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# ID PLEASE!

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



**Transgender Law Center**

*Making Authentic Lives Possible*

## Acknowledgements

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## I. Introduction

This guide was created to help you navigate through the often confusing process of obtaining 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 situation, feel free to contact Transgender Law Center at (415) 865-0176 or [www.transgenderlawcenter.org/help](http://www.transgenderlawcenter.org/help), and we'll do our best to answer your question or point you to resources that may be helpful.

## II. Getting Started – Common Questions

Why is this process such a pain?

Many people are surprised to discover that there is no “one stop” process for getting a name and/or gender marker updated to match their gender identity. 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 a bit easier especially regarding changes to an individual's name. When Transgender Law Center first opened in 2002, all you needed to do in order to receive a new California driver's license or state ID in your preferred name and gender was to have a doctor complete a form. Once you got a California ID, you 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 five 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, obtaining 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 that reflects your gender identity 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. In California, however, all that is required is that you undergo “clinically appropriate treatment for the purpose of gender transition” before a court will issue an order recognizing the legal gender change.<sup>1</sup> Additionally, gender markers on California state IDs and birth certificates may be updated without ever going to court.

The inclusion of policies in this guide in no way means that Transgender Law Center approves of or supports them. Long-term transgender rights strategies are being developed to ensure recognition of people’s identity without so many hurdles. 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 like to 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.

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<sup>1</sup> Cal. Health & Safety Code § 103425. “Clinically appropriate” is a broad statement of what is appropriate for you, whether it is hormone therapy, an acknowledgment of your identity, therapy, or surgery.

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 obtained a court-ordered name change order, your old name is often kept as a part of your record for quite some time. It is unclear how long your old name will be 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 more “complete” record.

Unfortunately, even with strong anti-discrimination laws in place, trans people may not be able to choose when, or if, to disclose their old name and sex assigned at birth. However, these laws provide our communities with 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 some 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 on page 8).

We have organized the guide to reflect the route in the model pathway 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 transgender people utilize this process to change their name.

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

This guide focuses primarily on individuals who live in California. If you were born in California but now live somewhere else, the section addressing how to change the 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. If you live outside of California, it is important that you use other resources to supplement 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 I am under 18 years old, can I still use this guide?**

In California, most of the policies or laws around ID changes require that you be over the age of 18 or an emancipated minor in order to change your identity documents on your own. 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 you have questions, email or call us.



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## **Steps to Changing Your ID Documents: A Model Pathway**

This route is recommended if you 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 9-232 for information about going to a California court to get your court-ordered change of name and/or change of gender.
2. Go to the Social Security Administration  
See pages 23-28 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 28-34 for information about getting your name and/or gender changed on your driver's license or state ID.
4. Update birth certificate, passport and non-governmental records  
See pages 35-46 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 California birth certificate (if you choose to do so), and your non-government records can vary. However, with your name change court order, your DMV identification, and/or your physician's declaration, 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, college, or university, you 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 46 for more information).

### **Special Circumstances: Immigration records**

Most immigration documents can be updated with an amended birth certificate, court order and/or a letter from your physician stating that you

have had “appropriate clinical treatment” to change your gender<sup>2</sup> (See pages 47 - 51 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.

### **III. Court Orders**

#### **What is a court order?**

A court order means that the state of California has officially legally recognized your change of name and/or gender.<sup>3</sup> While it is possible to change the gender marker on most forms of ID without a court order (such as a birth certificate and driver's license), changing your name on nearly all forms of ID requires that a person have a court-ordered name change.

To obtain a court order, you will need to complete the required forms, file them with the appropriate Superior Court in the county where you live, and pay the filing fee or be approved for a fee waiver. After you have filed the forms, the court will review them and will schedule a hearing. If no one challenges the name change within two days of the assigned court date, however, you will not have to appear at a hearing (contact the court clerk to determine whether there has been a challenge). If all the paperwork is complete and you have met all the required legal criteria, the Court will issue an order changing your name. You can then use certified copies of this order to change your name on most identity documents.

In California, your right to change your name is completely independent from your transgender status. You do not need to demonstrate that you have undergone any medical procedures or mental health services to change your name. This is true even if you are changing your name from one that is traditionally female (e.g., Loretta) to one that is traditionally male (e.g., Andrew), or vice-versa. In this guide, we offer some tips for dealing with poorly informed or combative judges. However, note that as of July 1, 2014, if you *are* changing your name to better match your gender identity, and you

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<sup>2</sup> See the April 10, 2012, USCIS Policy Memorandum, which specifies the requirements for updating the gender marker on immigration identity documents, available at [http://www.uscis.gov/USCIS/Outreach/Feedback Opportunities/Interim Guidance for Comment/Transgender FINAL.pdf](http://www.uscis.gov/USCIS/Outreach/Feedback%20Opportunities/Interim%20Guidance%20for%20Comment/Transgender%20FINAL.pdf).

<sup>3</sup> The courts use the phrase “change of gender.” We know this phrase does not accurately reflect the process of transitioning for many transgender people.

check the box saying so on the name change petition, you will be entitled to certain protections designed to protect your safety and privacy: in particular, you should not have to attend an in-person hearing and you will not have to publish the name change in a newspaper.

In California, in order to obtain a court ordered gender change, the law requires that you provide documentation from a physician that you have undergone “clinically appropriate treatment” for your gender change. To obtain an updated gender marker on a birth certificate issued in California, you are not required to obtain a court order, and need only to submit a physician’s affidavit to the State Registrar’s office along with the other documents listed in the birth certificate section below. Similarly, the gender markers on California state IDs, California driver’s licenses, and federal documents can be updated without a court-ordered gender change. 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 will describe in more detail: change of name only (NC-100 series); change of name and gender (NC-200 series); or 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. As of October 2013, the fee across the state is \$435 (with the exception of San Francisco and Riverside counties, where the fee is \$450). A list of the filing fees for all California Superior Courts can be found here: <http://www.courts.ca.gov/documents/filingfees.pdf>. Most counties have a website for their local Superior Court where you can double-check the current fee in your county. A list of all the Superior Courts with links to their contact information can be found here: <http://www.courts.ca.gov/find-my-court.htm>.

The courts do offer a **fee waiver** for those who can’t afford to pay the filing fee. (We’ve attached detailed instructions from the courts on who qualifies for a fee waiver. See Attachment A.) If you currently receive certain means-tested public benefits such as food stamps, SSI (Supplemental Security Income), cash assistance, or Medi-Cal, you are automatically eligible for a fee waiver; otherwise you must provide the court with information about all of your income and expenses, and a determination will be made of whether you are eligible. 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 have previously obtained a name change order. The answer is usually yes. The reason for this is that you are filing two separate petitions. If you need to, 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.<sup>4</sup> 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 change your name 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. If you are approved for a fee waiver these copies are provided for free.

### **Special issues 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(s) or guardian(s) must file the petition on your behalf.

If you have more than one legal parent, it is best if your parents are willing to file the petition jointly. If they are not, the parent filing the petition must take some 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 are not aware of 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 Transgender Law Center.

If you are petitioning for a *change of gender only* court order, 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 in addition to the required physician’s declaration. A declaration is simply a statement sworn under

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<sup>4</sup> The case number is in the upper right-hand corner of the order.

oath (the court has a form for this – MC-030<sup>5</sup>). 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 must make their relationship to you clear to the judge. For that reason, a guardian has to submit additional forms (see checklist, page 21).

### **Must I publish an ad in the newspaper?**

No! As of July 1, 2014 name changes sought because of your gender identity needn't be published in a newspaper. If you file for a court-ordered name *and* gender change, the forms will not even reference publication. If you are filing for a name change only, item 6 on form NC-100 allows you to check a box indicating "this petition seeks to conform petitioner's name to his or her gender identity." On form NC-120, item 3a asks for the name of a newspaper, but item 3b allows you to indicate that you are changing your name because of your gender identity.

Some court clerks and judges may not be aware of this recent change in the law. See Appendix L for a handout explaining what to do if someone says that you must publish your name change in a newspaper.

### **Gender Change Only**

The petition for a change of *gender only* court order has no publication requirement. It simply requires that you file with the court a notice of your intent to change your gender (the proper form is the NC-320). To obtain an amended gender marker on a birth certificate issued in California, you are not required to obtain a court order, and need only to submit a physician's affidavit to the State Registrar's office along with the other required documents listed below in the birth certificate amendment section. Occasionally judges may instruct you to publish a change of gender only court order. If you are asked to publish a form for a change of gender only, please contact Transgender Law Center and we can help you explain to the court why you do not have to do so.

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<sup>5</sup> The MC-030 form is available at <http://www.courts.ca.gov/xbcr/cc/mc030.pdf>.

## **Special name change issues for people in state prison, on parole, or on the state sex offender registry**

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 order 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 currently incarcerated will be granted.<sup>6</sup> Transgender Law Center is actively working to change this unfortunate situation.

If you are on parole, it may be possible to change your name and gender. Under California law your parole officer must determine whether your name change would pose a security risk to the community.<sup>7</sup> While some parole officers have agreed to grant permission to a person to change his or her name. More commonly, parole officers will refuse to agree to a name change. People who are on probation from a county jail do NOT need the permission of their probation officer to file a name change. A copy of a model parole officer letter is included with this guide as Attachment G.

State law also has special rules for people who are on the state sex offender registry.<sup>8</sup> In this case, the court will change your name only if it determines that granting your petition “is in the best interest of justice” and will not adversely affect public safety. If your name change is granted by the court you must notify local authorities within five days.<sup>9</sup> While a person who is on the sex offender registry does not need to get permission from the police or a parole officer in order 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 specifically because of the sex offender registry. 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 your request and the police officer’s lack of opposition to your name change. This letter is not required, but it may be persuasive for the judge.

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<sup>6</sup> Cal. Civil Procedure Code § 1279.5(b).

<sup>7</sup> Cal. Civil Procedure Code § 1279.5(c).

<sup>8</sup> Under Cal. Penal Code § 290.

<sup>9</sup> Cal. Civil Procedure Code § 1279.5(d).

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

### Step 1: Get the proper forms

In order to get any court order, you must first complete the basic paperwork. Depending on whether you are requesting a name change, a gender change or a name and gender change, you may need to submit the following basic paperwork:

- [Civil Case Cover Sheet](#)
- [Petition for Change of Name and Gender](#)
- [Petitioner's Information](#)
- [Declaration of Physician](#)
- [OSC for Change of Name](#)
- [Decree Changing Name and Gender](#)

You can get the necessary forms at your local county courthouse. You can also download them online. You'll need an updated version of a PDF reader to do so (especially if you want to type in the information online and print out the documents).

The necessary forms are listed and available on our website:

<http://www.transgenderlawcenter.org/issues/id/id-change>. You can also get them directly from the California Courts website:

<http://www.courts.ca.gov/forms.htm>. When looking at the online forms, "fillable" means you can fill in the boxes online and print them out.

"Printable" means you print the forms out blank and fill them in by hand.

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 should generally 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 many 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 which you may need to show sometime in the future. 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. 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>.

Additionally, the Los Angeles and Santa Clara County Superior Courts also require individuals to fill out a Criminal History Assessment Form as part of the name change process. If you reside in either of these counties you should download and complete the appropriate criminal history forms available at these websites:

Los Angeles County -

<http://www.lasuperiorcourt.org/forms/pdf/LACIV226.pdf>.

Santa Clara County - [http://www.scscourt.org/forms\\_and\\_filing/forms/PB-4010.pdf](http://www.scscourt.org/forms_and_filing/forms/PB-4010.pdf).

### Step 2: Gender change: Doctor's declaration

If you are requesting a court order that includes recognition of your gender, you'll also need to submit a declaration from your doctor that serves as proof that you have had clinically appropriate treatment for your gender change. There is no specific treatment that counts as "clinically appropriate" treatment – this is up to a doctor to determine. In order to be valid, the declaration must include a statement signed under penalty of perjury of the law of the State of California. This means that the doctor can get in trouble if anything in the declaration is intentionally untrue. To obtain an amended gender marker on a birth certificate issued in California, you are not required to obtain a court order, and need only to submit a physician's affidavit to the State Registrar's office along with the other documents listed in the birth certificate section amendment section below. Similarly, a court order is not required to update the gender marker on you California driver's license or state ID, nor is it required to update the gender marker on your US Passport or Social Security account.

The declaration (also known as an "affidavit") should come directly from your doctor (see Attachment C for an example). The declaration should be typed and signed on the 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 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, of which you don't need any copies). You may not need this many, but it is good to have multiple copies 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 would need to fill out the necessary forms, include a check for the fee amount (or your request for a fee waiver), and include 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 the court date 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 six and ten weeks from the day you file.

### Step 4: Attend the court hearing, if required

If you are asking for a court order recognizing your gender, you will most likely need to attend a court hearing. As of July 1, 2014, if you are only seeking a court-ordered name change, you will not have to attend a hearing if no one has contested your name change. While it is unlikely that your name change will be contested, you should call the clerk two days before your hearing date to see if someone is contesting your name change and whether you need to attend the hearing.

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 your decree (see below).

