# AMEND/CORRECT BIRTH CERTIFICATE

## for a **MINOR**

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# 1

## To Request a Court Order to Correct an Error on the Arizona Birth Record of a Person Currently Under the Age of 18

## FORMS and INSTRUCTIONS

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CVABM1–**5530** - 010119

**Law Library Resource Center**

# PETITION FOR COURT ORDER TO CORRECT (amend) A BIRTH CERTIFICATE for a MINOR

## CHECKLIST

***You may use these forms if . . .***

- ✓ You are the parent or guardian of a minor child who was born in the state of Arizona, *and there is an error on the child's birth certificate* ***other than*** *the child's name* (or there is an error in the child's name* **and** *some other item of information about the child, the mother, or the father).**
- ✓ The Arizona Office of Vital Records was unable to make the correction, and you want the Court to issue an Order to correct the error(s).
- ✓ You are prepared to present a certified copy of the Arizona birth certificate that contains the *incorrect* information.
- ✓ You are able to present evidence supporting what you say is the correct information, AND
- ✓ You understand that if the evidence you present with this Petition or that you bring to court with you is not enough to satisfy the Court:
  - You may be ordered to return to court with more/other supporting information, or
  - Your request may **not** be granted and you will not receive a refund of any court fees.

X ***You may*** NOT ***use these forms to*:**

X **CHANGE THE *IDENTITY* OF EITHER PARENT, OR**

X **ESTABLISH PATERNITY OR ADD THE NAME OF A FATHER, OR**

X **REQUEST A LEGAL NAME CHANGE.***

***** Separate packets for "name change" are available from the Law Library Resource Center.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

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# PETITION FOR COURT ORDER TO AMEND (CORRECT) A BIRTH CERTIFICATE – for a MINOR

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This packet contains court forms and instructions to file (fill in reason for forms and instructions). Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

| Order | File Number | Title | # Pages |
|---|---|---|---|
| 1 | CVABM1K | Checklist: "*You may use these forms if . . .*" | 1 |
| 2 | CVABM1t | Table of Contents (this page) | 1 |
| 3 | CVABM10i | INSTRUCTIONS: How to Fill Out Forms to Request Court Order to Amend (correct) a Birth Certificate for a Minor | 3 |
| 4 | CV10f | ***"Civil Cover Sheet"*** | 3 |
| 5 | CVABM11f | ***"Petition for Court Order to Amend Birth Certificate of a Minor"*** | 4 |
| 6 | CVABM17f | ***"Consent of*** (other) ***Parent and Waiver of Notice"*** | 2 |
| 7 | CVABM18f | ***"Notice of Hearing"*** | 1 |
| 8 | CVABM24f | ***"Affidavit of Service by Certified Mail"*** (if required) ***** | 1 |
| 9 | CVABM25f | ***"Declaration Supporting Publication"*** (if required) ***** | 2 |
| 10 | CVABM81f | "***Order to Amend Birth Certificate"*** | 3 |
| 11 | CVABM10p | PROCEDURES: What to do after you have completed all forms | 5 |

***** Read "INSTRUCTIONS" and "PROCEDURES" to determine if required.

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# INSTRUCTIONS: HOW TO FILL OUT FORMS to REQUEST A COURT ORDER TO CORRECT (AMEND) A BIRTH CERTIFICATE for a MINOR

**FOR ALL FORMS: TYPE OR WRITE CLEARLY. USE BLACK INK.**

**WARNING! These are NOT the proper papers to request a legal name change**. This Petition and accompanying papers are ONLY to request correction of **errors or omissions** (items left "blank") that appear on an Arizona birth certificate.

