



California Department of Public Health Logo

# Delayed Registration of Birth

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## *Delayed Birth 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  
Website address [www.CDPH.CA.GOV](http://www.CDPH.CA.GOV)

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**My birth (or my child's birth) was never registered. How can I get a birth certificate?**

If you (or your child) were born in California, and the birth was never registered:

- **If Your Child is Over One Year Old:** You can file an Application for Delayed Registration of Birth (VS 85 form) with the California Department of Public Health – Vital Records (CDPH-VR).
- **If Your Child is Less Than One Year Old:** Register the birth through the local registrar of births in the county where the child was born.

You can also petition the Superior Court to judicially establish the fact of birth.

If you want more information about the “court” process, you can download the pamphlet (Court Order Delayed Registration of Birth) from the CDPH-VR website, or you can call the Customer Service Unit at (916) 445-2684 and CDPH-VR will mail you a copy.

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**What is a Delayed Registration of Birth, and how is it different from a regular birth certificate?**

- A Delayed Registration of Birth is a way to register a California birth when the birth was not registered within the first year.
- Unlike regular birth certificates, delayed birth certificates are not accepted as evidence in any proceeding involving estates of decedents, or in any proceeding to establish heirship, unless the affidavit of at least one person who knew the facts was filed at the time the delayed birth certificate was registered.

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**Who can apply for a delayed birth certificate?**

- Only the person whose birth is being registered, if they are at least 18 years of age at the time application is made.
- If the person whose birth is being registered is under 18 at the time application is made, the application may be filed only by their parent, legal guardian, or the attending physician or principal attendant at birth.

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**Do I need to provide proof that I was born in California when applying for a delayed certificate?**

Yes. Health and Safety Code Section 102585 requires that **one** of the following options of evidence and affidavits be provided to substantiate a delayed registration of birth:

- Two pieces of documentary evidence, at least one of which shall include the parents' names (one or both parents). (Only one document can be submitted for each item on the list at the bottom of this page – you cannot submit two of the same type of document.)
- One piece of documentary evidence, and one affidavit signed by the physician or other principal attendant. (The signed affidavit must be included on the bottom of the VS 85 form – and not as a separate document.)
- One piece of documentary evidence, and two affidavits signed by the parent(s) or other persons having knowledge of the facts of birth (persons signing the affidavit must have been at least 5 years old at the time of the birth). (The signed affidavits must be included on the bottom of the VS 85 form – and not as a separate document.)

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**What is meant by “documentary evidence?”**

Health and Safety Code Section 102580 defines documentary evidence required for delayed registration of birth as:

“...original or certified copy of a record that was executed at least five years prior to the date of application, and that substantiates the date and place of birth of the person whose birth is being registered”;

“except that if the person whose birth is being registered is under 12 years of age, the record shall have been executed only at least two years before the date of application.”

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## What are examples of acceptable forms of documentary evidence?

Listed below are some examples of acceptable documentary evidence. CDPH-VR contacts the issuing agency to verify documents that are submitted as evidence.

- Photocopy of hospital birth records.
- Baptismal Certificate or Other Church Records.
- Photocopy of school registration or transcript.
- Photocopy of U.S. census record.
- Original Social Security Numident printout (not a social security card).
- Photocopy of military service record (DD 214 form).
- Certified copy of voter registration card.
- Certified copy of birth certificate of applicant's child.
- Certified copy of marriage certificate (county- or state-issued).
- Newspaper notice of birth (entire page from newspaper, which includes the date published and the name of the newspaper).

**Important:** In order for these records to be acceptable, the law says **each** record must show **both** the date and place of birth. Documents submitted must also include the **date the document was established** (date must be at least 5 years prior to date of application for delayed birth registration; for children 2 thru 11, the record must have been established at least 2 years prior; for children under 2 years, the record should have been established within the first 6 months of the child's life).

***Ultimately, the affidavits and documentary evidence that is submitted must be sufficient to enable the State Registrar (our office) to determine if the birth did in fact occur at the place and date alleged*** (Health and Safety Code 102550).

