INSTRUCTIONS FOR REGISTRATION AN OHIO BIRTH

An Application for Registration of Birth Record can only be filed for an Ohio birth. The procedure to register a birth requires an application to be filed in the Probate Court. The Application for Registration of Birth Record must be filled out completely and properly notarized before filing.

Before filing an application to register a birth, you must obtain a statement or letter from the Ohio Department of Health and from the local office where your birth should have been recorded, stating that there is no record of your birth.

This information must be attached to your application.

For births occurring:

Within Cincinnati City Limits
Cincinnati Department of Health
Division of Vital Statistics
1525 E. Elm Street
Cincinnati, Ohio 45202
(513) 352-3120

Within Reading City Limits
City of Reading Health Department
1000 Market Street
Reading, Ohio 45215
(513) 733-3725

Within Norwood City Limits
Norwood Health Center
2059 Sherman Avenue
Norwood, Ohio 45212
(513)458-4600

Within St. Bernard City Limits
St. Bernard City Hall
110 Washington Street
St. Bernard, Ohio 45217
(513) 242-7772

Within Hamilton County but outside City Limits of Cincinnati, Reading, Norwood, and St. Bernard
Hamilton County Department of Health
Division of Vital Statistics
1701 Patricia McCollum Way
Cincinnati, Ohio 45237
(513) 946-7800

State of Ohio
Vital Statistics
Ohio Department of Health
246 North High Street
P.O. Box 15098
Columbus, Ohio 43215-0098
(614) 466-2531

All forms should be typewritten or legibly printed in black ink.

A fee is required at the time of filing. Additional court costs will be charged for **each** deposition taken, if needed. **Current Court Costs are posted at: https://www.probatect.org/about/general-resources**.

Please confirm the actual amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

The forms may be obtained from the Issue Desk on the 9th floor of the Probate Court, 230 East 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

STEP 1: Obtain letters
Obtain statement from the Ohio Department of Health and local register where you were born stating there is no record of your birth.
STEP 2: Gather 2 witnesses and/or documentary evidence
If you wish, start gathering documentary evidence to present at the hearing to establish the facts stated in the application. Documentary evidence includes any record established in the past that proves the facts stated in the application. The following are examples of documentary evidence: baptism certificate, insurance policies or photo static copies of same, school records, lodge records, marriage records, family bible, federal census records, family genealogy, child's birth record, hospital records, military records, birth and death certificates.
If you are unable to provide appropriate documentation you may have 2 witnesses appear in Court with you or be deposed by a notary outside of court, pursuant to a commission to take deposition. The witnesses must have personal knowledge of the facts stated in the application to register the birth record. Blood relatives are preferred but other witnesses having personal knowledge of the facts stated in the application may be used.
Step 3: Filing the Application
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned and at this time the clerk will notarize the application. If you have two witnesses and/or documentary evidence at this time, the magistrate may waive setting a hearing date and take testimony. If you do not reside in Hamilton County, please contact the court to determine if the application can be submitted through the mail. The magistrate will render a decision. The magistrate will send you to the cashier to pay the filing fee and file the paperwork. The cashier will keep the papers and deliver them to the docket clerk who will process the paperwork.
Usually you will receive a copy of the Order to Register Birth within a day or two after your hearing notifying you that the paperwork has been completed. The Clerk will also prepare the Ohio Department of Health Finding and Order Establishing Registration of Birth sending it to the Ohio Department of Health. The **Finding**

and Order Establishing Registration of Birth is used in place of an actual birth certificate. To obtain a certified copy of the Finding and Order Establishing Registration of Birth **you** must write or go to the Ohio Department of Health and apply for the copy. You must submit an application fee. Your birth registration records will be maintained only at the Ohio Department of Health.

Application is set for hearing where testimony is taken by deposition:

If you are filing the Application for Registration of Birth Record by mail you must make sure your signature is notarized. You must also fill out the "Information to Take Testimony" sheet if you and/or your witness(es) cannot appear, printing the required information. The two letters stating that there is no record of your birth, Application for Registration of Birth Record documentary evidence and the "Information to Take Testimony" sheet should be mailed to Probate Court with the filing fee (additional fee for each deposition taken). **This fee must be paid in cash or certified check. No personal checks or credit cards will be accepted.**

A magistrate will verify that you submitted all the required paperwork to proceed and take your forms to the cashier to get a case number. The cashier will then deliver the paperwork to the docket clerk to enter your application into the computer. The clerk will then issue a Commission to the notary listed on the Information to Take Testimony sheet to take the deposition of you and/or witness(es).