During the hearing, there will likely be other people in the room with you who are also changing their name and/or gender. 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 if 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 he or she 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 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 transition interfere with their duty. On the next page are five tips for how to deal with these *rare* problems.

#### Step 5: Get copies of your completed order

Once your hearing is over and your name and/or gender change has been approved, remember to get two to four 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 a change of legal 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 legal 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 does not have experience with the changes in 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 gender change law that went into effect on January 1, 2012 says that I must attach a declaration from my physician stating that I have had clinically appropriate treatment for gender change, and does not require that I present any additional information about this treatment. I believe that the letter from my doctor 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 is generally acting badly, such as 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, Transgender Law Center is happy help find a lawyer to represent anyone in court who needs to ask for a continuance. Individuals should feel free to call us to discuss their cases and to see if we can help.

## **Court Order Check Lists**

### **Name Change Only Check List**

- Obtain and complete the paperwork
  - CM-010 – CIVIL CASE COVER SHEET (cover sheet stating what kind of case the court will be hearing)
  - NC-100 – PETITION FOR NAME CHANGE (court document that shows your request to change your old name to your “new” name and allows you to indicate that the name change is because of your gender identity)
  - NC-110 – PETITIONER’S INFORMATION (your background information, including date of birth, present name, address, etc.)
  - NC-120 – ORDER TO SHOW CAUSE FOR NAME CHANGE (item 3b on this form allow you to opt out of newspaper publication by explaining that your name change is because of your gender identity)
  - NC-130 – DECREE CHANGING NAME (the document certifying from the court your name change)
  - FW-001 & FW-003 – if needed to apply for a fee waiver
  - Any additional forms for your county (if necessary)
- File the forms at your county courthouse and pay the fee (if necessary)
- Receive your court hearing date
- Attend your court hearing (if necessary)

### **Name and Gender Change Check List**

- Obtain and complete the paperwork
  - CM-010 – CIVIL CASE COVER SHEET (cover sheet stating what kind of case the court will be hearing)
  - NC-200 – PETITION FOR CHANGE OF NAME & GENDER (court document that shows your request to change your old name to your “new” name & gender)
  - NC-110 – PETITIONER’S INFORMATION (your background information, including date of birth, present name, address, etc.)
  - NC-210/NC-310 – DECLARATION OF PHYSICIAN (you must submit a declaration from your physician stating you’ve had clinically appropriate treatment for gender transition)

- NC-220 (or possibly the NC-120 & NC-320, see above) – ORDER TO SHOW CAUSE FOR NAME CHANGE
- NC-230 – DECREE CHANGING NAME AND GENDER (the document the court uses to certify your name & gender change)
- FW-001 and FW-003 – if needed to apply for a fee waiver
- Any additional forms for your county (if necessary)
- Get a declaration from your physician (on letterhead or the NC-210)
- File the forms & physician's declaration at your county courthouse & pay the fee (if necessary)
- Receive your court hearing date
- Attend your court hearing (if necessary)

#### Gender Change Only Check List

- Obtain the proper forms
  - CM-010 – CIVIL CASE COVER SHEET (cover sheet stating what kind of case the court will be hearing)
  - NC-300 - PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE (court document that shows your request for legal change of gender and request for new birth certificate)
  - NC-210/NC-310 – DECLARATION OF PHYSICIAN (to change your gender, you must submit a declaration from your physician stating you've had clinically appropriate treatment for gender transition)
  - NC-320 – NOTICE OF PETITION (court document filled out by the clerk to let you know the date of your hearing and court location)
  - NC-330 – ORDER FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE (the document certifying from the court your gender change and issuance of new birth certificate)
  - FW-001 and FW-003 – if needed to apply for a fee waiver
  - Obtain a declaration from your physician (on their letterhead, on paper or the NC-210)
- File the forms and physician's declaration at your county courthouse and pay the fee (if necessary)
- Receive your court hearing date
- Attend your court hearing

**Note:** To obtain an amended gender marker on a California birth certificate, California driver's license or state ID, US Passport, or Social Security account, you are not required to obtain a court order, and need only to submit a physician's affidavit along with the other documents listed in the birth certificate amendment section below.

### **Additional Check List for Minors**

The name and gender change process is a bit different for individuals under the age of 18. For minors, their parents or guardians must petition the court on behalf of their child. Either one or both living parents or guardians may petition the court for a minor's name and gender change. However, if only one parent is petitioning for their child's name change, the other living parent must be served notice of the name (and/or gender) change hearing.

#### Additional Forms for Minors

- NC-110G (required for a guardian to show their legal right to make this decision, not required for a parent)
- If both parents/guardians can't join the petition, serve a copy of the NC-120 on the other parent or other legal guardian and complete the NC-121 (proof of service) for the judge.
- NC-130G (Required 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)

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

Under California law, you have the legal right (with some restrictions for inmates, parolees, and registered sex offenders<sup>10</sup>) to change your name by the common law or usage method. In order to do so, a person just has to 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<sup>11</sup> it is one that is becoming harder and harder to use.

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<sup>10</sup> Cal. Civil Procedure Code § 1279.5(a).

<sup>11</sup> See included decision by California's Attorney General on this issue at Attachment H.

Some people continue to prefer to use the common law name change method because it is quicker, cheaper, and more anonymous than getting a court order. However, most government agencies refuse to recognize this method of change. Many financial institutions have long been suspicious of common law name changes, and the federal USA Patriot Act is interpreted by many agencies as requiring a court order for all name changes. At this time, most financial institutions, the California DMV, and the Social Security Administration 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 instead, you should know that you are likely to face stiff resistance in changing most of your identity documents.

## IV. 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 allows 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 21.)

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.***<sup>12</sup> The following steps are required to amend your information with Social Security.

- Complete an Application For A Social Security Card (Form SS-5)<sup>13</sup>
- When completing the form SS-5, list your new court-ordered name.
- SSA generally charges a small fee to request a new Social Security card.
- Show proof of your:
  - U.S. citizenship (if you have not previously established your citizenship) or immigration status;

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<sup>12</sup> See [http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std\\_adp.php?p\\_faqid=315](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](http://www.ssa.gov) and look under "Marriage, Divorce and Name Changes."

<sup>13</sup> 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.

- Legal name change; and
- Identity
- 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 your application to the SSA.
- 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 us 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 because of this policy, please contact Transgender Law Center.

## **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 requires you to present one of the following: a medical certification of “appropriate clinical treatment for gender transition” in the form of an

original signed statement from a licensed physician (i.e., a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.))<sup>14</sup> (see Attachment D), a full validity 10-year passport with the new gender marker, a state-issued birth certificate with the new gender maker, or a court order directing legal recognition of the new gender.

Surgery is no longer required to change the SSA gender marker, however the SSA will continue to accept an original or certified letter from a physician stating an individual has undergone sexual reassignment surgery.

### **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 your SSA account.

### **Special information for people who receive SSI/SSDI**

Changing your name and/or gender marker in your SSA account will not change your information in your SSI/SSDI (Social Security Insurance/Disability Insurance) account. If you have an SSI/SSDI account, you should tell the SSA to change your name and/or gender on this account as well.

### **Special information for people with Medi-Cal (California's Medicaid program)**

If you have an SSI/SSDI account AND Medi-Cal: The SSA has "SSI linked Medi-Cal", which will change your information with Medi-Cal once you have changed your name and/or gender marker in your SSI/SSDI account. However, it is a good idea to remind the SSA to forward the name change information to Medi-Cal just to make sure it gets changed.

If you have Medi-Cal ONLY (and not SSI/SSDI): Changing your name and/or gender marker in your SSA account will NOT automatically 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 SSA and Medi-Cal.

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

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<sup>14</sup> To view the current SSA gender change policy, go to:  
<https://secure.ssa.gov/poms.nsf/lnx/0110212200>

good about changing name and/or gender markers on 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. Make sure to change your name and/or gender markers with SSI/SSDI to ensure your records do not get changed back.

If you have Medi-Cal, you may **change your name** by following these steps:

- Change your name with SSA and the DMV and secure a new Social Security card and driver's license. You will need the documentation of your new name on your Social Security card and driver's license in order to provide ample documentation of your new legal name to your county Medi-Cal office.
- Contact your Medi-Cal caseworker at your local Department of Health and Human Services office. Inform your caseworker of the name change and request and fill out the Change of Information form.
- Make copies of your Social Security card, driver's license and amended birth certificate that reflects your new name and mail the Change of Information form along with the copies of your identifying documents to your county Department of Health and Human Services office.

Your new Medi-Cal card reflecting your new name should arrive in about eight weeks.

If you have both Medi-Cal and SSI, you must change the **gender marker** on with Social Security *before* they will change your gender marker on your Medi-Cal card. Currently the Social Security Administration (SSA) requires you to present a surgeon or doctor's affidavit verifying that your "sex change surgery has been completed"<sup>15</sup> to change your gender on your records.

### **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.

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<sup>15</sup> To view the current SSA gender change policy go to: [http://ssa-custhelp.ssa.gov/app/answers/detail/a\\_id/1667/~/\\_correct-or-change-gender-on-your-social-security-record](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/_correct-or-change-gender-on-your-social-security-record).

## **SSA Check Lists**

### **Social Security Name Change Only Check List**

- Get a court-ordered 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

### **Social Security Name and Gender Change Check List**

- Get a court-ordered name change (or one of the other required documents)
- Get one of the following: a medical certification from your physician verifying that you have had “appropriate clinical treatment” (see Appendix D), a full validity 10 year passport showing the new gender, a state issued amended birth certificate showing the new gender, or a court order directing legal recognition of the new gender.
- Complete and submit the SS-5 form with your documentation at an SSA office

### **Social Security Gender Change Only Check List**

- Get one of the following: a medical certification from your physician verifying that you have had “appropriate clinical treatment” (see Appendix D), a full validity 10 year passport showing the new gender, a state issued amended birth certificate showing the new gender, or a court order directing legal recognition of the new gender.
- Complete and submit the SS-5 form with your documentation at an SSA office

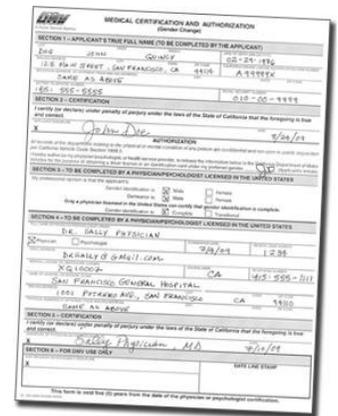
Like most agencies, you may find that you have problems getting what you need from the SSA. Sometimes those problems are the result of an SSA employee who does not understand the SSA’s policies or who has some bias against transgender people.

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 all have to serve 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 Transgender Law Center. We have been 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.

## V. California Department of Motor Vehicles

Since 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 form DL 329 to change your gender, and form DL 44 to change your name. Fortunately, you still do not need to have undergone any specific medical treatment (i.e. there is no requirement that you’ve undergone hormone therapy, mental health services, or surgery) in order to change your gender marker using form DL 329. Note that, unlike the forms for a court-ordered gender change, the DMV will not accept an attached physician’s letter. Your physician or psychologist must actually fill out the DL 329.



In addition to completing DL 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 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 process, please contact Transgender Law Center.

**Note:** If you wish to change both the name and gender marker on your California driver's license or state ID, it is best to do both at the same time, if at all possible. This is because when both are changed at the same time, the name change is sealed in the DMV's records. When a name change is not done at the same time as a gender marker change, the record is not sealed, and can be seen by third parties, such as the police or auto insurers.

### **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 on a state ID 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 DL 44 and submit it to the DMV along with a copy of the name change court order. To change your gender marker if you are under 18, you must have a physician complete DL 329 and submit it to the DMV. It is also a good idea for both you and your parent or guardian to 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>.
- Step 2: Complete a Form DL 329 and have your doctor 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 F 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.

I certify (or declare) under penalty of perjury under the laws of the State and correct.	
SIGNATURE OF PHYSICIAN OR PSYCHOLOGIST	Sally Physician, MD
X	

### 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	FIRST	MIDDLE	DATE OF BIRTH (MM.DD.YYYY)		
DOE	JOHN	QUINCY	02-29-1976		
MAILING ADDRESS		CITY	STATE	ZIP CODE	CALIFORNIA DRIVER LICENSE/IDENTIFICATION CARD NUMBER
123 MAIN STREET, SAN FRANCISCO, CA			CA	94114	A 99999X
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)					
SAME AS ABOVE					
DAYTIME TELEPHONE NUMBER				SOCIAL SECURITY NUMBER	
(415) 555-5555				010-00-9999	

### Section 2

You should sign your name 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
any person are confidential and not open to public inspection
lease the information below to the California Department of Motor under my preferred gender. (Applicant's Initials)
OCIST LICENCED 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. Transgender Law Center's opinion is that as soon as you are expressing your gender identity full-time (regardless of whether you have accessed hormones or surgery) and plan 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.

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

**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 five 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, as well as your 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.

