

## 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 for a minor and issuance of a new birth certificate reflecting that change in the superior court of any county in California. (If the minor was born in California, you may file the order with the State Registrar and obtain a new birth certificate.) If your petition **includes a request to change the minor's name**, you must file in the superior court of the county where the minor whose name is to be changed presently resides.

### 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-500)
- b. *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520) (see item 5 below to determine if needed)
- c. *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330 or form NC-530G if petitioner is a guardian)
- d. *Civil Case Cover Sheet* (form CM-010)
- e. *Declaration of Guardian or Dependency Attorney* (form NC-510G) (if petition being filed by one of those individuals)

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

- f. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition for Change of Name)* (form NC-110)
- g. *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) (see item 5 below)
- h. *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230) (not needed if petitioner is the minor's guardian or dependency attorney)

### 3. Completing the Petition

Use form NC-500 only for a person under 18. (Adults seeking an order recognizing change of gender must use form NC-200 or NC-300.)

1. 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.
2. In item 1, put the name of the minor and the name and relationship of the adult who is signing the petition. One or both parents or a guardian should sign. If neither parent is alive, and there is no guardian, a near relative or friend can sign. Check one of the boxes to show whether the person signing is a parent, guardian, near relative, or other (and describe what the "other" relationship is).
3. Item 2 asks the court for a decree reflecting the minor's new gender. Check the box to indicate what gender the minor has changed to.
4. Item 3 asks the court for an order that a new birth certificate be issued to reflect the change of gender.
5. 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).) If parents are deceased or cannot be located and the petition is brought by a guardian or dependency attorney appointed as a guardian ad litem, check the box next to 4b to ask the court to issue an order that will give notice to any living grandparent. **(A guardian or dependency attorney must also complete form NC-510G.)**
6. In item 5, put the name and address of any living parent of the minor who is not signing the petition. If there are no parents living, or none other than the person or persons signing the petition, check the appropriate box in item 5.
7. If **not asking to change the name of the minor**, you can skip items 6, 7, and 8 on the form and go to the Declaration and signatures required at the end of the form. (See Declaration and Signatures instructions below.)
8. If asking the court to **change the name of the minor** in this petition, complete the following items also:
  1. Check the box in the title of the form, in front of "and CHANGE OF NAME."
  2. Check item 6, and put the 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 the new birth certificate, you do not need to get another decree or to check this box, but must attach a certified copy of that name change decree to this form.)
  3. Check the box in item 7 and complete an additional form, form NC-110. If guardian or dependency attorney appointed as a guardian ad litem is the adult signing the petition, complete form NC-510G also. That form must be signed by the same adult signing this petition.
  4. Check item 8, stating that the minor whose name is to be changed is a resident of the county in which you are filing.
9. *Declaration and Signatures.* The minor may complete (check the box identifying the new gender) and sign the Declaration on the second page of the petition. Be sure the minor reads it carefully, because it is signed under penalty of perjury. The adult named in item 1 must also sign the form, and any living parent may also sign.

**4. Filing and Filing Fee**

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition with any attachments required on page one of this information sheet and any order to show cause required below along with the *Civil Case Cover Sheet* with the clerk of the court and obtain two filed-endorsed copies of the petition and any order to show cause. 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 Requiring a Hearing.**

You must request a hearing in the following situations:

- (1) One or more living parents of the minor has not signed the petition. That parent must be given notice and the right to object to the petition.
- (2) Petition is brought by a guardian or a dependency attorney appointed as a guardian ad litem and parents are deceased or cannot be located. In this case, any living grandparents known to petitioners must be given notice and the right to object to the petition.

If a hearing is required, 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 (and Change of Name)* (form NC-520) 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 or grandparent at least 30 days before the hearing date, and you must file a Proof of Service with the court (you may use form NC-121). **If a nonsigning parent or grandparent lives in California, the form must be served on the parent in person. If a nonsigning parent or grandparent 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 person lives outside the United States, then you may ask the court that service be done in another way.**

**B. Petitions Not Requiring a Hearing.**

If all parents of the minor now living have signed the petition, or if there are no living parents and the petition is brought by another adult who is not a guardian or a dependency attorney appointed as a guardian ad litem, 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 the *Order to Show Cause for Change of Name to Conform to Gender Identity* (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 name change portion of the petition should, instead of giving the proposed name, indicate that the new 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**

If you were born in California, 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](http://www.cdph.ca.gov)**

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