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

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)

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)

Declaration in Support of Petition to Establish Fact, Time, and Place of Birth (BMD-001A) (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)

Marriage

Petition to Establish Fact, Time, and Place of Marriage (BMD-002) (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)

Court Ordered Delayed Certificate of Marriage (Form VS-122) (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)

Order Establishing Fact of Death (Form VS-109)
(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)

Declaration (MC-030) (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)
- *Court Ordered Delayed Certificate of Marriage* (Form VS-122) (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)

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) .

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 *Declaration*s 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)), *Marriage* (BMD-002A) (http://www.courts.ca.gov/documents/bmd002a.pdf) , or *Death* (BMD-003A) (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.
- *Declaration*s 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) . Additional pages can be typed or written using

Additional Page (MC-020). (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) .

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/) and the California Department of Public Health. (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 April 2026, the fee is $225. Current fees can be found on the Sacramento County Court Fee Schedule (https://www.saccourt.ca.gov/home/showpublisheddocument/219/639084032985130000). If you are low income or receive government benefits, you may qualify for a fee waiver. See our Fee Waiver guide for more information: Fee Waivers (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*.

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.

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) . 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.

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.

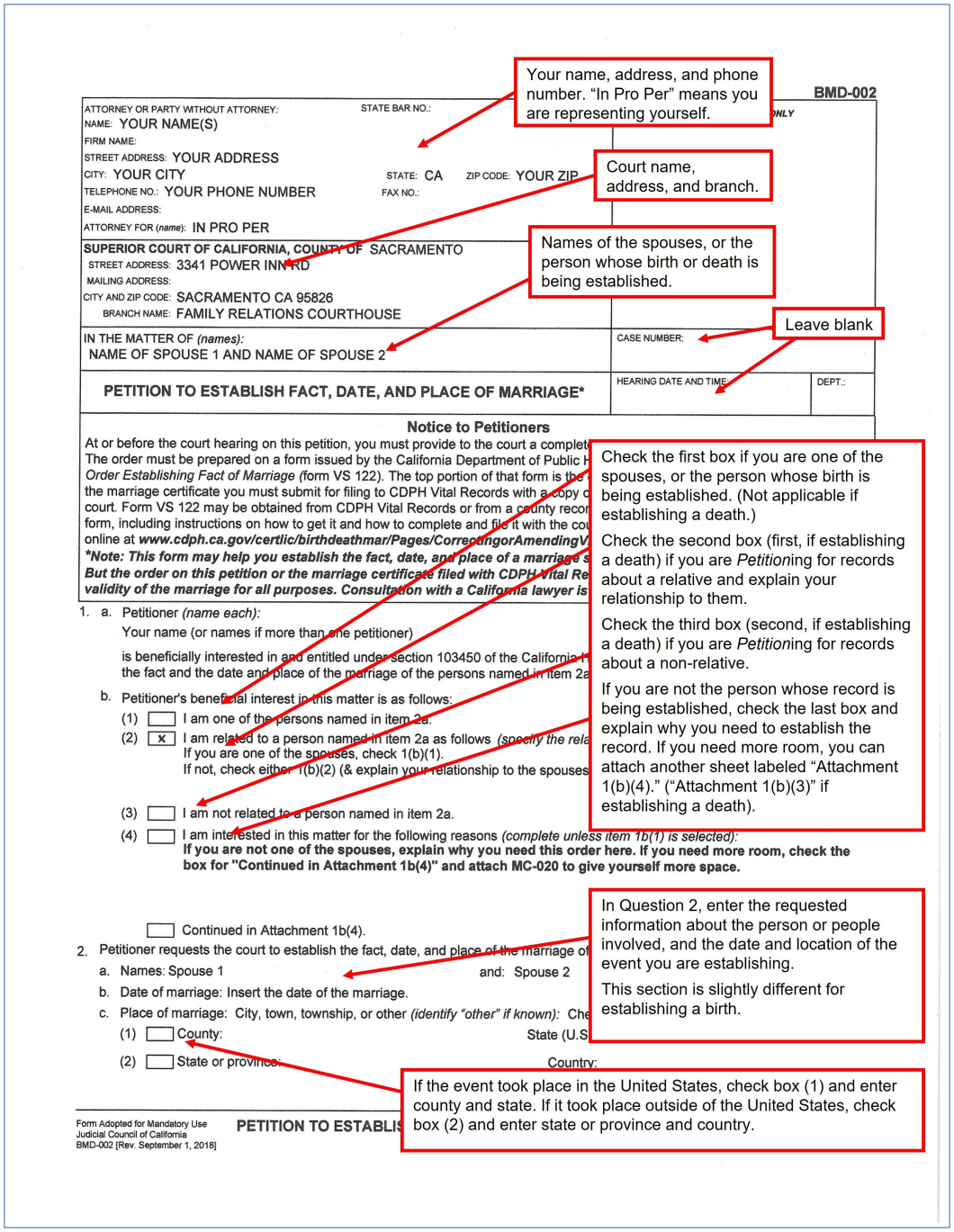
More Samples

In addition, the California Department of Public Heath offers

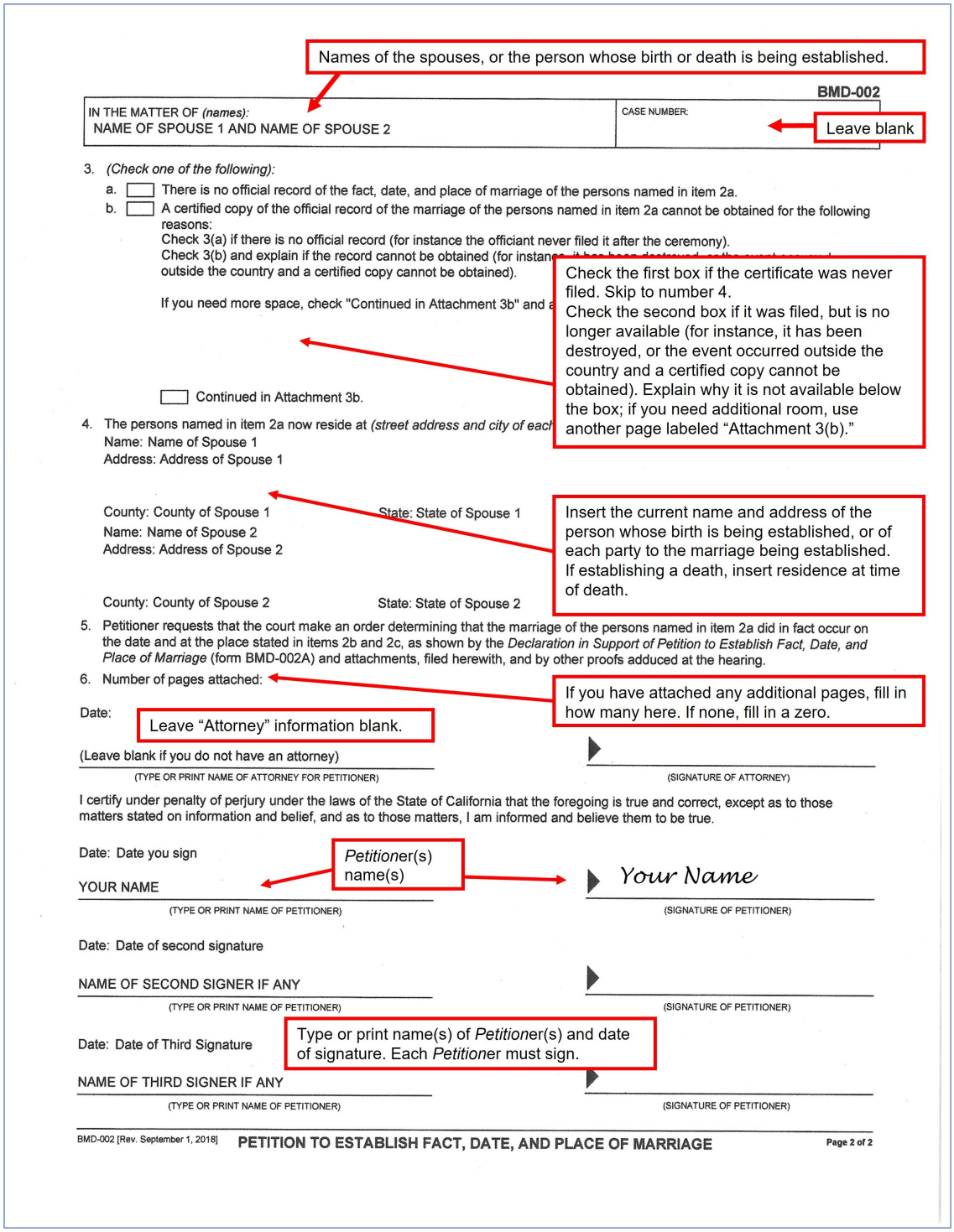
- Sample filled-out VS-122 (Court Order Delayed Certificate of Marriage) (https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS122Sample.pdf)
- Sample filled-out VS-108 (Court Ordered Delayed Registration of Birth (https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS108Sample.pdf)