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**IF YOUR ADDRESS OR OTHER CONTACT INFORMATION IS PROTECTED BY A COURT ORDER:**

1. **INFORM the Clerk at the filing counter that you have a protected address when you file your papers.**
2. **Write any protected information on a Sensitive Data Sheet supplied by the Clerk.**
3. **Write "Protected" in the blanks where the protected information is requested.**
4. **Do NOT write your address or other protected information on any other form in this packet!**

## CIVIL COVER SHEET

- **CASE NUMBER:** Leave blank. The case number will be stamped on the papers at the time of filing.
- **ATTORNEY NAME AND BAR NUMBER:** Fill in only if an attorney represents the Petitioner.
- **PLAINTIFF'S NAME**: Write in the name of the person needing the corrected (amended) birth certificate.
- **DEFENDANT'S NAME:** Leave blank. Does not apply.
- *On page* **2**, check the box beside "**195(b) Amendment of Birth Certificate**".
- **Rule 26.2 DISCOVERY TIER, EMERGENCY ORDER SOUGHT, and COMMERCIAL COURT.** Leave blank. Does not apply.

Note that you do not need to make extra copies of this form.

(Next Form)

***PETITION FOR ORDER TO AMEND BIRTH CERTIFICATE of a MINOR*** (a person under 18 years old)

**In the top left corner**, write in the information requested about **you**, the parent or legal guardian filing the petition on behalf of the minor whose birth record needs correction.

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**In the Matter of . . .** Write in the name of the minor whose birth record needs correction.
Leave "**Case Number"** blank. This will be stamped on the papers at time of filing.

1. **INFORMATION ABOUT THE PETITIONER:** Write in the information requested about **you**, the parent or legal guardian filing the petition on behalf of the minor, including:

   - Your full legal name.
   - **IF** the address already listed at top-left is not your current or complete address, list it here. Check the box to indicate whether you are the minor's **mother/parent**, **father/parent**, or **legal guardian**.
   - Your county of residence, date and place of birth ("date and place" not required for guardian)**.**

2. **INFORMATION ABOUT THE MINOR WHOSE BIRTH RECORD NEEDS CORRECTION:**
   Supply all information requested. It is important that this information be absolutely clear and legible (and in BLACK ink).

3. **INFORMATION ABOUT THE BIRTH RECORD AND REQUESTS TO THE COURT:**

| | | |
|---|---|---|
| **Check the box for "A"** | if there is an error in birth certificate information about | **the CHILD.** |
| **Check the box for "B"** | | **the FATHER/PARENT.** |
| **Check the box for "C"** | | **the MOTHER/PARENT.** |

Then, in the separate (A)(B)(C) sections relating to the child, father/parent, and mother/parent, respectively, write in the **incorrect** information exactly as it appears on the current birth certificate. Below the listing of incorrect information, write in the **correct** information **EXACTLY** AS IT SHOULD APPEAR on the birth record.

**IT IS VITALLY IMPORTANT THIS INFORMATION BE ABSOLUTELY CLEAR AND LEGIBLE.**

**REQUEST TO THE COURT:** This asks the Court to Order the Arizona Office of Vital Records to:

1. Remove the information you have indicated is incorrect on the minor's birth record, and
2. Replace the incorrect information with the information you have indicated *is* correct.

**SIGN THE PETITION** in the presence of a Notary Public or a Deputy Clerk of Superior Court at the filing counter. By signing the Petition, you are stating to the Court that the information you have provided is true and correct under penalty of perjury.

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(Next Form)

## ***CONSENT OF** (OTHER) **PARENT AND WAIVER OF NOTICE:***

If a parent ***other than the petitioner*** is living and his or her rights have not been permanently cut off ("severed") **by court order**, have that parent (or legal guardian):

- Fill out section # 1 with his or her information,
- Read and sign the document in the presence of a Notary or Clerk of the Superior Court if he or she agrees to the requested change to the birth record and waives notice about court hearings regarding this request.

(Next (3) Forms:) **IF** you do not have the other parent's or guardian's signed and notarized "Consent and Waiver of Notice", **WAIT:** the Judicial Officer (Judge or Commissioner) will let you know **if** you have to provide notice of your request to anyone else. ***If** you are instructed by the Court to provide notice,* read the last document in this packet *("PROCEDURES")*, to determine whether any of these (3) affidavits are needed:

***AFFIDAVIT OF SERVICE BY CERTIFIED MAIL*** **(A)**
***DECLARATION SUPPORTING PUBLICATION*** **(B)**
***AFFIDAVIT OF PUBLICATION*** **(C)**

**(A)** IF you provided notice by certified **mailing** of a copy of the "***Petition to Modify"*** and "***Notice of Hearing",*** complete this form (A) to indicate to whom and to where and when you mailed the papers.

