

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

W18-03

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| Title | Action Requested |
| Civil Forms: Name Change and Gender Change Forms | Review and submit comments by February 12, 2018 |
| Proposed Rules, Forms, Standards, or Statutes | Proposed Effective Date |
| Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-350, and NC-360; approve forms NC-100-INFO, NC-150, and NC-350-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320 | September 1, 2018 |
| | Contact |
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| Proposed by | |
| Civil and Small Claims Advisory Committee Hon. Ann I. Jones, Chair | |

Executive Summary and Origin

Senate Bill 179, recently signed into law by Governor Brown, includes several new and amended provisions that require revisions to the Judicial Council’s Name Change form series. The new law changes the process for seeking name changes to conform to gender (new Code Civ. Proc., § 1277.5); changes the process for adults seeking recognition of a gender change, including by adding “nonbinary” as one of the genders that can be recognized (amended Health & Saf. Code, §§ 103425 and 103430(a)–(b)); and adds a new process for minors seeking recognition of gender changes (new Health & Saf. Code, § 103430(e)). In addition, Senate Bill 310 eliminates the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation (those in state prison or on parole) and those in county jail, while at the same time adding a service requirement for such petitions. The relevant portions of both new laws will go into effect September 1, 2018. This proposal is to amend, revise, or revoke various Judicial Council forms effective that same date to reflect the statutory changes.

Background

The new legislation changes current name change and gender change statutes in several ways. The primary changes that affect Judicial Council forms are described below. The legislation:

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

1. Alters the process for changing names to conform to gender so that it no longer parallels the process for other name changes. See new Code of Civil Procedure section 1277.5. The petitions for name changes to conform to gender are not to be set automatically for a hearing, but instead set only if objections are filed showing good cause to oppose the name change, within six weeks of issuance of an order to show cause (OSC). Therefore, a new OSC form and new instructions about it are needed to be used for these name change petitions, and for name change petitions combined with petitions for recognition of gender change. As is currently the law, there is no requirement to publish this OSC or to serve it on anyone.
2. Allows name change petitions by prisoners in county jail or state prison as well as those on parole (i.e., those under jurisdiction of the California Department of Corrections and Rehabilitation (CDCR); see new Code Civ. Proc., § 1279.5). The statute also adds service requirements for those petitions. This amendment requires changes to the final name change orders—which no longer require finding that a petitioner is not under CDCR jurisdiction—and to the instructions for name change forms.
3. Adds a third gender, nonbinary, to the genders to which a court may issue an order recognizing a change of gender. See new Health and Safety Code sections 103425 and 103430(a). This amendment requires revisions to the petitions and orders that address court recognition of gender change, to add this third gender.
4. Changes the process for obtaining an order recognizing a change of gender and for issuance of new birth certificate. There is no longer a requirement for a declaration from a doctor stating that a party has undergone clinically appropriate treatment for a gender transition; instead, all that is required is an affidavit from the petitioner seeking the order stating that the change is not for fraudulent reasons. In addition, the court is no longer to set a hearing on all such petitions; instead, a hearing is to be set only if timely objections are filed, within 28 days of the filing of the petition. See new Health and Safety Code section 103430(b). These changes require revisions to the gender change recognition petitions and orders (to add the third gender), and revocation of the forms for the doctor's declaration. In addition, the notice of hearing is revised so that it may be issued by the court after timely objections have been filed, should the court choose to use the form.
5. Adds a process for a minor requesting an order recognizing a change of gender and for issuance of a new birth certificate. The text of the statute assumes that a minor can bring the petition,¹ but also requires it be signed either by one or both parents or the minor's guardian, or, if there is no living parent and no guardian, then by a near

¹ Minors generally cannot file an action on their own in civil proceedings. See Code Civ. Proc., § 372(a), requiring guardian ad litem, and (b) providing for certain exceptions.

relative or friend. If not signed by all living parents, the petition must be served on any living parent who did not sign it. The OSC on these petitions is to set a hearing date.

The Proposal

In order to implement the statutory changes, the Civil and Small Claims Advisory Committee proposes that the forms listed below go into effect September 1, 2018.

The advisory committee proposes that the following existing forms be revised:

- *Petition for Change of Name* (form NC-100)
- *Attachment to Petition for Change of Name* (form NC-110)
- *Decree Changing Name* (form NC-130)
- *Decree Changing Name (Change of Name of Minor by Guardian)* (form NC-130G)
- *Petition for Change of Name and Gender* (form NC-200)
- *Decree Changing Name and Gender* (form NC-230)
- *Petition for Change of Gender and Issuance of New Birth Certificate* (NC-300)
- *Order for Change of Gender and Issuance of New Birth Certificate* (form NC-330)

The advisory committee proposes that the following new forms be adopted:

- *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125/NC-225)
- *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (Name Change)* (form NC-350)
- *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-360)

The advisory committee proposes that the following new forms be approved:

- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO)
- *Notice of Setting of Hearing on Petition* (form NC-150)
- *Instructions for Filing Petition for Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-350-INFO)

The advisory committee proposes that the following forms be revoked:

- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310)
- *Order to Show Cause for Change of Name* (form NC-220)
- *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320)

The proposed revisions are highlighted on the forms attached here, and are described generally below.

