
ID PLEASE...

A Guide to Changing California &
Federal Identity Documents to
Match Your Gender Identity



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I. Introduction

This guide was created to help you navigate through the oftentimes confusing process of getting California and Federal identification documents that match your gender identity. It is designed to be used without the assistance of an attorney. However, in some cases it may be quickest or easiest to work with one.

The information in this guide should not be considered to be legal advice. This guide provides you with legal information, but does not seek to apply that information to your specific situation. We've tried very hard to make sure that this resource is accurate and up-to-date. Still, the changing nature of laws and policies concerning identity documents makes 100% accuracy nearly impossible.

If you have a question about your specific legal needs and you live in California or you were born here, feel free to contact TLC at (415) 865-0176. If you live outside of California, you can email us at info@transgenderlawcenter.org and we'll do our best to point you to resources that may be helpful.

II. Getting Started – Common Questions

▶ Why is this process such a pain?

Many people are surprised when you find out that there is no “one stop” process for getting your name and/or gender updated to match your gender identity. There are more than eight places where you might need to make changes to identity documents and/or government records as a part of your transition. This is because each of the agencies that issues identity documents or keeps records about your identity has separate (but increasingly networked) systems and there is no central government agency which coordinates all of these databases.



While it has never been easy to make these changes, it used to be easier --especially regarding changes to an individual's name. When TLC opened in 2002, all you needed to

do in order to receive a new California driver's license or state ID was to have a doctor complete a form. Once you got a California ID, an individual could then go and update your Social Security records (at least your name), your bank records, and your most current student or social service records. Within 5 years, you could get a passport with the correct name. All of this could be done without ever going to court.

Then things changed. The changes were due to concerns around identity theft and national security. As a result, most state and federal agencies began to tighten up their policies and/or practices regarding name changes. The Social Security Administration also significantly toughened their gender marker change policies.

While the *name change* process was easier in the past, getting recognition of your *gender identity* as your legal gender (for instance, someone who is female-to-male getting identification with an "M" gender marker) has always been somewhat difficult. Many policies were, and still are, premised on the idea that you can only get proper identification when you can show that you've undergone surgery. Clearly, such policies don't represent the actual experience of many transgender people, especially if the policy requires proof of genital surgery.

The inclusion of such policies in this guide in no way means that TLC approves or supports them. Long-term transgender rights strategies are being developed to win better recognition of people's identity. But, until those efforts are successful, people have to deal with the policies that are in place and this guide should help you do so.

► **If I follow these steps, will my old identity be a complete secret?**

However you may feel about the political need to be "out" as transgender, it is understandable that some people would choose to be in control of how "out" they are. Arguably, people who changed all of their documents as recently as ten years ago had a reasonable expectation that their old identity would be buried after that change. Unfortunately, as our society becomes more and more connected through computers, your ability to remain in control of information about your identity is greatly reduced.

You can see this most clearly in records from credit reporting bureaus. While the bureaus are supposed to change your name once you prove to them that you have legally changed it in your home state (and most of you will do so with a little perseverance on your part), your old name is often kept as a part of your record. It is

unclear how long your old name is kept on record or for how long it can be disclosed to a third party. But what is not disputed is that the bureaus consider this information to be valuable data that makes your record more marketable – not because it identifies who is and who isn't transgender, but simply because it allows them to provide clients with a “complete” record.

Unfortunately, although TLC focuses aggressively on strengthening anti-discrimination laws, we are increasingly unable to help people choose when, or if, to disclose their old name and birth gender. Despite this, we still have more tools in California to confront the increased risk of discrimination that sometimes comes from disclosure.

► **In what order should I change my documents?**

There is no one correct process for changing your documents to reflect your gender identity, in part because people may not want to change all their documents, and in part because not all documents may be able to be changed. Nevertheless, we have created a model pathway called “Steps to Changing ID Documents” to illustrate a possible route that you can take (included as Chart 1).

We have organized the guide to reflect the route in Chart 1 because it provides the cleanest steps to getting recognition of your identity. It emphasizes a court-ordered name change because we believe that it is increasingly important that everyone get one. And while a California driver's license or state ID card is the *easiest* thing to change for most people, we list that process *after* the court order process and the social security process for reasons we will explain further in the guide.

► **If I am from outside of California, can I still use this guide?**

This guide was created for individuals who live in California. If you were born in California but now live somewhere else, the section addressing how to change your name and gender marker on a California birth certificate applies, as do the sections on changing a Social Security record, U.S. Passport, and other citizenship and immigration documents. As always, if you live outside of California, it is important that you use the formal or informal resources available within your own state to add to the information in this guide.

If you were born outside of California, but now live here, you will likely find everything but the birth certificate section to be relevant.

▶ **If someone is under 18 years old, can you still use this guide?**

In California, most of the ID changes policies or laws require that you be over the age of 18 or an emancipated minor in order to change your identity documents. If you are under 18 and not emancipated, you'll need to have the approval of your parent(s) or guardian(s). We've tried to note when this is the case. As always, if someone has questions, you should email or call us.



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Chart 1

Steps to Changing Your ID Documents: A Model Pathway

This route is recommended for people who are changing both your name and gender as a part of your transition. If you are not changing your name, you can skip some steps:

1. Go to Court

See pages 10-22 for information about going to a California court to get your change of name and/or change of gender court order(s).

2. Go to the Social Security Administration

See pages 23-27 for information about the documents you'll need to update information in your social security administration records and on your social security card.

3. Go to the California Department of Motor Vehicles

See pages 27-37 for information about getting your name and/or gender changed on your driver's license or state ID.

4. Change Passport, Birth Certificate, and Non-Government Records

See pages 37-49 for information about getting your name and/or gender changed on these additional documents. The order in which you change your passport (if you have one), your birth certificate (if you choose to do so), and your nongovernment records will vary. However, with your name change court order, your DMV identification, and/or your surgeon's letter, you should be able to change your name and gender on all of these documents.

Special Circumstances

▶ School records

If you are currently enrolled in a K-12 school, vocational program, or college or university should request that your school records be updated as soon as you have your court ordered name change. In some circumstance, you can request that some of your school records be changed prior to getting a court order. You may or may not be able to update diplomas or other school records from your past (see page 47 for more information).

▶ Immigration records

Most immigration documents can be updated with a court order and/or surgeon's letter (see pages 36-40 for more information). If you have immigration documents, it may make changing your Social Security Administration records easier if you change your immigration documents between Steps 1 and 2 above.

II. Court Orders

▶ What is a court order?

A court order means that the state of California has recognized your change of name and gender.¹ While it may be possible to change the gender marker on some forms of ID without a court order (such as driver's license), many other forms require the court order (such as CA birth certificate) and nearly all forms of ID require that a person have a court ordered name change. As a result, obtaining a court ordered name and gender change is the surest way for a person to legally change their name and gender.

To obtain a court order, you will need to complete forms, pay a fee or get a fee waiver, and file them with the Superior Court in the county where you live. After you have filed the forms, the court will review them and usually will hold a hearing, at which you are required to appear. If all the paperwork is complete and you have met all required legal criteria (including a notice of publication if you are changing your name), the Court will issue an order after the hearing changing your name and/or gender. You can then use this order to change your identity documents.

▶ Orders recognizing a change of name and/or gender

In California, you do not need to demonstrate that you have undergone any medical procedures to change your name. This is true even if (as in our attached example) you are changing your name from one that is traditionally female (e.g., Loretta) to one that is traditionally male (e.g., Andrew). In very rare cases, a judge may ask you questions about medical care. Below, we offer some tips for dealing with poorly informed or combative judges.

You may also be able to get a court order recognizing your change of gender as well as one for a change of name. In order to get a court order for gender change, the law requires that you provide proof that you have had some kind of surgery that changes sex characteristics as a part of your transition. If you have questions about your own situation, you should call or email us. There are three different ways you can ask the court for these orders. Each way now has its own set of court forms that we describe in more detail below:

Change of name only (NC-100 series)

Change of name and gender (NC-200 series)

¹ The Courts use the phrase “change of gender.” We know this phrase does not accurately reflect the process of transitioning for many transgender people. We use it here simply for the sake of clarity.

Change of gender only (NC-300 series)

► **How much will a court order cost?**

The county courthouse will charge you a fee for filing your petition for a court order. The amount will vary depending on the county where you are filing; as of January 2009, the fee across the state is \$350 (with the exception of San Francisco and Riverside counties, where the fee is \$365). Most counties have a website for their local Superior Court where you can double-check the current fee in your county. A list of the Superior Courts with links to their contact information can be found here:

<http://www.courtinfo.ca.gov/courts/find.htm>.

The court does offer a **fee waiver** for those who can't afford to pay the filing fee (we've attached detailed instructions from the court on who qualifies for a fee waiver, see Attachment A). Some courts are very open to waiving fees, but others are not. Again, it generally depends on the county in which you live. Some people wonder whether they have to pay a fee for a gender change order if they already have a name change order. The reason for this is that you are filing two separate petitions (you can request a second fee waiver). However, some individuals have been able to file *change of gender* paperwork under their previous *change of name* case number.² In a limited number of instances, the courts have accepted this paperwork as a supplement to the earlier petition and have not charged a new fee. You might want to check with the court clerk in the county where you filed your name change to see if it is possible to do this.

After the judge signs your court order for a name and/or gender change, you may want to get several certified copies of the order from the court clerk. Although you are not required to get more than one copy, many agencies (such as the U.S. Passport Agency and the Social Security Administration) require original certified copies of the order to be able to change your name and gender in their records. As a result, it is a good idea for you to get between two and four copies depending on the number of identity documents you want to change. Each county has a different fee for making certified copies.

► **Special issues for court orders for people under 18**

If you are under the age of 18 and are not an emancipated minor, you need the permission of your parent or guardian in order to file a petition to change your name and/or gender. In fact, your parent or the guardian must file the petition on your behalf.

² The case number is in the upper right-hand corner of the order.

It is best if your parents are willing to file the petition jointly. If they are not, the parent filing the petition must take extra steps required by the court (like mailing a “notice” of the proposed name and/or gender change to the other parent). While the other parent can object, we have not seen any cases where a judge has denied a change of name petition simply because one parent objects. However, it is possible that a judge may do this. If it happens to you, please contact TLC.

If possible, it is a good idea for you as a minor to include a declaration explaining why a change of gender is appropriate for you. A declaration is simply a statement sworn under oath (the court has a form for this – MC-030). While this type of declaration may not be necessary in the future, judges are currently not very used to seeing gender change petitions for minors. Having your declaration may answer any questions the judge has about your petition. Parents and guardians go through slightly different steps when filing a minor’s petition. A parent clearly has the right to make this request. A guardian has to make their rights clear to the judge. For that reason, a guardian has to submit additional forms (see checklist, page 22).

► **Must I publish an ad in the newspaper?**³

Name Change Only

You are required to publish an ad in a newspaper of “general circulation” if you are filing a petition for a change of *name* only. The ad is called an Order to Show Cause and is form NC-120.⁴ Running an ad is a step that everyone, regardless of whether they are transgender, must take when asking for a name change. Some transgender people think that doing so is an invasion of privacy and/or a safety risk.

While we hear these fears from community members occasionally, we’ve never had anyone report to us that he or she was harassed as a result of publication. If you are really worried about publication leading to physical harm or harassment, you can make an argument to the Court that publishing a notice will put you at risk of harm. It is a tough argument to win (we do not know of anyone who has been successful as of yet). It could also delay your court process by anywhere from 4 to 8 weeks. But if this is a significant concern of yours, making such an argument is the only way to get out of

³ While we use the term “ad” here, what we really mean is a legal notice. It is simply a short, text-only description of a person’s request for a change of name that is typically run in the back section of newspapers.

⁴ You cannot run the ad in just any newspaper, though. As we explain below, it has to be a newspaper of “general circulation” that has previously been authorized by the court system to run such ads.

publishing an ad. If you are concerned about your privacy in general, the Court is not likely to waive the publication requirement.

Gender Change Only

The forms for requesting a *change of gender* only court order do not require you to publish an ad. They simply require that you file with the court a notice of your intent to change your gender (the proper form is the NC-320). The forms do not mandate a publication requirement for a change of gender only, and we believe this correctly reflects California law. However, some judges may disagree and tell you that you need to publish an ad even for a change of gender only court order. If you are asked to publish an ad for a change of gender only, please contact TLC and we can help you explain to the court why you do not have to do so.

Name and Gender Change

The Court has also created an Order to Show Cause form for when you request a change of name *and* gender at the same time (the form is the NC-220). This form reflects the position that you must publish an ad stating that you are requesting a change of both name and gender. TLC does not believe this is correct, but it has been difficult to fix this form. For some people, publishing their change of name and gender is not a problem. If it is a problem for you, there may be a way around having to mention your change of gender in the ad.

You may be able to file an NC-120 and NC-320 in place of the NC-220 to keep your ad from disclosing explicitly that you're requesting a change of gender (the ad will still need to state that you are changing your name). However, if the judge believes that you're required by the law to use the NC-220 form, not doing so may delay your process at least 5 weeks and require you to pay the publication fee twice. However, if you're concerned about publishing the change of gender explicitly, it may be worth the potential hassle and expense. As always, if you are in this situation you can call TLC with questions about your specific case.

► Special name change issues for people in state prison, on parole, or required to register as sex offenders

California requires that any person who is in state prison or on parole get the permission of their warden or parole officer before a name change decree will be

issued. Unfortunately, because approval for filing the paperwork is at the discretion of the warden, it is unlikely that most name change petitions by people who are incarcerated will be granted.

However, if you are on parole, you may be able to change your name and/or gender. While some parole officers have refused to grant permission because of the paperwork involved with changing one's name in the state system, many are more reasonable and any parolee who is meeting their obligations will be considered for a name change.⁵

State law also has special rules for someone who is required to register as a sex offender. While a person who is required to register as a sex offender does not need to get anyone's permission to change their name, a judge has more power to deny their petition if the judge thinks that the person is requesting the change of name due to their official status as a sex offender. If you are in this situation, it may be a good idea to get a letter from the police station at which you have to register supporting your request for a name change. This letter does not need to be anything more formal than the police officer's recognition of the your request and the police officer's lack of opposition to your name change. This letter is not required, but it may answer any questions the judge has.

► **What steps does an individual take in order to obtain a court order?**

Step 1: Get the proper forms

In order to get any court order, you must complete the basic paperwork. You can get the necessary forms at your local county courthouse. You can also download them online. You'll need an updated version of Adobe Reader to do so (especially if you want to type in the information on-line and print out the documents).

The necessary forms are listed and available on our website: <http://www.transgenderlawcenter.org/do/formlinks.html>. You can also get them directly from the California Courts website: <http://courtainfo.ca.gov/forms/> and <http://courtainfo.ca.gov/cgi-bin/forms.cgi>. When looking at the online forms, "fillable" means you can fill in the boxes on-line and print you out. "Printable" means you print you out blank and fill you in by hand.

⁵ People who are on probation from a county jail do NOT need the permission of their probation officer to file a name change.

Keep in mind, that when you are asked to list your “current” name, that means your name at birth or a name you’ve legally adopted through a court order, marriage, or adoption (in which case you can list your name at birth as an FKA or Formerly Known As). You should also list this name wherever it asks for “petitioner;” even if you’ve been using your chosen name for a number of years and have identification in that name. One of the advantages of having a court order is that it ties your old name to your new name in an official way. You should put your chosen name wherever the form asks for “proposed” name. (See the attached examples of the name change (NC-200) series of forms we’ve included as Attachment B).

Whatever kind of court order you are seeking, you will always need to fill out a CM-010 *Civil Cover Sheet*. The CM-010 requires that you fill out some technical court information. When you view the form online, you should enter your information on the first page. The second page is full of instructions on how to complete this form. A completed form is included in Attachment B. If you reside in Los Angeles County, you are also required to submit an additional Civil Case Cover Sheet Addendum. It is available online at the Los Angeles Superior Court website:
<http://www.lasuperiorcourt.org/forms/pdf/LACIV109.pdf>

Also, we have heard that the Los Angeles County Superior Court in Long Beach also requires individuals to fill out a Criminal History Assessment Form as part of the name change process. It is possible that the same may be true of other Los Angeles County Superior Courts, as well as courts from counties across the state, though we have no heard of any instances besides in Long Beach. To be safe, you might want to download and complete the criminal history assessment form, which is available at this website:
<http://www.mnc.net/forms/CrimHist.pdf>

Step 2: Select a newspaper

You must pick a newspaper before filing if you are submitting either a NC-120 or NC-220 because you need to name the newspaper on this form. However, you don’t actually publish your ad until after you file your paperwork at the courthouse. This is because the Court clerk needs to return to you the form, called the Order to Show Cause, that you must provide to the newspaper. You can choose any newspaper that is legally qualified to publish orders and notices in your county. For instance, if you live in Los Angeles County, you can run an ad in Sherman Oaks even if you live in Long Beach.

Different newspapers have different fees for publishing notices so you can check around for the best price. The easiest way to find a list of approved newspapers in your county (remember it can't be just any newspaper; it must be a newspaper of "general circulation") is to do a web search with some keywords like "newspapers general circulation Superior Court (your county's name) county." Not all counties have this information on-line. If that is the case in your county, you can check with the court clerk at your courthouse for leads. The following website has the contact information for each county's courthouse: <http://courtainfo.ca.gov/courts/trial/courtlist.htm>.

Once you have selected your newspaper, write the name of it on the NC-120 or NC-220 in line 3a.

Step 3: File the forms at the courthouse

After completing your forms, you should make two copies of all forms (except the Civil Case Cover Sheet for which you don't need any copies). You may not need this many, but you are good to have just in case. Your paperwork must be filed in the Superior Court in the county where you live. Many larger counties have multiple courthouses that handle different types of cases; you should contact the court clerk to find out which court location is the correct one for filing a name and/or gender change.

It may be possible for you to file your petition for a name and/or gender change by mail. To do this, you need to fill out the requisite forms, complete with the newspaper designation for the Order to Show Cause for a name change, include a check for the fee amount (or your request for a fee waiver), additional copies of the forms and a self-addressed return envelope with postage paid. This enables the clerk to return your copies and notify you of your hearing date. To be safe, you may want to contact your county's Superior Court and ask if it allows people to file name and/or gender change petitions by mail and, if so, what the exact procedure is.