If **each** item of documentary evidence submitted does not show **both** the date **and** place of birth, and **include the date the document was established**, CDPH-VR will return your application to you with a request for additional evidence.

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## What are examples of acceptable forms of documentary evidence? (continued)

**Registering a Delayed Birth for Someone 12 Years or Over:** All documents submitted must have been established at least **five** years before the date of application.

**Registering a Delayed Birth for Child 2 Thru 11 Years:** All documents submitted must have been established at least **two** years before the date of application.

**Registering a Delayed Birth for Child Under 2 Years:** All documents submitted should have been established within the **first 6 months** of the child's life.

**CDPH-VR will keep all supporting documents that are submitted as evidence.** Please keep a file copy of all documents submitted to CDPH-VR.

1. Hospital birth records and other medical records (not immunization records or "souvenir" copies of birth records) are excellent forms of documentary evidence that reflect parentage, as are Newborn Screening Tests (PKU Tests).
2. The school must "seal" the documents in a school envelope – which is not to be opened by the applicant. The applicant must forward the unopened envelope to CDPH-VR with the delayed registration application. Make sure the school registrar knows the document must show **both** the date **and** place of birth, and must include the date the document was established.
3. An original Numident printout issued from the Social Security Administration (SSA) in Baltimore, Maryland, is suggested as a form of documentary evidence that also reflects parentage (some local district offices also issue original Numidents). A Numident is a printout of your application for a social security card and contains your name, date and place of birth, and your parents' names.

You can get a Numident printout by completing the "Request for Numident Printout" and sending it to SSA with the appropriate fee (see form). If you have any questions about the form or how to get a Numident printout, contact SSA.

If you're using the Numident as documentary evidence to register the birth of a person under 12, the person must have had a social security card for at least two years. If 12 or older, the person must have had a social security card for at least five years.

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## Are there similar guidelines for affidavits?

Health and Safety Code Section 102575 defines an acceptable affidavit as:

“...a written statement executed under oath by a person who at the time of (applicant’s) birth was at least 5 years old and had knowledge of the facts of birth, and shall include the full name of the person whose birth is being registered, the names of his or her parents, the date and place of his or her birth and the basis of the affiant’s knowledge of these facts.”

(The signed affidavit must be included on the bottom of the VS 85 form – and not as a separate document.)

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## What if I am not able to provide the required documentary evidence and affidavits?

- If you do not have the information required by Health and Safety Code Section 102585 to document the birth, you must petition the Superior Court to judicially establish the facts of birth.
- This can be done in the Superior Court in either the county of residence of the person whose birth is being established (does not have to be in California), or in the California county where the birth was alleged to have occurred.
- If you need to go to court to judicially establish the facts of birth, you should contact CDPH-VR first to get a copy of the application form (VS 108 – Court Order Delayed Registration of Birth) and informational pamphlet which explains the process. Call the CDPH-VR Customer Service Unit at (916) 445-2684.
- You can also go to the CDPH-VR website to download the Court Order pamphlet and VS 108 form or to request forms to be mailed to you.

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## What do I submit for a delayed registration?

You will need to complete a Delayed Registration of Birth, VS 85 form.

If any of the required items are not included, your request will be returned to you for correction. Keep copies of documents submitted.

### **If the Person Was Born January 1, 1995, or Later and Parents are Married:**

- VS 85 form (including back side)
- \$23 fee
- You **must** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- You **must** include a certified copy of the marriage certificate between the parents.
- You **must** also include a **notarized** Sworn Statement (see next section for more information).

### **If the Person Was Born January 1, 1995, or Later and Parents are in a State Registered Domestic Partnership (SRDP):**

- VS 85 form (including back side)
- \$23 fee
- You **must** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- You **must** include a copy of your domestic partnership papers
- You **must** also include a **notarized** sworn statement (see the next section for more information).

### **If the Person Was Born January 1, 1995, or Later and Parents Aren't Married:**

- VS 85 form (including back side)
- \$23 fee
- You **must** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- You **must** include a legible copy of a Declaration of Paternity signed by both parents. (See additional information in this pamphlet regarding the Declaration of Paternity.)

