

Delayed Birth, Marriage, and Death Certificates

Births, marriages, and deaths are recorded by the Office of Vital Statistics, and evidenced by an official certificate. Occasionally, these certificates are not submitted properly, or are destroyed or unavailable. If so, any “beneficially interested” party can register it by using the appropriate Court Order Delayed Certificate. ([California Health and Safety Code \(H&S\) §§103450-103490](#)).

Related Information

The Office of Vital Statistics has information on the process:

- [Birth certificates](#)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Amending-a-California-Birth-Record.aspx>)
- [Death/Fetal Death certificates](#)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Amending-a-California-Death-or-Fetal-Death-Record.aspx>)
- [Marriage certificates](#)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Amending-a-California-Marriage-Record.aspx>)

(http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=102.&chapter=12.&part=1.&lawCode=HSC)

The party must first file a court *Petition* to establish the fact of birth, marriage, or death, then submit either *Order Establishing Fact of Birth* (Form VS-108), *Order Establishing Fact of Marriage* (Form VS-122), or *Order Establishing Fact of Death* (Form VS-109) to the California Office of Vital Statistics.

This step-by-step guide details how to get a Court Order Delayed Certificate of birth, marriage or death in California. The forms and steps are almost identical, so this step-by-step guide addresses all three situations.

Important Note

This guide does not cover adding or changing names and information on birth, death, or marriage certificates. It does not cover situations where no marriage certificate was ever issued, only where the certificate was never filed at the time of the event.

For information on adding or changing names on a certificate, visit the Department of Public Health’s [Vital Records web page](#) (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records.aspx>) and scroll down to “Correcting or Amending Vital Records.”

Simpler Birth Certificate Option: *If you have two documents verifying the date and place of birth and at least one parent’s name, and/or affidavits from the doctor, one parent, or both parents, you might not have to go to court.* [Form VS-85, Delayed Registration of Birth](#),

(https://www.cdph.ca.gov/Programs/CHSI/CDPH%20Document%20Library/Delayed_Registration_of_Birth_Pamphlet_ADA.pdf) *might be all you need.*

Forms

Birth

[Petition to Establish Fact, Time, and Place of Birth \(BMD-001\)](https://www.courts.ca.gov/documents/bmd001.pdf) (<https://www.courts.ca.gov/documents/bmd001.pdf>)

[Declaration in Support of Petition to Establish Fact, Time, and Place of Birth \(BMD-001A\)](https://www.courts.ca.gov/documents/bmd001a.pdf)
(<https://www.courts.ca.gov/documents/bmd001a.pdf>)

[Court Order Delayed Registration of Birth \(Form VS-108\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108.pdf)
(<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108.pdf>)

Marriage

[Petition to Establish Fact, Time, and Place of Marriage \(BMD-002\)](https://www.courts.ca.gov/documents/bmd002.pdf) (<https://www.courts.ca.gov/documents/bmd002.pdf>)

[Declaration in Support of Petition to Establish Fact, Time, and Place of Marriage \(BMD-002A\)](https://www.courts.ca.gov/documents/bmd002a.pdf)
(<https://www.courts.ca.gov/documents/bmd002a.pdf>)

[Court Ordered Delayed Certificate of Marriage \(Form VS-122\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122.pdf)
(<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122.pdf>)

Death

[Petition to Establish Fact, Date, and Place of Death \(BMD-003\)](https://www.courts.ca.gov/documents/bmd003.pdf) (<https://www.courts.ca.gov/documents/bmd003.pdf>)

[Declaration in Support of Petition to Establish Fact, Date, and Place of Death \(BMD-003A\)](https://www.courts.ca.gov/documents/bmd003a.pdf)
(<https://www.courts.ca.gov/documents/bmd003a.pdf>)

[Order Establishing Fact of Death \(Form VS-109\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109.pdf) (<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109.pdf>)

Additional Forms (Optional)

[Additional Page \(MC-020\)](https://www.courts.ca.gov/documents/mc020.pdf) (<https://www.courts.ca.gov/documents/mc020.pdf>)

[Declaration \(MC-030\)](https://www.courts.ca.gov/documents/mc030.pdf) (<https://www.courts.ca.gov/documents/mc030.pdf>)

