



SUPERIOR COURT OF CALIFORNIA
County of Kings
1640 Kings County Drive, Hanford, CA 93230
(559) 582-1010

ESTABLISHING A FACT OF MARRIAGE PACKET



Online Assistance: www.courts.ca.gov/selfhelp.htm
The California Courts Self-Help Center

E-file California: <https://california.tylerhost.net>

Kings County Superior Court: www.kings.courts.ca.gov

Hours of Operation (Except for Court Holidays): Monday – Friday 8:00a.m. to 4:00p.m.

FORMS INCLUDED IN THIS PACKET

Petition to Establish Fact, Time and Place of Marriage	Judicial Council Form BMD-002
Declaration in Support of Petition to Establish Fact, Time, and Place of Marriage	Judicial Council Form BMD-002A
Order Establishing Fact of Marriage (SAMPLE)	Form VS122
Filing Fee:	
• Petition to Establish Fact, Time and Place of Birth	\$435.00
• Court Reporter Fee	30.00

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (names):	CASE NUMBER:
PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE*	HEARING DATE AND TIME: DEPT.:

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 Vital Records (CDPH 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 CDPH Vital Records with a copy of the signed order certified by the clerk of the court. Form VS 122 may be obtained from CDPH Vital Records 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 CDPH Vital Records, is available online at www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx.

***Note: This form may help you establish the fact, date, and place of a marriage so you can create a record of the marriage. But the order on this petition or the marriage certificate filed with CDPH Vital Records will not necessarily establish the validity of the marriage for all purposes. Consultation with a California lawyer is recommended before you proceed.**

1. a. Petitioner (name each):

is beneficially interested in and entitled under section 103450 of the California Health and Safety Code to an order establishing the fact and the date and place of the marriage of the persons named in item 2a.

b. Petitioner's beneficial interest in this matter is as follows:

- (1) I am one of the persons named in item 2a.
- (2) I am related to a person named in item 2a as follows (specify the relationships of all petitioners to that person):

- (3) I am not related to a person named in item 2a.
- (4) I am interested in this matter for the following reasons (complete unless item 1b(1) is selected):

Continued in Attachment 1b(4).

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

- a. Names: _____ and: _____
- b. Date of marriage: _____
- c. Place of marriage: City, town, township, or other (identify "other" if known):

 - (1) County: _____ State (U.S.): _____
 - (2) State or province: _____ Country: _____

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

3. (*Check one of the following*):

- a. There is no official record of the fact, date, and place of marriage of the persons named in item 2a.
- b. A certified copy of the official record of the marriage of the persons named in item 2a cannot be obtained for the following reasons:

Continued in Attachment 3b.

4. The persons named in item 2a now reside at (*street address and city of each person*):

Name:
Address:

County: State:
Name:
Address:

County: State:

5. Petitioner requests that the court make an order determining that the marriage of the persons named in item 2a did in fact occur on the date and at the place stated in items 2b and 2c, as shown by the *Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage* (form BMD-002A) 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)

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF (names):	CASE NUMBER:
DECLARATION IN SUPPORT OF PETITION TO ESTABLISH FACT, DATE, AND PLACE OF MARRIAGE	HEARING DATE AND TIME: DEPT.:

(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 knowledge that is **not** 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: State:

3. (Names): and
 were married on (date): at the following place:
 - a. City, town, township, or other (identify "other" if known):
 - b. County: State (U.S.):
 - c. State or province: 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 (names):	CASE NUMBER:
---------------------------	--------------

5. Attached are true and correct copies of the following documents (check each box that applies; statements of officiating persons and witnesses must be signed under oath, in an affidavit sworn before a Notary Public or with the following statement just above the signature: "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct"):
- a. Marriage license* dated (date of each):
**(A marriage license is required for a valid marriage in California. The procedure described in Health and Safety Code sec. 103450 et seq., cannot establish the validity of a California marriage if no marriage license was obtained.)*
 - 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 the date or place of the marriage is not is important to a court case or proceeding that is now pending and described below. (If you selected "is," briefly describe the proceeding and provide the case name and number, the name and address of the court where the proceeding is pending, the names of all parties to the proceeding, and the names, addresses, and telephone numbers of their attorneys. **Note: A court order made on a petition under Health and Safety Code section 103450, et seq., may not be effective against claims of persons or organizations not given notice of the petition for the order.**)

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)

ORDER ESTABLISHING FACT OF MARRIAGE

In the Superior Court of the State of California

In and for the County of _____

In the matter of the petition of
MARY JANE SMITH

To establish the fact of marriage of
JOHN MICHAEL SMITH and
MARY JANE SMITH

Number _____

Department _____

The verified petition of MARY JANE SMITH to establish the fact of marriage of JOHN MICHAEL SMITH AND MARY JANE SMITH having been filed herein on the 1ST day of MAY, A.D., 2009, and such petition having by an order of court been duly set for hearing on the _____ day of _____, A.D., 20____, at the hour of _____ o'clock ____ m. of said day; and now on said day said matter coming on regularly for hearing and it appearing to the satisfaction of this court from the evidence introduced that the said _____

petitioner herein, is beneficially interested in establishing a record to the fact of the marriage of said JOHN MICHAEL SMITH AND MARY JANE SMITH in that THERE IS NO MARRIAGE RECORD ON FILE