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

- Step 3: Submit the completed DL 329 & 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 (class C) as of October 2012 is \$31. To see a complete list of the fees for driver’s license applications go to the following web page:  
[http://www.dmv.ca.gov/dl/fees/driverlicense\\_fees.htm](http://www.dmv.ca.gov/dl/fees/driverlicense_fees.htm).

- 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**

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. Form DL 44 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 full legal 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 (Certified Degree of Indian Blood 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 legal 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 identification 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.

### **Steps for Changing your Name on Your 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 in court or after you 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) sections F. & G.

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](http://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 order
- 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 order
- Submit the forms and pay the application fee

### Vehicle Registration

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

## VI. California Birth Certificate

California law explicitly allows a person 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 with this process. Note 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 included in the Appendix as Attachment I a complete copy of the California Department of Vital Records publication, *Obtaining a New Birth Certificate after Gender Reassignment*, because it is a very thorough overview of the process.<sup>16</sup> Instead of going through the entire document, we'll just point out a couple of important issues.

In order to request a new name upon your birth certificate, you need to obtain a court-ordered name change, and then submit a certified copy of your order to the Office of Vital Records. In order to request a new gender identifier on your California issued birth certificate, you will need to submit a physician's affidavit along with the other documents listed below.

Also, you must request an original form 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.

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.<sup>17</sup> While it is not necessary to complete

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<sup>16</sup> 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)

<sup>17</sup> You may obtain a copy of your old birth certificate by filling out the VS-111 (Application for Certified Copy of Birth Record) form and mailing it to

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. Mailing a copy of your old birth certificate with your application can also speed up the process for issuance of your new one.

After the California Office of Vital Records has received your 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. You should expect to wait about 6-10 weeks after your application is mailed for a reply.

If your application is accepted, a new or amended birth certificate will be issued in approximately three months. If you have applied for a name change only, you will receive an "amended" two-page birth certificate. The first page will include your new name and the second page will be a copy of your unchanged, old birth certificate.

If your application is for name and gender change, you will receive a new birth certificate without any notation that it is not your original birth certificate. Your old birth certificate is not destroyed, but is sealed and is only accessible to other individuals if they have a 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. To obtain an amended gender marker on a birth certificate issued in California, you are not required to obtain a court order, and need only to submit a physician's affidavit along with the other documents listed below. Not all states will issue a court order recognizing an individual's change of gender as is required by the Office of Vital Records.<sup>18</sup> However, if your state

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the Office of Vital Records with a \$16 fee. A fillable PDF version of the VS-111 can be found at the following web address:  
<http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/2010-Application-%28November%29-Birth.pdf> . A "Certified Informational Copy" of your birth certificate should be sufficient for the name and gender change process.

<sup>18</sup> For information about individual state gender change standards go to <http://www.lambdalegal.org/publications/sources-of-authority-to-amend>.

will recognize your change of gender, you can submit a certified copy of that order along with your VS-24 paperwork to California's Office of Vital Records.<sup>19</sup>

### **California 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 (currently the fee is \$23)
- 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
- A physician's affidavit stating you have had appropriate clinical treatment
- Notarized sworn statement (if requesting gender marker change only)
- Certified copy of your court-ordered name change (if requesting name change)
- Mail documents along with payment
- Copy of original California birth certificate (if you have it)

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<sup>19</sup> Mail to California Department of Public Health, Vital Records - M.S. 5103, P.O. Box 997410, Sacramento, CA 95899-7410

## VII. Consular Report of Birth Abroad

If you are a U.S. citizen born to American parents in another country, 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 U.S. passport, which is discussed below on page 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/family\\_issues/birth/birth\\_593.html](http://travel.state.gov/law/family_issues/birth/birth_593.html).

## VIII. United States Passport

The following section addresses how to change your name and gender on your U.S. passport. Many people have questions about their passport photos. The U.S. Department of State 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.

### 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 a certified copy of 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 an additional \$60.

If you have a valid U.S. passport that was issued **more than one year ago but less 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<sup>20</sup> and two new passport photos. If your most recent passport was issued **over 15 years ago**, you need to submit a new Application for a U.S. Passport Form DS-11.<sup>21</sup>

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<sup>20</sup> For current fee information go to: [http://travel.state.gov/passport/fees/fees\\_837.html](http://travel.state.gov/passport/fees/fees_837.html).

<sup>21</sup> See [http://travel.state.gov/passport/forms/ds11/ds11\\_842.html](http://travel.state.gov/passport/forms/ds11/ds11_842.html).

## **Changing Your Gender on Your U.S. Passport**

Recently, the U.S. State Department issued new rules concerning changing the gender marker on a U.S. passport. The rules, which went into effect January 28, 2011, state that surgery is no longer required to change the gender marker on a U.S. passport. Instead, individuals need to provide a letter from their attending medical physician on office letterhead that confirms whether your gender transition is [in process](#) or [complete](#). A model physician's declaration for a U.S. passport is included with this document as Attachment E.

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

If you are renewing your passport and requesting a gender change, you must use form DS-11, *Application for a U.S. Passport*, and apply in person, even if you would otherwise be eligible to renew by mail.

To apply for a new passport, individuals must submit in person a form 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 the person “has had appropriate clinical treatment for gender transition.” Submit these documents to the address specified on the form. Unless you request expedited service, no new fee is required. If

you have questions about the requirements for obtaining a limited validity passport, you may want to check with the U.S. Passport Agency at the following number: 1-877-487-2778.

#### Applying for a U.S. Passport for the First Time

If you are applying for a U.S. Passport for the first time, and you have changed your birth certificate, in most cases you do not need to submit any gender change paperwork such as a surgeon's letter or court order. Instead, you should fill out the standard application form and include a copy of your changed birth certificate.

If you are applying for a U.S. Passport for the first time and you have not changed your birth certificate, you must submit an affidavit from your attending physician or surgeon stating that you have had "appropriate clinical treatment for gender transition." A sample letter can be found in the "Changing your Gender on your U.S. Passport" section above.

### **United States Passport Application Forms**

There are three possible forms and processes that may be used 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](http://travel.state.gov/passport/forms/forms_847.html).

DS-11 Application for a U.S. Passport (first-time passport, renewal of a passport issued more than 15 years ago, or changing gender marker on current passport). 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;
- You are under age 16;
- You were under age 16 when your previous passport was issued;
- Your most recent U.S. passport was issued more than 15 years ago;
- Your most recent U.S. passport was lost or stolen;
- You are requesting a gender marker change; or
- Your name has changed since your previous U.S. passport was issued but you are unable to legally document your name change.

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](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/fees/fees\\_837.html](http://travel.state.gov/passport/fees/fees_837.html).

DS-5504 U.S. Passport Re-Application Form (changes/corrections). This form should **only** be used for making a data change (name change, printing error, etc.) 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 for routine processing.

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 validity 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](http://travel.state.gov/passport/forms/ds5504/ds5504_2663.html)

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

DS-82 Renewal Application for a U.S. Passport by Mail (renewal of an expired passport or changes/corrections to a passport issued more than one 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; and
- 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](http://travel.state.gov/passport/forms/ds82/ds82_843.html)

## **IX. Selective Service**

All 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 18<sup>th</sup> 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" form. The form 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_Instructions.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 18<sup>th</sup> birthday and have changed your birth certificate, it is possible to register with Selective Service if you choose. 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 Selective Service regardless of whether you transitioned before or after your

18<sup>th</sup> birthday and regardless of whether you will ultimately be deemed eligible for military service. Selective Service contacts individuals assigned male at birth prior to their 18<sup>th</sup> 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 26<sup>th</sup> 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 can do so using one of three methods. First, you can fill out the Change of Information Form that is sent to you with your Registration Acknowledgement Card. Second, 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. Or third, 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, you must attach official documentation of your name change. Updating records generally takes four to six weeks, after which you will be mailed a new registration 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/pages/transgender-issues>.

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

## **X. Financial Institution Records**

### **Bank Records**

Different banks have different policies for changing your name or gender in your records. Some banks may require a court order while others may only ask you to present identity documents with your old and new name and/or gender on them. 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 now requiring a court order. You should consult your bank to find out what it would require to change your name or gender 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.

### **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](http://www.equifax.com)
- Experian 1-888-397-3742 [www.experian.com](http://www.experian.com)
- Trans Union 1-800-916-8800 [www.transunion.com](http://www.transunion.com)

Often these agencies will update your name on their own after you update your name with SSA as it is tied to your Social Security number. The legality of a credit reporting agency distributing an individual's old name is an open legal question. As credit reporting agencies regularly report non-transgender

people's past names, it is likewise probably not unlawful to report on transgender people's former names. However, this practice may understandably cause concern. For more information about your rights, consult:

- Federal Trade Commission:  
<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre34.shtm>
- National Consumer Law Center: [www.consumerlaw.org/](http://www.consumerlaw.org/)

After submitting 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](http://www.annualcreditreport.com) to request it.

## **XI. School Records**

Different school districts, colleges, and universities have different policies regarding changing name and/or gender on official school records. If you are currently enrolled in a K-12 school, vocational program, or college or university, you 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 California public 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 it is classified by the school as a historical document reflecting the student's name at the time they graduated. Your ability to demand that the school re-issue a diploma with your correct name is unclear, especially if the school is not located in California.

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

## **XII. Immigration Documents**

Few agencies have undergone as much turmoil with regard to identity document policies in recent years as the United States Citizenship and Immigration Services (USCIS). However, in April of 2012 USCIS issued a policy memorandum that clarified the gender change standards, bringing them in line with the standards implemented by the U.S. Passport Office in 2011.

USCIS 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 documents. When becoming a U.S. Citizen, if you take the Oath of Allegiance at a Naturalization Ceremony that is held in a court, you may ask the court to change your name.

If possible, it is best for you to start the immigration process with your correct name. For instance, if you are applying for asylum, it may be easier if you submit a court order recognizing your new name along with your asylum application. (However, make sure to get advice from an immigration attorney to make sure that the wait to get a name change will not harm your timeliness for the asylum filing deadline.) 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 these documents 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 a change of name. In fact, the courts are not allowed to deny access to any state resident regardless of your immigration 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 if you experience 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 try to obtain legal recognition of your name (and gender) change in your home country if possible. This way, you can submit all filings in your new, current name and list your birth name as a prior name. In some cases, however, it will not be possible to obtain a court-ordered name or gender change before you legalize your status in the United States.

### **Changing Your Gender Marker**

As of April 2012, proof of sex reassignment surgery (SRS) is not required to issue or update an individuals' gender marker on their immigration documents, and USCIS should not request any records relating to such surgery. If an applicant has had SRS, a statement to that effect in the medical certification is sufficient to establish that the appropriate clinical treatment for gender change standard has been met.

Please note that an applicant's gender may sometimes have bearing on underlying issues of eligibility for immigration benefits (such as an approval of a Petition for Alien Relative, derivative spouse status, or marriage to a U.S. citizen for section 319(a) naturalization).

USCIS will issue an initial or amended document reflecting a transgender individuals' gender identity upon presentation of any of the following documents:

- An amended birth certificate, passport, or court order recognizing the new gender; or
- Medical certification of the change in gender from a licensed physician (a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.)).  
Statements from persons who are not licensed physicians, such as psychologists, physician assistants, nurse practitioners, social workers, health practitioners, or chiropractors, **are not acceptable.**

The medical certification should include the following information:

- Physician's full name;

- Physician’s medical license or certificate number;
- Issuing state, country, or other jurisdiction of medical license/certificate;
- Physician’s Drug Enforcement Administration registration or comparable foreign registration number, if applicable;
- Physician’s address and telephone number;
- Language stating that the applicant has had appropriate clinical treatment for gender transition to the new gender (male or female);
- Language stating that the physician has either treated the applicant in relation to the applicant’s change in gender or has reviewed and evaluated the medical history of the applicant in relation to the applicant’s change in gender and that they have a doctor/patient relationship with the applicant; and

Additionally, the applicant must submit:

- Evidence that any name change was completed according to the relevant state or foreign law; and
- A recent facial photograph that reflects a good likeness of and satisfactorily identifies the applicant. The photograph must agree with the submitted identification evidence and reflect the applicant’s current and true appearance. This can be submitted with the application or provided through biometrics collection at an Application Support Center (ASC).

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

If you have legally changed your name and/or gender in your home country or your current state of residence you 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.

### **United States Permanent Resident Card (“Green Card”)/Naturalization Certificate**

If you are a foreign national, you can use Form I-90 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 biographical 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 or divorce 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 about 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, such as by including a cover letter that states that you are transgender and submitting the form to change your name and/or gender marker according to USCIS policy.

In order to change your biographical 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, they do state that the form may be used to change any biographic data provided there is “appropriate medical documentation” (i.e., the gender change documentation described above).

You can use another form, N-565, to change the biographical information on your naturalization certificate. The instructions for this form are not as inclusive 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 a marriage or divorce decree, or
- (2) when 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 during 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, see the USCIS document available here:

[www.uscis.gov/files/article/M-476.pdf](http://www.uscis.gov/files/article/M-476.pdf).

