

THE VITAL STATISTICS REVIEW

SUMMER 2011 ISSUE 02

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THE 82ND TEXAS LEGISLATIVE SESSION

With the Regular session at a close we wanted to provide you with a few updates on new legislation impacting the Vital Statistics Unit.

The biggest item that will affect all vital statistics is a rider that was added to HB 1. Rider 72 requires that VSU Evaluate Security of Birth Records. In order to protect Texas residents from identity theft and reduce fraud in vital records, the Department of State Health Services (DSHS) is to establish a work group to evaluate the security of birth records. DSHS shall consult with, and include in the group, a representative of the Governor’s Office, Department of Homeland Security, the Department of Public Safety, local registrars, the State Auditor’s Office, the identity management solutions industry, and other government entities as necessary.

The work group shall review the following:

- a) evaluate the effectiveness and security of the state’s birth record information system;
- b) evaluate the feasibility of restructuring and upgrading the birth record information system and documents with advanced technology to prevent fraud and reduce inefficiency;
- c) identify the roles and responsibilities of the department, local governments, and others in a central issuance birth record information system; and

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MARK YOUR CALENDARS!

57th Annual Texas Vital Statistics Annual Conference

December 7-9, 2011
Austin, Texas

Hosted by the
Texas Department of State Health Services
Vital Statistics Unit and the
Texas Public Health Association

Watch for upcoming details
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www.TexasVSU.org



INDEXING: WHOSE RECORDS DO WE HAVE HERE?

While recently conducting site visits across East Texas, I noticed that there are many ways in which Local Registrars are keeping indexes of their birth and death records. The Texas Administrative code requires that the State Registrar and all Local Registrars keep both general and summary indexes of all of the birth and death records filed in their respective offices. These indexes may be electronic, paper, or both, but they must conform with statutory guidelines pertaining to the information they contain, who can access the information, as well as their organization.

General indexes contain public information such as the name and sex of the registrant; however, they also contain confidential information such as state and local file numbers and social security numbers. According to the statute:

General Birth Indexes must be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the state or local file number, the name of the father, the maiden name of the mother, and sex of the registrant. [25 T.A.C. §181.23 (b)(1)]

General Death Indexes must be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials; the date of the event; the county of occurrence; the registrant's social security number, sex, and marital status; the name of the registrant's spouse, if applicable; and the state or local file number. [25 T.A.C. §181.23 (c)(1)]

Because general indexes contain information that is confidential, they are not available to the public for a period of time. Indeed, General Birth Indexes do not become public information until on or after the 75th anniversary of the date of birth unless the fact of adoption or paternity determination can be revealed, in which case the information leading to the revelation of adoption or pa-

ternity determination information must be expunged. [25 T.A.C. §181.23 (b)(2)] General Death Indexes do not become public information until on or after the 25th anniversary of the date of death. [25 T.A.C. §181.23 (c)(2)]

Summary indexes, however, contain only public information and are to be made available to the public unless, in the case of a summary birth index, the facts of adoption or paternity determination can be revealed from specific identifying information, in which case the information would not be available to the public. According to the Texas Administrative Code:

A summary birth index maintained or established by the bureau of vital statistics or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant. [25 T.A.C. §181.23 (b)(3)]

A summary death index maintained or established by the bureau of vital statistics or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant. [25 T.A.C. §181.23 (c)(3)]

All Local Registrars are required to develop and maintain general and summary indexes. Spreadsheets such as Microsoft Excel are great tools to use in the development of these indexes and will allow you to essentially create both indexes at the same time. To accomplish this, simply create your general index using a separate cell for each category (i.e. event year or surname). When you have the general index completed and saved, you can simply delete the cells that do not belong in the summary indexes (i.e. State or Local File Numbers or Social Security Numbers) and save the remaining information under a new file name. Remember, the summary indexes are available to the public, so ensure that only the information required by statute is included.

ESTABLISHING PATERNITY AT BIRTH GIVES CHILDREN A GOOD START

The birth of a baby brings joy, hope, love and happiness. And, for unmarried couples, it also brings an added responsibility – establishing paternity for their child.