Forms for Name Changes Only

Petition for Change of Name (form NC-100)

This form is used to request a name change. The proposed revisions include:

- Revising the wording of the request for an OSC to include OSCs on petitions to change names to conform to gender, which do not include an order to appear at a hearing, but only to file objections by a certain deadline. **Item 3.**
- Changing the wording of “mother only” or “father only” to a single item “one parent only,” to eliminate confusion for families in which there are two mothers or two fathers. **Item 5.**
- Adding space for the name of a minor or ward who is seeking the name change to conform the name to the person’s gender identity (when the petition is brought by a parent or guardian). **Item 6.** Also revising the wording of that item to be inclusive of nonbinary-gendered individuals.

Instructions for Filing a Petition for Change of Name (form NC-100 INFO)

The Instructions for Filing currently on the back of form NC-100 are being moved into a separate information sheet, as they have become too extensive to fit on the back of this form. Revisions² to the instructions include:

- Adding references to and instructions for filing the new OSC form to be used for name changes to conform to gender. (See items 4c, 6, and 10.)
- Adding a note in item 8 that the service provisions for minors do not apply to petitions to conform name to gender. (The new law, Code of Civil Procedure, section 1277.5, does not require any service of these petitions, even for minors.)
- Adding new instructions for individuals who are within the jurisdiction of the Department of Corrections and Rehabilitation (CDCR) or are in county jail, who may now file petitions for name change. The instructions include the requirement that the petitioner must serve the petition on the CDCR or the county sheriff.³

Attachment to Petition for Change of Name (form NC-110)

This form is attached to all name change petitions, with information about the petitioner and about any minors or others whose names are to be changed. Only minor changes have been made, including changing “Father” and “Mother” to “Parent” in item 7e.

² Note that only the new material is highlighted on the proposed form attached here. The non-highlighted text is all currently contained on the second page of form NC-100.

³ The advisory committee is trying to learn if CDCR is developing statewide rules on this and, if so, will add or reference those here.

The Declaration set out in its own box regarding petitioners being under the jurisdiction of CDCR has been revised to add “or in county jail.” Although this information is no longer needed for court *findings* on a name change decree, because the general prohibition against name changes for these individuals without a showing of good cause has been eliminated, it is needed for the court to determine whether the additional service requirement placed on such individuals has been complied with. Note that, because the whole form is signed under penalty of perjury, leaving this item in the Declaration box does not accord the answer any additional weight.

Order to Show Cause for Change of Name to Conform to Gender (form NC-125/NC-225)

A new OSC form has been developed for proceedings for a name change that the petitioner states is for the purpose of conforming the name to the petitioner’s gender. It is similar to the *Order to Show Cause for Change of Name* (form NC-120) but without any notice of hearing. It orders that any objections be filed within a certain time frame and, as required by statute, it warns that if no timely objections showing good cause are filed, no hearing may be held. It also includes the statement from the statute that objections based on concern over gender identity do not constitute good cause.

Decree Changing Name (form NC-130) and Decree Changing Name of Minor (By Guardian) (form NC-130G)

These forms have only a minor revision, removing the finding currently in item 2b that each person whose name is being changed is not within the jurisdiction of the CDCR. That finding is no longer required, because even those under that department’s jurisdiction may now change their names. The finding in item 2a, that all notices required by law have been given, will cover the requirement that such persons served the petition on the sheriff or CDCR, just as it currently covers service of the OSC on parents/grandparents and publication.

The advisory committee concluded that there was no need to develop a separate decree form for name changes to conform to gender, as there are no additional findings required on such petitions.

Notice of Setting of Hearing on Petition (form NC-150)

This is a new form that courts may use for providing notice of a hearing to petitioners and objectors, should one be set following the receipt of timely objections. It may also be used for setting hearings on petitions seeking recognition of gender change and issuance of new birth certificates, for which, like petitions for change of name to conform to gender, no hearing date is to be set at the time the petition is filed.

Forms for Recognition of Gender Change

Health and Safety Code section 103430 et seq. provide a process for seeking court recognition of a change of gender and an order to amend the birth certificate to reflect that change (referred to hereafter as “gender change recognition”). In addition, Health and Safety Code section 103435 mandates that gender change recognition requests may be made jointly with a name change

request, with a single petition for both requests. Therefore, there are currently two sets of forms for those seeking gender change recognition: one set for that alone (the forms in the NC-300 series), and another set for those seeking a name change along with the gender change recognition (the NC-200 series).

Both sets of forms are being revised to reflect the new non-binary gender option and the new procedures in the amended laws. In addition to revising those forms, a parallel set of forms has been developed for minors seeking recognition of a change of gender, because the new provisions for petitions by minors (1) provide for different procedures; i.e., mandating that the court issue an OSC setting a hearing date if there are nonconsenting parents, and (2) present an issue of how the minor should appear in the pleadings.⁴

Forms for Gender Change Recognition Petitions by Adults

The NC-200 form series, for individuals seeking both name change and gender change recognition at the same time (combined petition) is revised as follows:

- *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200). The title has been revised to more correctly reflect the purpose of the petition as stated in the statute (currently called “Petition for Change of Name and Gender”). Item 1 has been revised to include a statement that the petitioner is an adult, and instructions on the back of the form have been revised to add a note that minors must use a different form. Item 3 has been revised to add nonbinary as an option for changed gender, and to eliminate the assumption of only two genders.⁵ The item in the current form regarding an attached doctor’s declaration has been removed and instead there is now an affidavit by the petitioner affirming the change in gender—and that it is not for fraudulent purposes—using the text from Health and Safety Code section 103430(a).