**(B)** IF you provided notice by running a legal notice advertisement, complete form (B) to inform the court what steps you took *before* publication to try to locate and provide actual notice to the other party, and
attach (C),

**(C)** the ***Affidavit of Publication*** *sent to you by the publisher* after the ad has run the required number of times.

(Next Form)

## ***ORDER TO AMEND BIRTH CERTIFICATE***

- **Write in the case caption** (the name of the person whose birth record is to be corrected and the case number) as they appear on the Petition. Check the box to indicate if the person whose birth record is to be corrected is a MINOR.

- **Under "PRESENT NAME APPEARING ON THE SUBJECT BIRTH CERTIFICATE":**
  - Write in the name of the person whose birth record is to be corrected **EXACTLY** as it appears on his or her current birth certificate.
  - Write in his or her date of birth.
  - Write in his or her place of birth (including city (or county, if no city), state and nation).

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- **"The Court finds information indicated below to be incorrect . . . "**
  - Check the appropriate box(es) to indicate what and whose information on the birth certificate is INCORRECT.

**"THE COURT ORDERS:"**

**1.** Check the appropriate boxes to indicate the information that is to be corrected for:

**(A) the Petitioner or Minor Child** (or protected adult) **whose birth certificate is to be corrected**,

**(B) the Father/Parent,**

**(C) the Mother/Parent.**

**2.** If there are errors or omissions ***other than*** the name, date or place of birth, check the box for "Other" and write in the specific **incorrect** wording that appears on the current birth certificate.

**NEXT: Write-in the *correct* information EXACTLY as it SHOULD appear on the birth certificate.**

Do not copy this page

**IT IS VITALLY IMPORTANT THIS INFORMATION BE ABSOLUTELY CLEAR AND LEGIBLE WITH NO CROSS-OUTS, NO WRITE-OVERS, NO ERASURES, NO CORRECTION FLUID (No "White Out")!**

**3.** Orders the State of Arizona's **Office of Vital Records** to change the existing birth record. You may obtain a new birth certificate from Vital Records after the corrections are made. (You do not need to write anything here.)

**4. NOTICE:** Changing a person's name (or other information) on a birth certificate does not affect that person's legal rights, responsibilities or obligations. (You do not need to write anything here.)

**5. Other Orders.** Leave this section blank for the Court to fill out.

***EVERY LETTER ON THIS FORM MUST BE ABSOLUTELY CLEAR AND LEGIBLE!***

**WHEN YOU HAVE COMPLETED THESE FORMS, GO TO THE "PROCEDURES" PAGE**
(the last document in this packet) **AND FOLLOW THE STEPS LISTED.**

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**In the Superior Court of the State of Arizona**

**In and For the County of** _____

Case Number _____

**CIVIL COVER SHEET- NEW FILING ONLY**
(Please Type or Print)

Plaintiff's Attorney _____

Attorney Bar Number _____

**Is Interpreter Needed?** ☐ **Yes** ☐ **No**

**If yes, what language(s):**

_____

_____

Plaintiff's Name(s): (List all) Plaintiff's Address: Phone #: Email Address:

_____

_____

_____

(List additional Plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All)

_____

_____

_____

(List additional Defendants on page two and/or attach a separate sheet)

## RULE 26.2 DISCOVERY TIER OR MONETARY RELIEF CLAIMED:

**IMPORTANT: Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected.** State the monetary amount in controversy or place an **"X"** next to the discovery tier to which the pleadings allege the case would belong under Rule 26.2.

☐ Amount Claimed $_____ ☐ Tier 1 ☐ Tier 2 ☐ Tier 3

## NATURE OF ACTION

Place an **"X"** next to the **one** case category that most accurately describes your primary case. **Any case category that has an asterisk (*) MUST have a dollar amount claimed or Tier selected as indicated above**.