Unless you are submitting a request for a fee waiver, you should expect to pay your filing fee when you submit your paperwork. If you are submitting a request for a fee waiver, you will either be told on the spot if your fee is waived or informed by mail. If it's not waived and you disagree with the decision, you should ask to speak to the judge and explain why you need a waiver.

When you file your paperwork, you will receive a date for your court hearing (the clerk will write it on your NC-120, NC-220, or NC-320 form. Depending on the courthouse's current workload, your hearing date may be scheduled somewhere between 6 and 10 weeks from the day you file.

Step 3a: Special paperwork for change of gender petitions

If you are requesting a court order that includes recognition of your change of gender, you'll also need to submit a declaration from your surgeon or doctor that serves as proof that you have had some kind of surgery that changes sex characteristics as a part of your transition. In order to be valid, the declaration must include a statement that it is being signed under penalty of perjury under the laws of the State of California. This means that the surgeon or doctor can get in trouble if anything in the declaration is intentionally untrue.

The declaration can come directly from your surgeon (see Attachment C for an example), or if your surgeon is unavailable for any reason, the declaration can come from a physician who has performed a physical examination of you (see Attachment D for an example). The declaration can be a typed and signed on the surgeon's or doctor's letterhead, on a plain sheet of papers, or it may be written and signed on the NC-210/NC-310 form itself. If the declaration is not directly on the form, write "Please see attached affidavit from Dr. XX" on the NC-210/310 form (see Attachment B).

Step 4: Publish an ad

After you file your paperwork, the court clerk will write the case number and the time, date, and location of the hearing on the NC-120 or NC-220 form (if you are asking for a change of name). You will need to get this form to the newspaper you have selected so it can run your ad. While many people take the form over to the newspaper in person, most newspapers will also allow people to fax or mail the request.

Step 5: Attend the court hearing

Currently, most counties require the petitioner or an attorney to appear for the hearing. More and more counties, however, are issuing the orders without a hearing if no one files an objection to the petition. When you file your paperwork, you should ask the court clerk what your county's practice is.

The court hearing should be a relatively easy process. You should bring copies of all of your paperwork with you. It is especially important that you bring two things: your decree (see below) and proof that the newspaper ran your ad if you are petitioning for a name change – also called a “Proof of Publication.”

Depending on what kind of order you are requesting from the court, your decree is either the NC-130, 230, or 330 (in the case of the NC-330, it’s called an “order”). This is the paper that the judge signs, and the court is unlikely to have a copy.

Also, you should bring or make sure the court already has a Proof of Publication. This is the form that the newspaper will either mail to the court or mail to you directly after your ad has run four times. It proves that the newspaper ran the ad. If you haven’t received a copy of it one week prior to your hearing, you should call the newspaper and make sure that it was filed. If the newspaper did not send the proof of publication to the court already, you should ask it to send you a copy directly and take it with you on the day of your hearing.

The judge may ask you a few questions regarding your paperwork at the hearing. Note that the clerk or judge is likely to call you by your old name because that is the name on your petition. If you are concerned about your privacy, you can ask the clerk to hold your petition until last. It’s up to the clerk whether you will honor the request but it is worth asking if you would like to increase your privacy.

Many California judges do a great job of providing a supportive and non-discriminatory environment in your courtrooms for transgender people. However, in rare cases, judges have misunderstood California law regarding name or gender change court orders or have let their personal beliefs about your ability to transition interfere with their duty. On the next page are five tips for how to deal with these *rare* problems.

Step 6: Get copies of your completed order

Once you have completed your hearing, remember to get 2 - 4 certified copies of your court order.

Dealing with Difficult Judges: Possible Scenarios and Suggested Responses

Example A: In a name change only hearing, Judge is trying to help, but instead gets in the way

Judge: Petitioner, you should have submitted the paperwork for both a change of name and gender. Do you have the physician's affidavit?

Petitioner: Your honor, I do not at this time [want to request/meet the legal standard for] a change of gender. I'd like to have you rule on my change of name petition only.

Example B: In a name change only hearing, Judge is being too nosy (although this person could just be the Judge in the previous example but without the social skills)

Judge: Petitioner, have you had the surgery/do you have a doctor's letter?

Petitioner: Your honor, I've provided all of the paperwork required by law for a change of name. I am not at this time requesting a change of gender. Therefore, I do not need to answer any personal medical questions. I would ask that you approve the petition as filed.

Example C: In a hearing for change of gender, Judge wants more evidence (although this may not necessarily be a judge who is misinformed or combative, but may just be someone who has a narrow interpretation of California law regarding change of gender)

Judge: Petitioner, I've read your doctor's letter and don't see anywhere that it states that you have had genital surgery. Have you had genital surgery?

(A person's answer here depends a lot on their personal comfort with disclosing their private medical information and the facts of their case. Any of the following are appropriate, but a lot of other responses can be used as well.)

Petitioner: Your honor, the law says that I must have had surgery that changes sex characteristics. It does not proscribe any particular kind of treatment. I believe that the letter from my surgeon is sufficient for this petition.

Petitioner: Your honor, if you have particular questions beyond the letter from my doctor, I'd ask that we discuss them in your chambers or in closed court.

Petitioner: Your honor, I don't believe that question is relevant to this hearing. I have provided the information required by the law and would respectfully ask that you grant the order.

Example D: Judge generically acting badly like using improper language to address you OR isn't swayed by one of the above responses

The below answer can be used on its own or in combination with any of the above.

Petitioner: Your honor, these are questions I'm unprepared to answer [at this time/on my own], I'd like to request a continuance so I can secure legal representation.

When an individual asks for a "continuance" they are asking for the judge to reschedule their hearing for a later date. In general, TLC is happy to represent anyone in court who needs to ask for a continuance and will make every effort to have staff available for a court hearing. Individuals should feel free to call us to discuss their cases and to see if we can help.

▶ Court Order Check Lists

Court Order Name Change Only Check List

- Obtain and complete the paperwork
 - CM-010
 - NC-100
 - NC-110
 - NC-120
 - NC-130
 - FW-001 and FW-003 – if needed to apply for a fee waiver
- Choose your newspaper
- File the forms at your county courthouse and pay the fee (if necessary)
- Receive your court hearing date
- Publish the NC-120 in a court approved newspaper in your county
- Attend your court hearing (if necessary)

Court Order Name and Gender Change Check List

- Obtain and complete the paperwork
 - CM-010
 - NC-200
 - NC-110
 - NC-210/NC-310
 - NC-220 (or possibly the NC-120 and NC-320, see above)
 - NC-230
 - FW-001 and FW-003 – if needed to apply for a fee waiver
- Get an affidavit from your surgeon or doctor (on letterhead or the NC-210)
- File the forms and affidavit at your county courthouse and pay the fee (if necessary)
- Receive your court hearing date
- Publish the ad in a court approved newspaper in your county
- Attend your court hearing (if necessary)

Court Order Gender Change Check List

- Obtain the proper forms
 - CM-010
 - NC-300
 - NC-210/NC-310
 - NC-320
 - NC-330
 - FW-001 and FW-003 – if needed to apply for a fee waiver
- Get an affidavit from your surgeon or doctor (on letterhead or the NC-210)
- File the forms and affidavit at your county courthouse and pay the fee (if necessary)
- Receive your court hearing date
- Attend your court hearing (if necessary)

Additional Check List for Minors

(While these forms generally apply to someone using the NC-100 forms, anyone using the NC-200 or NC-300 should consider using you as well):

- Obtain the proper forms
 - NC-110G (Necessary for a Guardian to show your legal right to make this decision, not necessary for a parent)
 - NC-121 (Only necessary if both parents or all legal guardians fail to complete the form as the petitioner. See below for more information)
 - NC-130G (Necessary for a name change by a Guardian, not necessary for a parent)
 - MC-030 (Declaration form for a minor to explain why the change of gender petition is appropriate for her or him, not required)
- If necessary, serve a copy of the NC-120 on the other parent or other legal guardian and complete the NC-121 for the judge.

III. Social Security Administration

▶ Name Change

We recommend that after you obtain your court order, you next go to the Social Security Administration (SSA) to change your records and get a new social security card. Having your Social Security information changed will make changing your California driver's license or state ID easier. Additionally, changing your name and gender with the Social Security Administration may alleviate some workplace issues.

The SSA now requires an individual to have a "legal" name change in order to change your name on your Social Security records. This is a change in policy that was put into place in late 2005. Although California still honors common law name changes, many state and federal agencies, as well as many financial institutions, will not change your name on your records unless you have a court order because they cannot verify the link between your old and new identities. (For more on Common Law Name Changes, see page 28).

In most cases, a "legal" name change means a court order. Generally, the only other methods of name change that the SSA will accept are: by marriage, adoption, divorce, or Certificate of Naturalization. ***The following information about name changes comes directly from the SSA website.***⁶

1. Complete an *Application For A Social Security Card* (Form SS-5);⁷
2. Show us proof of your:
 - U.S. citizenship (if you have not previously established your citizenship with us) or immigration status;
 - Legal name change; and
 - Identity*
3. Take your completed application and documents to your local SSA office (you can find a list at <https://s044a90.ssa.gov/apps6z/FOLO/fo001.jsp>). You can also mail you to the SSA.

⁶ http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315. In case this link has changed, an individual can also go to www.ssa.gov and look under "Marriage, Divorce and Name Changes."

⁷ The SS-5 form is available at <http://www.socialsecurity.gov/online/ss-5.html> or an individual may be able to get one at a Social Security office.

4. All documents you submit must be either originals or copies certified by the issuing agency. The SSA won't accept photocopies or notarized copies of documents.

*** Possible additional documentation requirements to verify identity**

The SSA has a policy that requires you to show additional identification if it cannot match your old name with your current identity. Recently, we have heard from individuals who have had problems as a result of this policy, which is outlined below. The policy is available on the SSA website.

If the document you provide as evidence of a legal name change does not give us enough information to identify you in our records or if you legally changed your name more than two years ago, you must provide Social Security with additional documentation. In addition to showing us a legal document citing your new name, such as a court order, you must provide us with two identity documents, including:

- One identity document in your old name (which can be expired); and
- One identity document in your new legal name, which must be current (unexpired).

Both of these documents must show identifying information or a recent photograph. *If you experience difficulty with this policy, please contact TLC. There is usually a small fee for getting a new social security card.*

▶ **Gender Change**

Even though your social security card does not list your gender, and even though you do not need to change your gender with social security to change your gender on your California driver's license or state ID, it can still be important to change your gender on your SSA account. This is because other agencies and entities may look to social security to verify your gender. To change your gender on your Social Security records, the SSA now requires you to present a surgeon or doctor's affidavit verifying that your "sex change surgery has been completed" (see included Attachments E and F for examples). Like most agencies, the Social Security Agency does not specify what you mean by "completed." If you have questions about your particular situation, please contact TLC.

In some limited situations, people have been told that the SSA will accept a gender change court order in place of an original letter from a surgeon or doctor. We have not

seen this policy in writing from the SSA, but individuals should ask at your local SSA office to see if a California court order is sufficient evidence.

▶ **Special issues for people under 18**

Just like in most other situations, if you are under 18 and are not emancipated, you will need the permission of your parents or guardians in order to change your name on an SSA account.

▶ **Special information for people with SSI/SSDI accounts**

Changing your name and/or gender marker in your SSA account will not change your information in your SSI/SSDI account. If you have an SSI/SSDI account, you should tell the people at the SSA to change your name and/or gender on this account as well. If you have an SSI/SSDI account AND Medi-Cal, changing your name and/or gender marker in your SSI/SSDI account will change your information with Medi-Cal. The SSA calls this “SSI linked Medi-Cal.” However, it is a good idea to remind SSA to forward the name change information to Medi-Cal just to make sure it gets changed.

▶ **Special information for people with Medi-Cal**

If you have Medi-Cal ONLY (and not SSI/SSDI) changing your name and/or gender marker in your SSA account will NOT change your information with Medi-Cal. If this is the case, you need to contact both the SSA and Medi-Cal to change your name with each agency.

If you fail to change this information, you may experience problems when trying to use your Medi-Cal or Medicare benefits. Both agencies are generally good about changing name and/or gender markers on in a person’s records. However, if you make the change with the SSA and then fail to do so with SSI/SSDI, it is possible that your name and/or gender in your Medi-Cal or Medicare records will get changed back when a routine records check is done.

▶ **Special information for people with immigration documents**

It is a good idea for you to change your name and/or gender with U.S. Citizenship and Immigration Services (USCIS) before going to the SSA. This is because the SSA now verifies a person’s immigration status when they change the name in their SSA records.

If your new name is already in your immigration service records and on your immigration documents, it should speed up the verification process.

Troubleshooting the SSA

Like most agencies, you may find that you have problems getting what you need from the SSA. Sometimes, those problems are the result of an SSA employee who does not understand the SSA's policies or who has some bias against transgender people.

You should always try your hardest to keep your cool in one of these situations and always politely ask for a supervisor. While it is tempting to be confrontational with the person behind the counter, it rarely helps the situation in the long run. This can be especially true in an agency like the SSA, where the clerks are all serving a lot of customers and are used to being yelled at.

If you are unable to get resolution at a particular office, you should call TLC. We have been somewhat successful in getting advocates into some SSA offices to do trainings for staff. And, if you live somewhere that has a number of SSA offices, you should not hesitate to try getting better service by going to a different office or a different employee at the same office.

► SSA Check Lists

Social Security Name Change Check List

- Get a court order name change (or one of the other required documents)
- Complete and submit the SS-5 form with a certified copy of your court order at an SSA office and pay fee (if any)

Social Security Name and Gender Change Check List

- Get a court order name change (or one of the other required documents)
- Get an affidavit from your surgeon or physician OR possibly a certified court order gender change
- Complete and submit the SS-5 form with your documentation at an SSA office and pay fee (if any)

Social Security Gender Change Check List

- Get an affidavit from your surgeon or physician OR possibly a certified court order gender change
- Complete and submit the SS-5 form with your documentation at an SSA office and pay fee (if any)

IV. Department of Motor Vehicles

▶ California Driver's License or State ID

Effective May 2009, the California Department of Motor Vehicles ("DMV") implemented a new process for changing the name and gender marker on a California Driver's License. There is no longer a single form that you can use to simultaneously change both your name and your gender. After May 2009, you must submit a form DL 329 to change your gender, and a form DL 44 to change your name. Fortunately, you still do not need to have undergone any specific medical treatment other than undergoing a physical examination with your doctor (i.e. there is no requirement that you've undergone hormone therapy, mental health services, or surgery) in order to change your gender marker.

In addition to completing a CL 44, you now must obtain a court-ordered name change in order to change your name on your California Driver's License or state ID. This is because the DMV links its computer system with the Social Security Administration's (SSA) computer system to verify the information on a driver's license application, and as discussed in the SSA section above, you must have a court order (or other approved evidence) in order to change your name with the SSA.

As a result, if you want to get a California Driver's License or state ID in a name different than your name on record with the SSA (usually your birth name), you must first obtain a court-ordered name change and change your name with the SSA. This requirement applies to California residents seeking to change their existing California Driver's Licenses, as well to people who are moving to California from out of state and wish to obtain a California Driver's License in a name different than the one appearing on their out of state ID. If you have any questions about the new process, please contact TLC.

▶ Special DMV issues for people under 18

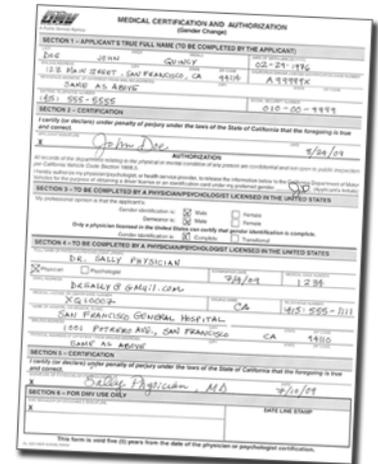
If you are under 18 and are not emancipated, you need a parent or guardian's permission to change your name and gender on your California Driver's License, Provisional Driver's License, or state ID card. The steps for doing so are nearly identical to those followed by an adult.

To change your name if you are under age 18, you must first obtain a valid court-ordered name change. Please see the previous section on “Special Issues for Court Orders for People Under 18” for instructions on how to obtain a court ordered name change. A parent or guardian must then complete a DL 44 and submit it to the DMV along with a copy of the gender change court order. To change your gender marker if you are under 18, you must have a physician complete the DL 329 and submit it to the DMV. It is also a good idea if both you and your parent or guardian sign the DL 329.

► **Steps for Changing Your Gender with the DMV**

Step 1) Obtain an original Form DL 329

Obtain the DMV Medical Certification and Authorization (Gender Change) Form DL 329, which is available at a local DMV or can be downloaded from the DMV website: <http://www.dmv.ca.gov/forms/dl/dl329.pdf>



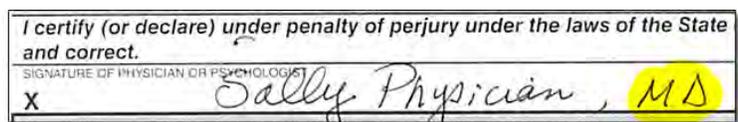
DL 329 form - See Attachment G

Step 2) Complete a Form DL 329 and have your licensed

U.S. physician or psychologist complete and sign it.

This form is somewhat complicated. Working with the DMV, we have created instructions for completing it (included as Attachment G and listed below). However, it is still important that you work with your physician or psychologist to ensure that it is completed correctly. Make sure that your physician or psychologist fills in EVERY line on the form. No line should be left blank. The DMV will send back any form that has a blank line.

If the form requires information that the physician or psychologist doesn't have or is not relevant, the line should be marked with "N/A." For example, some doctors do not have medical case numbers and instead file their cases under a patient's last name. If this is true for your doctor, they should write your last name on this line. Also, when a physician or psychologist signs the form at the bottom, make sure they list M.D. or Ph.D. after their name.



Section 1

Fill in all the requested information. Remember to fill in every line of the form.