Establishing paternity is one of the most important jobs the Attorney General's Child Support Division performs, because it guarantees a legal relationship between a father and his child. Under Texas law, a child born to a man and woman who are not married has no legal father. Establishing legal fatherhood is very important. It ensures that children are eligible for child support and benefits such as Social Security, veteran's survivor benefits and health insurance. Legal paternity also guarantees a father's parental rights should he and the mother separate. In addition, it enables the father's name to go on the birth certificate, which is important to a child. Voluntary Acknowledgment of Paternity (AOP) is one way to establish paternity. The most convenient place and time to sign an AOP is usually

at the hospital when the baby is born. The child's mother and father will likely be there together and eager to secure the child's legal connection to his or her father. Most parents come to the hospital planning to put the father's name on the birth certificate. In Texas, however, a man who isn't married to the child's mother has to sign the AOP before his name can go on the birth certificate. Hospitals are required to provide unwed parents with the opportunity to establish paternity and with information about the rights and responsibilities involved. Because the Acknowledgment of Paternity becomes a legal finding of paternity when it is filed with the state Vital Statistics Unit (VSU), it is very important that parents understand the responsibility to which they are committing. If the parents are certain of the child's paternity, the father can sign the AOP at birth, and the hospital will file the form with the VSU for free. When parents have questions about paternity, or one or both parents do not want to sign

the voluntary Acknowledgment of Paternity, they can contact the OAG's Child Support Division for assistance. Paternity testing is free for parents who seek the OAG's help to establish their child's paternity. The Office of the Attorney General is committed to helping unmarried parents make thoughtful, responsible decisions about paternity establishment. The Child Support Division has developed a Paternity Opportunity Program (POP) that trains and certifies hospital and birthing center employees to assist parents with the AOP process while the mother and child are still in the hospital. The POP staff — there is a coordinator in each of the nine child support regions — provides hospitals with brochures and a video that discuss the benefits and responsibilities of paternity establishment. Hospital staff, in turn, provides this information to unmarried parents. Parents also can call (866) 255-2006 to receive information — in English or Spanish — about paternity establishment. When a fa-

ther can't be present for his child's birth, the Office of the Attorney General is happy to work with him to facilitate the AOP process. For example, when a military father will be deployed before his baby is born, he can contact the Attorney General's Office to sign an AOP prior to the birth. Then, the mother can take a copy of the AOP to the hospital when she delivers the baby, so the father's name appears on the birth certificate. Not only does the certified copy of the AOP help set a firm foundation for the child, but both mom and dad also can rest in the knowledge that if the unthinkable happens, the serviceman's child will be entitled to full veteran's benefits. Together, the Attorney General's Office and birthing entities across the state are giving the children of Texas a sound start in life. If you would like more information about AOPs, please contact the Child Support Division at (866) 255-2006.

POINTS TO REMEMBER: ESTABLISHING PATERNITY

The Acknowledgment of Paternity (AOP) form allows unmarried fathers to voluntarily acknowledge paternity, when the mother agrees. **BENEFITS OF ESTABLISHING PATERNITY:** Establishes legal fatherhood. Makes the child eligible for child support and benefits, such as Social Security, veteran's survivor benefits and health insurance. Protects a father's rights as a parent. Encourages a father's involvement in his child's life. Unmarried parents can apply for free child support services by contacting the Office of the Attorney General at: Child Support Division Office of the Attorney General P. O. Box 12017 Austin, TX 78711-2017 (800) 252-8014. Information on this and other topics is available on the Attorney General's website at www.texasattorneygeneral.gov.

By Texas Attorney General
Greg Abbott

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THE 82ND TEXAS LEGISLATIVE SESSION

d) identify ways to leverage private sector investment and user fees to restructure and upgrade the birth record information system and documents without the use of General Revenue Funds.

Not later than September 1, 2012, DSHS is to submit to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the appropriate standing committees of the Legislature a report regarding the results of the study and recommendations for legislation for the Regular Session of the Eighty-third Legislature, along with recommendations for changes to the Texas Administrative Code needed to implement a recommended birth record information system and more secure documents.

