

CORRECTIONS TO BIRTH CERTIFICATE RECORDS

The Certificate of Birth is a permanent legal document that is very important to the registrant for his or her entire life. If it appears altered in any way, the registrant may be questioned about its authenticity.

ERRORS DETECTED BEFORE LEGAL AND STATISTICAL RELEASE:

When an error is detected on a birth record in before it has been certified and released to the state office then the correction can be made.

ERRORS DETECTED AFTER LEGAL RELEASE:

If the birth certificate has already been certified and released to the state then an amendment to the birth certificate will need to be filed.

AMENDMENT TO AND SUPPLEMENTAL BIRTH RECORDS.

GENERAL INFORMATION

The Application to Amend Certificate of Birth (VS-170) may be used in requesting completion of any item left blank on the original birth certificate or to correct any errors made during the completion of the original record, except information relating to paternity.

Note: *The Application to Amend Certificate of Birth (VS-170) cannot be used to add the father's information to the birth certificate if that information was left blank.*

Documentation submitted in support of the amendment application will be abstracted and included as part of the amendment. The original documentation will be returned to the applicant.

There is a fee for filing an amendment. The fee does not include a certified copy of the birth record. To receive a certified copy of the amended birth record, the applicant will need to order a certified copy of the amended record.

A copy of the completed amendment will be forwarded to the local registrar in the registration district in which the birth originally occurred.

A person may not make an affidavit regarding his or her own record. When an older relative or friend is not available, an exception may be granted by the State Registrar provided satisfactory documentary evidence is submitted.

Amendments pertaining to the name of the registrant cannot be accepted subsequent to a Court Ordered Change of Name. Should you have any questions about providing supporting documents or filing an amendment, you may call the Request Processing Division of the Vital Statistics Unit.

PROCEDURES FOR AMENDING CERTIFICATE OF BIRTH

The applicant must submit an Application to Amend Certificate of Birth (VS- 170), the proper fee, and documentation (if required).

Both parents must sign the affidavit portion of the amendment form (Part III) when correcting a minor child's information unless the child has a single parent or guardian.

When the signature of a parent or older relative is not available, then the signature of the registrant may be used, along with a supporting documentary evidence required to justify the correction must be submitted.

A list of suggested acceptable documents to be submitted in support of the correction or amendment is included on the reverse side of the application form. This is not an inclusive list.

Documentation must support and verify the facts being corrected or amended.

INSTRUCTIONS FOR COMPLETING THE APPLICATION TO AMEND CERTIFICATE OF BIRTH (VS-170)

The information related to the applicant, including name, address, telephone number, and signature, should be filled in at the top of the form (before Part I).

PART I

Full Name of Child

This should be as it is currently listed on the original birth record. If the child was not named at the time of birth, enter INFANT or BABY GIRL/BOY

Date of Birth

Enter the date of birth as it currently appears on the birth record

Place of Birth

Enter the City and/or County of Birth

Sex

Enter the gender of the child. Enter *UNKNOWN* if the child's gender was not determined at the time of birth.

State File NO. (If Known)

Enter the birth certificate state file number if known. Do not enter the local file number. Leave blank if unknown.

Full Name of Father

Enter the full name of the father as it is currently listed on the birth record. If no father is listed on the birth record, leave this item blank

Full Maiden Name of Mother

Enter the full maiden name of the mother as it listed on the birth record.

PART II

Part II is used to show which item(s) needs to be corrected.

8. Item or Item No.

Enter the item number(s) that needs to be corrected in block 8. The item numbers must be obtained from the original birth record.

If the Item number is not know enter the name of the item. *Example: "First Name"*

9. Entry on Original Certificate

Enter the incorrect or wrong information in block 9, just as it appears on the original certificate.

10. Correct Information

Enter the correct information in block 10; this will be the correct information that the applicant desires to be shown on the birth record.

PART III

Part III is the affidavit portion of the form and must be signed before a notary public, County Clerk, or other person authorized to administer oaths.

The notary public's, County Clerk, or other person authorized person's signature, seal, and commission expiration date must be on the form. For county clerks, enter the date you term expires.

If the change or correction is to be made to a minor child's record (17 years old or less), this affidavit must be signed by the parent(s) listed on the birth certificate. If both parents are listed on the birth record both parents must sign.