There is also a minor revision to item 2, to clarify that a request for a name change made as part of this petition is for the purpose of changing one’s name to conform to one’s gender identity. The instructions on these forms have always been based on this interpretation of the statute, i.e., that any name change request brought combined with a petition for gender change recognition is for the purpose of conforming the name to gender identity, but a statement to that effect has now been expressly included as part of the petition.

- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310) will be revoked, as it is no longer necessary.

⁴ The new law assumes that the minor will be the person bringing the petition.

⁵ Currently this item provides choices of changing from “from male to female” or “from female to male”; the proposed form simply indicates a change “to female,” “to male,” or “to nonbinary.”

- *Order to Show Cause for Change of Name* (form NC-220), which set a hearing date, will also be revoked, to be replaced with a new *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125/NC-225) which does not set a hearing date; just a deadline for objections will be used in its place. This form is identical to form NC-125, the OSC form to be used on a petition for name change to conform to gender identity. Health and Safety Code section 103435 provides that the procedures for the name change request on the combined petition should be the same as for other name change petitions, as set out in the Code of Civil Procedure. Since the Code of Civil Procedure provisions now provide for an OSC to be issued on petitions for name changes to conform to gender with only a deadline for objections (Code Civ. Proc., § 1277.5), that same OSC with just a deadline for objections is being used for these joint petitions.⁶
- *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230). The title of the form has been revised to match the revised title of the petition. The finding currently in item 2b that a party is or is not under the jurisdiction of the Department of Corrections has been removed, and nonbinary has been added to the list of genders in item 4.

The NC-300 form series, for individuals seeking only gender change recognition (with no name change order requested) is revised as follows:

- *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate* (form NC-300) has been revised parallel to the revisions to form NC-200: a minor change in title, addition of a statement that the petitioner is 18 years or older, addition of nonbinary to the list of genders, deletion of a reference to a doctor's declaration, and addition of the affidavit language for the petitioner to affirm changed gender under penalty of perjury.
- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310) will be revoked, as it is no longer necessary.
- *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320) will be revoked because no hearing is to be set at the time of filing the petition. Courts may use the new *Notice of Setting of Hearing on Petition* (form NC-150) should they want to use a form for setting a hearing after objections have been filed.

⁶ Two numbers are assigned to the form, NC-125 and NC-225, to make it easier for clerks and parties to know it can be issued on both types of petitions, a form NC-100 petition, or a form NC-200 petition. Note that for combined petitions, there has only ever been an OSC issued regarding the name change part of the petition, and not for the gender change portion, because the law expressly states that the OSC for the combined petitions shall not include the petition for change of gender. Health & Saf. Code, § 103435.

Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate (form NC-300) has been revised to allow for the situation of no hearing prior to issuance (previously, a hearing was required) and to add the nonbinary gender to the list in item 3. There is also a minor change to the title of the form.

Forms for Gender Change Recognition Petitions by Minors

The advisory committee has developed a single set of forms for minors seeking gender change recognition: a new petition, OSC, and information sheet. The orders to be issued would be the same as those issued for adults, so no new forms are required.

Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (Name Change) (form NC-350)

This form will be used by a minor seeking a gender change recognition order, either by itself or with an accompanying name change decree. The form starts with a box containing a warning that it is for petitions for minors only, and instructions regarding which items on the form must be completed by everyone, and which additional items are to be completed (including an additional form) if a name change is sought at the same time as the gender change recognition.

Because the amended statute assumes that minors themselves may bring petitions seeking recognition of change of gender and issuance of birth certificates (see Health & Saf. Code, § 103430(e)),⁷ the proposed item 1 calls for two (or more) individuals to be named as petitioners: the minor and one or more adults. The list of potential adults comes from the statute, but is also based on the list on the current name change petition.

Items 2 through 5 are applicable to all petitioners, as the items address the gender change recognition order. Item 5 requires either identifying all living parents who did not sign, or indicating that the minor has no living parents, or that the only living parent or parents signed the petition. This information will be needed by the court to determine whether an OSC should issue on the petition for gender change recognition and a hearing date set. The OSC is directed only to living parents who did not sign the petition, if any. If there are no living parents other than those who signed the petition, there is no hearing and the court is to grant the petition. (Health & Saf. Code, § 103430(e)(2).)

As noted in the box at the top of the form, and in the new Information Sheet, items 6 through 8 are applicable only if a name change is sought along with the gender change recognition. These are the same items that would be required for a standalone name change petition, along with the

⁷ Minors generally cannot file an action on their own in civil proceedings. See Code Civ. Proc., § 372(a), requiring filing be by a guardian ad litem, and (b), providing for certain exceptions, none of which covers these petitions. It is unclear whether the new Health & Saf. Code provision will be amended, either to provide a further exception to the general rule and allow minors to file these petitions on their own or to amend this new provision to state that it is directed to petitions brought on behalf of, rather than by, minors. Because the new provision does require an adult signature, the committee believes the proposed form, which requires that an adult be named as the petitioner along with the minor, will meet the legal requirements.

supplemental form that must be attached to each name change petition, *Name and Information About the Person Whose Name is to Be Changed* (form NC-110); and, if a guardian is a petitioner, *Supplemental Attachment to Petition for Change of Name (Declaration of Guardian)* (form NC-110G). The instruction box at the top of the form, item 7, and the new information sheet all note that the NC-110 form and possibly the NC-110G form must be completed and attached.