Once the deposition(s) have been returned to the Court, the magistrate will read the deposition(s), review the evidence and render a decision. The decision will be filed with a clerk.

If the Application is granted, you will receive a copy of the Order to Register Birth within a day or two after your hearing. The clerk will also prepare the Ohio Department of Health Finding and Order Establishing Registration of Birth sending it to the Ohio Department of Health. The **Finding and Order Establishing Registration of Birth** is used in place of an actual birth certificate. To obtain a certified copy of the Finding and Order Establishing Registration of Birth **you** must write to the Ohio Department of Health and apply for the copy. Alternatively, you can present a check or money order for the proper amount to the Clerk at the Issue Desk who will include it in the envelope to Columbus. Please submit to the Ohio Department of Health at the address listed above. If you submit the application fee via the court, you should receive your certified copy in 2 weeks.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF_____

CASE NO._____

APPLICATION FOR REGISTRATION OF BIRTH RECORD

Registrant prays that the fact of birth be established in accordance with R.C. 3705.15 as follows:

Full Name of Child (at time of birth)	
Exact Place of Birth	Date of Birth ☐ Male ☐ Female
Name of Parent 1 ☐ Male ☐ Female	Full Name of Parent 2 ☐ Male ☐ Female
Age of Parent 1 (at time of this birth)	Age of Parent 2 (at time of this birth)
Birthplace of Parent 1	Birthplace of Parent 2
Last Name of Parent 1 Prior to First Marriage	Last Name of Parent 2 Prior to First Marriage

The registrant being first duly sworn says that the facts stated in the foregoing application are true as he/she verily believes and prays that the Court order the registration of said birth.

_____
Signature of Registrant

_____
Printed or Typed Name of Registrant

_____
Address

(_____)_____
Phone Number (include area code)

Sworn to before me and subscribed in my presence this _____ day of_____,_____.

(SEAL)

_____
Notary Public

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY SETTING HEARING ON APPLICATION FOR REGISTRATION OF BIRTH RECORD

The Court sets _____ at _____ o'clock ___.M. in Room _____ as the date and time for hearing the application.

The Court further authorizes the taking of a deposition of the following.

☐ Applicant

☐ Witness

☐ Not Applicable

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY DISPENSING WITH SETTING OF HEARING ON REGISTRATION OF BIRTH RECORD

The Court orders that setting of hearing be dispensed with in this matter.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO

INFORMATION TO TAKE TESTIMONY

Use This Form Only If You and/or Your Witness(es) Cannot Appear

DEPOSITION OF REGISTRANT

Your name _____

Your address _____

Name of Notary _____

Address of Notary _____

DEPOSITION OF WITNESS(ES)

Name of Witness _____

Address of Witness _____

Name of Notary _____

Address of Notary _____

Name of Witness _____

Address of Witness _____

Name of Notary _____

Address of Notary _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

ENTRY ORDERING REGISTRATION OF BIRTH RECORD TO BE RELEASED TO THE OHIO DEPARTMENT OF HEALTH BUREAU OF VITAL STATISTICS

The Application for Registration of Birth Record having been granted in this matter, the Court orders the clerk to forward a certified copy of Birth Registration and all necessary information to the Ohio Department of Health Bureau of Vital Statistics for the issuance of a birth certificate for the above named individual.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

COMMISSION TO TAKE DEPOSITION

To: _____ , Greeting:

Whereas, _____ , who resides at _____

in the County of _____ , State of _____, has filed an Application in the Probate Court of Hamilton County, Ohio to register h _____ birth and, whereas, this Court did make an order authorizing the taking of the deposition ___ of the following person(s).

APPLICANT_____ADDRESS_____

WITNESS_____ ADDRESS_____

WITNESS_____ADDRESS_____

Whereas, testimony is necessary to support the allegations set forth in said application, and it has been represented to the Court that said applicant/witness(es) (is) (are) unable to appear in open Court.

Whereas, I, Judge of the Probate Court of Hamilton County, Ohio have appointed you as commissioner with full power and authority to examine and take the deposition(s) of said applicant/witness(es) upon the interrogatories attached hereto.

Now, therefore, I command you that, at certain time(s) and place(s) appointed by you, to cause applicant/witness(es) to be brought before you upon such interrogatories, and answer on oath or affirmation first taken before you upon such interrogatories, and that you reduce such examination and the answers of said applicant/witness(es) to writing under your seal and return the same together with this commission and said interrogatories attached thereto to this Probate Court with all due promptness.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at Cincinnati, Ohio this _____ day of _____ ,_____ .

Ralph Winkler, Probate Judge

By:_____
Deputy Clerk