

LAW LIBRARY RESOURCE CENTER

PROCEDURES: HOW TO FILE TO CORRECT/AMEND A BIRTH CERTIFICATE OF A MINOR

STEP 1: Fill out the *“Petition to Amend/Correct Birth Certificate”* and make 2 copies.

STEP 2: Fill out the top portion of page 1 of the *“Civil Cover Sheet”*. Write in **your** name as “Plaintiff”.
On page 2, check box **195(b)** for **“Amendment of Birth Certificate.”**

STEP 3: FILE THE PAPERS AT THE COURT:

WHO: Who may file the Petition to Amend a Birth Certificate of a Minor?

A parent or legal guardian of the minor or an attorney for a parent or legal guardian of the minor, **or** an emancipated minor or an attorney for an emancipated minor. An emancipated minor is a person under the age of 18 who has been declared legally “an adult” by court order or according to law.

GO TO: THE CLERK OF COURT TO FILE YOUR PAPERS: 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 it closes.** 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.

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.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with the filing fee.

STEP 4: SCHEDULE A JUDICIAL REVIEW OF YOUR REQUEST:

At least **four** business days after you filed your *Petition*, contact Civil Court Administration to obtain the Commissioner’s Name and the date, time and place of your appointment for judicial review by calling the telephone number listed below *between the hours of:*

9:00 a.m. - 12:00 noon or 1:00 – 4:00 p.m., Monday through Friday.

If you filed the Petition in: **Mesa** at 222 E Javelina Avenue, call: **602-506-2023**
Surprise at 14264 W Tierra Buena Lane, call **602-506-3397***
Phoenix at 18380 N 40th Street (40th St. & Union Hills) **602-506-3397**
or **Phoenix** at 201 W Jefferson, call:

*Applications may be filed at Northwest Court Facility, but the hearings will be held at one of the other locations.

STEP 5: CONSENT OR NOTICE:

A. IF THE OTHER PARENT AGREES WITH THE CHANGE: GET A SIGNED CONSENT

1. Give him/her a court-stamped copy of the *Petition* and a **“Consent of (other) Parent to Amendment of Birth Certificate of a Minor and Waiver of Notice”**.
2. Have the parent complete the **“Consent of (other) Parent to Amendment of Birth Certificate of a Minor and Waiver of Notice”** form and
3. Have it notarized.
4. Bring the signed and notarized **“Consent of (other) Parent to Amendment of Birth Certificate of a Minor and Waiver of Notice”** to the review (and to any hearing that might be scheduled later).

IF THE OTHER PARENT WILL NOT (or is not available to) SIGN A CONSENT, go to your appointment for review and wait for instruction from the Court. IF the court decides the other parent (or legal guardian) must be notified before the Court makes a decision, a hearing will be scheduled, and you will need to:

1. Contact Civil Court Administration to obtain the Commissioner’s Name and the date, time and place of your hearing by calling the appropriate telephone number listed in Step 4 above to ask to schedule a hearing.
2. Complete the **“Notice of Hearing”** form included in this packet with the information received from Court Administration. The completed **“Notice of Hearing”** form *must then be filed* with the Clerk of the Court at one of the locations listed above.

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.

B. GIVE NOTICE TO THE OTHER PARENT (or Guardian) (IF required by the Court):

1. Provide him or her a stamped copy of the *Petition* and the completed **“Notice of Hearing”**.
2. **Have the parent sign an “Acceptance of Service” in front of a notary public or a Clerk of the Superior Court.** Signing the “Acceptance” does not indicate agreement—it only serves as proof of receipt of notice.

