



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-194

For business meeting on: December 2, 2022

Title

Rules and Forms: Name- and Gender-
Change Form Revisions to Implement
Assembly Bill 218 and Assembly Bill 421

Rules, Forms, Standards, or Statutes Affected

Adopt forms NC-311, NC-312, NC-325, and
NC-530; approve form NC-300-INFO; revise
forms NC-100, NC-100-INFO, NC-110,
NC-120, NC-150, NC-300, NC-330,
NC-500, NC-500-INFO, NC-510G, and
NC-520; revoke forms NC-200, NC-225,
NC-230, and NC-530G; and renumber form
NC-125/NC-225 as form NC-125

Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Date of Report

October 25, 2022

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Executive Summary

The Civil and Small Claims Advisory Committee recommends changes to 21 forms to implement statutory changes in Assembly Bill 218 (Stats. 2021, ch. 577) and Assembly Bill 421 (Stats. 2022, ch. 40). Together, these bills (1) authorize petitions for recognition of change of gender to be joined with requests to have various administrative records issued to reflect the petitioner's changed gender; (2) allow non-California residents to petition to have their names and gender changed on certain administrative records issued in California; (3) add a new category of petitioners who may bring name- or gender-change petitions on behalf of minors; and (4) change when a minor's grandparents must receive notice of a petition to recognize a change in the minor's gender. The proposed forms address these statutory changes.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Adopt the following forms:

- *Birth Certificate for Child of Petitioner—Attachment* (form NC-311)
- *Marriage License and Certificate—Attachment* (form NC-312)
- *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325)
- *Order Recognizing Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530)

2. Approve the following forms:

- *Instructions for Filing Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO)

3. Revise the following forms:

- *Petition for Change of Name* (form NC-100)
- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO)
- *Name and Information about the Person Whose Name Is to Be Changed* (form NC-110)
- *Order to Show Cause—Change of Name* (form NC-120)
- *Notice of Hearing on Petition* (form NC-150)
- *Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)
- *Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330)
- *Petition for Recognition of Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500)
- *Instructions for Filing Petition for Recognition of Minor’s Change of Gender and Sex Identifier* (form NC-500-INFO)
- *Declaration of Guardian or Juvenile Attorney* (form NC-510G)
- *Order to Show Cause—Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate* (form NC-520)

4. Revoke the following forms:

- *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200)
- *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-225)
- *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230)

- *Order Recognizing Minor’s Change of Gender and for Issuance of New Birth Certificate* (form NC-530G)

5. Renumber the following form:

- *Order to Show Cause—Change of Name to Conform to Gender Identity* (renumber from form NC-125/NC-225 to form NC-125)

The proposed new and revised forms are attached at pages 17-47.

Relevant 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 since then. Along with revisions to the existing set, new forms were adopted to implement the confidential name changes as part of the confidential address program, “Safe at Home,” run by the Secretary of State. Revisions were approved to reflect statutory changes over the years, including: (1) in 2014, to reflect amendments eliminating the publication requirement for petitioners seeking to change their names to conform to their gender identity; (2) in 2018, to reflect new statutory procedures for name changes to conform to gender identity; and (3) in November 2018, to add a new category of petitioners who may seek confidential 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 over the years to implement statutory changes to reflect a change in venue requirements, changes in the evidence required to support such requests and the procedures that apply to them (including adoption of a separate set of forms for minors), and the creation of an administrative process that may be used as an alternative to court proceedings.

Analysis/Rationale

Assembly Bill 218 (2021) and Assembly Bill 421 (2022)

The Legislature enacted AB 218 (see Link A) in October 2021. In June 2022, the Legislature enacted AB 421 (see Link B), which modified a number of AB 218’s provisions. Together, these two enactments make the following changes to the procedures governing petitions for name change and petitions for recognition of change of gender and sex identifier,¹ either already in effect or effective January 1, 2023.

¹ The new laws expand what may be recognized by the court to “change of gender and sex identifier,” as is reflected in the titles of the proposed forms. (New Health & Saf. Code, § 103425(a).) All references herein to “change of gender” or “gender change” should be read to encompass both gender and sex identifier. “New,” as used in citations hereafter, refers to provisions enacted in AB 218 or AB 421, all of which are effective now, but some of which will

First, both court-appointed guardians ad litem of minors and nonminors in the juvenile dependency system (appointed under Welfare and Institutions Code section 326.5) *and* counsel for minors in the juvenile justice system (under Welfare and Institutions Code sections 601 and 602) may petition for name changes or recognition of gender changes for minors.² Petitions filed for a minor or nonminor dependent who is under the jurisdiction of the juvenile court are exempt from the requirement that an order to show cause be published.³

Second, individuals who live *outside* California may now petition a California court for a name change or recognition of change of gender if they want to change their name or gender on certain administrative records issued in California (i.e., their birth certificate, child's birth certificate, or marriage license or certificate).⁴

Third, a petition for recognition of change of gender may now include the following requests: (1) to change the petitioner's birth certificate to reflect their new name and gender (as was allowed in prior law); (2) to change petitioner's child's birth certificate to reflect petitioner's new name and gender (if the child was born in California); and (3) to change petitioner's marriage license or certificate issued in California to reflect petitioner's new name and to change their designation as bride, groom, or neither.⁵ Changes to an adult child's birth certificate requires the consent of the child;⁶ changes to a marriage license and certificate requires that the spouse sharing the license and certificate either sign the petition or be given notice and an opportunity to object.⁷

Fourth, a minor's grandparents must be given notice of a petition to recognize the minor's change of gender if the petition is signed by a guardian, guardian ad litem, or juvenile attorney and *all* of the minor's parents are deceased or cannot be located.⁸

Fifth, individuals may obtain, without a court order, new birth certificates (for them or their children) or a marriage license and certificate reflecting the individual's change of gender and sex identifier directly from the State Registrar (or, for a new confidential marriage license and

not become operative until January 1, 2023. "Prior," as used in citations hereafter, refers to the law as it existed before AB 218 and AB 421.

² New Code Civ. Proc. § 1276(e) and new Health & Saf. Code, § 103430(c)

³ New Code Civ. Proc., § 1277(c).

⁴ *Id.*, § 1276(g); new Health & Saf. Code, § 103425(e).

⁵ New Health & Saf. Code, § 103425(b), (c), & (d).

⁶ *Id.*, § 103430(b)(3).

⁷ *Id.*, § 103430(b)(2).

⁸ *Id.*, § 103430(e)(2). (Prior law mandated notice if *either* parent was deceased or could not be located.)

certificate, directly from the county clerk of the county where the marriage occurred) by submitting specific supporting documentation.⁹

Finally, when an order to show cause (OSC) is required to be issued in response to a petition to recognize a minor's change of gender, any objections filed in response to the OSC must be filed within four weeks of the order's date.¹⁰

The recommended form revisions to reflect these changes are described generally below.¹¹

NC-100 Series Forms

- *Petition for Change of Name* (form NC-100). Item 1 has been revised to reflect that non-California residents may now petition to change their name on birth or marriage certificates issued in California. Item 5 has a new option for petitioners who are guardians ad litem or attorneys appointed for juvenile defendants.
- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). Paragraph 1 has been revised to reflect the new basis for jurisdiction over petitions brought by non-California residents. Paragraph 4 has been revised to include an advisement regarding potential required local forms. Paragraph 7 has been revised (and reorganized) to include the exemption from publication which applies when a name change is sought for a minor or nonminor dependent under the jurisdiction of a juvenile court. Paragraph 11 has been added to describe the process by which a petitioner can request an accommodation for a disability. Finally, a heading has been added to paragraph 12.
- *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110). A cross-reference to form NC-300 (the petition for recognition of an adult's change of gender) has been added because form NC-110 may be attached to form NC-300 under the proposed reorganization of the gender-change forms. (Statute mandates that a name-change petition may be combined with a petition requesting recognition of gender change.)¹² A category for guardians ad litem and attorneys appointed by a juvenile court has been added to item 7d.
- *Order to Show Cause—Change of Name* (form NC-120). This form provides notice of the hearing date and of the opportunity to make objections to a name change petition. Most petitioners must publish the OSC in a local newspaper of general circulation and the order form indicates the specific paper to be used. Because some petitions will now be brought by individuals who reside outside California, an alternative order is now

⁹ *Id.*, § 103426.

¹⁰ *Id.*, § 103430(f).

¹¹ The proposed revisions to existing forms are highlighted in yellow on the attached forms. However, the proposed revisions to forms NC-300, NC-330, NC-500, NC-500-INFO, and NC-520 have not been highlighted as they are so extensive that almost the entire form would have to be highlighted.

¹² *Id.*, § 103435.

provided in item 3, which describes but does not specify the paper in which the OSC is to be published for an out-of-state petitioner. The title was also revised to clarify that the order is not to show cause “for” a change of name. Finally, a parenthetical about about remote appearances has been added to the form.

- *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125). This form, currently numbered jointly as NC-125/NC-225, has been revised to remove NC-225 because the committee recommends eliminating the NC-200 series for the reasons stated below. As with form NC-120, the title has been revised to clarify that the order was not to show cause “for” a change of name.
- *Notice of Hearing on Petition* (form NC-150). Courts may use this form to set the hearing required when an individual files a timely objection to a petition for change of name to conform to gender identity or to a petition for recognition of change of gender. The form has been revised to allow it to be used when objections are filed to a petitioner’s request to have their gender designation changed on their marriage license and certificate or their child’s birth certificate or both. Because a hearing may be set only if objections are received, this form will be filled out and served by courts, and not petitioners. Accordingly, the phrase previously part way down the form, “(To be completed by clerk)”, which implied that part of the form would be filled out by petitioners, has been removed.

NC-200 Series Forms

Before the passage of AB 218, adults could either petition the court for recognition of gender change (which did not require that an OSC be issued) or, in a single petition, combine that request with a request for a name change (for which an OSC must be issued, and must sometimes be served).¹³ For this reason, the council adopted two sets of forms for petitions by adults: one set for petitions seeking only recognition of gender change (the NC-300 series) and another for those seeking both recognition of gender change and name change at the same time (the NC-200 series). Under AB 218, however, combined petitions may now include requests to have various administrative records reflect the petitioner’s changed name and gender, each with different requirements. For this reason, the committee has concluded it no longer makes sense to have a discrete set of forms for each type, or combination of types, of requests. Instead, the committee believes that a single petition that includes all possible requests should be used and is recommending revisions to the NC-300 series to reflect that conclusion.

Accordingly, the committee recommends revoking or renumbering the forms in the NC-200 series:

- *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200) (revoke);

¹³ Prior Health & Saf. Code, § 103435.

- *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) (renumber as form NC-125);¹⁴ and
- *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230) (revoke).

NC-300 Series Forms

- *Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300) (formerly *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate*). Currently, form NC-300 allows a petitioner to seek recognition of a change in gender and issuance of a new birth certificate that conforms to that gender. The proposed revisions add additional options by which a petitioner may include requests for a change of name; a new birth certificate for petitioner's child with petitioner's gender changed; and a new marriage license and certificate with petitioner's designation as bride, groom, or neither changed. Instructions are included as to what additional forms need to be completed and attached to support such requests. Petitioners may also request that any of these certificates reflect their changed name. Items reflecting the new statutory jurisdictional and venue requirements have been added. An item for the petitioner to request that a previously obtained name change be reflected on a California issued certificate has been added. The instructions at the top of the form have been updated to advise would-be petitioners that new birth certificates or marriage licenses and certificates reflecting a change of gender can be obtained without the need to file a petition or obtain a court order.
- *Instructions for Filing Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO). The instructions have been removed from page two of current form NC-300 and relocated to this new stand-alone instructions form. The information has been expanded to cover how to petition the court with potentially multiple requests. The instructions begin by advising that new birth certificates and marriage licenses and certificates reflecting a change of gender can be obtained without filing a petition or obtaining a court order. The new venue and jurisdiction requirements have been added. A list of required forms for each of the potential requests is included (along with an advisement that local courts may require additional local forms). Information about when an OSC may need to be served regarding a new marriage license and certificate (when the spouse sharing the certificate has not signed the petition) or when the petition may need to be served on governmental agencies (when the petitioner is under the jurisdiction of the Department of Corrections and Rehabilitation) is included. Information about requesting an accommodation for a disability has been added. Finally, a link to the gender recognition section of the on-line Self-Help Guide to the California Courts has been added.

¹⁴ This form has the same content as form NC-125, which would not be revoked but remain in effect. The form will be renumbered to include only a single number in place of the current double-numbered NC-125/NC-225.