Overview

- Fill out *Order Establishing Fact of Birth* (Form VS-108), *Order Establishing Fact of Marriage* (Form VS-122), or *Order Establishing Fact of Death* (Form VS-109), as appropriate.
- Gather documents and affidavits to prove the date and place of the birth, marriage, or death.
- File the appropriate *Petition* and *Declaration* in court along with the filing fee.
- Attend a court hearing, where you will present the court with a completed Form VS-108, VS-122, or VS-109 and your documents and affidavits.
- Mail a certified copy of the signed *Order* (the top half of VS-108, VS-122, or VS-109) and the new certificate (the bottom half of the VS form) to the California Office of Vital Records. The form will be processed in approximately three months.

Step-by-Step Instructions

1. Fill out the Vital Statistics form

Fill out the appropriate form from the California Department of Public Health:

- [Court Order Delayed Registration of Birth \(Form VS-108\)](http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108.pdf)
(<http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108.pdf>)
- [Court Ordered Delayed Certificate of Marriage \(Form VS-122\)](http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122.pdf)
(<http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122.pdf>)
- [Order Establishing Fact of Death \(Form VS-109\)](http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109.pdf)
(<http://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109.pdf>)

You can download the fillable form from the above links or pick up the form from the County Recorder's Office. You must type or write in black ink, with no eraser marks or corrections.

The Department of Public Health offers detailed packets on completing these [forms](https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx>).

2. Gather evidence to prove the event

Gather evidence that proves the date and place of the birth, marriage, or death. Ask marriage witnesses, physicians, or others with personal knowledge of the event to sign *Declarations* under penalty of perjury, using the Judicial Council form for [Declaration in Support of Petition to Establish Fact, Time, and Place of Birth \(BMD-001A\)](http://www.courts.ca.gov/documents/bmd001a.pdf) (<http://www.courts.ca.gov/documents/bmd001a.pdf>), [Marriage \(BMD-002A\)](http://www.courts.ca.gov/documents/bmd002a.pdf) (<http://www.courts.ca.gov/documents/bmd002a.pdf>), or [Death \(BMD-003A\)](http://www.courts.ca.gov/documents/bmd003a.pdf) (<http://www.courts.ca.gov/documents/bmd003a.pdf>).

Types of evidence that may be useful include:

- A copy of the marriage license, or of the birth, marriage, or death certificate, if available.
- *Declarations* under penalty of perjury from witnesses, physicians, officiants (clergy or judge), and relatives or close family friends about the date and place of the event. Attach as many as you need.

They can be typed or written on the standard form [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>). Additional pages can be typed or written using [Additional Page \(MC-020\)](http://www.courts.ca.gov/documents/mc020.pdf). (<http://www.courts.ca.gov/documents/mc020.pdf>)

- Evidence of entry in family bible, other family books or charts, or the like.
- Evidence of statement in church record concerning christening, marriage, or interment.
- For birth: request an age search from the [United States Census Bureau Age Search Service](http://www.census.gov/topics/population/genealogy/agesearch.html) (<http://www.census.gov/topics/population/genealogy/agesearch.html>).

3. Complete the necessary forms

The Judicial Council and Vital Records forms needed for these petitions are linked at the top of this page. Download the blank forms from these links or from the websites of [the California Courts](http://www.courts.ca.gov/) (<http://www.courts.ca.gov/>) and [the California Department of Public Health](https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx). (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx>)

The *Petition* must include:

- The place and date of the birth, marriage, or death.
- How you will benefit from establishing the fact of the birth, marriage, or death.
- A statement signed by you under penalty of perjury to verify all of the information in your *Petition*.
- Declarations confirming the place and date of the birth, marriage, or death or a copy of the birth, marriage, or death certificate, if you have one.

Sample filled-in forms for the *Petition* and *Declaration* to establish marriage are attached to the end of this guide; the forms for establishing birth and death are almost identical.

4. File your documents

File the original and two copies of your *Petition to Establish Fact, Time, and Place* of birth, marriage, or death, as appropriate. (Keep a copy for yourself, as well.)