3. **Bring the signed and notarized “Acceptance of Service” to the hearing;**

OR

1. Send by Certified Mail, return-receipt requested - with restricted delivery, a clerk-stamped copy of the **Petition** and the completed **“Notice of Hearing”, to the other parent.**
2. Delivery should be restricted so that only the person entitled to receive notice is allowed to sign the receipt.
3. This must be done at least **30** days before the hearing.
4. Bring the return receipt card and a completed **“Affidavit of Service by Certified Mail” to the hearing.**

C. IF YOU CANNOT DELIVER NOTICE: GIVE NOTICE BY PUBLICATION

- May be used only if you do not have a current address for the other party, and the court is satisfied that you have taken *every reasonable step* to find the other party and have the court papers delivered to them directly, but have been unable to do so.
- Requires you to pay the cost of publishing unless you may apply and qualify for a *deferral or waiver* (to pay later or not pay at all) *and* publish in the paper that has contracted with the court to handle fee-deferred matters.
- Can be expensive and may delay your court case.
- Should be your “last resort.”

IF LAST KNOWN ADDRESS IN MARICOPA COUNTY OR IN U.S. 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.

AFTER publication has been completed, you must:

1. Obtain and file an **“Affidavit of Publication”** from the newspaper indicating publication was completed.
2. File a **“DECLARATION SUPPORTING PUBLICATION”** explaining in detail exactly what efforts you made to locate and give actual notice **before** resorting to publication.
3. Bring the **“DECLARATION SUPPORTING PUBLICATION”** with you to the hearing.

STEP 6: ATTEND THE HEARING. Who should attend?

- **The petitioner.** The adult requesting to amend the birth certificate for the minor child **MUST** be present at the hearing.
- **If** the minor whose birth certificate is to be corrected is **14 or over**, he or she **MAY** attend the court hearing, but does **not** have to attend unless required by the Judge.

BRING THESE DOCUMENTS TO THE HEARING:

- **2** copies of **“Order Amending Birth Certificate”** for the Judge to sign. One copy will go in the Court file and the other will be prepared for certification and returned to you.
- Photo identification for the person who filed the *Petition to Amend*.
- A Clerk-stamped copy of all filed documents
- Proof of Notice as described above in Step 5.
- Notarized consent from the *other* parent or proof that the other parent was served with notice of the Petition and the Hearing, **OR** a copy of a Court Order terminating parental rights of the other parent (If applicable).
- Any previous Name Change orders (if applicable)
- A (preferably “certified”) copy of the child’s official, government-issued birth certificate. A HOSPITAL BIRTH CERTIFICATE IS NOT SUFFICIENT.
- Adoption decree (If applicable)
- Proof of Guardianship (If applicable)

- ◆ **You MUST bring a copy of the child’s GOVERNMENT-ISSUED birth certificate.**
- ◆ **The Court will not change a birth certificate without first seeing a copy.**
- ◆ **Hospital-issued birth certificates generally will not satisfy Court requirements.**
- ◆ **The Court requires GOVERNMENT-ISSUED birth certificates.**

Always make a copy of any document you submit to the Court and keep a copy for your records.

If you want a new, corrected birth certificate, you may purchase one for a fee after you present a CERTIFIED COPY* of the Court Order to either:

1. The State of Arizona's Office of Vital Records, or
2. The Maricopa County Office of Vital Registration (only for children born 1997 or later).

TO GET A CERTIFIED COPY OF YOUR COURT ORDER:

- You will need to present your Judge-signed copy to the Filing Counter within 48 hours along with the "certification fee".
- If you need additional copies after that time, you will need to go to the Court's Customer Service Center at 601 W. Jackson Street in Phoenix.
- A list of current fees is available from the Law Library Resource Center and from the Clerk of Court's website.

The State Vital Records Office at 1818 W. Adams, Phoenix, AZ. 85007, is only available for mail-in service. Vital Records general telephone number is 602-364-1300. Please call for another walk-in location. A fee is required for a change to any birth certificate.

The Maricopa County Office of Vital Registration is located at 3221 N. 16th Street, 1st Floor, Phoenix, AZ 85016 for birth certificate corrections/amendments *for birth years from 1997 to the present*. Hours of operation are 8:00 A.M. to 4:30 P.M., Monday through Friday. **Free parking and the main entrance are located at the rear of building. You may also telephone Maricopa County Vital Registration at **602-506-6805**.**