At the end of the form is the affidavit regarding gender change required by statute, to be signed by the minor, and signature lines for the adult or adults joining in the petition.

Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name (form NC-360)

While the combined petition allowing the option of a name change request at the same time as a gender change request is fairly straightforward, the order to show cause for a combined petition is a bit more complex.

The statute regarding the OSC for the petition for gender change recognition requires that, if the minor has a living parent who did not sign the petition, the nonsigning parent must be served with an OSC with a hearing date, served in a manner set out by statute. (See Health & Saf. Code, § 103430(e)(1)(A); the instructions for service are included in form NC-350-INFO.) The OSC is to be set from 6 to 12 weeks in the future and any objections must be made at least 2 days before the hearing date. The OSC is to warn the parent that if objections are not timely filed or if the objecting parent does not appear, the court may grant the petition without further hearing. (See Health & Saf. Code, § 103430(e)(1)(B) and (2).)

First, an issue arises in that the statute actually states that service shall be “no less than 30 days after the petition was filed.” That provision does not actually make sense, because it could result in no meaningful notice whatsoever. If the petition is served 90 days after the petition is filed (which is “no less than 30 days after the petition was filed”), it may well be served *after* the date of the OSC hearing. Because this appears to be a drafting error, this point will be included in the suggestions for clean-up legislation. The forms as proposed assume that it will be corrected and instruct the parties to serve the OSC, if it is needed, within 30 days of the filing of the petition.

Second, the statute provides that a party may bring a single petition for both name change and gender change recognition (Health & Saf. Code, § 103435). It expressly states that the OSC issued in such a joint proceeding “shall not include the petition for change of gender.” This statute was originally enacted when no OSC would issue on the change of gender petition, and when the OSC on the name change petition would be published. It was not amended as part of the recent amendments, even though the new law expressly calls for issuance of an OSC on certain petitions for gender change. The advisory committee has construed the new amendment as controlling on petitions for gender change by minors, as the law is newer and more specific, and expressly calls for OSCs to issue on certain petitions for gender change by minors. If the older statute should prevail—mandating no gender change OSCs on combined petitions—the

newer one mandating OSCs on certain gender change petitions would be impossible to implement.

Finally, the time period for objections is different for gender change recognition petitions by minors—up to 2 days before the hearing, which is to be set 6 to 12 weeks from the date of the OSC—and for petitions by minors, or anyone, for a name change to conform to gender identity (within 6 weeks from the date of the OSC; see Code Civ. Proc., § 1277.5).⁸ If the hearing on the gender change petition is set out farther than 6 weeks after the filing, as permitted by statute, the time for objections on the name change will have run before the time for objections on the gender change is up. Therefore the proposed OSC to be issued on the minor’s petition has two separate orders in it: one directed to nonconsenting parents in regard to the gender change petitions (with a hearing date set), and one—with an optional checkbox in front of it, to be issued only if a name change has been requested—directed to all interested persons in regard to the name change petition (with a deadline for filing objections, but no hearing date set). The different time frames for objecting are highlighted in bold in both orders.

If no OSC is required on the minor’s gender change petition because there is no nonconsenting parent living and a name change is requested, a different OSC is to be used (form NC-125/NC-225, the OSC for a name change to conform to gender), which does not mention gender change and so would be in compliance section 103435.

Instructions for Filing Petition for Minor’s Change of Gender and Issuance of New Birth Certificate (and Change of Name) (form NC-350-INFO)

A new information sheet has been developed to assist parties in completing the petition for minors and, if necessary, having an OSC issued and served. It is directed to the minor, and sets out where the petition may be filed, who should complete or sign it, and how to complete it. The instructions tell petitioners not seeking a name change that they should skip items 6, 7, and 8, and tell those who do want a name change to complete those items as well as the additional form or forms with information about the person whose name is to be changed. As noted above, it also has instructions about the OSCs, when needed, and how to serve.

Alternatives Considered

The advisory committee did not consider the alternative of not revising the forms, because the current forms are not consistent with the new legislation.

The committee did consider, but reject, one additional change: to eliminate the date of birth item from the *Attachment to Petition for Change of Name* (form NC-110), the form attached to all name change petitions, with information about the petitioner or any minors or others whose

⁸ This time frame for the name change portion of the petition is based on the interpretation that a name change being sought as part of a petition for gender change recognition is a name change to conform to gender identity, and so falls within section 1277.5. As noted earlier, there are no separate provisions regarding minors on such petitions—no different OSC or service requirements than those for adults.

name is to be changed. (Item 7(b)3.) A member of the public had recently requested that the date of birth item be eliminated for privacy reasons. The advisory committee considered the request, but concluded that the date of birth is needed, along with the place of birth, as an identifier for the specific individual whose name is being changed. The committee believes that removing the date of birth could lead to confusion.