If the registrant is 18 or older, one parent or older relative may sign the affidavit in the presence of a notary public. The older and closer the relationship of the affiant (person making the affidavit), the stronger the document will be. In addition to the signature, the address of the affiant, the relationship of the affiant to the registrant, and the date the affidavit was signed must be stated.

DOCUMENTATION

Any significant or major change in the information already recorded on the certificate will require documentation. Such a change involves information that is completely different from what is shown on the original record.

Any documentation submitted must show the correct name, date and place of birth, and the names of the parents. Copies must be certified, or they will not be accepted.

Examples of acceptable documents include school, baptismal, hospital, military or social security records. Types of Documents Required as Supporting Evidence

Generally, the affidavit included in the Application to Amend Certificate of Birth and one acceptable document is sufficient for correction.

AMENDING REGISTRANT'S INFORMATION

Adding information-Items Left Blank on the Original Certificate (Except for last names or father's information)

- Registrant up to 17 years of age - Affidavit signed by both parents.
- Adult Registrant (18 and over) - Affidavit signed by parent(s) or older relative.

Correcting the Spelling of a First, Middle or Last Name (Names having the same sound or diminutive)

- For registrant up to 17 years - Affidavit signed by both parents if both parents are listed on the birth record.
- Adult registrant (18 and over) - Affidavit signed by parent(s) or older relative.

Significant Changes to First or Middle Name(s)

A certified copy of a court order is required.

Changing the Order of a Double Last Name and Adding a Hyphen to the Last Name One to four (1-4) years of age:

- When both parents are listed on the birth certificate and the child's last name on the original birth certificate includes both parents' last names, the order of the names may be switched – Affidavit signed by both parents One to four (1-4) years of age:
- When adding or deleting a hyphen - Affidavit signed by both parents.
- Any other change to a child's last name - Certified copy of a court order granting name change.

Changing the Order of the First or Middle Names

- Registrants up to 17 years of age with both parents listed on the birth certificate – Affidavit signed by both parents.
- Adult Registrant (18 and over) – Affidavit signed by parent(s) or older relative.

Changing the Day of Birth

The day of birth can be changed as long as it does not after the day the record was certified and filed.

- Registrants up to 17 years of age – Affidavit signed by both parents.
- Adult Registrants (18 and over) – Affidavit signed by parent(s) or older relative.

Change in the Month of Birth

The month of birth can be changed as long as it does not after the record was certified and filed.

- One (1) year to 17 years – Affidavit signed by attending physician or medical records clerk or affidavit signed by both parents and one document.
- Adult (over 18 years) – Affidavit signed by parent(s) or older relative and one document.

Note: Dates of birth cannot be amended if the date that it is being amended would be after the local registrar's file date or date signed by attendant/certifier.

Changing the Sex When the Name Identifies Gender

Examples of name that Identifies Gender: John = Male, Jane = Female. Jose = Male, Victoria=Female.

- Registrant up to 17 years of age – Affidavit signed by both parents.
- Adult Registrant (18 and over) – Affidavit signed by parent(s) or older relative.

Changing the Sex When the Name Does Not Identify Gender

Examples of name that Does not Identifies Gender: Angel and Taylor could be Male or Female Names.

- Registrants up to 17 years of age - Affidavit by medical attendant or medical records clerk or an affidavit by both parents and one document.

- Adult Registrant (18 and over) - Affidavit by medical attendant or medical records clerk or affidavit by parent(s) or an older relative and one document.

Changing the Sex when Gender Re-Assignment is Completed

Court decree stating that the registrants gender has official been changed and what it has been changed to.

DOCUMENTS MOST COMMONLY USED TO CORRECT REGISTRANT'S INFORMATION

Under Six (6) Years Old

- Hospital Record
- Baptismal Record
- Immunization Record

Six (6) Years and Older

- Hospital Record
- Baptismal Record
- Early School Record
- Social Security Record (Not a Social Security Card)
- Military Service Record
- Census Record

AMENDING REGISTRANT'S PARENTS' INFORMATION

Correcting a First, Middle or Last Name of Registrant's Parents Correcting the spelling (name has the same sound or diminutive)

Affidavit signed by affected parent(s).

Adding a First or Middle Name

Affidavit signed by affected parent(s).

