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TOGETHER WE POWER A MOVEMENT.

October 8th, 2021

Department of State Health Services
Attn: Rules Coordination Office
4900 North Lamar Boulevard
Austin, Texas 78751
HHSRulesCoordinationOffice@hhs.texas.gov

RE: Comments on Proposed Rule 21R123

On behalf of the Texas Council on Family Violence (TCFV), we respectfully submit these comments in response to the Texas Department of State Health Services (DSHS) Proposed Rule notice within the Texas Register September 10, 2021, regarding the Comments on Proposed Rule 25 TAC §181.22(u) Fees Charged for Vital Records Services. We appreciate the work of DSHS and the opportunity to submit comments to further support survivors of domestic violence.

TCFV is the Texas statewide coalition of family violence service providers and allied programs working to promote safe and healthy relationships by supporting service providers, facilitating strategic prevention efforts, and creating opportunities for freedom from family violence. TCFV is a membership organization with over 1,000 members comprised of family violence programs, survivors of family violence, businesses and professionals, and other concerned citizens. TCFV supports the 79 HHSC-funded Family Violence Shelter and Nonresidential Centers, as well as the Special Nonresidential Projects (SNRPs), providing services to over 71,500 survivors and their children in 2019.¹ While promoting safe and healthy relationships, TCFV advocates for the well-being and security of all Texans, including those from historically oppressed communities, and those who face additional barriers to safety such as poverty, homelessness, and housing and economic instability.

Family violence is an issue that touches nearly every Texan's life, with 1 out of every 3 people statewide experiencing it in their lifetime.² Family violence is complex and includes physical, economic, and psychological abuse, all of which are rooted in power and control. Economic abuse is often not as widely recognized as a form of abuse family violence victims experience, but nearly all family violence victims - 99% - experience economic abuse.³ One way an abusive partner may economically abuse a victim is to destroy or hide important documents or prevent the victim and their children from obtaining these documents, while in or fleeing the relationship. Without access to personal identification or a birth certificate, the victim is effectively cut off from employment, housing, educational opportunities, and other economic support, all of which are essential to achieving freedom from abuse.

¹ Texas Health and Human Services Commission Family Violence Program. Family Violence Program Statistics. Available upon request.

² Busch-Armendariz, N, Cook Heffron, L, Bohman, T. 2011. Institute on Domestic Violence and Sexual Assault University of Texas at Austin. *Statewide Prevalence of Intimate Partner Violence in Texas*. Available at <https://utexas.app.box.com/v/dv-prevalence>.

³ Adams, E. (2011). Measuring the Effects of Domestic Violence on Women's Financial Well-Being. *CFS Research Brief*, 2011-5.6. Available at <https://centerforfinancialsecurity.files.wordpress.com/2015/04/adams2011.pdf>.

Family violence is one of the primary reasons victims do not have critical documents like birth certificates, drivers' licenses, and personal identification certificates (ID cards). Access to these documents helps to remove financial barriers and create greater opportunities for safer housing and financial stability, which increases overall victim safety. So many daily activities require these critical documents, including setting up utility service, completing a rental housing application, applying for or driving to a job, and enrolling children in school. All of these highlight our dependence on these critical forms of documentation. Additionally, for victims who seek safety at a family violence emergency shelter, they must have these documents to transition out of shelter in a timely manner by moving into more permanent housing – creating a path towards stability.

TCFV again thanks DSHS for the opportunity to submit public comment for the on Proposed Rule 25 TAC §181.22(u) Fees Charged for Vital Records Services and for their commitment to advancing access to life saving birth certificates a vital document supporting victims of domestic violence. TCFV offers the following consideration and recommendations to DSHS:

DSHS language [Proposed Rule 25 TAC §181.22(u)]: *The fee for a certified birth record is waived for an applicant who represents the applicant is a victim, or child of a victim, of dating or family violence, pursuant to Texas Health and Safety Code §191.00491, who is fleeing a living situation due to dating or family violence and does not have personal identification documents.*

TCFV consideration: The language “*who is fleeing a living situation due to dating or family violence*” is not included within the scope of referenced definitions within the law. [Family Code §71.0021](#) and [Human Resources Code §51.002](#) define a victim of family or dating violence. Neither definition includes the language “who is fleeing a living situation due to dating or family violence”. Imposing additional language may unintentionally create a systemic barrier for survivors attempting to access this resource and confuse or complicate the certification process. As such, TCFV requests that DSHS strike the use of the language “*who is fleeing a living situation due to dating or family violence*”.

TCFV appreciates the swift steps DSHS has taken to include information about this waiver on their website and to develop a certification letter for the waiver. TCFV encourages DSHS to include an option on this certification letter for survivors themselves to attest to their eligibility for the waiver under the law and regulations. Again, the statute does not speak to any type of ‘proof’ a person must offer and requiring a third party sign off for a survivor poses additional barriers and time lag for them to access these needed documents.

For reference, the new legislation, SB 798, amends and reads as follows as it is related to Fees Charged for Vital Records Services:

SECTION 1. Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.00491 to read as follows: Sec.191.00491. BIRTH RECORD ISSUED TO VICTIMS AND CHILDREN OF VICTIMS OF DATING OR FAMILY VIOLENCE. On request of an individual described by this section, the state registrar, a local registrar, or a county clerk shall issue, without payment of a fee, a certified copy of the individual 's birth record to:

- (1) a victim of dating violence as defined by Section 71.0021, Family Code;
- (2) a victim of family violence as defined by Section 51.002, Human Resources Code; or
- (3) a child of a victim described by Subdivision (1) or (2).

In summary, the Proposed Rule 25 TAC §181.22(u) Fees Charged for Vital Records Services includes language that will impose barriers that potentially exclude survivors of family violence and their children, from birth certificates which are lifesaving safety documents. TCFV strongly encourages DSHS to align language that will not impose added barriers to birth record access for victims and their children.

TCFV sincerely thanks DSHS for the time and creating safer policies for Texas victims and looks forward to their consideration of these comments and ongoing partnership as we work towards a safer Texas for family and dating violence victims and their children.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Voyles". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail on the "y".

Molly Voyles
Interim Public Policy Director