Implementation Requirements, Costs, and Operational Impacts

The new statutes will require additional training of court clerks and judicial officers on the amended requirements relating to OSCs, hearings on objections, and findings required. Training on the new forms can be incorporated into that training. Any electronic case management system incorporating the forms will need to be revised to reflect the revised OSCs and orders.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. NC-100, NC-100 INFO, NC-110, NC-125/NC-225, NC-130, NC-130G, NC-150, NC-200, NC-210/NC-310, NC-220, NC-230, NC-300, NC-320, NC-330, NC-350, NC-350-INFO, and NC-360, at pages 12–33.
2. Link A: Senate Bill 179 at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB179
3. Link B: Senate Bill 310 at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB310

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (<i>Name</i>): | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 10px 0 10px 0;">12/13/17</h2> <p style="margin: 0;">Not approved by the Judicial Council</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (<i>Name 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* (form NC-100-INFO). 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*): _____ 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 or file objections to 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. one parent.
- c. near relative (*name and relationship*):
- d. guardian (*name*):
- e. other (*specify*):

6. This petition seeks to conform name of (*check one*) petitioner (*name*):
to that person's 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*):
- b–f. (*Attachment page or pages*)

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. Confidentiality of Certain Names

In cases in which the petitioner is a participant in the Secretary of State's address confidentiality program (Safe at Home), the petitioner's current and proposed names may be kept confidential. (Code Civ. Proc., § 1277(b).) See *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO) for additional instructions.

4. 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) or, if applicable, *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125)
- 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.

5. 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 FW-001); *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO); and *Order on Application for Waiver of Court Fees and Costs* (form FW-003).

6. Requesting a Court Hearing Date and Obtaining the Order to Show Cause

You should request a date for the hearing on the *Order to Show Cause for Change of Gender* (form NC-120) at least six weeks in the future. 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.

If you are changing your name to conform to gender, you need not request a hearing date. Instead, complete the *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125) and take to the clerk's office, obtain the judicial officer's signature, and file the original.

7. Publishing the Order to Show Cause

In most cases, 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. 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. 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 or are participants in (1) the State Witness Program, or (2) the address confidentiality program, and the petition alleges that they are (a) petitioning to avoid domestic violence, or (b) petitioning to avoid stalking, or (c) a victim of sexual assault or petitioning on behalf of one.

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 sections 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 sections 413.10, 414.10, 415.10, or 415.40.

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

These notices are not required if the minor's name is being changed to conform to gender.

9. Name Change for Person in Prison or on Parole

A person in county jail, or on parole under the jurisdiction of the Department of Corrections and Rehabilitation (in state prison, or on parole) may change their name, but must serve the petition on a government agency. If in county jail, the petitioner must provide a copy of the petition to the county sheriff's department. If in state prison or on parole, the petitioner must provide a copy of the petition to the Department of Corrections and Rehabilitation.

After you have provided a copy to the sheriff or DCR, file a copy of the completed *Proof of Service By Mail* (form POS-030) with the court.

10. Court Hearing

If no written objection is filed at least two court days before the hearing, the court may grant the petition without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original decree.

If you filed a petition for name change to conform to gender, and timely objections were filed, the court may set a hearing date after receiving the objections. If it does, you will be sent a notice of the hearing date. Check with the court after the deadline for filing objections to see if a hearing date has been set.

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

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

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*.

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

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED** Attachment of
Attachment to Petition (form NC-100, form NC-200 or form NC-350)

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

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

- b. Self Other
- (1) Present name *(specify)*:
(2) Proposed name *(specify)*:
(3) Born on *(date of birth)*:
and presently under 18 years of age over 18 years of age
(4) Born at *(place of birth)*:
(5) Sex *(as stated on original birth certificate)*: Male Female
(6) Current residence address *(street, city, county, and zip code)*:

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

- d. Relationship of the petitioner to the person whose name will be changed:
- (1) self (4) near relative *(indicate relationship)*:
(2) parent (5) Other *(specify)*:
(3) guardian

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

- (1) Parent *(name)*: (address):
(2) Parent *(name)*: (address):
(3) *(Only if neither parent is living)* Near relatives *(names, relationships, and addresses)*:

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

| DECLARATION | |
|--|---|
| I declare under penalty of perjury under the laws of the State of California that <i>(check one)</i> <input type="checkbox"/> I am not <input type="checkbox"/> I am under the jurisdiction of the California Department of Corrections and Rehabilitation <i>(in state prison or on parole)</i> or in county jail and <i>(check one)</i> <input type="checkbox"/> I am not <input type="checkbox"/> I am required to register as a sex offender under Penal Code section 290. | |
| Date: | |
| _____ | _____ |
| (TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED) | (SIGNATURE OF PERSON WHOSE NAME IS TO BE CHANGED) |

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

| | |
|----------------------|-------------------------|
| Date: | |
| _____ | _____ |
| (TYPE OR PRINT NAME) | (SIGNATURE OF ATTORNEY) |

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

| | |
|----------------------|---------------------------|
| Date: | |
| _____ | _____ |
| (TYPE OR PRINT NAME) | (SIGNATURE OF PETITIONER) |

| | |
|----------------------|---------------------------|
| Date: | |
| _____ | _____ |
| (TYPE OR PRINT NAME) | (SIGNATURE OF PETITIONER) |

ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS SIGNATURE OF PETITIONERS FOLLOWS LAST ATTACHMENT Page 1 of 1

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (<i>Name</i>): | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 10px 0 0 0;">12-13-17</h2> <h3 style="margin: 10px 0 0 0;">Not approved by the Judicial Council</h3> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (<i>Name of each petitioner</i>): <div style="text-align: right;">FOR CHANGE OF NAME</div> | |
| DECREE CHANGING NAME | CASE NUMBER: |

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

THE COURT FINDS

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

THE COURT ORDERS

3. The name of _____
- | | | | |
|----|---------------------|---------------|-----------------|
| | <u>Present name</u> | | <u>New name</u> |
| a. | | is changed to | |
| b. | | is changed to | |
| c. | | is changed to | |
| d. | | is changed to | |
| e. | | is changed to | |
- Additional name changes are listed on Attachment 3.

