delayed Certificate of Birth, processing time could take several more weeks.

# Delayed Birth Certificate Process

## How to Apply for a Delayed Certificate of Birth

- If an application is rejected for filing, Vital Statistics will return the application, supporting evidence and any related instruments to the applicant as well as furnish the applicant with a statement of the reasons 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.
- In short – VSS sends a court referral letter to the customer.

# Delayed Birth Certificate Process

## How to Apply for a Delayed Certificate of Birth

- If an application is not actively pursued, Vital Statistics may return the application, supporting evidence, and any related instruments to the applicant.

<https://www.dshs.texas.gov/vs/delayed/>

# Delayed Birth Certificate Process

## Question

You receive a phone call from a potential customer stating they have never had their birth certificate and would like to know what the process and fees are.

# Delayed Birth Certificate Process

Advise the potential customer that this process would be for a delayed birth certificate. Briefly explain the delayed birth registration process and provide the link to the Delayed Birth Webpage for additional information: <https://www.dshs.texas.gov/vs/delayed/>

The cost is \$47 in total in which \$25 is collected to file the delayed record and \$22 is collected for a certified copy of the delayed record.

# Delayed Birth Certificate Process

## Question

What do you do if a customer shows in your office and is upset that they received a Rejection Letter after applying for a Delayed Certificate of Birth? The customer disagrees and pleads their case to you.

# Delayed Birth Certificate Process

Advise the applicant of their 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.



# Delayed Birth Certificate Process

## Age-Based Documentation Requirements

The type and amount of supporting documentation you must provide depends on the age of the individual whose birth you are registering. You will need to know the age of whose birth you wish to register from the list below.

- Child between 1 – 4 years old
- Child between 4 – 15 years old
- Individual 15 years old or older

# Delayed Birth Certificate Process

Child between 1 – 4 years old

- A notarized affidavit completed by the parents and the attendant as to why the certificate was not filed within 1 year of birth;
- Copy of acceptable identification for parents and attendant, if any, at birth; and
- Two or more documents that provide:
  - Evidence of pregnancy (prenatal record, statement from physician, etc.)
  - Evidence of infant was born alive (statement from physician or healthcare provider, etc.)
  - Evidence birth occurred in Texas (statement from healthcare provider, etc.)
  - Evidence birth occurred on the date stated (medical or prenatal record, etc.)

# Delayed Birth Certificate Process

Child between 4 – 15 years old

Two or more documents that meet the following requirements:

- At least 1 document must show child's name, date of birth, and place of birth.
- At least 1 document must show parent's names and the child's date and place of birth.
- At least 1 document must have been created within 10 years of birth
- Only 1 document may be an Affidavit of Birth Facts

# Delayed Birth Certificate Process

Individuals 15 years old and older

Three or more documents that meet the following requirements:

- At least two must show the individual's name, date of birth and place of birth.
- At least 1 document must show the individual's name, parent's names, and individual's date and place of birth.
- At least 1 document must have been created within 10 years of birth.
- Any document, other than an affidavit, must be 5 years old or older.
- Only 1 document may be an Affidavit of Birth Facts.

# Delayed Birth Certificate Process

## Acceptable Documents

All documents must be from independent sources. Only valid original documents (no photocopies) or certified copies unless otherwise specified. All originals will be returned after filling is completed. A copy or abstract of a document may be accepted if certified as true and correct by the custodian of the document.

Any supporting document(s) submitted found to be fraudulent will cause immediate denial of application for filing a delayed certificate of birth and those documents will be retained.

# Delayed Birth Certificate Process

- Birth Certificate of individual
- Driver's License/ID from a U.S. state or Driver's License/ID application
- Military discharge record (DD-214)
- Religious record with signature of religious official (original)
- Selective Service Record
- Social Security Administration records or application
- U.S. Census Bureau records
- Hospital/medical/birthing center record
- Affidavit of Birth Facts (sent with the Delayed Birth Registration application) signed in front of a Notary Public by an immediate family member who is at least 10 years older than the individual. (Note: The person who signs the Affidavit must also attach a copy of his/her unexpired government-issued ID.)

# Remote Birth Security

Search-to-Print Ratio



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# Remote Birth Security

What's so great about Remote Birth Access?

Why do people need birth certificates issued through Remote Birth Access?



# Remote Birth Security

It's convenient and gives timely access to certified abstracts of birth certificates to persons born in Texas.

The remote birth security feature within TxEVER helps provide services to citizens in your city or county.

Improves efficiency and effectiveness. All documents printed via the remote system are considered legal and viable documents.

Native born Texans can get a birth certificate in counties that offer remote access, instead of having to travel to the state vital statistics office in Austin or vital records office in the county where they were born.

# Remote Birth Security

## Additional Benefits

- Provides an “abstract of birth facts” that is a legal certificate which can be used as a basic identity document
- All certificates are issued on approved security paper
- Customers have the option to pay for their birth certificates with cash, check, credit or debit card

# Remote Birth Security

## Security and Fraud Benefits

- Specified individual employee access only
- Password changes at least every 90 days
- Employee confidentiality agreement

# Remote Birth Security

## Security and Fraud Benefits

- Documents issued through the Remote Site are standardized
- Records are flagged
- Every office issues certificates through approved security paper

# Remote Birth Security

## Improving Search-to-Print Ratio

- Charge the customer BEFORE the search is done
- If your office has an in-house database search there first
- Get as much information from the applicant as possible
- Narrow your searches
- Search with more than the first letter of the first and last name (at LEAST include 2 – 3 letters)

# Remote Birth Security

## Improving Search-to-Print Ratio

- Do not double click on anything, especially the search button, as it may send the request twice resulting with two searches
- Before you select Print, pay attention to any warnings the system alerts you for printing
- The ultimate goal is to be at 90% of your Search-to-Print Ratio

# Remote Birth Security

How can our office get set up with Remote Access?

An email request should be sent to Business Services for them to contact you on setting up a contract for the remote system.

[VSSBusinessServices@dshs.Texas.gov](mailto:VSSBusinessServices@dshs.Texas.gov)

# Remote Birth Security

## Scenario

Let's say a customer walks in the office of the City of Austin to obtain a copy of their birth certificate. This customer explains how excited they are that the Austin's Sport's Social Club has just opened a new 40 and over Kickball League in Austin. The customer explains that he has been living in Austin for the past 20 years now and can't remember if he was born in Ector or Midland county. The City of Austin does a search for Ector County with no results found. Then the City of Austin does a search for Midland County and successfully located the birth certificate to assist the customer.

How does the Search-to-Print factor come into play?



# Remote Birth Security

How does the Search-to-Print factor come into play?

The City of Austin now has a 50% search-to-print ratio from assisting their customer. A search was conducted with no results found for Ector County and a search was conducted with Midland County resulting with a successful find.

# New Legislation



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# New Legislation

SB798 is in process and more information will be provided in your legislative session.

# Thank you!

Local Registrars & Death Registration

**Fernando Juarez, DSHS - Vital Statistics Section, Field Representative**