SECTION 1 – APPLICANT'S TRUE FULL NAME (TO BE COMPLETED BY THE APPLICANT)				
LAST DOE	FIRST JOHN	MIDDLE QUINCY	DATE OF BIRTH (MM.DD.YYYY) 02-29-1976	
MAILING ADDRESS 123 MAIN STREET, SAN FRANCISCO, CA		CITY	STATE CA	ZIP CODE 94114
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) SAME AS ABOVE		CITY	STATE	ZIP CODE
DAYTIME TELEPHONE NUMBER (415) 555-5555			SOCIAL SECURITY NUMBER 010-00-9999	

Section 2

You should sign your name stating under penalty of perjury that all the information is correct. Do not forget to sign your initials on the small line on the lower right side of the box authorizing your physician or psychologist to release relevant information to the DMV if necessary. A physician or psychologist must now complete the rest of the form.

ION
<i>If any person are confidential and not open to public inspection</i>
lease the information below to the California Department of Motor t under my preferred gender. <u>JP</u> (Applicant's Initials)
OCIST LICENSED IN THE UNITED STATES

Section 3

A physician or psychologist must designate whether, in their professional opinion, your “gender identification” and “demeanor” are male or female. A physician or psychologist must also designate whether your gender identification is “complete” or “transitional.” Opinions vary on when to check which box. TLC’s opinion is that as soon as you are expressing your gender identity full-time, (regardless of whether the have accessed hormones or surgery) and plans to continue expressing it, your doctor should mark “complete.” If your doctor has any questions about this, please let them know that we would be happy to speak with them about it.

Only a physician licensed in the United States can certify that gender identification is complete.
Gender identification is: <input checked="" type="checkbox"/> Complete <input type="checkbox"/> Transitional
TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STA

Note: If your physician or psychologist indicates on your DL 329 that your gender identification is “transitional,” you are required to submit a new form DL 329 every 5 years. If a new form DL 329 is not submitted, your original gender marker will be restored. Additionally, if your gender identification is marked as transitional, the DMV

will maintain both sets of data – your male and female names, as well as you male and female gender records – in the DMV computer system. Under certain circumstances, both records may be visible to third parties, such as auto insurers. Once your gender identification is designated “complete,” the DMV erases your previous name and gender from its records except in an encrypted internal format visible only to DMV staff.

If your physician or psychologist indicates on your DL 329 that your gender identification is “complete,” you will not be required to submit new information about your gender to obtain a new or renewed license. Also please note that only a physician (and not a psychologist) licensed in U.S. can certify that your gender identification is “complete.”

Step 3) Submit the completed Form DL 329 and pay the application fee

Finally, the DMV office where you submit the form needs to sign the form and stamp it in the bottom right corner. If the office forgets to sign and stamp the form and submits it to the DMV processing center in Sacramento, the form will be returned to you and you will be asked to return to the DMV to have them sign and stamp the form. Save yourself a second trip and politely ask the DMV staff member who is processing your form to make sure it is stamped AND signed.

The fee for changing the gender marker on a California Driver’s License as of July 2009 is \$22. To see a list of the fees for driver’s license applications go to the following web address:

http://www.dmv.ca.gov/dl/fees/driverlicense_fees.htm#classc

Step 4) Wait for the license or ID

The DMV will issue you a paper record of your application for a new license at the time you submit your forms, and it may ask you to submit your old license or identification card as well. The DMV will mail your actual plastic license or ID about two weeks after processing your application. You should plan accordingly so that you are not traveling by airplane or train or leaving the country during the time you are waiting for your license or ID.

► **Steps for Changing Your Name with the DMV**

Step 1) Complete an original *DL 44* application

You must complete and submit an *original* Form DL 44, which can be obtained at a local DMV office, or by calling the DMV's automated line 800-777-0133 and requesting that the form be mailed to you. The DL 44 form is not available online because each form has a unique barcode. You may need to provide additional documentation to ensure that the name provided on the application is your true full name. The most common and acceptable form of additional documentation is a court-ordered name change.

Other types of acceptable additional documentation include a birth certificate, passport, military ID card, U.S. naturalization certificate, American Indian card, or U.S. citizenship card. Birth and identity documents from other countries may also qualify. **HOWEVER**, this additional form of identification must state your current true name as you want it to appear on your driver's license. It cannot be your birth or other former name.

Other types of acceptable information include official judicial decrees such as an adoption decree; a marriage certificate; a dissolution of marriage certificate; a domestic partnership registration certificate or declaration; or a dissolution of domestic partnership certificate of judgment. Again, this additional form of identification must state your current true name as you want it to appear on your driver's license. It cannot be your birth or other former name.

► **A Note about Common Law Name Changes**

In the past, people could regularly change their names in California through the common law or usage method. In order to do so, a person would adopt a new name and use it continuously and exclusively for a period of time. While this method is still *technically* a legal way to change a name in California (see included decision by California's Attorney General on this issue at Attachment H), it is one that is becoming harder and harder to use.

Some people continue to want to use a common law name change because it is quicker, cheaper, and more anonymous than getting a court order. However, more

government agencies are refusing to recognize this method of change. While many financial institutions have long been suspicious of common law name changes, a recent federal law, The Patriot Act, is being interpreted by many agencies as requiring a court order for all name changes. At this time, most financial institutions and the California DMV will recognize only a court-ordered name change.

For these reasons, we are urging people to consider obtaining a court ordered name change. If you choose to do a common law name change, you should know that you are likely to face stiff resistance in changing most of your identity documents.

▶ **Vehicle Registration Information**

If you change your name on your driver's license, it will not automatically change your name on your vehicle registration information. You will have to change your name on this record after you have legally changed your name or have changed it as a result of marriage or divorce. Following is a step-by-step guide to how to change your name on your vehicle registration information.

Step 1: Submit a California Certificate of Title for the vehicle

Submit to the DMV (or to its licensed agent, such as AAA) a California Certificate of Title for your vehicle with your full correct name printed or typed in the "New Registered Owner" section.

Step 2: Complete the *Statement of Facts for Name* (REG 256) section on a Statement of Facts

You must also complete and submit a *Statement of Facts for Name* form (REG 256). On the form, you must indicate the reason for the change and sign the bottom of the form. The *Statement of Facts* form can be found at:

www.dmv.ca.gov/forms/reg/reg256.pdf

You should fill out parts F and G (including your reason for your name change). There is no cost to make a name change to your Certificate of Title. If you have any other issues with your title/vehicle registration, you may want to consult the DMV website at:

<http://www.dmv.ca.gov/pubs/brochures/howto/htvr17.htm>

▶ DMV Check Lists

Name Change Only

- Complete an original *DL 44*
- Include certified copy of your name change
- Submit the forms and pay the application fee

Gender Marker Change Only

- Complete an original *DL 44*
- Have a physician or psychologist complete the *DL-329*
- Submit the forms and pay the application fee

Name and Gender Marker Change

- Complete an original *DL 44*
- Have a physician or psychologist complete the *DL-329*
- Include a certified copy of your name change
- Submit the forms and pay the application fee

Vehicle Registration

- Complete the New Registered Owner section of your California Certificate of Title
- Complete a *REG 256*
- Submit the forms

V. California Birth Certificate

▶ **Changing an Your Name and/or Gender Marker**

This information is designed to assist current California residents. If you were born in California but now live in another state or county, you should contact TLC for assistance with changing your California birth certificate.

California law explicitly allows someone born in the state to receive a new birth certificate recognizing their gender identity. The process for changing an individual's

name and gender on their birth certificate is a relatively simple process. The Office of Vital Records has created a form and publication to assist interested individuals. The only difficulty is that if you are only changing your name on your birth certificate, you will use a different form (VS-23) than if you are changing your gender marker or your name and gender marker at the same time (VS-24).

We've attached a complete copy of the publication, *Obtaining a New Birth Certificate after Gender Reassignment*, because it is a great overview of the process (included as Attachment I⁸). Instead of going through the entire document, we'll just point out a couple of important issues.

In order to request a new birth certificate, you need to obtain a court order name and/or gender change. You must submit a certified copy of your order(s) to the Office of Vital Records.

Also, you must get an original VS-23 (Application for Amendment of Birth Record to Reflect Court Order Change of Name) or VS-24 (Affidavit to Amend a Record) form. You cannot use a photocopy and cannot download the form online (because it is printed on special paper). You can get one directly from Vital Records. It sometimes takes several weeks to get one from the Vital Records office. TLC has a limited number of copies of the VS-24 and may be able to mail one to you if you are in a hurry. Please contact us if this is the case to see if we have any available.

If you have a copy of your old birth certificate, we recommend that you submit a photocopy of it with the application. If you don't have one, you may want to consider getting one.⁹ While it is not necessary to complete the process, having a copy of your old birth certificate will ensure that you put the correct information on the form. If incorrect information is on the form, it will be rejected and will be returned to you. We've also been told that if you mail a copy of your old birth certificate with your application, it can speed up the process for issuance of your new one.

⁸ Also available at:

[http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/Gender%20Reassignment%20PAMPHLET%20\(10-08\)%20MERGED%20220.pdf](http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/Gender%20Reassignment%20PAMPHLET%20(10-08)%20MERGED%20220.pdf)

⁹ An individual may obtain a copy of their old birth certificate by filling out the VS-111 (Application for Certified Copy of Birth Record) form and mailing it to the Office of Vital Records with a \$14 fee. A fillable PDF version of the VS-111 can be found at the following web address: <http://www.dhs.ca.gov/publications/forms/pdf/vs111.pdf>. A "Certified Informational Copy" of their birth certificate should be sufficient for the name change process.

After the CA Office of Vital Records has received an individual's application, you will either receive a postcard accepting your request or, if rejected, your application will be returned to you along with a letter explaining what corrections are needed. An individual should expect to wait about 6-10 weeks after your application is mailed for a reply.

If your application is accepted, your new birth certificate will be issued in approximately 7 months. Your old birth certificate will be sealed and replaced with your new birth certificate. Your new birth certificate will NOT have a notation that it is not your original birth certificate. While your old birth certificate is not destroyed, it will only be accessible to the public by court order.

► **Special Issues for People Born in California Who Are Living Outside the State**

You can still change your California birth certificate if you live out of state. However, you will still need to obtain a court order to do so. Not all states will issue a court order recognizing an individual's change of gender as is required by the Office of Vital Records.¹⁰ However, if your state will, you can submit a certified copy of that order along with your VS-24 paperwork.

If you were born in California and currently live in a state or country that will not issue such an order, you can still petition a California court to change your gender on your birth certificate. Because all courts may not be familiar with this process, TLC has created a court documentation that you can submit to a California court along with your petition for change of gender. Contact us if you are in this situation and we can provide you with this document or discuss other options you may have.

¹⁰Feel free to contact TLC to try to get some leads on finding the policies of particular states.

▶ Birth Certificate Check Lists

Name Change Only

- Complete an original VS-23
- Attach a Certified copy of your court order
- Mail documents along with payment
- Copy of original California birth certificate (if you have it)

Gender Marker Change Only or Name and Gender Marker Change

- Complete an original VS-24
- Attach a Certified copy of your court order
- Mail documents along with payment
- Copy of original California birth certificate (if you have it)

▶ Consular Report of Birth Abroad

If you are a U.S. citizen born abroad, then your birth certificate is a Consular Report of Birth Abroad (CRBA). The standard for changing your gender marker on your CRBA is the same as changing your gender marker on your Passport, which is discussed below on Pg. 39 of this guide. To learn more about changing the gender marker on a CRBA, visit the State Department's website at http://travel.state.gov/law/info/overseas/overseas_703.html.

VI. United States Citizenship and Immigration Service Documents

Few agencies have undergone as much turmoil with regard to identity documents policies in recent years as the immigration service. After decades of informally working well with transgender immigrants, the service began to implement strict and confusing policies about how people were supposed to change your immigration documents to match your gender identity. In 2004, the policy was fixed to match (more or less) the policies of other federal agencies.

The immigration service issues over a dozen different forms of identification. This section of the guide focuses specifically on those documents related to *permanently* immigrating to the U.S. Similar policies apply for temporary visas (student, tourist, work), but those forms of identification are not covered here.

▶ **Changing Your Name**

In general, you need a court order to get a name other than your name at birth included in your immigration service documents. In the past, you could change your name as a part of the naturalization process, but this option has recently become very limited.

If possible, it is best for an individual to start the immigration process with your correct name. For instance, if you are applying for asylum, it is much easier if you submit a court order recognizing your name with your asylum application. That way, your initial record can begin with your current name.

If you are unable to do so or if you have already started your immigration process, each form of identification that you have can be updated so long as you have a court order. However, updating a document can be both expensive and time consuming.

▶ **Non-Citizens and California Courts**

Some people believe that you need to be a U.S. citizen or permanent U.S. resident to get a California court order recognizing your change of name. In fact, the Courts are not allowed to deny access to any state resident regardless of your legal status.

Despite this, some courts do end up excluding undocumented people by asking for photo identification for people submitting name change paperwork. We do not believe that this practice is lawful and an individual experiences it, you should contact us for more information or assistance.

As localities increasingly focus on enforcing immigration law, there may be some risk involved in using the court system in some states. Non-citizens should speak with experienced local immigration attorneys before going to court.

If you are not yet in the United States, you should obtain legal recognition of your name (and gender) change in your home country. This way, you can submit all filings in your new, current name and list your birth name as a prior name. In many cases, however, it will not be possible to obtain a court-ordered name change before you legalize your status.

► **Changing Your Gender Marker**

Like most federal agencies, the immigration service requires an original surgeon's letter to change the gender marker on official immigration documents. However, their policy on when a document can be issued with the correct gender marker (for instance, an immigrant who is male-to-female getting an "F" on her paperwork) is vague. It is also unclear how much or what types of surgery are considered sufficient by the immigration service to change gender.

In addition to a surgeon's letter, some immigration service policies also seem to require that you demonstrate that your gender is recognized in your home country before you can update an existing immigration document (for example, if you are FTM and are trying to get your green card reissued as male). However, this policy is not strictly enforced. When it is enforced, it is usually overcome by showing evidence that your home country will not recognize your new gender identity regardless of what medical treatment you have undergone. This requirement does not apply if you are applying for a particular document for the first time.

Please note that your California gender change court order is not sufficient to change your gender marker on your immigration-related documents, but it can be persuasive. This is because the court order is a state document, and US Citizenship and Immigration Service (USCIS) is a federal agency. Similarly, your California court order cannot compel a foreign government to amend your birth certificate if you were born abroad.

► **Changing Name and/or Gender on USCIS Identity Documents**

If you have legally changed your name and/or gender should be able to obtain documents from USCIS that match your legal name and gender. You can apply for the change(s) either at the time a USCIS document is first being issued or by applying to have the identity documents reissued to correct the name and/or gender change. You should be prepared to submit supporting documentation.

▶ “Green Card”

If you are a foreign national, you can use Form I-90 application to update information on your “green card.” You can also use this same form to change your biographical information on your green card records. If biographic data has been legally changed, you must include either the original or certified copy of the court order making the legal change, or the marriage certificate reflecting the new name. If you need to replace your green card because of a change in any other biographic data, you must provide copies of the documentation to establish that the new data is correct.

When corresponding with USCIS, you should be explicit and address your transgender identity directly. You should assume that the officer who receives your application will not be familiar with transgender issues and so you should spell out the issues in the application as clearly as possible.

A court ordered name and/or gender change can be persuasive in helping you change your name and gender marker on your Permanent Resident Card (“Green Card”). In order to change your biographic information, you should use the I-90 and supply either the original or a certified copy of the court order making the legal changes. Although the instructions for Form I-90 do not specifically mention gender, you do state that the form may be used to change any biographic data provided there is “appropriate medical documentation” (i.e., court order and surgeon’s letter stating that the individual has undergone complete sex reassignment surgery).

In the past, surgeon’s letters have said something to that effect because USCIS personnel have interpreted the policy to mean that “complete sex reassignment surgery” is required in order to change documents. Under this policy, it may be possible for you to obtain a letter from your doctor stating that you have undergone surgery and your transition is complete.

▶ Naturalization Certificate

You can use another form, N-565, to change the biographic information on your naturalization certificate. The instructions for this form are not as broad as the I-90’s.

▶ Name Change on Naturalization Application

Unfortunately, Congress did not give USCIS the legal authority to change your name at the time that you naturalize. Therefore, there are only two ways that USCIS can issue your Certificate of Naturalization under your new name: (1) through a legal name change, including marriage or a divorce decree, or (2) by taking the Oath of Allegiance at a Naturalization Ceremony. If the local practice is to hold naturalization oath ceremonies in court, it may be possible for you to lawfully change your name as part of the naturalization process.

If the court grants your request to change your name at the time of your oath, your new name will appear on your Certificate of Naturalization. Please note that you may have to discuss your transgender identity in the courtroom before others who may be present. To learn more about this process, visit the USCIS document available here: www.uscis.gov/files/article/M-476.pdf

VII. United States Passport

The following section addresses how to change your name and gender on your U.S. Passport as well as provide guidance concerning passport photos. Many people have questions about their passport photos. The U.S. Passport Agency will always allow you to use a photo that represents the way you look, regardless of whether the photo stereotypically corresponds to the gender marker on your passport. And if you have a court order, you can get a passport with the correct name on it without a problem (you'll need to submit a certified copy of the court order, though).

▶ Changing Your Name On Your U.S. Passport

If you have a valid U.S. Passport that was issued **within the past year**, and you have changed your name by court order, you must complete and submit a *U.S. Passport Re-application Form DS-5504*, along with the court order and two new Passport photos. There is no fee for you to change your name this way if you follow these procedures and have a valid U.S. Passport that was issued within the past year. This application may be submitted by mail and takes four to six weeks to process. Expedited service, which takes two to three weeks, costs \$60.

If you have a valid U.S. Passport that was issued **more than one year ago but no longer than 15 years ago**, and you have changed your name by court order, you must complete and submit a *Renewal Application for a U.S. Passport by Mail Form DS-82*, along with your court order, a fee and two new Passport photos. This application may be submitted by mail.

If you have **not** had a court ordered name change, it is still possible to change your name on your U.S. Passport but it is very difficult to do so. The Passport Agency requires that the person complete and submit an *Application for a U.S. Passport Form DS-11*, regardless of when your passport was issued. You must prove that you have used your new name consistently for the past 5 years by providing five (5) public records going back five (5) years showing that you have used the new name exclusively. “Public records” include documents such as driver’s licenses, social security cards, bank statements, utility bills, tax records, and student I.D. cards. This application must be submitted in person.