Date: _____

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (<i>Name</i>): | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">12-13-17</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (<i>Name of each petitioner</i>): <p style="text-align: right;">FOR CHANGE OF NAME</p> | |
| DECREE CHANGING NAME OF MINOR (BY GUARDIAN) | 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. The person whose name is to be changed (*specify present name*): _____ is a minor.
- c. The petition for change of name was filed on behalf of the minor by the minor's guardian (*name*): _____
- d. The minor whose name is to be changed is likely to remain in the guardian's care until the age of majority.
- e. The minor whose name is to be changed is not likely to be returned to the custody of his or her parents.
- f. The minor whose name is to be changed is not is required to register as a sex offender under section 290 of the Penal Code. This determination was made (*check one*): by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
- g. No objections to the proposed change of name were made.
- h. Objections to the proposed change of name were made by (*name*): _____
- i. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed name change is in the best interest of the minor, and that the petition should be granted.
- j. Other findings (*if any*): _____

THE COURT ORDERS

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

Date: _____

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____ | <i>FOR COURT USE ONLY</i> <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">12/13/17</h2> <p style="margin: 0;">Not approved by the Judicial Council</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ | |
| PETITION OF (<i>Name</i>): _____ | |
| NOTICE OF SETTING OF HEARING ON PETITION | CASE NUMBER: _____ |

Objections having been filed to petitioner's request for:

- a decree changing name to conform to gender
- an order for the issuance of a new birth certificate reflecting the change of petitioner's gender
- both of the above

a hearing will take place at the time and place below, at which time the court may consider the objections that have been filed.

NOTICE OF HEARING

(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): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name): | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 20px 0 0 0;">12-13-17</h2> <p style="margin: 20px 0 0 0;">Not approved by the Judicial Council</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (Name): | |
| PETITION FOR CHANGE OF NAME, RECOGNITION OF CHANGE OF GENDER, AND ISSUANCE OF NEW BIRTH CERTIFICATE | CASE NUMBER: |

Before you complete this petition, you should read the *Instructions for Filing* 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): _____ is 18 years old or older and a resident of this county.
2. Petitioner requests that the court decree that petitioner's name is changed to conform to petitioner's gender identity to (proposed name): _____
3. Petitioner requests a decree that the petitioner's gender is changed:
 - a. to female.
 - b. to male.
 - c. to nonbinary.
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 any interested persons to file written objections to show cause why the petition for change of name should not be granted.
6. Petitioner provides the following information in support of this petition:
 - a. The declaration below.
 - 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)).

| | |
|------------------------------------|--|
| AFFIDAVIT | |
| I (name): _____ | attest under penalty of perjury under the laws of the state of California that the request for a change in gender to (check one) <input type="checkbox"/> female <input type="checkbox"/> male <input type="checkbox"/> nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose. |
| Date: _____ |  |
| (TYPE OR PRINT NAME OF PETITIONER) | (SIGNATURE OF PETITIONER) |

(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 your name and to obtain a court order recognizing a change of gender and for issuance of a new birth certificate, if you are 18 or older. (Minors must use form NC-350.)

3. What Forms Are Required

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

- a. *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200)
- b. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition)* (form NC-110)
- c. *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125/NC-225)
- d. *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230)
- e. *Civil Case Cover Sheet* (form MC-010)

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. Filing the Order to Show Cause

Ask the court clerk to obtain a judge's signature on the *Order to Show Cause*, then file the original order in the clerk's office and obtain filed-endorsed copies of the order.

6. 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).

7. Court Hearing

A hearing date will be set if timely objections have been filed. If there is a hearing, you will be sent a notice by the court. 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.

8. 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

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): | CASE NUMBER: |
|---------------------|--------------|

Page of

**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)

REVOKED

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

Date: _____

(TYPE OR PRINT NAME OF PHYSICIAN)

 _____
(SIGNATURE OF PHYSICIAN)

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

TO ALL INTERESTED PERSONS:

1. Petitioner (*present name*): _____ has filed a petition with this court for a decree changing petitioner's name to (*proposed name*): _____
2. THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition should not be granted.

