



# Court Order Delayed Certificate of Marriage

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*Delayed Marriage Certificate*

Revised January 2017

**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 \(www.CDPH.CA.GOV\)](http://www.CDPH.CA.GOV)

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**If a marriage was never registered, or there is no record of the marriage on file, what can I do?**

A Court Order Delayed Certificate of Marriage is a way to register a California marriage when the marriage was not previously registered, or a certified copy is not obtainable.

Any beneficially interested person can petition the Superior Court to judicially establish the fact of marriage at any time after the event.

This must be done in the Superior Court in either the county of residence of the person whose marriage is being established (does not have to be in California), or in the California county where the marriage was alleged to have occurred.

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**What are the requirements for a valid marriage in California?**

A California marriage requires three events to be considered valid:

1. The issuance of a marriage license to two unmarried persons
2. A ceremony on or after the issuance date of the license
3. A marriage solemnized by a person authorized to do so

In the absence of these three events, the couple can purchase a new marriage license and start over. Or, if the couple wants to try to validate their marriage when one or more of the above criteria are missing, including situations where the license was not purchased or was purchased after the fact, then they may petition the Superior Court to establish the fact of marriage.

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**How do I petition the court?**

California Department of Public Health – Vital Records (CDPH-VR) suggests you contact a family law attorney for legal advice in this matter. 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.

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## How do I petition the court? (Continued)

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-362 and MC-362A 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 marriage?

At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Marriage/Court Order Delayed Certificate of Marriage (VS 122) form, along with any documents you have that support the date and place of the marriage. Please see page 3 for information on obtaining a form.

Once the court establishes the fact of marriage, 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 Marriage (top of VS 122 form)
- Completed Court Order Delayed Certificate of Marriage (bottom of VS 122 form)
- \$23 fee
- Completed marriage application (VS 113-A) – a form is available on the CDPH website (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 marriage 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.

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## 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 Marriage (either front or back) – and not on the Court Order Delayed Certificate of Marriage 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 marriage certificate.
- Additional copies are \$15 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 122 form?

One VS 122 form is included if you receive this pamphlet by mail. If you need additional copies of the VS 122 form, or are accessing this pamphlet on the CDPH-VR website:

- [Download a fillable form](http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/VS122.pdf) (<http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/VS122.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 in any California county.

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## How do I complete the VS 122 form?

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

The VS 122 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 marriage 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 marriage occurred.

### **PART ONE (Top Portion) – Order Establishing Fact of Marriage**

- Complete all items except the judge's signature and the line at the bottom that states "Done in court on this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_."
- Your reason for having to file the marriage 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.

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 marriage certificate is prepared. Keep copies of documents submitted.

### **PART TWO (Bottom Portion) – Court Order Delayed Certificate of Marriage**

- Do not write on the "State File Number" line (directly below perforation) or on the bottom part of the form marked "State Registrar Use Only."
- Complete items 1A through 30 only.

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## What makes a VS 122 form “acceptable?”

### Important Information

Marriage 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 122 form becomes the actual marriage certificate, it must adhere to strict guidelines:

- Items 1A through 30 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.
- 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 marriage certificate?

The [processing time](http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx) for court order delayed marriage certificates 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.