



Court Order Delayed Registration Of Birth



Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
www.cdph.ca.gov

Court Order Delayed Registration of Birth

If a person's birth was never registered, or there is no record of the birth on file, what can I do?

- If you (or your child) were born in California, and the birth was never registered, or a certified copy is not obtainable, you can file an Application for Delayed Registration of Birth (form VS 85) with our office. The law requires that you provide evidence and affidavits supporting the birth.

If you have the appropriate evidence and affidavits to support the birth, and want more information about the process, you can download our pamphlet (Delayed Registration of Birth) from our website, or you can call our Customer Service Unit (916/445-2684) and we'll mail you a copy.

Note: If your child is less than one year old, you **must** register the birth through the local registrar of births in the county where the child was born.



- **Court Process:** *If you do not have the appropriate evidence and affidavits, you must petition the Superior Court to judicially establish the fact of birth.* This pamphlet will guide you through the process.

What is a delayed registration?

- A Delayed Registration of Birth is a way to register a California birth when the birth was not registered within the first year, or a certified copy is not obtainable.

Who can apply for a court order delayed birth certificate?

- Any beneficially interested person can petition the Superior Court to judicially establish the facts of birth.
- This can be done in the Superior Court in either the county of residence of the person whose birth is being established (does not have to be in California), or in the California county where the birth was alleged to have occurred.

How do I petition the court?

- We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we have information about the legal process.

(Continued)

How do I petition the court?

(Continued)

- There are also books available at bookstores or public libraries to help you with the court process.
 - You can also access the following website for additional information about the court process: www.courtinfo.ca.gov.
-

After I get the court order, what do I submit to register the birth?

- At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS 108), along with any documents you have that support the date and place of birth.
- Once the court establishes the fact of birth, mail the following items to our office using the address on the front of this pamphlet:
 - **Certified** copy of the Order Establishing Fact of Birth (top of VS 108)
 - Completed Court Order Delayed Registration of Birth (bottom of VS 108)
 - \$20 fee

See next section for explanation of “certified” copy.

We do not return the court order after the birth certificate is prepared.

- ***If any of these items are not included, your request will be returned to you for correction.***
-

What is a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - a. An **original** court seal.
 - b. A signature (or signature stamp) of the judge.
 - c. A signature (or signature stamp) of the court clerk.

(Continued)

**What is a
“certified” copy
of the court order?**

(Continued)

IMPORTANT:

- ✓ The “certified” copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It is the **original** seal and court clerk signature (certification) that make this a “certified” copy.
- ✓ Do not send us a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- ✓ The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.
- ✓ The “FILED / ENDORSED” stamp in the top right corner of the court order **is not** the court clerk’s certification.
- ✓ You should keep a photocopy of the court order for your own file.

**What is the fee
for a court order
delayed
registration?**

- \$20 – which includes one Certified Copy of the birth certificate.
- Additional copies are \$14 each.
- Fees should be paid by check or money order payable to **Office of Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

**Where can
I get the
VS 108?**

One copy is included with this pamphlet. **Photocopies are not acceptable.** If you need additional copies of the VS 108:

- Order forms electronically at www.dhs.ca.gov/hisp/chs/ovr/ovrformsreq.asp. Because of the volume of phone calls we receive, the internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

(Continued)

**How do I
complete the
VS 108?**

A sample of what a completed form should look like is attached.

The VS 108 is a two-part perforated form.

- The top part is the court order that will be signed by the judge.
- The bottom part becomes the official birth certificate that will be filed in our office (State Registrar) and provided to the County Recorder's Office in the county where the birth occurred.

PART ONE (Top Portion) – Order Establishing Fact of Birth

- Complete all items except the judge's signature and the line at the bottom that states "Done in this court this _____ day of _____ A.D., 20 _____."
- Your reason for having to file the birth by court order must be included on the Order (middle of the form, on the line that begins "in that"). If the reason is not included, you will have to return to court, have the Order amended, and provide us with a certified copy of the amended Order.

Before you leave the courthouse, make sure:

- There is a file number on the Order.
- The Order has been **certified**. (See previous section for explanation of "certified" copy.)

We do not return the court order after the birth certificate is prepared.

PART TWO (Bottom Portion) – Court Order Delayed Registration of Birth

- Do not write on the "State File Number" or "Local Registration District" lines (directly below perforation) or on the bottom part of the form marked "State Registrar Use Only."
- Complete items 1A through 11 only.

(Continued)

**What makes
a VS 108 form
“acceptable”?**

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability.

Because the bottom part of the VS 108 becomes the actual birth certificate, it must adhere to strict guidelines:

- Items 1A through 11 must be completed.
- The form must be an original, not a photocopy.
- Because the form becomes the official record, every word and letter must be extremely clear and legible. ***Using a typewriter to complete the form ensures that the information is interpreted clearly.***
- If you are not able to type the form, it is extremely important that you take the extra time to print ***very clearly and legibly.*** Documents that are not legible will be returned to you to complete again.
- ***Only black ink is acceptable.***
- ***There cannot be any erasures, whiteout, or alterations.***

**How will I know
if my request has
been accepted?**

Once your request has been received and evaluated, we will send you either:

- A postcard letting you know your request has been accepted, and reminding you of our processing time.
- If your request is not accepted (e.g., due to insufficient fee, insufficient information, etc.), we will return your request to you with a letter explaining what needs to be corrected.