The *Petition* must be filed in the Superior Court in either the county of residence of the person whose birth, marriage, or death is being established, or in the county where the birth, marriage, or death took place. In Sacramento County, file it in the Probate Department at the Family Relations Courthouse, 3341 Power Inn Road, Sacramento, CA 95826.

There will be a filing fee for the *Petition*. As of January 2024, the fee is \$225. Current fees can be found on the [Sacramento County Court Fee Schedule](http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf) (<http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf>). If you are low income or receive government benefits, you may qualify for a fee waiver. See our [Fee Waivers](https://www.saclaw.org/resource_library/fee-waiver/) (https://www.saclaw.org/resource_library/fee-waiver/).

When you file the *Petition*, the clerk will write a hearing date and time on your *Petition*. It will usually be between five and ten days after you file the *Petition*.

5. Attend the hearing

Attend the court hearing. **Bring the filled-out VS-108, VS-122, or VS-109**, along with any documents you have that support the date and place of the birth, marriage, or death. When the judge calls your case, walk to the counsel table and give the clerk your completed *Order* and documents. If satisfied, the judge will sign the *Order*.

After the hearing, take the signed *Order* to the Probate Department and file it. While you are there, you should **purchase at least one extra, certified copy** of your *Order*.

6. Mail your court-approved forms to California Office of Vital Records

Mail in:

1. a certified copy of the *Order* (the top half of *VS-108*, *VS-122*, or *VS-109*);
2. the new certificate (the bottom half of *VS-108*, *VS-122*, or *VS-109*); and
3. a \$26 check or money order payable to CDPH Vital Records to:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410

For additional copies, add \$29 for a Birth Certificate, \$24 for a Death Certificate, or \$17 for a Marriage Certificate.

You can expect an acknowledgement postcard in about six to ten weeks. The entire processing time is about three months.

For Help

The Department of Public Health offers detailed packets on completing this process at [Delayed or Court Order Delayed Vital Events](https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx) (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Delayed-or-Court-Order-Delayed-Vital-Events.aspx>). If you have questions after reading the applicable packet, call the Department of Public Health at (916) 557-6078 and leave your name, telephone number, and question. After the three-month processing time, you can call the Department of Public Health at (916) 445-2684 to check on your request.

Do you need to notify anyone of the hearing?

If you plan to use this order in another case, such as a probate or family law case, **research your situation or hire a lawyer** to determine if other parties need to be notified. The judge in the other case might not let you use the order if the parties didn't receive notice in time to object.

For More Information

California Forms of Pleading and Practice, KFC 1010 .A65 C3 (Ready Reference)

- “Marriage,” Chap. 359, Sections 114, 270-271
- “Birth and Death,” Chap. 99.

Electronic Access: On the Law Library’s computers, using Lexis Advance.