### **XIII. 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 you have any questions about your particular situation, you should feel free to contact Transgender Law Center through our Helpline intake form at [www.transgenderlawcenter.org/help](http://www.transgenderlawcenter.org/help) and we can try to help you navigate the often confusing process of changing identity documents or point you to resources that may be helpful. Transgender Law Center is committed to improving the laws and policies that affect our ability to obtain accurate identification. If you have any problems in the process of changing your identity documents, please let us know. Thank you.



# Transgender Law Center

*Making Authentic Lives Possible*

TRANSGENDER LAW CENTER  
1629 Telegraph Ave, Suite 400  
Oakland, CA 94612  
Tel (415) 865-0176  
Fax (877) 847-1278

Helpline intake form: [www.transgenderlawcenter.org/help](http://www.transgenderlawcenter.org/help)

Transgender Law Center works to change law, policy, and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression.

# Appendix

- A. Example Court Fee Waiver Forms
- B. Example Court Name and Gender Change Forms
- C. Example Physician's Declaration (Court Ordered Gender Change or for the State Registrar)
- D. Example Surgeon's Declaration (Social Security)
- E. Example Physician's Declaration (Passport)
- F. Example DL 329 Form and Instructions
- G. Example Parole Officers Name Change Support Letter
- H. CA Attorney General's Opinion on Common Law Name Changes
- I. CA Dept of Health – Obtaining a New Birth Certificate After Gender Reassignment
- J. CA Dept of Health – Amending a Birth Certificate After a Court Order Name Change
- K. USCIS Policy Memorandum – Gender Change
- L. What to Do if Someone Says You Must Publish Your Name Change in a Newspaper

# **Appendix A**

## **Example Court Fee Waiver Forms**

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:

*Clerk stamps date here when form is filed.*

- 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 San Francisco  
400 McAllister Street  
San Francisco, CA 94102

Fill in case number and name:

Case Number:  
Case Name:  
In Re: John Marcus Doe

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

Name: **John Marcus Doe**  
Street or mailing address: **1234 Market Street, Apt 5**  
City: **San Francisco** State: **CA** Zip: **94102**  
Phone number: **415-123-4567**

**2 Your Job**, if you have one (*job title*): **Sales Associate**

Name of employer: **Pride Clothing Company**  
Employer's address: **340 Castro Street, San Francisco**

**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 \$412.50 for each extra person.</i>
1	\$1,163.55	3	\$1,988.55	5	\$2,813.55	
2	\$1,576.05	4	\$2,401.05	6	\$3,226.05	

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: **10/10/2013**

**John Marcus Doe**

*Print your name here*

**Sign here**

Your name: **John Marcus Doe**

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): \$ 1300  
List each payroll deduction and amount below:
- (1) Fed/State/Local Taxes \$ 300  
 (2) \_\_\_\_\_ \$ \_\_\_\_\_  
 (3) \_\_\_\_\_ \$ \_\_\_\_\_  
 (4) \_\_\_\_\_ \$ \_\_\_\_\_
- b. Total deductions (add 8a (1)-(4) above): \$ 300
- c. Total monthly take-home pay (8a minus 8b): \$ 1000
- 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) n/a \$ n/a  
 (2) \_\_\_\_\_ \$ \_\_\_\_\_  
 (3) \_\_\_\_\_ \$ \_\_\_\_\_  
 (4) \_\_\_\_\_ \$ \_\_\_\_\_
- e. Your total monthly income is (8c plus 8d): \$ 1000

**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.
- | Name           | Age        | Relationship | Gross Monthly Income |
|----------------|------------|--------------|----------------------|
| (1) <u>n/a</u> | <u>n/a</u> |              | <u>\$ n/a</u>        |
| (2) _____      | _____      |              | \$ _____             |
| (3) _____      | _____      |              | \$ _____             |
| (4) _____      | _____      |              | \$ _____             |
- b. Total monthly income of persons above: \$ n/a

**Total monthly income and household income (8e plus 9b):** \$ 1000

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 ----- \$ 1200
- b. All financial accounts (List bank name and amount):
- (1) Bank of San Francisco Savings \$ 500  
 (2) Bank of San Francisco Checking \$ 700  
 (3) \_\_\_\_\_ \$ \_\_\_\_\_  
 (4) \_\_\_\_\_ \$ \_\_\_\_\_
- c. Cars, boats, and other vehicles
- | Make / Year    | Fair Market Value | How Much You Still Owe |
|----------------|-------------------|------------------------|
| (1) <u>n/a</u> | <u>\$ n/a</u>     | <u>\$ n/a</u>          |
| (2) _____      | \$ _____          | \$ _____               |
| (3) _____      | \$ _____          | \$ _____               |
- d. Real estate
- | Address        | Fair Market Value | How Much You Still Owe |
|----------------|-------------------|------------------------|
| (1) <u>n/a</u> | <u>\$ n/a</u>     | <u>\$ n/a</u>          |
| (2) _____      | \$ _____          | \$ _____               |
| (3) _____      | \$ _____          | \$ _____               |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | 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 \$ 600
- b. Food and household supplies \$ 200
- c. Utilities and telephone \$ 75
- d. Clothing \$ 25
- e. Laundry and cleaning \$ 25
- f. Medical and dental expenses \$ n/a
- g. Insurance (life, health, accident, etc.) \$ n/a
- h. School, child care \$ n/a
- i. Child, spousal support (another marriage) \$ n/a
- j. Transportation, gas, auto repair and insurance \$ n/a
- k. Installment payments (list each below):
- Paid to:
- (1) Bank of San Francisco \$ 50  
 (2) \_\_\_\_\_ \$ \_\_\_\_\_  
 (3) \_\_\_\_\_ \$ \_\_\_\_\_
- l. Wages/earnings withheld by court order \$ \_\_\_\_\_
- m. Any other monthly expenses (list each below). \$ \_\_\_\_\_
- Paid to:
- (1) Pet food and care \$ 25  
 (2) \_\_\_\_\_ \$ \_\_\_\_\_  
 (3) \_\_\_\_\_ \$ \_\_\_\_\_
- Total monthly expenses (add 11a – 11m above):** \$ 1000

Clerk stamps date here when form is filed.

**1 Person who asked the court to waive court fees:**

Name: John Marcus Doe  
Street or mailing address: 1234 Market Street, Apt 5  
City: San Francisco State: CA Zip: 94102

**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**  
**San Francisco**  
**400 McAllister Street**  
**San Francisco, CA 94102**

Fill in case number and case name:

**Case Number:** \_\_\_\_\_  
**Case Name:** \_\_\_\_\_  
**In re: John Marcus Doe**

**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 a peace officer to testify in court
  - Fees for court-appointed experts
  - Court-appointed interpreter fees for a witness
  - Reporter’s daily fees (*beyond the 60-day period following the fee waiver order*)
  - Other (*specify*): \_\_\_\_\_

- (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*): \_\_\_\_\_

Your name: John Marcus Doe

Case Number:

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: \_\_\_\_\_

	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

# **Appendix B**

## **Example Court Name & Gender Change Forms**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John Marcus Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b>		<b>FOR COURT USE ONLY</b>
TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO.:		
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b></b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>		
CASE NAME: <b>In re: John Marcus Doe</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE:  DEPT:

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:

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

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): 1**
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: **10/10/2014**  
**John Marcus Doe** \_\_\_\_\_  
 (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.

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

**Auto Tort**

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

**Employment**

- Wrongful Termination (36)
- Other Employment (15)

**Contract**

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

**Real Property**

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: <b>John Marcus Doe</b> FIRM NAME: STREET ADDRESS: <b>1234 Market Street, Apt. 5</b> CITY: <b>San Francisco</b> STATE: <b>CA</b> ZIP CODE: <b>94102</b> TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name): <b>In re: John Marcus Doe</b>	
<b>PETITION FOR CHANGE OF NAME AND GENDER</b>	CASE NUMBER:

**Before you complete this petition, you should read the Instructions for Filing a Petition for Change of Name and Gender on the next page. You must answer all questions and check all boxes that apply to you on this petition. 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): John Marcus Doe** is a resident of this county.
  
2. Petitioner requests that the court decree that petitioner's name is changed to **(proposed name): Jane Marie Doe**
  
3. Petitioner requests a decree that the petitioner's gender is changed:
  - a.  from male to female.
  - b.  from female to male.
  
4. An affidavit or a declaration of a physician documenting the gender change through clinically appropriate 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.)
  
5. Petitioner requests that the court order that a new birth certificate be issued reflecting the gender and name changes sought by this petition.
  
6. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why the petition for change of name should not be granted.
  
7. 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 completed copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110))*.

(Instructions on next page)

## INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME AND GENDER

### 1. Where to File

The petition for change of name and gender must be filed in the superior court in the county where the petitioner presently lives.

### 2. Whose Name May Be Changed

The petition may be used to change one's name and gender.

### 3. What Forms Are Required

You need an original and two copies of each of the following documents:

- a. *Petition for Change of Name and Gender* (form NC-200)
- b. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition)* (form NC-110)
- c. *Declaration of Physician* (form NC-210) (signed by the physician and attached to form NC-200)
- d. *Order to Show Cause for Change of Name* (form NC-220)
- e. *Decree Changing Name and Gender* (form NC-230)

### 4. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition and *Civil Case Cover Sheet* with the clerk of the court and obtain two filed-endorsed copies of the petition. A filing fee will be charged unless you qualify for a fee waiver. (If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).)

### 5. Requesting a Court Hearing Date

You should request a date for the hearing on the *Order to Show Cause* at least six weeks in the future.

### 6. Filing the Order to Show Cause

After the hearing date has been included and you have obtained a judge's signature on the *Order to Show Cause*, file the original order in the clerk's office and obtain filed-endorsed copies of the order.

### 7. Domestic Violence Confidentiality Program

In cases where the petitioner is a participant in the state address confidentiality program (Safe at Home), the petition, the order to show cause, and the decree should, instead of giving the proposed name, indicate that the name is confidential and on file with the Secretary of State. See *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO).

### 8. Court Hearing

Bring copies of all documents to the hearing. If the judge grants the name and gender change petition, the judge will sign the original decree.

### 9. Birth Certificate

To obtain a new birth certificate reflecting the change of gender, file a certified copy of the order within 30 days with the Secretary of State and the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

**California Department of Public Health**  
**Vital Records – MS 5103**  
**P.O. Box 997410**  
**Sacramento, CA 95899-7410**  
**Phone: 916-445-2684**  
**Website: [www.cdph.ca.gov](http://www.cdph.ca.gov)**

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles name and gender change petitions, and the times when petitions are heard.

PETITION OF (Name): <b>John Marcus Doe</b>	CASE NUMBER:
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**DECLARATION OF PHYSICIAN  
 DOCUMENTING CHANGE OF GENDER THROUGH CLINICALLY APPROPRIATE 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)

**Please see attached declaration.**

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 (Name, state bar number, and address): <b>John Marcus Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b>  TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name of petitioner): <b>John Marcus Doe</b>  <p style="text-align: center;">FOR CHANGE OF NAME AND GENDER</p>	
<b>DECREE CHANGING NAME AND GENDER</b>	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): **John Marcus Doe** is changed to (new name): **Jane Marie Doe**

**THE COURT FURTHER ORDERS**

4. The gender of (new name): **Jane Marie Doe** 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

**GENDER CHANGE  
ONLY FORMS**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Jane Marie Doe</b> 1234 Market Street, Apt. 5 San Francisco, CA 94102 TELEPHONE NO.: (415) 123-4567 FAX NO.:		<b>FOR COURT USE ONLY</b>
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		
CASE NAME: <b>In re: Jane Marie Doe</b>		CASE NUMBER:
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE: DEPT:

*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><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p><b>Contract</b></p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b></p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21) <input checked="" type="checkbox"/> <b>Other petition (not specified above) (43)</b>
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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): **1**
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: **10/10/2014**  
**Jane Marie Doe**  
 \_\_\_\_\_  
 (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.

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

**Auto Tort**

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

**Employment**

- Wrongful Termination (36)
- Other Employment (15)

**Contract**

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
- Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

**Real Property**

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

**Judicial Review**

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

**Enforcement of Judgment**

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

**Miscellaneous Civil Petition**

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: <b>Jane Marie Doe</b> FIRM NAME: STREET ADDRESS: <b>1234 Market Street, Apt. 5</b> CITY: <b>San Francisco</b> STATE: <b>CA</b> ZIP CODE: <b>94102</b> TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name): <b>Jane Marie Doe</b>	
<b>PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE</b>	CASE NUMBER:

Before you complete this petition, you should read the instructions on the next page. Note that you do not need to file this petition or obtain a court order in order for the State Registrar to issue a new birth certificate reflecting a change of gender. See Health and Safety Code section 103426.

1. Petitioner (*name*): **Jane Marie Doe** 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.
  
2. A declaration by a physician documenting the gender change through clinically appropriate 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).*)
  
3. 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.*)
  
4. Petitioner requests that the court issue an order setting a hearing on this petition at which the court may examine petitioner and any other person having knowledge of facts relevant to the petition.

