

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Elihu M. Berle, Chair
Case Management Subcommittee, Hon. Robert B. Freedman, Chair
Patrick O'Donnell, Committee Counsel, 415-865-7665,
patrick.o'donnell@jud.ca.gov

DATE: April 12, 2006

SUBJECT: Petition for Gender Change and Issuance of New Birth Certificate (approve forms NC-300, NC-210/NC-310, NC-320, and NC-330; revise forms NC-100 and NC-200) (Action Required)

Issue Statement

The Judicial Council previously adopted a set of forms for persons to request an order for a change of name, and separate set of forms to request a change of name and gender. A proposal has been received for a third set of forms to request an order for issuance of a birth certificate to reflect a change of gender only without a name change. This third set of forms would implement Health and Safety Code sections 103425–103445.

Revisions of two current forms are also proposed to indicate the State Registrar's current address and to make some other technical changes.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2006:

1. Approve *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300);
2. Approve *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310);
3. Approve *Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (NC-320);
4. Approve *Order for Change of Gender and Issuance of New Birth Certificate* (form MC-330);

5. Revise *Petition for Change of Name* (NC-100); and
6. Revise *Petition for Change of Name and Gender* (NC-200).

New forms NC-300, NC-210/NC-310, NC-320, and NC-330 and revised forms NC-100 and NC-200 are attached at pages 4–12.

Rationale for Recommendation

California statutes authorize a petition for a new birth certificate reflecting a change of gender. (See Health & Saf. Code, §§ 103425–103445.) The proposed gender-change forms would implement these statutes. The forms may be used by persons who have already legally changed their names, but want to obtain a separate order for issuance of a new birth certificate reflecting a change of gender. These forms would be easier to complete than the existing combined name- and gender-change forms because it is not necessary to include some of the information required for a name change on the forms.

Two current forms (forms NC-100 and NC-200) contain an old address for the State Registrar, and so they need to be revised to contain the current address.

Alternative Actions Considered

Persons petitioning for change of gender and issuance of a new birth certificate could continue to be required to prepare their own pleadings. However, approving a simple set of forms to be used solely to request an order for gender change is appropriate, particularly because other standard sets of forms are already available for changes of name and gender.

The revision of forms NC-100, NC-200, and NC-300 to provide the correct address for the State Registrar on the forms is technical and no alternatives were considered.

Comments From Interested Parties

Eleven comments were received on the proposal for the new set of forms. The commentators included court administrators, a court attorney, staff of a local bar association, the State Bar Committee on Sexual Orientation and Gender Identity Discrimination, and the Standing Committee on the Delivery of Legal Services of the State Bar of California. A chart summarizing the comments and the committee's responses is attached at pages 13–17.

The commentators generally supported the new forms. However, several were concerned about certain features of the forms circulated for comment. In particular, they objected to requiring the publication of the notice of gender change and use of the proposed order to show cause. The circulated forms, which were based partly on the current name and gender change forms, had included a publication requirement. Commentators pointed out that the statutes authorizing the issuance of a new birth certificate reflecting a change of gender, unlike the name change statutes, do not contain a publication requirement. (See

Health & Saf. Code, §§ 103425–103445.) Commentators also pointed out that the statutes do not expressly refer to an order to show cause. And they cited various provisions in the statutes that are designed to protect privacy. Hence, they contended that requiring publication of the petition or an order to show cause would be contrary to the intent of the gender change statutes.

The commentators’ arguments are persuasive. The statutes do not contain a requirement for notice by publication. Also, regarding the objections to an order to show cause, the applicable statute does not expressly refer to such an order; instead, it states that “[t]he petition shall be heard at the time appointed by the court and objections may be filed by a person who can, in those objections, show to the court good reasons against the change of birth certificate.” (Health & Saf. Code, § 103430(b).) Thus, the committee agreed that the forms should be changed to eliminate the requirement of notice by publication and that the title of the proposed order to show cause should be changed to *Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320).