HB 174 amends the Texas Election Code, Sec. 16.001. Currently this law requires that local registrars and county clerks send an abstract of each death certificate for person 18 years of age or older to the county voter registrar no later than the 10th day of each month. This new legislation requires local registrars to also send an abstract to the Secretary of State office as well. This bill will go into effect on September 1, 2011

HB 1009 outlines a process for a decedent's family to be able to consent to an autopsy. This new legislation requires that decedent's relatives be given an opportunity to consent to a private autopsy and to be able to put restrictions on the autopsy. DSHS-VSU, in consultation with the Texas Medical Board, is to prescribe the consent form. DSHS-VSU is to have that form available by January 1, 2012.

HB 2061 deals with the entities that report information to the state registrar. This bill adds local registrars to the list of entities (currently physicians, midwives, and funeral directors) who supply information to the state registrar. This legislation was presented due to concerns that the current law did not adequately address the issue of updating voter information by purging voter rolls of deceased individuals. HB 2061 will go into effect on September 1, 2011.

HB 2717 pertains to fees charged by Local Registrars and County Clerks. Local Registrars and County Clerks are currently authorized to assess a \$1 fee to be used for the preservation of vital statistics records. HB 2717 amends Section 191.0045, Health and Safety Code, to allow local registrars and county clerks to use the proceeds from the fee for vital statistics training, vital records security measures, and preservation of vital records. This will go into effect on September 1, 2011.

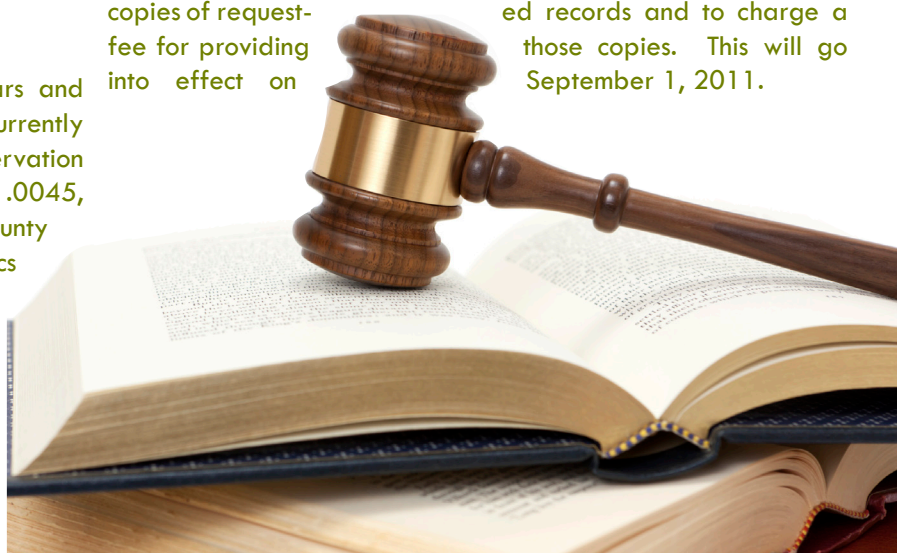
HB 2940 addresses how dates are entered on death and fetal death certificates. This bill requires the forms to specify that the date be entered in "Month/Day/

Year" order. It also requires that the name of the month be spelled out. This requires the Vital Statistics Unit to create a new VS-113 Certificate of Death form and modify the TER software to indicate how the dates should be entered on the death certificate and to produce the death certificate with the month spelled out. VSU is to have the new form available no later than January 1, 2012.

SB 14 deals with voter registration and identification. This bill requires that photo identification be presented in order to vote. It also specifies that a certified copy of a birth certificate can no longer be used as proof of identity for a voter.

SB 502 puts an administrative process in place which allows a signatory on an Acknowledgment of Paternity (AOP) to rescind an AOP within the first 60 days of filing without having to go to court. It also allows for an AOP to be challenged in court at any time after the 60 days rescission period has expired as long as that AOP is not used as proof of parentage in a suit affecting the parent child relationship. The Vital Statistics Unit is to prescribe the rescission form and have that available by September 1, 2011

SB 1907 addresses open records and birth certificates. Currently, Texas Government Code 552.115 states that a birth certificate is open to the public on or after the 75th anniversary of the date of birth as it is listed on the birth certificate. However, Local Government Code 201.009 stated that a birth record maintained by a local registrar is open to the public on or after the 100 year anniversary. In order to alleviate this conflict the Local Government Code was amended so that both timeframes are now 75 years. Please keep in mind that this does not mean that the public can come into your office and peruse your record books. While birth records over 75 years old are not exempt from disclosure under the Open Records Act and must be made available to the public, the Health and Safety Code governs more specifically how these particular records are to be made available to the public. Local registrars are required to provide copies of requested records and to charge a fee for providing those copies. This will go into effect on September 1, 2011.