Dropping or totally changing a First, Middle, or Last Name

Affidavit signed by parents and one document which must be dated prior to the Child's birth. If a document is unobtainable, a certified copy of a court order is required.

Changing the Place of Birth of Registrant's Parents Change of State

Affidavit signed by parent(s).

Change of Country

Affidavit signed by parent(s) and one document.

Change from Foreign Country to the United States

Affidavit signed by parent(s) and one document showing they were born in the United States.

Age or Date of Birth of Registrant's Parents

Change is Less than two (2) years.

- Affidavit signed by parent(s).

Change is over two (2) years.

- Affidavit signed by parent(s) and one document.

Color or Race

Affidavit signed by parent(s).

Note: *This is only applies to records prior to 1994. From 1994 to present color or race is not present on the legal birth record.*

DOCUMENTS MOST COMMONLY USED TO CORRECT REGISTRANT'S PARENTS' INFORMATION

- Hospital Record
- Marriage License of Parents
- Birth Certificate of older child born to same parents
- Birth Certificate of the parent whose information is being changed
- Passport

You may contact the State VSU to discuss other documentation that may be acceptable. For additional assistance in completing and filing the Application to Amend the Certificate of Birth.

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR A NEW BIRTH CERTIFICATE BASED ON PARENTAGE (VS-166)

The Application for a New Birth Certificate Based on Parentage is used to change, add, or remove the name of the father to a birth certificate that is already filed with the local and state registrars. The application must be signed by both parents in the presence of a notary public, County Clerk, or other person authorized to administer oaths, unless parentage is established by a court decree, then only one parent need sign the application before a notary public, County Clerk, or other person authorized to administer oaths.

The completed application must be sent to the Vital Statistics Unit (VSU) in Austin (the address is on the back of the form) along with the required fee and one of the following three types of documentation:

- Certified copy of a biological parents marriage license;
- Certified copy of a court decree that establishes paternity; or
- Notation on the Application for a New Birth Certificate Based on Parentage indicated when a properly completed Acknowledgement of Paternity (AOP, form VS-159.1) was completed and faxed into VSU.

ADDING THE FATHER'S INFORMATION

If the change involves adding a father's information to a birth certificate on which the father's information was left blank you may use one of the following documents:

- Certified copy of a biological parents marriage license;
- Certified copy of a court decree that establishes paternity; or
- Notation on the Application for a New Birth Certificate Based on Parentage indicated when a properly completed Acknowledgement of Paternity (AOP, form VS-159.1) was completed and faxed into VSU..

REMOVING THE FATHER'S INFORMATION

If the change involves removing the father's information the supporting document must be a Certified court decree that specifically orders that the man listed on the birth record be removed from the birth record of said child.

CHANGING THE FATHER LISTED ON THE BIRTH RECORD

If the change involves changing the father's information listed the birth record from one man to another, the supporting document must be a Certified Court Decree that specifically states that the man who is being placed on the birth record is the biological father of the child and that his name is to be placed on the birth record as the father.

A properly completed AOP with Denial of Paternity portion of the AOP completed in front of a certified entity by the person currently listed on the birth record as the father may also be submitted if the man who is currently listed on the birth record was placed on the record due to marriage.

Note: Only one AOP can be filed to add a father to the birth certificate. If an AOP was used to establish paternity between the man currently listed on the birth record as the father of the child, a court order will be needed to change or remove that man from the birth record.

The Vital Statistics Unit will create a new supplemental record based on the new information and will remove the original from the records and file the supplemental birth record in its place. A copy of the supplemental record will also be forwarded to the local registrar and will replace the original record in the local registrar's files.

VSU will place the Application for a New Birth Certificate Based on Paternity, supporting documents, and the original birth certificate in a sealed paternity file upon acceptance for filing. Access to the original certificate of birth and related documents shall not be authorized except upon order of a court of competent jurisdiction (Title 25 TAC 181.9(a)).

CHANGING THE SURNAME OF THE CHILD WHEN ADDING FATHER.

When an Application for New Birth Certificate based on Parentage is submitted, with a certified copy of a marriage license or an Acknowledgment of Paternity (AOP) is being used, the parents can change the child's last name to that of the father or add the father's last name to the existing last name, without the need of a court ordered change of name.