SAMPLE

and it appearing that on the 15TH day of JUNE, A.D., 2009, the marriage, each to each other, of JOHN MICHAEL SMITH and MARY JANE SMITH occurred, and was solemnized at SACRAMENTO, in the County of SACRAMENTO, State or Country of CALIFORNIA; that said marriage has not been registered in conformity with the provisions of law in effect at the time of said marriage, or such record has been lost or destroyed after having been filed; and no one appearing at said hearing to oppose the making of this order;

It is therefore ordered, adjudged, and decreed that on the _____ day of _____, A.D., 20____, the marriage, each to each other, of _____ occurred at _____, County of _____, State or Country of _____.

Done in court this _____ day of _____, A.D., 20____.

Judge of the Superior Court

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

COURT ORDER DELAYED CERTIFICATE OF MARRIAGE
STATE OF CALIFORNIA

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

LEAVE BLANK

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS FORM BECOMES THE OFFICIAL MARRIAGE RECORD

<input type="checkbox"/> Bride <input type="checkbox"/> Groom FIRST PERSON DATA	1A. FIRST NAME JOHN				1B. MIDDLE MICHAEL					
	1C. CURRENT LAST				1D. LAST NAME AT BIRTH (IF DIFFERENT THAN 1C) SMITH					
	2. DATE OF BIRTH (MM/DD/CCYY) 07/04/1980		3. STATE/COUNTRY OF BIRTH CA		4. # PREV. MARRIAGES/SRDP 0		5A. LAST MARRIAGE/SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A		5B. DATE ENDED (MM/DD/CCYY)	
	6. ADDRESS 1234 MAIN STREET			7. CITY SACRAMENTO			8. STATE / COUNTRY CA		9. ZIP CODE 95817	
	10A. MAILING ADDRESS (IF DIFFERENT) --			10B. CITY --			10C. STATE --		10D. ZIP CODE --	
	11A. FULL BIRTH NAME OF FATHER/PARENT JAMES MARK SMITH						11B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY) CA			
	12A. FULL BIRTH NAME OF MOTHER/PARENT JUDITH JANE JONES						12B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY) CA			
	<input type="checkbox"/> Bride <input type="checkbox"/> Groom SECOND PERSON DATA	13A. FIRST NAME MARY				13B. MIDDLE JANE				
13C. CURRENT LAST				13D. LAST NAME AT BIRTH (IF DIFFERENT THAN 13C) BROWN						
14. DATE OF BIRTH (MM/DD/CCYY) 03/19/1981		15. STATE/COUNTRY OF BIRTH CA		16. # PREV. MARRIAGES/SRDP		17A. LAST MARRIAGE/SRDP ENDED BY: <input type="checkbox"/> DEATH <input type="checkbox"/> DISSO <input type="checkbox"/> ANNULMENT <input type="checkbox"/> TERM SRDP <input type="checkbox"/> N/A		17B. DATE ENDED (MM/DD/CCYY)		
18. ADDRESS 1234 MAIN STREET			19. CITY SACRAMENTO			20. STATE / COUNTRY CA		21. ZIP CODE 95817		
22A. MAILING ADDRESS (IF DIFFERENT) --			22B. CITY --			22C. STATE --		22D. ZIP CODE --		
23A. FULL BIRTH NAME OF FATHER/PARENT WILLIAM CHARLES BROWN						23B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY) CA				
24A. FULL BIRTH NAME OF MOTHER/PARENT MARTHA MARIE MILLER						24B. STATE OF BIRTH (IF OUTSIDE U.S., ENTER COUNTRY) CA				
25. DATE OF MARRIAGE—MM/DD/CCYY 6/15/09		26. CITY/TOWN OF MARRIAGE SACRAMENTO				27. COUNTY OF MARRIAGE SACRAMENTO				
NEW NAMES (IF ANY)	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 1A – 1D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (IF DIFFERENT THAN 1B AND 1C)									
	28A. FIRST - MUST BE SAME AS 1A -			28B. MIDDLE -			28C. LAST -			
STATE REGISTRAR USE ONLY	NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 13A – 13D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (IF DIFFERENT THAN 13B AND 13C)									
	29A. FIRST - MUST BE SAME AS 13A MARY			29B. MIDDLE JANE			29C. LAST BROWN-SMITH			
OFFERED FOR FILING PURSUANT TO ORDER NUMBER _____										
OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF _____										
MADE THE _____ DAY OF _____, A.D., 20____, ESTABLISHING OF RECORD THE FACT OF MARRIAGE IN										
THE STATE OR COUNTRY OF _____, NO MARRIAGE CERTIFICATE HAS BEEN FOUND ON FILE IN THE OFFICE OF VITAL										
RECORDS FOR THE ABOVE PARTIES.										
30. OFFICE OF VITAL RECORDS					31. DATE ACCEPTED FOR REGISTRATION					