

Introduction



What's in this guide?

This guide explains what you need to do if:

- you were adopted
- you think you are Native American
- you live in California and/or were born in California **and**
- you want to enroll in your tribe.

Why do I need my original birth certificate?

- To enroll in your tribe, you will need to get a certified copy of your original birth certificate (which lists your birth parents) to show to your tribe. Your tribe needs the original birth certificate to verify that you are the biological descendent of a tribal member or members.

What does that have to do with my birth records?

- When you are adopted, your birth records are “sealed,” to keep the information in them private. But if you can show that you may be Indian, a judge is allowed to look at the records and get you a copy of your original birth certificate so you can enroll in your tribe.
- To get your original birth certificate, you have to present evidence to a judge about why you think you are Native American. Based on what you tell the judge, he/she decides whether there is enough proof that you are Indian to open your birth records. By looking at your birth records, the judge will be able to get more information about who your parents are and what their background is. Then the judge will decide whether there is enough evidence that you are Indian to get you a copy of your original birth certificate.



Some Helpful Legal Terms



Some of the legal words you will see as you go through the process described in this kit are listed below, along with their meanings. Don't worry about learning what all the terms mean now. We explain what legal terms mean when we use them in this kit, but if you need to, you can refer back to this section if you come across a legal term you don't know. Please remember that Native American and American Indian are used interchangeably in this Guide.

- **Adoptees** are children who are adopted.
- **Adoption certificates** are one-page documents that look like a birth certificate, but they just list the names of the child and adoptive parents, the dates of the adoption, and whether the adoption was done through the county or a private agency.
- **Adoptive birth certificate** names your adoptive parents and the place where you were born. It is also called your **amended birth certificate**, because it lists your adoptive instead of your original parents. **Original birth certificate** names your birth parents and the place where you were born.
- **Adoption records** are the court files containing the papers that people involved in your adoption filed with the court when you were adopted. These include your adoption certificate and your adoptive birth certificate. Adoption records offer proof that you were adopted and explain the circumstances under which your adoption took place.
- **Birth records** are all the court files about your birth, your adoption process, and your final adoption. These include your original birth certificate **and** your adoption records.
- **Certified copy** is one that is issued directly by a government agency. It is printed on official government paper and has an official government seal.
- **Clerks** are the people at the court who receive petitions, stamp and file documents, assign a number to your case, etc. They are the people who do most of the administrative work for the court. There are different types of court clerks.
- **Conformed copies** are the official stamped and filed copies of the petitions, court orders, letters you write to the judge and/or preprinted forms that the court returns to you after you submit them to the court.
- **Court order** is an instruction given by a judge that commands (or "orders") another government department or agency to take some specific action. This is also called an **order**.

- **Declaration** is a written statement where the person who signs it swears that the information on the form is true and correct to the best of their knowledge. It is also called a **sworn statement**, because the person who makes it promises that they are telling the truth under **penalty of perjury**. This means that if they knew they were lying, they could have to pay a fine or go to jail.
- **Department of Social Services** is the department in each state that handles adoption paperwork, conducts investigations, and stores old adoption files.
- **Exhibits** are documents that you attach to your petition that support your claim that you are Native American.
- **Fee Waiver** is an application to the court asking the court not to make you pay any fees for opening and filing a case.
- **File** means to submit documents to the court.
- **Filing Fees** are the amount you have to pay to file your paperwork with the court.
- **Granted** means that the court has agreed that the adoption record should be opened and given to the petitioner.
- **Minor** is a person under the age of 18.
- **Office of Vital Statistics** is the office within each states' Department of Health that keeps the official birth, death, marriage, and divorce records for all the people who were born, died, married, or divorced in that state. It may be called something slightly different in different states.
- **Petition** is the application to the court that gives the court background information on your particular case. It also lets the judge know what laws give him or her the power to unseal the birth records.
- **Petitioner** is the person filing a petition with a court. In this case, it is the person asking the court to give them access to their adoption information.
- **Pleading** in your petition means to ask the court to unseal your birth records.
- **Pleading Paper** is white paper with the numbered lines running along the left side of the page. Documents that you submit to the court have to go on this paper. The most common type of request the court asks for is a **petition on pleading paper**.
- **Sealed** means that birth records, including adoption records, are closed to keep them private. **Unsealing** is the process of opening your birth records.