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

Date: **10/10/2014**

**Jane Marie Doe**  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME OF PETITIONER)

▶

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

# INSTRUCTIONS FOR FILING PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE

(This instruction page is for the information of petitioner seeking a court order. It is not part of the petition and does not need to be filed.)

## 1. Where to File

The petition for a court order for the issuance of a new birth certificate reflecting a change in gender may be filed in the superior court of any county in California. Note that you do not need to file this petition or obtain a court order in order for the State Registrar to issue a new birth certificate reflecting a change of gender. See Health and Safety Code section 103426. You may make the request directly to the State Registrar at the California Department of Public Health. (See contact information below.)

## 2. What Forms Are Required

You will need an original and a copy of each of the following documents:

- a. *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300)
- b. *Declaration of Physician—Attachment to Petition* (form NC-310) (signed by the physician and attached to form NC-300)
- c. *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320)
- d. *Order for Change of Gender and Issuance of New Birth Certificate* (form NC-330)

In addition, if you have already obtained a decree of change of name, attach a certified copy of the decree to the petition.

## 3. Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition and *Civil Case Cover Sheet* with the clerk of the court and obtain a filed-endorsed copy of the petition. A filing fee will be charged unless you qualify for a fee waiver. (If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)

## 4. Requesting a Court Hearing Date

You should request a date for the hearing on the *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320) from the court clerk. Take the completed form NC-320 to the clerk's office. The clerk will provide the hearing date and location, file the original, and give you a copy.

## 5. Court Hearing

Bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the *Order for Change of Gender and Issuance of New Birth Certificate* (form NC-330).

## 6. New Birth Certificate

To obtain a new birth certificate reflecting the change of gender, file a certified copy of the order within 30 days with the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

**California Department of Public Health**  
**Vital Records – MS 5103**  
**P.O. Box 997410**  
**Sacramento, CA 95899-7410**  
**Phone: 916-445-2684**  
**Website: [www.cdph.ca.gov](http://www.cdph.ca.gov)**

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles these petitions and the times when petitions are heard.

PETITION OF (Name): <b>John Marcus Doe</b>	CASE NUMBER:
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**DECLARATION OF PHYSICIAN  
 DOCUMENTING CHANGE OF GENDER THROUGH CLINICALLY APPROPRIATE 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)

**Please see attached declaration.**

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> ): <b>Jane Marie Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b> TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR ( <i>Name</i> ):	<b>FOR COURT USE ONLY</b>           CASE NUMBER:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF ( <i>Name</i> ): <b>Jane Marie Doe</b>	
<b>SETTING OF HEARING ON PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE</b>	

Petitioner having filed a petition requesting an order for the issuance of a new birth certificate reflecting the change of petitioner's gender, a hearing will take place at the time and place below, at which time the court may examine the petitioner and any other person having knowledge of facts relevant to this petition.

*(To be completed by clerk.)*

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

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Jane Marie Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b>  TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>          CASE NUMBER:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name): <b>Jane Marie Doe</b>	
<b>ORDER FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE</b>	

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

**THE COURT FINDS**

- 2. a. 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.
- b.  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 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

**NAME CHANGE  
ONLY FORMS**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John Marcus Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b>		<i>FOR COURT USE ONLY</i>
TELEPHONE NO.: <b>(415) 123-4567</b>	FAX NO.:	
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>		
CASE NAME: <b>In re: John Marcus Doe</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER:  JUDGE:  DEPT:

*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:

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

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*): 1**
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: **10/10/2014**  
**John Marcus Doe**  
 \_\_\_\_\_  
 (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.

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

**Auto Tort**

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

**Employment**

- Wrongful Termination (36)
- Other Employment (15)

**Contract**

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

**Real Property**

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: <b>John Marcus Doe</b> FIRM NAME: STREET ADDRESS: <b>1234 Market Street, Apt. 5</b> CITY: <b>San Francisco</b> STATE: <b>CA</b> ZIP CODE: <b>94102</b> TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name of each petitioner): <b>John Marcus Doe</b>	
<b>PETITION FOR CHANGE OF NAME</b>	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 that apply to you on this petition. 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): **John Marcus Doe** 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. <b>John Marcus Doe</b>	changed to	<b>Jane Marie Doe</b>
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): **0**
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.  This petition seeks to conform petitioner's name to his or her gender identity.
7. 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): **1**
  - b–f. (Attachment page or pages)



PETITIONER OR ATTORNEY (Name, State Bar number, and address): <b>John Marcus Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco, CA 94102</b>  TELEPHONE NO.: <b>(415) 123-4567</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name of each petitioner): <b>John Marcus Doe</b>  <p style="text-align: right;">FOR CHANGE OF NAME</p>	
<b>ORDER TO SHOW CAUSE FOR CHANGE OF NAME</b>	CASE NUMBER:

TO ALL INTERESTED PERSONS:

1. Petitioner (name): **John Marcus Doe** filed a petition with this court for a decree changing names as follows:

	Present name		Proposed name
a. <b>John Marcus Doe</b>	_____	to	<b>Jane Marie Doe</b>
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):  
**This petition seeks to conform petitioner's name with petitioner's gender identity**

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): <b>John Marcus Doe</b> <b>1234 Market Street, Apt. 5</b> <b>San Francisco</b>  TELEPHONE NO. <b>(415) 123-4567</b> FAX NO. (Optional):  E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>San Francisco</b> STREET ADDRESS: <b>400 McAllister Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITION OF (Name of each petitioner): <b>John Marcus Doe</b>  <div style="text-align: right;">FOR CHANGE OF NAME</div>	
<b>DECREE CHANGING NAME</b>	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. | <b>John Marcus Doe</b> | is changed to | <b>Jane Marie Doe</b> |
| 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

# **Appendix C**

## **Example Physician's Declaration**

**(Court Ordered Gender  
Change or Department of  
Public Health for CA Birth  
Certificate)**

**! EXAMPLE ONLY !**

**Model Declaration of Physician  
For a California Court Ordered Gender Change**

"I, (physician's full name), (physician's medical license or certificate number), am a licensed physician in (jurisdiction). I attest that (name of petitioner) has undergone clinically appropriate treatment for the purpose of gender transition to (male or female)

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct to the best of my knowledge."

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_ (city), (state).

---

Dr. XXX

# **Appendix D**

## **Example Physician's Declaration (Social Security)**

**! EXAMPLE ONLY !****Model Physician Medical Certification  
Social Security Administration (SSA)**

1. I, [physician's full name], [physician's medical license or certificate number], [issuing U.S. State/Foreign Country of medical license/certificate], am the physician of [Name of Patient], with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated).
2. [Name of Patient] has had appropriate clinical treatment for gender transition to the new gender [specify new gender, male or female].
3. I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct. Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ [City] [State].
4. Signature of Physician
5. Typed Name of Physician
6. Address and telephone number of the physician

The medical certification of appropriate clinical treatment for gender transition must be an original signed statement from a **licensed physician (i.e., a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.))**.

For more information, click here to read more (Social Security Administration website):  
<https://secure.ssa.gov/poms.nsf/lnx/0110212200>:

# **Appendix E**

## **Example Surgeon's Declaration (Passport)**

**! EXAMPLE ONLY !**

## **Model Declaration of Physician U.S. Passport**

*The State Department has provided the following model letter for physician certifications. All certifications must include all of the information seen here. You should ask your physician to use this letter and not give additional personal health information that is not included here.*

"I, (physician's full name), (physician's medical license or certificate number), (issuing), am a licensed physician in (jurisdiction - U.S. State/Foreign Country of medical license/certificate), (DEA Registration number or comparable foreign designation). am the physician of (name of patient), with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated). (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 forgoing is true and correct.

Signature

Typed Name

Date

# **Appendix F**

## **Example DL 329**

### **Forms & Instructions**



# MEDICAL CERTIFICATION AND AUTHORIZATION (Gender Change)

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

LAST <b>Doe</b>	FIRST <b>Jane</b>	MIDDLE <b>Marie</b>	DATE OF BIRTH (MM,DD,YYYY) <b>10/31/1985</b>
MAILING ADDRESS <b>1234 Market St. Apt 5</b>	CITY <b>San Francisco</b>	STATE <b>CA</b>	ZIP CODE <b>94102</b>
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)		CITY	STATE ZIP CODE
DAYTIME TELEPHONE NUMBER <b>(415) 123-4567</b>		SOCIAL SECURITY NUMBER <b>834-20-7630</b>	

## 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 <b>X</b>	DATE <b>10/10/2013</b>
---------------------------------	---------------------------

## 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 <b>X</b>	DATE
--	------

## SECTION 6 – FOR DMV USE ONLY

DMV MANAGER OR DESIGNEE'S SIGNATURE: <b>X</b>	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](http://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.**

# **Appendix G**

## **Example Parole Officers Name Change Support Letter**

[Parole Officers Full Name], [Parole Officers Title]  
[Parole Officers Address]  
[City, State, Zip]  
[Phone #]

**Declaration of [Parole Officers Full Name]**

I, [Parole Officers Full Name], declare as follows:

1. I am employed by the State of California, Department of Corrections & Rehabilitation, Division [Name of Division], as a [Parole Officers Title].
2. I am the [Parole ] Officer of [Clients Full Name], CDC Number [CDC #].
3. If called upon to give testimony in this matter, I could and would competently testify to the following from my own personal knowledge.
4. Based upon my personal knowledge and professional opinion, I have determined that a court order changing the name of [Clients Full Name] to [Clients NEW Name] will not pose a security risk to the community.
5. Therefore, I hereby grant my written approval of [Ms./Mr. ] [Clients last Name]'s petition for change of name.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, executed this [Date] day of [Month], [Year] in [City], California.

---

[Parole Officers Full Name], [Parole Officers Title]  
[Parole Unit Number (if applicable)]  
Department of Corrections & Rehabilitation

# **Appendix H**

## **CA Attorney General's Opinion on Common Law Name Changes**

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,<sup>1</sup> 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

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<sup>1</sup> 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.

\*\*\*\*\*

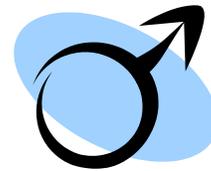
# **Appendix I**

**CA Dept of Health  
Publication:**

**Obtaining a New Birth  
Certificate After Gender  
Reassignment**



# Obtaining A New Birth Certificate After Gender Reassignment



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

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

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/default.aspx>

January 2014

# Obtaining a New Birth Certificate After Gender Reassignment

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## What is gender reassignment?

- “Gender **reassignment**” is when a person has undergone clinically appropriate treatment for the purpose of gender transition.
  - 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.

- To obtain a new birth certificate after gender reassignment, you must submit a physician’s affidavit documenting the gender reassignment.
  - If you are also changing the name on your birth certificate, a petition to have a new birth certificate issued that reflects the name change must be filed with the Superior Court in the county where you reside (does not have to be in California, but must be in the U.S. or a U.S. territory).
- 

## What is my next step towards amending my birth certificate?

### I was born in California, but I changed my name in another state.

Yes. If you obtained your court order from a court in another state, the District of Columbia, or any territory of the United States, the order can be used to amend a California birth certificate. The court order **must** state the full birth name prior to and after the name change.

### Are court orders from other states acceptable?

**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.

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## 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.courts.ca.gov](http://www.courts.ca.gov).
-

**What do I submit to amend my birth certificate?**

- You will need to complete an Affidavit to Amend a Record, VS 24 form.
- You **must** include an affidavit of a physician attesting that you have undergone clinically appropriate treatment for the purpose of gender transition. The affidavit must include the physician's full name and medical license or certificate number.
- You **must** include a notarized Sworn Statement, unless you are submitting a **certified** copy of a court order (see next page for more information).
- You **must** include a **certified** copy of the court order name change, if applicable (see next page for explanation of "certified" copy).
- We do not return the physician affidavits or 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 form.
  - Physician's affidavit.
  - \$ 23 fee.
  - **Notarized** Sworn Statement, unless you are submitting a **certified** copy of a court order.
  - **Certified** copy of the court order name change, if applicable.
  - 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.

**Why do I need a Sworn Statement?**

Effective July 1, 2003, a new law changed the way we issue birth and death certificates. To help protect against identity theft, the law requires that only an **authorized** person (as defined by law) may receive a certified copy of a birth or death record. In order to receive the certified copy, you must sign (and notarize) the Sworn Statement declaring under penalty of perjury that you are authorized by law to receive the certified copy.

Only one notarized Sworn Statement is required for multiple amendments submitted at the same time. But the Sworn Statement must include the name of each person whose record is being amended and your relationship to that person.

(Continued)

**Why do I need a Sworn Statement?**

You ***do not have to complete*** the attached Application for Certified Copy of Birth Record, but please read the first page for the definition of an “authorized” person before completing the Sworn Statement.

(Continued)

**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.
- ✓ 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?**

- \$23 – which includes one certified copy of the new birth certificate.
- Additional copies are \$25 each.
- Fees should be paid by check or money order payable to ***CDPH Vital Records***. International money orders for out-of-country requests should be payable in U.S. dollars.

**Where can I get the VS 24 form?**

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:

(Continued)

**Where can I get the VS 24 form?**

(Continued)

- Order forms electronically at: <https://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 form?**

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, notarized Sworn Statement, and \$25 fee to our office.

