AMEND/CORRECT BIRTH CERTIFICATE

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1

FOR AN ADULT

Forms and Instructions

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CVAB1 – **5506 -** 040326

Law Library Resource Center

Petition for court order to amend (correct) a birth certificate of an adult

Checklist

You may use these forms if . . .

- ✓ You were born in Arizona or you reside in Arizona.
    - If you are asking the Court to change a birth certificate maintained outside Arizona, contact the non-Arizona office to make sure they will follow an Arizona court order.
- ✓ You are 18 or older and there is an error on your birth certificate.
- ✓ You want the Court to issue an Order to correct that error.
- ✓ You are prepared to present a certified copy of your 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 case may be dismissed and you will not receive a refund of any court fees.

You may <u>not</u> use these forms to:

- ✖ Change the identity of either parent, or
- ✖ Establish paternity or add the name of a parent, or
- ✖ 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 can be found on the Law Library Resource Center website.

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Petition for court order to amend (correct) a birth certificate of an adult

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!

Do not copy or file this page

Order	File Number	Title	# Pages
1	CVAB1k	Checklist: You may use these forms if. . .	1
2	CVAB1t	Table of Contents (this page)	1
3	CVAB10i	Instructions: How to complete all forms to request a court order to amend (correct) a birth certificate of an adult	3
4	CVAB10p	Procedures: How to file for a court order to amend (correct) a birth certificate of an adult	4
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6	CVAB11f	**Petition for Court Order to Amend (Correct) a Birth Certificate of an Adult**	4
7	CVAB81f	**Order Amending Birth Certificate of an Adult**	2

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Law Library Resource Center

Instructions: How to complete all forms to request a court order to amend (correct) a birth certificate of an adult

Warning! These are not the proper papers to request a legal name change. This Petition and accompanying papers are only to request amendment of errors that appear on your birth record and 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 of Superior Court.
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!

Form: Civil Cover Sheet (Note that you do not need to make extra copies of this form.)

- Type or write clearly. Use black ink.
- 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 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.

Form: Petition for Court Order to Amend (Correct) Birth Certificate of an Adult

- Type or write clearly. Use black ink.
- In the top left corner, write in the information requested about the Person Filing the form. If you are a legal guardian filing the Petition on behalf of the person for whom the amended birth certificate is needed, write in this information as it applies to you.
- In the Matter of: Write in the name of the person who needs their birth certificate amended. Leave Case Number blank. The Clerk of Superior Court will assign the case number at the time of filing.

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1. Information about the Adult: Write in the information requested about the person who needs the amended birth certificate, including their:
    - Name as it appears on the current birth certificate,
    - Name as currently used or as it appears on other document(s) or records such as Social Security, driver's license, etc.), and
    - Address.
    - Mark the box to indicate you attached the current birth certificate that needs to be changed to the Petition.
2. Information on the Birth Record (Certificate):

    A. Place a check mark in the box if the birth certificate has incorrect information about the adult whose birth record needs to be changed.
    - Then write what incorrect words appear on the birth certificate.
    - Below, write the correct information in the boxes, as the words should appear on the birth certificate.

    B. Place a check mark in the box if the birth certificate has incorrect information about the Father/Parent.
    - Then write what incorrect words appear on the birth certificate.
    - Below, write the correct information in the boxes, as the words should appear on the birth certificate.

    C. Place a check mark in the box if the birth certificate has incorrect information about the Mother/Parent.
    - Then write what incorrect words appear on the birth certificate.
    - Below, write the correct information in the boxes, as the words should appear on the birth certificate.

- Wait to sign the Petition until you are 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 that the information you have provided is true and correct, under penalty of perjury.

Form: <u>Order Amending Birth Certificate of an Adult</u>

- <u>Order must be typed.</u>
- Complete the name(s) of the party and Petitioner and your case number on the upper right side of the pages.
- Type the name of the Adult Petitioner as it appears on the Petition.