- *Birth Certificate for Child of Petitioner—Attachment* (form NC-311). This new attachment form provides the necessary information for a request to change the petitioner’s gender (and, if requested, name) on their child’s California birth certificate. If the birth certificate is for an adult child, and the child is alive and not incapacitated, that child must agree to the change. The form provides spaces for an adult child’s signature or for an explanation for the lack of one.
- *Marriage License and Certificate—Attachment* (form NC-312). This new attachment form provides the necessary information for a request to change the petitioner’s designation (and, if requested, name) on a marriage license and certificate that was issued in California and is maintained either by the county where the marriage occurred (for a confidential marriage license) or by the State Registrar (for a not-confidential marriage license). Petitioner’s new designation can be bride, groom, or neither. The form provides spaces for the spouse who shares the license and certificate to sign the petition or an explanation for why the spouse is incapable of signing. The form provides an option by which the petitioner can request the court to issue an OSC directing the nonsigning spouse to show cause why the requested changes should not be made. Finally, a reference to the definition of “confidential marriage” contained in form NC-300-INFO is provided.
- *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325). This new order form is to be issued and served if a petitioner’s living and capable spouse does not sign form NC-312.
- *Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330). The current form is an order addressing only change of gender and issuance of a new birth certificate. This revised form—which has been substantially reorganized—addresses the other orders that an adult petitioner can request under Health and Safety Code section 103430. It includes items for the court to make the statutory jurisdictional finding; the findings required for a name change, for changing the birth certificate of an adult child of petitioner, and for changing a marriage license and certificate; and an “other findings” box should a court make findings to deny any part of the petition. Finally, the form includes items by which the court can issue an order granting each request and an “other orders” item in which any or all requests may be denied.

NC-500 Series Forms

- *Petition for Recognition of Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500) (formerly *Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate and Change of Name*). The proposed form has been reorganized for clarity, with subheadings dividing the form into sections for “Information about Petitioner,” “Request for Recognition of Change of Gender and Sex Identifier,” and “Request for Change of Name.” Substantively, new item 2 has been included and notes that the petitioner is either a California resident or seeking a change to a California birth certificate. In response to

comments received, to accommodate the possibility that a minor may have more than two parents, items 1a and 1d have been reworded and an option has been added to item 3d to allow for petitioner to include information about more than two parents.¹⁵ To implement the notice and OSC requirements, the section relating to recognition of change of gender and sex identifier has been reorganized, and includes requests that the court issue appropriate orders to show cause if any living parent of the minor has not signed the petition (item 6), or all parents are deceased and the petition is being filed by a guardian or guardian ad litem (item 7), and the name change section includes a request for an OSC as to that request as well (item 9c).

- *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO) (formerly *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name*). The information sheet has been substantially revised for clarity and to reflect the change in form NC-500's organization as well as the proposed revisions to the OSC (form NC-520). Paragraph 3 has been revised to advise petitioners to check with local courts to see if they require use of additional local forms. Paragraph 6 discusses the notice and OSC requirements. Paragraph 8 has been added to provide information about requesting accommodations for a disability. Finally, paragraph 10 has been added to include a link to the gender recognition section of the online Self-Help Guide to the California Courts.
- *Declaration of Guardian or Juvenile Attorney* (form NC-510G) (formerly *Declaration of Guardian or Dependency Attorney*). This form was revised to add that attorneys acting for juveniles in the juvenile justice system (under Welfare and Institutions Code section 601 or 602) are now among those who may petition for minors. Further, item 4 has been revised for clarity, to use nongendered terms for grandparents, and to specify that the information about minor's grandparents is required only if *all* parents are deceased or cannot be located.
- *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520). This form has been substantially revised, with almost entirely new content. It implements the requirements of new Health & Safety Code section 103430(e)(1), which continues the requirement that the court issue an OSC directed to parents when a petition is filed that does not include the signatures of all living parents, and new subdivision (e)(2), which requires the same order, directed to grandparents, when all parents are deceased and the petition is filed by a guardian or guardian ad litem. The proposed form also includes the OSC required by Code of Civil Procedure section 1277.5 when the petitioner seeks a decree of name change to conform to gender identity. With these revisions, courts will be able to issue a single OSC form to

¹⁵ Fam. Code, § 7612(c) ("In an appropriate action, a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child.").

address all situations in which an OSC is required on a minor's gender- and name-change petition.¹⁶ The notice of hearing has been removed from the revised form because, under the new law, a hearing is to be set only if and when objections are received in response to the OSC.¹⁷ Finally, the title has been revised to clarify that the order was not to show cause "for" recognition of minor's change of gender.

- *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530). This proposed new form is a stand-alone order form for all gender-change petitions for minors. Currently, for an order recognizing only a change of gender for a minor, the order form for such petitions by adults (form NC-330) is used; for an order for both change of gender and change of name for a minor, form NC-230 is used; but when either is brought by a guardian, form NC-530G is used. This proposed form would take the place of all three. The form includes the findings needed for making orders on both the gender-change and name-change portions of the petitions (whether unopposed or after objections). It also includes the findings needed for a petition made by a guardian (that the minor will not likely be returning to a parent's custody) or by a friend or relative (that the parents are deceased and no guardian has been appointed).
- *Order Recognizing Minor's Change of Gender and for Issuance of New Birth Certificate* (form NC-530G). The committee recommends that this form be revoked in light of proposed form NC-530, which would take its place.

Policy implications

Although the new legislation has numerous policy implications—such as permitting out-of-state residents to request a change of name or recognition of gender change if the request is seeking a change to a certificate issued in California; allowing petitioners to seek new birth or marriage certificates reflecting the petitioners' new name and gender; and requiring a minor's parents (or, in certain circumstances, grandparents) either to consent to, or be given notice of, a minor's petition to recognize a change of gender—these implications are inherent in the statute and unrelated to the proposed forms. The recommendations here simply implement the legislative changes.

Comments

The proposal was initially circulated for comment from April 4 to May 13, 2022. After the Legislature enacted AB 421, additional revisions to the NC-500 series forms were needed to reflect the changes in that statute. That form series, reflecting these new proposed revisions and

¹⁶ In light of this ability, the committee is no longer recommending adoption of *Order to Show Cause—Petition by Guardian or Guardian ad Litem* (form NC-520G), which was circulated for comment as part of the spring invitation-to-comment cycle.

¹⁷ See Code Civ. Proc., § 1277.5(c); New Health & Saf. Code, § 103430(h).

incorporating some of the comments from the spring comment period, were circulated for additional comment from August 22 to September 19, 2022.

Comments on the first circulation were received from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (JRS); three courts (the Superior Courts of Orange (two divisions), San Bernardino, and San Diego Counties); the Orange County Bar Association; and the TransLatin@ Coalition.

Comments on the second circulation of just the further revisions to the NC-500 series were received from three courts (the Superior Courts of Orange, Riverside, and San Diego Counties); several public interest groups (the Alliance for Children's Rights as well as Disability Rights California, jointly with the Transgender Law Center and Name and Gender-Marker Change Clinic); and a family law practitioner.

All comments are generally favorable, with most requesting minor modifications to the forms. Charts with the full text of the comments received in both circulations and the committee's response are attached beginning at page 48. The committee accepted many of the suggestions, modifying the forms in light of them. The principal comments are discussed below.

Suggested revisions to the Orders to Show Cause¹⁸

The Joint Rules Subcommittee suggested revisions to the OSCs (forms NC-125, NC-325, and NC-520) and their issuance. First, it recommended that forms NC-125 and NC-325 include a "notice of hearing" section, which would provide a date to trigger the court to act if no objections to a petition for change of name or recognition of gender change were received. The committee declines to make this change. Under the statute, courts may not set a hearing on a petition for name change to conform to gender identity or petition for recognition of gender change before the court receives an objection showing good cause why the petition should be denied.¹⁹

Second, JRS noted that if a petitioner who has to serve an OSC waited the full 30 days to serve the OSC, a would-be objector would be left with only 2 weeks to file an objection. The comment did not expressly indicate a problem with this timeframe or recommend changes. Regardless, the committee notes that the deadline by which a petitioner must serve an OSC and the deadline by which written objections must be filed are both mandated by statute.²⁰

Third, JRS recommended that a blank *Declaration* (form MC-030), which the recipient would be able to use to file an objection, be served with an OSC. JRS stated that use of the form would make it easier for the court to identify the document as an objection and to connect the document

¹⁸ The initial invitation to comment sought specific comments on whether, in light of a statutory ambiguity in AB 218 (in Health and Safety Code section 103430) regarding when an order to show cause should be issued, the council should adopt form OSCs. Subsequently, AB 421 resolved this statutory ambiguity, mooted the request for specific comment. The comments received are included in the attached comment charts but are not discussed below.

¹⁹ Code Civ. Proc., § 1277.5(c); New Health & Saf. Code, § 103430(h).

²⁰ New Health & Saf. Code, § 103430(e) & (f).

to the correct case. The committee declines to adopt this suggestion. The committee does not believe that a blank declaration form, without instructions, is an appropriate vehicle for objections to petitions for name change or recognition of gender change. More generally, requiring a form for objections to be served along with an OSC (and the substance of that form) is outside the scope of this proposal, and potentially outside the purview of the council, in light of the Legislature having occupied this area of law.

The Superior Court of Orange County also commented on the OSC. It suggested that form NC-520 be revised to move items 1b and 2b (the items by which the court orders the OSC recipient to show cause) to their own section and to place check boxes before each for the judicial officer to expressly mark them as “ordered.” The committee declines to make these suggested revisions. The committee believes that keeping the name- and gender-change portions of the form separate (including the respective court order items) will make the forms easier to understand for the recipients of the OSC. Additionally, the committee declines to add checkboxes to items 1b and 2b to stay consistent with other OSCs and because courts will indicate which order or orders are applicable by checking the appropriate check boxes already provided on the form.

Suggested revisions for situations where a minor has more or fewer than two parents

A practicing attorney suggested revising form NC-500 and form NC-530 to address situations where a minor has more than two parents, or only one parent. The committee recognizes that there are situations when a minor may have more than two parents under the law.²¹ As circulated, form NC-500 had two items that suggested a minor could have, at maximum, two parents. First, item 1a and 1b indicated that the petition was being brought by “two parents” or “one parent” of the minor, respectively. Second, item 3d included spaces for the petitioner to list the information of two nonsigning parents.

To account for the possibility of more than two parents, item 1a has been revised to read “parent or parents (*names*).” without suggesting a maximum number. Item 3d has been revised to include an option for the petitioner to include an attachment providing more information about additional nonsigning parents. Additional conforming changes were made to form NC-500-INFO and form NC-530. On form NC-500-INFO, two references to “both” parents were changed in paragraph 1. On form NC-530, item 3 was revised and items 3d(1) and 3d(2) were changed to read “all of minor’s parents (*names*).” and “fewer than all of minor’s parents (*names*).;” respectively.

For situations where a minor has only one parent, the committee believes the forms are sufficiently clear as drafted and declines to make any further changes to the forms.

Instructions for requesting an accommodation for disability

The Civil Rights Practice Group of Disability Rights California, the Transgender Law Center, and Name & Gender-Marker Change Clinic suggested that form NC-500-INFO be revised to

²¹ Fam. Code, § 7612(c).

instruct petitioners about requesting accommodations for disability. The committee agrees but is using different language than that proposed by the commenters, to conform with other Judicial Council forms. Form NC-500-INFO has been revised to add paragraph 8, entitled “Requesting Accommodations for Disability.” This new item instructs that *Disability Accommodation Request* (form MC-410) can be used to request an accommodation. It also directs the reader to *How to Request a Disability Accommodation for Court* (form MC-410-INFO) and the court’s ADA Coordinator for further information. Identical additions have been made to form NC-100-INFO (new paragraph 11) and form NC-300-INFO (new paragraph 8).

Suggested revisions to attachment form regarding marriage licenses

TransLatin@ Coalition submitted a comment that suggested several revisions to *Marriage License and Certificate—Attachment* (form NC-312), the form used to support a request that a new marriage license and certificate be issued reflecting the petitioner’s change in gender. First, it suggested that in seeking information about the “marriage license and certificate to be reissued” the form was confusing as to whether it was referring to the “old” marriage license and certificate or the “new” ones being sought. The committee agrees and has revised the “license and certificate to be reissued” language to read “original marriage license and certificate” throughout the form. (See form NC-312, items 2 and 3.)

Second, it stated that the form could more clearly state that if the petitioner’s spouse did not sign the petition, the petitioner would be required to have the OSC served on the nonsigning spouse and a proof of service filed. The committee notes that the form does include a request that the court issue the OSC should the form not be signed by the spouse, and form NC-300-INFO, at item 5, instructs the petitioner as to the service requirements in more detail than could be placed on this form. As a result, the committee does not believe that form NC-312 needs to be revised on this point.

Finally, it suggested that a definition of “confidential marriage” and “nonconfidential marriage” would be useful, either on form NC-312 or on form NC-300-INFO. The committee agrees. A definition of confidential marriage has been added to form NC-300-INFO at item 10 and this definition has been cross-referenced in form NC-312’s instructions. In addition, references to “nonconfidential” have been changed to “not confidential” for clarity and to be consistent with the language used in the statute.²²

Suggested revisions to order on petition for minor

A practicing attorney commenter suggested substantive revisions to *Order Recognizing Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530). First, the commenter recommended reorganizing the court order section of the form by moving the new birth certificate requests to the end of the form. The committee agreed and revised this portion of the form for clarity. As revised, the orders recognizing petitioner’s gender change

²² New Health & Saf. Code, § 103431(b)(1)(B).

(item 4) and any change of name (item 5) have been separated, and the orders relating to birth certificates have been combined (item 6) and placed just above “Other orders” (item 7).

