



Court Order Delayed Registration Of Fetal Death



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

January 1, 2008

Court Order Delayed Registration of Fetal Death

If a fetal death was never registered, or there is no record of the death on file, what can I do?

- A Court Order Delayed Registration of Fetal Death is a way to register a California fetal death when it was not previously registered, or a certified copy is not obtainable.
 - Any beneficially interested person can petition the Superior Court to judicially establish the fact of a fetal death.
 - This must be done in the Superior Court in the California county where the fetal death was alleged to have occurred.
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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.
 - 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.
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After I get the court order, what do I submit to register the fetal death?

- At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Fetal Death/Court Order Delayed Registration of Fetal Death (VS 105), along with any documents you have that support the date and place of the fetal death.
- Once the court establishes the fact of fetal death, mail the following items to our office using the address on the front of this pamphlet:
 - **Certified** copy of the Order Establishing Fact of Fetal Death (top of VS 105)
 - Completed Court Order Delayed Registration of Fetal Death (bottom of VS 105)
 - \$20 fee
- See next section for explanation of “certified” copy.
- We do not return the court order after the fetal death certificate is prepared.

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

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- ***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.

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 is 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 fetal death certificate.
- Additional copies are \$9 each.

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What is the fee for a court order delayed registration?

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- 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 105?

One copy is included with this pamphlet. **Photocopies are not acceptable**. If you need additional copies of the VS 105:

- 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.

How do I complete the VS 105?

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

The VS 105 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 fetal death certificate that will be filed in our office (State Registrar) and provided to the County Recorder's Office in the county where the fetal death occurred.

PART ONE (Top Portion) – Order Establishing Fact of Fetal Death

- 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 fetal death 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.

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How do I Complete the VS 105?

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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 fetal death certificate is prepared.

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

- Do not write on the “State File Number” line (directly below perforation) or on the bottom part of the form marked “State Registrar Use Only.”
 - Complete items 1A through 26 only.
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What makes a VS 105 form “acceptable”?

Important Information

Fetal death 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 105 becomes the actual fetal death certificate, it must adhere to strict guidelines:

- Items 1A through 26 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.***

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How will I know if my request has been accepted?

Once your request has been received and evaluated, we'll 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.

How long will it take to get the fetal death certificate?

Our processing time for court order delayed fetal death registration 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 FETAL DEATH

In the Superior Court of the State of California

In and for the County of _____

In the matter of the petition of

To establish the fact of fetal death of _____

Number _____
Department _____

SAMPLE

The verified petition of _____ to establish the fact of fetal death 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 fetal death of said _____, in that _____

_____ ; and it appearing that on the _____ day of _____, A.D., 20_____, the fetal death of _____ occurred at _____, in the County of _____, State of _____; that said fetal death has not been registered in conformity with the provisions of law in effect at the time of said fetal death 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_____, the fetal death of _____ occurred 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 fetal death, 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.**

**COURT ORDER DELAYED REGISTRATION OF FETAL DEATH
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 FETAL DEATH RECORD

THIS FETUS	1A. NAME—FIRST		1B. MIDDLE		1C. LAST	
	2. SEX	3A. THIS FETUS SINGLE, TWIN, ETC.	3B. IF MULTIPLE, THIS FETUS 1ST, 2ND, ETC.		4A. DATE OF EVENT—MM/DD/CCYY	4B. HOUR—24 HOUR CLOCK TIME
PLACE OF EVENT	5A. PLACE OF EVENT—NAME OF HOSPITAL OR FACILITY			5B. ADDRESS—STREET AND NUMBER, OR LOCATION		
	5C. CITY			5D. COUNTY		
FATHER/PARENT	6A. NAME OF FATHER/PARENT—FIRST		6B. MIDDLE		6C. LAST (BIRTH)	7. BIRTH STATE/ FOREIGN COUNTRY
						8. DATE OF BIRTH—MM/DD/CCYY
MOTHER/PARENT	9A. NAME OF MOTHER/PARENT—FIRST		9B. MIDDLE		9C. LAST (BIRTH)	10. BIRTH STATE/ FOREIGN COUNTRY
						11. DATE OF BIRTH—MM/DD/CCYY
FUNERAL DIRECTOR	12A. DISPOSITION(S)		12B. PLACE OF DISPOSITION			12C. DATE OF DISPOSITION—MM/DD/CCYY
	13A. SIGNATURE OF EMBALMER ▶		13B. PRINTED NAME			13C. EMBALMER'S LICENSE NUMBER
	14A. NAME OF FUNERAL ESTABLISHMENT (OR PERSON ACTING IN LIEU OF FUNERAL DIRECTOR)					14B. LICENSE NUMBER
STATE REGISTRAR USE ONLY	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 FETAL DEATH IN THE STATE OR COUNTRY OF _____. NO FETAL DEATH CERTIFICATE HAS BEEN FOUND ON FILE IN THE OFFICE OF VITAL RECORDS FOR THE ABOVE FETUS.					
	15. OFFICE OF VITAL RECORDS				16. DATE ACCEPTED FOR REGISTRATION	

CONFIDENTIAL INFORMATION FOR PUBLIC HEALTH USE ONLY

CAUSE OF FETAL DEATH	17. FETAL DEATH WAS CAUSED BY:		18. WAS DEATH REPORTED TO CORONER?		
	IMMEDIATE CAUSE (A)		<input type="checkbox"/> YES _____ <input type="checkbox"/> NO REFERRAL NUMBER		
	DUE TO (B)		19A. WAS AUTOPSY PERFORMED?		
	DUE TO (C)		<input type="checkbox"/> YES _____ <input type="checkbox"/> NO		
	20. OTHER SIGNIFICANT CONDITIONS OF FETUS OR BIRTH MOTHER CONTRIBUTING TO FETAL DEATH BUT NOT RELATED TO CAUSE GIVEN IN ITEM 17.				
GENETIC FATHER	21. HISPANIC, LATINO, OR SPANISH? (IF YES, SPECIFY ORIGIN) YES <input type="checkbox"/> _____ NO <input type="checkbox"/>		22. RACE—Up to 3 Races/Ethnicities May Be Listed		23. EDUCATION—Highest Level/Degree
GENETIC MOTHER	24. HISPANIC, LATINA, OR SPANISH? (IF YES, SPECIFY ORIGIN) YES <input type="checkbox"/> _____ NO <input type="checkbox"/>		25. RACE—Up to 3 Races/Ethnicities May Be Listed		26. EDUCATION—Highest Level/Degree