



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 25, 2014

Title	Agenda Item Type
Civil Forms: Name Change and Gender Change Petitions	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend forms NC-100, NC-110, NC-200, NC-220, and NC-300	July 1, 2014
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	March 5, 2014
	Contact
	Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov

Executive Summary

The Civil and Small Claims Advisory Committee recommends that several Judicial Council name change forms be amended. Recently enacted Assembly Bill 1121 (Stats. 2013; ch. 651) made several changes in the laws regarding certain petitions for name changes and for changes of gender and issuance of new birth certificates, effective July 1, 2014. Revisions to the Judicial Council forms are required in order for the forms to properly reflect the new statutory requirements in the courts, in particular the elimination of the publication requirement when a petitioner seeks to change his or her name to conform to a change in gender identity and the elimination of the requirement for a court order for issuance of a new birth certificate by the State Registrar reflecting a change of sex.

Recommendation

The Civil and Small Claims Advisory Committee recommends revising the following forms effective July 1, 2014, so that the forms will be consistent with the changes in statute enacted in Assembly Bill 1121:

1. To implement the new provisions that exempt petitions for a name change sought to conform the petitioner’s name to his or her gender identity from any publication requirement, amendments should be made to the following forms:
 - *Petition for Change of Name* (form NC-100);
 - *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110);
 - *Petition for Change of Name and Gender* (form NC-200); and
 - *Order to Show Cause for Change of Name* (form NC-220).
2. To reflect the new provisions that a person may ask the State Registrar to issue a new birth certificate—to reflect a change of sex without a court order—a new information box and new instructions should be added to *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300).

Copies of the proposed amended forms are attached at pages 6–13.

Previous Council Action

The council first adopted name change forms effective January 2001 to standardize procedures used for name change proceedings throughout the state. These forms have received minor modifications through the years since then. Along with revisions to the set, new forms were adopted to implement the confidential name change program run by the Secretary of State, “Safe at Home.” No other substantive changes have been made to the forms regarding name changes.

In 2003, the Judicial Council adopted a set of forms for persons to petition for recognition of a gender change and issuance of a new birth certificate reflecting that change. In 2006, the council adopted an additional set of forms to petition for a change of gender and issuance of a new birth certificate, without a name change. Changes were made to those forms in 2011 to reflect the change in venue requirements for petitioners who are California-born transgender individuals residing outside the state, and in 2012 to reflect the statutory change in the evidence required to support such requests.

Rationale for Recommendation

The forms should be amended to conform to the changes in statute enacted in Assembly Bill 1121.¹

¹ A copy of AB 1121 is available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1121.

Petitions for name changes

Currently, the law requires that, in most instances, when a person petitions the court for a change of name, the court must issue an order to show cause that is to be published in newspapers of general circulation before a hearing on the name change. AB 1121 eliminates this requirement of publication for petitions for a change of name sought in order to conform the petitioner's name to his or her gender identity. (See new Code Civ. Proc., § 1277.5.) In this proposal, several Name Change forms should be changed to reflect the elimination of this requirement.

- *Petition for Change of Name* (form NC-100). A new item 6 would be added to this form in which a petitioner could indicate that he or she is seeking the name change to conform his or her name to his or her gender identity. This item would be placed on the first page of the petition to assist the court in easily identifying such petitions, so that the court would not include an order for publication in the *Order to Show Cause for Change of Name* (form NC-120) issued in such cases.² The current item 6 would be renumbered. In the “Instructions for Filing a Petition for Change of Name” on the back of the form, item 7, Publishing the Order to Show Cause, would be amended to include the new exemption from the publication requirement.
- *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110). This form is an attachment to form NC-100 and form NC-200, with the numbering continuing as part of item 6 on those forms. The only change required on this form is to change the item number to 7 so that it conforms to revised form NC-100.
- *Petition for Change of Name and Gender* (form NC-200). This form, which may be used when a petitioner seeks both an order to change name and an order to change gender for the purpose of obtaining a new birth certificate,³ would be amended to eliminate the references to the publication requirement from the instructions on page two, eliminating current item 7 and removing a reference to publication from newly renumbered item 7 and from the box at the bottom of the second page. The newly renumbered item 7, regarding the state address confidentiality program, would be further amended to include a reference to the *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO).

In addition, the items on the front page of form NC-200 would be renumbered so that the number of the last item is the same as the number of the last item on form NC-100, in

² Because the item on form NC-120 for ordering publication is already optional, that form need not be amended.

