

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-58

Title	Action Requested
Delayed Certificates of Death, Birth, and Marriage	Review and submit comments by June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms MC-360 and MC-360A; approve forms MC-361, MC-361A, MC-362, and MC-362A	January 1, 2012
Proposed by	Contact
Probate and Mental Health Advisory Committee	Douglas C. Miller, Senior Attorney Office of the General Counsel Administrative Office of the Courts 818-558-4178 douglas.miller@jud.ca.gov
Hon. Mitchell L. Beckloff, Chair	

Summary

The Health and Safety Code authorizes a court procedure to establish the fact, date, and place of a death, birth, or marriage for the purpose of creating a delayed official record of the event when no record of the event was previously made or can be obtained. In October 2003, effective January 1, 2004, the Judicial Council approved optional forms for a petition for an order establishing the fact, date, and place of a death under section 103450, and a supporting declaration.¹

Events since 2004 necessitate changes in the forms previously approved by the council. In addition to proposing revisions of the existing forms concerning a death, the Probate and Mental Health Advisory Committee proposes new form petitions and supporting declarations for establishing the fact, date, and place of a birth or a marriage.

Discussion

Health and Safety Code sections 103450–103490 set forth a procedure to establish, by court order, the fact, date, and place of a death, birth, or marriage when no official record of the event exists or can be obtained. The court order leads to a delayed official record of the event, a certificate of death, birth, or marriage filed with the California Department of Public Health,

¹ Unless otherwise stated, all code references are to the Health and Safety Code.

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Office of Vital Records. Section 103450 authorizes a verified petition by a beneficially interested person for an order establishing the fact, date, and place of the death, birth, or marriage to be filed in the superior court of the county where the event allegedly occurred or where the person whose event is to be established is a resident or, in the case of a death, was domiciled on the date of death. Upon the filing of the petition, the court must schedule an ex parte hearing. If the facts alleged in the petition are established to the satisfaction of the court at the hearing, the court may make an order determining that the death, birth, or marriage in fact took place on the date and at the place shown by the evidence.

The order must be prepared on a form prescribed and furnished by the state registrar of vital statistics.² The order becomes effective when a court-certified copy of it is filed with the California Department of Public Health. When that occurs, that department, through its Office of Vital Records, registers and files a delayed certificate of death, birth, or marriage. Although the court order must be prepared on the form provided by the state registrar, the Department of Public Health has not developed a form for the verified petition.

Existing forms MC-360 and MC-360A

In 2003, the Probate and Mental Health Advisory Committee proposed and the council approved, effective January 1, 2004, optional Judicial Council forms for a petition and supporting declaration to establish a record of death under section 103450, the *Petition to Establish Record of Death* (form MC-360), and the *Declaration in Support of Petition to Establish Record of Death* (form MC-360A). These forms have not been revised since their effective date.

Changes after 2004 in the structure of state government responsible for maintaining death, birth, and marriage records require revision of these forms. In 2007, the vital statistics function of the former Department of Health Services was transferred to the Department of Public Health.³ The former department is identified in the Notice text box on page 1 of form MC-360. More important, after this reorganization, the internet address (URL) shown in the text box for the Office of Vital Records changed. The URL is an important source of detailed information for potential petitioners about the court process and the necessary steps after completion of that process to file a certificate of death with the Office of Vital Records. The revised form would identify the correct department and provide the current URL.

Place of death. Item 2 of existing form MC-360 and item 3 of existing form MC-360A limit the place of death to a state in the United States. Sections 103450–103490 do not expressly limit this relief to events occurring in California specifically or in the United States generally. The section chief of the Birth and Marriage Section of the Office of Vital Records has advised this committee’s staff that her unit registers all births and marriages for which there is a court order, without restrictions on the places of births or marriages.

² Section 103485. The state registrar of vital statistics is the state public health officer, who is also the director of the California Department of Public Health. See §§ 102175, 102200, 131005(b).

³ See §§ 131005(b), 131050(b), 131051(c)(7).