► **Changing Your Gender On Your U.S. Passport**

The U.S. Passport Agency’s latest policy regarding gender-marker changes went into effect in June 2010. Under the new rules, surgery is no longer required to change the gender marker on a U.S. Passport. Instead, individuals need to provide a letter from a medical specialist stating that they have had appropriate clinical treatment to facilitate gender transition. Only an internist, psychiatrist, endocrinologist, urologist or gynecologist can provide this documentation. The following is a model letter provided by the State Department:

I, (physician’s full name), (physician’s medical license or certificate number), (issuing State of medical license/certificate), (DEA Registration number), am the attending physician of (name of patient), with whom I have a doctor/patient relationship. (The letter must indicate that the physician is either an internist, endocrinologist, gynecologist, urologist or psychiatrist.)

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify new gender male or female).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

The new U.S. Passport policies instruct officials to be respectful, use the appropriate pronouns and not to ask further medical questions if the correct documentation is provided. If you encounter any of these problems, please contact us.

Gender markers can be changed using a DS-82 by mail if the requirements for a DS-82 listed below are met. To change a gender marker using this form, mail in a completed DS-82, the old passport, two new Passport photos, the above-mentioned physician's certification, and the appropriate fees.

To apply for a new Passport, individuals must submit in person a DS-11, along with Passport photos, proof of U.S. citizenship (generally a birth certificate), a valid form of photo identification, and fees. If the gender marker on any of the documents conflicts with the desired gender marker on the Passport, then the above-mentioned physician's letter is also required.

Individuals can also get a renewable, two-year limited validity passport if they are just beginning their gender transition. It has the effect of a full passport, but it is only valid for two years. To receive a limited validity passport, individuals must submit the same materials as noted above. However, the second paragraph of the physician's letter must read:

(Name of patient) is in the process of gender transition to the new gender (specify new gender male or female).

During the two-year limited validity period, the Passport can be converted into a full Passport by submitting via mail a DS-5504 and a physician's statement indicating that an individual "has had appropriate clinical treatment for gender transition."

► United States Passport Application Forms

There are 3 possible forms to use to obtain a passport or change your passport so that it has your correct name and gender on it. You can download each form at: http://travel.state.gov/passport/forms/forms_847.html.

- 1. DS-11 Application for a U.S. Passport** (first-time passport, renewal of a passport issued more than 15 years old, or changing name on current passport without a court order)

The DS-11 application is the basic application for a U.S. Passport and it must be used if **any** of the following are true for you:

- You have never been issued a U.S. passport or
- You are under age 16 or
- You were under age 16 when your previous passport was issued or
- Your most recent U.S. passport was issued more than 15 years ago or
- Your most recent U.S. passport was lost or stolen or
- Your name has changed since your previous U.S. passport was issued and you are unable to legally document your name change – even if your previous U.S. Passport is still valid and was issued within the past 15 years.

The DS-11 application must be submitted in person. You can fill out the DS-11 online, but it must then be downloaded and submitted in-person with a fee. The application is available at:

http://travel.state.gov/passport/forms/ds11/ds11_842.html

A list of places where you can submit the DS-11 is available at:
<http://iafdb.travel.state.gov/>

A list of current passport fees is available at:
http://travel.state.gov/passport/get/fees/fees_837.html

Please Note: If you are a first-time passport applicant who has transitioned via surgery and changed your name and/or gender on your birth certificate, you may be contacted by the Passport Agency after submitting your application and be asked to provide additional documentation. If this happens, please contact TLC to discuss the Passport Agency's request.

2. DS-5504 U.S. Passport Re-Application Form (changes/corrections)

This form should **only** be used for making a data change for a **previously issued, currently valid U.S. passport within one year from the date of issue.** You may submit this application by mail and there is no accompanying fee.

You must use the DS-5504 form if **any** of the following are true **and** the passport is valid and has been issued within the past year:

- You need to change your name on your valid U.S. passport
- You need to extend the validity of a limited passport or upgrade it to a full-validity passport
- You need to correct a printing error in your valid U.S. passport

The DS-5504 is available at:

http://travel.state.gov/passport/forms/ds5504/ds5504_2663.html

Please note that all copies of court orders submitted must be certified.

3. DS-82 Renewal Application for a U.S. Passport by Mail (renewal of an expired passport or changes/corrections to passport issued more than 1 year ago)

You should use this form if your passport meets **all four of the following conditions and has expired or was issued more than one year ago**:

- Your passport is undamaged and can be submitted with your application
- Your passport was issued when you were age 16 or older
- Your passport was issued within the last 15 years
- Your passport was issued in your current name or you can legally document your name change (with a court order or marriage certificate changing name)

You will have to submit a fee along with your application, but you can apply by mail. Keep in mind that if you are asking for a name change, you will need to submit a certified copy of your court order.

The DS-82 is available at:

http://travel.state.gov/passport/forms/ds82/ds82_843.html

VIII. Selective Service

American citizens and resident aliens aged 18 to 25 who are assigned male at birth are required to register with the Selective Service System. This information is compiled

by the government as a means of preparing for a military draft. Currently, all individuals assigned male at birth are required to register within 30 days of their 18th birthday. Failure to do so is punishable by a fine and imprisonment. Many federally-funded programs, such as financial aid for higher education and federal employment, require proof of registration as a condition of application. As a result, both FTM and MTF individuals are impacted by the registration process.

Female to Male (FTM) Individuals

If you were assigned female at birth, you are not required to register with the Selective Service regardless of your current gender or transition status. However, if you have legally changed your gender to male, you may be required to show that you are exempt from registration in order to apply for federal student loans or other government aid and employment programs. To establish that you are exempt, you must obtain a Request for Status Information Letter (SIL). The Request for SIL can be obtained by contacting the Selective Service at (888) 655-1825 or by downloading the Request at: [http://www.sss.gov/PDFs/SilForm Instructions.pdf](http://www.sss.gov/PDFs/SilForm%20Instructions.pdf) You should fill out the “Transsexual” section, attach a copy of your original birth certificate, and sign and submit the document. If your birth certificate has been changed and you do not have the original copy, you should include documentation establishing that your gender and birth certificate have been changed. There is no cost to obtain the SIL and it usually takes between four and six weeks to receive. The SIL that is received will not state why you are exempt and thus will not “out” you as FTM. Please note that although the Selective Service policies refer to “transsexual” individuals, the policies apply to all transgender individuals regardless of surgical status.

If you are an FTM who transitioned prior to your 18th birthday and have changed your birth certificate, it is possible to register with the Selective Service. However, it is unclear if you will be eligible for military service.

Male to Female (MTF) Individuals

If you were assigned male at birth, you are required to register with the Selective Service regardless of whether you have transitioned before or after your 18th birthday and regardless of whether you will ultimately be deemed eligible for military service. The Selective Service contacts individuals assigned male at birth prior to their 18th birthday to register.

Name Change and the Selective Service

If you were assigned male at birth and are required to register, you are also required to inform the Selective Service of any legal name change or change in other record information, such as change of address, up until your 26th birthday. Notification must take place within ten days of the legal name change. Please note that this notification process does not apply to changes of gender for individuals who are assigned male at birth, as the Selective Service policy requires that all individuals assigned male at birth between the ages of 18 and 26 must register regardless of transition status.

If you wish to update your Selective Service records with a name change, you may do so using one of three methods. You may fill out the Change of Information Form that is sent to you with your Registration Acknowledgement Card; or you can fill out a Change of Information Form called an “SSS Form 2,” which is available at any U.S. Post Office, Embassy, or Consulate abroad. You may also change your name by sending a letter to the Selective Service. In the letter, you should include your full name, Social Security Number, Selective Service Number, date of birth, current mailing address and new name. Regardless of which means you choose, and individual must attach official documentation of your name change. Updating records generally takes four to six weeks, after which you will be mailed a new acknowledgement card.

Other Information

For more information about a transgender individual’s eligibility to serve in the military, see the Servicemembers Legal Defense Network (SLDN) at:

<http://www.sldn.org/>

To view SLDN’s information about transgender and military issues, see:

<http://www.sldn.org/pages/transgender-issues>

For information about Selective Service Registration requirements for conscientious objectors, see: <http://www.sss.gov/fsconsobj.htm>

IX. School Records

Different school districts, colleges, and universities have different policies regarding changing name and/or gender on official school records. Students who are currently enrolled in a K-12 school, vocational program, or college or university should request that your school records be updated as soon as a court ordered name change is completed and/or a DMV ID is issued in your new name. All educational institutions must recognize a court ordered name change and some will recognize the name change simply based on the DMV identification.

You may or may not be able to update diplomas or other school records from your past. Some schools have a policy of not updating anyone's diploma because you classify it as a historical document reflecting the student's name at the time you graduated. Your ability to force the school to re-issue a diploma with the correct name is unclear, especially if the school is not located in California.

However, other schools do re-issue diplomas with new names in some circumstances (for instance, if graduates can get re-issued diplomas that recognize your change of last name through marriage). If your school does this for other non transgender individuals, it must re-issue your diploma as well. It is easiest to make this argument if you have a court order changing your name.

X. Financial Institution Records

▶ Bank Records

Different banks have different policies for changing your name in your records. Some banks may require a court order while others may only want you to present identity documents with your old and new name on it. And while you should be able to argue to your bank that a common-law name change is sufficient to change your records, many banks are interpreting The Patriot Act as requiring a court order. You should consult your bank to find out what it would require to change your name in its records.

As a practical matter, you may want to consider whether there is any reason to keep your old name as an additional name on your account. For example, if you receive checks in your old name (from relatives who don't recognize your changed name, from some kind of annual fund, or some kind of copyright or contract residuals) it is helpful if your prior name is kept on your account as an "aka" (also known as). Some people even go so far as to list both their old and new names on their checks for a period of time.

▶ **Credit Cards**

As with banks, each credit card provider has a different policy regarding what is required to change an individual's name on its records. You should consult your credit card provider to find out what it would require to change your name on both its records and on your credit card.

During your early stages of transition (or because you cross dress), you may want to ask your credit card company to issue a second card with your new name on it, in addition to a card with your old name on it. In the past, most credit card companies have been willing to do this if you provided them with sufficient documentation. As credit cards are increasingly used as a form of ID, though, companies may stop this practice or may create new policies regarding it.

▶ **Credit Reports**

Credit bureaus are likely to keep your old name on your records for a period of time (possibly as long as 10 years). However, it is still a good idea to try and get your records updated as soon as possible. To get the primary name on your account updated, you will need to submit a copy of your name change court order to each of the three major credit reporting agencies:

Equifax, 1-800-685-1111, www.equifax.com

Experian, 1-888-397-3742, www.experian.com

Trans Union, 1-800-916-8800, www.transunion.com

The legality of a credit reporting agency distributing an individual's old name is an open legal question. At this time, TLC does not have a solid legal theory for preventing the practice. For more information about your rights, though, an individual should consult:

- Federal Trade Commission:
www.ftc.gov/bcp/online/edcams/credit/coninfo_reports.htm
- National Consumer Law Center: www.consumerlaw.org/

After an individual submits your name change request, if you want to check your credit report, federal law provides that you are entitled to one FREE credit report every twelve months. Go to www.annualcreditreport.com to request it.

XI. Conclusion

We hope you have found this guide to be useful. Please remember that this guide should not be considered to be legal advice. If an individual has any questions about your particular situation, and you live in California, you should feel free to contact TLC at (415) 865-0176 and we can try to help you navigate the often confusing process of changing identity documents. If you live outside of California, you should feel free to email us at info@transgenderlawcenter.org and we'll do our best to point you to resources that may be helpful and we will do our best to connect any individual to resources in your area. The Transgender Law Center is committed to improving the laws and policies that affect our ability to obtain accurate identification. If any individual has any problems in the process of changing your identity documents, you should please let us know. Thank you.



TRANSGENDER LAW CENTER

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Fax (877) 847-1278
www.transgenderlawcenter.org

The Transgender Law Center (TLC) is a civil rights organization advocating for transgender communities. Every day we connect transgender people and your families to technically sound and culturally competent legal services, increase acceptance and enforcement of laws and policies that support California's transgender communities, and work to change laws and systems that fail to incorporate the needs and experiences of transgender people.



Attachment A

FEE WAIVER FORMS

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household's basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number and name:

Case Number: _____

Case Name: _____

1 Your Information (person asking the court to waive the fees):

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____

Employer's address: _____

3 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees and Costs* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

a. I receive (check all that apply): Medi-Cal Food Stamps SSI SSP County Relief/General Assistance IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) CAPI (Cash Assistance Program for Aged, Blind and Disabled)

b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b you must fill out 7, 8 and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	<i>If more than 6 people at home, add \$389.59 for each extra person.</i>
1	\$1,128.13	3	\$1,907.30	5	\$2,686.46	
2	\$1,517.71	4	\$2,296.88	6	\$3,076.05	

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to (check one): waive all court fees waive some of the court fees let me make payments over time (Explain): _____ (If you check 5c, you must fill out page 2.)

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here

Case Number: _____

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

- a. Gross monthly income (before deductions): \$
List each payroll deduction and amount below:
(1) \$
(2) \$
(3) \$
(4) \$
b. Total deductions (add 8a (1)-(4) above): \$
c. Total monthly take-home pay (8a minus 8b): \$
d. List the source and amount of any other income you get each month, including: spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.
(1) \$
(2) \$
(3) \$
(4) \$
e. Your total monthly income is (8c plus 8d): \$

9 Household Income

- a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.
Table with columns: Name, Age, Relationship, Gross Monthly Income
(1)
(2)
(3)
(4)
b. Total monthly income of persons above: \$

Total monthly income and household income (8e plus 9b): \$

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page.
Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$
b. All financial accounts (List bank name and amount):
(1) \$
(2) \$
(3) \$
(4) \$
c. Cars, boats, and other vehicles
Table with columns: Make / Year, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)
d. Real estate
Table with columns: Address, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)
e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
Table with columns: Describe, Fair Market Value, How Much You Still Owe
(1)
(2)
(3)

11 Your Monthly Expenses

- (Do not include payroll deductions you already listed in 8b.)
a. Rent or house payment & maintenance \$
b. Food and household supplies \$
c. Utilities and telephone \$
d. Clothing \$
e. Laundry and cleaning \$
f. Medical and dental expenses \$
g. Insurance (life, health, accident, etc.) \$
h. School, child care \$
i. Child, spousal support (another marriage) \$
j. Transportation, gas, auto repair and insurance \$
k. Installment payments (list each below):
Paid to:
(1) \$
(2) \$
(3) \$
l. Wages/earnings withheld by court order \$
m. Any other monthly expenses (list each below):
Paid to: How Much?
(1) \$
(2) \$
(3) \$

Total monthly expenses (add 11a -11m above): \$

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, or if you are filing or have received a family law petition, and if you cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs *and* your court fees, you may ask the court to waive all or part of your court fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fees for telephone hearings
 - Reporter's daily fee (*for up to 60 days after the grant of the fee waiver, at the court-approved daily rate*)
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal.
 - Giving notice and certificates
 - Sending papers to another court department
 - Having a court-appointed interpreter in small claims court
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Reporter's daily fees (*beyond the 60-day period after the grant of the fee waiver, at the court-approved daily rate*)
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
 - Other necessary court fees
3. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Please answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court within five days if your finances improve or if you become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) with the court.) You may be ordered to repay any amounts that were waived after your eligibility came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases. (Government Code, section 68637(d), (e).)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you are not eligible for a fee waiver.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time.

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:
Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____

2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number): _____

3 A request to waive court fees was filed on (date): _____
 The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:
Superior Court of California, County of

Fill in case number and case name:
Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your (check one): Request to Waive Court Fees Request to Waive Additional Court Fees
the court makes the following orders:

- a. The court **grants** your request, as follows:
 - (1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:
 - Filing papers in Superior Court
 - Making copies and certifying copies
 - Sheriff’s fee to give notice
 - Reporter’s daily fee (*for up to 60 days following the fee waiver order at the court-approved daily rate*)
 - Preparing and certifying the clerk’s transcript on appeal
 - Giving notice and certificates
 - Sending papers to another court department
 - Court-appointed interpreter in small claims court
 - Court fees for phone hearings
 - (2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Reporter’s daily fees (*beyond the 60-day period following the fee waiver order*)
 - Other (*specify*): _____
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
 - (3) **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.*) You do not have to pay for the checked items.
 - Preparing and certifying clerk’s transcript for appeal
 - Other (*specify*): _____

Case Number: _____

Your name: _____

b. The court **denies** your request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

Bring the following proof to support your request if reasonably available: _____

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from page 1: _____
	Dept.: _____	Rm.: _____	

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

Attachment B

CM – 010 Form

Cover Sheet for use with Court Orders

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY												
TELEPHONE NO.:	FAX NO.:													
ATTORNEY FOR (Name):														
SUPERIOR COURT OF CALIFORNIA, COUNTY OF														
STREET ADDRESS:		CASE NUMBER:												
MAILING ADDRESS:														
CITY AND ZIP CODE:														
BRANCH NAME:														
CASE NAME:		JUDGE:												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">CIVIL CASE COVER SHEET</td> <td colspan="2" style="text-align: center;">Complex Case Designation</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)</td> <td style="padding: 5px;"><input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)</td> <td style="padding: 5px;"><input type="checkbox"/> Counter</td> <td style="padding: 5px;"><input type="checkbox"/> Joinder</td> </tr> <tr> <td colspan="4" style="padding: 5px; text-align: center;">Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)</td> </tr> </table>			CIVIL CASE COVER SHEET		Complex Case Designation		<input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter	<input type="checkbox"/> Joinder	Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			
CIVIL CASE COVER SHEET		Complex Case Designation												
<input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter	<input type="checkbox"/> Joinder											
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)														

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
---	---	---

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: _____

▶

(TYPE OR PRINT NAME) _____ (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

NC – 100, 110, 120, 130 Forms
Name Change Only - Court Orders

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name of each petitioner):	
PETITION FOR CHANGE OF NAME	CASE NUMBER:

Before you complete this petition, you should read the *Instructions for Filing a Petition for Change of Name* on the next page. You must answer all questions and check all boxes on this petition that apply to you. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (name): _____ resides in this county.

2. Petitioner requests that the court decree the following name changes (list every name that you are seeking to change):

- | <u>Present name</u> | | <u>Proposed name</u> |
|---------------------|------------|----------------------|
| a. _____ | changed to | _____ |
| b. _____ | changed to | _____ |
| c. _____ | changed to | _____ |
| d. _____ | changed to | _____ |

Continued (if you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2).

3. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why this petition for change of name of the persons identified in item 2 should not be granted.

4. The number of persons under 18 years of age whose names are to be changed is (specify): _____

5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by

- a. both parents.
- b. mother only.
- c. father only.
- d. near relative (name and relationship):
- e. guardian (name):
- f. other (specify):

6. For each person whose name is to be changed, petitioner provides the following information (you must attach a completed copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110) for each person identified in item 2):

a. The number of attachments included in this petition is (specify number): _____

b-f. (Attachment page or pages)

(Instructions on next page)

PETITION OF <i>(Name of petitioner or petitioners):</i>	CASE NUMBER:
FOR CHANGE OF NAME	

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED**
Attachment to *Petition* (form NC-100 or form NC-200)

Attachment ____ of ____

(You must use a separate attachment for each person whose name is to be changed. If petitioner is a guardian of a minor, a supplemental attachment, Declaration of Guardian (form NC-110G), must also be completed and attached for each minor whose name is to be changed.)

6. *(Continued)* Petitioner applies for a decree to change the name of the following person:

b. Self Other

(1) Present name *(specify)*:

(2) Proposed name *(specify)*:

(3) Born on *(date of birth)*:

and presently under 18 years of age over 18 years of age

(4) Born at *(place of birth)*:

(5) Sex *(as stated on original birth certificate)*: Male Female

(6) Current residence address *(street, city, county, and zip code)*:

c. Reason for name change *(explain)*:

d. Relationship of the petitioner to the person whose name will be changed:

(1) self

(4) near relative *(indicate relationship)*:

(2) parent

(5) other *(specify)*:

(3) guardian

e. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

(1) Father *(name)*: *(address)*:

(2) Mother *(name)*: *(address)*:

(3) *(Only if neither parent is living)* Near relatives *(names, relationships, and addresses)*:

f. If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration:

DECLARATION

I declare under penalty of perjury under the laws of the State of California that I am not I am under the jurisdiction of the California Department of Corrections (in state prison or on parole) and I am not I am required to register as a sex offender under Penal Code section 290.

Date:

(TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED)

(SIGNATURE OF PERSON WHOSE NAME IS TO BE CHANGED)

(If petitioner is represented by an attorney, the attorney's signature follows):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS

SIGNATURE OF PETITIONERS FOLLOWS LAST ATTACHMENT

PETITIONER OR ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name of each petitioner): <p style="text-align: right;">FOR CHANGE OF NAME</p>	
ORDER TO SHOW CAUSE FOR CHANGE OF NAME	CASE NUMBER: _____

TO ALL INTERESTED PERSONS:

1. Petitioner (name): _____ filed a petition with this court
 for a decree changing names as follows:

<u>Present name</u>	to	<u>Proposed name</u>
a. _____	to	_____
b. _____	to	_____
c. _____	to	_____
d. _____	to	_____
e. _____	to	_____

Continued on Attachment 1.

2. THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING

a. Date: _____ Time: _____ <input type="checkbox"/> Dept.: _____ <input type="checkbox"/> Room: _____

b. The address of the court is same as noted above other (specify): _____

3. a. A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county (specify newspaper): _____

b. Other (specify): _____

Date: _____

JUDGE OF THE SUPERIOR COURT

NOTE: When a *Petition for Change of Name* has been filed for a child and the other parent, if living, does not join in consenting to the name change, the petitioner must have a notice of the time and place of the hearing or a copy of the *Order to Show Cause* served on the other parent not less than 30 days prior to the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. If a petition to change the name of a child has been filed by a guardian, the guardian must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. (This Note is included for the information of the petitioner and shall not be included in the *Order to Show Cause* published in the newspaper.)

PETITIONER OR ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF (Name of each petitioner): _____ <p style="text-align: right;">FOR CHANGE OF NAME</p>	
DECREE CHANGING NAME	CASE NUMBER: _____

1. The petition was duly considered:
- a. at the hearing on (date): _____ in Courtroom: _____ of the above-entitled court.
 - b. without hearing.

THE COURT FINDS

- 2. a. All notices required by law have been given.
- b. Each person whose name is to be changed identified in item 3 below
 - (1) is not is under the jurisdiction of the Department of Corrections, and
 - (2) is not is required to register as a sex offender under section 290 of the Penal Code.
 These determinations were made by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
- c. No objections to the proposed change of name were made.
- d. Objections to the proposed change of name were made by (name): _____
- e. it appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- f. Other findings (if any): _____

THE COURT ORDERS

3. The name of
- | | <u>Present name</u> | | <u>New name</u> |
|----------|---------------------|---------------|-----------------|
| a. _____ | | is changed to | _____ |
| b. _____ | | is changed to | _____ |
| c. _____ | | is changed to | _____ |
| d. _____ | | is changed to | _____ |
| e. _____ | | is changed to | _____ |

Additional name changes are listed on Attachment 3.

Date: _____

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

NC – 200, 210, 220, 230 Forms

Name and Gender Change Court Orders

PETITIONER OR ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name):	
PETITION FOR CHANGE OF NAME AND GENDER	CASE NUMBER:

Before you complete this petition, you should read the *Instructions for Filing a Petition* on the next page. You must answer all questions and check all boxes on this petition that apply to you. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (*present name*): _____ is a resident of this county.
 Petitioner requests that the court decree that petitioner's name is changed to (*proposed name*): _____

2. Petitioner requests a decree that the petitioner's gender is changed:
 - (1) from male to female.
 - (2) from female to male.

3. An affidavit or a declaration of a physician documenting the gender change through surgical treatment as provided under Health and Safety Code sections 103425 and 103430 is attached to this petition. (Declaration of Physician (*form NC-210*) may be used for this purpose.)

4. Petitioner requests that the court order that a new birth certificate be issued reflecting the gender and name changes sought by this petition.

5. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why this petition should not be granted.

6. Petitioner provides the following information in support of this petition:
 - a. The information contained in the physician's affidavit or declaration.

 - b-f. The information contained in the attachment (*attach a copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition) (form NC-110)*).

(Instructions on next page)

Page 1 of 2

PETITION OF (Name):	CASE NUMBER:
---------------------	--------------

Page ____ of ____

**DECLARATION OF PHYSICIAN
DOCUMENTING CHANGE OF GENDER THROUGH SURGICAL TREATMENT
UNDER HEALTH AND SAFETY CODE SECTIONS 103425 AND 103430**

Attachment to *Petition for Change of Name and Gender* (form NC-200) or *Petition for Change of Gender and Issuance of New Birth Certificate* (Form NC-300)

I declare under penalty of perjury under the laws of the State of California that the information in the foregoing declaration is true and correct.

Date:

(TYPE OR PRINT NAME OF PHYSICIAN)

 _____
(SIGNATURE OF PHYSICIAN)

PETITIONER OR ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF <i>(Name of petitioner)</i> : <p style="text-align: center;">FOR CHANGE OF NAME AND GENDER</p>	
ORDER TO SHOW CAUSE FOR CHANGE OF NAME AND GENDER	CASE NUMBER:

TO ALL INTERESTED PERSONS:

1. Petitioner *(present name)*: _____ has filed a petition with this court for a decree changing petitioner's name to *(proposed name)*:
2. Petitioner has also filed a petition for a decree changing petitioner's gender from female to male from male to female and for the issuance of a new birth certificate reflecting the gender and name changes.
3. THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition should not be granted.

NOTICE OF HEARING

a. Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Room: _____
----------------	-------------	---------------------------------------	--------------------------------------

- b. The address of the court is same as noted above other *(specify)*:
4. a. A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county *(specify newspaper)*:
- b. Other *(specify)*:

Date: _____

JUDGE OF THE SUPERIOR COURT

PETITIONER OR ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>Name of petitioner</i>): <p style="text-align: center;">FOR CHANGE OF NAME AND GENDER</p>	
DECREE CHANGING NAME AND GENDER	CASE NUMBER: _____

1. The petition came regularly for hearing on (*date*): _____ in Courtroom: _____ of the above-entitled court.

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Each person whose name is to be changed identified in item 3 below
 (1) is not is under the jurisdiction of the Department of Corrections, and
 (2) is not is required to register as a sex offender under section 290 of the Penal Code.
 These determinations were made by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
 c. No objections to the proposed change of name were made.
 d. Objections to the proposed change of name were made by (*name*): _____

 e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
 f. Other findings (*if any*): _____

THE COURT ORDERS

3. The name of (*present name*): _____
 is changed to (*new name*): _____

THE COURT FURTHER ORDERS

4. The gender of (*new name*): _____
 is changed:
 a. from male to female.
 b. from female to male.

THE COURT FURTHER ORDERS

5. A new birth certificate shall be issued reflecting the changes in name and gender.

Date: _____

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

NC – 300, 310, 320, 330 Forms
Gender Change Only - Court Orders

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF <i>(Name):</i> _____	
PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER: _____

1. Petitioner *(name):* _____
is a resident of the county where this petition is filed.
2. Petitioner requests an order for the issuance of a new birth certificate reflecting the change of petitioner's gender
 - a. from male to female.
 - b. from female to male.
3. A declaration by a physician documenting the gender change through surgical treatment as provided under Health and Safety Code sections 103425 and 103430 is filed with this petition. *(Attach a copy of Declaration of Physician—Attachment to Petition (form NC-310).)*
4. Petitioner has has not already obtained a decree of change of name. *(If petitioner has obtained a decree of change of name, attach a certified copy of the decree to this petition.)*
5. Petitioner requests that the court issue an order setting a hearing on this petition at which objections may be filed by any person who can show to the court good reason against the change of birth certificate.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

(TYPE OR PRINT NAME OF PETITIONER)

▶

(SIGNATURE OF PETITIONER)

PETITION OF (Name):	CASE NUMBER:
---------------------	--------------

Page ____ of ____

**DECLARATION OF PHYSICIAN
DOCUMENTING CHANGE OF GENDER THROUGH SURGICAL TREATMENT
UNDER HEALTH AND SAFETY CODE SECTIONS 103425 AND 103430**

Attachment to *Petition for Change of Name and Gender* (form NC-200) or *Petition for Change of Gender and Issuance of New Birth Certificate* (Form NC-300)

I declare under penalty of perjury under the laws of the State of California that the information in the foregoing declaration is true and correct.

Date:

(TYPE OR PRINT NAME OF PHYSICIAN)

 _____
(SIGNATURE OF PHYSICIAN)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF (<i>Name</i>): _____	
NOTICE OF HEARING ON PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER: _____

NOTICE:

1. Petitioner (*name*): _____ is a resident of this county.
2. Petitioner has filed a petition requesting an order for the issuance of a new birth certificate reflecting the change of petitioner's gender
 - a. from male to female.
 - b. from female to male.
3. **THE COURT ORDERS** that any person who can show good reason against the change of birth certificate requested in the petition may appear before this court at the hearing indicated below to file objections.

NOTICE OF HEARING

a. Date:	Time:	Dept.:	Room:
----------	-------	--------	-------

b. The address of the court is same as noted above other (*specify*): _____

4. Other orders (*specify*): _____

Date: _____



JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>Name</i>):	
ORDER FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER:

1. The petition of (*name*): _____ for issuance of a new birth certificate reflecting a change of gender came on regularly for hearing on (*date*): _____

THE COURT FINDS

- 2. a. No objections to the proposed change of gender were made.
- b. Objections to the proposed change of gender were made by (*name*): _____
- c. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- d. Other findings (*if any*): _____

THE COURT ORDERS

- 3. The gender of the petitioner has been changed
 - a. from male to female.
 - b. from female to male.

THE COURT FURTHER ORDERS

- 4. A new birth certificate reflecting the change of gender described in item 3 shall be issued.
- 5. A certified copy of this order shall be filed within 30 days with the Secretary of State and the State Registrar. When the State Registrar receives a certified copy of this order and payment of the applicable fees, the State Registrar shall establish for the petitioner a new birth certificate reflecting the gender of the petitioner as it has been altered.

Date: _____

 JUDICIAL OFFICER

Attachment C

Model Surgeons Letter

LETTER FOR CHANGE OF GENDER COURT ORDER PETITION

MODEL SURGEON DECLARATION

TO BE PRINTED ON SURGEON'S LETTERHEAD

I, [health care provider's name], declare:

1. I am a licensed physician in the state of California. I have personal and first hand knowledge of the matters set forth herein and could competently testify thereto under oath.
2. [Client's name], whose medical records indicate [his/her] date of birth is, [XX/XX/19XX] is [or was] a patient of mine.
3. On, [X, X, XXXX date], I performed [an] irreversible surgical procedure(s) for the purpose of altering [client's name's] sex characteristics from [female/male] to [female/male].

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct. Sworn to this _____ day of _____, 20____, in _____ (city), California.

Dr. XXX

Attachment D

Model Physician's Letter

LETTER FOR CHANGE OF GENDER COURT ORDER PETITION

MODEL DECLARATION FROM A PHYSICIAN ATTESTING TO SURGERY BY ANOTHER *TO BE PRINTED ON PHYSICIAN'S LETTERHEAD*

I, XXX, declare:

1. I am a licensed physician in the state of [State].
2. [Client's name], whose date of birth is [XX/XX/XXXX] is a patient of mine. [Client's name] has been a patient of mine for approximately [XXX years/months].
3. XXX has informed me that in XXX, [she/he] underwent transition related surgery under the care of Dr. XXX.
4. Over the last XXX [months/years] I have physically examined XXX on an annual basis. (*Or whatever is appropriate*)
5. Therefore, I can attest based on XXX representation and on my personal knowledge that XXX has undergone irreversible surgery that changed sex characteristics as a part of [her/his] transition from [female to male/male to female].

I declare under penalty of perjury under the laws of the state of [State] that the foregoing declaration is true and correct. Sworn on this ____ day, of _____ (month, year) in [City], [State].

Dr. XXXXX

Attachment E

Model Surgeons Letter – Transition Complete

LETTER FOR CHANGE OF GENDER FOR DMV OR SOCIAL SECURITY

MODEL SURGEON DECLARATION
TO BE PRINTED ON SURGEON'S LETTERHEAD

I, [health care provider's name], declare:

4. I am a licensed physician in the state of California. I have personal and first hand knowledge of the matters set forth herein and could competently testify thereto under oath.
5. [Client's name], whose medical records indicate [his/her] date of birth is, [XX/XX/19XX] is [or was] a patient of mine.
6. On, [X, X, XXXX date], I performed [an] irreversible surgical procedure(s) for the purpose of altering [client's name's] sex characteristics from [female/male] to [female/male].
7. [Client's name] has completed [his/her] gender reassignment surgery.

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct. Sworn to this _____ day of _____, 20____, in _____ (city), California.

Dr. XXX

Attachment F

Model Physician's Letter – Transition Complete

LETTER FOR CHANGE OF GENDER FOR DMV OR SOCIAL SECURITY

**MODEL DECLARATION FROM A PHYSICIAN
ATTESTING TO SURGERY BY ANOTHER
TO BE PRINTED ON PHYSICIAN'S LETTERHEAD**

I, [XXX], declare:

6. I am a licensed physician in the state of [State].
7. [Client's name], whose date of birth is [XX/XX/XXXX] is a patient of mine. [Client's name] has been a patient of mine for approximately [XXX years/months].
8. [XXX] has informed me that in [XXX], [she/he] underwent transition related surgery under the care of Dr. [XXX].
9. Over the last [XXX] [months/years] I have physically examined [XXX] on an annual basis. *(Or whatever is appropriate)*
10. Therefore, I can attest based on [XXX] representation and on my personal knowledge that [XXX] has undergone irreversible surgery that changed sex characteristics as a part of [her/his] transition from [female to male/male to female].
11. [Client's name] has completed gender reassignment surgery.

I declare under penalty of perjury under the laws of the state of [State] that the foregoing declaration is true and correct. Sworn on this ____ day, of _____ (month, year) in [City], [State].

Dr. XXXXX

Attachment G



MEDICAL CERTIFICATION AND AUTHORIZATION (Gender Change)

SECTION 1 – APPLICANT'S TRUE FULL NAME (TO BE COMPLETED BY THE APPLICANT)

LAST DOE	FIRST JOHN	MIDDLE QUINCY	DATE OF BIRTH (MM,DD,YYYY) 02-29-1976
MAILING ADDRESS 123 MAIN STREET, SAN FRANCISCO, CA		CITY SAN FRANCISCO	STATE CA
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) SAME AS ABOVE		CITY	STATE
DAYTIME TELEPHONE NUMBER (415) 555-5555		SOCIAL SECURITY NUMBER 010-00-9999	

SECTION 2 – CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

APPLICANT SIGNATURE X <i>John Doe</i>	DATE 8/24/09
--	-----------------

AUTHORIZATION

All records of the department relating to the physical or mental condition of any person are confidential and not open to public inspection per California Vehicle Code Section 1808.5.

I hereby authorize my physician/psychologist, or health service provider, to release the information below to the California Department of Motor Vehicles for the purpose of obtaining a driver license or an identification card under my preferred gender. *JD* (Applicant's Initials)

SECTION 3 – TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STATES

My professional opinion is that the applicant's:

Gender identification is: Male Female
Demeanor is: Male Female

Only a physician licensed in the United States can certify that gender identification is complete.

Gender identification is: Complete Transitional

SECTION 4 – TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STATES

FULL NAME OF PHYSICIAN/PSYCHOLOGIST (PRINT)
DR. SALLY PHYSICIAN

<input checked="" type="checkbox"/> Physician <input type="checkbox"/> Psychologist	EXAMINATION DATE 7/4/09	MEDICAL CASE NUMBER 1234
EMAIL ADDRESS DRSALLY@GMAIL.COM	MEDICAL LICENSE OR CERTIFICATE NUMBER XQ10007	ISSUING STATE CA
NAME OF HOSPITAL OR MEDICAL CLINIC SAN FRANCISCO GENERAL HOSPITAL	TELEPHONE NUMBER (415) 555-1111	
MAILING ADDRESS 1001 POTRERO AVE., SAN FRANCISCO	CITY SAN FRANCISCO	STATE CA
PHYSICAL ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) SAME AS ABOVE	CITY	STATE

SECTION 5 – CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE OF PHYSICIAN OR PSYCHOLOGIST X <i>Sally Physician, MD</i>	DATE 7/10/09
--	-----------------

SECTION 6 – FOR DMV USE ONLY

DMV MANAGER OR DESIGNEE'S SIGNATURE: X	DATE LINE STAMP
---	-----------------

This form is void five (5) years from the date of the physician or psychologist certification.