The commenter also suggested revised wording for the court order portion of the form. First, the commenter suggested, in relevant part, that the court order a new birth certificate that reflects the minor’s “new gender” as opposed to the minor’s “change of gender.” (See item 6.) The committee declines to make this revision because the phrase “reflecting the change of gender” is more consistent with the statutory language and more clearly conveys that the court order is not itself changing the minor’s gender.²³ Although the commenter expressed concern that a clerk could read the phrase as requiring the new birth certificate to reflect that the minor’s gender had in fact changed (as opposed to simply listing the new gender on the birth certificate), the committee notes that the statute prohibits such a reading.²⁴

Second, the commenter suggested that the court order directing issuance of a new birth certificate include language requiring that the new birth certificate list the minor’s “current legal name.” The committee agrees that the order for issuance of a new birth certificate should include any name change sought by the petitioner, and item 6 has been revised accordingly. The committee, however, declines to revise the item to use the phrase “current legal name,” as recommended by the commenter. The committee believes “current legal name” could be potentially confusing for petitioners and that the phrase “change of name” accurately describes what is being sought by the petitioner and ordered by the court.²⁵

Suggestions relating to service of process and filing proof of service

Comments were received addressing service of process of OSCs or the requirement that a proof of service be filed with the court. TransLatin@ Coalition suggested that item 3 of *Marriage License and Certificate—Attachment* (form NC-312) more clearly describe the petitioner’s obligation to service the OSC on a nonsigning spouse and have a proof of service filed with the court. The committee notes that paragraph 5 of form NC-300-INFO includes instructions regarding service of process and the requirement that a proof of service be filed. The committee believes that further instruction on form NC-312 is unnecessary. The commenter also recommended that form NC-300-INFO include a link to a reader-friendly “Service of Process in California” guide. The committee is unaware of such a guide. However, to aid petitioners, a link

²³ Consistent with this latter point, the committee has further revised item 4 to read that the minor’s gender and sex identifier “has been changed to” rather than “is changed to.”

²⁴ New Health & Saf. Code, § 103431(a)(1), (a)(2), & (c)(2).

²⁵ In responding to this comment, the committee discovered that *Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330) and *Order Recognizing Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530), as circulated, did not include options addressing when a petitioner or minor, rather than seeking a decree of name change in the instant petition, has instead *previously* obtained a decree of name change and now seeks to have their birth certificate reflect this new name. To address this scenario, items 3b and 10b were added to form NC-330 and item 5b was added to form NC-530.

to the gender recognition section of the Self-Help Guide to the California Courts has been added to form NC-300-INFO at paragraph 11.²⁶

Disability Rights California commented that paragraph 3 of form NC-500-INFO could more clearly indicate that *Proof of Service of Order to Show Cause* (form NC-121) can be used for proof of service even if a name change is not sought. The committee believes that it is sufficiently clear in context that form NC-121 may be used as proof of service of an OSC, even when a name change is not sought. The committee notes that paragraph 3 discusses service of process in general, and form NC-121 does not contain any provisions that would limit its use to the name-change context.

The Alliance for Children's Rights suggested that *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500) and *Declaration of Guardian or Juvenile Attorney* (form NC-510G) include options for a petitioner to indicate that petitioner is unable to serve the OSC because the whereabouts of the parents or grandparents are unknown. The committee declines to make the suggested revision. The statute requires the OSC to be personally served or served by mail if the recipient is outside California. If such service cannot "reasonably be accomplished," the court may order an alternative service method "reasonably calculated to give actual notice to the person who did not sign the petition."²⁷ The committee believes that if a petitioner does not know the whereabouts of the parent or grandparent entitled to notice, the petitioner must separately move the court to permit alternative service.

Option for petitioners who do not know if there are any living nonsigning parents

Multiple commenters stated, in response to a request for specific comment, that it would be helpful to courts if form NC-500 included an option for petitioners to state that petitioner and minor did not know if any nonsigning parents were living. The committee agrees and has added item 3c to form NC-500 to provide an option where the petitioner can indicate that "[n]either the minor nor the adult petitioner has any information about whether any nonsigning parent is living." The committee believes that petitioner, who signs the petition under penalty of perjury, should be able to accurately reflect a potential lack of knowledge regarding the minor's parents, rather than to be forced to guess whether the minor's parents are living. The committee envisions that this option will flag for the court the need for further inquiry.

Alternatives considered

As discussed above and described on the attached comments charts, the advisory committee considered all the alternatives raised by commenters.

The advisory committee did not consider the possibility of not revising the forms, because the current forms are not in compliance with the new legislation.

²⁶ This link has also been added to form NC-500-INFO at paragraph 10.

²⁷ New Health & Saf. Code, § 103430(f).

Fiscal and Operational Impacts

The new law, as reflected in these recommended form revisions, will have an impact on court case management systems: new case categories and filing and minute codes may need to be created. Mechanisms will need to be developed to track the time frames for filing objections on the proceedings in which the statutes do not allow hearing dates to be set at time of filing, in order for the judicial officers to be able to determine whether to schedule matters for hearing. There will need to be training for clerks, judicial officers, and court legal services and self-help offices on the new statutory requirements and how these new forms reflect those changes. New training materials and internal procedures will need to be developed.

Because the new procedures and requirements are mandated by statute, these operational impacts cannot be avoided.

Attachments and Links

1. Forms NC-100, NC-100-INFO, NC-110, NC-120, NC-125/NC-225, NC-150, NC-200, NC-230, NC-300, NC-300-INFO, NC-311, NC-312, NC-325, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, NC-530, and NC-530G, at pages 17–47
2. Chart of comments on proposal SPR22-04, at pages 48–68
3. Chart of comments on proposal SP22-08, at pages 69–91
4. Link A: Assem. Bill 218,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB218
5. Link B: Assem. Bill 421,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB421

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name of each petitioner):		
PETITION FOR CHANGE OF NAME		
		CASE NUMBER:

Before you complete this petition, read the *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). (To change your name as part of a petition to recognize a change of gender, and obtain a new California birth certificate for yourself or your child, or a marriage certificate reflecting those changes, use form NC-300.)

- Petitioner (present name): (check a or b)
 - ☐ resides in this county.
 - ☐ does not live in California and (check 1 or 2)
 - ☐ wants a name change on a marriage license, and was married in this county.
 - ☐ wants a name change on their or their child's birth certificate, which was issued in this county.
- 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 _____

☐ Continued (If you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2.)
- 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.
- The number of persons under 18 years of age whose names are to be changed is (specify): _____
- If this petition requests the change of name of any person or persons under 18 years, this request is being made by
 - ☐ two parents.
 - ☐ one parent.
 - ☐ near relative (name and relationship): _____
 - ☐ guardian (name): _____
 - ☐ attorney for an individual under the jurisdiction of the juvenile court (name): _____
 - ☐ other (specify): _____
- ☐ This petition seeks to change the name of (check one) ☐ petitioner ☐ (name): _____ to conform to that person's gender identity.
- For each person whose name is to be changed, petitioner provides the following information (you must attach Name and Information About the Person Whose Name Is to Be Changed (form NC-110) for each person identified in item 2):
 - Number of pages attached (specify number): _____
 - f. (These items are on the attached page or pages of form NC-110.)

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME

NC-100-INFO

**DRAFT: 10/23/2022 Not approved by
the Judicial Council**

1. Where to File

- California residents:** 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 is a resident.
- Non-California residents:** If the person whose name is to be changed is also requesting an order for the issuance of a new California marriage license and certificate, a new California birth certificate for the person whose name is to be changed, or a new California birth certificate for a minor or adult child of the person whose name is to be changed, the petition for change of name must be filed in the superior court of the county where the marriage took place, or where the birth certificate was issued.

2. Whose Name May Be Changed

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

3. Confidentiality of Certain Names

If you are a participant in the Secretary of State's address confidentiality program (Safe at Home), your 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:

- Petition for Change of Name* (form NC-100)
- Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) (attach as many copies as necessary)
- Order to Show Cause—Change of Name* (form NC-120) or, if applicable, *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125)
- Decree Changing Name* (form NC-130 or, for guardians, form NC-130G)
- Civil Case Cover Sheet* (form CM-010)

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

Local courts may require additional local forms. Check with the court to determine if additional forms are required.

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 *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). There is no filing fee for minors in the State's address confidentiality program (Safe at Home).

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—Change of Name* (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 identity, you need not request a hearing date. Instead, complete the *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125) and take the completed form to the clerk's office. The clerk will 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. You must select 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 you **do not have to publish** the order if the following applies:

- You are seeking to change a name to conform to your gender identity;
- You are a participant in the State Witness Program;
- You are a participant in the address confidentiality program, and the petition alleges that you are petitioning to avoid (a) domestic violence, (b) stalking, (c) sexual assault, or (d) human trafficking; or
- The name change is for a minor or nonminor dependent under the jurisdiction of the juvenile court.

8. Name Change for Children

- a. If you are a petitioning parent requesting the name change for a child under 18 years of age, and one of the parents, if living, does not join in consenting to the name change, the petitioning parent must have a copy of the *Order to Show Cause* or notice of the time and place of the hearing served on the nonconsenting parent. Service must be made **at least 30 days prior to the hearing**, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- b. If you are a petitioning parent or any other adult requesting the name change for a child **to conform to that child's gender identity** and a living parent does not join in the petition for the name change, you must have a copy of the petition and the *Order to Show Cause* served on the nonconsenting parent. Service must be made **within 30 days of the date the order is made by the court**, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- c. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.
- d. If the nonconsenting parent resides outside California, that parent may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.
- e. If you are the guardian of a minor and filing a petition to change the name of that minor, you 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 as in b above), or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. *(If the minor's name is being changed to conform to gender identity, these notices and orders for grandparents need not be completed or served.)*

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

9. Name Change for Person in Jail or Prison or on Parole

If you are a person in county jail, or under the jurisdiction of the Department of Corrections and Rehabilitation (in state prison, or on parole) you may file a petition to change your name, but must serve the petition on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department. Check with the department as to how that should be done.
- If in state prison, you must provide a copy of the petition to the warden. Check with the warden's office as to how that should be done.
- If on parole, you must provide a copy of the petition to the regional parole administrator. Check with the administrator's office as to how that should be done.

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

Note that the declaration on form NC-110 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation is only for purposes of determining if service of the petition is required.

10. Court Hearing

If no written objection is filed at least two court days before the scheduled hearing, the court may grant the petition and sign the decree 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 identity, 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. If there are no objections, the court will grant the petition and sign the decree without a hearing.

11. Requesting Accommodations for Disability

If you have a disability and need an accommodation to help you access your court hearing, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

12. Issuance of New Birth Certificate

If you were born in California and 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 (name of petitioner or petitioners):

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-300, or form NC-500)

(You must use a **separate** attachment for **each person** whose name is to be changed. If petitioner is a guardian of a minor, a **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 ☐ 18 years of age or older

(4) Born at (place of birth):

(5) Sex (as stated on original birth certificate): ☐ Male ☐ Female

(6) Current residence address (street, city, county, state, 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) ☐ Guardian ad litem or attorney for minor appointed by juvenile court(2) ☐ Parent(5) ☐ Near relative (indicate relationship):(3) ☐ Guardian(6) ☐ 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) 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 (check one) ☐ I am not ☐ I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in county jail and (check one) ☐ I am not ☐ 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

PETITIONER OR ATTORNEY (name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (optional): _____ E-MAIL ADDRESS (optional): _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner): FOR CHANGE OF NAME	
ORDER TO SHOW CAUSE—CHANGE OF NAME	CASE NUMBER: _____

TO ALL INTERESTED PERSONS:

1. Petitioner (name): _____ filed a petition with this court
for a decree changing names as follows:
- | <u>Present name</u> | to | <u>Proposed name</u> |
|---------------------|----|----------------------|
| a. _____ | to | _____ |
| b. _____ | to | _____ |
| c. _____ | to | _____ |
| d. _____ | to | _____ |
| e. _____ | to | _____ |
- ☐ Continued on Attachment 1.
2. THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING

a. Date: _____ Time: _____ ☐ Dept.: _____ ☐ Room: _____

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

(To appear remotely, check in advance of the hearing for information about how to do so on the court's website. To find your court's website, go to www.courts.ca.gov/find-my-court.htm.)

3. a. ☐ A copy of this *Order to Show Cause* must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation:
- ☐ (for resident of this county) printed in this county (specify paper): _____
- ☐ (for other petitioners) printed in the county in which petitioner resides or, if no county, in the local subdivision or territory where petitioner resides.
- b. ☐ Other (specify): _____

Date: _____

JUDGE OF THE SUPERIOR COURT

(If petitioner is requesting change of name of a minor, see Note Regarding Petitions for Minors on page 2.)

NOTE REGARDING PETITIONS FOR MINORS

When a *Petition for Change of Name* has been filed for a child by one parent and the other parent, if living, does not join in consenting to the name change, the petitioner must have a notice of the time and place of the hearing or a copy of the *Order to Show Cause* served on the other parent not less than 30 days prior to the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.

If a petition to change the name of a child has been filed by a guardian, the guardian must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.