Please allow about 6 weeks to receive the acknowledgement postcard. Rejected requests can take up to 10 weeks to be returned.

(Continued)

How long will it take to get the birth certificate?

Our processing time for court order delayed birth registrations is approximately 3 months. (The processing time can change based on our workload.)

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6078 and leave your name, telephone number, and question. One of our Delayed Registration staff will return your call within 48 hours.

If you have questions on the ***status*** of your request, please call our Customer Service Unit at (916) 445-2684 – ***but only after the processing time has passed.***

ORDER ESTABLISHING FACT OF BIRTH

In the Superior Court of the State of California

In and for the County of _____

In the matter of the petition of

Number _____

To establish the fact of birth of

Department _____

The verified petition of _____ to establish the fact of the birth of

_____ having been filed herein on

the _____ day of _____, A.D., 20_____, and such petition having by an order of court been duly

set for hearing on the _____ day of _____, A.D., 20_____, at the hour of _____ o'clock ____ m. of

said day; and now on said day said matter coming on regularly for hearing and it appearing to the satisfaction of this court from the

evidence introduced that the said _____, petitioner herein, is

beneficially interested in establishing of record the fact of the birth of said _____, in that

_____;

and it appearing that on the _____ day of _____, A.D., 20_____, a _____ child was

born to _____, father / parent, and

_____, mother / parent;

that the name of said child is _____, _____, _____;
(First) (Middle) (Last)

that said birth has not been registered in conformity with the provisions of law in effect at the time of said birth or such record has been lost or destroyed after having been filed; and no one appearing at said hearing to oppose the making of this order;

It is therefore ordered, adjudged, and decreed that on the _____ day of _____, A.D., 20_____, a _____ child of the name of _____

was born to _____, father / parent, and

_____, mother / parent,

at _____, County of _____, State of _____.

Done in court this _____ day of _____, A.D., 20_____.

▶ _____
Judge of the Superior Court

Before filing the above order, insert in the certificate form below, as of the date of the birth, the personal and statistical particulars required for the records of the State Registrar. A certified copy of the above order must be filed with the State Registrar before the order shall become effective. **USE BLACK INK ONLY.**

Fill in after court has assigned

(TOP OF FORM)

SAMPLE

**COURT ORDER DELAYED REGISTRATION OF BIRTH
STATE OF CALIFORNIA**

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS FORM BECOMES THE OFFICIAL BIRTH RECORD

FACTS OF BIRTH	1A. NAME—FIRST Michael		1B. MIDDLE James		1C. LAST Smith	
	2. SEX Male	3A. THIS BIRTH, SINGLE, TWIN, ETC. Single	3B. IF MULTIPLE, THIS CHILD BORN 1ST, 2ND, ETC. —		4. DATE OF BIRTH—MM/DD/CCYY 05/03/2000	
	5A. PLACE OF BIRTH—NAME OF HOSPITAL OR FACILITY 1234 Main Street (At Home)		5B. CITY OR TOWN Sacramento		5C. COUNTY OR COUNTRY Sacramento	
FATHER/PARENT	6A. NAME OF FATHER/PARENT—FIRST John		6B. MIDDLE Michael		6C. LAST (BIRTH) Smith	
	7. STATE/FOREIGN COUNTRY OF BIRTH California			8. DATE OF BIRTH—MM/DD/CCYY 07/04/1980		
MOTHER/PARENT	9A. NAME OF MOTHER/PARENT—FIRST Mary		9B. MIDDLE Jane		9C. LAST (BIRTH) Jones	
	10. STATE/FOREIGN COUNTRY OF BIRTH California			11. DATE OF BIRTH—MM/DD/CCYY 03/19/1981		
ABSTRACT OF SUPPORTING DOCUMENTS	12. NAME AND KIND OF DOCUMENT, BY WHOM ISSUED AND SIGNED, DATE ISSUED, DATE ORIGINAL MADE					
	A					
	B					
	C					
	D					
	E					
REGISTRANT INFORMATION AS STATED IN DOCUMENTS	13. DATE OF BIRTH OR AGE, BIRTHPLACE, NAME OF FATHER/PARENT, BIRTH NAME OF MOTHER/PARENT					
	A					
	B					
	C					
	D					
	E					
STATE REGISTRAR USE ONLY	14. Offered for filing pursuant to order number _____ of the Superior Court of the State of California in and for the County of _____ made the _____ day of _____, A.D., 20 _____ establishing of record the fact of birth in the State or Country of _____.					
	15A. DATE OF DEATH—MM/DD/CCYY			15B. STATE FILE NO.		
	16. OFFICE OF VITAL RECORDS			17. DATE ACCEPTED FOR REGISTRATION		

APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD

DO NOT Complete This Application Before Reading the Instructions on Page 2

In an attempt to stop the illegal use of vital records, and as part of statewide efforts to reduce identity theft, a new law (effective July 1, 2003) changed the way certified copies of birth certificates are issued. **Certified Copies** to establish the identity of a registrant can be issued only to authorized individuals, as indicated below. All others will be issued **Certified Informational Copies** that are not valid to establish identity.