A Public Service Agency

MEDICAL CERTIFICATION AND AUTHORIZATION (Gender Change)

SECTION 1 – APPLICANT'S TRUE FULL NAME (TO BE COMPLETED BY THE APPLICANT)

LAST	FIRST	MIDDLE	DATE OF BIRTH (MM,DD,YYYY)	
MAILING ADDRESS	CITY	STATE	ZIP CODE	CALIFORNIA DRIVER LICENSE/IDENTIFICATION CARD NUMBER
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)		CITY	STATE	ZIP CODE
DAYTIME TELEPHONE NUMBER ()			SOCIAL SECURITY NUMBER	

SECTION 2 – CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

APPLICANT SIGNATURE X	DATE
---------------------------------	------

AUTHORIZATION

All records of the department relating to the physical or mental condition of any person are confidential and not open to public inspection per California Vehicle Code Section 1808.5.

I hereby authorize my physician/psychologist, or health service provider, to release the information below to the California Department of Motor Vehicles for the purpose of obtaining a driver license or an identification card under my preferred gender. _____ (Applicant's Initials)

SECTION 3 – TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STATES

My professional opinion is that the applicant's:

Gender identification is: Male Female
 Demeanor is: Male Female

Only a physician licensed in the United States can certify that gender identification is complete.

Gender identification is: Complete Transitional

SECTION 4 – TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STATES

FULL NAME OF PHYSICIAN/PSYCHOLOGIST (PRINT)

<input type="checkbox"/> Physician <input type="checkbox"/> Psychologist	EXAMINATION DATE	MEDICAL CASE NUMBER
EMAIL ADDRESS		
MEDICAL LICENSE OR CERTIFICATE NUMBER	ISSUING STATE	TELEPHONE NUMBER ()
NAME OF HOSPITAL OR MEDICAL CLINIC		
MAILING ADDRESS	CITY	STATE ZIP CODE
PHYSICAL ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)	CITY	STATE ZIP CODE

SECTION 5 – CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE OF PHYSICIAN OR PSYCHOLOGIST X	DATE
--	------

SECTION 6 – FOR DMV USE ONLY

DMV MANAGER OR DESIGNEE'S SIGNATURE: X	DATE LINE STAMP

This form is void five (5) years from the date of the physician or psychologist certification.

**INSTRUCTIONS FOR COMPLETING THE
MEDICAL CERTIFICATION AND AUTHORIZATION
(Gender Change)**

SECTION 1

This section is to be completed by the applicant and must include all required information.

This form cannot be used to establish True Full Name or make a name change. To establish True Full Name or make a name change, you must submit an approved document identified in California Code of Regulations, Title XIII, Article 2, Sections 15.00 and 20.04. The list of approved documents is also available at www.dmv.ca.gov and the Department of Motor Vehicles Fast Facts brochure for Birth Date/Legal Presence and True Full Name.

SECTION 2

This section is to be signed and dated by the applicant.

SECTION 3

This section must be completed by a physician or psychologist licensed in the United States. Either a physician or psychologist can certify that gender identification is transitional or incomplete.

Only a physician can certify that gender identification is complete.

SECTION 4

This section must be completed by a physician or psychologist licensed in the United States.

Only a physician can certify that gender identification is complete.

SECTION 5

This section is to be signed and dated by the physician or psychologist.

SECTION 6

This section is for the California Department of Motor Vehicles (DMV) use only.

Failure to complete all required sections of the Medical Certification and Authorization (Gender Change) form will result in refusal of the Driver License or Identification Card Application (DL 44) and the refusal of a driver license or identification card with requested gender identity.

For further questions or assistance, please call DMV's Record Security and Identification Unit, (916) 657-6613.

This form is void five (5) years from the date of the physician or psychologist certification.

Attachment H

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

BILL LOCKYER
Attorney General

OPINION	:	No. 00-205
	:	
of	:	June 9, 2000
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
ROBERT L. MUKAI	:	
Deputy Attorney General	:	
	:	

THE HONORABLE TED LEMPert, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following question:

Is a common law change of name valid in California?

CONCLUSION

A common law change of name is valid in California.

ANALYSIS

". . . An old Roman maxim runs, 'Sine nomine homo non est' (without a name a person is nothing). One's name is a signboard to the world. It is one of the most permanent of possessions; it remains when everything else is lost; it is owned by those who possess nothing else. A name is the only efficient means to describe someone to contemporaries and to posterity. When one dies it is the only part that lives on in the world. [Citation.]" (*In re Marriage of Gulsvig* (Iowa 1993) 498 N.W.2d 725, 730 (dis. opn. of Snell, J.).)

The question presented for analysis is whether a common law change of name is valid in California. Before answering the question in the affirmative, we undertake to explain what a common law change of name is.

The phrase "common law change of name" refers to the adoption and use of a name different from the one by which a person was formerly known, without resort to judicial process or other intervention by the state. The usage reflects the fact that at common law, all persons had, and in most common law jurisdictions including California,¹ continue to have a right to change their given names and surnames at will. In modern times the phrase generally denotes the right of a person to use whatever name he or she chooses, as long as the purpose is not "to defraud or intentionally confuse." (*Weathers v. Superior Court* (1976) 54 Cal.App.3d 286, 288.)

In California, as in most American jurisdictions (see Note, *South Dakota Supreme Court: Keegan v. Gudahl: The Child's Surname as a New Bargaining Chip in the Game of Divorce* (1996) 41 S.D. L. Rev. 166, 176-177, fn. 91), a procedure has been established by statute (Code Civ. Proc., §§ 1275-1279.6) for the formal changing of one's name. The purpose of the statutory procedure is to have, wherever possible, an official record of the change. (*In re Ross* (1937) 8 Cal.2d 608, 609; *In re Ritchie* (1984) 159 Cal.App.3d 1070, 1072.) But resort to the statutory procedure is not necessary either prior to commencing use of a new name, or afterward, for the purpose of rendering a prior name change valid. The statutory method for changing names does not repeal or displace the common law ability to change one's name. (Code Civ. Proc., § 1279.5, subd. (a).) Accordingly, a person may change his or her name without legal proceedings simply by

¹ Civil Code section 22.2 provides:

"The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State."

adopting another name and using it as his or her own. (*In re Ross, supra*, 8 Cal.2d at p. 609; *Lee v. Superior Court* (1992) 9 Cal.App.4th 510, 513-514; *In re Ritchie, supra*, 159 Cal.App.3d at pp. 1072-1074.)

The statutory procedure's very placement of the new name on the public record, however, unquestionably affords some advantages not bestowed on a common law name change standing alone. The statutory process provides an official document by which the change of name is definitely and specifically established and easily proved even after the death of all contemporaneous witnesses. Conversely, the inability to establish one's name for purposes of life's daily transactions, although perhaps only occasionally resulting when sole reliance is placed on the common law method, can be a substantial inconvenience when it occurs. Such are the circumstances in which one may be led to question the "validity" of a common law change of a name.

A common law name change is "valid" notwithstanding the failure or refusal of others to recognize and rely on the new name. The validity of the name change is unaffected by the refusal of others to accept it, simply because the validity of the change does not include a requirement that it be recognized or accepted by the world at large, or indeed, by anyone except the one who assumes it. In *Application of Dengler* (Minn. 1979) 287 N.W.2d 637, for example, the Minnesota Supreme Court observed:

“ . . . [C]ustom has universally decreed that a man shall be known by the name of his father. But in England and the United States, at least, this custom is not legally binding; there is no law preventing a man from taking whatever name he has a fancy for, nor are there any particular formalities required to be observed on adopting a fresh surname; but, on the other hand, if a man has been known for a considerable time by the name of his father, or by a name of repute, and he changes it for another, he cannot compel others to address him or designate him by the new one. [Citation.]’ ” (*Id.*, at p. 629, fn. 1.)

A common law name change, in other words, carries with it no mandate to those with whom one comes in contact to accept at face value the nexus between the new name and the individual who assumes it.

Thus "validity," for purposes of a common law name change, means that one has the freedom to change one's name and to use whatever name he or she chooses, qualified only by the proviso that the purpose not be dishonest. To change one's name by the common law method is to exercise the freedom to unbind oneself from the given name or surname acquired through birth or prior assumption, and to identify oneself anew; it is

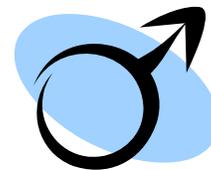
not to unilaterally impose recognition or acceptance of the newly chosen name as an obligation incumbent upon others.

In answer to the question presented, we conclude that a common law change of name is valid in California.

Attachment I



Obtaining A New Birth Certificate After Gender Reassignment



Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
www.cdph.ca.gov

October 2008

Obtaining a New Birth Certificate After Gender Reassignment

What is a gender reassignment?

- “Gender **reassignment**” is when a person has his or her sexual characteristics surgically altered to those of the opposite sex.
 - This is not the same as “gender **error**,” which is when a person’s sex is **incorrectly stated** on the original birth certificate by the person preparing the certificate and registering the birth.
-

I have undergone gender reassignment.

What is my next step toward amending my birth certificate?

A petition to have a new birth certificate issued that reflects the change of gender (and name if requested) must be filed with the Superior Court in the county where you reside (does not have to be in California, but must be in a U.S. territory) (Health and Safety Code Section 103425).

- If you have already obtained a legal name change prior to filing your petition for a new birth certificate, your petition to the court must include an affidavit of a physician documenting the gender reassignment, and a certified copy of the court order changing your name (Health and Safety Code Section 103430).
 - In lieu of separate proceedings, you can file a single petition with the court for a name change and the issuance of a new birth certificate that reflects a change of gender (Health and Safety Code Section 103435). In this case, your petition to the court must include an affidavit of a physician documenting the gender reassignment.
-

How do I file a petition with the court?

- We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we have information about the legal process.
 - There are also books available at bookstores or public libraries to help you with the court process.
 - You can also access the following website for additional information about the court process: www.courtinfo.ca.gov.
-

After I get the court order, what do I submit to amend my birth certificate?

- You will need to complete an Affidavit to Amend a Record, VS 24.
- You **must** include a **certified** copy of the court order gender reassignment and, if applicable, the court order name change. (See next section for explanation of “certified” copy.)

We do not return the court orders after the new birth certificate is prepared.

- Although this item is not required, it would help our staff if you could include a photocopy of the current birth certificate if you have it (this helps us identify the exact record to be amended).
- Mail the following items to our office using the address on the front of this pamphlet:
 - Completed VS 24
 - \$ 20 fee
 - **Certified** copy of the court order
 - Photocopy of current birth certificate (if you have it)
- ***If any of the required items are not included, your request will be returned to you for correction.***

What is a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - a. An **original** court seal.
 - b. A signature (or signature stamp) of the judge.
 - c. A signature (or signature stamp) of the court clerk.

IMPORTANT:

- ✓ The “certified” copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It’s the **original** seal and court clerk signature (certification) that make this a “certified” copy.

(Continued)

What is a “certified” copy of the court order?

(Continued)

- ✓ Do not send us a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- ✓ The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.

What is the fee for a new birth certificate after gender reassignment?

- \$20 – which includes one Certified Copy of the new birth certificate.
- Additional copies are \$14 each.
- Fees should be paid by check or money order payable to **Office of Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

Where can I get the VS 24?

The application must be an **original** form (our office uses a special bond paper). **Photocopies are not acceptable**. One application form is included if you receive this pamphlet by mail. If you need additional copies of the VS 24 form, or are accessing this pamphlet on our website:

- Order forms electronically at:
<http://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184>. Because of the volume of phone calls we receive, the internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

How do I complete the VS 24?

A sample of what a completed form should look like is attached.

PART I:

- Complete the information **exactly** as it appears on the current birth certificate.

Note: If you need a copy of the current birth certificate to complete this section, you can get a copy by completing the Application for Certified Copy of Birth Certificate (attached) and submitting the application (and \$14 fee) to our office. Our average processing time for birth certificates is 12 weeks. But you can get a copy much faster from the County Recorder in the county where the birth took place.

(Continued)

**How do I
complete the
VS 24?**

(Continued)

PART II:

Item 8: Enter the item number from the current birth certificate that needs to be corrected. List only one item per line.

Item 9: Enter the *incorrect* information **as it appears** on the current birth certificate.

Item 10: Enter the *correct* information **as it should appear** on the birth certificate.

Item 11: Enter the Superior Court information (county, case number, etc.) for the court that ordered a new birth certificate reflecting a change of gender and, if applicable, a court order name change.

Items 12: Enter your personal information and signature.

- Contrary to the instructions on the VS 24, two signatures **are not required** when using this form for gender reassignment.

**What makes a
VS 24 form
“acceptable”?**

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability. To help us prepare the new birth certificate accurately:

- Every item on the amendment must be completed.
- The amendment form must be an original, not a photocopy.
- We must be able to read the information on the form. It is extremely important that the form be legible. **Using a typewriter to complete the form ensures that the information is interpreted clearly.**
- If you are not able to type the amendment, it is extremely important that you take the extra time to print **very clearly and legibly**. Documents that are not legible will be returned to you to complete again.
- **Only black ink is acceptable.**
- **There cannot be any erasures, whiteout, or alterations.**

How long will it take to get my new birth certificate?

Our processing time for birth amendments is approximately 7 months. (The processing time can change based on our workload.)

Once I file the amendment, what happens to my original birth certificate?

- When we receive the acceptable documents (and fee), we'll seal the original birth certificate and replace the sealed record with a new birth certificate.
 - The new birth certificate will in no way indicate that it is not the original birth certificate.
 - The new birth certificate will be the only birth certificate available to the public. (The original sealed record will only be available through a court order – per Health and Safety Code Section 103440.)
-

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6076 and leave your name, telephone number, and question. One of our Amended Records staff will return your call within 48 hours.

If you have questions on the **status** of your request, please call our Customer Service Unit at (916) 445-2684 – **but only after the processing time has passed.**

Note to Customer:

We *cannot process your request* unless you complete *both sides* of the enclosed amendment form. The information on both sides is important information for our records, and *both sides must be completed in order to process your request*. Thank you.

* * *

Atencion al Cliente:

Nosotros *no podemos procesar su solicitud* a menos que usted complete *ambos lados* de la forma de la enmienda. La informacion en ambos lados es informacion importante para nuestros registros y *ambos lados deben ser completados para procesar su solicitud*. Gracias.

California Office of Vital Records
Oficina de Registros Vitales de California

The following information pertains to the Office of Vital Records:
La informacion siguiente pertenece a la Oficina de Registros Vitales:

Note to Vital Records Staff:

Include this flyer when mailing the following forms or pamphlets:

VS 22	Acknowledgement of Paternity
VS 23	Court Order Name Change
VS 24	Affidavit to Amend a Record
VS 24C	Affidavit to Amend a Marriage Record
VS 85	Delayed Registration of Birth
VS 107	Supplemental Name Report – Birth

AFFIDAVIT TO AMEND A RECORD

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

BIRTH DEATH FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL RECORD	1A. NAME—FIRST	1B. MIDDLE	1C. LAST	
	2. SEX	3. DATE OF EVENT—MM/DD/CCYY	4. CITY OF EVENT	5. COUNTY OF EVENT
	6. FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD		7. FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD	
	SAMPLE			

PART II STATEMENT OF CORRECTIONS TO BIRTH, DEATH, OR FETAL DEATH RECORD

	8. ITEM NUMBER TO BE CORRECTED	9. INCORRECT INFORMATION THAT APPEARS ON ORIGINAL RECORD	10. CORRECTED INFORMATION AS IT SHOULD APPEAR
LIST ONE ITEM PER LINE			

REASON FOR CORRECTION	11.

AFFIDAVITS AND SIGNATURES	We, the undersigned, hereby certify under penalty of perjury that we have personal knowledge of the above facts and that the information given above is true and correct.		
	12A. SIGNATURE OF FIRST PERSON ▶	12B. PRINTED NAME	12C. TITLE/RELATIONSHIP TO PERSON IN PART I
	12D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP)		12E. DATE SIGNED—MM/DD/CCYY
	13A. SIGNATURE OF SECOND PERSON ▶	13B. PRINTED NAME	13C. TITLE/RELATIONSHIP TO PERSON IN PART I
13D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP)	13E. DATE SIGNED—MM/DD/CCYY		

STATE/LOCAL REGISTRAR USE ONLY	14. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR ▶	15. DATE ACCEPTED FOR REGISTRATION
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APPLICATION TO AMEND A RECORD

TYPE OR PRINT CLEARLY IN BLACK INK ONLY
NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

If an *acceptable* application to amend the record is registered within one year of the date of the event, there is no processing fee; however, there is a fee required for a certified copy.

Enclosed is the fee of \$ _____ for a certified copy of the newly amended record.

If an *acceptable* application to amend the record is registered one year or more after the date of the event, there is a fee for filing the affidavit, which includes one certified copy. There is a fee for each additional certified copy. Please contact your Local Registrar, County Recorder, or the State Registrar for the current fees, or visit our website at www.cdph.ca.gov.

Enclosed is the fee of \$ _____ for filing the affidavit and one certified copy of the newly amended record.

Enclosed is the fee of \$ _____ for an additional certified copy(ies) of the newly amended record.