³ Although the new law allows parties to go directly to the State Registrar to obtain a new birth certificate to reflect a change in sex, without a court order, the law has not eliminated the Health and Safety Code provisions authorizing parties to petition courts for an order recognizing a change of gender, either on its own or in conjunction with a name change petition. (See Health & Saf. Code, §§ 103425 and 103430.)

order to allow the numbering on attachment form NC-110 to work with both forms.⁴

- *Order to Show Cause for Change of Name* (form NC-220). Item 3 on the current form, ordering publication of the order to show cause, would be removed from the form.

Petition for change of gender

As noted above, although AB 1121 now eliminates the requirement of issuance of a court order for the State Registrar to be able to issue a new birth certificate reflecting a change in sex (see new Health & Saf. Code, § 103426), the new act did not repeal the provisions authorizing court proceedings to obtain such an order. (Health & Saf. Code, §§ 103425.) Because petitioning the court remains as an alternative to going directly to the State Registrar, the committee concluded that it would not be appropriate to repeal the forms for petitions for change of gender. This proposal would, however, add an information box to the top of *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300), along with amending item 1 in the instructions on the back of the form, to advise petitioners that they can obtain a new birth certificate directly from the State Registrar, without the need for court proceedings.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for public comment in the winter comment cycle. Comments were received from the Superior Court of Los Angeles County, Superior Court of San Diego County, and the Orange County Bar Association—all of which agreed with the proposal—and from the Riverside County Probation Office, which reviewed the proposal but had no specific comment on it. A chart setting out the comments is attached following the recommended forms, at pages 14–15.

Alternatives Considered

Several alternatives were considered in the development of this proposal.

No change to name change forms

The committee considered not proposing any revisions, instead leaving the forms as they are now, because, as noted by Superior Court of San Diego County, there will be some cost involved to the courts because the new forms will result in additional training of court personnel. In light of the statutory changes, however, the committee concluded that training on the new requirement regarding publication will be required whether or not the forms are changed. The committee decided that that the forms should be revised to reflect the change in law, particularly as they are mandatory forms.

No change to gender change forms

The *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300) relates only to a request for gender change and issuance of a new birth certificate, with no name change involved. Even if not amended, that form would still be correct when the new law goes into

⁴ The renumbering was achieved by splitting current item 1 into two items, to parallel items 1 and 2 on form NC-100.

effect. The committee concluded, however, that this form should be also amended in order to inform parties that under the new law no court proceeding is required. The amendment is intended to lessen work for the courts in the long run because the proposed new text should result in fewer court filings.

Additional requirements on form NC-100

The committee considered whether it should recommend additional revisions to the *Petition for Change of Name* (form NC-100)—in particular, whether the form should require additional information or evidence from a petitioner seeking to change his or her name to conform to his or her gender identity. The committee considered, but rejected, requiring a doctor’s declaration similar to that required for a petition for change of gender and issuance of new birth certificate, concluding that it was not required by the new law. Although Health and Safety Code section 103425 expressly requires a declaration from a physician to show that medical treatment for a change of gender has been completed before an order for a new *birth certificate* may be issued, amended Code of Civil Procedure section 1277(a)(5) does not include that requirement for an order for a new *name* to conform to a petitioner’s gender identity. In light of that distinction in the two laws, the committee did not add any evidentiary requirements to the amended petition for name change.

Implementation Requirements, Costs, and Operational Impacts

Staff and judicial officer training will be required to ensure that the new provisions exempting certain cases from publication requirements are complied with, but such provisions are within the statute itself and so must be complied with whether or not the forms are amended. All but one of the forms are to be completed by parties or counsel, so most of the changes will not affect the courts’ computerized forms. One form, *Order to Show Cause for Change of Name* (form NC-220), is issued by courts and so its amendment may affect courts that have the form integrated into their electronic case systems. However, the amendment should be made even so: if the form is not amended, it will not comply with statute.

Attachments

1. Amended forms NC-100, NC-110, NC-200, NC-220, and NC-300, at pages 6–13
2. Comments Chart, at pages 14–15

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>):	DRAFT 3/26/14 NOT APPROVED BY JUDICIAL COUNCIL
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 on the next page. You must answer all questions and check all boxes that apply to you on this petition. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (*name*): _____ 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. This petition seeks to conform petitioner's name to his or her gender identity.

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

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

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. 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), 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)
- 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* 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.

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.

9. 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.