NOTICE OF HEARING

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

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

3. Other (*specify*):

Date:

JUDGE OF THE SUPERIOR COURT

| | |
|---|---|
| PETITIONER OR ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT 11-07-17 Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PLAINTIFF: DEFENDANT: | |
| PETITION OF (Name of petitioner): <div style="text-align: right;">FOR CHANGE OF NAME AND GENDER</div> | |
| DECREE CHANGING NAME AND ORDER RECOGNIZING CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE | 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
 is not is required to register as a sex offender under section 290 of the Penal Code.
 This determination was made by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
- c. No objections to the proposed change of name were made.
- d. Objections to the proposed change of name were made by (name): _____
- e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- f. Other findings (if any): _____

THE COURT ORDERS

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

THE COURT FURTHER ORDERS

4. The gender of (new name): _____
 is changed:
- a. to female.
 - b. to male.
 - c. to nonbinary.

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO:
NAME:
FIRM NAME:
STREET ADDRESS:
CITY: STATE: ZIP CODE:
TELEPHONE NO.: FAX NO. :
E-MAIL ADDRESS:
ATTORNEY FOR (Name):

DRAFT

12-13-2017

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PETITION OF (Name):

CASE NUMBER:

**PETITION FOR RECOGNITION OF CHANGE OF GENDER AND FOR
ISSUANCE OF NEW BIRTH CERTIFICATE**

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): _____ is 18 years old or older and requests an order for the issuance of a new birth certificate reflecting the change of petitioner's gender
 - a. to female.
 - b. to male.
 - c. to nonbinary.

2. 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.)

3. I attest under penalty of perjury under the laws of the state of California that the request for a change in gender to (check one) female male nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose.

Date: _____

(TYPE OR PRINT NAME OF PETITIONER)

▶ _____
(SIGNATURE OF PETITIONER)

INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF CHANGE OF GENDER AND FOR 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. Who May File

This petition form may only be used by individuals 18 or older. Minors must use form NC-350.

3. What Forms Are Required

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

- a. *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate* (form NC-300)
- b. *Order Recognizing Change of Gender and for 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.

4. Filing

Prepare an original *Civil Case Cover Sheet* (form CM-010). Complete the original petition and file that form and the *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).)

5. Court Hearing

A hearing date will only be set if timely objections have been filed. If there is a hearing, you will be sent a notice by the court. Bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original order and decree. Bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the *Order Recognizing Change of Gender and for 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**

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.

| | |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____ | FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">12-13-2017</h2> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ | |
| PETITION OF (name): _____ | |
| ORDER RECOGNIZING CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE | 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. 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. to female.
 - b. to male.
 - c. to nonbinary.

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

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|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name): | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">11-17-17</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (Name of each petitioner): | |
| PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and CHANGE OF NAME | CASE NUMBER: |

Use this form only for a petition relating to a minor. (Petitioners 18 years or older must use form NC-200 or NC-300.) Before you complete this petition, read the *Instructions for Filing* (form NC-350-INFO.) Everyone must complete items 1 through 5 and the affidavit on the back. If you are seeking a name change in addition to recognition of gender change, you must also complete items 6, 7, and 8, and form NC-110 or NC-110G.

1. This request is being made by (*minor's present name*): _____ and (*check one of the following*)
 - a. both parents (*names*):
 - b. one parent (*name*):
 - c. near relative (*name and relationship*):
 - d. guardian (*name*):
 - e. other (*specify*):

2. Petitioning minor requests a decree that petitioning minor's gender is changed:
 - a. to female.
 - b. to male.
 - c. to nonbinary.

3. Petitioners request the court to order that a new birth certificate be issued reflecting the gender change sought by this petition.

4. Petitioners request that the court issue an order directing any living parent who did not sign this petition to file written objections and appear to show cause why the petition for change of name should not be granted.

5. Living parents of petitioning minor who did not sign this petition are (*specify names and addresses, or check a box below*):

Petitioner has no living parent. Petitioner has no living parent other than the parent or parents who signed this petition.

6. Petitioners request that the court decree that the petitioning minor's name is changed to conform to gender identity to (*proposed name*): _____
 (*If petitioner has already obtained a decree of change of name, attach a certified copy of the decree to this petition. If no name change is requested, skip items 6, 7, and 8, and go to Affidavit.*)

7. Petitioners provide the following information in support of this petition:
 - a. The affidavit on page 2 of this form.
 - b-f. The information contained in the attachment. (*If seeking a name change, you must attach a completed copy of the attachment, Name and Information About the Person Whose Name Is to Be Changed (form NC-110). If adult petitioner is a guardian, also attach form NC-110G.*)

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|--------------|--------------|
| Petition of: | CASE NUMBER: |
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8. Petitioning minor is a resident of this county. (This must be checked if a name change is requested.)

AFFIDAVIT

I (*minor's name*): _____ attest under penalty of perjury under the laws of the state of California that the request for a change in gender to (*check one*) female male nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose.

Date:

(TYPE OR PRINT NAME OF PETITIONING MINOR)



(SIGNATURE OF PETITIONING MINOR)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE (and CHANGE OF NAME)

**INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF MINOR'S CHANGE
OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE AND CHANGE OF NAME**

1. Where to File

You may file a petition for a court order for recognition of a change of gender and issuance of a new birth certificate reflecting that change in the superior court of any county in California. If your petition **includes a request to change your name**, you must file in the superior court where you (the minor whose name is to be changed) presently live.

2. What Forms Are Required

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

- a. *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-350)
- b. *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-360)
- c. *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330)
- d. *Civil Case Cover Sheet* (form CM-100)

If you are also seeking a name change, you also need an original and two copies of the forms listed at e, f, and possibly g below.

- e. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition)* (form NC-110 and, if a guardian is signing the petition, form NC-110G).
- f. *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230)
- g. *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125/NC-225)

3. Completing the Petition

Use form NC-350 only if you are under 18. (Adults seeking an order recognizing change of gender must use form NC-200 or NC-300.)