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## Continued

### If the Person Was Born Before January 1, 1995:

- VS 85 form (including back side)
- \$23 fee
- You **must** include documentary evidence and/or affidavits – as identified previously in this pamphlet.
- You **must** include a **notarized** Sworn Statement (see next section for more information).

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## Why do I need a Sworn Statement?

Effective July 1, 2003, the law requires that only an authorized person (as defined by Health and Safety Code 103526 (c)) may receive a Certified Copy of a birth or death record. To help protect against identity theft, you must complete and submit a signed, notarized Sworn Statement declaring under penalty of perjury that you are authorized by law to receive an authorized Certified Copy. The sworn statement form is available on the CDPH website.

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## What is a Declaration of Paternity?

The federal Welfare Reform Act requires that for unmarried couples, before the father's name can be added to the child's birth certificate, a Declaration of Paternity (CS 909) must be signed by both parents in the presence of a witness. (This law went into effect January 1, 1995.)

- The Declaration of Paternity is only to be used by **unmarried** couples to establish the paternal relationship with the child.
- You must use the official triplicate form (photocopies are not acceptable) that is available through local child support agencies. Or you can contact the Paternity Opportunity Program at the number below. The website below will provide you with a listing of local child support agencies in your county.
- Once you complete the Declaration, **it must be filed with the California Department of Child Support Services**. You will need to submit a photocopy of the Declaration to CDPH-VR (with the VS 85 form) to include the parent's name in Items 6A-6C on your child's birth certificate.
- For more information about establishing paternity, contact the California Department of Child Support Services, Paternity Opportunity Program (POP), at either (toll free) 866-249-0773 or [www.childsup.ca.gov](http://www.childsup.ca.gov).

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## What is the fee for a delayed registration?

- \$23 – which includes one Certified Copy of the birth certificate.
- Additional copies are \$25 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 85 form?

One form is included if you receive this pamphlet by mail. If you need additional copies of the VS 85 form, or are accessing this pamphlet on the CDPH-VR website:

- Download a fillable form at: <http://www.cdph.ca.gov/pubsforms/forms/CtrlForms/VS85.pdf>. Instructions for completing the PDF fillable form can be found on the CDPH website.
- Order paper forms electronically to be mailed to you at: <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 or County Health Department in any California county.

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## How do I complete the VS 85?

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

- Do not include any marks or notations on the form other than the information requested.
- On the back of the form, indicate the number of copies you want, the fee enclosed, and your name, address, and telephone number.
- Do not write on the bottom part of the form marked “State Registrar Use Only.”
- If information is unknown, include a dash ( – ).

**Facts of Birth:** Enter information about the person whose birth is being registered.

**Parent:** If registering a birth that occurred *after* December 31, 1994, CDPH-VR cannot include the parent on the birth certificate in Items 6A-6C unless you provide a certified copy of the marriage certificate between the parents (if married), a State Registered Domestic Partnership declaration (if in a State Registered Domestic Partnership), or a copy of a Declaration of Paternity signed by both biological parents (if not married).

**Person Giving Birth:** Enter the parent’s information who gave birth to the child.

**Certification of Applicant:** Must be signed by the person whose birth is being registered, if they are at least 18 years old. If the person is under 18, this must be signed by a parent, legal guardian, attending physician, or principal attendant at birth. (A legal guardian must include with the application a copy of the guardianship papers issued by the court.)

**Affidavit and Signatures:** Persons having knowledge of the facts must complete the supporting affidavits. These persons must have been at least five years old at the time the birth occurred. The signed affidavits must be included on the bottom of the VS 85 form – and not as a separate document.

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## What makes a VS 85 form “acceptable?”

### Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability. Because the bottom portion of the VS 85 form that you submit becomes the actual birth certificate, it must adhere to strict guidelines:

- Every item on the form must be completed.
- **Every entry must be within each field and cannot go outside the lines.**
- 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, or 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 actually 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 birth certificate?

The processing time for delayed birth registrations can be located on the CDPH-VR website at:

<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.