(This Note is included for the information of the petitioner and is not to be included in the Order to Show Cause published in the newspaper.)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 10.25.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name of each petitioner): FOR CHANGE OF NAME		
ORDER TO SHOW CAUSE—CHANGE OF NAME TO CONFORM TO GENDER IDENTITY		CASE NUMBER:

TO ALL INTERESTED PERSONS:

- Petitioner (name):
 for a decree changing name as follows:

<u>Present name</u>	to	<u>Proposed name</u>
a.		
b.		
c.		
d.		
- 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 that the proposed change is not the person's actual gender identity or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5(c).)

NOTE: When a petition has been filed to change the name of a minor to conform to gender identity and the petition does not include the signatures of both living parents, the petition and this order to show cause must be served on the parent who did not sign the petition, under Code of Civil Procedure section 413.10, 414.10, or 415.40, within 30 days from the date on which the order is made by the court.

Date:

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:		FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:					
PETITION OF (name):					
NOTICE OF HEARING ON PETITION				CASE NUMBER:	

1. **Objections have been** filed to petitioner's request for *(check all that apply)*

- a. ☐ a decree changing name to conform to gender.
- b. ☐ an order for the issuance of a new birth certificate reflecting the change of petitioner's gender.
- c. ☐ an order for the issuance of a new marriage license and certificate reflecting the change in designation of the petitioner to bride, groom, or neither bride nor groom.
- d. ☐ an order for the issuance of a new birth certificate for petitioner's child reflecting the change of petitioner's gender.

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

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

b. The address of the court is

- ☐ same as noted above.
- ☐ other

(specify):

(To appear remotely, check in advance of the hearing for information about how to do so on the court's website. To find your court's website, go to www.courts.ca.gov/find-my-court.htm.)

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	DRAFT 03/22/22 Not approved by the Judicial Council
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.

- Petitioner (*present name*): _____ is 18 years old or older and a resident of this county.
- Petitioner requests that the court decree that petitioner's name is changed, in order to conform to petitioner's gender identity, to (*proposed name*): _____
- Petitioner requests a decree recognizing that the petitioner's gender is changed to:
 - ☐ female.
 - ☐ male.
 - ☐ nonbinary.
- Petitioner requests that the court order that a new birth certificate be issued reflecting the gender and name changes sought by this petition.
- 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.
- Petitioner provides the following information in support of this petition:
 - The declaration below.
 - f. The information contained in the attachment (*attach a completed copy of the Name and Information About the Person Whose Name Is to Be Changed (form NC-110)*).

DECLARATION

I (*present name*): _____ declare 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 on next page)

Page 1 of 2

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 is a resident.

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-500.) If you were born in California, you may file the order with the State Registrar and obtain a new birth certificate.

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 for Name Change)* (form NC-110)
- c. *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125)
- d. *Decree Changing Name and Order Recognizing Change of Gender Identity and for Issuance of New Birth Certificate* (form NC-230)
- e. *Civil Case Cover Sheet* (form CM-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 Superior 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

If no objections are filed, the court will grant the petition without a 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. You may also check with the court after the deadline to see if a hearing date has been set. 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

If you were born in California, 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 03/22/22 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of petitioner): FOR CHANGE OF NAME AND GENDER	
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 to:
- a. ☐ female.
- b. ☐ male.
- c. ☐ nonbinary.

THE COURT FURTHER ORDERS

5. A new birth certificate shall be issued reflecting the changes in name and gender.
6. If petitioner was born in California, a certified copy of this order shall be filed by petitioner 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 must establish for the petitioner a new birth certificate reflecting the new name and the gender of the petitioner as it has been altered.

Date: _____

 JUDGE OF THE SUPERIOR COURT
☐ SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name):		
PETITION FOR RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER ☐ AND CHANGE OF NAME ☐ AND ISSUANCE OF NEW CERTIFICATES		CASE NUMBER:

Before you complete this petition, read *Instructions for Filing Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO).

Note: You do not need to file this petition or obtain a court order in order to obtain a new California birth certificate for you or your child reflecting a change of your gender or a new California marriage license and certificate reflecting a change of gender. You may use an administrative process instead; see Health and Safety Code section 103426.

1. Petitioner (*present name*): _____ is 18 years old or older and requests an order recognizing the change of petitioner's gender and sex identifier to
 - a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.

2. Petitioner is a California resident or seeks a change to a California birth certificate or marriage license and certificate.

3. ☐ Petitioner has already obtained a decree of name change that petitioner wants reflected on the certificates checked in item 5. Petitioner attaches a certified copy of the decree of name change to this petition.
(If this item is checked, skip item 4 and indicate the request in item 5.)

4. ☐ Petitioner requests that the court decree that petitioner's name be changed, in order to conform to petitioner's gender identity, to (*proposed name*):
 - a. This is the right court for the petition to change name, because petitioner (*check (1) or (2).*)
 - (1) ☐ resides in this county.
 - (2) ☐ does not reside in California and (*check one*):
 - (i) ☐ wants a name change on their or their child's birth certificate, which was issued in this county.
 - (ii) ☐ wants a name change on a marriage license, and was married in this county.
 - b. ☐ 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.
 - c. ☐ *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) is attached to this form.

SHORT TITLE:	CASE NUMBER:
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5. ☐ **Issuance of New California Certificate**

- a. ☐ Petitioner requests an order for the issuance of a new birth certificate for petitioner reflecting the change of gender ☐ and change of name.
- b. ☐ Petitioner requests an order for the issuance of a new birth certificate for petitioner's child reflecting petitioner's change of gender ☐ and change of name.

(Attach *Birth Certificate for Child of Petitioner—Attachment* (form NC-311).)

- c. ☐ Petitioner requests an order for the issuance of a new marriage license and certificate with a change of designation of the person as bride, groom, or having neither box checked ☐ and change of name.

(Attach *Marriage License and Certificate—Attachment* (form NC-312).)

I declare under penalty of perjury under the laws of the State of California that the request for a change in gender and sex identifier to *(check one)* ☐ female ☐ male ☐ nonbinary is to conform my legal gender and sex identifier to my gender identity and is not for any fraudulent purpose.

Date:

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER, NAME CHANGE, AND ISSUANCE OF NEW CERTIFICATES

Note you do not need to file this petition or obtain a court order in order to obtain a new California birth certificate for you or your child reflecting a change of gender or a new California marriage license and 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 or, for a confidential marriage license and certificate, the county clerk of the county that issued the confidential marriage license. (See contact information on page 2.)

1. How to Make Request

A petition for recognition of change of gender and sex identifier, either on its own or combined with a request for a name change, a new birth certificate for petitioner, a new birth certificate for petitioner's child or children, and a new marriage license and certificate must be filed on form NC-300. This form may only be used by individuals 18 years old or older. (Minors must use form NC-500.)

2. Where to File

The petition to recognize a change of gender and sex identifier may be filed in the superior court of any county in California, but if the petition **includes a request to change petitioner's name**, it must be filed:

- If petitioner is a California resident, in the superior court where petitioner presently resides, or
- If petitioner is not a California resident, in the superior court in the county where petitioner's or petitioner's child's birth certificate was issued or where petitioner's marriage was entered into.

3. What Forms Are Required

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

- Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)
- Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330)
- If requesting name change:
Name and Information About the Person Whose Name Is to Be Changed (form NC-110), and
Order to Show Cause—Change of Name to Conform to Gender Identity (form NC-125)
(Note: If you already have a decree of change of name, attach a certified copy of the decree to the petition instead of completing form NC-110 and form NC-125.)
- If requesting order for new birth certificate for child:
Birth Certificate for Child of Petitioner—Attachment (form NC-311)
- If requesting order for new marriage license and certificate:
Marriage License and Certificate—Attachment (form NC-312) and, if form NC-312 is not signed by the other spouse, *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325)
- Civil Case Cover Sheet* (form CM-010)

Local courts may require additional local forms. Check with the court to determine if additional forms are required.

4. Filing with Court

Prepare an original *Civil Case Cover Sheet* (form CM-010). Take the completed petition, with any required attachments and the proposed orders with the *Civil Case Cover Sheet*, along with a copy of each document, to the clerk of the court. Obtain a filed-endorsed copy (stamped by the clerk) of the petition and ask that any required orders to show cause be issued.

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. Service on Spouse

If seeking a change to your marriage license and certificate, and the spouse sharing that marriage license has not signed the form (and is alive and capable of signing it), you must serve the *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325) that has been issued by the court, along with a copy of the petition, on that spouse within four weeks from the date on which the order is made by the court. It must be served in person or, if out of state, by mail, in the manner described in Code of Civil Procedure sections 413.10, 414.10, or 415.40. Service must be made by someone other than you, and you must have the server complete a proof of service and file it with the court.

6. Service on Government Agency—Name Change for Person in Jail or Prison or on Parole

If you are in county jail or under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison, or on parole), a petition to change your name—including one on form NC-300—must be served on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department.
- If in state prison, you must provide a copy of the petition to the warden.
- If on parole, you must provide a copy of the petition to the regional parole administrator.

Check with each office as to how to serve it. After you have provided a copy to the sheriff, warden, or regional parole administrator, file a copy of the completed *Proof of Service By First-Class Mail—Civil* (form POS-030) with the court.

Note that the declaration on form NC-300 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation is only for purposes of determining if service of the petition is required.

7. Court Hearings

A hearing date will be set only 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 *Order Recognizing Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330).

If no timely objections are filed, the court will grant the petition and sign the order without a hearing.

8. Requesting Accommodations for Disability

If you have a disability and need an accommodation to help you access your court hearing, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

9. Issuance of New Birth Certificate

If you were born in California, or if your children were, to obtain a new birth certificate for you or them reflecting your 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

10. Issuance of New Marriage License and Certificate

If you were married in California, to obtain a new marriage license and certificate reflecting your change of gender with a change in your designation to bride, groom, or neither, file a certified copy of the order within 30 days, and pay the applicable fees, as follows:

- If the original marriage license and certificate was **confidential**, then file with the county clerk in the county where the confidential marriage license and certificate was issued. (A confidential marriage is a marriage that is available to two unmarried adults who have been living together as spouses. Confidential marriages do not require witnesses to attend a ceremony or sign the marriage license.)
- If the original marriage license and certificate was **not** confidential, then file with the State Registrar, whose contact information is given in item 9 above.

11. Self-Help Guide

For more information, please visit the California Courts Self-Help Guide on gender recognition, available at <http://selfhelp.courts.ca.gov/gender-recognition-order-index>.

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, the times when petitions are heard if hearings are required, and whether remote appearances by video or telephone are available.

PETITION OF (name of petitioner):

DRAFT 10.24.22**Not approved by Judicial Council**

CASE NUMBER:

BIRTH CERTIFICATE FOR CHILD OF PETITIONER—ATTACHMENT**Attachment to *Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)**

Petitioner must complete and attach this form to form NC-300 if asking the court to order issuance of a new birth certificate of a minor or adult child that reflects petitioner's change in gender, or change in both gender and name. A separate form is required for each child.

1. This is an attachment to a request for an order for the issuance of a new birth certificate for a minor or adult child to reflect petitioner's (check all that apply)
- a. ☐ change of gender and sex identifier.
 - b. ☐ change of name.
 - (1) ☐ Petitioner is seeking a decree changing their name as part of this petition, and form NC-110 is also attached.
 - (2) ☐ Petitioner has already obtained a decree for change of name; a certified copy of the decree is attached to the petition for recognition of change of gender and sex identifier.

2. Information about petitioner's minor or adult child

- a. Name of child:
- b. Date of birth:
- c. City and county of birth:
- d. Petitioner's child is ☐ a minor (under 18 years of age) ☐ an adult (18 years of age or older)

3. ☐ Child whose birth certificate will be changed is an adult.

If petitioner's child is 18 years of age or older, this request must be signed by the adult child whose birth certificate would be changed by granting this petition, unless the adult child is deceased or incapable of providing a signature. (Check applicable item below.)

- a. ☐ Petitioner's adult child agrees to the issuance of a new birth certificate and provides a signature below.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER'S ADULT CHILD)

- b. ☐ Petitioner's adult child is deceased. Date of death:
- c. ☐ Petitioner's adult child is incapable of providing a signature for the following reason:
Explain:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

PETITION OF (name of petitioner):

DRAFT 10.24.22**Not approved by Judicial Council**

CASE NUMBER:

MARRIAGE LICENSE AND CERTIFICATE—ATTACHMENT**Attachment to *Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)**

Petitioner must complete and attach this form to form NC-300 if asking the court to order issuance of a new marriage license and certificate or a new confidential marriage license and certificate that reflect petitioner's change in gender, or change in both gender and name. For a definition of confidential marriage, see item 10 on *Instructions for Filing Petition for Recognition of Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO).

1. Request to issue a new marriage license and certificate

This is an attachment to a request for an order for the issuance of a new marriage license and certificate or new confidential marriage license and certificate to reflect (check all that apply)

- a. ☐ recognition of petitioner's change of gender and sex identifier by changing petitioner's designation to:
☐ bride ☐ groom ☐ neither bride nor groom.
- b. ☐ change of name.
 (1) ☐ Petitioner is seeking a decree changing their name as part of this petition, and form NC-110 is also attached.
 (2) ☐ Petitioner has already obtained a decree for change of name; a certified copy of the decree to the petition for recognition of change of gender and sex identifier is attached.

