



# Court Order Delayed Registration of Birth

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*Court Order Delayed Birth Certificate*

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**Center for Health Statistics and Informatics – Vital Records**

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 Department of Public Health  
Vital Records - M.S. 5103  
P.O. Box 997410  
Sacramento, CA 95899-7410  
Telephone: (916) 445-2684  
California Relay: 711/1-800-735-2929  
[CDPH Website](http://www.CDPH.CA.GOV) (www.CDPH.CA.GOV)

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**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 (VS 85 form) with the California Department of Public Health – Vital Records (CDPH-VR) 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 that process, you can download the pamphlet (Delayed Registration of Birth) from the [CDPH-VR website](#), or you can call the Customer Service Unit at (916) 445-2684 and CDPH-VR will mail you a copy.

***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 court order delayed registration process.

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**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.

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**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.
- A court order delayed registration of birth may be petitioned at any time after birth.

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## How do I petition the court?

CDPH-VR suggests you contact a family law attorney for legal advice in this matter. The CDPH-VR staff cannot provide legal advice, nor does CDPH-VR 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 access the [court website](#) for additional information about the court process and to get the court forms you will need, including versions that you can fill out on your computer ([www.courts.ca.gov](http://www.courts.ca.gov).) The court will require you to fill out, sign, and file Judicial Council forms MC-361 and MC-361A with the court, and provide the court with an order ready for the judge's signature. You can also get the forms from the court where you will file the completed forms.

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## 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) form, along with any documents you have that support the date and place of birth. Please see page 4 for information on obtaining a form.

Once the court establishes the fact of birth, mail the following items to the CDPH-VR office using the address on the front of this pamphlet:

- Certified copy of the Order Establishing Fact of Birth (top of VS 108 form).
- Completed Court Order Delayed Registration of Birth (bottom of VS 108 form).
- \$23 fee.
- Completed birth application (VS 111) – a form is attached (Sworn Statement is not needed since a court order is required).

See next section for explanation of “certified” copy.

CDPH-VR does not return the court order after the birth certificate is prepared. Keep copies of documents submitted.

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

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

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.

The photocopy that the court gives you must have:

- An **original** court seal.
- A signature (or signature stamp) of the judge.
- 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 a “certified” copy.
- Do not send CDPH-VR a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- The court seal and a certified stamp with the date and a signature must appear on the actual certified copy of the Order Establishing the Fact of Birth (either front or back) – and not on the Court Order Delayed Registration of Birth form or 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.

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

- \$23 – which includes one Certified Copy of the birth certificate.
- Additional copies are \$25 each.
- Fees should be paid by check or money order payable to **CDPH Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

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## Where can I get the VS 108 form?

One VS 108 form is included if you receive this pamphlet by mail. If you need additional copies of the VS 108 form, or are accessing this pamphlet on the CDPH-VR website:

- [Download a fillable form](http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/VS108.pdf) (<http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/VS108.pdf>.) Instructions for completing the PDF fillable form can be found on the CDPH website.
- [Order paper forms](https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184) electronically to be mailed to you (<https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184>.) Because of the volume of phone calls CDPH-VR receives, the Internet is usually a faster process for customers than calling the Customer Service Unit.
- Call the 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.

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## How do I complete the VS 108 form?

A sample of what a completed form should look like is attached if you receive this pamphlet by mail.

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 the CDPH-VR 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 CDPH-VR with a certified copy of the amended Order.

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## How do I complete the VS 108 form? (Continued)

Before you leave the courthouse, make sure:

- There is a case number on the Order.
- The Order has been certified. (See previous section for explanation of “certified” copy.)

CDPH-VR does not return the court order after the birth certificate is prepared. Keep copies of documents submitted.

### **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.

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## 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 form becomes the actual birth certificate, it must adhere to strict guidelines:

- Items 1A through 11 must be completed.
- The form must be completed using the 26 alphabetical characters of the English language.
- Appropriate punctuation includes: a hyphen such as in “Smith-Jones,” an apostrophe as in “O’Hare,” a period as used with “Jr.,” and a comma as with “Smith, Jr.”
- Unacceptable entries include: drawings, pictures, or symbols, and accents or marks added to a letter to indicate pronunciation or to distinguish it in some way, such as with è, ñ, ē, or ç.
- Because the form becomes the official record, every word and letter must be extremely clear and legible.  
***Typing entries on the form ensures that the information is interpreted clearly.***
- If you are completing the downloadable form, print on standard 8½” x 11” letter size, plain white paper, using black ink only, at 100% scale.

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## What makes a VS 108 form “acceptable?” (Continued)

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** (per Health and Safety Code Section 102125).
- **There cannot be any erasures, whiteout, or alterations.**

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## How long will it take to get the birth certificate?

The [processing time](http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx) for court order delayed birth registrations can be located on the CDPH-VR website (<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx>.)

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## What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered, please call the Customer Service Unit at (916) 445-2684. If you are checking the status of your request, please wait until after the processing time has passed before contacting CDPH-VR.