**100 TORT MOTOR VEHICLE:**

☐ 101 Non-Death/Personal Injury*

☐ 102 Property Damage*

☐ 103 Wrongful Death*

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## 110 TORT NON-MOTOR VEHICLE:

- ☐ 111 Negligence*
- ☐ 112 Product Liability – Asbestos*
- ☐ 112 Product Liability – Tobacco*
- ☐ 112 Product Liability – Toxic/Other*
- ☐ 113 Intentional Tort*
- ☐ 114 Property Damage*
- ☐ 115 Legal Malpractice*
- ☐ 115 Malpractice – Other professional*
- ☐ 117 Premises Liability*
- ☐ 118 Slander/Libel/Defamation*
- ☐ 116 Other (Specify) _____*

## 120 MEDICAL MALPRACTICE:

- ☐ 121 Physician M.D.*
- ☐ 122 Physician D.O*
- ☐ 123 Hospital*
- ☐ 124 Other*

## 130 & 197 CONTRACTS:

- ☐ 131 Account (Open or Stated)*
- ☐ 132 Promissory Note*
- ☐ 133 Foreclosure*
- ☐ 138 Buyer-Plaintiff*
- ☐ 139 Fraud*
- ☐ 134 Other Contract (i.e. Breach of Contract)*
- ☐ 135 Excess Proceeds-Sale*
- ☐ Construction Defects (Residential/Commercial)*
  - ☐ 136 Six to Nineteen Structures*
  - ☐ 137 Twenty or More Structures*
- ☐ 197 Credit Card Debt (Maricopa County Only)*

## 150-199 OTHER CIVIL CASE TYPES:

- ☐ 156 Eminent Domain/Condemnation*
- ☐ 151 Eviction Actions (Forcible and Special Detainers)*
- ☐ 152 Change of Name
- ☐ 153 Transcript of Judgment
- ☐ 154 Foreign Judgment
- ☐ 158 Quiet Title*
- ☐ 160 Forfeiture*
- ☐ 175 Election Challenge
- ☐ 179 NCC-Employer Sanction Action (A.R.S. §23-212)
- ☐ 180 Injunction against Workplace Harassment
- ☐ 181 Injunction against Harassment
- ☐ 182 Civil Penalty
- ☐ 186 Water Rights (Not General Stream Adjudication)*
- ☐ 187 Real Property *
- ☐ Special Action against Lower Courts
  (See Lower Court Appeal cover sheet in Maricopa)
- ☐ 194 Immigration Enforcement Challenge
  (A.R.S. §§1-501, 1-502, 11-1051)

## 150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review
  (See Lower Court Appeal cover sheet in Maricopa)
- ☐ 150 Tax Appeal
  (All other tax matters must be filed in the AZ Tax Court)
- ☐ 155 Declaratory Judgment
- ☐ 157 Habeas Corpus
- ☐ 184 Landlord Tenant Dispute – Other*
- ☐ 190 Declaration of Factual Innocence (A.R.S. §12-771)
- ☐ 191 Declaration of Factual Improper Party Status
- ☐ 193 Vulnerable Adult (A.R.S. §46-451)*
- ☐ 165 Tribal Judgment
- ☐ 167 Structured Settlement (A.R.S. §12-2901)
- ☐ 169 Attorney Conservatorships (State Bar)
- ☐ 170 Unauthorized Practice of Law (State Bar)
- ☐ 171 Out-of-State Deposition for Foreign Jurisdiction
- ☐ 172 Secure Attendance of Prisoner
- ☐ 173 Assurance of Discontinuance
- ☐ 174 In-State Deposition for Foreign Jurisdiction
- ☐ 176 Eminent Domain– Light Rail Only*
- ☐ 177 Interpleader– Automobile Only*
- ☐ 178 Delayed Birth Certificate (A.R.S. §36-333.03)
- ☐ 183 Employment Dispute- Discrimination*