**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:** Briefly state the reason for correction. Enter the Superior Court information (county, case number, etc.) for the court that ordered the court order name change, if applicable.

**Item 12:** Enter your personal information and signature.

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

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

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## **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.***

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

The processing time for amendments can be located on our website at:

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx>

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**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.)

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**What if I still have questions?**

If you have read this pamphlet thoroughly and still have questions that were not answered, please call our Customer Service Unit at (916) 445-2684. If you are checking the status of your request, please wait until after the processing time has passed before contacting us.

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## **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.*

\* \* \*

# AFFIDAVIT TO AMEND A RECORD

LEAVE BLANK

STATE FILE NUMBER

NO ERASURES, WHITEOUTS, PHOTOCOPIES,  
OR ALTERATIONS

LEAVE BLANK

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 Martin		1B. MIDDLE James		1C. LAST Smith	
	2. SEX Male	3. DATE OF EVENT—MM/DD/CCYY 06/03/1950	4. CITY OF EVENT Sacramento		5. COUNTY OF EVENT Sacramento	
	6. FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD John James Smith			7. FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD Ellen May Johnson		

## 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	1A	Martin	Mary
	1B	James	Jane
	2	Male	Female

REASON FOR CORRECTION	11. To correct the gender based on clinically appropriate treatment.
	Name is changed pursuant to court order, Superior Court of Los Angeles County, State of California, Case #00346, filed, 03/06/2006.

**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	12A. SIGNATURE OF FIRST PERSON ▶ <i>Mary Jane Smith</i>		12B. PRINTED NAME Mary Jane Smith		12C. TITLE/RELATIONSHIP TO PERSON IN PART I Self	
	12D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP) 1234 Main Street Sacramento, CA 95820				12E. DATE SIGNED—MM/DD/CCYY 01/24/2007	
	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](http://www.cdph.ca.gov).

Enclosed is the fee of \$ 23.00 \_\_\_\_\_ 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.

Mary Jane Smith

Printed Name of Applicant

1234 Main Street

Mailing Address of Applicant

Telephone Number (916 ) 555-5555

Sacramento, CA 95820

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 1 – 7, with the information as it appears on the original certificate.
4. 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.
5. Enter the incorrect information that appears on the original certificate in the line(s) provided below Item 9.
6. In Item 10, enter the correct information as it should appear for each item listed in Item 9.
7. Enter the reason for the correction in Item 11.
8. Read the affidavit statement. Two persons who are certifying to the statement of corrections must sign the form.
9. Do not write in Items 14 or 15. This space is reserved for State or Local Registrar use only.
10. 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**

PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE COMPLETING THIS APPLICATION

As part of statewide efforts to prevent identity theft, California law (Health and Safety Code Section 103526) permits only authorized individuals as listed on the application to receive certified copies of birth records. All others will be issued **Certified Informational Copies** marked with the legend, **“Informational, Not A Valid Document to Establish Identity.”**

Please indicate the type of certified copy you are requesting:

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

**NOTE: Both documents are certified copies of the original document on file with our office. With the exception of the legend and redaction of signatures and Social Security Number, the documents contain the same information.**

Fee: **\$25 per copy** (payable to CDPH Vital Records). **PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).

To receive a <b>Certified Copy</b> I am: <ul style="list-style-type: none"> <li><input type="checkbox"/> The registrant (person listed on the certificate) or a parent or legal guardian of the registrant. <b>(Legal guardian must provide documentation.)</b></li> <li><input type="checkbox"/> 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. <b>(Please include a copy of the court order.)</b></li> <li><input type="checkbox"/> A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business. <b>(Companies representing a government agency must provide authorization from the government agency.)</b></li> <li><input type="checkbox"/> A child, grandparent, grandchild, brother or sister, spouse, or domestic partner of the registrant.</li> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> Appointed rights in a power of attorney, or an executor of the registrant’s estate. <b>(Please include a copy of the power of attorney, or supporting documentation identifying you as executor.)</b></li> </ul>	PLEASE ATTACH CHECK HERE
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**APPLICANT INFORMATION (PLEASE PRINT OR TYPE) Today’s Date:**

Agency Name (If Applicable)	Agency Case Number	Inmate ID Number
Print Name of Applicant	Signature of Applicant	Purpose of Request
Mailing Address – Number, Street	Amount Enclosed – <b>DO NOT SEND CASH</b> \$ _____ Check \$ _____ Money Order	Number of Copies
City	Name of Person Receiving Copies, if Different from Applicant	
State/Province	ZIP Code	Mailing Address for Copies, if Different from Applicant
Daytime Telephone (include area code) (     )	Country	City                      State                      ZIP Code

**BIRTH RECORD INFORMATION (PLEASE PRINT OR TYPE) Adopted:  No  Yes (if Yes, see #4 on Page 2)**  
**Complete the information below as shown on the birth record, to the best of your knowledge.**

FIRST Name	MIDDLE Name	LAST Name
City of Birth (must be in California)		County of Birth
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)		Sex ___ Female      ___ Male
Father/Parent FIRST Name	MIDDLE Name	LAST Name (Before Marriage/Domestic Partnership)
Mother/Parent FIRST Name	MIDDLE Name	LAST Name (Before Marriage/Domestic Partnership)

## INFORMATION:

Birth records have been maintained in the California Department of Public Health Vital Records since July 1, 1905.

*The 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. AKAs (Also Known As) and assumed names cannot be entered as the legal name on the birth record.*

## INSTRUCTIONS:

1. **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 Record** section of our website at: [www.cdph.ca.gov](http://www.cdph.ca.gov). 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 Record 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 the registrant was born outside the United States and re-adopted in California, mark the "Yes" box and complete the application with the adopted information. (If you are 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 \$25 for **each** copy requested. If no birth record is found, the fee will be retained for searching for 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 **CDPH Vital Records**. **PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).
7. Mail completed applications with the fee(s) to:

California Department of Public Health  
Vital Records – MS 5103  
P.O. Box 997410  
Sacramento, CA 95899-7410  
(916) 445-2684

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## BIRTH

Page 2 of 3

**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, death, or marriage certificate 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 CDPH 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 \_\_\_\_\_,  
 (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 OF NOTARY PUBLIC

## CALIFORNIA COUNTY RECORDERS

Alameda.....	1106 Madison Street, First Floor, Oakland, CA 94607, (510) 272-6362
Alpine.....	99 Water Street, or P.O. Box 155, Markleeville, CA 96120, (530) 694-2283
Amador.....	810 Court Street, Jackson, CA 95642, (209) 223-6468
Butte.....	25 County Center Drive, Suite 105, Oroville, CA 95965, (530) 538-7691
Calaveras.....	891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372
Colusa.....	546 Jay Street, Suite 200, Colusa, CA 95932, (530) 458-0500
Contra Costa.....	555 Escobar Street, or P.O. Box 350, Martinez, CA 94553, (925) 335-7900
Del Norte.....	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216
El Dorado.....	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno.....	2281 Tulare Street, Room 302, or P.O. Box 766, Fresno, CA 93712, (559) 600-3476
Glenn.....	516 West Sycamore Street, Second Floor, Willows, CA 95988, (530) 934-6412
Humboldt.....	825 Fifth Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial.....	940 West Main Street, Suite 202, El Centro, CA 92243, (760) 482-4272
Inyo.....	168 North Edwards Street, or P.O. Drawer F, Independence, CA 93526, (760) 878-0222
Kern.....	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6400
Kings.....	Government Center, 1400 West Lacey Boulevard, Hanford, CA 93230, (559) 582-3211, ext. 2470
Lake.....	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen.....	220 South Lassen Street, Suite 5, Susanville, CA 96130, (530) 251-8234
Los Angeles.....	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137 or 2101 or 2102
Madera.....	200 West Fourth Street, Madera, CA 93637, (559) 675-7724
Marin.....	3501 Civic Center Drive, Room 232, San Rafael, CA 94903, (415) 499-6092 or (415) 473-6092
Mariposa.....	4982 Tenth Street, or P.O. Box 35, Mariposa, CA 95338, (209) 966-5719
Mendocino.....	501 Low Gap Road, Room 1020, Ukiah, CA 95482, (707) 463-4376
Merced.....	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc.....	108 E. Modoc Street, Alturas, CA 96101, (530) 233-6205
Mono.....	74 School Street, Annex 1, or P.O. Box 237, Bridgeport, CA 93517, (760) 932-5530
Monterey.....	168 West Alisal Street, First Floor, or P.O. Box 29, Salinas, CA 93902-0570, (831) 755-5041
Napa.....	900 Coombs Street, Room 116, or P.O. Box 298, Napa, CA 94559-0298, (707) 253-4105
Nevada.....	950 Maidu Avenue, Suite 210, Nevada City, CA 95959, (530) 265-1221
Orange.....	12 Civic Center Plaza, Room 101, Santa Ana, CA 92701, (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 or (530) 283-6256
Riverside.....	2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 486-7000
Sacramento.....	600 Eighth Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito.....	County Courthouse, 440 Fifth Street, Room 206, Hollister, CA 95023-3896, (831) 636-4046
San Bernardino.....	222 West Hospitality Lane, First Floor, San Bernardino, CA 92415-0022, (855) 732-2575
San Diego.....	1600 Pacific Highway, Suite 260, San Diego, CA 92101, (619) 237-0502
San Francisco.....	One Dr. Carlton B. Goodlett Place, City Hall, Room 190, San Francisco, CA 94102, (415) 554-5596*
San Francisco Health Dept.....	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700**
San Joaquin.....	44 North San Joaquin Street, Suite 260, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-3939
San Luis Obispo.....	1055 Monterey Street, Room D120, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo.....	555 County Center, First Floor, Redwood City, CA 94063-1665, (650) 363-4500
Santa Barbara.....	1100 Anacapa Street, or P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250
Santa Clara.....	70 West Hedding Street, San Jose, CA 95110, (408) 299-5688
Santa Cruz.....	701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-2800
Shasta.....	1450 Court Street, Suite 208, Redding, CA 96001-1670, (530) 225-5678
Sierra.....	100 Courthouse Square, Room 11, or P.O. Drawer D, Downieville, CA 95936, (530) 289-3295
Siskiyou.....	311 Fourth Street, Room 108, Yreka, CA 96097, (530) 842-8065
Solano.....	675 Texas Street, Suite 2700, Fairfield, CA 94533-6338, (707) 784-6294
Sonoma.....	585 Fiscal Dive, Room 103-F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2651
Stanislaus.....	1021 I Street, Suite 101, Modesto, CA 95354-0847, (209) 525-5250
Sutter.....	433 Second Street, Yuba City, CA 95991, (530) 822-7134
Tehama.....	633 Washington Street, Room 11, or P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity.....	11 Court Street, or P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare.....	County Civic Center, 221 South Mooney Boulevard, Room 103, Visalia, CA 93291, (559) 636-5050
Tuolumne.....	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura.....	800 South Victoria Avenue, Ventura, CA 93009-1260, (805) 654-3665
Yolo.....	625 Court Street, Room B01, or P.O. Box 1130, Woodland, CA 95776-1130, (530) 666-8130
Yuba.....	915 Eighth Street, Suite 107, Marysville, CA 95901, (530) 749-7851

\* Public Marriages

\*\* Birth and Death Certificates

# **Appendix J**

## **CA Dept of Health Publication:**

### **Obtaining a New Birth Certificate After a Court Ordered Name Change**



# 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 Department of Public Health  
Vital Records - M.S. 5103  
P.O. Box 997410  
Sacramento, CA 95899-7410  
Telephone: (916) 445-2684  
California Relay: 711/1-800-735-2929

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/default.aspx>

January 2013

# Amending a Birth Certificate After a Court Order Name Change

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**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).

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- 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](http://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 ICE (U.S. Immigration and Customs Enforcement) 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?**

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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).

(Continued)

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**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, the District of Columbia, or any 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.

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**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 \$20 each.

(Continued)

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

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

(Continued)

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**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:  
<https://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.

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**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 \$20 fee) to our office.

(Continued)

How do I complete the VS 23?

(Continued)

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***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?”

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### 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?

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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)

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**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)

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

The processing time for birth amendments can be located on our website at:  
<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx>.

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**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.

