

# Court Order Delayed Registration Of Birth



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 Office of Vital Records M.S. 5103 P.O. Box 997410 Sacramento, CA 95899-7410 Telephone: (916) 445-2684

California Relay: 711/1-800-735-2929

http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/default.aspx

January 2012

### **Court Order Delayed Registration of Birth**

If a person's birth was never registered, or there is no record of the birth on file, what can I do?  If you (or your child) were born in California, and the birth was never registered, or a certified copy is not obtainable, you can file an Application for Delayed Registration of Birth (form VS 85) with our office. The law requires that you provide evidence and affidavits supporting the birth.

If you have the appropriate evidence and affidavits to support the birth, and want more information about the process, you can download our pamphlet (Delayed Registration of Birth) from our website, or you can call our Customer Service Unit (916/445-2684) and we will mail you a copy.

**Note:** If your child is less than one year old, you *must* register the birth through the local registrar of births in the county where the child was born.



 Court Process: If you do not have the appropriate evidence and affidavits, you must petition the Superior Court to judicially establish the fact of birth. This pamphlet will guide you through the process.

### What is a delayed registration?

 A Delayed Registration of Birth is a way to register a California birth when the birth was not registered within the first year, or a certified copy is not obtainable.

# Who can apply for a court order delayed birth certificate?

- Any beneficially interested person can 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.

### How do I petition the court?

We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we have information about the legal process.

### (Continued)

### How do I petition the court?

(Continued)

# After I get the court order, what do I submit to register the birth?

- There are also books available at bookstores or public libraries to help you with the court process.
- You can also access the following website for additional information about the court process: <a href="www.courtinfo.ca.gov">www.courtinfo.ca.gov</a>.
- At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS 108), along with any documents you have that support the date and place of birth.
- Once the court establishes the fact of birth, mail the following items to our office using the address on the front of this pamphlet:
  - **Certified** copy of the Order Establishing Fact of Birth (top of VS 108).
  - Completed Court Order Delayed Registration of Birth (bottom of VS 108).
  - \$20 fee.

See next section for explanation of "certified" copy.

We do not return the court order after the birth certificate is prepared.

• If any of these items are not included, your request will be returned to you for correction.

### What is a "certified" copy of the court order?

1. 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.

- 2. 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.

### (Continued)

### What is a "certified" copy of the court order?

### (Continued)

#### 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 us a copy where the court seal has been photocopied. The court seal must be an *original* seal.
- The court seal and signature must appear on the actual certified copy (either front or back) – and not on 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.

# What is the fee for a court order delayed registration?

- \$20 which includes one Certified Copy of the birth certificate.
- Additional copies are \$18 each.
- Fees should be paid by check or money order payable to
   Office of Vital Records. International money orders for out-of-country requests should be payable in U.S. dollars.

### Where can I get the VS 108?

One copy is included with this pamphlet. **Photocopies are not acceptable.** If you need additional copies of the VS 108:

- Order forms electronically at: <a href="https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184">https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184</a>.

   Because of the volume of phone calls we receive, the Internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our 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.

### How do I complete the VS 108?

A sample of what a completed form should look like is attached.

The VS 108 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 birth certificate that will be filed in our office (State Registrar) and provided to the County Recorder's Office in the county where the birth occurred.

### PART ONE (Top Portion) - Order Establishing Fact of Birth

- Complete all items except the judge's signature and the line at the bottom that states "Done in this court this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_."
- Your reason for having to file the birth 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 us with a certified copy of the amended Order.

Before you leave the courthouse, make sure:

- There is a file number on the Order.
- The Order has been *certified*. (See previous section for explanation of "certified" copy.)

We do not return the court order after the birth certificate is prepared.

### PART TWO (Bottom Portion) – Court Order Delayed Registration of Birth

- Do not write on the "State File Number" or "Local Registration District" lines (directly below perforation) or on the bottom part of the form marked "State Registrar Use Only."
- Complete items 1A through 11 only.

### What makes a VS 108 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 part of the VS 108 becomes the actual birth certificate, it must adhere to strict guidelines:

- Items 1A through 11 must be completed.
- The form must be an original, not a photocopy.
- Because the form becomes the official record, every word and letter must be extremely clear and legible. Using a typewriter to complete the form ensures that the information is interpreted clearly.
- 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.
- There cannot be any erasures, whiteout, or alterations.

### How will I know if my request has been accepted?

Once your request has been received and evaluated, we will send you either:

- A postcard letting you know your request has been accepted, and reminding you of our processing time.
- If your request is not accepted (e.g., due to insufficient fee, insufficient information, etc.), we will return your request to you with a letter explaining what needs to be corrected.