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☐ 185 Employment Dispute-Other*
☐ 196 Verified Rule 45.2 Petition
☐ 195(a) Amendment of Marriage License
☐ 195(b) Amendment of Birth Certificate

☐ 163 Other*
_____
(Specify)

## EMERGENCY ORDER SOUGHT

☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC ☐ Election Challenge

☐ Employer Sanction ☐ Other (Specify) _____

## COMMERCIAL COURT (Maricopa County Only)

☐ This case is eligible for the Commercial Court under Rule 8.1, and Plaintiff requests assignment of this case to the Commercial Court. More information on the Commercial Court, including the most recent forms, are available on the Court's website at:

https://www.superiorcourt.maricopa.gov/commercial-court/.

**Additional Plaintiff(s):**

_____

_____

**Additional Defendant(s):**

_____

_____

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**Person Filing:** _____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____

**Representing** ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

**In the Matter of:** _____

**Case Number: CV** _____

_____
**Name of Minor** whose birth record needs correction

**PETITION TO AMEND BIRTH CERTIFICATE OF A MINOR** **(A.R.S. § 36-337)**

## UNDER PENALTY OF PERJURY

### 1. INFORMATION ABOUT THE PETITIONER (the person filing this request):

**MY FULL NAME IS:**

| |
|---|
| |

(First) (Middle) (Last)

**Address is as listed at top left above, or *if not*, my address is:**

| |
|---|
| |
| |

**I am the Minor's:** ☐ **Mother** ☐ **Father** ☐ **Legal Guardian**

**County of Residence:** _____ **Date of Birth*:** _____
(Month / Day/ Year)

**Place of Birth*:** _____
(City or County, State, Nation)

* "Date" and "Place" of birth information not required for legal guardian.

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## 2. INFORMATION ABOUT THE MINOR WHOSE BIRTH RECORD NEEDS CORRECTION:

**MINOR'S NAME as it appears on the birth certificate:**

| | | |
|---|---|---|
| | | |
| (First) | (Middle) | (Last) |

**Address is same as Petitioner's, or**
***if not*, minor's complete address is:**

**County of Residence:** _____ **Date of Birth:** _____
(Month / Day/ Year)

**Place of Birth:** _____ **ARIZONA**
(City, County)

**A CERTIFIED COPY OF THE MINOR'S CURRENT ARIZONA BIRTH CERTIFICATE IS ATTACHED.**

## 3. INFORMATION ABOUT THE BIRTH RECORD:

**A.** ☐ **The birth record contains INCORRECT information about *the MINOR CHILD:***

**CHILD'S NAME** appears ***wrongly*** as _____

**DATE OF BIRTH** appears ***wrongly*** as _____

**PLACE OF BIRTH** appears ***wrongly*** as _____

**Other Information** appears ***wrongly*** as _____

**Following is the CORRECT information about the MINOR CHILD.**
**I ask that the birth record be ordered changed as indicated below:**

**CHILD'S NAME** **should appear as** _____

**DATE OF BIRTH** **should appear as** _____

**PLACE OF BIRTH** **should appear as** _____

**Other Information** **should appear as** _____

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**B.** ☐ **The birth record contains INCORRECT information about *the FATHER:***

| | | |
|---|---|---|
| **FATHER'S NAME*** | appears ***wrongly*** as | _____ |
| **DATE OF BIRTH** | appears ***wrongly*** as | _____ |
| **PLACE OF BIRTH** | appears ***wrongly*** as | _____ |
| **RACE** | appears ***wrongly*** as | _____ |

**Following is the CORRECT information about the FATHER.**
**I ask that the birth records be ordered changed as indicated below:**

| | | |
|---|---|---|
| **FATHER'S NAME*** | **should appear as** | _____ |
| **DATE OF BIRTH** | **should appear as** | _____ |
| **PLACE OF BIRTH** | **should appear as** | _____ |
| **RACE** | **should appear as** | _____ |