Printed Name of Applicant _____

Mailing Address of Applicant _____

Telephone Number () _____

City, State, ZIP Code _____

GENERAL INFORMATION

1. The original certificate cannot be altered.
2. ***This amendment becomes a part of the original record, so please type or print clearly in black ink only.***
3. Please submit original amendment form only. Photocopies of the amendment form will be rejected.
4. Your certified copy will include a copy of the original certificate with a copy of the amendment.
5. ***The certified copy of the certificate and the attached amendment must remain together for the certified copy to be valid.***

READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM

1. ***This form becomes a part of the original record – type or print clearly in black ink only.***
2. No erasures, whiteouts, photocopies, or alterations allowed.
3. Enter the Local Registration Number in the space provided in the upper right-hand corner of the form.
4. Complete Part I, Items 1 – 7, with the information as it appears on the original certificate.
5. Enter the certificate item number(s) to be corrected, either from the original or subsequent amendment, in Part II—Item 8. List one item per line.
6. Enter the incorrect information that appears on the original certificate in the line(s) provided below Item 9.
7. In Item 10, enter the correct information as it should appear for each item listed in Item 9.
8. Enter the reason for the correction in Item 11.
9. Read the affidavit statement. Two persons who are certifying to the statement of corrections must sign the form.
10. Do not write in Items 14 or 15. This space is reserved for State or Local Registrar use only.
11. Make check or money order payable to the Office of Vital Records. When the paperwork is properly completed and signed by two parties, return this form, together with the required fee(s), to:

California Department of Public Health
Office of Vital Records
MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD

DO NOT Complete This Application Before Reading the Instructions on Page 2

In an attempt to stop the illegal use of vital records, and as part of statewide efforts to reduce identity theft, a new law (effective July 1, 2003) changed the way certified copies of birth certificates are issued. **Certified Copies** to establish the identity of a registrant can be issued only to authorized individuals, as indicated below. All others will be issued **Certified Informational Copies** that are not valid to establish identity.

Fee: **\$14 per copy** (payable to the Office of Vital Records).

Please indicate the type of certified copy you are requesting:

<input type="checkbox"/> I would like a Certified Copy . This copy will establish the identity of the registrant. (To receive a Certified Copy you MUST INDICATE YOUR RELATIONSHIP TO THE REGISTRANT by selecting from the list below AND COMPLETE THE ATTACHED SWORN STATEMENT declaring that you are eligible to receive the Certified Copy. The Sworn Statement MUST BE NOTARIZED if the application is submitted by mail unless you are a law enforcement or local or state governmental agency.)	<input type="checkbox"/> I would like a Certified Informational Copy . This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." (A Sworn Statement does not need to be provided.)
---	--

NOTE: Both documents are certified copies of the original document on file with our office. With the exception of the legend, the documents contain the exact same information.

To receive a **Certified Copy** I am:

- The registrant (person listed on the certificate) or a parent or legal guardian of the registrant.
- A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.
- A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. *(Companies representing a government agency must provide authorization from the government agency.)*
- A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.
- An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate. *(If you are requesting a Certified Copy under a power of attorney, please include a copy of the power of attorney with this application form.)*

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)			Today's Date: _____		
Agency Name (if appropriate)	Agency Case No. (if appropriate)	Purpose of Request			
Printed Name and Signature of Applicant			Number of Copies	Amount Enclosed	
Mailing Address – Number, Street			Name of Person Receiving Copies, if Different from Applicant		
City	State / Province	ZIP Code	Mailing Address for Copies, if Different from Applicant		
Daytime Telephone (include area code) ()		Country	City	State	ZIP Code

BIRTH CERTIFICATE INFORMATION (PLEASE PRINT OR TYPE) Adopted: <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, see #4 on Page 2)		
BIRTH Name on Certificate (LAST)	FIRST Name on Certificate	MIDDLE Name on Certificate
City of Birth (must be in California)		County of Birth
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)		Sex <input type="checkbox"/> Female <input type="checkbox"/> Male
BIRTH Name on Certificate – Father/Parent	FIRST Name on Certificate – Father/Parent	MIDDLE Name on Certificate – Father/Parent
BIRTH Name on Certificate – Mother/Parent	FIRST Name on Certificate – Mother/Parent	MIDDLE Name on Certificate – Mother/Parent

INFORMATION: Birth records have been maintained in the Office of the State Registrar of Vital Records since July 1, 1905.

The “Birth” name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or Naturalization. AKA’s (Also Known As) and assumed names cannot be entered as the legal “Birth” name.

INSTRUCTIONS:

1. As of July 1, 2003, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Birth Record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, “Informational, Not a Valid Document to Establish Identity.”

Confidential Information on Birth Record: Some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the Birth Certificate section of our website: www.cdph.ca.gov (then select “Services”). Only specific individuals may obtain confidential copies.

2. Complete a separate application for each birth record requested.
3. Complete the **Applicant Information** section on Page 1 and provide your signature where indicated. In the **Birth Certificate Information** section, provide all the information you have available to identify the birth record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
4. **If the registrant has been adopted**, make the request in the **adopted** name. (If you’re requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

5. **SWORN STATEMENT:**

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record, and identify their relationship to the registrant – the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement.**
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.

6. Submit \$14 for **each** copy requested. If no birth record is found, the \$14 fee will be retained for searching the record (as required by law) and a “Certificate of No Public Record” will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to the **Office of Vital Records**. Mail this application with the fee(s) to the Office of Vital Records at the address below.
7. **Returning Completed Certificates:** Completed certificates are returned using the U.S. Postal Service.

Office of Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410
(916) 445-2684

SWORN STATEMENT

I, _____, declare under penalty of perjury under the laws of the State of California,
 (Applicant's Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the birth or death record of the following individual(s):

Name of Person Listed on Certificate	Applicant's Relationship to Person Listed on Certificate (Must Be a Relationship Listed on Page 1 of Application)

(The remaining information must be completed in the presence of a Notary Public or Office of Vital Records staff.)

Subscribed to this _____ day of _____, 20____, at _____,
 (Day) (Month) (City) (State)

 (Applicant's Signature)

Note: If submitting your order by mail, you must have your Sworn Statement notarized using the Certificate of Acknowledgment below. The Certificate of Acknowledgment must be completed by a Notary Public. (Law enforcement and local and state governmental agencies are exempt from the notary requirement.)

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)

County of _____)

On _____ before me, _____, personally appeared _____,
 (here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 (SEAL)

 SIGNATURE

CALIFORNIA COUNTY RECORDERS

Alameda.....	1106 Madison Street, Room 214, Oakland, CA 94607, (510) 272-6363
Alpine.....	P.O. Box 217, Markleeville, CA 96120-0217, (530) 694-2286
Amador.....	810 Court Street, Jackson, CA 95642, (209) 223-6468
Butte.....	25 County Center Drive, Administration Building., Oroville, CA 95965, (530) 538-7691
Calaveras.....	Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372
Colusa.....	546 Jay Street, Colusa, CA 95932-2491, (530) 458-0500
Contra Costa.....	555 Escobar Street, Martinez, CA 94553, (925) 646-2365
Del Norte.....	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216 or 7205
El Dorado.....	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno.....	2281 Tulare Street, Room 303, or P.O. Box 766, Fresno, CA 93712, (559) 488-3476
Glenn.....	526 West Sycamore Street, Courthouse, Willows, CA 96988, (530) 934-6412
Humboldt.....	825 5th Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial.....	940 Main Street, Room 206, El Centro, CA 92243-2865, (760) 482-4272
Inyo.....	Courthouse, 168 N. Edwards Street, Independence, CA 93526, (760) 878-0222
Kern.....	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6400
Kings.....	Government Center, 1400 W. Lacey Blvd., Hanford, CA 93230, (559) 582-3211, X 2475
Lake.....	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen.....	Courthouse, 220 S. Lassen Street, Room 5, Susanville, CA 96130, (530) 251-8234
Los Angeles.....	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137
Madera.....	200 West 4 th Street, Madera, CA 93637, (559) 675-7724
Marin.....	3501 Civic Center Drive, Courthouse, Room 234, San Rafael, CA 94903, (415) 499-6094
Mariposa.....	4982 10th Street, P.O. Box 35, Mariposa, CA 95338, (209) 966-2332
Mendocino.....	501 Low Gap Road, #1020, Ukiah, CA 95482, (707) 463-4376
Merced.....	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc.....	204 Court Street, Room 107, Alturas, CA 96101, (530) 233-6205
Mono.....	83 Main Street, P.O. Box 237, Bridgeport, CA 93517-0237, (760) 932-5530
Monterey.....	Church and Alisal Street, P.O. Box 29, Salinas, CA 93902-0029, (831) 755-5041
Napa.....	900 Coombs Street, Room 116, P.O. Box 298, Napa, CA 94559-2936, (707) 253-4105
Nevada.....	950 Maidu Avenue, Nevada City, CA 95959, (530) 265-1221
Orange.....	12 Civic Center Plaza, P.O. Box 238, Santa Ana, CA 92702-0238, (714) 834-2500
Placer.....	2954 Richardson Drive, Auburn, CA 95603, (530) 886-5600
Plumas.....	520 Main Street, Room 102, Quincy, CA 95971, (530) 283-6218
Riverside.....	2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 486-7000
Sacramento.....	600 8th Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito.....	440 5th Street, Room 206, Hollister, CA 95023-3896, (831) 636-4029
San Bernardino.....	222 W. Hospitality Lane, San Bernardino, CA 92415-0022, (909) 387-8314
San Diego.....	1600 Pacific Highway, Room 260, or P.O. Box 1750, San Diego, CA 92112-4147, (619) 237-0502
San Francisco.....	One Dr. Carlton B. Goodlett Place, City Hall Room 190, San Francisco, CA 94102-4698, (415) 554-4176*
San Francisco Health Dept.	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700**, (415) 554-2710***
San Joaquin.....	6 South El Dorado, Second Floor, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-3939
San Luis Obispo.....	1144 Monterey Street, Suite C, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo.....	Vital Records, 1st Floor, 555 County Center Dr., Redwood City, CA 94063-1665, (650) 363-4713
Santa Barbara.....	1101 Anacampa Street, P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250
Santa Clara.....	County Government Center, East Wing, 70 W. Hedding St., San Jose, CA 95110, (408) 299-4227
Santa Cruz.....	701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-2800
Shasta.....	1450 Court Street, Suite 208, Redding, CA 96001, (530) 225-5678
Sierra.....	P.O. Drawer D., Downieville, CA 95936, (530) 289-3295
Siskiyou.....	311 4th Street, P.O. Box 8, Yreka, CA 96097, (530) 842-8065
Solano.....	675 Texas Street, Fairfield, CA 94533, (707) 421-6290
Sonoma.....	585 Fiscal Drive, Room 103F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2651
Stanislaus.....	1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353, (209) 525-5251
Sutter.....	433 Second Street, or P.O. Box 1555, Yuba City, 95992-1555, (530) 822-7134
Tehama.....	633 Washington Street, P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity.....	101 Court Street, P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare.....	County Civic Center, 221 S. Mooney Blvd., Room 105, Visalia, CA 93291-4593, (559) 733-6419
Tuolumne.....	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura.....	800 South Victoria Avenue, LN 1260, Ventura, CA 93009, (805) 654-2295
Yolo.....	625 Court Street, Room B01, Woodland, CA 95695, (530) 666-8130
Yuba.....	915 8th Street, Marysville, CA 95901, (530) 749-7851

* Marriages

** Births

*** Deaths

Attachment J



Amending A Birth Certificate After A Court Order Name Change



Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
www.cdph.ca.gov

October 2008

Amending a Birth Certificate After a Court Order Name Change

I want to change my name on my birth certificate. Can I do this without going to court?

No. The law does not allow us to completely change the registrant's name on a birth certificate unless the registrant has his or her name legally changed through the court process.

Only information that was **erroneously** entered **by the hospital staff** at the time of registration can be amended without going to court (documentation must be provided by the hospital to support the correction).

- We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we have information about the legal process.
 - There are also books available at bookstores or public libraries to help you with the court process.
 - You can also access the following website for additional information about the court process: www.courtinfo.ca.gov.
-

My parents changed their names through the court process. How can I change their names on my birth certificate?

- The Court Order Name Change process can only be used to change the name of the person listed on the birth certificate. However, with documentation supporting their own court order name change, parents may add an amendment to the child's birth certificate showing their name changes as an AKA ("also known as").
- There is no additional fee required to include an AKA for one or both of the parents on the child's birth record, as long as the AKA paperwork (Affidavit to Amend a Record) is received by OVR at the same time as the paperwork to change the child's name.

A sample Affidavit to Amend a Record is enclosed. If adding AKAs for **both** parents, this change can be combined on the same VS 24 Affidavit, a certified copy of the court order changing the name(s) of the parent(s) is required (supporting documentation must be included to support both AKAs).

If the parent's name(s) was changed through the Naturalization process, a photocopy of the Petition for Name Change from INS (Immigration and Naturalization Service) is required. Do not send us your Certificate of Naturalization (which has your picture on it).

(Continued)

My parents changed their names through the court process. How can I change their names on my birth certificate?

(Continued)

On the VS 24 for AKA, items 1 – A, B, and C should be the child’s “new” name (as listed on the VS 23, items 12 - A, B and C).

- The Court Order Name Change process cannot be used to **change** a parent listed on a child’s birth certificate. In order to change a parent listed, you must petition the Superior Court. For more information on this process, please call our Customer Service Unit at (916) 445-2684 and request our pamphlet entitled “Adjudication of Facts of Parentage” (or you can download the pamphlet from our website).

I was born in California, but I changed my name in another state. Are court orders from other states acceptable?

Yes. If you obtained your court order from a court in another state, district, or territory of the United States, the order can be used to amend a California birth certificate.

Exception: If you reside in Hawaii, we **cannot** accept a name change issued by the Office of the Lieutenant Governor, because it is an administrative procedure and does not comply with California law.

Residents of Hawaii must petition the court in Hawaii or another U.S. state or territory.

After I get the court order, what do I submit to amend my birth certificate?

-
- You will need to complete an Application for Amendment of Birth Record to Reflect Court Order Change of Name, VS 23.
 - You **must** include a **certified** copy of the court order name change. (See next section for explanation of “certified” copy.)

We do not return the court order after the amended birth certificate is prepared.

- Although this item **is not required**, it would help our staff if you could include a photocopy of the current birth certificate if you have it (this helps us identify the exact record to be amended).
- Mail the following items to our office using the address on the front of this pamphlet:
 - Completed VS 23
 - \$ 20 fee
 - **Certified** copy of the court order
 - Photocopy of current birth certificate (if you have it)

(Continued)

After I get the court order, what do I submit to amend my birth certificate?

(Continued)

- ***If any of the required items are not included, your request will be returned to you for correction.***

What is a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - a. An **original** court seal.
 - b. A signature (or signature stamp) of the judge.
 - c. A signature (or signature stamp) of the court clerk.

IMPORTANT:

- ✓ The “certified” copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It is the **original** seal and court clerk signature (certification) that make this a “certified” copy.
- ✓ Do not send us a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- ✓ The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.
- ✓ The “FILED / ENDORSED” stamp in the top right corner of the court order **is not** the court clerk’s certification.
- ✓ You should keep a photocopy of the court order for your own file.

What is the fee to amend a birth certificate after a court order name change?

- \$20 – which includes one Certified Copy of the new birth certificate.
- Additional copies are \$14 each.

(Continued)

What is the fee to amend a birth certificate after a court order name change?

(Continued)

- Fees should be paid by check or money order payable to **Office of Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

Where can I get the VS 23?

Because the amendment document becomes part of the official record, it must be an **original** form (our office uses a special bond paper). **Photocopies are not acceptable**. One application form is included if you receive this pamphlet by mail. If you need additional copies of the VS 23 form, or are accessing this pamphlet on our website.

Order forms electronically at:

<http://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184>.

- . Because of the volume of phone calls we receive, the internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

How do I complete the VS 23?

A sample of what a completed form should look like is attached.

PART I:

- Complete the information **exactly** as it appears on the current birth certificate.

Note: If you need a copy of the current birth certificate to complete this section, you can get a copy by completing the Application for Certified Copy of Birth Certificate (attached) and submitting the application (and \$14 fee) to our office. Our average processing time for birth certificates is 12 weeks. However, our average processing time may have increased since the printing of this pamphlet. Please refer to our website at: www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx, or call the Customer Service Unit at (916) 445-2684 to verify our current processing time. You may also get a copy much faster from the County Recorder in the county where the birth took place.

(Continued)

How do I complete the VS 23?

(Continued)

You do not need to complete the attached VS 111 (with Sworn Statement) unless you need to request a copy of the current birth certificate to help you complete the VS 23.

PART II:

Enter the Superior Court information (county, case number, etc.) AND the new name as changed by the court order.

PART III:

Complete items 13A-13G.

What makes a VS 23 form “acceptable”?

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability.

Because the amendment you submit becomes an actual part of this legal document, it must adhere to strict guidelines:

- Every item on the amendment must be completed.
- The amendment form must be an original, not a photocopy.
- Because the amendment form becomes part of the official record, every word and letter must be extremely clear and legible. ***Using a typewriter to complete the form ensures that the information is interpreted clearly.***
- If you are not able to type the amendment, it is extremely important that you take the extra time to print ***very clearly and legibly***. Documents that are not legible will be returned to you to complete again.
- ***Only black ink is acceptable.***
- ***There cannot be any erasures, whiteout, or alterations.***

How will I know if my request has been accepted?

Once your request has been received and evaluated, we will send you either:

- A postcard letting you know your request has been accepted and reminding you of our processing time.
- If your request is not accepted (e.g., due to insufficient fee, insufficient information, etc.), we will return your request to you with a letter explaining what needs to be corrected.

(Continued)

How will I know if my request has been accepted?

Please allow about 6 weeks to receive the acknowledgement postcard. Rejected requests can take up to 10 weeks to be returned.

(Continued)

How long will it take to get my amended birth certificate?

Our processing time for birth amendments is approximately 7 months. (The processing time can change based on our workload.)

Once I file the amendment, what happens to my original birth certificate?

- The original record remains unchanged, and the amendment becomes page 2 of the birth certificate – making it a two-page document (per Health and Safety Code Sections 102140 and 103255).
- Anyone receiving a copy after the amendment is applied will receive a copy of both documents.

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6076 and leave your name, telephone number, and question. One of our Amended Records staff will return your call within 48 hours.

If you have questions on the **status** of your request, please call our Customer Service Unit at (916) 445-2684 – **but only after the processing time has passed.**

Note to Customer:

We *cannot process your request* unless you complete *both sides* of the enclosed amendment form. The information on both sides is important information for our records, and *both sides must be completed in order to process your request*. Thank you.

* * *

Atencion al Cliente:

Nosotros *no podemos procesar su solicitud* a menos que usted complete *ambos lados* de la forma de la enmienda. La informacion en ambos lados es informacion importante para nuestros registros y *ambos lados deben ser completados para procesar su solicitud*. Gracias.