Please allow about 6 weeks to receive the acknowledgement postcard. Rejected requests can take up to 10 weeks to be returned.

## How long will it take to get the birth certificate?

The processing time for court order delayed birth registrations can be located on our website at:

http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx

### What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6078 and leave your name, telephone number, and question. One of our Delayed Registration staff will return your call within 48 hours.

If you have questions on the **status** of your request, please call our Customer Service Unit at (916) 445-2684 – **but only after the processing time has passed**.

#### ORDER ESTABLISHING FACT OF BIRTH

#### In the Superior Court of the State of California

In and for the County of In the matter of the petition of To establish the fact of birth of Department \_ having been filed herein on the \_\_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, and such petition having by an order of court been duly set for hearing on the \_\_\_\_\_\_ day of \_\_\_\_\_\_, A.D., 20\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_ m. of said day; and now on said day said matter coming on regularly for hearing and it appearing to the satisfaction of this court from the evidence introduced that the said \_\_\_\_ beneficially interested in establishing of record the fact of the birth of said and it appearing that on the day of \_\_\_\_\_, A.D., 20\_\_\_\_, a \_\_\_\_\_child was that the name of said child is \_\_\_\_\_ (First) (Middle) that said birth has not been registered in conformity with the provisions of law in effect at the time of said birth or such record has been lost or destroyed after having been filed; and no one appearing at said hearing to oppose the making of this order; It is therefore ordered, adjudged, and decreed that on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_, a \_\_\_\_ child of the name of \_\_\_\_\_ \_\_\_\_\_, County of \_\_\_\_\_ \_\_\_\_\_, State of \_\_\_\_\_ Done in court this \_\_\_\_\_\_ day of \_\_\_\_\_\_, A.D., 20\_\_\_\_\_.

Before filing the above order, insert in the certificate form below, as of the date of the birth, the personal and statistical particulars required for the records of the State Registrar. A certified copy of the above order must be filed with the State Registrar before the order shall become effective. **USE BLACK INK ONLY.** 

Judge of the Superior Court

### COURT ORDER DELAYED REGISTRATION OF BIRTH STATE OF CALIFORNIA

NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

STATE FILE NUMBER

OR ALTERATIONS
LOCAL REGISTRATION NUMBER

#### TYPE OR PRINT CLEARLY IN BLACK INK ONLY - THIS FORM BECOMES THE OFFICIAL BIRTH RECORD 1A. NAME-FIRST **FACTS** 2. SEX 3A. THIS BIRTH, S , 3В. MUL IPLE, THIS CHILD BOR 1ST, 2ND, ETC. 4. DATE OF BIRTH-MM/DD/CCYY OF BIRTH 5A. PLACE OF BIRTH-NAME OF HOSPITAL OR FACILITY 5C. COUNTY OR COUNTRY 5B. CITY OR TOWN DF FAT ER/PAREN PARENT 7. STATE/FOREIGN COUNTRY OF BIRTH 8. DATE OF BIRTH-MM/DD/CCYY 9A. NAME OF MOTHER/PARENT—FIRST 9B. MIDDLE 9C. LAST (BIRTH) MOTHER/ **PARENT** 10. STATE/FOREIGN COUNTRY OF BIRTH 11. DATE OF BIRTH-MM/DD/CCYY 12. NAME AND KIND OF DOCUMENT, BY WHOM ISSUED AND SIGNED, DATE ISSUED, DATE ORIGINAL MADE Α ABSTRACT OF SUPPORTING В **DOCUMENTS** С D Ε F 13. DATE OF BIRTH OR AGE, BIRTHPLACE, NAME OF FATHER/PARENT, BIRTH NAME OF MOTHER/PARENT Α REGISTRANT INFORMATION В AS STATED IN **DOCUMENTS** С D Ε F 14. Offered for filing pursuant to order number \_\_\_\_ \_\_\_\_\_ of the Superior Court of the State of California in and for the County \_\_\_ made the \_\_\_ \_\_ day of \_ \_\_\_, A.D., 20 \_ establishing of record the fact of birth in the State or Country of \_ STATE **REGISTRAR USE** ONLY 15B. STATE FILE NO. 15A. DATE OF DEATH-MM/DD/CCYY 16. OFFICE OF VITAL RECORDS 17. DATE ACCEPTED FOR REGISTRATION

### APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD

#### PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE COMPLETING THIS APPLICATION

applica	t of statewide efforts to prevent identity the ation to receive certified copies of birth reco Document to Establish Identity."								
Please	indicate the type of certified copy you are	requesting:							
				☐ I would like a <b>Certified Informational Copy.</b> This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY."  (A Sworn Statement does not need to be provided.)			at states,		
Fee:	\$18 per copy (payable to CDPH (CDPH cannot be held responsible for		-					NOT SEND	CASH
	Both documents are certified copies of ures and Social Security Number, the do	f the original	document on f	ile wit	th our office.			e legend and	redaction of
_	A party entitled to receive the record as a result of a court order (include copy), or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.  A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. (Companies representing a government agency must provide authorization from the government agency.)  A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.								
APPL	ICANT INFORMATION (PLEASE P	RINT OR T	YPE)	Tod	ay's Date:				
Agency Name (if appropriate)				Agei	Agency Case No. Purpose of Request				
Print Name of Applicant				Signature of Applicant					
Mailing Address – Number, Street				Amount Enclosed – DO NOT SEND CASH Number of Copies  \$Check \$Money Order					
City					Name of Person Receiving Copies, if Different from Applicant				
State/Province ZIP Code			Mai	Mailing Address for Copies, if Different from Applicant					
Daytime Telephone (include area code) Country		Country	City		City		State	ZIP Code	
BIRTH	I RECORD INFORMATION (PLEASE PR	INT OR TYPE	) Adopted:		No 🗆 Yes	(If Yes, see	#4 on Page 2)		
BIRTH FIRST Name			MIDDLE Name		LAST Name				
City of Birth (must be in California)					County of Birth				
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth				)	SexFemaleMale		Male		
Father/Parent FIRST Name			MIDDLE Name		LAST Name				
Mother/Parent FIRST Name			MIDDLE Name		LAST Name				

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#### **INFORMATION:**

Birth records have been maintained in the California Department of Public Health Vital Records since July 1, 1905. The name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or naturalization. AKA's (Also Known As) and assumed names cannot be entered as the legal name on the birth record.

#### **INSTRUCTIONS:**

- 1. As of July 1, 2003, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a birth record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, "Informational, Not a Valid Document to Establish Identity."
  - **Confidential Information on Birth Record:** some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the **Birth Record** section of our website at: <a href="https://www.cdph.ca.gov">www.cdph.ca.gov</a>. Only specific individuals may obtain confidential copies.
- 2. Complete a separate application for each birth record requested.
- 3. Complete the **Applicant Information** section on Page 1 and provide your signature where indicated. In the **Birth Record Information** section, provide all the information you have available to identify the birth record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
- 4. **If the registrant has been adopted**, make the request in the **adopted** name. If the registrant was born outside the United States and re-adopted in California, mark the "Yes" box and complete the application with the adopted information. (If you are requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

#### 5. **SWORN STATEMENT:**

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record and identify their relationship to the registrant the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement**.
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.
- 6. Submit \$18 for each copy requested. If no birth record is found, the \$18 fee will be retained for searching for the record (as required by law) and a "Certificate of No Public Record" will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to CDPH Vital Records. PLEASE SUBMIT CHECK OR MONEY ORDER DO NOT SEND CASH (CDPH CANNOT BE HELD RESPONSIBLE FOR FEES PAID IN CASH THAT ARE LOST, MISDIRECTED, OR UNDELIVERED). Mail completed application with the fee(s) to the CDPH Vital Records at the address below.
- 7. **Mailing Completed Certificates:** completed certificates are mailed using the U.S. Postal Service.

California Department of Public Health Vital Records - MS 5103 P.O. Box 997410 Sacramento, CA 95899-7410 (916) 445-2684

### **SWORN STATEMENT**

that I am an authorized person, as defined in California Health a	nd Safety Code Section 103526 (c), and a	m eligible to receive a					
certified copy of the birth, death, or marriage certificate of the f	following individual(s):						
Name of Person Listed on Certificate		Applicant's Relationship to Person Listed on Certificate (Must Be a Relationship Listed on Page 1 of Application)					
(The remaining information must be completed in the presence of a Noto	ary Public or CDPH Vital Records staff.)						
Subscribed to this day of	20 at						
Subscribed to this day of (Month)	(City)	(State)					
(Day) (Month)  Note: If submitting your order by mail, you must have Acknowledgment below. The Certificate of Acknowle	(Applicant's Signatu e your Sworn Statement notarized us	ure) sing the Certificate of					
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### **CALIFORNIA COUNTY RECORDERS**