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- Under “The Court Finds” #4: Type the name of the Petitioner as it appears on the current birth certificate, Petitioner’s date of birth, and Petitioner’s place of birth.
- Under “The Court Orders:”
  - If there is an error in the name of the Adult as listed on the current birth certificate, check box #1 and type the correct name as it should appear on the birth certificate.
  - If there are errors or omissions on the current birth certificate other than the Adult’s name, mark this box and type:
    - On the first few lines, the incorrect words; then
    - On the next set of lines, type the correct information exactly as it should appear on the birth certificate.

    Note: Every letter on this form must be absolutely clear and legible: No cross-outs. No write-overs. No erasures. No correction fluid (no “white out,” etc.).
  - Under “Other orders:” Leave blank for the Court to fill out.
  - Do not sign the Order. The signature line is for the Judicial Officer to sign when the Order is complete.

When you have completed these forms, go to the “Procedures” page and follow the steps listed.

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Procedures: How to file for a court order to amend (correct) a birth certificate of an adult

Step 1: Complete the forms in the packet. These forms are the "Original Set."

- Civil Coversheet. Check box #195(b) for "Amendment of Birth Certificate."
- Petition for Court Order to Amend (Correct) Birth Certificate of an Adult.
- Court Order to Amend Birth Certificate. Complete the proposed Order with the information from your Petition. Order must be typed. Do not date or sign the order. Do not file the order – you will submit it before your Court hearing.

Step 2: Copy:

- Petition (One (1) original and two (2) copies). Make an additional copy for each additional interested party involved.

Step 3: File the papers.

In person:

Go to the Clerk of Superior Court to file your papers: The Court is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. You should go to the Court at least two hours before it closes. You may file your court papers at one of the following Superior Court locations:

Central Court Building
201 West Jefferson Street, 1st floor
Phoenix, AZ 85003

Southeast Court Facility
222 East Javelina Avenue, 1st floor
Mesa, AZ 85210

Northwest Court Facility
14264 West Tierra Buena Lane
Surprise, AZ 85374

Northeast Regional Court Center
18380 North 40th Street
Phoenix, AZ 85032

Hand the original and all copies to the Clerk, along with the filing fee. Do not file the Order.

eFiling (online):

For information on eFiling, see the Clerk of Superior Court's website at https://www.clerkofcourt.maricopa.gov/services/efiling-information.

A list of current filing fees is available on the Clerk of Superior 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 Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

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Step 4: Schedule your hearing with Civil Court Administration.

All hearings will occur virtually unless otherwise ordered by the Court.

At least four business days after you filed your Petition/Application, contact Civil Court Administration at 602-506-1497 to get a hearing. When you call, staff will give you the date, time, and place of your hearing, as well as the Judicial Officer's name. Staff are available Monday through Friday, 8:00 a.m. to 5:00 p.m.

Civil Court Administration will email a Notice of Hearing to you. You will need to serve a copy of the Notice of Hearing to each interested party (if any).

Step 5: (If an interested party is involved): Give notice to the interested party.

- Send a clerk-stamped copy of the Petition and Notice of Hearing to the party by certified mail/restricted delivery (return receipt requested). This must be done at least 30 days before the hearing. Proof of notice is the card returned to you from the post office showing delivery. The person who should receive notice must sign the return receipt card. Complete the Affidavit of Notice by Certified Mail form (included in this packet) and attach the signed return receipt card.
- Before you attend the hearing, be sure you have proof of notice: green return receipt with signature and your Affidavit of Notice by Certified Mail. With your proof of notice, attend the hearing and follow the steps below.
- If the Court orders another form of service, refer to the Civil "Service" packet available at the Law Library Resource Center or on the Court's website.

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Step 6: Prepare for your hearing.

At least one (1) week before your hearing, provide the Court your documents. You have two options:

1) Email your documents in PDF format to civilhearings@jbazmc.maricopa.gov

OR

2) Drop off your documents in person. There is a bin or file folder titled Civil Court Administration at each of the locations below.

Central Court Building
201 West Jefferson
Phoenix, AZ 85003
(3rd floor, East Court Building)

Southeast Court Facility
222 East Javelina Avenue
Mesa, AZ 85210
(1st floor, Suite 1350)

Northwest Court Facility
14264 West Tierra Buena Lane
Surprise, AZ 85374
(Window 8, Clerk of Court)

Northeast Regional Court Center
18380 North 40th Street
Phoenix, AZ 85032
(Main Information Desk)

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Failure to provide the required documents may result in your hearing being vacated. The Court will NOT accept the documents on the date of the hearing.