Samples

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: YOUR NAME(S) FIRM NAME: STREET ADDRESS: YOUR ADDRESS CITY: YOUR CITY TELEPHONE NO.: YOUR PHONE NUMBER E-MAIL ADDRESS: ATTORNEY FOR (name): IN PRO PER</p>	<p>STATE BAR NO.: STATE: CA ZIP CODE: YOUR ZIP FAX NO.:</p>	<p style="text-align: right;">BMD-002</p> <p style="text-align: right;">ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 3341 POWER INN RD MAILING ADDRESS: CITY AND ZIP CODE: SACRAMENTO CA 95826 BRANCH NAME: FAMILY RELATIONS COURTHOUSE</p>		
<p>IN THE MATTER OF (names): NAME OF SPOUSE 1 AND NAME OF SPOUSE 2</p>		<p>CASE NUMBER: HEARING DATE AND TIME: DEPT.:</p>
<p>PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE*</p>		
<p>Notice to Petitioners</p> <p>At or before the court hearing on this petition, you must provide to the court a completed order. The order must be prepared on a form issued by the California Department of Public Health, <i>Order Establishing Fact of Marriage</i> (form VS 122). The top portion of that form is the marriage certificate you must submit for filing to CDPH Vital Records with a copy of court. Form VS 122 may be obtained from CDPH Vital Records or from a county recorder's office, including instructions on how to get it and how to complete and file it with the court. Online at www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx *Note: This form may help you establish the fact, date, and place of a marriage. But the order on this petition or the marriage certificate filed with CDPH Vital Records is not valid for all purposes. Consultation with a California lawyer is recommended.</p>		
<p>1. a. Petitioner (name each): Your name (or names if more than one petitioner) is beneficially interested in and entitled under section 103450 of the California Family Code to the fact and the date and place of the marriage of the persons named in item 2a.</p> <p>b. Petitioner's beneficial interest in this matter is as follows: (1) <input type="checkbox"/> I am one of the persons named in item 2a. (2) <input checked="" type="checkbox"/> I am related to a person named in item 2a as follows (specify the relationship): If you are one of the spouses, check 1(b)(1). If not, check either 1(b)(2) (& explain your relationship to the spouses) or 1(b)(3). (3) <input type="checkbox"/> I am not related to a person named in item 2a. (4) <input type="checkbox"/> I am interested in this matter for the following reasons (complete unless item 1b(1) is selected): <input type="checkbox"/> Continued in Attachment 1b(4). If you are not one of the spouses, explain why you need this order here. If you need more room, check the box for "Continued in Attachment 1b(4)" and attach MC-020 to give yourself more space.</p>		
<p>2. Petitioner requests the court to establish the fact, date, and place of the marriage of: a. Names: Spouse 1 and Spouse 2 b. Date of marriage: Insert the date of the marriage. c. Place of marriage: City, town, township, or other (identify "other" if known): (1) <input type="checkbox"/> County: State (U.S.) (2) <input type="checkbox"/> State or province: Country:</p>		
<p>Form Adopted for Mandatory Use Judicial Council of California BMD-002 (Rev. September 1, 2018)</p> <p style="text-align: center;">PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE</p>		

Your name, address, and phone number. "In Pro Per" means you are representing yourself.

Court name, address, and branch.

Names of the spouses, or the person whose birth or death is being established.

Leave blank

Check the first box if you are one of the spouses, or the person whose birth is being established. (Not applicable if establishing a death.)
 Check the second box (first, if establishing a death) if you are *Petitioning* for records about a relative and explain your relationship to them.
 Check the third box (second, if establishing a death) if you are *Petitioning* for records about a non-relative.
 If you are not the person whose record is being established, check the last box and explain why you need to establish the record. If you need more room, you can attach another sheet labeled "Attachment 1(b)(4)." ("Attachment 1(b)(3)" if establishing a death).

In Question 2, enter the requested information about the person or people involved, and the date and location of the event you are establishing.
 This section is slightly different for establishing a birth.

If the event took place in the United States, check box (1) and enter county and state. If it took place outside of the United States, check box (2) and enter state or province and country.

Petition to Establish Fact, Date, and Place of Marriage (BMD-002) (page 1)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: YOUR NAME(S) FIRM NAME: STREET ADDRESS: YOUR ADDRESS CITY: YOUR CITY TELEPHONE NO.: YOUR PHONE NUMBER E-MAIL ADDRESS: ATTORNEY FOR (name): IN PRO PER</p>	<p>STATE BAR NUMBER: STATE: CA ZIP CODE: YOUR ZIP FAX NO.:</p>
BMD-002A	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 3341 POWER INN RD MAILING ADDRESS: CITY AND ZIP CODE: SACRAMENTO CA 95826 BRANCH NAME: FAMILY RELATIONS COURTHOUSE</p>	
<p>IN THE MATTER OF (names): NAME OF SPOUSE 1 AND NAME OF SPOUSE 2</p>	
<p>DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE</p>	
<p>CASE NUMBER: Leave blank</p>	
<p>HEARING DATE AND TIME: DEPT.:</p>	

(Name of declarant): Your Name declares as follows:

1. I make the statements in this declaration Name of Declarant (person signing this document) the contents of the documents identified in item 5. ("Personal knowledge" of a fact is knowledge from the declarant's own statements to you about that fact.)
2. a. I am at least 18 years of age.
b. I reside at (street address and city): Declarant's address Names of the spouses, or the person whose birth or death is being established.
Your street address

County: Your County State: Your State

3. (Names): Name of Spouse 1 and Name of Spouse 2 Enter the date of the marriage, birth, or death being established.
were married on (date): date of marriage at the following place:
a. City, town, township, or other (identify "other" if known): Check and fill out (b) if in U.S., (c) if not
b. County: State (U.S.):
c. State or province: Country:

4. Facts showing when and where the persons named in item 3 were married and explaining how I have personal knowledge of those facts are stated in the space below are stated in Attachment 4 to this declaration.
(If you are relying solely on the contents of the documents identified in item 5, please advise in the space below.)