*** to correct error in name of the father – not to change identity / paternity.**

**C.** ☐ **The birth record contains INCORRECT information about *the MOTHER:***

| | | |
|---|---|---|
| **MOTHER'S NAME*** | appears ***wrongly*** as | _____ |
| **DATE OF BIRTH** | appears ***wrongly*** as | _____ |
| **PLACE OF BIRTH** | appears ***wrongly*** as | _____ |
| **RACE** | appears ***wrongly*** as | _____ |
| **MARITAL STATUS** | appears ***wrongly*** as | _____ |
| **RESIDENTIAL ADDRESS** | appears ***wrongly*** as | _____ |

**Following is the CORRECT information about the MOTHER.**
**I ask that the birth records be ordered changed as indicated below:**

| | | |
|---|---|---|
| **MOTHER'S NAME*** | **should appear as** | _____ |

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| | | |
|---|---|---|
| **DATE OF BIRTH** | **should appear as** | _____ |
| **PLACE OF BIRTH** | **should appear as** | _____ |
| **RACE** | **should appear as** | _____ |
| **MARITAL STATUS** | **should appear as** | _____ |
| **RESIDENTIAL ADDRESS** | **should appear as** | _____ |

*** to correct error in name of the mother – not to change identity / maternity.**

## REQUEST TO THE COURT:

I request the Arizona Office of Vital Records be ordered to remove and replace the incorrect information on the subject birth record with the correct information as indicated above.

## UNDER OATH OR BY AFFIRMATION

**I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.**

_____ Date

_____ Signature

_____ Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

_____ Deputy Clerk or Notary Public

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**Person Filing:** _____

**Address (if not protected):**_____

**City, State, Zip Code:**_____

**Telephone:**_____

**Email Address:**_____

**Lawyer's Bar Number:**_____

**Representing** ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

**Case Number: CV** _____

**In the Matter of:**

_____

**Minor whose birth certificate needs correction**

## CONSENT OF (OTHER) PARENT* TO AMENDMENT OF BIRTH CERTIFICATE OF A MINOR and WAIVER OF NOTICE

***or LEGAL GUARDIAN**

## UNDER OATH OR BY AFFIRMATION

**1. REQUIRED INFORMATION ABOUT THE PARENT* or LEGAL GUARDIAN *other* *than* the one filing the "*Petition to Amend Birth Certificate*" of the minor.**

**My Full Name is:** _____

**Address:** _____

**Telephone:** _____ **Email**: _____

**I am the Minor's** ☐ **MOTHER** ☐ **FATHER** ☐ **Legal Guardian.**

(Information below for parent only. Not required for legal guardian.)

**Date of Birth:** _____ **Place of Birth**: _____

Month / Date / Year City or County, State, Nation

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2. **I have read the Petition to Amend a Birth Certificate for a Minor and consent to the corrections specified in the Petition concerning the minor child named above.**

3. **I waive notice of all further proceedings in this matter.**

## UNDER PENALTY OF PERJURY

**I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.**

_____ _____
Date Signature of **Non-Petitioner** Parent or Guardian

_____
Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal) _____
Deputy Clerk or Notary Public

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Person Filing: _____

Mailing Address: _____

City, State, Zip: _____

Day/Evening Phone: _____ / _____

Person Filing is: ☐ SELF (No Attorney) OR ☐ Attorney

If Attorney, Bar No.: _____ Atty. Phone: _____

For Clerk's Use Only

# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

**In the Matter of:**

_____

Name of Minor whose birth record needs correction

**Case Number:** _____

## NOTICE OF HEARING REGARDING PETITION for CORRECTION/AMENDMENT of BIRTH CERTIFICATE of A MINOR

**READ THIS NOTICE CAREFULLY.** An important court proceeding that affects your rights has been scheduled. If you do **not** understand this Notice or the other court papers, contact an attorney for legal advice.

**1. NOTICE:** A **Petition to Amend a Birth Certificate** of the Minor named above has been filed with the Court. A hearing has been scheduled where the Court will consider whether to grant or deny the requested change. If you wish to be heard on this issue, you must appear at the hearing at the date and time indicated below.