- Sample filled-out VS-109 (Court Ordered Delayed Registration of Death (https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS109Sample.pdf)

Samples



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



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

BMD-002

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

CASE NUMBER:

Leave blank

3. *(Check one of the following)*:
   a. ☐ There is no official record of the fact, date, and place of marriage of the persons named in item 2a.
   b. ☐ A certified copy of the official record of the marriage of the persons named in item 2a cannot be obtained for the following reasons:
   Check 3(a) if there is no official record (for instance the officiant never filed it after the ceremony).
   Check 3(b) and explain if the record cannot be obtained (for instance, it has been destroyed, or the event occurred outside the country and a certified copy cannot be obtained).

   If you need more space, check "Continued in Attachment 3b" and a

   ☐ Continued in Attachment 3b.

Check the first box if the certificate was never filed. Skip to number 4.
Check the second box if it was filed, but is no longer available (for instance, it has been destroyed, or the event occurred outside the country and a certified copy cannot be obtained). Explain why it is not available below the box; if you need additional room, use another page labeled "Attachment 3(b)."

4. The persons named in item 2a now reside at *(street address and city of each*
   Name: Name of Spouse 1
   Address: Address of Spouse 1

   County: County of Spouse 1 State: State of Spouse 1
   Name: Name of Spouse 2
   Address: Address of Spouse 2

   County: County of Spouse 2 State: State of Spouse 2

Insert the current name and address of the person whose birth is being established, or of each party to the marriage being established. If establishing a death, insert residence at time of death.

5. Petitioner requests that the court make an order determining that the marriage of the persons named in item 2a did in fact occur on the date and at the place stated in items 2b and 2c, as shown by the *Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage* (form BMD-002A) and attachments, filed herewith, and by other proofs adduced at the hearing.
6. Number of pages attached:

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

Date:

Leave "Attorney" information blank.

(Leave blank if you do not have an attorney)

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER) (SIGNATURE OF ATTORNEY)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

Date: Date you sign

Petitioner(s) name(s)

YOUR NAME

(TYPE OR PRINT NAME OF PETITIONER)

Your Name

(SIGNATURE OF PETITIONER)

Date: Date of second signature

NAME OF SECOND SIGNER IF ANY

(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)