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Section 102100 says that “[e]ach live birth, fetal death, death, and marriage that *occurs in the state* shall be registered as provided in this part.” (Italics added.) “[T]his part” refers to Part 1, Vital Records, of Division 102 of the Health and Safety Code, sections 102100–103800. But section 103490, in the specific context of the delayed certificate procedure, twice refers to events determined by the court to have occurred outside this state, thereby inferring that in that context, no limitation of the events to California was intended. The advisory committee does not interpret section 102100 as prohibiting a more specific portion of Part 1, such as sections 103450–103490, from providing for or permitting registration of deaths, births, or marriages that occur outside California in appropriate circumstances. In this situation, the appropriate circumstances are a missing or unavailable official record of the event and California residency, or domicile at death, of the person whose event is involved. The revised forms would permit and provide space for the petition and the supporting declaration to allege that a death occurred in any state of the United States or in any foreign country.

Disclosure of related litigation. The existing supporting declaration for a petition to establish the fact of a death, form MC-360A, contains an item requesting the declarant to state that the death or its date, time, or place is important to pending litigation, preceded by a check box. If the check box is selected, the declarant is to provide information about the litigation but is given limited space to do so and no option to refer to an attachment for the purpose. The revised form retains this item but it is modified by eliminating the check box, requiring the declarant to affirmatively state that the event either is or is not important to such litigation and providing space for the requested information about the litigation and an invitation to provide additional information on an attachment. The changes in this item should reduce the number of declarants who simply do not select the item, provide a way for declarants to give the requested information about litigation to which the delayed record is important, and require declarants to make affirmative statements about the presence or absence of collateral litigation that might be affected by judicial establishment of the event alleged in the petition.

The statute does not refer to or expressly require disclosure of related litigation. This item was included in the original supporting declaration and is retained because these proceedings are entirely *ex parte*; no notice to anyone is required. There is authority for the proposition that a court may entirely disregard as without evidentiary weight an order establishing a birth, death, or marriage under section 103450, et seq., or the delayed certificate registered under the order, in litigation where the fact, date, or place of the event are important. (See *Estate of De Passe* (2002) 97 Cal.App.4th 92 at 104–105, and *Schmidt v. Retirement Board* (1995) 37 Cal.App.4th 1204 at pages 1210–1216.)

Section 103475 provides that if the allegations of the petition are established to the court’s satisfaction at the hearing, the court *may* make an order determining that the death, birth, or marriage occurred on the date and at the place shown by the proof offered at the hearing. The court is not required to do so. In a case where related litigation involving parties not before the court may be impacted by an order entered under this procedure the court may decline to make

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the order, consolidate the proceeding with the other litigation, or exercise its discretion to require notice and an opportunity for the other parties to that litigation to be heard before making its decision.

Other proposed changes. The names of the forms would also be changed, from *Petition to Establish Record of Death*, and *Declaration in Support of Petition to Establish Record of Death*, to *Petition to Establish Fact, Time, and Place of Death*, and *Declaration in Support of Petition to Establish Fact, Time, and Place of Death*. The new names more accurately describe the relief the petition asks the court to grant, which is a determination of the fact, time, and place of death.⁴ The court's order eventually leads to an official record of the event, but only if the successful petitioner submits a certified copy of the order to the Office of Vital Records. The court does not establish the official record, and the petition does not request the court to do so.

The revised form MC-360 also includes more readable and complete instructions in the Notice text box, retitled "Notice to Petitioners," on page 1 of the form. The larger size of the text box requires the form to increase from one to both sides of a single piece of paper. But this change permits more space for responses to items in the body of the form. The additional space should result in more complete responses to these items without having to resort to additional attachment pages, possibly making the overall length of future filings shorter. The supporting declaration, form MC-360A, would also increase to two sides of a single piece of paper to increase the space available to respond to items 4, 5, and 6 without attachment pages.

New forms MC-361, MC-361A, MC-362, and MC-362A

The following new forms are proposed:

- *Petition to Establish Fact, Time, and Place of Birth* (form MC-361)
- *Declaration in Support of Petition to Establish Fact, Time, and Place of Birth* (form MC-361A)
- *Petition to Establish Fact, Time, and Place of Marriage* (form MC-362)
- *Declaration in Support of Petition to Establish Fact, Time, and Place of Marriage* (form MC-362A)

These forms are identical to the revised forms MC-360 and MC-360A, except as necessary to refer to births or marriages and to living persons as participants in these events, and to identify the appropriate Office of Vital Statistics court order forms in the Notice to Petitioners text box for each type of delayed certificate (VS 109 for death, VS 108 for birth, and VS 122 for marriage).