**2. COURT HEARING**. A court hearing has been scheduled to consider the Application as follows:

**DATE:**_____ **TIME:** _____

**BEFORE:**

☐ Commissioner _____
125 W. Washington Street
Courtroom _____
Phoenix, AZ 85003

☐ Commissioner _____
18380 North 40th Street
Courtroom _____
Phoenix, AZ 85032

☐ Commissioner _____
14264 W. Tierra Buena Lane
Courtroom _____
Surprise, AZ 85374

☐ Commissioner _____
222 E. Javelina Avenue
Courtroom _____
Mesa, AZ 85210

☐ Commissioner _____
101 W. Jefferson , ___ floor
Courtroom _____
Phoenix, AZ 85003

☐ Commissioner _____
201 W. Jefferson , ___ floor
Courtroom _____
Phoenix, AZ 85032

DATED:_____
(Month/Day/Year)

_____
Petitioner's Signature

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**NOH**

CVABM18f-081010

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**Person Filing:**_____
**Address (if not protected):**_____
**City, State, Zip Code:**_____
**Telephone:**_____
**Email Address:**_____
**Lawyer's Bar Number:**_____

**Representing** ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

**In the matter of:**

**Case Number: CV**_____

## AFFIDAVIT OF SERVICE
## BY CERTIFIED MAIL

_____
**Name of Minor** whose birth certificate needs correction

**1.** I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served copies of the ***"Petition to Amend Birth Certificate for a Minor"*** and the ***"Notice of Hearing Regarding Petition to Amend Birth Certificate for a Minor"*** on the person named below by certified mail/restricted delivery, return receipt requested.

**Person served** (name of other party):_____

**Address where other party was served**:_____

**Date of receipt** by the other party:_____

**2.** The **Application** and **Notice** listed above were received by the other party as shown by the receipt, the original of which is attached to this Affidavit on a separate piece of paper.

## UNDER PENALTY OF PERJURY
**The contents of this document are true and correct to the best of my knowledge and belief.**

_____
Date

_____
Signature of Sender

_____
Printed Name of Sender

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

_____
Deputy Clerk or Notary Public

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**AFM**



CVABM24f - 050115

**Name of Person Filing Document:** _____

**Your Address:** _____

**Your City, State, Zip Code:** _____

**Your Telephone Number:** _____

**Attorney Bar Number (if applicable):** _____

**Representing** ☐ **Self (Without a Lawyer) OR Attorney for** _____

FOR CLERK'S USE ONLY

# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

In the Matter of:

**Case Number: CV** _____

_____
**A Minor**

## DECLARATION SUPPORTING PUBLICATION
**Regarding Amendment of Birth Certificate of a Minor**

**1.** **I am the Petitioner and I make this Affidavit to show the circumstances why notice by publication was used, and to show how service by publication was done.**

**2.** **Notice of this matter was given by publication to:**

**Name:** _____

**Last Known Address:** _____

**Relation to the Minor:** _____

**3.** **Service by publication is the best way of providing notice because the person named above is:**

☐ **Avoiding service of process,** so I mailed a copy of the ***"Petition to Amend"*** and the ***"Notice of Hearing"*** **to the last known mailing address** (listed above), ***or to:***

_____

**Which is the address of:** _____

**OR**

☐ **The other party's residence is unknown and I have not mailed copies of the *"Petition"* and *"Notice"* to any address because:** _____.



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**Case Number:** _____

**4.** **I made a diligent search to find out the residence and location of all persons entitled to notice, but the search has failed to reveal any information concerning the residence or location of the person named above. Actions I have taken include:**

☐ Searching the phone book ☐ Checking voter registration records

☐ Searching the Internet ☐ Checking jails and the prisons

☐ Contacting last known employer: _____

☐ Contacting friends or relatives listed below: (List name and relation to person entitled to notice.)

| **Name** | **Relation** |
|---|---|
| | |
| | |
| | |
| | |

**5.** ☐ **The other party is <u>not</u> in the military service of the United States.**

**6.** **ABOUT THE PUBLICATION:**

***NOTICE OF HEARING* was published on the following dates.**

**A.** ___/___/___, **B.** ___/___/___, **C.** ___/___/___, **D.** ___/___/___.

**PROOF OF PUBLICATION <u>is</u>** attached. (Attach an ***Affidavit of Publication*** supplied by the newspaper that published the notice.)