Date: Date of Third Signature

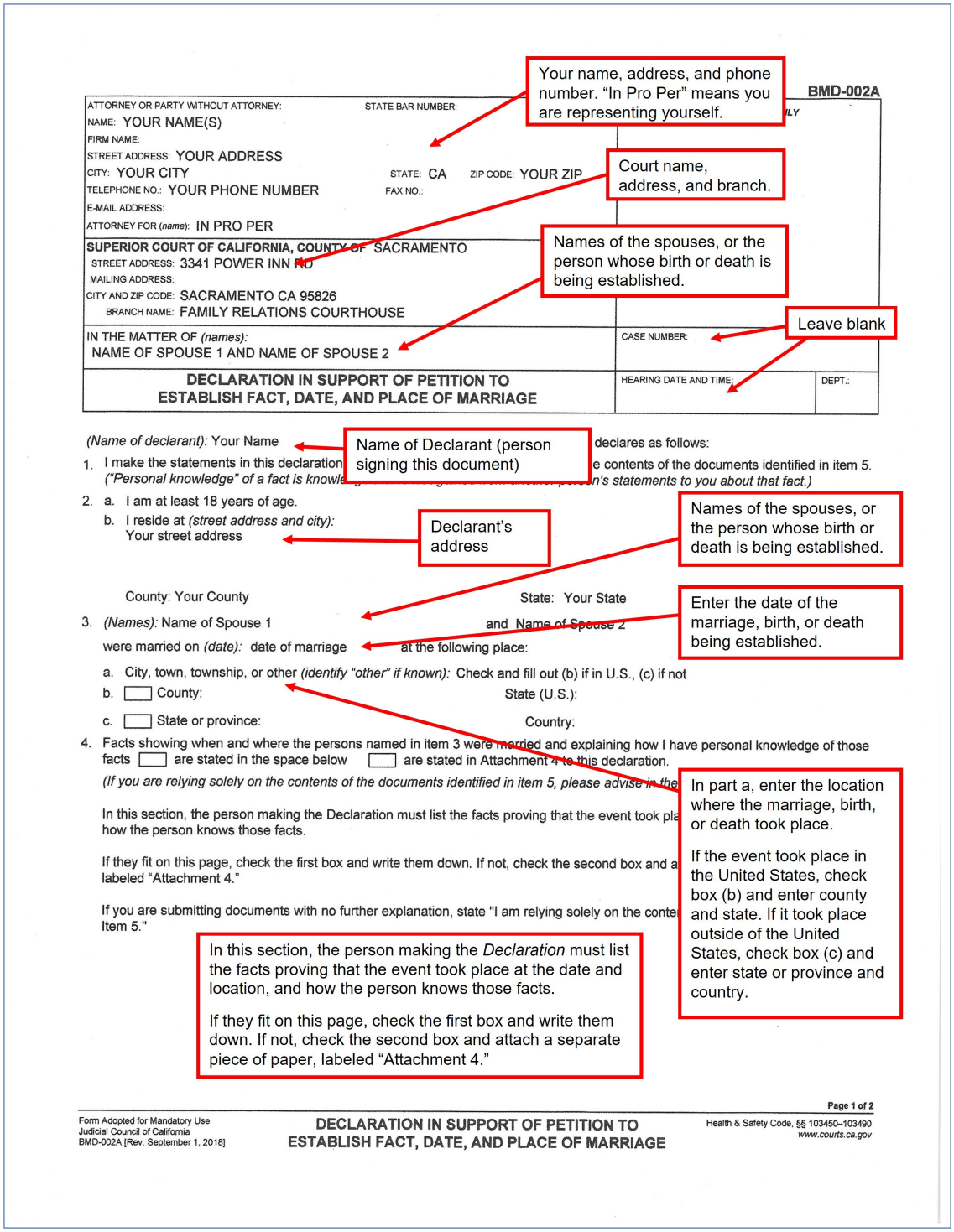
Type or print name(s) of *Petitioner*(s) and date of signature. Each *Petitioner* must sign.