BIRTH REGISTRARS CAN “AFFIRM” CONSENT FOR IMMTRAC PARTICIPATION

Texas Legislation allows the Texas Department of State Health Services (DSHS) to accept “affirmation” of parental consent for a newborn’s participation in ImmTrac, the Texas immunization registry, from a birth registrar. Now, the ImmTrac newborn consent process is a manual process. Birth registrars can order a supply of the new Immunization Registry (ImmTrac) Newborn Registration Form (#ImmTrac NB-2) to have available when following the ImmTrac newborn consent process.

Offering and Obtaining Parental Consent

- The birth registrar should offer the parent(s) the Immunization Registry (ImmTrac) Newborn Registration Form as part of the birth registration process
- Either parent should print her/his name, sign, date the form, and check the desired consent option box: I GRANT or I DENY consent
- Next, the birth registrar should review the form for accuracy
- Finally, the birth registrar may provide parent(s) with a copy of the signed consent form
- Note: Either parent of the newborn may grant or deny consent for Registry participation

“Affirming” Consent in TER

- The TER system offers an “ImmTrac Consent” screen bar that opens an “ImmTrac Consent” screen
- On this screen, the birth registrar will indicate if the parent has “GRANTED” or “DENIED” consent or “has not signed a properly completed DSHS Immunization Registry (ImmTrac) Newborn Registration Form.” One of these three options must be selected.
- A consent affirmation statement will display in the birth certification pop-up box:
- “I certify that the birth represented here did take place at the date and time specified. I affirm that the information entered on the ‘ImmTrac Consent’ screen of this birth record accurately reflects the parent’s choice regarding consent for ImmTrac participation.”

- The birth registrar must enter the unique user Personal Identification Number (PIN) and click “OK” to complete the consent affirmation process
- The TER system retains the certifier’s name, birthing facility, and date and time of affirmation

What to Do With the Form After “Affirmation” of Consent

- DSHS recommends filing the Immunization Registry (ImmTrac) Newborn Registration Form in the newborn’s record per the facility’s record retention policy
- DO NOT FAX the Immunization Registry (ImmTrac) Newborn Registration Form to VSU

Obtaining the DSHS Immunization Registry (ImmTrac) Newborn Registration Form (#ImmTrac NB-2)

- A supply of blank ImmTrac registration forms (#ImmTrac NB-2) can be ordered by selecting the “ImmTrac Educational Materials” link from www.ImmTrac.com, then proceeding to select the “online order form” link
- Fill in your mailing information and specify the form stock number (#ImmTrac NB-2) and desired quantity
- Allow approximately five business days from the order date to receive your shipment
- Forms are two-sided; English and Spanish
- A PDF version is also available from the “Information for Birth Registrars” link at www.ImmTrac.com



ImmTrac CUSTOMER SUPPORT
Phone: (800) 348-9158
E-mail: ImmTrac@dshs.state.tx.us
www.ImmTrac.com

VISIT US ONLINE!
www.TexasVSU.org

Every day in the Vital Statistics Unit, our Area Representatives respond to numerous phone calls and emails from Vital Records Stakeholders such as Local Registrars, Doctors, Funeral homes, Midwives and other professionals involved in vital records. Usually these calls and emails are requests for information regarding the issuance of vital records, TER usage, questions about vital records law, and various other issues. For many of the questions we receive, we direct our callers to our website, www.TexasVSU.org for the answers.

This site is a very valuable resource as it is jam-packed with tools to help professionals working in the realm of vital records such as:

- [Frequently Asked Questions](#)
- [Vital Registration Forms](#)
- [Community Partners](#)
- [Wiki Search Engine](#)
- [Handbooks](#)
- [Statutes/Codes](#)
- [5 Star Award Criteria](#) and much more!