**By signing this document, I state to the Court that the information presented is true and correct to the best of my knowledge and belief, under penalty of perjury.**

_____ _____

Date Signed Petitioner's Signature

Attach the original ***Affidavit of Publication*** supplied to you by the newspaper that published notice after the required number of publications.



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# SUPERIOR COURT OF ARIZONA
# IN MARICOPA COUNTY

For Clerk's Use Only

**In the Matter of:**

_____ **Case Number CV:** _____

**Person whose birth certificate is to be corrected**
(as listed on the Petition to Amend)

**ORDER AMENDING BIRTH CERTIFICATE OF A MINOR**
**A.R.S. § 36-337**

## THE COURT FINDS:

1. **This case has come before this Court to correct errors or omissions on the birth certificate of the person named above.**

2. **Pursuant to A.R.S. §36-337, this Court has jurisdiction to order that the birth record be amended.**

3. **Good cause exists to grant the petition to amend the birth certificate as requested.**

4. **The name, date and place of birth of the person whose birth record is to be corrected appears on his or her Arizona birth certificate as follows:**

THE PRESENT NAME APPEARING ON THE SUBJECT BIRTH CERTIFICATE:

| | | |
|---|---|---|
| | | |
| First | Middle | Last |

**Date of Birth:** _____
Month Day Year

**Place of Birth:** _____
City State Nation



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CVABM81f-081010

**5. The Court finds information indicated below to be incorrect on the present birth certificate:**

| PETITIONER / MINOR CHILD's | MOTHER's | FATHER's |
|---|---|---|
| ☐ NAME | ☐ NAME | ☐ NAME |
| ☐ DATE of BIRTH | ☐ DATE of BIRTH | ☐ DATE of BIRTH |
| ☐ PLACE of BIRTH | ☐ PLACE of BIRTH | ☐ PLACE of BIRTH |
| ☐ OTHER: _____ | ☐ OTHER: _____ | ☐ OTHER: _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

## THE COURT ORDERS:

**1. THE INFORMATION ON THE SUBJECT BIRTH CERTIFICATE SHALL BE CHANGED REGARDING:**

**A. Petitioner or Minor Child's** (or protected or incapacitated adult's)

☐ **NAME, which shall be corrected to read EXACTLY as written below:**

| | | |
|---|---|---|
| | | |

☐ **DATE of BIRTH** **shall be corrected to:** _____

☐ **PLACE of BIRTH** **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____

**B. FATHER'S**: ☐ **NAME, which shall be corrected to read EXACTLY as written below:**

| | | |
|---|---|---|
| | | |

☐ **DATE of BIRTH** **shall be corrected to:** _____

☐ **PLACE of BIRTH** **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____



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Case No._____

**C. MOTHER'S**: ☐ **NAME, which shall be corrected to read EXACTLY as written below:**

| | | |
|---|---|---|
| | | |

☐ **DATE of BIRTH** **shall be corrected to:** _____

☐ **PLACE of BIRTH** **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____

☐ **OTHER:** _____ **shall be corrected to:** _____

**2.** ☐ **THAT THE SUBJECT BIRTH RECORDS BE CHANGED TO CORRECT THE FOLLOWING ERRORS OR OMISSIONS:**

_____

_____

_____

_____

**3.** **For a person born in the State of Arizona, the Office of Vital Records is ordered to amend the birth record to reflect the corrected information as ordered above.**

**4.** **This Order does not release the Petitioner or protected or incapacitated person or minor child on whose behalf the underlying petition was filed from any obligations incurred or harm any rights of property or action in any previous name.**

**5.** **Other orders:**_____

_____

_____

**DONE IN OPEN COURT:** _____ _____

**Date** **Judicial Officer**



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**ORD**

## 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 **<u>four</u>** 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.***

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| | | |
|---|---|---|
| **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**.**

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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.

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## 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.

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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**.

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