A. Complete and attach the Order. Complete the name(s) of the Petitioner and your case number. Do not date or sign the Order. The signature line is for the Judicial Officer to sign when the Order is complete.

B. Attach copies of the following:

- Photo identification for the person who filed the Petition/Application.
- A Clerk-stamped copy of all filed documents.
- Proof of Notice as described below in Step 5.
- Prior Name Change orders (including divorce decrees) (if applicable).
- Orders of Protection and/or Injunctions against Harassment still in effect (if applicable).

C. Keep a copy of any documents you submit to the Court for your records.

- If you are asking to change a birth certificate, you must provide a certified copy of the current 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.

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Step 7: Attend the hearing. Who should attend?

- The Petitioner must be present at the hearing.
- If applicable, a minor who is part of the case, and who is age 14 or over, may attend the Court hearing. They do not have to attend unless required by the Judicial Officer.

Step 8: Get a Copy of the Amended Birth Certificate.

- First, you must obtain a certified copy of your Court Order.
  - If your hearing was completed in-person, within 48 hours of the judge signing the order, to obtain a certified copy, you must present your judge-signed order with the red "Copy for Certification" stamp applied at any Clerk of Court File Counter location, along with the required certification fee.
  - If your hearing was completed virtually, or if 48 hours have passed since the order was signed, you can obtain a certified copy by visiting any Clerk of Court Regional File Counter location or, if downtown, the Clerk of Court Customer Service Center at 601 W. Jackson Street, Phoenix.
  - A list of current fees is available on the Clerk of Superior Court's website.
- Present the certified copy of the Court Order to the vital records office where your birth certificate is maintained.

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- If your birth certificate is maintained in Arizona:

  A fee is required for a change to any birth certificate. The vital records office you present it to will depend on the year in which your birth certificate was issued.

  Maricopa County Office of Vital Registration (only for birth certificates issued 1997 or later)

  The Maricopa County Office of Vital Registration has several locations. Their hours of operation are 8:00 A.M. to 4:30 P.M., Monday through Friday. Free parking is available. You may also call them at 602-506-6805 or check their website for locations and other current information: https://www.maricopa.gov/1331/Birth-Certificates.

  OR

  Bureau of Vital Records for the State of Arizona (only for birth certificates issued prior to 1997)

  The Bureau of Vital Records office is only available for mail-in service and some services by appointment. Please call them at 602-364-1300 or check their website for appointment and other current information: https://www.azdhs.gov/licensing/vital-records/index.php.

- If your birth certificate is maintained outside Arizona:

  Contact the non-Arizona vital records office for information to determine if they will honor an Arizona court order and, if so, how and where to present the court order.

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Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number (if applicable) _____

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Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Plaintiff OR ☐ Defendant

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____ Case Number: _____

Name of Plaintiff

CIVIL COVER SHEET -
NEW FILING ONLY

_____

Name of Defendant

(List additional plaintiffs or defendants on page 3 and/or attach a separate sheet).

Is an Interpreter Needed? ☐ Yes ☐ No If yes, what language(s) _____

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.

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Case No: _____

100 TORT MOTOR VEHICLE:

- ☐ 101 Non-Death/Personal Injury*
- ☐ 102 Property Damage*
- ☐ 103 Wrongful Death*

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*
- ☐ 119 Recovery of Damages under A.R.S. §12-514* (Please provide Plaintiff DOB ____/____/_____)
- ☐ 116 Other (Specify) _____*

145 & 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 *

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 (e.g., 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 Filings Only)*

144 & 150-199 UNCLASSIFIED CIVIL:

- ☐ Administrative Review (See Lower Court Appeals 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

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Case No: _____

☐ 145 Special Action (See Lower Court Appeals Cover Sheet in Maricopa)
☐ 194 Immigration Enforcement Challenge (A.R.S. §§1-501, 1-502, 11-1051)
☐ 199 Expungement
☐ 202 Out of State Restoration of Civil Rights
☐ 201 Seal Criminal Case Records (A.R.S. §13-911)
☐ 203 Erroneous Conviction Claim