We are constantly updating this website to ensure current information is instantly available to vital records professionals to provide a resource that will enhance your work performance, and to provide information on upcoming conferences and trainings happening around the state. We hope that you will take some time to navigate through the website, access the various handbooks and links provided, and experience for yourself how useful the site is.

VSU SITE VISIT PROGRAM

There is a lot of talk about the Vital Statistics Unit’s Site Visit program. In fact, we even talked about it in the last issue of our newsletter. In an effort to document the Field Services Site Visit Program, we recently wrote a report summarizing the site visit process and Area Representatives’ experiences.

One purpose of the site visits is to ensure that a wide variety of vital statistic providers complete vital statistic data in a timely and accurate manner, according to state statutes and guidelines. It is important that vital records are filed and preserved uniformly statewide. Area Representatives are also responsible for improving the quality of data received from

VSU SITE VISIT PROGRAM

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vital records. A high level of data quality from vital records is critical in order to generate accurate and relevant public health statistics for the state of Texas.

To conduct site visits, Area Representatives travel a week per month. Initial contact is made with offices about a month before conducting visits, in order to coordinate with local registrar's schedules. During each visit, Area Representatives use an onsite survey, which includes a series of questions, requires observation and demonstration of several processes, and requests copies of various documents. Binders with resource materials and handbooks are also provided. Once the site visit is completed, Area Representatives leave a copy of the survey with the local registrar and follow up with a written Finding Statement within 10 business days from returning to the office.

In 2011, a total of 58 site visits have been completed. Area Representatives observed many noteworthy practices, including comprehensive written policies, a specific process to void and track banknote security paper, outstanding processes with applications, impeccable archiving and maintenance of records, and much more. Some areas needing improvement were also found, including the need to have written procedures in place, having more secure control of security paper, a lack of indexes or indexes not structured per the law, and offices that never attended any conferences or trainings. In some cases, Area Representatives recommended consolidation due to a variety of reasons, such as, cost savings, efficiency, security and fraud prevention, and convenience for local registrars who only have a small handful of events to record each year.

Overall, the site visits are mutually beneficial for both Area Representatives and Local Registrars, providing an opportunity to collaborate and emphasize the essential roles local registrars play with vital registration in Texas. For more details about the report, watch for it posted on the TEXASVSU.ORG website.

"I want to get a copy of my marriage license."

"How do I order a "single – status letter"?"

"I need verification of my divorce. What do I do?"

Area Representatives frequently answer these and other similar questions from the public. After probing to find out exactly what is needed, we often refer callers to the specific county offices in which the marriage or divorce was filed. When individuals need certified copies, we educate them about going to the county clerk's office to get marriage licenses, or the district clerk's office to obtain divorce decrees because these documents are issued and filed at the local level. In other cases we refer them to the State Vital Statistic Units (VSU) office to obtain a Marriage or Divorce Verification Letter.

A Marriage or Divorce Verification letter issued by the state of Texas is not the same as a certified copy of a marriage license or divorce decree. A marriage-verification letter is a letter that verifies whether or not a marriage has been recorded with the State of Texas from 1966 to the present. A divorce-verification letter is a letter that verifies whether or not a divorce has been recorded with the State of Texas from 1968 to the present. The verification letters are helpful for different reasons. For example, sometimes a person wants to obtain a copy of their parent's marriage license but they do not know exactly where or in what county the marriage license was filed. A Marriage Verification letter can verify which county they will need to request a certified copy of a marriage license from. Similarly, sometimes someone needs to obtain proof of their divorce and is unsure which county the divorce was filed in because the event took place several years ago and they are no longer communicating with their former spouse. A Divorce Verification letter can verify when and where the divorce was finalized.

So, what about a "single-status letter"? Many callers are surprised to find out that in order to obtain a "single-status" letter they need to make a request for a marriage verification letter. Texas doesn't have a registry of residents who are single. However, when a formal search of marriage licenses is made and no record of marriage is found in the state of Texas, the verification letter itself is considered a "single-status letter". This type of letter is often requested when residents are planning to marry outside of the country, because some foreign countries require legal proof of single status.

