

JAN - 6 2026

B. Reynolds
CLERK DISTRICT COURT, ATASCOSA CO., TX
DEPUTY

IN 81st/218th DISTRICT COURT
OR THE COUNTY COURT AT LAW OF
ATASCOSA COUNTY, TEXAS

STANDING ORDER REGARDING FILING OF CHILD'S BIRTH CERTIFICATE IN SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

I. PURPOSE AND AUTHORITY

This Standing Order is issued pursuant to Texas Family Code § 102.008(c-1), as amended by the 89th Legislature, effective September 1, 2025. The purpose of this order is to ensure that all original petitions in suits affecting the parent-child relationship ("SAPCR") comply with statutory requirements regarding submission of a certified copy of the child's birth certificate or other proof of parentage.

II. APPLICATION

This Standing Order applies to:

1. All original petitions in SAPCRs, including petitions for divorce with children, conservatorship, possession or access, child support, termination, and adoption; and
2. Any other pleading initiating a suit that affects the parent-child relationship, except petitions filed by the Title IV-D agency.

III. COURT ORDER AND REQUIREMENTS

It is **ORDERED** that:

1. Certified Birth Certificate Required.

The petitioner shall file with the Court a certified copy of each child's birth certificate, if available to the petitioner, at the time of filing the petition.

2. Filing Under Seal.

The certified birth certificate, or other proof of the identity of the child's parents, must be filed under seal and separately from all other pleadings or exhibits.

- For e-filings, the filer shall select the "Sealed" document category in the eFileTexas system.

- The clerk shall maintain the certificate, or other proof of the identity of the child's parents, in a confidential portion of the case file, not accessible to the public.

3. When Certified Copy Not Available.

If a certified copy of the child's birth certificate is not available to the petitioner, the petitioner shall:

- State in the petition or in a separate affidavit that the certified copy is not available; and
- Be prepared to provide documentation showing reasonable diligence in attempting to obtain it.

4. **Alternative Proof of Parentage.**
If a certified copy is not available to any party, the Court may order any party to file alternative proof of the identity of the child's parent or parents, which may include:
 - An Acknowledgment or Denial of Paternity;
 - A court order adjudicating parentage;
 - Results of a genetic test; or
 - Other reliable evidence establishing the parent-child relationship.
5. **Failure to Comply.**
Failure to comply with this Standing Order may result in the petition being deemed deficient, and the Court may:
 - Decline to issue temporary or final orders until the required documentation is filed; or
 - Dismiss the pending suit for want of prosecution at any court proceeding.

IV. INSTRUCTIONS TO PETITIONERS ON OBTAINING A CERTIFIED COPY OF A BIRTH CERTIFICATE

A. Child Born in Texas

1. **In Person (recommended):**
Request at the Atascosa County Clerk's Office, 1 Courthouse Circle Drive, Suite 102, Jourdanton, Texas 78026.
Photo ID required.
Fee: \$23 per copy. Processing time: same day.
2. **Online Request:**
Visit the Texas Department of State Health Services – Vital Statistics Unit:
<https://www.dshs.texas.gov/vs>.
Select “Order a Birth Certificate Online.”
Provide identifying information, valid ID, and payment.
Fee: \$22 per copy (plus online fees). Processing time: 5–10 business days.
3. **By Mail:**
Complete Form VS-140 and mail with photo ID and \$22 fee to:
Texas Vital Statistics Section
P.O. Box 12040, Austin, TX 78711-2040.
Fee: \$22 per copy. Processing time: 4–6 weeks.

B. Child Born in Another U.S. State or Territory

1. Locate the state's vital-records office via the CDC directory:
<https://www.cdc.gov/nchs/w2w>.
2. Submit the application with required information, ID, and fee (typically \$15–\$30).
3. You may also order through VitalChek.com, a certified vendor.
4. Processing time varies by state (2–6 weeks).

C. Child Born Outside the United States

1. **U.S. Citizen Birth Abroad:** Request a copy of the Consular Report of Birth Abroad (Form FS-240) from the U.S. Department of State:
<https://travel.state.gov/content/travel/en/records-and-authentications.html>.
Mail Form DS-5542 with \$50 fee to:
U.S. Department of State, Vital Records Section
44132 Mercure Circle, P.O. Box 1213, Sterling, VA 20166-1213.
2. **Non-U.S. Birth Certificates:**
Contact the foreign country's civil registry, embassy, or consulate for a certified copy.
If not in English, attach a certified translation.
A foreign record may require an apostille or authentication certificate for use in Texas courts.

V. WHO MAY OBTAIN A CERTIFIED COPY OF A BIRTH CERTIFICATE

IT IS FOUND that under Texas Health and Safety Code § 191.051, a certified copy of a birth record may be issued only to a "properly qualified applicant." 25 Texas Administrative Code § 181.1 defines a "properly qualified applicant" to include:

1. the registrant;
2. the registrant's immediate family member by blood, marriage or adoption;
3. the registrant's guardian, legal agent or representative; or
4. another person determined to have a direct and tangible interest in the birth certificate when the birth certificate is necessary to implement a statutory provision.

It is **ORDERED** that:

1. Licensed Attorney of Record Designated as Properly Qualified Applicant

A licensed attorney of record representing a petitioner or a respondent in a SAPCR action pending before this Court is a "properly qualified applicant" for purposes of Texas Health and Safety Code § 191.051 and 25 Texas Administrative Code § 181.1, when requesting a certified copy of a child's birth certificate in connection with and for purposes of representation in that action.

a. Bases for Qualification

The Court FINDS that a licensed attorney of record qualifies as a properly qualified applicant on either or both of the following independent bases recognized by 25 Texas Administrative Code § 181.1:

- i. The attorney is the registrant's legal agent or representative; or
- ii. If the petitioner or respondent is not the registrant, the attorney has a direct and tangible interest in obtaining a certified copy of the child's

birth certificate because the birth certificate is necessary to implement Texas Family Code § 102.008(c-1) in the pending SAPCR action.

The finding of a direct and tangible interest constitutes an independent and sufficient basis for treatment of the attorney as a properly qualified applicant under Texas Health and Safety Code § 191.051 and 25 Texas Administrative Code § 181.1.

b. Limitations

This Order:

- i. Applies only to attorneys actively representing a party of record in a SAPCR action;
- ii. Authorizes access only to the extent reasonably necessary for representation in that action; and
- iii. Does not expand access to vital records beyond that permitted by Chapter 191, Texas Health and Safety Code, or Chapter 181, Title 25, Texas Administrative Code.

2. Compliance With DSHS Procedures

All requests made pursuant to this Order remain subject to the identification, verification, and documentation requirements of the Texas Department of State Health Services, Vital Statistics Unit.

VI. ISSUANCE AND SERVICE OF THIS STANDING ORDER

The Atascosa County District Clerk shall issue and serve the petitioner with this Standing Order in any original suit affecting the parent-child relationship that does not comply with the filing requirement of Texas Family Code § 102.008(c-1) regarding submission of the child's certified birth certificate or alternative proof of parentage. Service may be made in accordance with Rule 21a or by personal hand delivery to the petitioner or petitioner's attorney at the time of filing.

VII. EFFECTIVE DATE

This Standing Order is effective September 1, 2025, and applies to every suit affecting the parent-child relationship filed on or after that date. It shall remain in effect until modified or rescinded by further order of the Court.

IT IS ORDERED on the 6th day of January 2026,



Judge Bob Brendel, Atascosa County Court at Law