NAME OF THIRD SIGNER IF ANY

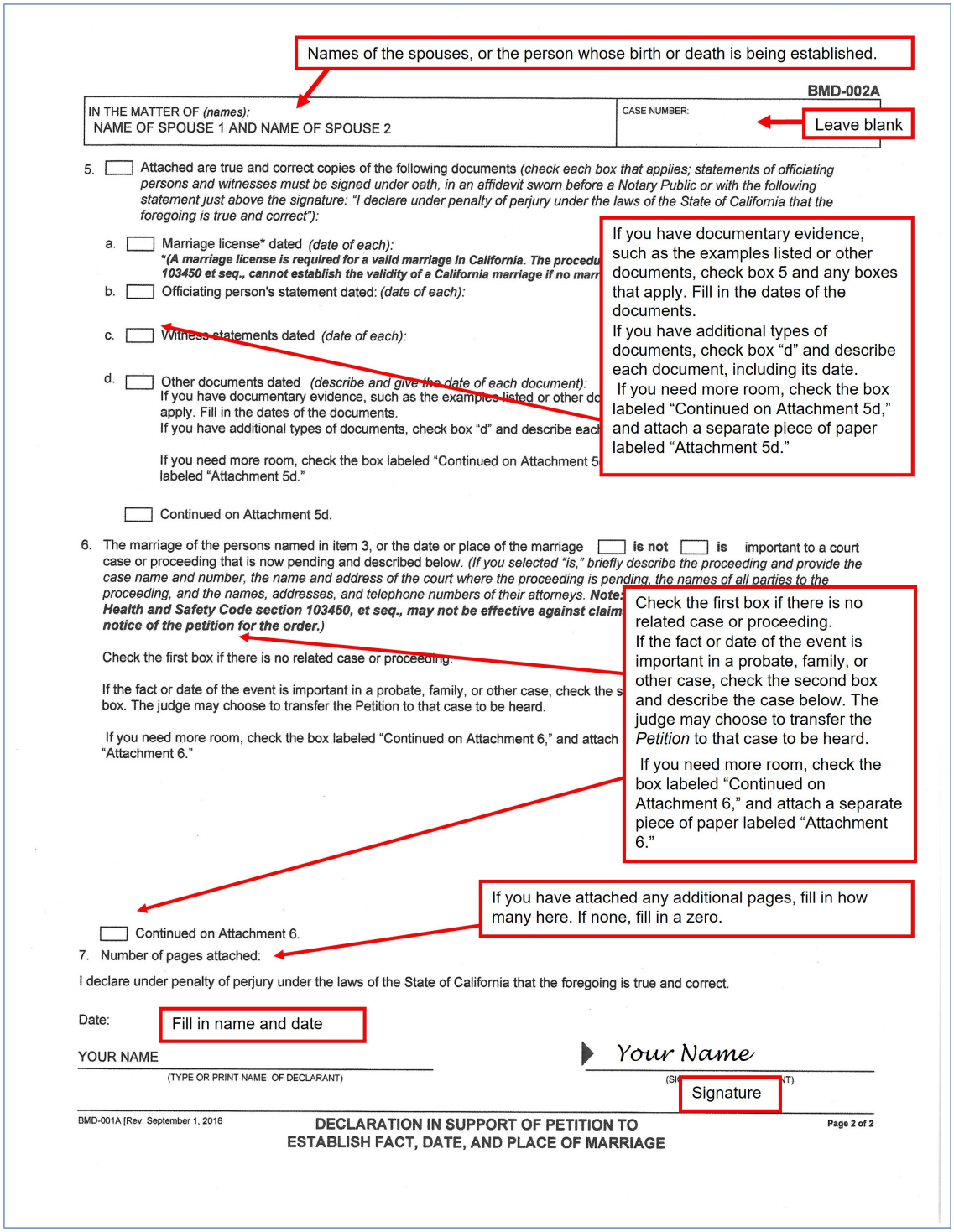
(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)

BMD-002 [Rev. September 1, 2018] **PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE** Page 2 of 2

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



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



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