

LAW LIBRARY RESOURCE CENTER

PROCEDURES: WHAT TO DO AFTER COMPLETING THE PAPERS TO REQUEST A COURT ORDER FOR A DELAYED BIRTH CERTIFICATE

WARNING!

DO **NOT** FILE THIS APPLICATION UNTIL OR UNLESS YOU HAVE **FIRST**:

- a) applied for a delayed birth certificate to the Office of Vital Records,
- b) *been rejected*, AND
- c) **received a *letter of denial*, which you must file with this petition.**

Have you applied for a delayed birth certificate with the Office of Vital Records?

- If the answer is yes, did you receive a denial letter?
- If the answer is **“No”**: YOU DO NOT QUALIFY TO RECEIVE A COURT ORDER FOR A DELAYED BIRTH CERTIFICATE FROM THE COURT.

STEP 1: MAKE 2 COPIES OF THE:

- **“Petition for Order to Establish Delayed Birth Certificate”.**
- All Other Required Documents, including:
 - **“LETTER OF DENIAL”** from Office of Vital Records - **REQUIRED!**
 - All Documents originally submitted to Vital Records in support of your request.
 - Any additional supporting documents.

STEP 2: GO TO THE CLERK OF COURT TO FILE YOUR PAPERS and pay your filing fee.

The Court is open from 8:00 a.m.-5:00 p.m., Monday-Friday. You should go to the Court at least two hours before closing. You may file your court papers at the following Superior Court locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Facility
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Facility*
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Regional Court Center
18380 North 40th Street
Phoenix, AZ 85032

* You may file here but your hearing will be set at a different location.

PAPERS: Give the original Civil Court Cover Sheet, the Petition, the “Letter of Denial” from Vital Records, *and all supporting documents* to the Clerk.

FEES: A list of current fees is available from the Law Library Resource Center and from the Clerk of Court’s website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Law Library Resource Center.

The filing clerk will stamp each set of papers and return the 2 stamped copies to you.

STEP 3: Immediately take one set to Civil Court Administration (ask “where” when you file).

- Keep one set for your records.

STEP 4: WAIT FOR NOTICE OF WHEN YOUR HEARING WILL BE HELD:

The court will set a date for a hearing on the petition and shall provide notice of the date, time and place of the hearing to you and to the State Registrar (Office of Vital Records) *at least twenty days before* the hearing. The State Registrar may appear and testify at the hearing. If you have not received a Notice of Hearing within 30 days after filing, you may contact Civil Court Administration at **602-506-1497** to inquire about the status of your hearing.

IMPORTANT: IF YOU MUST SERVE NOTICE ON ANY PARTY BY CERTIFIED MAIL OR BY PUBLICATION (as described in STEP 5, below), **NOTIFY CIVIL COURT ADMINISTRATION SO ENOUGH TIME IS ALLOWED FOR YOU TO MAIL NOTICE AT LEAST 30 DAYS BEFORE THE HEARING OR TO PUBLISH NOTICE ONCE A WEEK FOR FOUR (4) WEEKS BEFORE THE HEARING.**

STEP 5: NOTIFY ANY INTERESTED PARTY

WHO: If you are a parent, filing the “*Petition to Establish a Delayed Birth Certificate*” for your minor child, you must notify the other parent (and any legal guardian) of the minor child (or both parents if you are the child’s guardian) about your request and the scheduled hearing.

If you are an adult filing for a delayed birth certificate for yourself, you must notify any living person whom you have listed as your parent on the “*Petition*”.

HOW TO NOTIFY:

1. If you know where the person to be notified lives, and that person agrees with the Petition and will cooperate, give him/her a stamped copy of your Petition and the “*Notice of Hearing Regarding Delayed Birth Certificate*” that shows the date, time, and place of your hearing. Then, have the parent (or Legal Guardian) complete the form entitled “*Consent to Establishment of Delayed Birth Certificate and Waiver of Notice*” and have it notarized. That document serves as your proof of notice. **Bring it to the hearing.**

A Note about Response Times

If you serve an interested party notice by personal service or they agree to signing and notarizing an “Acceptance of Service,” the party will have twenty (20) days after service to file a response. However, if you ask a party to sign and notarize a “Waiver of Notice” and they agree, the party is allowed more time to respond. The party has sixty (60) days to respond after the request for waiver was sent, or ninety (90) days after it was sent outside the United States. A.R.C.P. (12)(a)(1)(A). The “Affidavit of Service,” “Acceptance of Service” or “Waiver of Notice” must be signed and filed with the court as proof.

