

FREQUENTLY ASKED QUESTIONS

SMITH COUNTY VITALS DEPARTMENT

1. Forms

- We have forms available to be downloaded on our web page. You may download the following applications. All Forms are also available in our office.
 - Marriage License, Copy of Marriage License, Birth/Death Request, Military Discharge (DD214) Requests

2. Legal advice

- It is unlawful for the Deputy Clerks to administer legal advice. See Texas Gov't Code Sec 81.101.

3. On-line Document Availability

- Our documents are not available on-line per Texas State Law.

4. Birth/Death Records

- Cost for Birth Certificate (born anywhere in Texas)
 - \$23 each
- Cost for Death Certificate (If deceased passed away outside city limits only)
 - \$21 for first and \$4 for each additional requested at the same time.
- Verification of Birth/Death record - \$21 (only if filed in County Clerk's office)
- We can issue a Birth Record if you were born anywhere in the State of Texas (provided it was filed with the County Clerk's office).
- Who can request a Birth or Death Record?
 - For births within the past 75 years and deaths within the past 25 years, only the immediate family members of the person whose name is on the birth or death certificate are eligible to request a copy. The Smith County Clerk's office can provide records for births that were filed in all cities in Texas.
The person named on the vital record, his/her immediate family members (either by blood, marriage, or adoption), his/her guardian, or his/her legal agent/representative can request a certified copy of that vital record. For birth and death records:
An immediate family member is defined as any of the following: Child, Parent/Guardian, Broth/ Sister, Grandparent, Spouse.
By marriage:
Children: Step-Children, daughters-in-law, sons-in-law
Parents: Step-Parents, parents-in-law.
Siblings: Step-Siblings, half-siblings, siblings-in-law.
Siblings: Step-Siblings, half-siblings, siblings-in-law

All other applicants must provide legal documentation (such as a court order establishing guardianship, an insurance policy listing the applicant as the beneficiary, etc.) that documents a direct, tangible interest in the birth or death certificate.

For full details, see [Section 181.1\(21\) of the Texas Administrative Code](#).

- Types of Identification needed to acquire a Birth/Death record:
 - <https://www.smith-county.com/home/showpublisheddocument/210/636607062820970000>
- Name Change or Correction of Birth Record
 - Contact the State of Texas at 888-963-7111 or e-mail www.dshs.texas.gov.

- Birth Record needed for a passport (long form)
 - If you were born in Smith County, but outside of the city limits, we can provide your long form birth certificate for a passport. If you were born inside city limits, please contact NetHealth at 903-535-0030 or visit them at 815 N Broadway, Tyler.
- Adding the Father's Name to your child's Birth Certificate
 - Contact the Attorney General Office at (903) 595-6900

5. Marriage License Information

- Cost for a Marriage License
 - Formal ML - \$82
 - Informal (Common-law) ML - \$47
 - Formal ML with Texas Premarital Education Certificate - \$22 (see below for link)
 - Reprint of lost or stolen license - \$32
 - Certified copy of ML - \$21
 - Poly sheet protector for your license - \$2
- Web Site for Texas Premarital Education Certificate: <https://twogetherintexas.com/>
 - With a certificate from an accredited Premarital Education institution, the 72 waiting period to use the license may be waived, and the fee is \$22 for the ML.
- Marriage Ceremony
 - We do not conduct ceremonies. Please see an ordained officiant, or a Justice of the Peace Officer to set up an appointment (see our web page for a list of JP's in Smith County).
- Time frame to use your ML
 - Your license cannot be used for 72 hours from the time of issuance, but must be used before 90 days, or it will expire. If it expires, you will need to repeat the process to purchase a new one at \$82.
- ID needed to acquire a ML
 - <https://www.smith-county.com/home/showpublisheddocument/210/636607062820970000>
- Minimum age to acquire a ML
 - Effective 9/1/2017 you must be 18 years or older, or present a Court Order to obtain a ML.
- Filing the License after the Ceremony
 - The Officiant is responsible for returning the license to the Clerk's office within 30 days.
- Absent Applicant
 - An Absent Applicant license can only be issued if one member of the party is unable to come to the Clerk's office for issuance, but will be present at the ceremony. See our web page for further details.
- Divorce Decree
 - Divorces are handled through the District Clerk's office at (903)590-1670.
- **Military Discharge a/k/a DD214**
 - On request and the presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body free of charge a certified copy of the record:
 - (1) the veteran who is the subject of the record;
 - (2) the legal guardian of the veteran;
 - (3) the spouse or a child or parent of the veteran or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;
 - (4) the personal representative of the estate of the veteran;
 - (5) the person named by the veteran, or by a person described by Subdivision (2),

- (3), or (4), in an appropriate power of attorney executed in accordance with Texas Estates Code 752;
- (6) another governmental body; or
- (7) an authorized representative of the funeral home that assists with the burial of the veteran.

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