To request a marriage or divorce verification letter, individuals need to submit an application and pay a \$20 search fee (set according to Title 25 Texas Administrative Code §181.22). There are several ways to order a verification letter, but the fastest option is to make the request online at Texas.gov, which has a 10-15 business day processing time. Requests can also be made to VSU by mailing an application through the U.S Postal Service and paid with a credit card, check or money order. Applications by mail can be found by going to the texasvsu.org website, and take approximately 6-8 weeks to process. A third option is to make a request in person at the VSU office in Austin, although this is not convenient for most people.

LOCAL REGISTRAR CONSOLIDATION: IS IT RIGHT FOR ME?

Local Registrars are required to comply with many statutory requirements and guidelines. In some situations, consolidation of offices is recommended, allowing local registrar offices to combine their efforts when it is in the best interest of the public.

Consolidation can benefit some Local Registrars who only have a few events per year to register, making it difficult for them to stay updated and compliant with statutory requirements. Requirements, including instructions on registering and issuing vital records, are listed in the Local Registrar Handbook which can be found on www.texasvsu.org. A few requirements outlined in the handbook include:

- Birth and death records are available and filed in a secure, protected location at the local registrar office.
- The local registrar office is open to the public and the local registrar or staff is available to issue certified copies of birth and death records.
- A supply of bonded security paper is available to issue certified copies of vital records.
- In the event of registering a home birth, the local registrar or a staff member is certified by the Attorney General's office through annual AOP training.

There are several small offices, and Justice of the Peace precincts that have consolidated because complying with the statutory requirements became a burden or is too costly. Before starting the consolidation process, a local registrar should consider several questions:

1. Is my local registrar office located in an area that serves a large portion of the population?
2. Is there another local registrar office available that could also serve this population?
3. Does my local registrar office register and issue a large quantity of birth and/or death records?
4. Is my local registrar office offering all the aspects of service required by a local registrar office – registration of birth and death records; issuance of birth and death records?
5. Is my local registrar office meeting the statutory requirements for these duties? (Records storage, protection, retention, educational criteria, AOP training, etc.)

If your local registrar office is not integral in serving the public and / or your office is not able to comply with statutory requirements, consolidation is recommended. The consolidation process involves two entities that are willing to agree to the conditions of the consolidation. Typically the local registrar

offices considered are Justice of the Peace, County Clerk's office and a city manager or city health district office. For more information on the consolidation process please contact your VSU area representative.

THE ROLES OF JUSTICES OF THE PEACE IN VITAL REGISTRATION

Currently, many Justices of the Peace can play two very important but different roles with vital records. These roles include acting as the local registrar and/or acting as the medical certifier for death records.

Local Registrar: In Texas, a Justice of the Peace is considered the local registrar. Health & Safety code 191.022(a) – The Justice of the Peace is the local registrar for births, deaths and fetal deaths in his or her justice of the peace precinct unless: the precinct has been consolidated; or the county judge has appointed someone else.

As a local registrar the Justice of the Peace provides services to the public for the registration and issuance of vital records. This includes responsibilities such as securing a complete record of each birth, death, and fetal death and preserving vital statistics.

Medical Certifier: In the event that a death requires an inquest and the place where the death occurred does not have a medical examiner's office, the justice of the peace in the precinct where the death occurred will certify cause of death on the death certificate. The Texas Code of Criminal Procedure Art. 49.16 states the Justice of the Peace or other person who conducts an inquest under this subchapter shall certify the death certificate and all orders made as a necessary part of the inquest.

This duty is completely separate from the duties of the local registrar and will always remain a function of the Justice of the Peace, regardless of consolidation. Medically certifying the death record requires the Justice of the Peace to determine the cause of death and to fill out the required information using the Texas Electronic Registrar (TER).

The Texas Health and Safety Code allows consolidation, as stipulated by Section 191.022 – The Justice of the Peace is the local registrar of births and deaths in a justice of the peace precinct. The duty of registering births and deaths may be transferred to the county clerk if the justice of the peace and the county clerk agree in writing and the agreement is ratified by the commissioner's court.

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Austin, Texas 78756

Periodical Rate
Austin, Texas

The Vital Statistics

Review

is published quarterly by Texas Vital Statistics, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756-3191.

Periodicals Postage paid at Austin, TX POSTMASTER. Send address changes to Vital Statistics Review, Texas Vital Statistics, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756-3191.

Publication Number 35-12604

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