

26-2-9 Birth certificates -- Petition for issuance of delayed certificate -- Court procedure.

- (1) If registration of a certificate of birth under Section 26-2-8 is denied, the person seeking registration may bring an action by a verified petition in the Utah district court encompassing where the petitioner resides or in the district encompassing Salt Lake City. The petition shall request an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.
- (2) The petition shall be on a form furnished by the state registrar and shall allege:
 - (a) the person for whom registration of a delayed certificate is sought was born in this state and is still living;
 - (b) no registered certificate of birth of the person can be found in the state office of vital statistics or the office of any local registrar;
 - (c) diligent efforts by the petitioner have failed to obtain the evidence required by department rule; and
 - (d) the state registrar has denied the petitioner's request to register a delayed certificate of birth.
- (3) The petition shall be accompanied by a written statement of the state registrar indicating the reasons for denial of registration and all documentary evidence which was submitted in support of registration.
- (4) The court shall fix a time and place for hearing the petition and shall give the state registrar 15 days notice of the hearing. The state registrar or his authorized representative may appear and testify at the hearing.
- (5)
 - (a) If the court finds the person for whom registration of a certificate of birth is sought under Section 26-2-8 was born in this state, it shall make findings as to the place and date of birth, parentage, and other findings as may be required and shall issue an order, on a form prescribed and furnished by the state registrar, to establish a court-ordered delayed certificate of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.
 - (b) The clerk of the court shall forward each order to the state registrar not later than the tenth day of the calendar month following the month in which the order was entered. The order shall be registered by the state registrar and constitutes the certificate of birth.

Amended by Chapter 202, 1995 General Session