⁴ See section 103455, which requires the petition to contain all facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage.

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Specific Comments Requested

The revised forms remain optional, and the new forms concerning births and marriages are also proposed as optional forms. But the committee desires comments as to whether all of these forms should be proposed for adoption as mandatory forms.

If the forms do become mandatory, their use would be required for all petitioners in all courts. The forms would replace all local court forms and attorney-drafted documents. The Office of Vital Records would then be able to provide greater publicity about the availability of these forms, and their preparation and use, in its public information publications. The allegations and supporting evidence required in proceedings under sections 10340–103490 would become much more consistent and uniform throughout the state.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (Name):	
PETITION TO ESTABLISH FACT, TIME, AND PLACE OF DEATH	CASE NUMBER:

Notice to Petitioners

At or before the court hearing on this petition, you must provide to the court a completed (filled-in) order for the judicial officer to sign. The order must be prepared on a form issued by the California Department of Public Health, Office of Vital Records, the *Order Establishing Fact of Death* (form VS 109). The top portion of that form is the court order. The bottom portion of that form is the death certificate you must submit for filing to the Office of Vital Records with a copy of the signed order certified by the clerk of the court.

Form VS 109 may be obtained from the Department of Public Health or from a county recorder or health department. Information about the form, including instructions on how to get it and how to complete and file it with the court and with the Office of Vital Records, is available online at www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx.

1. a. Petitioner (name): _____ is a beneficially interested person, entitled under section 103450 of the California Health and Safety Code to an order establishing the fact and the time and place of the death of the person named in item 2.
- b. Petitioner's beneficial interest in this matter is stated in the space below stated in Attachment 1b.

2. Petitioner requests the court to establish the fact, time, and place of the death of:
 - a. Name:
 - b. Date and time of death: Date: _____ Time: _____
 - c. Place of death: County of _____, State (U.S.): _____
 or State or province of _____, Country: _____

3. (Check one of the following):
 - a. There is no official record of the fact, time, and place of the death of the person named in item 2.
 - b. A certified copy of the official record of the death of the person named in item 2 cannot be obtained for the reasons stated in the space below stated in Attachment 3b.

IN THE MATTER OF (Name): _____	CASE NUMBER:
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4. The person named in item 2 resided at time of death at (street address and city):

County of _____, State of _____

5. Petitioner requests that the court make an order determining that the death of the person named in item 2 did in fact occur on the time and at the place stated in item 2, as shown by the *Declaration in Support of Petition to Establish Fact, Time, and Place of Death* (form MC-360A) and attachments, filed herewith, and by other proofs adduced at the hearing.

6. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶ _____

(SIGNATURE OF ATTORNEY)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY Draft Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (<i>Name</i>):	
DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, TIME, AND PLACE OF DEATH	CASE NUMBER:

(*Name of declarant*): _____ declares as follows:

1. I make the statements in this declaration based on my personal knowledge or on the contents of the documents identified in item 5. ("Personal knowledge" of a fact is **not** knowledge of a fact gained from another person's statements to you about that fact.)

- 2. a. I am at least 18 years of age.
- b. I reside at (*street address and city*):

County of _____, State of _____

3. (*Name of deceased person*):
 died at approximately (*time*): _____ on (*date*): _____
 in the City of _____, County of _____, State (U.S.) _____.
 or, State or province of _____, Country: _____.

4. Facts showing how, when, and where the person named in item 3 died and explaining how I have personal knowledge of those facts are stated in the space below are stated in Attachment 4 to this declaration.
 (*If you are relying solely on the contents of the documents identified in item 5, please advise in the space below.*)

IN THE MATTER OF (Name):	CASE NUMBER:
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5. Attached are true and correct copies of the following documents (check each box that applies):

a. Police report dated (date of each):

b. Coroner's report dated (date):

c. Private physician's report dated (date of each):

d. Other documents dated (describe and give the date of each document):

Continued on Attachment 5d.