2. Information about original marriage license and certificate

- a. Original date of issuance:
 b. County of issuance:
 c. Petitioner name on original marriage license and certificate:
 d. Petitioner date of birth:
 e. Spouse name on original marriage license and certificate:
 f. Spouse date of birth:
 g. The original marriage license and certificate are: ☐ not confidential ☐ confidential.

3. Spouse who shares petitioner's marriage license and certificate

To be granted without further notice required, this request must be signed by the spouse sharing the original marriage license and certificate, unless that person is deceased or incapable of providing a signature. (One item below must be checked.)

- a. ☐ The spouse who shares petitioner's original marriage license and certificate agrees to the issuance of a new marriage license and certificate with petitioner's new designation. (Sign below.)

Date:

(TYPE OR PRINT NAME)_____
(SIGNATURE OF SPOUSE LISTED ON THE ORIGINAL MARRIAGE
LICENSE AND CERTIFICATE)

- b. ☐ The spouse is deceased. Date of death:
 c. ☐ The spouse is incapable of providing a signature for the following reason (explain):

- d. ☐ (Check this item if spouse is living and capable of signing but has not.) Petitioner requests that the court issue an order directing the spouse who shares petitioner's original marriage license and certificate to file written objections to show cause why the requested changes should not be made.

Date:

(TYPE OR PRINT NAME)_____
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name of each petitioner): FOR CHANGE OF NAME		CASE NUMBER:
ORDER TO SHOW CAUSE—ISSUANCE OF NEW MARRIAGE LICENSE AND CERTIFICATE		

TO ALL INTERESTED PERSONS:

- Petitioner (name): _____ filed a petition with this court for an order that a new ☐ marriage license and certificate ☐ confidential marriage license and certificate be prepared
 - changing petitioner's designation on the license and certificate to (check one)
 - ☐ bride
 - ☐ groom
 - ☐ neither bride nor groom
 - ☐ and changing name to (proposed name): _____
- THE COURT ORDERS that any person objecting to issuance of a new marriage license and certificate with the changes described above must file a written objection that includes any reasons why the requested changes would be fraudulent, **within six weeks of the date this order is issued**. If no written objection showing good cause to oppose the changes to the marriage license and certificate is timely filed, the court will enter the order that the gender and sex identifier recognition is granted without a hearing.
- A hearing date may be set only if an objection is timely filed and shows good cause for opposing the petition. Objections based solely on concerns that the proposed change is not the person's actual gender identity or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5(c) and Health & Saf. Code, § 103430(h).)

Date:

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 10/23/2022 Not approved by the Judicial Council
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 SEX IDENTIFIER ☐ AND FOR NAME CHANGE ☐ AND FOR ISSUANCE OF NEW CERTIFICATES	CASE NUMBER:

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

THE COURT FINDS

2. a. ☐ Petitioner is a California resident or seeks a change to a California birth certificate or marriage license and certificate.
 b. ☐ All notices required by law have been given.
 c. ☐ No objections to the petition were made.
 d. ☐ Objections to the petition were made by (name): _____
3. ☐ The petition included a **request for change of name** for the person described in item 10.
- a. The person whose name is to be changed
☐ is not ☐ is required to register as a sex offender under Penal Code section 290.
 This determination was made ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
- b. ☐ A certified copy of a court decree changing petitioner's name was attached to the petition.
4. ☐ The petition included a **request to order a new birth certificate for one or more minor children of petitioner**.
5. ☐ The petition included a **request to order a new birth certificate for one or more adult children of petitioner**, and (check one)
- a. ☐ each request for a new birth certificate for an adult child on form NC-311 contains the signature of the adult child agreeing to the reissuance of their birth certificate.
- b. ☐ the court was satisfied that the following adult child or children who did not sign form NC-311 are either deceased or incapable of providing a signature:
- Full Name: _____ Date of Birth: _____
 Full Name: _____ Date of Birth: _____
6. ☐ The petition included a **request for an order for the issuance of a new marriage certificate**, for a marriage on (date): _____, with a change of designation of the petitioner as bride, groom, or having neither box checked and (check one)
- a. ☐ the spouse who shares the marriage certificate with the petitioner has agreed to the issuance of a new marriage license and certificate OR the court is satisfied that the spouse is deceased or incapable of providing a signature.
- b. ☐ the petition did not include the agreement of the spouse who shares the marriage license and certificate with the petitioner. An order directing the spouse to make known any objection to the changes requested on the marriage license and certificate or confidential marriage license and certificate by filing a written objection, which includes any reasons why the requested changes would be fraudulent, was issued and served.

PETITION OF <i>(name)</i> :	CASE NUMBER:
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7. ☐ The court is satisfied that all the allegations in the petition are true and sufficient and that the petition should be granted.
8. ☐ Other findings *(if any)*:

THE COURT ORDERS

9. The gender and sex identifier of petitioner has been changed to ☐ female ☐ male ☐ nonbinary.

THE COURT FURTHER ORDERS

10. ☐ The name of *(present name)*:
- a. ☐ is changed to *(new name)*:
- b. ☐ was previously changed by court decree to *(name)*:
11. ☐ A new birth certificate must be issued reflecting the change of gender and sex identifier described in item 9
☐ and change of name described in item 10.

If petitioner was born in California, a certified copy of this order shall be filed by the petitioner 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 and any change of name specified in this order.

12. ☐ A new birth certificate for the following child or children of the petitioner must be issued reflecting petitioner's change of gender and sex identifier described in item 9
☐ and change of name described in item 10.

Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____

If petitioner's child or children were born in California, a certified copy of this order shall be filed by the petitioner 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 each child a new birth certificate reflecting the gender of the petitioner as it has been altered and any change of name specified in this order.

13. ☐ The marriage license and certificate for petitioner and *(name of spouse)*: _____
issued on *(date)*: _____ in *(county)*: _____ must be reissued
with a change of designation of the petitioner to ☐ bride ☐ groom ☐ neither bride nor groom
☐ and change of name as described in item 10.

If the original marriage license and certificate were **confidential** and issued within this state, a certified copy of this order shall be filed by the petitioner within 30 days with the county clerk in the county where the confidential marriage license and certificate were issued. When the county clerk receives a certified copy of this order with an application and payment of applicable fees, the county clerk shall issue a confidential marriage license and certificate for the petitioner.

If the original marriage license and certificate were **not** confidential and issued within this state, a certified copy of this order shall be filed by the petitioner within 30 days with the State Registrar. When the State Registrar receives a certified copy of this order with an application and payment of applicable fees, the State Registrar shall issue a marriage license and certificate for the petitioner.

14. ☐ Other orders:

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 10.25.2022 Not approved by Judicial Council
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 SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE ☐ 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-300.) Before completing this petition, read the <i>Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier</i> (form NC-500-INFO). • If you are seeking a name change in addition to recognition of gender change, complete items 8 or 9. If you are only seeking recognition of gender change, skip these items. • If the petition is being brought by a guardian, an attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5), or an attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602), you must also complete <i>Declaration of Guardian or Juvenile Attorney</i> (form NC-510G).	

INFORMATION ABOUT PETITIONER

1. This request is being made by (minor's present name): _____ and (check one of the following)
 - a. ☐ parent or parents (names): _____
 - b. ☐ guardian (name): _____
 - c. ☐ attorney for minor under jurisdiction of juvenile court (name): _____
 - d. ☐ near relative or friend (check only if all parents of minor are deceased and no guardian has been appointed)
Name and relationship to minor: _____
 2. Petitioning minor either is a California resident or seeks a change to a California birth certificate.
 3. Parents of minor (check one item below)
 - a. ☐ The minor has no living parent.
 - b. ☐ The minor has no living parent other than the parent or parents who have signed this petition.
 - c. ☐ Neither the minor nor the adult petitioner has any information about whether any non-signing parent is living.
 - d. ☐ The minor has one or more living parents who have not signed the petition (specify names and addresses):

Parent's Name: _____

Address: _____

Parent's Name: _____

Address: _____
- ☐ Continued (Check this box if you need additional space. Attach a sheet of paper and write "Attachment 3d" for a title.)
4. ☐ (Check if petition is filed by a guardian or attorney appointed for minor under jurisdiction of juvenile court.)
 This petition is supported by the information contained in attached *Declaration of Guardian or Juvenile Attorney* (form NC-510G).

REQUEST FOR RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER

5. Petitioners request a decree recognizing that minor's gender and sex identifier is changed to:
 - a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.

PETITION OF <i>(name of each petitioner)</i> :	CASE NUMBER:
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6. ☐ *(Check if petition does not include the signature of all living parents.)* Petitioners request that the court issue an order on form NC-520 directing any living parent who did not sign this petition to file written objections to show cause why this petition for recognition of minor's change of gender and sex identifier should not be granted. (Form NC-520 is filed along with this document.)
7. ☐ *(Check if petition is filed by a guardian or guardian ad litem for minor, and all parents are deceased or cannot be located.)* Petitioners request that the court issue an order on form NC-520 directing that any living grandparent file written objections to show cause why this petition for recognition of minor's change of gender and sex identifier should not be granted. (Form NC-520 is filed along with this document.)

REQUEST FOR CHANGE OF NAME

8. ☐ A decree of change of name for the minor has already been obtained, and a certified copy of the decree is attached.
9. ☐ Petitioners request that the court decree that, to conform to minor's gender identity, the minor's name is changed to *(proposed name)*:
- a. Petitioners provide the additional required information in support of this request for name change on the attached *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110).
 - b. This is the right court for the petition to change name because minor *(check (1) or (2))*
 - (1) ☐ is a resident of this county.
 - (2) ☐ does not reside in California and wants to change their birth certificate that was issued in this county.
 - c. Petitioners request that the court issue an order on form NC-520 directing all interested persons to file written objections to show cause why the petition for change of name should not be granted. (Form NC-520 is filed along with this document.)
10. ☐ Petitioners request the court to order that a new birth certificate be issued reflecting the recognition of gender change and any name change sought by this petition.
11. Number of pages attached *(specify number)*:

DECLARATION

I *(minor's present name)*: _____ declare 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 MINOR)		_____ (SIGNATURE OF MINOR)
---	--	--

Date:

_____ (TYPE OR PRINT NAME OF PETITIONING ADULT and RELATIONSHIP TO MINOR)		_____ (SIGNATURE OF PETITIONING ADULT)
---	--	--

Date:

_____ (TYPE OR PRINT NAME OF PETITIONING ADULT and RELATIONSHIP TO MINOR)		_____ (SIGNATURE OF PETITIONING ADULT)
---	--	--

Date:

_____ (TYPE OR PRINT NAME OF PETITIONING ADULT and RELATIONSHIP TO MINOR)		_____ (SIGNATURE OF PETITIONING ADULT)
---	--	--

Date:

_____ (TYPE OR PRINT NAME OF PETITIONER'S ATTORNEY)		_____ (SIGNATURE OF PETITIONER'S ATTORNEY)
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INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER

1. Who Can File

Anyone who lives in California or was born here (or got married or had children here) can ask a court for an order recognizing a change of gender and sex identifier and for issuance of a new birth certificate reflecting that change. If the person asking for the order is under 18, the petition must be made on form NC-500 and signed by an adult. (If the person is 18 or older, use form NC-300.) The petition for a minor must be signed by at least one of the following (it can be signed by more than one):

- One or more of the minor's parents
- The minor's guardian
- An attorney appointed to act as guardian ad litem for a dependent minor (under Welfare and Institutions Code section 326.5)
- An attorney representing a minor in the juvenile justice system (under Welfare and Institutions Code section 601 or 602)
- If all of minor's parents are deceased and no guardian has been appointed, a near relative or friend

2. Where to File

The *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500) may be filed in the superior court of any county in California, but if the petition **includes a request to change the minor's name**, it must be filed:

- If the minor is a California resident, in the superior court where the minor presently resides, or
- If the minor is not a California resident, in the superior court in the county where the minor's birth certificate was issued.

If the petition is filed by an attorney appointed as guardian ad litem for a dependent minor, or one representing a minor alleged or adjudged to be a person described in Welfare and Institutions Code section 601 or 602, the petition must be filed in the court having jurisdiction over the minor.

3. What Forms Are Required

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

- *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500)
- *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530)
- *Civil Case Cover Sheet* (form CM-010)

Some petitioners will also need an original and two copies of each of the following forms:

- *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520). This form is needed if
 - (1) the petition is not signed by all living parents of the minor;
 - (2) the petition is filed by a guardian, guardian ad litem, or attorney acting for a minor under Welfare and Institutions Code section 601 or 602, **and** all of minor's parents are deceased or cannot be located; or
 - (3) the petition seeks a decree changing the minor's name.
- *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110). This form is needed if the petition seeks a decree changing the minor's name.
- *Declaration of Guardian or Juvenile Attorney* (form NC-510G). This form is needed if the petition is filed by a guardian, by an attorney guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602.

Local courts may require additional local forms. Check with your court to determine if additional forms are required.

4. 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-300.)

Section of form titled Information About Petitioner:

- In item 1, provide the name of the minor and the name and relationship of the adult who is signing the petition. One of the persons listed in that item must sign. (See paragraph 1 above as to which adults can sign.)
- Item 2 asserts that the petitioning minor is a California resident or is seeking a change to a California birth certificate.