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**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.**

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## **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.*

\* \* \*

## AMENDMENT OF BIRTH RECORD TO REFLECT COURT ORDER CHANGE OF NAME

LEAVE BLANK  
STATE FILE NUMBER

NO ERASURES, WHITEOUTS, PHOTOCOPIES,  
OR ALTERATIONS

LEAVE BLANK  
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 John	1B. MIDDLE James	1C. LAST (BIRTH) Jones
	2. SEX Male	3. DATE OF BIRTH—MM/DD/CCYY 01/02/2003	4A. CITY OF BIRTH Sacramento
			4B. COUNTY OF BIRTH Sacramento
	5A. FULL NAME OF FATHER/PARENT—FIRST John	5B. MIDDLE Edward	5C. LAST (BIRTH) Jones
	6A. FULL NAME OF MOTHER/PARENT—FIRST Mary	6B. MIDDLE Jane	6C. LAST (BIRTH) Wilson

### PART II COURT ORDER INFORMATION

GENERAL INFORMATION	7. NAME OF COURT Superior Court of California	8. COURT CASE NUMBER 123456
	9. COUNTY Sacramento	10. STATE CA
NEW NAME OF INDIVIDUAL AS CHANGED BY COURT ORDER	11. DATE OF COURT ORDER—MM/DD/CCYY 04/05/2006	
	12A. FIRST John	12B. MIDDLE James
		12C. LAST Smith

### PART III AFFIDAVIT AND SIGNATURE

USE BLACK INK ONLY	<b>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.</b>		
	13A. SIGNATURE OF APPLICANT <i>Mary Jane Smith</i>	13B. PRINTED NAME Mary Jane Smith	13C. DATE SIGNED—MM/DD/CCYY 03/01/2008
	13D. ADDRESS—STREET and NUMBER 1234 Hyde Street	13E. CITY Sacramento	13F. STATE CA
			13G. ZIP CODE 95814
STATE REGISTRAR USE ONLY	<b>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.</b>		
	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](http://www.cdph.ca.gov).

Enclosed is the fee of \$ 20.00 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.

Mary J. Smith  
Printed Name of Applicant

1234 Hyde Street  
Mailing Address of Applicant

Telephone Number ( 916 ) 555-5555

Sacramento, CA 95814  
City, State, ZIP Code

SAMPLE

## 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



## 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](http://www.cdph.ca.gov).

Enclosed is the fee of \$ 20.00 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.

Mary J. Smith 1234 Hyde Street  
Printed Name of Applicant Mailing Address of Applicant  
Telephone Number ( 916 ) 555-5555 Sacramento, CA 95814  
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 1 – 7, with the information as it appears on the original certificate.
4. 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.
5. Enter the incorrect information that appears on the original certificate in the line(s) provided below Item 9.
6. In Item 10, enter the correct information as it should appear for each item listed in Item 9.
7. Enter the reason for the correction in Item 11.
8. Read the affidavit statement. Two persons who are certifying to the statement of corrections must sign the form.
9. Do not write in Items 14 or 15. This space is reserved for State or Local Registrar use only.
10. 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**

PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE COMPLETING THIS APPLICATION

As part of statewide efforts to prevent identity theft, California law (Health and Safety Code Section 103526) permits only authorized individuals as listed on the application to receive certified copies of birth records. All others will be issued **Certified Informational Copies** marked with the legend, **“Informational, Not A Valid Document to Establish Identity.”**

Please indicate the type of certified copy you are requesting:

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

Fee: **\$20 per copy** (payable to CDPH Vital Records). **PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).

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

- The registrant (person listed on the certificate) or a parent or legal guardian of the registrant. **(Legal guardian must provide documentation.)**
- 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. **(Please include a copy of the court order.)**
- 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.
- Appointed rights in a power of attorney, or an executor of the registrant’s estate. **(Please include a copy of the power of attorney, or supporting documentation identifying you as executor.)**

**PLEASE ATTACH CHECK HERE**

**APPLICANT INFORMATION (PLEASE PRINT OR TYPE) Today’s Date:**

Agency Name (if applicable)		Agency Case Number	Inmate ID Number	
Print Name of Applicant		Signature of Applicant	Purpose of Request	
Mailing Address – Number, Street		Amount Enclosed – <b>DO NOT SEND CASH</b>		Number of Copies
		\$ _____ Check \$ _____ Money Order		
City		Name of Person Receiving Copies, if Different from Applicant		
State/Province	ZIP Code	Mailing Address for Copies, if Different from Applicant		
Daytime Telephone (include area code) (    )	Country	City	State	ZIP Code

**BIRTH RECORD INFORMATION (PLEASE PRINT OR TYPE) Adopted:  No  Yes** (If Yes, see #4 on Page 2)  
**Complete the information below as shown on the birth record, to the best of your knowledge.**

FIRST Name		MIDDLE Name	LAST Name	
City of Birth (must be in California)			County of Birth	
Date of Birth – MM/DD/CCYY (If unknown, enter approximate date of birth)			Sex ___ Female ___ Male	
Father/Parent FIRST Name		MIDDLE Name	LAST Name (Before Marriage/Domestic Partnership)	
Mother/Parent FIRST Name		MIDDLE Name	LAST Name (Before Marriage/Domestic Partnership)	

## INFORMATION:

Birth records have been maintained in the California Department of Public Health Vital Records since July 1, 1905.

*The 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. AKAs (Also Known As) and assumed names cannot be entered as the legal name on the birth record.*

## INSTRUCTIONS:

1. **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 Record** section of our website at: [www.cdph.ca.gov](http://www.cdph.ca.gov). 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 Record 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 the registrant was born outside the United States and re-adopted in California, mark the "Yes" box and complete the application with the adopted information. (If you are 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 \$20 for **each** copy requested. If no birth record is found, the \$20 fee will be retained for searching for 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 **CDPH Vital Records. PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).
7. Mail completed applications with the fee(s) to:

California Department of Public Health  
Vital Records – MS 5103  
P.O. Box 997410  
Sacramento, CA 95899-7410  
(916) 445-2684

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## BIRTH

**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, death, or marriage certificate 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 CDPH 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 \_\_\_\_\_,  
 (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 OF NOTARY PUBLIC

## CALIFORNIA COUNTY RECORDERS

Alameda.....	1106 Madison Street, First Floor, Oakland, CA 94607, (510) 272-6362
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, Suite 105, Administration Building, Oroville, CA 95965, (530) 538-7690 or 7691
Calaveras.....	Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6371
Colusa.....	546 Jay Street, Suite 200, Colusa, CA 95932, (530) 458-0500
Contra Costa.....	555 Escobar Street, Martinez, CA 94553, (925) 335-7900
Del Norte.....	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216
El Dorado.....	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno.....	2281 Tulare Street, Room 302, or P.O. Box 766, Fresno, CA 93712, (559) 600-3476
Glenn.....	526 West Sycamore Street, Courthouse, Willows, CA 95988, (530) 934-6412
Humboldt.....	825 Fifth Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial.....	940 West Main Street, Suite 202, El Centro, CA 92243, (760) 482-4272
Inyo.....	Courthouse, 168 N. Edwards Street, or P.O. Drawer F, Independence, CA 93526, (760) 878-0222
Kern.....	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6449
Kings.....	Government Center, 1400 West Lacey Boulevard, Hanford, CA 93230, (559) 582-3211, X 2470
Lake.....	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen.....	220 South Lassen Street, Suite 5, Susanville, CA 96130, (530) 251-8234
Los Angeles.....	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137 or 2101 or 2102
Madera.....	200 West Fourth Street, Madera, CA 93637, (559) 675-7724
Marin.....	3501 Civic Center Drive, Room 232, San Rafael, CA 94903, (415) 499-6092
Mariposa.....	4982 Tenth Street, or P.O. Box 35, Mariposa, CA 95338, (209) 966-5719
Mendocino.....	501 Low Gap Road, #1020, Ukiah, CA 95482, (707) 463-4376
Merced.....	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc.....	108 E. Modoc Street, Alturas, CA 96101, (530) 233-6205
Mono.....	74 School Street, Annex 1, or P.O. Box 237, Bridgeport, CA 93517-0237, (760) 932-5530
Monterey.....	168 West Alisal Street, First Floor, or P.O. Box 29, Salinas, CA 93902-0029, (831) 755-5041
Napa.....	900 Coombs Street, Room 116, or P.O. Box 298, Napa, CA 94559-0298, (707) 253-4246
Nevada.....	950 Maidu Avenue, Nevada City, CA 95959, (530) 265-1221
Orange.....	12 Civic Center Plaza, Room 101, or 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 Eighth Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito.....	County Courthouse, 440 Fifth Street, Room 206, Hollister, CA 95023-3896, (831) 636-4029
San Bernardino.....	222 West Hospitality Lane, First Floor, San Bernardino, CA 92415, (855) 732-2575
San Diego.....	1600 Pacific Highway, Room 260, or P.O. Box 12150, San Diego, CA 92112-4750, (619) 237-0502
San Francisco.....	One Dr. Carlton B. Goodlett Place, City Hall Room 190, San Francisco, CA 94102, (415) 554-5596*
San Francisco Health Dept.	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700**
San Joaquin.....	44 N. San Joaquin St., Suite 260, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-8075
San Luis Obispo.....	1055 Monterey Street, D120, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo.....	555 County Center, First Floor, Redwood City, CA 94063-1665, (650) 363-4500
Santa Barbara.....	1100 Anacapa Street, or P.O. Box 159, Santa Barbara, CA 93101, (805) 568-2250
Santa Clara.....	70 West Hedding Street, East Wing, First Floor, San Jose, CA 95110, (408) 299-5688
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 Fourth Street, Room 108, Yreka, CA 96097, (530) 842-8065 or 8066
Solano.....	675 Texas Street, Suite 2700, Fairfield, CA 94533, (707) 784-6294
Sonoma.....	585 Fiscal Dive, Room 103-F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2645
Stanislaus.....	1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353, (209) 525-5251
Sutter.....	433 Second Street, Yuba City, CA 95991, (530) 822-7134
Tehama.....	633 Washington Street, Room 11, or P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity.....	11 Court Street, or P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare.....	County Civic Center, 221 South Mooney Boulevard, Room 103, Visalia, CA 93291-4593, (559) 636-5050
Tuolumne.....	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura.....	800 South Victoria Avenue, LN 1260, Ventura, CA 93009, (805) 654-3665
Yolo.....	625 Court Street, Room B01, or P.O. Box 1130, Woodland, CA 95776-1130, (530) 666-8130
Yuba.....	915 Eighth Street, Suite 107, Marysville, CA 95901, (530) 749-7851

\* Public Marriages

\*\* Birth and Death Certificates

# **Appendix K**

## **USCIS Policy Memorandum: Gender Change**

**INTERIM MEMO FOR COMMENT**

Posted: 04-13-2012

Comment period ends: 04-27-2012

This memo is in effect until further notice.

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director (MS 2000)  
Washington, DC 20529-2000



**U.S. Citizenship  
and Immigration  
Services**

April 10, 2012

PM-602-0061

## Policy Memorandum

**SUBJECT:** Adjudication of Immigration Benefits for Transgender Individuals; Addition of *Adjudicator's Field Manual* (AFM) Subchapter 10.22 and Revisions to AFM Subchapter 21.3 (AFM Update AD12-02)

### Purpose

This Policy Memorandum (PM) and accompanying revisions to the AFM articulate USCIS policy regarding assigning appropriate gender designations on documents issued to transgender individuals and the adjudication of benefits applications involving the marriage of transgender individuals. The memorandum supersedes the following: *Memorandum for Regional Directors et al, Adjudication of Petitions and Applications Filed by or on Behalf of, or Document Requests by, Transsexual Individuals* (April 16, 2004); and *Adjudication of Petitions and Applications Filed by or on Behalf of Transsexual Individuals* (January 14, 2009).

### Scope

Unless specifically exempted herein, this PM applies to and binds all USCIS employees.

### Authority

Section 103(a) Immigration and Nationality Act; 8 CFR 103.1; Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (1996); *Matter of Lovo-Lara*, 23 I&N Dec. 746 (BIA 2005).

### Background

The *Memorandum for Regional Directors et al, Adjudication of Petitions and Applications Filed by or on Behalf of, or Document Requests by, Transsexual Individuals* (April 16, 2004) had been previously superseded, in part, with respect to issues of marriage by the memorandum on *Adjudication of Petitions and Applications Filed by or on Behalf of Transsexual Individuals* (January 14, 2009). The policy with respect to other documents was never updated, however. To clarify and unify the standards being applied to document issuance, as well as eligibility for benefits based upon marriage, the entire memo is now superseded and replaced with more comprehensive guidance on the same topics.

In 2005, the Board of Immigration Appeals (Board) issued the precedent decision *Matter of Lovo-Lara*, 23 I&N Dec. 746 (BIA 2005). The case involved a petitioner born in North Carolina who underwent sex reassignment surgery and then amended her birth certificate, reflecting her

transition from male to female. Subsequently, she married her husband in North Carolina and filed an I-130 petition on his behalf. The Board noted that North Carolina law does not permit individuals of the same gender to marry each other. The petitioner legally amended her birth certificate to reflect her change in gender designation, and the evidence the petitioner submitted to the Board included her amended birth certificate. Consequently, the Board found North Carolina considered the petitioner to be female under its laws and deemed her marriage to the beneficiary to be a valid heterosexual marriage. Although evidence of sex reassignment surgery was submitted in the *Lovo-Lara* case, the Board's decision does not require submission of evidence of surgery in order to establish a valid heterosexual marriage. Rather, the reasoning underlying the Board's decision suggests that the federal government should defer to how the state/local jurisdiction in which a claimed marriage takes place recognizes a legal change in gender for purposes of heterosexual marriage.