Fee: **\$14 per copy** (payable to the Office of Vital Records).

Please indicate the type of certified copy you are requesting:

<input type="checkbox"/> I would like a Certified Copy . This copy will establish the identity of the registrant. (To receive a Certified Copy you MUST INDICATE YOUR RELATIONSHIP TO THE REGISTRANT by selecting from the list below AND COMPLETE THE ATTACHED SWORN STATEMENT declaring that you are eligible to receive the Certified Copy. The Sworn Statement MUST BE NOTARIZED if the application is submitted by mail unless you are a law enforcement or local or state governmental agency.)	<input type="checkbox"/> I would like a Certified Informational Copy . This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." (A Sworn Statement does not need to be provided.)
---	--

NOTE: Both documents are certified copies of the original document on file with our office. With the exception of the legend, the documents contain the exact same information.

To receive a **Certified Copy** I am:

- The registrant (person listed on the certificate) or a parent or legal guardian of the registrant.
- A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.
- A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. *(Companies representing a government agency must provide authorization from the government agency.)*
- A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.
- An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate. *(If you are requesting a Certified Copy under a power of attorney, please include a copy of the power of attorney with this application form.)*

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)			Today's Date: _____		
Agency Name (if appropriate)	Agency Case No. (if appropriate)	Purpose of Request			
Printed Name and Signature of Applicant			Number of Copies	Amount Enclosed	
Mailing Address – Number, Street			Name of Person Receiving Copies, if Different From Applicant		
City	State / Province	ZIP Code	Mailing Address for Copies, If Different From Applicant		
Daytime Telephone (include area code) ()		Country	City	State	ZIP Code

BIRTH CERTIFICATE INFORMATION (PLEASE PRINT OR TYPE)			Adopted: <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, see #4 on Page 2)		
BIRTH Name on Certificate (LAST)	FIRST Name on Certificate	MIDDLE Name on Certificate			
City of Birth (must be in California)			County of Birth		
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)			Sex <input type="checkbox"/> Female <input type="checkbox"/> Male		
BIRTH Last Name on Certificate – Father/Parent	FIRST Name on Certificate – Father/Parent	MIDDLE Name on Certificate – Father/Parent			
BIRTH Last Name on Certificate – Mother/Parent	FIRST Name on Certificate – Mother/Parent	MIDDLE Name on Certificate – Mother/Parent			

INFORMATION: Birth records have been maintained in the Office of the State Registrar of Vital Records since July 1, 1905.

The “Birth” name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or Naturalization. AKA’s (Also Known As) and assumed names cannot be entered as the legal “Birth” name.

INSTRUCTIONS:

1. As of July 1, 2003, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Birth Record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, “Informational, Not a Valid Document to Establish Identity.”

Confidential Information on Birth Record: Some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the Birth Certificate section of our website: www.cdph.ca.gov (then select “Services”). Only specific individuals may obtain confidential copies.

2. Complete a separate application for each birth record requested.
3. Complete the **Applicant Information** section on Page 1 and provide your signature where indicated. In the **Birth Certificate Information** section, provide all the information you have available to identify the birth record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
4. **If the registrant has been adopted**, make the request in the **adopted** name. (If you’re requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

5. **SWORN STATEMENT:**

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record, and identify their relationship to the registrant – the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement.**
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.

6. Submit \$14 for **each** copy requested. If no birth record is found, the \$14 fee will be retained for searching the record (as required by law) and a Certificate of No Public Record will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to the **Office of Vital Records**. Mail this application with the fee(s) to the Office of Vital Records at the address below.
7. **Returning Completed Certificates:** Completed certificates are returned using the U.S. Postal Service.

Office of Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410
(916) 445-2684

BIRTH

SWORN STATEMENT

I, _____, declare under penalty of perjury under the laws of the State of California,
 (Applicant's Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the birth or death record of the following individual(s):

Name of Person Listed on Certificate	Applicant's Relationship to Person Listed on Certificate (Must Be a Relationship Listed on Page 1 of Application)

(The remaining information must be completed in the presence of a Notary Public or Office of Vital Records staff.)

Subscribed to this _____ day of _____, 20____, at _____, _____.
 (Day) (Month) (City) (State)

 (Applicant's Signature)

Note: If submitting your order by mail, you must have your Sworn Statement notarized using the Certificate of Acknowledgment below. The Certificate of Acknowledgment must be completed by a Notary Public. (Law enforcement and local and state governmental agencies are exempt from the notary requirement.)

CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of _____)

On _____ before me, _____, personally appeared _____,
 (here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 (SEAL)

 SIGNATURE