- Item 3 asks whether the minor has any living parents. If the minor has any living parents who did **not** sign the petition, provide the name and address of any non-signing parent in item 3d.
- In item 4, check the box if the petition is signed by a guardian or dependency attorney appointed as a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602, **and** attach *Declaration of Guardian or Juvenile Attorney* (form NC-510G) to the petition.

Section of form titled Request for Recognition of Change of Gender and Sex Identifier:

- In item 5, check the box to indicate what gender and sex identifier the minor wants the court to recognize as the minor's new gender and sex identifier.
- Check item 6 **ONLY** if the petition is not signed by all living parents of the minor. This item asks the court to issue an order that will provide notice to any non-signing parent that any objections to the petition must be filed with the court within a certain time frame.
- Check item 7 **ONLY** if the petition is (1) filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** (2) all of minor's parents are deceased or cannot be located. This item asks the court to issue an order that will give notice to the minor's living grandparents that any objections to the petition must be filed with the court within a certain time frame.

Section of form titled Request for Change of Name:

Note: If the petition is not asking the court to change the name of the minor or to have minor's birth certificate reflect a prior name change, do not complete items 8 and 9 on the form. If the minor wants their name changed on their birth certificate, follow the instructions below.

- If requesting a change of name, check the box "and change of name" at the top part of form NC-500.
- Check item 8 if the minor has previously obtained a decree of name change and wants to have their birth certificate reissued to reflect this name change. If checked, a certified copy of the name change decree must be attached. (If item 8 is checked, you do not need to complete item 9.)
- In item 9, write the proposed new name the minor wants the court to order.
- Item 9a notes that *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) must be attached. Attach that form if seeking a name change in this petition.
- In item 9b, check the box showing why the name change petition may be filed in a particular court. (See paragraph 2 above.)
- Item 9c is required and asks the court to issue an order that will give notice to all interested persons that any objections to the name change petition must be filed with the court within a certain time frame.

Remaining items on form

- In item 10, check the box to request that the court order that a new birth certificate be issued that will reflect the gender change to be recognized by the court as well as any name change being sought by the petition.
- In item 11, list the number of pages attached to the petition.
- **Declaration:** The minor may complete (by filling out the minor's name and checking the box identifying the new gender) and sign the Declaration on the second page of the petition. Note that 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.

5. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File with the clerk of the court the original petition and any attachments or orders to show cause required on page 1 of this information sheet with the *Civil Case Cover Sheet* 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 Superior Court Fees and Costs* (form FW-001-INFO).

6. Orders to Show Cause and Hearing Date

When an Order to Show Cause is required

An order to show cause may be required with certain petitions if

- the petition includes a request to change a minor's name;
- the petition is not signed by all living parents of the minor; or
- the petition is filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** all of minor's parents are deceased or cannot be located.

If any of these conditions apply, complete the top part of an original and two copies of the *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520) (complete the portion of the form above the title, and check the box if a name change is requested). Submit that form with the petition. The clerk will obtain the judicial signature and give you back copies.

What to do with the Order to Show Cause

The order to show cause must be served on certain individuals, as described below, within a set time frame:

- If the petition did not include the signature of all living parents of the minor, a copy of the order and the petition must be served on the nonsigning parent within **four weeks** of issuance of the order.
- If a petition seeks a change of name, even though an order to show cause must be issued to all interested persons, it needs to be served only if all living parents have not signed the petition.
- If the petition was filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** all of minor's parents are deceased or cannot be located, a copy of the order and the petition must be served on the minor's living grandparents within **four weeks** of issuance of the order.

If the person to be served lives in California, the form and petition must be served in person. If they live 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 the person lives outside the United States, then the court may order that service be done in another way. Service must be made by someone other than the petitioner, but the petitioner must have the server complete a proof of service and file it with the court. (Form NC-121 may be used.)

What happens next

If objections are filed within six weeks of the issuance of the order to show cause, 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.

7. Court Hearing

Check with the court after the deadline for objections 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-530.

8. Requesting Accommodations for Disability

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

9. 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**

10. Self-Help Guide

For more information, please visit the California Courts Self-Help Guide on gender recognition, available at <https://selfhelp.courts.ca.gov/gender-recognition-order-index>.

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 of petitioner or petitioners):

CASE NUMBER:

DRAFT 10.23.2022 not approved by Judicial Council

FOR CHANGE OF GENDER

DECLARATION OF GUARDIAN OR JUVENILE ATTORNEY (Attachment to Form NC-500)*Court-appointed guardians must fill out all items on this page.**An attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5) must complete items 1–4.**An attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602) must complete items 1–4.*

1. a. Petitioner (name):
b. Address (street, city, county, and zip code):
2. a. Minor seeking recognition of gender change (present name of minor):
b. Address (street, city, county, and zip code):
3. Petitioner was appointed guardian for minor or is attorney for minor who is under the jurisdiction of the juvenile court as follows:
 - a. Superior Court of California, County of (name):
 - b. Department (check one): ☐ Juvenile ☐ Probate
 - c. Case number (specify):
 - d. Date of appointment (if applicable):
4. If all parents are deceased or cannot be located, provide the following information for the minor's living grandparents (if known):

a. Grandparent's Name:	Address:
b. Grandparent's Name:	Address:
c. Grandparent's Name:	Address:
d. Grandparent's Name:	Address:

☐ Neither the minor nor the petitioner has any information about whether any of minor's grandparents are living.
5. The minor identified in item 2 is likely to remain under the guardian's care until the minor reaches the age of majority because (explain):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 5" to this declaration.)
6. The minor identified in item 2 is not likely to be returned to the custody of the parents because (explain):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 6" to this declaration.)
7. Other relevant information about the guardianship and why the proposed change is in the best interest of the minor (specify):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 7" to this declaration.)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Guardian of (name of minor):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner): FOR CHANGE OF GENDER (Minor)	
ORDER TO SHOW CAUSE—RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE ☐ and CHANGE OF NAME	CASE NUMBER:

1. NAME CHANGE

☐ **TO ALL INTERESTED PERSONS**
(Check only if the petition (form NC-500) includes a request for change of name. If not checked, go to item 2.)

- a. A petition has been filed seeking change of name
 from (minor's current name):
 to (proposed name):
- b. **THE COURT ORDERS** that any person objecting to the name change 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.

2. GENDER AND SEX IDENTIFIER CHANGE

☐ **TO ANY LIVING PARENT OF MINOR WHO DID NOT SIGN PETITION**
(Check only if the petition (form NC-500) was not signed by all living parents of minor.)

☐ **TO ALL LIVING GRANDPARENTS OF MINOR**
(Check only if the petition (form NC-500) was brought by a guardian, a dependency attorney appointed as guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602, and all parents are deceased or cannot be located.)

- a. Petitioner (name of petitioning adult): filed a petition on behalf of
 (name of minor):
 requesting a decree recognizing that minor's gender and sex identifier is changed to

- (1) ☐ female
 (2) ☐ male
 (3) ☐ nonbinary

and an order for issuance of a new birth certificate reflecting minor's changed gender and sex identifier.

- b. **THE COURT ORDERS** that any living parent or, if all parents are deceased or cannot be located, all living grandparents show cause, if any, why the petition should not be granted by filing a written objection that includes any 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.

Date:

 JUDGE OF THE SUPERIOR COURT

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 10.24.2022 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner): (FOR CHANGE OF GENDER (Minor))	
ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE ☐ and 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 a hearing.

THE COURT FINDS

2. ☐ Petitioner is a California resident or seeks a change to a California birth certificate.
3. a. All notices required by law have been given.
- b. The following person seeking recognition of a change of gender and sex identifier is a minor (specify present name):
- c. ☐ The petition includes a request regarding a change of name.
- (1) ☐ Petitioner requests that minor's name be changed to (specify new name):
- (a) ☐ The minor is a resident in this county.
- (b) ☐ The minor's birth certificate was issued in this county.
- (2) ☐ A certified copy of a court decree changing minor's name was attached to the petition.
- d. The petition was signed on behalf of the minor by
- (1) ☐ all of minor's parents (names):
- (2) ☐ fewer than all of minor's parents (names):
- (3) ☐ a guardian (name):
- (a) The minor is likely to remain in the guardian's care until the age of majority.
- (b) The minor is not likely to be returned to the custody of the parents.
- (4) ☐ an attorney guardian ad litem appointed by the juvenile court (name):
- (5) ☐ an attorney representing minor who is asserted to be a person described in Welfare and Institutions Code section 601 or 602 (name):
- (6) ☐ a near relative or friend (name and relationship to minor):
- (a) All of minor's parents are deceased.
- (b) No guardian has been appointed for minor.
- e. ☐ (For name change) Minor ☐ is not ☐ is required to register as a sex offender under Penal Code section 290. 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.

PETITION OF <i>(name of each petitioner)</i> :	CASE NUMBER:
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3. f. ☐ No timely objections to the proposed changes were made.
- g. ☐ Objections to the proposed changes were made by *(name and relationship to minor)*:
- h. ☐ *(If objections by parent)* After considering objections by minor's parent, the court is satisfied that the proposed recognition of change of gender and sex identifier
☐ is in the best interest of the minor, and the petition should be granted.
☐ is not in the best interest of the minor, and the petition should be denied.
- i. ☐ The court is satisfied that all the allegations in the petition are true and sufficient, that the proposed recognition of change of gender and sex identifier (and name, if requested) are not fraudulent, and that the petition should be granted.
- j. ☐ Other findings *(if any)*:

THE COURT ORDERS

4. ☐ The gender and sex identifier of the minor *(name)*:
has been changed to
- a. ☐ female.
- b. ☐ male.
- c. ☐ nonbinary.

THE COURT FURTHER ORDERS

5. ☐ The name of *(present name)*:
- a. ☐ is changed to *(new name)*:
- b. ☐ was previously changed by court decree to *(name)*:
6. ☐ A new birth certificate must be issued reflecting the change of gender described in item 4
☐ and change of name described in item 5.

If minor was born in California, a certified copy of this order shall be filed by the petitioner 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 minor as it has been altered and any change of name specified in this order.

7. ☐ Other orders:

Date:

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>): STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	DRAFT 03/22/22 Not approved by the 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>): (BY GUARDIAN or DEPENDENCY ATTORNEY)	
ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE ☐ and 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 a hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. The person seeking recognition of a change of gender (*specify present name*):
is a minor.
- c. ☐ The petition was filed on behalf of the minor by a dependency attorney appointed as guardian ad litem pursuant to rules adopted under section 326.5 of Welfare and Institutions Code (*attorney name*):
- d. ☐ The petition was filed on behalf of the minor by the minor's guardian (*name*):
 (1) The minor is likely to remain in the guardian's care until the age of majority.
 (2) The minor whose name is to be changed is not likely to be returned to the custody of his or her parents.
- e. The minor ☐ 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.
- f. ☐ No objections to the proposed recognition of gender change were made.
- g. ☐ Objections to the proposed recognition of gender change of name were made by (*name*):
- h. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed recognition of gender change is in the best interest of the minor, and that the petition should be granted.
- i. ☐ Other findings (*if any*):

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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THE COURT ORDERS

3. The gender of the minor (*name*):
is changed to:
- a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.
4. ☐ A new birth certificate reflecting the change of gender described in item 3 shall be issued.
5. If minor was born in California, a certified copy of this order shall be filed by the petitioner 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 minor as it has been altered.