6. The death of the person named in item 3, or its date, time, or place, is not is important to litigation that is now pending and described below. (If you selected "is," briefly describe the litigation and provide the case name and number, the name and address of the court where it is pending, the names of all parties to the litigation, and the names, addresses, and telephone numbers of their attorneys.)

Continued on Attachment 6.

7. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">Draft</p> <p style="text-align: center;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (Name):	
PETITION TO ESTABLISH FACT, TIME, AND PLACE OF BIRTH	CASE NUMBER:

Notice to Petitioners

At or before the court hearing on this petition, you must provide to the court a completed (filled-in) order for the judicial officer to sign. The order must be prepared on a form issued by the California Department of Public Health, Office of Vital Records, the *Order Establishing Fact of Birth* (form VS 108). The top portion of that form is the court order. The bottom portion of that form is the birth certificate you must submit for filing to the Office of Vital Records with a copy of the signed order certified by the clerk of the court.

Form VS 108 may be obtained from the Department of Public Health or from a county recorder or health department. Information about the form, including instructions on how to get it and how to complete and file it with the court and with the Office of Vital Records, is available online at www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx.

1. a. Petitioner (name): _____ is a beneficially interested person, entitled under section 103450 of the California Health and Safety Code to an order establishing the fact and the time and place of the birth of the person named in item 2.
- b. Petitioner's beneficial interest in this matter is stated in the space below stated in Attachment 1b.

2. Petitioner requests the court to establish the fact, time, and place of the birth of:
 - a. Name: _____ Gender: Male Female
 - b. Father's Name: _____ Mother's Name: _____
 - c. Date and time of birth: Date: _____ Time: _____
 - d. Place of birth: County of: _____, State (U.S.): _____
 or State or province of: _____, Country: _____
3. (Check one of the following):
 - a. There is no official record of the fact, time, and place of the birth of the person named in item 2.
 - b. A certified copy of the official record of the birth of the person named in item 2 cannot be obtained for the reasons stated in the space below stated in Attachment 3b.

IN THE MATTER OF (Name): _____	CASE NUMBER:
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4. The person named in item 2 now resides at (street address and city):

County of _____, State of _____

5. Petitioner requests that the court make an order determining that the birth of the person named in item 2 did in fact occur on the date and at the place stated in item 2, as shown by the *Declaration in Support of Petition to Establish Fact, Time, and Place of Birth* (form MC-361A) and attachments, filed herewith, and by other proofs adduced at the hearing.

6. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶ _____

(SIGNATURE OF ATTORNEY)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	FOR COURT USE ONLY <p style="font-size: 1.2em; font-weight: bold;">Draft</p> <p style="font-weight: bold;">Not Approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
IN THE MATTER OF <i>(Name):</i> _____	
<p>DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, TIME, AND PLACE OF BIRTH</p>	CASE NUMBER: _____

(Name of declarant): _____ declares as follows:

1. I make the statements in this declaration based on my personal knowledge or on the contents of the documents identified in item 5.
*("Personal knowledge" of a fact is **not** knowledge of a fact gained from another person's statements to you about that fact.)*
2. a. I am at least 18 years of age.
 b. I reside at *(street address and city):* _____

County of _____, State of _____

3. *(Name):* _____ was born at
 approximately *(time of birth):* _____ on *(date):* _____
 in the City of _____, County of _____, State (U.S.)
 or State or province of _____, Country: _____

4. Facts showing when and where the person named in item 3 was born and explaining how I have personal knowledge of those facts
 are stated in the space below are stated in Attachment 4 to this declaration.
(If you are relying solely on the contents of the documents identified in item 5, please advise in the space below.)

IN THE MATTER OF (Name):	CASE NUMBER:
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5. Attached are true and correct copies of the following documents (check each box that applies):

- a. Hospital records dated (date of each):
- b. Ambulance records dated (date of each):
- c. Physician's report dated (date of each):
- d. Witness statements dated (date of each):
- e. Other documents dated (describe and give the date of each document):

Continued on Attachment 5d.

6. The birth of the person named in item 3, or its date, time, or place, is not is important to litigation that is now pending and described below. (If you selected "is," briefly describe the litigation and provide the case name and number, the name and address of the court where it is pending, the names of all parties to the litigation, and the names, addresses, and telephone numbers of their attorneys.)

Continued on Attachment 6.

7. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (Names):	
PETITION TO ESTABLISH FACT, TIME, AND PLACE OF MARRIAGE	CASE NUMBER:

Notice to Petitioners

At or before the court hearing on this petition, you must provide to the court a completed (filled-in) order for the judicial officer to sign. The order must be prepared on a form issued by the California Department of Public Health, Office of Vital Records, the *Order Establishing Fact of Marriage* (form VS 122). The top portion of that form is the court order. The bottom portion of that form is the marriage certificate you must submit for filing to the Office of Vital Records with a copy of the signed order certified by the clerk of the court.

Form VS 122 may be obtained from the Department of Public Health or from a county recorder or health department. Information about the form, including instructions on how to get it and how to complete and file it with the court and with the Office of Vital Records, is available online at www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx.

1. a. Petitioner (name): _____ is a beneficially interested person, entitled under section 103450 of the California Health and Safety Code to an order establishing the fact and the time and place of the marriage of the persons named in item 2.
- b. Petitioner's beneficial interest in this matter is stated in the space below stated in Attachment 1b.

2. Petitioner requests the court to establish the fact, time, and place of the marriage of:

- a. Names:
- b. Date and time of marriage: Date: _____ Time: _____
- c. Place of marriage: County of _____, State (U.S.): _____
or State or province of: _____, Country: _____

3. (Check one of the following):

- a. There is no official record of the fact, time, and place of the marriage of the persons named in item 2.
- b. A certified copy of the official record of the marriage of the persons named in item 2 cannot be obtained for the reasons stated in the space below stated in Attachment 3b.

IN THE MATTER OF (Names): _____	CASE NUMBER:
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4. The persons named in item 2 now reside at (street address and city of each person):
(Name):

County of _____, State of _____
(Name):

County of _____, State of _____

5. Petitioner requests that the court make an order determining that the marriage of the persons named in item 2 did in fact occur on the date and at the place stated in item 2, as shown by the *Declaration in Support of Petition to Establish Fact, Time, and Place of Marriage* (form MC-362A) and attachments, filed herewith, and by other proofs adduced at the hearing.

6. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶ _____
(SIGNATURE OF ATTORNEY)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr style="width: 10%; margin-left: 0;"/> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY Draft Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF <i>(Names)</i> :	
DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, TIME, AND PLACE OF MARRIAGE	CASE NUMBER:

(Name of declarant): _____ declares as follows:

1. I make the statements in this declaration based on my personal knowledge or on the contents of the documents identified in item 5.
*("Personal knowledge" of a fact is **not** knowledge of a fact gained from another person's statements to you about that fact.)*
2. a. I am at least 18 years of age.
 b. I reside at *(street address and city)*:

County of _____, State of _____

3. *(Names)* _____
 were married at approximately *(time of marriage)*: _____ on *(date)*: _____
 in the City of _____, County of _____, State (U.S.) _____
 or State or province of _____, Country _____

4. Facts showing when and where the persons named in item 3 were married and explaining how I have personal knowledge of those facts are stated in the space below are stated in Attachment 4 to this declaration.
(If you are relying solely on the contents of the documents identified in item 5, please advise in the space below.)

IN THE MATTER OF <i>(Names)</i> : _____	CASE NUMBER:
--	----------------------

5. Attached are true and correct copies of the following documents *(check each box that applies)*:
- a. Marriage license dated *(date of each)*:
- b. Officiating person's statement dated *(date of each)*:
- c. Witness statements dated *(date of each)*:
- d. Other documents dated *(describe and give the date of each document)*:

Continued on Attachment 5d.

6. The marriage of the persons named in item 3, or its date, time, or place, is not is important to litigation that is now pending and described below. *(If you selected "is," briefly describe the litigation and provide the case name and number, the name and address of the court where it is pending, the names of all parties to the litigation, and the names, addresses, and telephone numbers of their attorneys.)*

Continued on Attachment 6.

7. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____	▶	_____
(TYPE OR PRINT NAME OF DECLARANT)		(SIGNATURE OF DECLARANT)

Item SPR11-58 Response Form

Title: **Delayed Certificates of Death, Birth, and Marriage** (revise forms MC-360 and MC-360A; approve forms MC-361, MC-361A, MC-362, and MC-361A)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.