The committee further concluded that the proposed new *Declaration of Physician* form, which was developed as part of the new set of gender change forms, should be revised so that it may also be used with the combined name and gender change forms. It has been renumbered as form NC-210/NC-310, and may be used with both the name and gender change petition and the simpler gender change petition. The instructions on form NC-200 have been revised to contain a reference to new form NC-210.

Because the address of the State Registrar in Sacramento has changed, the instructions on the second page of forms NC-100 and NC-200 have been revised to provide the new address. Those two forms have also been revised to include a statement directly in each petition that the petitioner is a resident of the county where the petition is filed.

Implementation Requirements and Costs

Courts will incur some costs in providing the new and revised forms. However, the benefits to the public and the courts should outweigh these costs.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr style="width: 10%; margin-left: 0;"/> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF <i>(Name)</i> :	
PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER:

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

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

Date:

(TYPE OR PRINT NAME OF PETITIONER)

▶

(SIGNATURE OF PETITIONER)

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

(This instruction page is for the information of petitioners. It is not part of the petition and does not need to be filed.)

1. Where to File

The petition for the issuance of a new birth certificate reflecting a change in gender must be filed in the superior court in the county where the petitioner presently lives.

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. *Notice 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 *Application for Waiver of Court Fees and Costs* (form 982(a)(17)); *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)—INFO); and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18)).

4. Requesting a Court Hearing Date

You should request a date for the hearing on the *Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320).

5. Filing the Order to Show Cause

Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's signature, file the original, and give you a copy.

6. 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-300).

7. 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 Secretary of State and the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

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

**Phone: (916) 445-2684
Web site: www.dhs.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):	CASE NUMBER:
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Page ____ of ____

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

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

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

Date:

(TYPE OR PRINT NAME OF PHYSICIAN)

▲

(SIGNATURE OF PHYSICIAN)

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

NOTICE:

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

NOTICE OF HEARING

a. Date:	Time:	Dept.:	Room:
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b. The address of the court is same as noted above other *(specify):* _____

4. Other orders *(specify):* _____

Date:



JUDICIAL OFFICER

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

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

THE COURT FINDS

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

THE COURT ORDERS

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

THE COURT FURTHER ORDERS

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

Date: _____

 JUDICIAL OFFICER

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

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

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

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

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

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

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

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

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

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

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

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

b–f. *(Attachment page or pages)*

(Instructions on next page)

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME

1. **Where to File**

The petition for change of name must be filed in the superior court of the county where the person whose name is to be changed presently lives.

2. **Whose Name May Be Changed**

The petition may be used to change one's own name and, under certain circumstances, the names of others (e.g., children under 18 years of age).

3. **What Forms Are Required**

Prepare an original and two copies of each of the following documents:

- a. *Petition for Change of Name* (form NC-100)
- b. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition)* (form NC-110) (attach as many copies as necessary)
- c. *Order to Show Cause for Change of Name* (form NC-120)
- d. *Decree Changing Name* (form NC-130 or, for guardians, form NC-130G)

In addition, a guardian must prepare and attach a *Declaration of Guardian (Supplemental Attachment to Petition)* (form NC-110G) for each child whose name is to be changed.

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 *Application for Waiver of Court Fees and Costs* (form 982(a)(17)); *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)-INFO); and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18).)

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. **Publishing the Order to Show Cause**

A copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for **at least four consecutive weeks** before the date of the hearing on the name change petition. The petitioner selects the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the superior court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk.

8. **Name Change for Children**

- a. If a petitioning parent is requesting the name change for a child under 18 years of age, and one of the parents, if living, does not join in consenting to the name change, the petitioning parent must have a copy of the *Order to Show Cause* or notice of the time and place of the hearing served on the nonconsenting parent. Service must be made **at least 30 days prior to the hearing** under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- b. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. The petitioning parent cannot personally serve this document.
- c. If the nonconsenting parent resides outside California, he or she may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.
- d. 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.

If you have served a parent or grandparent, file a copy of the completed *Proof of Service of Order to Show Cause* (form NC-121) with the court before the hearing.