If the Application for New Birth Certificate based on Parentage is supported with court decree that establishes parentage, and that court order specifies a name change, VSU must change the last name to what the court decree specifies the last name to be.

ADMINISTRATIVE FILING OF BIRTH RECORDS

The local registrar shall complete an administrative record of birth for the purpose of Infant Birth/Death Matching when an infant death occurs, a birth certificate has not been filed, and a record is not available from the attendant.

The local registrar shall obtain the required information from the medical examiner/coroner, law enforcement agency, funeral director, hospital, or any individual with knowledge of the facts of birth.

The local registrar will obtain as much information as possible to complete the birth record. Information blocks on the record for information that is not available or cannot be obtained shall be marked "unknown" or "not available." This includes information related to the attendant at birth.

The local registrar will file the birth record in his or her records, assigning a registrar's file number. The date the record is received or filed by the local registrar will be shown as the date filed, and the local registrar shall sign the certificate as both certifier and registrar.

The local registrar's copy of the record will be marked with the words "Administrative Filing" in the left margin and the record will be properly marked as "deceased." The certificate will be forwarded to the State Registrar with a letter of explanation stating the reason for the administrative filing.

Upon receipt, the State VSU will date, number, and file the certificate as a current record. The record will be permanently stamped "Administrative Filing" in the upper left side margin. The Birth/Death Cross-Match Unit will mark both the paper and electronic records "deceased" and make the proper notations.

DELAYED FILING OF BIRTH RECORDS

If a certificate of birth is not filed within one year of the date of birth, the certificate will have to be filed as a delayed record. A person wanting to file a delayed birth certificate should first send an application for certified copy of birth certificate or

written request along with proper photo identification and a fee to the Vital Statistics Unit in Austin.

If a record is found, VSU will send a certified copy of the birth certificate; if no record is found, VSU will send forms and instructions for filing a delayed birth certificate. There is a cost for the search, whether or not a record is found. The person should then complete the Delayed Certificate of Birth form and send it with the necessary documentation to the Vital Statistics Unit.

There is a cost for filing a Delayed Certificate of Birth, and the person will need to order a certified copy of the delayed certificate.

INSTRUCTIONS FOR FILING DELAYED CERTIFICATES OF BIRTH REGISTRATION BY STATE REGISTRAR

Any birth certificate not filed within one year of the date of birth, may only be filed by the State Registrar using form VS-122, Delayed Certificate of Birth.

FOR A CHILD OVER 1 YEAR BUT LESS THAN 4 YEARS BORN IN A LICENSED INSTITUTION

- The Delayed Certificate of Birth (VS-122) signed by the parent; and
- The certification of a hospital or licensed birthing center record relating to this birth;

The filing fee of \$25.00 and if desired, the \$12.00 fee for a certified copy.

FOR A CHILD OVER 1 YEAR BUT LESS THAN 4 YEARS NOT BORN IN A LICENSED INSTITUTION

- The Delayed Certificate of Birth (VS-122) signed by a parent; and
- Proof of pregnancy and proof of mother's residence in the registration district at the time of birth are the minimum requirements; and

FOR A CHILD 4 YEARS OLD, BUT LESS THAN 15 YEARS OLD

- Delayed Certificate of Birth form (VS-122) signed by a parent, legal guardian, or legal representative; and
- At least two (2) documents attesting to the date and place of birth, one of which must verify parents' names, and only one document may be a notarized affidavit of personal knowledge;

FOR A PERSON 15 YEARS OR OLDER

IF THE REGISTRANT IS 15 TO 17 YEARS OF AGE

- The Delayed Certificate of Birth (VS-122) signed by a parent, legal guardian, or legal representative; and
- Three records are required to prove date of birth or age and place of birth. One of these records must also include parents' names.

Note: Any record, other than an affidavit, must be five (5) years old or older.

IF THE REGISTRANT IS 18 YEARS OF AGE OR OLDER

- The Delayed Certificate of Birth (VS-122) signed by the registrant; and
- Three records are required to prove date of birth or age and place of birth. One of these records must also include parents' names.

Note: Any record, other than an affidavit, must be five (5) years old or older.

The filing fee of \$25.00 and if desired, the \$11.00 fee for a certified copy.