California Office of Vital Records
Oficina de Registros Vitales de California

The following information pertains to the Office of Vital Records:
La informacion siguiente pertenece a la Oficina de Registros Vitales:

Note to Vital Records Staff:

Include this flyer when mailing the following forms or pamphlets:

VS 22	Acknowledgement of Paternity
VS 23	Court Order Name Change
VS 24	Affidavit to Amend a Record
VS 24C	Affidavit to Amend a Marriage Record
VS 85	Delayed Registration of Birth
VS 107	Supplemental Name Report – Birth

AMENDMENT OF BIRTH RECORD TO REFLECT COURT ORDER CHANGE OF NAME

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS AMENDMENT BECOMES A PART OF THE OFFICIAL BIRTH RECORD

PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL BIRTH RECORD	1A. NAME—FIRST	1B. MIDDLE	1C. LAST (BIRTH)
	2. SEX	3. DATE OF BIRTH—MM/DD/CCYY	4A. CITY OF BIRTH
			4B. COUNTY OF BIRTH
	5A. FULL NAME OF FATHER/PARENT—FIRST	5B. MIDDLE	5C. LAST (BIRTH)
	6A. FULL NAME OF MOTHER/PARENT—FIRST	6B. MIDDLE	6C. LAST (BIRTH)

PART II COURT ORDER INFORMATION

GENERAL INFORMATION	7. NAME OF COURT	8. COURT CASE NUMBER
	9. COUNTY	10. STATE
NEW NAME OF INDIVIDUAL AS CHANGED BY COURT ORDER	11. DATE OF COURT ORDER—MM/DD/CCYY	
	12A. FIRST	12B. MIDDLE
	12C. LAST	

PART III AFFIDAVIT AND SIGNATURE

USE BLACK INK ONLY	I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE NAME OF THE INDIVIDUAL IDENTIFIED IN PART I WAS CHANGED BY COURT ORDER AS STATED IN PART II.		
	13A. SIGNATURE OF APPLICANT	13B. PRINTED NAME	13C. DATE SIGNED—MM/DD/CCYY
	13D. ADDRESS—STREET and NUMBER	13E. CITY	13F. STATE
			13G. ZIP CODE
STATE REGISTRAR USE ONLY	THIS IS TO CERTIFY THAT THE OFFICE OF VITAL RECORDS HAS REVIEWED A CERTIFIED COPY OF THE COURT ORDER DESCRIBED IN PART II AND HAS ACCEPTED THIS AMENDMENT TO THE BIRTH RECORD AS PROVIDED BY STATUTE.		
	14. OFFICE OF VITAL RECORDS	15. DATE ACCEPTED FOR REGISTRATION	

APPLICATION TO AMEND A BIRTH RECORD TO REFLECT COURT ORDER CHANGE OF NAME

TYPE OR PRINT CLEARLY IN BLACK INK ONLY
NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

I hereby make application to amend the birth certificate for the individual identified. A fee is required to file the amendment, but the fee includes one certified copy of the newly amended record. There is a fee for each additional copy. Please contact your Local Registrar, County Recorder, or the State Registrar for the current fees, or visit our website at www.cdph.ca.gov.

Enclosed is the fee of \$ _____ for filing the amendment and one certified copy of the newly amended record.

Enclosed is the fee of \$ _____ for an additional certified copy(ies) of the newly amended birth record.

Printed Name of Applicant _____

Mailing Address of Applicant _____

Telephone Number () _____

City, State, ZIP Code _____

GENERAL INFORMATION

1. The original certificate cannot be altered.
2. ***This amendment becomes a part of the original record, so please type or print clearly in black ink only.***
3. Please submit original amendment form only. Photocopies of the amendment form will be rejected.
4. Your certified copy will include a copy of the original certificate with a copy of the amendment.
5. **The certified copy of the certificate and the attached amendment must remain together for the certified copy to be valid.**

READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM

1. ***This form becomes a part of the original record – type or print clearly in black ink only.***
2. No erasures, whiteouts, photocopies, or alterations allowed.
3. Complete Part I, Items 1A – 6C, with the information as it appears on the original certificate.
4. Complete Part II, Items 7 – 11, with the court order information.
5. Enter the new name(s) in Items 12A – 12C EXACTLY as stated in the court order.
6. The applicant must sign in Item 13A, print his/her name in Item 13B, enter the date signed in Item 13C, and complete the address information in Items 13D – 13GF.
7. Do not complete items 14 or 15. This space is reserved for State Registrar use only.
8. Make check or money order payable to the Office of Vital Records. When all paperwork is properly completed and signed, mail the form, the required fee(s), and a certified copy of the court order to:

California Department of Public Health
Office of Vital Records
MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

AFFIDAVIT TO AMEND A RECORD

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

BIRTH DEATH FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL RECORD	1A. NAME—FIRST	1B. MIDDLE	1C. LAST	
	2. SEX	3. DATE OF EVENT—MM/DD/CCYY	4. CITY OF EVENT	5. COUNTY OF EVENT
	6. FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD		7. FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD	

PART II STATEMENT OF CORRECTIONS TO BIRTH, DEATH, OR FETAL DEATH RECORD

	8. ITEM NUMBER TO BE CORRECTED	9. INCORRECT INFORMATION THAT APPEARS ON ORIGINAL RECORD	10. CORRECTED INFORMATION AS IT SHOULD APPEAR
LIST ONE ITEM PER LINE			

REASON FOR CORRECTION	11. _____
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We, the undersigned, hereby certify under penalty of perjury that we have personal knowledge of the above facts and that the information given above is true and correct.

AFFIDAVITS AND SIGNATURES TWO PERSONS MUST SIGN THIS FORM TO CORRECT A BIRTH, DEATH, OR FETAL DEATH RECORD	12A. SIGNATURE OF FIRST PERSON	12B. PRINTED NAME	12C. TITLE/RELATIONSHIP TO PERSON IN PART I
	12D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP)	12E. DATE SIGNED—MM/DD/CCYY	
	13A. SIGNATURE OF SECOND PERSON	13B. PRINTED NAME	13C. TITLE/RELATIONSHIP TO PERSON IN PART I
	13D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP)		13E. DATE SIGNED—MM/DD/CCYY

STATE/LOCAL REGISTRAR USE ONLY	14. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR	15. DATE ACCEPTED FOR REGISTRATION
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APPLICATION TO AMEND A RECORD

TYPE OR PRINT CLEARLY IN BLACK INK ONLY
NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

If an *acceptable* application to amend the record is registered within one year of the date of the event, there is no processing fee; however, there is a fee required for a certified copy.

Enclosed is the fee of \$ _____ for a certified copy of the newly amended record.

If an *acceptable* application to amend the record is registered one year or more after the date of the event, there is a fee for filing the affidavit, which includes one certified copy. There is a fee for each additional certified copy. Please contact your Local Registrar, County Recorder, or the State Registrar for the current fees, or visit our website at www.cdph.ca.gov.

Enclosed is the fee of \$ _____ for filing the affidavit and one certified copy of the newly amended record.

Enclosed is the fee of \$ _____ for an additional certified copy(ies) of the newly amended record.

Printed Name of Applicant _____

Mailing Address of Applicant _____

Telephone Number () _____

City, State, ZIP Code _____

GENERAL INFORMATION

1. The original certificate cannot be altered.
2. ***This amendment becomes a part of the original record, so please type or print clearly in black ink only.***
3. Please submit original amendment form only. Photocopies of the amendment form will be rejected.
4. Your certified copy will include a copy of the original certificate with a copy of the amendment.
5. ***The certified copy of the certificate and the attached amendment must remain together for the certified copy to be valid.***

READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM

1. ***This form becomes a part of the original record – type or print clearly in black ink only.***
2. No erasures, whiteouts, photocopies, or alterations allowed.
3. Enter the Local Registration Number in the space provided in the upper right-hand corner of the form.
4. Complete Part I, Items 1 – 7, with the information as it appears on the original certificate.
5. Enter the certificate item number(s) to be corrected, either from the original or subsequent amendment, in Part II—Item 8. List one item per line.
6. Enter the incorrect information that appears on the original certificate in the line(s) provided below Item 9.
7. In Item 10, enter the correct information as it should appear for each item listed in Item 9.
8. Enter the reason for the correction in Item 11.
9. Read the affidavit statement. Two persons who are certifying to the statement of corrections must sign the form.
10. Do not write in Items 14 or 15. This space is reserved for State or Local Registrar use only.
11. Make check or money order payable to the Office of Vital Records. When the paperwork is properly completed and signed by two parties, return this form, together with the required fee(s), to:

California Department of Public Health
Office of Vital Records
MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD

DO NOT Complete This Application Before Reading the Instructions on Page 2

In an attempt to stop the illegal use of vital records, and as part of statewide efforts to reduce identity theft, a new law (effective July 1, 2003) changed the way certified copies of birth certificates are issued. **Certified Copies** to establish the identity of a registrant can be issued only to authorized individuals, as indicated below. All others will be issued **Certified Informational Copies** that are not valid to establish identity.

Fee: **\$14 per copy** (payable to the Office of Vital Records).

Please indicate the type of certified copy you are requesting:

<input type="checkbox"/> I would like a Certified Copy . This copy will establish the identity of the registrant. (To receive a Certified Copy you MUST INDICATE YOUR RELATIONSHIP TO THE REGISTRANT by selecting from the list below AND COMPLETE THE ATTACHED SWORN STATEMENT declaring that you are eligible to receive the Certified Copy. The Sworn Statement MUST BE NOTARIZED if the application is submitted by mail unless you are a law enforcement or local or state governmental agency.)	<input type="checkbox"/> I would like a Certified Informational Copy . This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." (A Sworn Statement does not need to be provided.)
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NOTE: Both documents are certified copies of the original document on file with our office. With the exception of the legend, the documents contain the exact same information.

To receive a **Certified Copy** I am:

- The registrant (person listed on the certificate) or a parent or legal guardian of the registrant.
- A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.
- A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. *(Companies representing a government agency must provide authorization from the government agency.)*
- A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.
- An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate. *(If you are requesting a Certified Copy under a power of attorney, please include a copy of the power of attorney with this application form.)*

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)			Today's Date: _____		
Agency Name (if appropriate)	Agency Case No. (if appropriate)	Purpose of Request			
Printed Name and Signature of Applicant			Number of Copies	Amount Enclosed	
Mailing Address – Number, Street			Name of Person Receiving Copies, if Different from Applicant		
City	State / Province	ZIP Code	Mailing Address for Copies, if Different from Applicant		
Daytime Telephone (include area code) ()		Country	City	State	ZIP Code

BIRTH CERTIFICATE INFORMATION (PLEASE PRINT OR TYPE) Adopted: <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, see #4 on Page 2)		
BIRTH Name on Certificate (LAST)	FIRST Name on Certificate	MIDDLE Name on Certificate
City of Birth (must be in California)		County of Birth
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)		Sex <input type="checkbox"/> Female <input type="checkbox"/> Male
BIRTH Name on Certificate – Father/Parent	FIRST Name on Certificate – Father/Parent	MIDDLE Name on Certificate – Father/Parent
BIRTH Name on Certificate – Mother/Parent	FIRST Name on Certificate – Mother/Parent	MIDDLE Name on Certificate – Mother/Parent

INFORMATION: Birth records have been maintained in the Office of the State Registrar of Vital Records since July 1, 1905.

The “Birth” name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or Naturalization. AKA’s (Also Known As) and assumed names cannot be entered as the legal “Birth” name.

INSTRUCTIONS:

1. As of July 1, 2003, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Birth Record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, “Informational, Not a Valid Document to Establish Identity.”

Confidential Information on Birth Record: Some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the Birth Certificate section of our website: www.cdph.ca.gov (then select “Services”). Only specific individuals may obtain confidential copies.

2. Complete a separate application for each birth record requested.
3. Complete the **Applicant Information** section on Page 1 and provide your signature where indicated. In the **Birth Certificate Information** section, provide all the information you have available to identify the birth record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
4. **If the registrant has been adopted**, make the request in the **adopted** name. (If you’re requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

5. **SWORN STATEMENT:**

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record, and identify their relationship to the registrant – the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement.**
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.

6. Submit \$14 for **each** copy requested. If no birth record is found, the \$14 fee will be retained for searching the record (as required by law) and a “Certificate of No Public Record” will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to the **Office of Vital Records**. Mail this application with the fee(s) to the Office of Vital Records at the address below.
7. **Returning Completed Certificates:** Completed certificates are returned using the U.S. Postal Service.

Office of Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410
(916) 445-2684

SWORN STATEMENT

I, _____, declare under penalty of perjury under the laws of the State of California,
 (Applicant's Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the birth or death record of the following individual(s):

Name of Person Listed on Certificate	Applicant's Relationship to Person Listed on Certificate (Must Be a Relationship Listed on Page 1 of Application)

(The remaining information must be completed in the presence of a Notary Public or Office of Vital Records staff.)

Subscribed to this _____ day of _____, 20____, at _____, _____.
 (Day) (Month) (City) (State)

 (Applicant's Signature)

Note: If submitting your order by mail, you must have your Sworn Statement notarized using the Certificate of Acknowledgment below. The Certificate of Acknowledgment must be completed by a Notary Public. (Law enforcement and local and state governmental agencies are exempt from the notary requirement.)

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)

County of _____)

On _____ before me, _____, personally appeared _____,
 (here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 (SEAL)

 SIGNATURE

CALIFORNIA COUNTY RECORDERS

Alameda.....	1106 Madison Street, Room 214, Oakland, CA 94607, (510) 272-6363
Alpine.....	P.O. Box 217, Markleeville, CA 96120-0217, (530) 694-2286
Amador.....	810 Court Street, Jackson, CA 95642, (209) 223-6468
Butte.....	25 County Center Drive, Administration Building., Oroville, CA 95965, (530) 538-7691
Calaveras.....	Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372
Colusa.....	546 Jay Street, Colusa, CA 95932-2491, (530) 458-0500
Contra Costa.....	555 Escobar Street, Martinez, CA 94553, (925) 646-2365
Del Norte.....	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216 or 7205
El Dorado.....	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno.....	2281 Tulare Street, Room 303, or P.O. Box 766, Fresno, CA 93712, (559) 488-3476
Glenn.....	526 West Sycamore Street, Courthouse, Willows, CA 96988, (530) 934-6412
Humboldt.....	825 5th Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial.....	940 Main Street, Room 206, El Centro, CA 92243-2865, (760) 482-4272
Inyo.....	Courthouse, 168 N. Edwards Street, Independence, CA 93526, (760) 878-0222
Kern.....	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6400
Kings.....	Government Center, 1400 W. Lacey Blvd., Hanford, CA 93230, (559) 582-3211, X 2475
Lake.....	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen.....	Courthouse, 220 S. Lassen Street, Room 5, Susanville, CA 96130, (530) 251-8234
Los Angeles.....	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137
Madera.....	200 West 4 th Street, Madera, CA 93637, (559) 675-7724
Marin.....	3501 Civic Center Drive, Courthouse, Room 234, San Rafael, CA 94903, (415) 499-6094
Mariposa.....	4982 10th Street, P.O. Box 35, Mariposa, CA 95338, (209) 966-2332
Mendocino.....	501 Low Gap Road, #1020, Ukiah, CA 95482, (707) 463-4376
Merced.....	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc.....	204 Court Street, Room 107, Alturas, CA 96101, (530) 233-6205
Mono.....	83 Main Street, P.O. Box 237, Bridgeport, CA 93517-0237, (760) 932-5530
Monterey.....	Church and Alisal Street, P.O. Box 29, Salinas, CA 93902-0029, (831) 755-5041
Napa.....	900 Coombs Street, Room 116, P.O. Box 298, Napa, CA 94559-2936, (707) 253-4105
Nevada.....	950 Maidu Avenue, Nevada City, CA 95959, (530) 265-1221
Orange.....	12 Civic Center Plaza, P.O. Box 238, Santa Ana, CA 92702-0238, (714) 834-2500
Placer.....	2954 Richardson Drive, Auburn, CA 95603, (530) 886-5600
Plumas.....	520 Main Street, Room 102, Quincy, CA 95971, (530) 283-6218
Riverside.....	2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 486-7000
Sacramento.....	600 8th Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito.....	440 5th Street, Room 206, Hollister, CA 95023-3896, (831) 636-4029
San Bernardino.....	222 W. Hospitality Lane, San Bernardino, CA 92415-0022, (909) 387-8314
San Diego.....	1600 Pacific Highway, Room 260, or P.O. Box 1750, San Diego, CA 92112-4147, (619) 237-0502
San Francisco.....	One Dr. Carlton B. Goodlett Place, City Hall Room 190, San Francisco, CA 94102-4698, (415) 554-4176*
San Francisco Health Dept.	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700**, (415) 554-2710***
San Joaquin.....	6 South El Dorado, Second Floor, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-3939
San Luis Obispo.....	1144 Monterey Street, Suite C, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo.....	Vital Records, 1st Floor, 555 County Center Dr., Redwood City, CA 94063-1665, (650) 363-4713
Santa Barbara.....	1101 Anacampa Street, P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250
Santa Clara.....	County Government Center, East Wing, 70 W. Hedding St., San Jose, CA 95110, (408) 299-4227
Santa Cruz.....	701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-2800
Shasta.....	1450 Court Street, Suite 208, Redding, CA 96001, (530) 225-5678
Sierra.....	P.O. Drawer D., Downieville, CA 95936, (530) 289-3295
Siskiyou.....	311 4th Street, P.O. Box 8, Yreka, CA 96097, (530) 842-8065
Solano.....	675 Texas Street, Fairfield, CA 94533, (707) 421-6290
Sonoma.....	585 Fiscal Drive, Room 103F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2651
Stanislaus.....	1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353, (209) 525-5251
Sutter.....	433 Second Street, or P.O. Box 1555, Yuba City, 95992-1555, (530) 822-7134
Tehama.....	633 Washington Street, P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity.....	101 Court Street, P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare.....	County Civic Center, 221 S. Mooney Blvd., Room 105, Visalia, CA 93291-4593, (559) 733-6419
Tuolumne.....	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura.....	800 South Victoria Avenue, LN 1260, Ventura, CA 93009, (805) 654-2295
Yolo.....	625 Court Street, Room B01, Woodland, CA 95695, (530) 666-8130
Yuba.....	915 8th Street, Marysville, CA 95901, (530) 749-7851

* Marriages

** Births

*** Deaths