In 2009, USCIS issued guidance to the field to implement *Lovo-Lara*. This guidance required, in the case of a spousal Form I-130 or I-129F involving the claimed marriage between two persons of the same birth sex, the submission of evidence showing that one of the individuals had in fact undergone sex reassignment surgery to show a change of gender. Not all states or foreign jurisdictions that recognize a legal change of gender require the completion of gender reassignment surgery before an individual can legally change his or her gender. For this reason, USCIS is superseding previous guidance relating to transgender individuals to reflect the broader range of clinical treatments that can result in a legal change of gender under the law of the relevant jurisdiction.

### **Policy**

USCIS officers will follow the policy stated in the Adjudicator's Field Manual, as amended by this PM, in adjudicating petitions or applications filed by or on behalf of transgender individuals.

### **Implementation**

The *Adjudicator's Field Manual* (AFM) is amended as follows:

1. A new Chapter 10.22 is added to read as follows:

Chapter 10 An Overview of the Adjudication Process

\* \* \* \* \*

#### **10.22 Document Issuance Involving Status and Identity for Transgender Individuals**

USCIS issues a variety of documents that show identity and immigration status in the United States. These include, but are not limited to, Employment Authorization Documents, Refugee Travel Documents, Permanent Resident Cards, and Naturalization Certificates. Applicants who claim to have changed their gender may seek issuance of these types of documents reflecting the new gender. While some of these documents indicate the individual's gender, and the applicant's gender may sometimes have bearing on underlying issues of eligibility for

immigration benefits (such as an approval of a Petition for Alien Relative, derivative spouse status, or marriage to a U.S. citizen for section 319(a) naturalization), the purpose of the document itself is to document the individual's identity and immigration status. Therefore, USCIS will issue an initial or amended document reflecting the individual's post-transition gender if the individual presents the following:

- An amended birth certificate, passport, or court order recognizing the new gender; or
- Medical certification of the change in gender from a *licensed* physician (a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.)). This is based on standards<sup>1</sup> and recommendations<sup>2</sup> of the World Professional Association for Transgender Health who are recognized as the authority in this field by the American Medical Association.<sup>3</sup> Medical certification of gender transition received from a *licensed* physician (an M.D. or D.O.) is sufficient documentation, alone, of gender change. Additional information about medical certifications:
  - For the purposes of this chapter, only an M.D. or a D.O. qualifies as a licensed physician. Officers may accept medical certifications from any number of specialties as well as from general practitioners.
  - Statements from persons who are not licensed physicians, such as psychologists, physician assistants, nurse practitioners, social workers, health practitioners, chiropractors, *are not acceptable*.
  - The medical certification should include the following information:
    - Physician's full name;
    - Medical license or certificate number;
    - Issuing state, country, or other jurisdiction of medical license/certificate;
    - Drug Enforcement Administration registration number assigned to the doctor or comparable foreign registration number, if applicable;
    - Address and telephone number of the physician;
    - Language stating that the individual has had appropriate clinical treatment for gender transition to the new gender (male or female);
    - Language stating that he/she *has either treated* the applicant in relation to the applicant's change in gender *or has reviewed and evaluated the medical history of the applicant in relation to the applicant's change in gender* and that he/she has a doctor/patient relationship with the applicant; and
- The applicant must submit evidence that any name change was completed according to the relevant state or foreign law;
- The applicant may also be asked to submit acceptable evidence of identity in the new gender, if available. State law and foreign laws vary as to whether a driver's license or other form of government issued identity document may be issued reflecting a gender change. If evidence of change of gender in the identity documents is not obtainable because of state, local or foreign requirements, the document may still be issued in the new gender based on the medical certification; and

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<sup>1</sup> [Standards of Care, 7th Version](#)

<sup>2</sup> [Identity Recognition Statement](#)

<sup>3</sup> [http://www.tgender.net/taw/ama\\_resolutions.pdf](http://www.tgender.net/taw/ama_resolutions.pdf)

- A recent facial photograph that reflects a good likeness of, and satisfactorily identifies the applicant must be submitted. The photograph must agree with the submitted identification evidence and reflect the applicant's current and true appearance. This can be submitted with the application or provided through biometrics collection at an ASC.

NOTE: Proof of sex reassignment surgery is *not* required to issue the requested document in the new gender and evidence of such surgery will not be requested. If such surgery has taken place, a statement to that effect in the medical certification is sufficient to establish the fact. USCIS will not ask for records relating to any such surgery.

As in all adjudications, if an officer finds significant substantive discrepancies, has reason to question the accuracy or authenticity of documents submitted, or finds other indicators of fraud, the case may be referred to FDNS in accordance with current national and local policies.

2. Chapter 21.3(a)(2)(J) is amended to read as follows.

### 21.3 Petition for Spouse.

(a) Petition by Citizen or LPR for a Spouse.

\* \* \* \* \*

(2) Adjudicative issues.

\* \* \* \* \*

(J) Transgender issues and marriage.

Benefits based upon marriage may be approved on the basis of a marriage between a transgender individual and an individual of the other gender if the Petitioner/Applicant establishes 1) the transgender individual has legally changed his or her gender and *subsequently*<sup>4</sup> married an individual of the other gender, 2) the marriage is recognized as a heterosexual marriage under the law where the marriage took place (*Matter of Lovo-Lara*, 23 I&N Dec. 746 (BIA 2005)), and 3) the law where the marriage took place does not bar a marriage between a transgender individual and an individual of the other gender.

While a timely registered heterosexual marriage certificate from the appropriate civil authority is prima facie evidence of the validity of a marriage, when an officer determines, based on the

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<sup>4</sup> Note that subsequent marriage is at issue when looking at an initial marriage based benefit. For an individual who transitioned gender subsequent to a grant of conditional permanent residence, adjudication of a Petition to Remove the Conditions on Residence does not require the validity of the marriage at the time of filing or adjudication, rather the adjudication is dependent upon whether the marriage was valid and bona fide at inception and time of obtaining conditional permanent residence. The same does not hold true, however, for 319(a) adjudications which require that the marriage continues to be valid.

record or through interview or other means, that a party to a petition has changed gender, the officer must ascertain that the marriage is a valid heterosexual marriage under the laws of the jurisdiction in which it was contracted.

The validity of the marriage must be established by the preponderance of the evidence. As with most administrative immigration proceedings, the petitioner bears the "preponderance of the evidence" burden. Thus, even if there is some doubt, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant or petitioner has satisfied the standard of proof. See *U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (defining "more likely than not" as a greater than 50 percent probability of something occurring). As such, officers should be satisfied that this burden is met if the marriage is recognized in the jurisdiction in which it was contracted as a heterosexual marriage. USCIS will presume the validity of the marriage involving a transgender individual in the absence of jurisdictional law and/or precedent that would place the validity of such marriage in doubt. Only in jurisdictions where a specific law or precedent either prohibits or sets specific requirements for a legal change of gender for purposes of that jurisdiction's marriage laws is the individual required to demonstrate that he or she has met the specific requirements needed to establish the legal change of gender and the validity of the marriage. The individual may also show, in an appropriate case, that the law barring a legal change of gender for purposes of marriage has changed and that the marriage is valid under current law.

Where an individual claims to have legally changed his or her gender, USCIS will recognize that such individual's gender changed based upon the following documentation:

- Amended birth certificate; or
- Other official recognition of new gender, such as a passport, court order, certificate of naturalization or citizenship, or driver's license (note that some jurisdictions may have a lower threshold for issuing a driver's license than to establish a legal change of gender for purposes of the marriage laws, and USCIS would require additional evidence that the individual met the threshold for marriage, if applicable); or
- Medical certification of the change in gender from a *licensed* physician (a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.)). This is based on standards<sup>5</sup> and recommendations<sup>6</sup> of the World Professional Association for Transgender Health, who are recognized as the authority in this field by the American Medical Association.<sup>7</sup> Medical certification of gender transition received from a *licensed* physician (an M.D. or D.O.) is sufficient documentation, alone, of gender change. If the physician certifies the gender transition, USCIS will not "go behind" the certificate by asking for specific information about the individual's treatment. Additional information about medical certifications:
  - For the purposes of this chapter only an M.D. or a D.O. qualifies as a licensed physician. Officers may accept medical certifications from any number of specialties as well as from general practitioners.

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<sup>5</sup> [Standards of Care, 7th Version](#)

<sup>6</sup> [Identity Recognition Statement](#)

<sup>7</sup> [http://www.tgender.net/taw/ama\\_resolutions.pdf](http://www.tgender.net/taw/ama_resolutions.pdf)

- Statements from persons who are not licensed physicians, such as psychologists, physician assistants, nurse practitioners, social workers, health practitioners, chiropractors, *are not acceptable*.
- The medical certification should include the following information:
  - Physician's full name;
  - Medical license or certificate number;
  - Issuing state, country, or other jurisdiction of medical license/certificate;
  - Drug Enforcement Administration registration number assigned to the doctor or comparable foreign registration number, if applicable;
  - Address and telephone number of the physician;
  - Language stating that the individual has had appropriate clinical treatment for gender transition to the new gender (male or female);
  - Language stating that he/she *has either treated* the applicant in relation to the applicant's change in gender *or has reviewed and evaluated the medical history of the applicant in relation to the applicant's change in gender* and that he/she has a doctor/patient relationship with the applicant

Sex reassignment surgery is *not* required in order for USCIS to approve a Form I-130 to establish a legal change of gender unless the law of the place of marriage clearly requires sex reassignment surgery in order to accomplish a change in legal gender. The *fact* of sex reassignment surgery, however, would generally be reflected in the medical certification. USCIS will not ask for records relating to any such surgery.

These documents are listed in order of evidentiary preference. Officers must recognize, however, that the personal circumstances and jurisdictions involved in an individual's case will affect availability of specific types of documentation. As evidence of the new gender, officers should treat an amended birth certificate as carrying the same weight as USCIS would normally give to other timely registered primary evidence.

This guidance also applies to the adjudication of all immigration benefits based upon marriage, including but not limited to a Petition for Alien Fiancé(e). In the case of a proposed marriage involving a transgender individual, the petition may be approved assuming the same conditions are met for legal gender change and validity of the marriage as described above. If the record indicates the parties' specific intent to marry in a jurisdiction where the marriage would not be valid, the officer will issue an intent to deny in which the petitioner is informed that the marriage would not be valid for immigration purposes and why. USCIS will provide the petitioner the opportunity to submit evidence that USCIS's interpretation of the jurisdiction's law and/or precedent is incorrect or provide an affidavit attesting that the intended marriage will take place in a jurisdiction where the marriage will be valid for immigration purposes.

The same principles for determining the validity of a marriage involving a transgender individual for a spousal Petition for Alien Relative apply to those who may derive an immigrant or nonimmigrant benefit by virtue of a spousal relationship.

If an officer has questions about the validity of a marriage involving a transgender individual, the officer should contact local USCIS counsel.

As in all adjudications, if an officer finds significant substantive discrepancies, has reason to question the accuracy or authenticity of documents submitted, or finds other indicators of fraud, the case may be referred to FDNS in accordance with current national and local policies.

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3. The AFM Transmittal Memorandum button is revising by adding, in numerical order, a new entry to read:

AD 12-02  
04/10/2012

Chapter 10.22;  
**Chapter**  
21.3(a)(2)(J)

Provides guidance on the adjudication of applications and petitions for immigration benefits filed by or in behalf of transgendered individuals.

**Use**

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

**Contact Information**

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Field Operations Directorate or the Service Center Operations Directorate *and* the Office of Chief Counsel and Office of Policy and Strategy.

## **Appendix L**

**What to do if Someone at  
the Courthouse Tells You  
You Must Publish Your  
Name Change in a News  
Paper**

### **What if a Judge or Clerk Says I Need to Publish My Name Change?**

Some judges and court clerks may not be aware of the relatively new law that allows trans\* people to change their legal names without publishing the name change in a newspaper.

If a judge or clerk says that you must publish your name change in a newspaper, here is how best to inform them of your rights:

- If you are seeking a name change only, call the clerk or judge's attention to page 2 of form NC-100. The last sentence of item 7 on that page reads, "But petitioners **do not have to publish** the order if they are seeking to change a name to conform to a change of gender identity..." (Be sure that you are using the most recent form! The bottom left corner should read "NC-100 [Rev. July 1, 2014]")
- If you are seeking a name and gender change, call the clerk or judge's attention to page 2 of the NC-200 and explain that nowhere does it say your name change must be published. Additionally, you can show them that on the NC-220, "Order to Show Cause for Change of Name," there is no longer a place to write in a newspaper name. (Be sure that you are using the most recent form! The bottom left corner should read "NC-200 [Rev. July 1, 2014]" and "NC-220 [Rev. July 1, 2014]")
- You may also want to point the judge or clerk to the applicable law. You can tell them that AB 1121 made the change to the publishing requirements, that AB 1121 went into effect on July 1, 2014, and that it is "codified" as **California Code of Civil Procedure Section 1277(a)(5)**, which reads:

**"If the petition for a change of name is sought in order to conform the petitioner's name to his or her gender identity, the action for a change of name is exempt from the requirement for publication of the order to show cause under this subdivision."**