- Fill out the top left side of the form with your name, address, phone, and e-mail address (or your attorney's, if you have one) and the name and address of the court in which you are filing the form.
- In item 1, put your name (the name of the minor asking for the court order) and the name and relationship of the adult who is also signing the petition. One or both of your parents or your guardian should sign. If neither parent is alive, and you do not have a guardian, a near relative or friend can sign. Check one of the boxes to show whether the person signing is parent, guardian, near relative, or other (and describe what the "other" relationship is).
- Item 2 asks the court for a decree reflecting your new gender. Check the box to indicate what gender you (the minor) have changed to.
- Item 3 asks the court for an order that a new birth certificate be issued to reflect your change of gender.
- Item 4 asks the court to issue an order that will give notice to any living parent who did not sign the petition that any objections must be filed with the court. (This order is required by Health & Saf. Code, §103435(e).)
- In item 5, put the name and address of any living parent you (the minor) have who is not signing the petition. If you have no parents living, or none other than the person or persons signing the petition, check the appropriate box in item 5.
- If you are **not asking to change your name**, you can skip items 6, 7, and 8 on the form and go to the Affidavit and signatures required at the end of the form. (See Affidavit and Signatures instructions below.)
- If you are asking the court to **change your name** in this petition, you must complete the following items also:
 - You should check the box in the title of the form, in front of "and CHANGE OF NAME."
 - You must check item 6, and put your proposed new name in that item. (If you have already obtained a name change decree from a court that you want to have reflected in your new birth certificate, you do not need to get another decree or to check this box, but should attach a certified copy of that name change decree to this form.)
 - You must check the box in item 7 and you must also complete an additional form, *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110; and if a guardian is the adult signing the petition, form NC-110G). That form must be signed by the same adult signing this petition.
 - You must check item 8, stating that you (the minor whose name is to be changed) are a resident of the county in which you are filing the petition.
- Affidavit and Signatures. You (the minor) must complete (check the box identifying your new gender) and sign the Affidavit on the second page of the petition. Be sure to read it carefully, because you are signing under penalty of perjury. The adult named in item 1 must also sign the form.

4. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition (with attached form NC-110 or NC-110G if you are seeking a name change) 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 and Serving the Order to Show Cause

A. Petition not signed by all living parents.

If any of your parents now living has not signed the petition, that parent has to be given notice and the right to object to the petition. You should request a date for a hearing on the *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-360) at least six weeks in the future. 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. You must have a copy of the completed *Order to Show Cause* showing the time and place of the hearing served on the nonsigning parent within 30 days after you file the petition.

- If a nonsigning parent lives in California, the form must be served on the parent in person.
- If a nonsigning parent lives outside California, the form may be served either in person or by first-class mail requiring return receipt.
- If such service is not possible or if a nonsigning parent lives outside the United States, then you may ask the court that service be done in another way.

B. Petition signed by all living parents, or none of your parents are living

If all your parents now living have signed the petition, or if neither of your parents is alive and another adult signed, then you need not request a hearing date and one of the following will apply:

If you are not requesting a name change, you need not do anything further unless the court asks you to. The court will make the decision based on the petition you filed.

If you are requesting a name change in this petition, you must complete a different form, *Order to Show Cause for Change of Name to Conform to Gender* (form NC-125/NC-225), take it to the clerk's office to obtain the judicial officer's signature, and file the original. You do not need to serve this form on anyone. If objections are filed within six weeks of the issuance of that form, the court will set a hearing date and send you and the objectors notice of the date, time, and place. If no objections are filed, the court will make the decision based on the petition you filed.

6. Court Hearing

If a hearing date was set, but no written objection is filed at least two court days before the hearing, the court may grant the petition without a hearing. Check with the court to find out if a hearing will be held. If a hearing is held, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original order, form NC-230 if your petition included a request for a name change and form NC-330 if it did not ask for a name change.

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. Birth Certificate

To obtain a new birth certificate reflecting the change of gender or name, 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

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.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: ATTORNEY FOR (Name): _____ | <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 10px 0 10px 0;">12-13-17</h2> <p style="margin: 0;">Not approved by the Judicial Council</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF <i>(Name of each petitioner):</i> <div style="text-align: right;">FOR CHANGE OF GENDER (Minor)</div> | |
| ORDER TO SHOW CAUSE FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and CHANGE OF NAME | CASE NUMBER: _____ |

TO ALL LIVING PARENTS OF PETITIONING MINOR:

1. Petitioners *(name of petitioning minor):*
(name of petitioning adult):
 filed a petition for an order recognizing change of gender and issuance of a new birth certificate.

2. THE COURT ORDERS that any living parent interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition should not be granted. Any person objecting to the gender or 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 or, even if filed timely, the objector does not appear on the hearing date, 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 <input type="checkbox"/> same as noted above <input type="checkbox"/> other <i>(specify):</i> | | | |

TO ALL INTERESTED PERSONS:

3. A petition has been filed seeking change of name from *(minor's current name):*
 to *(proposed name):*

4. THE COURT ORDERS that any person objecting to the name changes described above must file a written objection that includes the reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing.

A hearing date may be set only if an objection is timely filed and shows good cause for opposing the name change. Objections based solely on concerns over the petitioner's actual gender identity shall not constitute good cause. (See Code Civ. Proc., § 1277.5 (b).)

Date: _____

JUDGE OF THE SUPERIOR COURT