THE COURT FURTHER ORDERS

6. ☐ The name of (*present name*):
is changed to (*new name*):

Date:

JUDGE OF THE SUPERIOR COURT☐ SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Daniel S. Robinson President	A	The proposal appropriately addresses the stated purpose.	The committee appreciates the response
2.	Superior Court of Orange County Juvenile Division	NI	Comments No comments.	No response necessary
			Request for Specific Comments In addition to comments on the proposal as a whole, and on any of the individual proposed forms, the advisory committee is interested in comments on the following:	
			▪ <i>Does the proposal appropriately address the stated purpose?</i> ○ Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
			▪ <i>Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(1) (proposed form NC-520; and see item 4 on form NC-500 requesting the order) given that subdivision (e)(1) requires that the order be issued only when a petition is filed that does not include a signature</i>	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(1) was amended by Assembly Bill 421 to require an order to show cause only when the petition is not signed by all living parents of the minor. Proposed forms NC-500 and NC-520 have been revised to reflect this change.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

Commenter	Position	Comment	Committee Response
		<i>that subdivision (b)(1) mandates be on the petition to begin with?</i> ○ Yes, this would assist parties and the court.	
		▪ <i>If yes, should form NC-520 require the petitioner to identify for the court to whom the order under section 103430 be directed, as proposed here? Is there any other information or content that should be included on the form?</i> ○ Yes, this would assist parties and the court.	After circulation of the invitation to comment, Health and Safety Code section 103430 was amended by Assembly Bill 421 to clarify on whom the order to show cause (form NC-520) should be served. Proposed forms NC-500 and NC-520 have been revised to reflect this change.
		▪ <i>Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(2) (such as proposed form NC-325; and see item 3d on form NC-312 requesting the order) subdivision(e)(2), requiring that the order be issued only when a petition is filed that does not include a signature (of a spouse sharing a marriage license and certificate) that subdivision (b)(2) mandates be on the petition to begin with?</i> ○ Yes, having specific OSC for specified petitions makes it	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(2) was amended by Assembly Bill 421 to clarify that issuance and service of an OSC was an alternative to the provision that a spouse sharing a marriage license and certificate sign the petition. The proposed form will remain in the recommendation to the council.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

Commenter	Position	Comment	Committee Response
		easier for self-represented litigants and less confusing for the court.	No response necessary.
		<i>In form NC-500, at item 7a, relating to name-change requests, the committee is proposing, as an alternative to stating whether any non-signing parents are living, an option to state that minor and petitioner do not know. The committee seeks comments on the content of this item and whether it may be helpful to courts.</i> - No comment.	
		The advisory committee also seeks comments from courts on the following cost and implementation matters: <i>Would the proposal provide cost savings? If so, please quantify.</i> - The proposal does not appear to provide any cost savings. <i>What would the implementation requirements be for courts—for example, training staff (please identify</i>	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			<i>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> ○ Revising case management system as to new entry codes. ○ Training on new forms, how to process new forms, and if there are any new time standards. ○ Training for case processing clerks (approximately 2-3 hours) and judicial officers (1 hour). ○ Revise procedures.	
			▪ <i>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> ○ No, six months will be needed to revise procedures, change case management system, schedule, and conduct training.	Assembly Bill 218 and Assembly Bill 421 become operative January 1, 2023. Because of the need to have revised forms the conform to the changes in the law, the committee has concluded that it is impractical to provide a six-month window between approval of the proposal to its effective date.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
3.	Superior Court of Orange County Family Law Division	NI	Comments ☐ No comments.	No response necessary
			Request for Specific Comments ☐ Does the proposal appropriately address the stated purpose? o Yes, the proposal addresses the stated purpose.	The committee appreciates the response.
			☐ Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(1) (proposed form NC-520; and see item 4 on form NC-500 requesting the order) given that subdivision (e)(1) requires that the order be issued only when a petition is filed that does not include a signature that subdivision (b)(1) mandates be on the petition to begin with? o Yes, this would assist parties and the court.	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(1) was amended by Assembly Bill 421 to require an order to show cause only when the petition is not signed by all living parents of the minor. Proposed forms NC-500 and NC-520 have been revised to reflect this change.
			☐ If yes, should form NC-520 require the petitioner to identify for the court to whom the order under section 103430 be directed, as proposed here? Is there any other information or content that should be included on the form?	After circulation of the invitation to comment, Health and Safety Code section 103430 was amended by Assembly Bill 421 to clarify on whom the order to show cause (form NC-520) should be served. Proposed forms NC-500 and NC-520 have been revised to reflect this change.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

Commenter	Position	Comment	Committee Response
		o Yes, the party should inform the court of the other parties to notice.	
		☐ <i>Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(2) (such as proposed form NC-325; and see item 3d on form NC-312 requesting the order) subdivision(e)(2), requiring that the order be issued only when a petition is filed that does not include a signature (of a spouse sharing a marriage license and certificate) that subdivision (b)(2) mandates be on the petition to begin with?</i> o Yes, having specific OSC for specified petitions makes it easier for self-represented litigants to file, and less confusing for the court. o Also, the party sharing the marriage certificate should have the right and ability to oppose the change.	The committee agrees and form NC-321 will be recommended to the council. Assembly Bill 421 has removed the requirement that the spouse sharing the marriage certificate agree to the petition but requires that the spouse get notice of the petition as an alternative to the agreement.
		☐ <i>In form NC-500, at item 7a, relating to name-change requests, the committee is proposing, as an alternative to stating whether any non-signing parents are living, an option to state that minor and petitioner do not know. The</i>	No response necessary.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			<i>committee seeks comments on the content of this item and whether it may be helpful to courts.</i> o No comments.	
			☐ <i>Would the proposal provide cost savings? If so, please quantify.</i> o The proposal does not appear to provide any cost savings. ☐ <i>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> o Revising case management system as to new entry codes. o Training on new forms, how to process new forms, and if there are any new time standards for case processing staff and courtroom clerks (approximately 2-3 hours), judicial officers (approximately 1 hour). o Revising procedures.	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			<i>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> o No, six months will be needed to revise procedures, revise case management system, schedule, and conduct training.	Assembly Bill 218 and Assembly Bill 421 become operative January 1, 2023. Because of the need to have revised forms the conform to the changes in the law, the committee has concluded that it is impractical to provide a six-month window between approval of the proposal to its effective date.
			☐ <i>How well would this proposal work in courts of different sizes?</i> o This proposal would work for Orange County.	The court appreciates the response.
4.	Superior Court of San Bernardino County	NI	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? Yes	The court appreciates the response.
			· Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(1) (proposed form NC-520; and see item 4 on form NC-500 requesting the order) given that subdivision (e)(1) requires that the order be issued only when a petition is filed that does not include a signature that subdivision (b)(1) mandates be on	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(1) was amended by Assembly Bill 421 to require an order to show cause only when the petition is not signed by all living parents of the minor. Proposed forms NC-500 and NC-520 have been revised to reflect this change.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			the petition to begin with? Yes. I am a little confused as to who would be petitioning or signing if not one other people listed in 1. Who else would be filing this for the minor?	
			o If yes, should form NC-520 require the petitioner to identify for the court to whom the order under section 103430 be directed, as proposed here? Is there any other information or content that should be included on the form? Yes	After circulation of the invitation to comment, Health and Safety Code section 103430 was amended by Assembly Bill 421 to clarify on whom the order to show cause (form NC-520) should be served. Proposed forms NC-500 and NC-520 have been revised to reflect this change.
			· Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(2) (such as proposed form NC-325; and see item 3d on form NC-312 requesting the order) subdivision(e)(2), requiring that the order be issued only when a petition is filed that does not include a signature (of a spouse sharing a marriage license and certificate) that subdivision (b)(2) mandates be on the petition to begin with? Yes	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(2) was amended by Assembly Bill 421 to clarify that issuance and service of an OSC was an alternative to the provision that a spouse sharing a marriage license and certificate sign the petition. The proposed form will remain in the recommendation to the council.
			· In form NC-500, at item 7a, relating to name-change requests, the committee is proposing, as	The committee agrees that this item would be helpful to the courts and parties. The committee

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			an alternative to stating whether any non-signing parents are living, an option to state that minor and petitioner do not know. The committee seeks comments on the content of this item and whether it may be helpful to courts. Yes	believes that petitioner, who signs the petition under penalty of perjury, should be able to accurately reflect a potential lack of knowledge regarding the minor's parents, rather than to be forced to guess whether the minor's parents are living. The committee envisions that this option will flag for the court the need for further inquiry.
			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. No · 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? Training. Updated procedures. · Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	The court appreciates the information.
5.	Superior Court of San Diego County by Mike Roddy	AM	Does the proposal appropriately address the stated?	The court appreciates the response.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
	Executive Officer		Yes.	
			Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(1) (proposed form NC-520; and see item 4 on form NC-500 requesting the order) given that subdivision (e)(1) requires that the order be issued only when a petition is filed that does not include a signature that subdivision (b)(1) mandates be on the petition to begin with? Yes.	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(1) was amended by Assembly Bill 421 to require an order to show cause only when the petition is not signed by all living parents of the minor. Proposed forms NC-500 and NC-520 have been revised to reflect this change.
			If yes, should form NC-520 require the petitioner to identify for the court to whom the order under section 103430 be directed, as proposed here? Is there any other information or content that should be included on the form? Yes. The petitioner should indicate to whom the OSC should be directed in item 4 of the NC-500 and on the NC-520.	After circulation of the invitation to comment, Health and Safety Code section 103430 was amended by Assembly Bill 421 to clarify on whom the order to show cause (form NC-520) should be served. Proposed forms NC-500 and NC-520 have been revised to reflect this change.
			Should the council adopt a form for an OSC under Health and Safety Code section 103430(e)(2) (such as proposed form NC-325; and see item 3d on form NC-312 requesting the	After circulation of the invitation to comment, Health and Safety Code section 103430(e)(2) was amended by Assembly Bill 421 to clarify that issuance and service of an OSC was an alternative

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
			order) subdivision(e)(2), requiring that the order be issued only when a petition is filed that does not include a signature (of a spouse sharing a marriage license and certificate) that subdivision (b)(2) mandates be on the petition to begin with? Yes.	to the provision that a spouse sharing a marriage license and certificate sign the petition. The proposed form will remain in the recommendation to the council.
			In form NC-500, at item 7a, relating to name-change requests, the committee is proposing, as an alternative to stating whether any non-signing parents are living, an option to state that minor and petitioner do not know. The committee seeks comments on the content of this item and whether it may be helpful to courts.	
			Yes. The inclusion of 7(a)(3), which provides that neither the minor nor petitioner has any information about whether any non-signing parent is living, will be helpful to the court.	The committee agrees that this item would be helpful to the courts and parties. The committee believes that petitioner, who signs the petition under penalty of perjury, should be able to accurately reflect a potential lack of knowledge regarding the minor's parents, rather than to be forced to guess whether the minor's parents are

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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

	Commenter	Position	Comment	Committee Response
				living. The committee envisions that this option will flag for the court the need for further inquiry.
			Would the proposal provide cost savings? If so, please quantify. No.	The court appreciates the information.
			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? Significant revisions to internal procedures, local packets, and training for staff. New, revoked, and revised forms will also require updates to the court's case management system.	The court appreciates the information.
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to provide training to staff, update its case management	The court appreciates the information.

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
			system, modify local packets and obtain printed stock.	
			OTHER COMMENTS NC-300-INFO: - Item 4 Filing with Court: It appears that the second sentence should read, “Take the completed petition...” - Item 5 Service on Spouse: Propose replacing dashes with em dash in reference to NC-325 form.	NC-300-INFO has been modified to reflect the corrections.
			NC-530: - Item 2c(1): Propose replacing “resident in this county” to “resident of this county” to be consistent with NC-120(3a) and NC-500(8a). - Item 2d(5): Propose inserting “to” as follows, “attorney representing minor who is asserted to be a person...”	NC-530 has been modified to reflect the corrections.
6.	The TransLatin@ Coalition by Kimberly Carver Coordinator of Legal Services	NI	Thank you for giving The TransLatin@ Coalition the opportunity to comment on the proposed revisions to the name change forms. Hundreds of our clients have used the Judicial Council forms to legally change their name and	No response necessary.

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
			gender, and we're grateful that the Judicial Council and the Legislature recognize the unique needs of the trans, gender-nonconforming and intersex (TGI) community. We have conducted a review of the proposed new forms.	
			The NC-300 series presents new options that will benefit TGI people with families, namely the right to amend applicants' marriage licenses and the birth certificates of their children to reflect the applicant's new name and gender. I have a few questions and observations:	The court appreciates the response.
			-- On Form NC-300, is Question 4 necessary (sworn declaration that the change in gender/sex identifier is not for a fraudulent purpose)? It covers similar ground to NC-110, Question 7(c) ("Reason for name change"). Since NC-110 already requires a reason for the name change, it seems excessive to make TGI applicants also swear they're not changing their gender marker for a fraudulent purpose. I'm not aware of any instances of fraud in this regard. The same comment applies to the Declaration in NC-500.	The statute mandates that a petitioner seeking recognition of change of gender and sex identifier declare under penalty of perjury that the change is not being made for a fraudulent purpose. (Health & Saf. Code, § 103430(a).) The statement is included in the petition for that reason.