2. **IF THE PARENT (or Legal Guardian) DOES NOT AGREE WITH YOUR REQUEST**, or at least *will not sign* the “*Consent and Waiver of Notice*”, give him/her a stamped copy of your application and the “*Notice of Hearing Regarding Delayed Birth Certificate*” that shows the date, time, and place of your hearing. Then, have the person sign and have notarized an “*Acceptance of Service*” form (available through the Law Library Resource Center) that simply states he/she has received the paper(s) listed on the Acceptance form. That notarized form serves as the proof of notice. Bring the signed and notarized “*Acceptance of Service*” to the hearing; **OR,**

3. Send a clerk-stamped copy of your application and the **“Notice of Hearing Regarding Delayed Birth Certificate”** showing the date, time, and place of hearing by certified mail/restricted delivery (return receipt requested). This must be done at least 30 days before the hearing.* Proof of Notice for this step is the card returned to you from the Post Office showing delivery. Bring the card and a completed **“Affidavit of Service by Certified Mail”** to the hearing. The person who should receive notice of the hearing must sign the return receipt.

4. **IF YOU DO NOT KNOW WHERE A PARENT LIVES: NOTICE BY PUBLICATION***

IF LAST KNOWN ADDRESS IN MARICOPA COUNTY OR STATE OTHER THAN

ARIZONA: A Notice of Hearing (a legal notice classified advertisement) that shows the date, time, and place of your hearing must be published in a newspaper of general circulation in Maricopa County at least once a week for four (4) consecutive weeks before the hearing.

IF LAST KNOWN ADDRESS IN ARIZONA COUNTY OTHER THAN MARICOPA

COUNTY: A Notice of Hearing (a legal notice classified advertisement) that shows the date, time, and place of your hearing must be published in a newspaper of general circulation in Maricopa County **and** in the Arizona county of last known address at least once a week for four (4) consecutive weeks before the hearing.

*** IMPORTANT: IF YOU MUST SERVE NOTICE ON ANY PARTY BY CERTIFIED MAIL OR BY PUBLICATION, NOTIFY CIVIL COURT ADMINISTRATION SO ENOUGH TIME IS ALLOWED FOR YOU TO MAIL NOTICE AT LEAST 30 DAYS BEFORE THE HEARING OR TO PUBLISH NOTICE ONCE A WEEK FOR FOUR (4) WEEKS BEFORE THE HEARING.**

AFTER publication has been completed, you must obtain and file an **“Affidavit of Publication”** from the newspaper indicating publication was completed.

In addition to the Affidavit from the newspaper, you also must complete a **“Declaration Supporting Publication”**, a notarized statement explaining in detail what efforts you made to locate the person(s). Bring that statement with you to the hearing. **The Court will not accept notification by publication unless diligent efforts have been made to locate the person for whom notification is required.** For more information regarding service by publication, please see the Law Library Resource Center packet on **“Service of Court Papers When You Cannot Find the Other Party”**.

STEP 6: ATTEND THE HEARING. WHO SHOULD ATTEND THE HEARING:

- An adult (over the age of 18 or emancipated) requesting his or her own delayed birth registration;
- A parent or legal guardian requesting the delayed birth registration on behalf of a person under the age of 18, or
- A legal guardian requesting the delayed birth registration on behalf of a disabled adult.

BRING THE ORIGINAL AND ONE COPY OF OF THE FOLLOWING TO THE HEARING:

- ANY ADDITIONAL SUPPORTING DOCUMENTS, AND
- “THE COURT ORDER”.

BRING THE ORIGINAL AND TWO COPIES OF THE FOLLOWING TO THE HEARING:

- THE “COURT ORDERED DELAYED BIRTH REGISTRATION FORM.”