DOCUMENTARY EVIDENCE FOR DELAYED REGISTRATION OF BIRTH

The documentation submitted must verify the date and place of birth. At least one record must show the names of parents. Except for the affidavit of personal knowledge, all other records must be at least five years old.

Records submitted should include:

1. the name of the registrant;
2. date of birth or age;
3. place of birth; and
4. at least one record must show names of parents.

If a copy, or certification from an original record is submitted, it must include:

1. The name and address of the agency, organization, or person having possession of the original record;
2. The date the original record was made;
3. the date the copy or certification was made; and

4. The signature, title, and address of the person preparing the copy or issuing

SUGGESTED TYPES OF SUPPORTING DOCUMENTS

AFFIDAVIT OF PERSONAL KNOWLEDGE

Only one notarized affidavit can be accepted. The affidavit must be notarized and show the full name of the registrant, the date of birth, place of birth, and names of the parents. The affidavit must show the affiant's signature, current address, and relationship to the registrant. The affiant must have known about the birth at the time the birth occurred.

BIRTH CERTIFICATE OF REGISTRANT'S CHILD

For each child born in Texas, send in the name of the child, date and place of birth, and full names of parents. For each child born outside of Texas, send a certified copy of his or her birth certificate.

BAPTISMAL CERTIFICATE

Either the original certificate given to the parents or a statement signed by the present custodian of the church record.

SCHOOL RECORD

A statement or certification signed by the custodian of school records. This would generally be the Independent School District where the school is/was located.

SOCIAL SECURITY RECORD

A copy of an original application for the social security number. This may be obtained only by the person named in the SSA account. Contact the Social Security Administration, Baltimore, Maryland, 21235.

MILITARY DISCHARGE (DD-214)

A copy of official discharge papers of the Army, Navy, Air Force, Marine Corps, Coast Guard, etc.

REGISTRATION OF WORLD WAR II AND SINCE

For persons who registered before April 1, 1975, a statement can be obtained from the Federal Records Center, GSA, P. O. Box 6216, Fort Worth, TX, 76115. The statement should include date and place of birth, and date of registration.

MARRIAGE AND DIVORCE RECORDS

If a marriage license was issued in Texas since January 1, 1966, send names of both parties, and the county in which the license was issued. If a divorce decree was granted in Texas since January 1, 1968, send names of both parties, the date of the divorce, and the county in which it was granted.

HOSPITAL RECORD OF BIRTH

A statement signed by the custodian of the hospital records.

PHYSICIAN'S OFFICE RECORD

A statement signed by the physician and based on the office record.

INSURANCE POLICY APPLICATION

An original copy of an application for an insurance policy showing the date and place of birth. If a photocopy of the application is not attached to the policy, one may generally be obtained from the company issuing the policy. Be sure to request information concerning the date and place of birth, policy number, and the date the policy was issued.

VOTER REGISTRATION APPLICATION

Send a copy issued by the county tax assessor-collector. The copy must show the exact date on which the certificate was issued.

APPLICATION FOR TEXAS DRIVER'S LICENSE

Initial applications after January 1, 1968, show the place of birth as well as the date of birth. Certified copies of the original application may be obtained from the Texas Department of Public Safety, LIDR Bureau, P.O. Box 15999, Austin, Texas, 78761-5999. You may call (512) 465-2000 for additional information and to determine the current fee charged for this service. This information does not apply to renewal applications.

REGISTRATION BY JUDICIAL ORDER (BIRTHS)

If the State Vital Statistics Unit determines that the documentation submitted with the Delayed Certificate of Birth (VS-122) is unacceptable; a petition for a Court Ordered Delayed Certificate of Birth must be presented to the county court for probate matters of the county in which the birth allegedly occurred.

The county probate court may not consider any petition for a delayed registration of birth unless the applicant first attempted to file a delayed registration with the State Registrar. The petition must be made on a Court Petition for Delayed Certificate of Birth (VS-123.1) and accompanied by a statement from the State Registrar explaining why he or she could not accept the application and documentation presented.

The Court Ordered Delayed Certificate of Birth (VS-123) prepared in duplicate. One original should be forwarded to State VSU and the other original filed by the county clerk.

Note: *A delayed birth record is only as valid as the documentation upon which it is based. An abstract of the supporting documents should be carefully entered and annotated on the record filed.*