In this section, the person making the Declaration must list the facts proving that the event took place at the date and location, and how the person knows those facts.

If they fit on this page, check the first box and write them down. If not, check the second box and attach a separate piece of paper, labeled "Attachment 4."

If you are submitting documents with no further explanation, state "I am relying solely on the contents of the documents identified in item 5."

In this section, the person making the Declaration must list the facts proving that the event took place at the date and location, and how the person knows those facts.

If they fit on this page, check the first box and write them down. If not, check the second box and attach a separate piece of paper, labeled "Attachment 4."

In part a, enter the location where the marriage, birth, or death took place.

If the event took place in the United States, check box (b) and enter county and state. If it took place outside of the United States, check box (c) and enter state or province and country.

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Form Adopted for Mandatory Use
Judicial Council of California
BMD-002A [Rev. September 1, 2018]

DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE

Health & Safety Code, §§ 103450-103480
www.courts.ca.gov

Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage (BMD-002A)
(page 1)

BMD-002A

Names of the spouses, or the person whose birth or death is being established.

IN THE MATTER OF (names):
NAME OF SPOUSE 1 AND NAME OF SPOUSE 2

CASE NUMBER: Leave blank

5. Attached are true and correct copies of the following documents (check each box that applies; statements of officiating persons and witnesses must be signed under oath, in an affidavit sworn before a Notary Public or with the following statement just above the signature: "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct"):

a. Marriage license* dated (date of each):
*(A marriage license is required for a valid marriage in California. The procedure 103450 et seq., cannot establish the validity of a California marriage if no marriage license is obtained.)

b. Officiating person's statement dated: (date of each):

c. Witness statements dated (date of each):

d. Other documents dated (describe and give the date of each document):
If you have documentary evidence, such as the examples listed or other documents, check box "d" and describe each document, including its date.
If you have additional types of documents, check box "d" and describe each document.
If you need more room, check the box labeled "Continued on Attachment 5d," and attach a separate piece of paper labeled "Attachment 5d."

Continued on Attachment 5d.

6. The marriage of the persons named in item 3, or the date or place of the marriage is not is important to a court case or proceeding that is now pending and described below. (If you selected "is," briefly describe the proceeding and provide the case name and number, the name and address of the court where the proceeding is pending, the names of all parties to the proceeding, and the names, addresses, and telephone numbers of their attorneys. **Note: Health and Safety Code section 103450, et seq., may not be effective against claim of public policy.**)

Check the first box if there is no related case or proceeding.

If the fact or date of the event is important in a probate, family, or other case, check the second box. The judge may choose to transfer the Petition to that case to be heard.

If you need more room, check the box labeled "Continued on Attachment 6," and attach a separate piece of paper labeled "Attachment 6."

Continued on Attachment 6.

7. Number of pages attached: If you have attached any additional pages, fill in how many here. If none, fill in a zero.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Fill in name and date

YOUR NAME _____ (TYPE OR PRINT NAME OF DECLARANT)

▶ Your Name

(SIGNATURE)

Signature

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DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE

Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage (BMD-002A)
(page 2)

More Samples

In addition, the California Department of Public Health offers

- [Sample filled-out VS-122 \(Court Order Delayed Certificate of Marriage\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122Sample.pdf)

- [Sample filled-out VS-108 \(Court Ordered Delayed Registration of Birth\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108Sample.pdf)
(<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108Sample.pdf>)
- [Sample filled-out VS-109 \(Court Ordered Delayed Registration of Death\)](https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109Sample.pdf)
(<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109Sample.pdf>)

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