

Section 5:

**What Happens After My
Petition Has Been Accepted for
Review?**



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Summary

The clerk sends your petition to the judge for review. The judge either:

- Decides there is enough evidence that you're Indian to go to the next step, and signs the DSS order
- Decides he/she needs more information
- Rejects your petition

Contents

In this section, you will learn:

- What happens after the court clerk sends your petition to the judge for review
- What happens if the judge thinks there's evidence that you're Indian
- What happens if the judge doesn't think there's evidence that you're Indian
- What happens if you have to go for a hearing
- What happens after the judge signs your DSS order
- What happens after the judge decides you should get a copy of your original birth



I have my conformed copies of the petition. What happens next?

The court clerk sends your petition to the judge for review.

If the judge thinks that you may be Indian, he/she will:

- Sign the DSS order and send it to the Department of Social Services, asking to see your birth records so he or she can get more information
- Once the judge requests your birth records from DSS, you will get a signed copy of the DSS order in the mail

How long do I have to wait to find out if the judge has signed the DSS order?

Wait 30 days after you get the conformed copy of your petition from the court clerk to see if you get a signed copy of the DSS order from the judge.

What happens if I wait 30 days and I don't get a conformed copy of the DSS order signed by the judge?

If you have not received a conformed copy of the signed DSS order after 30 days:

Call the court clerk and ask if the judge has signed the DSS order.

- If the court clerk says the judge has signed the DSS order, wait for it to arrive in the mail.
- If the court clerk says the judge hasn't signed the DSS order yet, ask the court clerk to give you the phone number for the judge's clerk.

What should I do once I get the number for the judge's clerk?

Call the judge's clerk and ask:

- what is happening with your case and why you haven't received a copy of the signed DSS order

TIP: Calling the judge's clerk usually gets the judge to look at your petition and decide whether or not to sign the DSS order.

What happens if the judge doesn't think that I might be Native American?

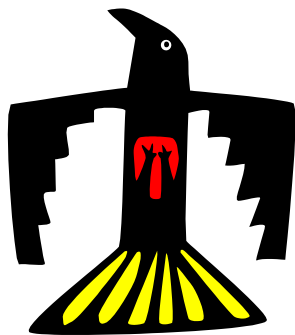
The judge will either:

- send you a rejection notice or
- send you notice scheduling a hearing.

TIP: You will hear from the court right away if they schedule a hearing.

What does it mean if the court sends me a notice for a hearing?

This means the judge wants to see you in person and ask you some questions to get more information before making a decision.



What should I do if I have to go to court for a hearing?

- If you have any documents that show that the information you gave the judge is true, and you did not include this information when you submitted the forms, you should bring the information with you to the hearing.
- Make sure to bring one original and one copy of each document.
- Tell the court about these documents during the hearing.
- Be respectful and address the judge as “Your Honor.”
- Answer the judge’s questions as best you can.
- If someone filled out a declaration for you, bring them with you in case the judge wants to ask them more questions.

Will the judge decide whether to sign the DSS order at the hearing?

Sometimes. After the hearing, the judge will either:

- Tell you they have heard enough evidence, sign your DSS order and the judge’s clerk will give you a signed, confirmed copy **or**
- Tell you they have heard enough evidence and refuse to sign your DSS order **or**
- Tell you they need more time to decide whether they will sign your DSS order

How long will I have to wait for the judge to decide whether to sign my DSS order?

Within two weeks, you should either:

- Receive a rejection notice **or**
- Receive a signed, conformed copy of the DSS order

If you don’t get a notice, and two weeks has passed since your hearing, call the judge’s clerk and ask if the judge has signed your DSS order.

What happens after the judge signs the DSS order?

- The DSS sends the judge your birth records.
- The judge looks at your birth records, and the other evidence you included in your petition to prove that you're Native American.

What happens after the judge reviews my birth records and the evidence in my petition?

The judge either:

- decides there isn't enough evidence to prove you are Native American and rejects your petition **or**
- decides there is enough evidence to prove you are Native American and decides you should get a copy of your original birth certificate.



What happens if the judge decides I should get a certified copy of my original birth certificate?

If the judge decides you should get a certified copy of your original birth certificate, this will happen in one of two ways, depending on which county you filed your petition in:

- In some counties, the judge will sign the Vital Records Order and send it directly to the State's Vital Records Office in Sacramento. You will get a copy of the signed order in the mail and then, about 6 months later, you will get a certified copy of your original birth certificate. This won't cost you anything.
- In some counties, the judge will sign the Vital Records Order and send the signed order to you. Then you will have to request a certified copy of your original birth certificate from the State's Vital Records Office in Sacramento. In this case, you request a certified copy of your birth certificate directly with the Vital Records Office. This will cost you approximately \$14.

TIP: If you have to request the birth certificate yourself, make a copy of the Vital Records Order signed by the judge for you to keep. You'll have to send the original, signed by the judge, to the Vital Records Office.

A blank Certified Birth Certificate Request Form (VS 111) is attached for your use. You will need this form if you're requesting the birth certificate yourself. See **Form F**. See Page 23 for more information on how to fill out the VS 111 form. If you need additional VS 111 forms, you can download them from the Department of Public Health's website: <http://www.cdph.ca.gov> and click on Quick links, Birth Certificates, then look for the link to "Application for Certified Copy of Birth Certificate."

TIP: Remember, you have to have the VS 111 form notarized. See Page 23 for more information on how to have the VS 111 form notarized.

What if my petition to unseal my birth records is rejected? Is there anything I can do?

You can call your local CILS office to discuss your situation.