9. **Domestic Violence Confidentiality Program**

In cases where the petitioner is a participant in the domestic violence confidentiality program, the petition for name change, the order to show cause published in the newspaper, and the decree should, instead of giving the proposed name, indicate that the name is confidential and on file with the Secretary of State.

10. **Court Hearing**

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

11. **If you want to amend a birth certificate to show the name change, you should contact the following office:**

California Department of Health Services
Office of Vital Records
MS 5103, P.O. Box 997410
Sacramento, CA 95899-7410
Phone: (916) 445-2684
Web site: www.dhs.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 change petitions, the times when petitions are heard, and the newspapers that may be used to publish the *Order to Show Cause*.

PETITIONER OR ATTORNEY (<i>Name, State Bar number, and address</i>): <hr style="width: 20px; margin-left: 0;"/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>Name</i>):	
PETITION FOR CHANGE OF NAME AND GENDER	CASE NUMBER:

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

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

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

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

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

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

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

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

(Instructions on next page)

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 and Gender* (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 *Application for Waiver of Court Fees and Costs* (form 982(a)(17)); *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A)-INFO); and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18).)

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. Publishing the Order to Show Cause

A copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for **at least four consecutive weeks** before the date of the hearing on the petition. The petitioner selects the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the superior court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk.

8. Domestic Violence Confidentiality Program

In cases where the petitioner is a participant in the domestic violence confidentiality program, the petition, the order to show cause published in the newspaper, and the decree should, instead of giving the proposed name, indicate that the name is confidential and on file with the Secretary of State.

9. 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.

10. 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 Health Services
Office of Vital Records
MS 5103, P.O. Box 997410
Sacramento, CA 95899-7410**

**Phone: (916) 445-2684
Web site: www.dhs.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, the times when petitions are heard, and the newspapers that may be used to publish the *Order to Show Cause*.

SPR05-19
 Petition for Issuance of New Birth Certificate (Change of Gender)
 (approve forms NC-300, NC-210/310, NC-320, and NC-330)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1. Ms. Janet Davis Court Manager Superior Court of California, County of Amador Jackson	AM	N	Form NC-300: Page 2, item 5: This is a confusing instruction. It appears to direct the petitioner to get the judge's signature [for him or herself]. I propose you utilize the language on the Judicial Council form FL-410, page 4, 3rd paragraph from the bottom: "Take the completed forms to the clerk's office. The clerk will provide the hearing date and location [in item 2], obtain the judicial officer's signature, file the originals, and return the copies to you."	Agreed. The instruction has been revised to be clearer.
2. Ms. Keri Griffith Court Program Manager Superior Court of California, County of Ventura	A	N	No specific comment.	No response required.
3. Ms. Cristina Llop Director, Access Superior Court of California, County of San Francisco	AM	N	There are two main issues: 1. Are gender changes required to be published by statute? (See comments 7, 8, 9, and 10.) 2. The names of the forms are too specific. Suggest "Petition for Change of Gender and Issuance of New Birth Certificate" for form NC-300 and "Order for Change of Gender and Issuance of New Birth Certificate" for form NC-330.	The committee agreed that publication is not required. Agreed. The names of the forms have been changed.
4. Superior Court of California, County of Los Angeles	A	Y	No specific comment.	No response required.

SPR05-19
 Petition for Issuance of New Birth Certificate (Change of Gender)
 (adopt forms NC-300, NC-310, NC-320, and NC-330)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
5. Mr. Stephen Love Executive Officer Superior Court of California, County of San Diego	A	N	No specific comment.	No response required.
6. Ms. Pam Moraida Court Program Manager Superior Court of California, County of Solano	A	N	This would be an easy form for the public to use.	Agreed that it should be easier than the combined form.
7. Mr. Steven Muni State Bar Committee on Sexual Orientation and Gender Identity Discrimination San Francisco			I write as a member of the State Bar's Committee on Sexual Orientation and Gender Identity Discrimination ("CSOGID") to express concern regarding the proposed Judicial Council Form NC-320, the <i>Order to Show Cause for Issuance of a New Birth Certificate (Change of Gender)</i> . This is of significant concern to transgender attorneys in California, as it has serious and negative implications regarding the issue of privacy for transgender attorneys in practice in California, and may impact negatively on their dealings with the court, clients, and the general public. The California change of gender statutes, [Health & Safety Code, §§ 103425, 103430, 103435, 103440 and 103445], do not contain the common language used in other statutes to require publication of a notice or order to show cause, (as is the case with the change of name statutes [California Code of Civil Procedure, §	The committee agreed that publication is not required and has revised the forms.