	110(A) 1'
Alameda	1106 Madison Street, 1 <sup>st</sup> Floor, Oakland, CA 94607, (510) 272-6363
Alpine	P.O. Box 217, Markleeville, CA 96120-0217, (530) 694-2286
Amador	810 Court Street, Jackson, CA 95642 Attn: Tico, (209) 223-6468
Butte	25 County Center Drive, Administration Building., Oroville, CA 95965, (530) 538-7691
Calaveras	Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372
Colusa	546 Jay Street, Colusa, CA 95932, (530) 458-0500
Contra Costa	555 Escobar Street, Martinez, CA 94553, (925) 335-7900
Del Norte	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216
El Dorado	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno	2281 Tulare Street, Room 303, or P.O. Box 766, Fresno, CA 93712, (559) 488-3476
Glenn	526 West Sycamore Street, Courthouse, Willows, CA 95988, (530) 934-6412
Humboldt	825 5th Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial	940 West Main Street, Room 206, El Centro, CA 92243, (760) 482-4272
Inyo	Courthouse, 168 N. Edwards Street, Independence, CA 93526, (760) 878-0222
Kern	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6449
Kings	Government Center, 1400 W. Lacey Blvd., Hanford, CA 93230, (559) 582-3211, X 2470
Lake	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen	Courthouse, 220 S. Lassen Street, Suite 5, Susanville, CA 96130, (530) 251-8234
Los Angeles	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137 or 2101 or 2102
Madera	200 West 4 <sup>th</sup> Street, Madera, CA 93637, (559) 675-7724
Marin	3501 Civic Center Drive, Courthouse, Room 232, San Rafael, CA 94903, (415) 499-6092
Mariposa	4982 10th Street, P.O. Box 35, Mariposa, CA 95338, (209) 966-5719
Mendocino	501 Low Gap Road, #1020, Ukiah, CA 95482, (707) 463-4376
Merced	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc	204 S. Court Street, Room 107, Alturas, CA 96101-4020, (530) 233-6205
Mono	74 School Street, Annex I, P.O. Box 237, Bridgeport, CA 93517-0237, (760) 932-5535
Monterey	168 West Alisal Street, First Floor, P.O. Box 29, Salinas, CA 93902-0029, (831) 755-5041
Napa	900 Coombs Street, Room 116, P.O. Box 298, Napa, CA 94559-0298, (707) 253-4246
Nevada	950 Maidu Avenue, Nevada City, CA 95959, (530) 265-1221
Orange	12 Civic Center Plaza, Room 101 or P.O. Box 238, Santa Ana, CA 92702-0238, (714) 834-2500
Placer	2954 Richardson Drive, Auburn, CA 95603, (530) 886-5600
Plumas	520 Main Street, Room 102, Quincy, CA 95971, (530) 283-6218
Riverside	2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 486-7000
Sacramento	600 8th Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito	County Courthouse, 440 5th Street, Room 206, Hollister, CA 95023-3896, (831) 636-4029
San Bernardino	222 W. Hospitality Lane, First Floor, San Bernardino, CA 92415-0022, (909) 387-9095
San Diego	1600 Pacific Highway, Room 260, or P.O. Box 12150, San Diego, CA 92112-4750, (619) 531-5572
San Francisco	One Dr. Carlton B. Goodlett Place, City Hall Room 190, San Francisco, CA 94102, (415) 554-5916*
San Francisco Health Dept.	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 701-2311**, (415) 701-2311***
San Joaquin	44 N. San Joaquin St., Ste 260, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-8075
San Luis Obispo	1055 Monterey Street, D120, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo	Vital Records, 1st Floor, 555 County Center Dr., Redwood City, CA 94063-1665, (650) 363-4713
Santa Barbara	1101 Anacapa Street, P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250
Santa Clara	County Government Center, East Wing, 1st Flr, 70 W. Hedding St., San Jose, CA 95110, (408) 299-5669
Santa Cruz	701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-3222
Shasta	1450 Court Street, Suite 208, Redding, CA 96001, (530) 225-5678
Sierra	P.O. Drawer D., Downieville, CA 95936, (530) 289-3295
Siskiyou	311 4th Street, Room 108, Yreka, CA 96098, (530) 842-8065
Solano	675 Texas Street, Suite 2700, Fairfield, CA 94533, (707) 784-6294
Sonoma	585 Fiscal Drive, Room 103F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2645
Stanislaus	1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353, (209) 525-5251
Sutter	433 Second Street, Yuba City, CA 95991, (530) 822-7134
Tehama	633 Washington Street, Room 11 or P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity	11 Court Street, P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare	County Civic Center, 221 S. Mooney Blvd., Room 103, Visalia, CA 93291-4593, (559) 636-5050
Tuolumne	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura	800 South Victoria Avenue, LN 1260, Ventura, CA 93009, (805) 654-2295 or (805) 654-3666
Yolo	625 Court Street, Room B01, or P.O. Box 1130, Woodland, CA 95776-1130, (530) 666-8130
Yuba	915 8th Street, Suite 107, Marysville, CA 95901, (530) 749-7851

<sup>\*</sup> Marriages \*\* Births

\*\*\* Deaths