10. 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 or form NC-200)

(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
 - (2) parent
 - (3) guardian
 - (4) near relative *(indicate relationship):*
 - (5) Other *(specify):*

- e. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:
- (1) Father *(name):* _____ *(address):* _____
 - (2) Mother *(name):* _____ *(address):* _____
 - (3) *(Only if neither parent is living)* Near relatives *(names, relationships, and addresses):*

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

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

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

Date: _____	_____ <small>(SIGNATURE OF ATTORNEY)</small>
<small>(TYPE OR PRINT NAME)</small>	

(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: _____	_____ <small>(SIGNATURE OF PETITIONER)</small>
<small>(TYPE OR PRINT NAME)</small>	

Date: _____	_____ <small>(SIGNATURE OF PETITIONER)</small>
<small>(TYPE OR PRINT NAME)</small>	

ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS

SIGNATURE OF PETITIONERS 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>):	DRAFT 3/26/14 NOT APPROVED BY JUDICIAL COUNCIL
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 for Change of Name and Gender on the next page. You must answer all questions and check all boxes that apply to you on this petition. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (*present name*): _____ is a resident of this county.

2. Petitioner requests that the court decree that petitioner's name is changed to (*proposed name*): _____

3. Petitioner requests a decree that the petitioner's gender is changed:
 - a. from male to female.
 - b. from female to male.

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

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

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

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

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

(Instructions on next page)

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME AND GENDER

1. Where to File

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

2. Whose Name May Be Changed

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

3. What Forms Are Required

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

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

4. Filing and Filing Fee

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

5. Requesting a Court Hearing Date

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

6. Filing the Order to Show Cause

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

7. Domestic Violence Confidentiality Program

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

8. Court Hearing

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

9. Birth Certificate

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

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

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.

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>):	DRAFT 12/12/13 NOT APPROVED BY JUDICIAL COUNCIL
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

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>):	DRAFT 3/26/14 NOT APPROVED BY JUDICIAL COUNCIL
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:

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*): _____ requests an order for the issuance of a new birth certificate reflecting the change of petitioner's gender
 - a. from male to female.
 - b. from female to male.

2. A declaration by a physician documenting the gender change through clinically appropriate treatment as provided under Health and Safety Code sections 103425 and 103430 is filed with this petition. (*Attach a copy of Declaration of Physician—Attachment to Petition (form NC-310).*)

3. Petitioner has has not _____ already obtained a decree of change of name. (*If petitioner has obtained a decree of change of name, attach a certified copy of the decree to this petition.*)

4. Petitioner requests that the court issue an order setting a hearing on this petition at which the court may examine petitioner and any other person having knowledge of facts relevant to the petition.

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

Date: _____

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

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

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

1. Where to File

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

2. What Forms Are Required

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

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

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

3. Filing Fee

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

4. Requesting a Court Hearing Date

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

5. Court Hearing

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

6. New Birth Certificate

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

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

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.

ITC number W14-03

Title of proposal: Civil Forms: Name Change and Gender Change Petitions

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association By: Thomas Bienert, Jr., President	A		The committee notes the commenter’s agreement with the proposed changes.
2.	Riverside County Probation Department By: Allison Paterson, Executive Secretary	NI	While we often request vital records, such as birth certificates, we do not request name changes or changes in gender. This does not appear to impact our department and therefore are unable to comment on several specific questions in relation to name and gender changes. As previously stated, probation personnel only request vital records; we do not petition the court to make changes to them.	The committee thanks the commenter for taking the time to review the proposal.
3.	Superior Court of California, County of Los Angeles	A		The committee notes the commenter’s agreement with the proposed changes.
4.	Superior Court of California, County of San Diego By: Michael Roddy, Executive Officer	A	<p>Comments: <i>No additional comment to the proposal as a whole.</i></p> <p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? <i>Yes.</i> <p>The advisory committee also seeks comments from <i>courts</i> on the following cost and implementation matters:</p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. <i>No specific cost savings; in fact, there will be an implementation cost.</i> 	<p>The committee notes the commenter’s agreement with the proposed changes.</p> <p>The committee agrees.</p> <p>The committee agrees, but notes that the changes are required by the change in law.</p>

ITC number W14-03

Title of proposal: Civil Forms: Name Change and Gender Change Petitions

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • 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? <i>Business office and courtroom clerks who receive these applications will have to be trained about the new no-publication and hearing requirements. The amount of time would be less than a half an hour per clerk being trained. In addition, the court’s operational procedures would have to be updated to conform to the new legal requirements, which would take time to go through the administrative process.</i> • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <i>Yes.</i> • How well would this proposal work in courts of different sizes? <i>It should be the same for all courts.</i> 	<p>The committee thanks the commenter for providing this information.</p>