☐ 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*
☐ 185 Employment Dispute – Other*
☐ 198 Verified Rule 27(a) Petition*
☐ 196 Verified Rule 45.2 Petition
☐ 195(a) Amendment of Marriage License (Maricopa County Filings Only)
☐ 195(b) Amendment of Birth Certificate
☐ 200 Application/Motion Objecting to Foreign Subpoena
☐ 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:_____

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of:

Case Number: _____

PETITION FOR COURT ORDER
TO AMEND (CORRECT) A BIRTH
CERTIFICATE OF AN ADULT

_____
Name of Adult Whose Birth Record
Needs Correction

1. Information about the adult whose birth record needs correction:

Full Name:

First	Middle	Last

Current Legal Name (if different from above):

First	Middle	Last

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

_____

☐ A certified copy of my current birth certificate is attached.

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2. Information on the birth record:

A. ☐ The birth record contains incorrect information about the above-named adult:

My name appears *incorrectly* as _____

Date of birth appears *incorrectly* as _____

Place of birth appears *incorrectly* as _____

Other information appears *incorrectly* as _____

Following is the correct information about the above-named adult:

I ask that the birth record be ordered changed as indicated below.

My name should appear as _____

Date of birth should appear as _____

Place of birth should appear as _____

Other information should appear as _____

B. ☐ The birth record contains incorrect information about the Father:

Father's name* appears *incorrectly* as _____

Date of birth appears *incorrectly* as _____

Place of birth appears *incorrectly* as _____

Race appears *incorrectly* as _____

Marital status appears *incorrectly* as _____

Residential address appears *incorrectly* 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 _____

Marital status should appear as _____

Residential address should appear as _____

_____

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

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C. ☐ The birth record contains incorrect information about the Mother:

Mother's name* appears *incorrectly* as _____

Date of birth appears *incorrectly* as _____

Place of birth appears *incorrectly* as _____

Race appears *incorrectly* as _____

Marital status appears *incorrectly* as _____

Residential address appears *incorrectly* 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 _____

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 following agency be ordered to remove and replace the incorrect information on the subject birth record with the correct information as indicated above.

_____

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Case No. _____

This signature page belongs to the form titled Petition for Court Order to Amend (Correct) a Birth Certificate of an Adult and cannot be used with any other documents.

UNDER OATH OR 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 Petitioner's Signature

_____

Printed Name of Petitioner

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____

(date)

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

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SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

For Clerk's Use Only

In the Matter of: Case Number: _____

_____
Petitioner (Legal Name Currently Used)

ORDER AMENDING BIRTH CERTIFICATE OF AN ADULT

THE COURT FINDS:

1. This Petition has come before this Court to amend the birth certificate of the Petitioner.
2. This Court has jurisdiction to order that the Petitioner's birth certificate be amended to correct errors or omissions contained in the original birth certificate.
3. Good cause exists to grant the Petition to amend the birth certificate as requested by the Petitioner.
4. The Petitioner's name, date, and place of birth appear on his or her 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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Case No. _____

THE COURT ORDERS:

1. ☐ THE NAME APPEARING ON THE BIRTH CERTIFICATE IS CHANGED TO:

First	Middle	Last

2. ☐ THAT THE BIRTH CERTIFICATE RECORDS OF THE PETITIONER BE CHANGED TO CORRECT THE FOLLOWING ERRORS OR OMISSIONS:

_____

_____

_____

_____

_____

_____

_____

3. ☐ For a person born in the State of Arizona, the Bureau of Vital Records is ordered to amend the birth record to reflect the new name or other corrected information as ordered above.

4. ☐ For a person born outside the State of Arizona, the following agency is ordered to amend the birth record to reflect the new name or other corrected information as ordered above:

_____

5. This Order does not release the Petitioner from any obligations incurred or harm any rights of property or action in any previous name.

6. Other orders: _____

_____

_____

DONE IN OPEN COURT:

_____ _____

Date Judicial Officer

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