

**26-2-15 Petition for establishment of unregistered birth or death -- Court procedure.**

- (1) A person holding a direct, tangible, and legitimate interest as described in Subsection 26-2-22(2)(a) or (b) may petition for a court order establishing the fact, time, and place of a birth or death that is not registered or for which a certified copy of the registered birth or death certificate is not obtainable. The person shall verify the petition and file it in the Utah district court for the county where:
  - (a) the birth or death is alleged to have occurred;
  - (b) the person resides whose birth is to be established; or
  - (c) the decedent named in the petition resided at the date of death.
- (2) In order for the court to have jurisdiction, the petition shall:
  - (a) allege the date, time, and place of the birth or death; and
  - (b) state either that no certificate of birth or death has been registered or that a copy of the registered certificate cannot be obtained.
- (3) The court shall set a hearing for five to 10 days after the filing of the petition.
- (4)
  - (a) If the time and place of birth or death are in question, the court shall hear available evidence and determine the time and place of the birth or death.
  - (b) If the time and place of birth or death are not in question, the court shall determine the time and place of birth or death to be those alleged in the petition.
- (5) A court order under this section shall be made on a form prescribed and furnished by the department and is effective upon the filing of a certified copy of the order with the state registrar.
- (6)
  - (a) For purposes of this section, the birth certificate of an adopted alien child, as defined in Section 78B-6-108, is considered to be unobtainable if the child was born in a country that is not recognized by department rule as having an established vital records registration system.
  - (b) If the adopted child was born in a country recognized by department rule, but a person described in Subsection (1) is unable to obtain a certified copy of the birth certificate, the state registrar shall authorize the preparation of a birth certificate if he receives a written statement signed by the registrar of the child's birth country stating a certified copy of the birth certificate is not available.

Amended by Chapter 3, 2008 General Session