SPR05-19
 Petition for Issuance of New Birth Certificate (Change of Gender)
 (adopt forms NC-300, NC-310, NC-320, and NC-330)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>1277; conservatorship statutes [Business & Prof. Code, § 10239.12] and fictitious business name statutes [Business & Prof. Code, § 17917], for example.) Quite the reverse, the statutes contain clear language designed to protect the privacy of the petitioner through protecting his or her prior identity. [See Health & Saf. Code, §§ 103430(d) and 103440.] Requiring publication of a notice to show cause runs counter to this intent.</p> <p>Enshrining the <i>Order to Show Cause</i> in a Judicial Council form suggests that such order is mandated by statute—when that is not actually the case. Given that there appears to be no need for such publication and <i>Order to Show Cause</i>, and given further that such publication and <i>Order to Show Cause</i> would be harmful to transgender attorneys, CSOGID inquires as to the need for such publication and for such an <i>Order to Show Cause</i>—and if no compelling interest is shown, recommends that form NC-320 not be adopted.</p>	<p>The <i>Order to Show Cause</i> has been revised to eliminate the publication requirement. Also, the title of the form has been changed to <i>Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate</i>. A hearing is required under Health and Safety Code section 103425. So the revised form will be useful for petitioner who will need to obtain a hearing date.</p>
8.	Sharon Ngim Program Developer/Staff Liaison to the Standing Committee on the Delivery of Legal Services State Bar of California San Francisco	Y	Creating new forms to change gender without also changing name is supported by the Standing Committee on the Delivery of Legal Services (SCDLS). In addition, for policy reasons, SCDLS requests that the Judicial Council preserve the right to privacy by not requiring publication for gender change.	The committee notes the SCDLS's support for the forms. Also, it has eliminated the publication requirement from the forms.

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 (adopt forms NC-300, NC-310, NC-320, and NC-330)

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9. Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of California, County of Ventura	A	N	Particularly see the need so people don't have to publish gender change.	Agreed.
10. Ms. Jayne Salinger Director of Special Events Board Liaison The Bar Association of San Francisco	AM	N	<p>These draft forms are a welcome addition to the Judicial Council forms. The lack of forms specifically for a change of gender has caused confusion and frustration in courthouses throughout the state.</p> <p>Overall, these draft forms are excellent. The only reservation we have is with form NC-320 (<i>Order to Show Cause</i>). We do not believe that such a form is required by the plain language of the governing statutory scheme and that no such requirement should be read into the legislative intent of the statute. California statutes pertaining to a court order recognizing a person's change of gender (Health & Safety Code, §§ 103425, 103430, 103435, 103440, and 103445), contain no mention of an obligation to notice or publish an order to show cause in a newspaper of general circulation or anywhere else.... Therefore, any requirement that a person must notice or publish their change of gender petition is unsupported by the statute, counter to the intent of the statute, and dangerous for the petitioner.</p>	<p>Agreed that the additional forms specifically designed for obtaining a gender change order would be helpful.</p> <p>Agreed. The <i>Order to Show Cause</i> and instructions have been modified to eliminate any publication requirement. Also, the title of the form has been changed to <i>Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate</i>. However, Health and Safety Code section 103425 requires a hearing and an opportunity for an objection; hence, the revised notice of hearing form is needed.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
11.	Ms. Claire Williams Director San Francisco Unified Family Court Superior Court of California, City and County of San Francisco	AM	N	1. The documents should indicate name on birth certificate and date of birth. 2. Form NC-300: Suggests defining interested persons.	Not required under the statutes. This term is not used in the statutes and has been eliminated on the forms.