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
			-- Form NC-312 has some elements that may cause confusion. In Question 2, "Information about marriage license and certificate to be reissued," I was uncertain whether the license referenced in 2(a), 2(b), and 2(c) is the old license or the new license. In addition, Question 3 might make it clearer that if the petitioner's spouse doesn't cooperate, petitioner must actually have the order served on the spouse and then provide a proof of service. There will likely be users who can navigate the forms but will find service of process a challenge. Could NC-300-INFO include a link to a reader-friendly "Service of Process in California" guide?	The committee appreciates the comment. The committee has changed Item 2 to make clear that the information is being sought about the "original marriage license and certificate." Form NC-300-Info, Item 5 already instructs the petitioner as to the necessity of serving an order to show cause on the non-signing spouse and filing a proof of service with the court. The committee is not aware of a reader-friendly guide such as the one suggested, but has included a link to the on-line California Courts Self-Help Guide on gender recognition to both NC-300-INFO and NC-500-INFO.
			-- Finally, it might be helpful if the terms confidential marriage and nonconfidential marriage were defined, either on NC-312 or on NC-300-INFO.	In light of this comment, the committee has added the statutory definition of confidential marriage to the information sheet and referenced this fact in form NC-312's instructions. References to "nonconfidential" have also been changed to "not confidential."
7.		AM		

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SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee		The JRS notes that the proposal is required to conform to a change of law.	No response needed
			The JRS also notes the following impact to court operations: • Significant fiscal impact. ○ Depending on the number of cases filed, there could be significant impact on time spent at front counter windows with litigants that don't understand the process and whose papers are not in order. Creation and mailing of notices of hearing and orders if no hearing takes place would have a fiscal impact. • Impact on existing automated systems. • Results in additional training, which requires the commitment of staff time and court resources. ○ Significant amount of training for court staff will be required to become familiar with the changes. • Increases court staff workload.	The committee appreciates the information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR22-04

Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218 (Adopt forms NC-311, NC-312, NC-325, NC-520G, and NC-530; approve form NC-300-INFO; revise forms NC-100, NC-100-INFO, NC-110, NC-120, NC-150, NC-300, NC-330, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; renumber form NC-125/NC-225 as form NC-125; and revoke forms NC-200, NC-225, NC-230, and NC-530G)

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	Commenter	Position	Comment	Committee Response
			Monitoring receipt of objections for cases that have no pending court date could be problematic as well as recognizing written objections if they are not submitted on a Judicial Council form. Suggesting litigants contact the court to see if objections have been filed will take staff time	
			Suggested modifications:	
			Form NC-300-INFO in Section 5 indicates an Order to Show Cause is to be served within 30 days from the date on which the order is made by the court. Form NC 325 states in Section 2 that objections are to be filed within 6 weeks of the date of the order. If the Petitioner takes the full 30 days to serve NC-325, a person filing an objection would have only 2 weeks to do so.	The committee agrees with the analysis, and notes that the deadline by which a petitioner must serve an order to show cause and the deadline by which written objections must be filed are both mandated by statute. (See Health and Saf. Code, § 103430(e) & (f).)
			Form NC 325 also has no date to trigger the court to take action when the deadline for objections passes. The court would have to somehow monitor these cases separately to ensure that an order is made in a timely fashion when no objections are received. Consider adding a hearing date on form NC-325 (similar to NC-520G) instead of requiring a separate process where the clerk needs to complete and	The committee declines to make the suggested modification, notwithstanding the identified burdens. Under the new statute, courts may not set a hearing on a petition for recognition of gender change before and unless the court receives an objection showing good cause why the petition should be denied. (See Health and Saf. Code, § 103430(h).)

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	Commenter	Position	Comment	Committee Response
			mail a notice of hearing as described in NC-300-INFO, Section 7 when an objection is received. That same section creates mailing costs when a notice of hearing must be sent, or if no objections are filed, Form NC-330 would need to be mailed to the Petitioner. The Petitioner may also need a certified copy of Form NC-330, which would require that a certification fee be charged before the form is provided to the litigant.	
			Form NC-125 also does not provide a hearing date requiring the court to track for the expiration of filing objections and then send notice of hearing if objections are filed.	The committee acknowledges the point and declines to make the suggested modification. Courts may not set hearings on a petition for change of name to conform to gender identity before and unless the court receives an objection showing good cause why the petition should be denied. (See Code Civ. Proc., § 1277.5(b).)
			The instructions on NC-100-INFO instruct the litigant to check with the court to see if a hearing date has been set, which may be difficult for the litigant to reach staff and creates unnecessary workload for the court.	The committee notes that item 10 does not instruct litigants to contact the court to see if a hearing date has been set, but rather to contact the court to find out if a scheduled hearing on a name change petition will be held. The hearing is not to be held if there are not objections filed (Code Civ. Proc.,

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	Commenter	Position	Comment	Committee Response
				§ 1278), and a party can only confirm whether it will proceed by contacting the court.
			Suggest a blank Declaration, form MC-030 be served with the Order to Show Cause for the individual to use if objections are filed in order to make it easier for the court to identify the objections and connect the document to the correct case rather than a person using a blank piece of paper that might be difficult to route to the correct processing unit within Clerk's Offices.	The committee believes that form MC-030 is not a proper vehicle for objections to name or gender change petitions. In addition, requiring a form for objections be served along with a name and gender change order to show cause is outside the scope of the instant proposal, and potentially outside the purview of the council because the Legislature has set out detailed procedures in the area.
			Suggest that Section 2 of form NC-325 language "within six weeks of the date this order is issued" should be bolded similar to form NC 520.	NC-325 has been modified to reflect this change.
			Form NC-500-INFO contains the same situation as above where Section 6 requires the OSC be served within 30 days of the issuance of the order, and Form NC-520 requires objections be filed within six weeks of the same date. Similar to above, suggest that a blank Declaration MC-030 be provided to make it easier for the court	See above responses.

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			to identify the case the objections pertain to when the document is received.	
			NC-100-INFO has a typo in Section 7, second bullet, "You are an participant..."	NC-100-INFO has been modified to reflect this correction.

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SP22-08

Rules and Forms: Name and Gender Change Forms for Minors to Implement Assembly Bill 218 and Assembly Bill 421 (Adopt form NC-530; revise forms NC-500, NC-500-INFO, NC-510G, NC-520; revoke form NC-530G)

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	Commenter	Position	Comment	Committee Response
1.	Alliance for Children’s Rights by Juan Guzman, Director of Children’s Court Advocacy	AM	Thank you for offering the opportunity to comment on the proposed amendments to the name and gender change forms for minors, pursuant to AB 218 and AB 421 (Proposal: SP22-08).	No response necessary.
			Alliance for Children’s Rights protects the rights of impoverished, abused and neglected children and youth. By providing free legal services, advocacy, and programs that create pathways to jobs and education, the Alliance levels the playing field and ensures that children who have experienced foster care are able to fulfill their potential.	
			Current law requires the Order to Show Cause Form (NC-520) to be served on the parent who has not signed the petition, or if both parents are deceased or cannot be located, on the grandparents. There will be instances where one parent has signed the petition, but the other parent has not signed because their whereabouts are unknown. Similarly, when a guardian/minor’s attorney signs the petition, there will be instances where the minor’s living grandparents’ whereabouts are unknown. This will leave many petitioners unable	The committee declines to make the suggested revision. Health & Safety Code section 103430(f) requires either personal service or, if the recipient is out of state, service by mail. It further provides that if service cannot “reasonably be accomplished” by these methods, the “court may order that service be accomplished in a manner that the court determines is reasonably calculated to give actual notice to the person who did not sign the petition.”

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Rules and Forms: Name and Gender Change Forms for Minors to Implement Assembly Bill 218 and Assembly Bill 421 (Adopt form NC-530; revise forms NC-500, NC-500-INFO, NC-510G, NC-520; revoke form NC-530G)

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	Commenter	Position	Comment	Committee Response
			to serve either the non-signing parent or the grandparents with the OSC because they do not know their whereabouts. To facilitate the process and prevent unnecessary delays, we propose adding an item box on “Form NC-500” and “Form NC-510G” to indicate the petitioner is unable to serve the OSC Form NC-520 on parents and/or grandparents because their whereabouts unknown	In the event that a petitioner does not know the whereabouts of the minor’s parents or grandparents, the petitioner must move the court to permit alternative service after showing that personal service (or, if applicable, service by mail) could not be reasonably accomplished.
			Thank you for your consideration.	No response necessary.
2.	Disability Rights California, Civil Rights Practice Group by Kendra J. Muller, Post Bar Law Clerk; Lili Graham, Litigation Counsel; and Nicole Mendoza Senior Attorney Jointly with: Transgender Law Center by Ian Anderson Legal Services Project Manager	AM	Thank you for the opportunity to comment on the Name and Gender Change Forms for Minors. We are writing on behalf of the Transgender Law Center and Disability Rights California. The Transgender Law Center is the largest national trans-led organization advocating for a world in which all people are free to define themselves and their futures. Transgender Law Center responds to hundreds of inquiries each year from transgender people seeking guidance about the name change process through its Legal Information Helpdesk and Prison Mail Response Program, and hosts multiple name-change clinics each year for transgender Californians. Disability Rights California is a state-wide nonprofit	No response necessary.

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SP22-08

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	Commenter	Position	Comment	Committee Response
	Name & Gender-Marker Change Clinic by Ashley N. Fasano Supervising Attorney		dedicated to protecting an advocating for disabled Californians. The Civil Rights Practice Group specializes in discrimination law, including the Americans with Disabilities Act and Fair Housing Amendments Act, and litigates complex discrimination cases statewide. The practice group works to create resources and advocacy for historically marginalized and underserved communities, including immigrants, LGBTQIA2S+ individuals, seniors, veterans, unhoused persons, Native American groups, people of color, monolingual language speakers, and low-income communities. The practice group seeks to provide intersectional legal analysis to challenge civil rights violations.	
			After our review of the new proposed court documents, we would like to bring to the agency's attention to points, edits, and questions we have identified as relevant for the decision-making process regarding the proposed documentation.	
			Point 1 Overall, the new NC-500 series seem better equipped to handle pro per cases with some additional directions through this proposal, including the helpful inclusion of residency for the right court, although there still may be challenges.	The committee declines to adopt this suggestion as it concludes that the form instructions are sufficiently clear as drafted.

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	Commenter	Position	Comment	Committee Response
			On form NC-500, to provide for better pro per assistance, we advise that a slight revision of instructions that allow plain language is used. Plain language improves credibility and efficiency, which will increase accuracy of filing from pro per petitioners and thus lessen unproductive errors the court must handle. This will lessen labor for the court. A potential revision is included below showing reduction in sentence length, navigation tips, bold headers, and bullet points. Citations can be further expounded upon in NC-500-INFO, and already are listed in a helpful and explanatory manner. An example is shown below: ○ Instructions: read form NC-500-INFO for further information before starting ○ Only For Minors: This form is only for minors. Adult petitioners (18 years or older) must use a different form, NC-300. ○ Name and Gender Change: If you are seeking a name and gender change, complete items 8 or 9. ○ Gender change: If you are only seeking a gender change, skip items 8 or 9 ○ Guardian Instructions:	

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Commenter	Position	Comment	Committee Response
		- An attorney will be appointed for the minor - Form NC-510G must be filled in addition to these forms.	
		Point 2 On form NC-500, item 6 the form reads "Petitioners requests." This may be a grammatical error and better listed as "petitioner requests" or "petitioners request."	Form NC-500 has been revised to reflect the correction.
		Point 3 On form NC-500-INFO, page 2 states "Declaration: The minor may complete (check the box identifying the new gender) and sign the Declaration" (emphasis added). The word "may" suggests this step is optional. This should be clarified to ensure petitioners understand whether or not to complete.	The committee declines to adopt this suggestion as it feels that the form instructions are sufficiently clear as drafted. Health & Safety Code section 103430(b)(1) provides that the minor "may" sign the affidavit. The committee believes NC-500-INFO as currently drafted accurately reflects that the minor may, but does not have to, fill out the declaration.
		Point 4 On form NC-500-INFO, page 3, it states "Form NC-121 may be used." This is unclear on whether NC-121 can be used even if a name change is not sought. If so, this might be helpful to specify.	The committee appreciates the response. In context, the committee believes it is clear that form NC-121 may be used as proof of service even if a name change is not sought. The section that includes the reference to NC-121 discusses service of process in general and NC-121 does not

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	Commenter	Position	Comment	Committee Response
				contain any provisions limiting its use to name change petitions.
			Point 5 Form NC-400-INFO currently states "As with all name change petitions, the petition filed under the confidential address program must be filed in the superior court of the county where the person whose name is to be changed presently lives." Given that, under the terms of AB218, the court is expanding the range of people able to petition in a given county's superior court (to those who were born in, married in, or had a child in that county, and not just those who presently live there), this language should be updated.	This suggestion is outside the scope of the instant proposal. The committee may consider this issue in the future as time and resources allow.
			Point 6 In regards to non-affirming parents, eliminating additional steps unless an objection is filed will greatly streamline the name/gender change process. Our experience in community outreach and clinics displays that when one parent is non-affirming, the process can be very bothersome to the petitioner and court. This is especially pertinent when there are estranged parents of minors. Parents with legal custody may be affirming parents, however, they are restricted from a simple filing process if there is another	The committee acknowledges that the statute has notice requirements for non-affirming parents, which the committee cannot change.

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			living parent, even if that parent has not seen the child in 10 years, left when the child was born, or is violent or abusive. From our understanding of the interplay between AB 218 and AB 421, the OSC used instead of a notice of hearing will help shift the burden to non-affirming parents to file the written objection. We encourage a shifting of the burden to ensure that affirming parents and minors needs are held as paramount.	
			Point 7 We advise the MC-410 Reasonable Accommodation form should be referenced, explained, and detailed within NC-500-INFO, as it fulfills the required procedures in Cal. Rules of Court, rule 1.100(g). At this time, the NC-500-INFO does not indicate or explain the process for filing a reasonable accommodation with the court. The MC-410 form is a vital document to access the court system and must be more widely referenced so petitioners know there is equal opportunity within the petition process. The MC-410 should be indicated as an additional section after number six “Orders to Show Cause and Hearing Date” in the NC-500-INFO. An example is shown here: 7. Requesting a Reasonable Accommodation	The committee agrees with the suggested revision to the extent it recommends language be added relating to requesting accommodations for disabilities. The committee has modified the form in light of this comment. Form NC-500-INFO has been further revised to add paragraph 8, which discusses requesting an accommodation for a disability and which refers the reader to form MC-410, the instructions at form MC-410-INFO, and the court’s ADA Coordinator. The committee has added identical language to forms NC-100-INFO (new paragraph 8) and NC-300-INFO (new paragraph 11).

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			If you have a disability and need help accessing your court hearing, you can submit a reasonable accommodation request with the court. The process for submitting a reasonable accommodation is listed below: • Instructions for filing a request is noted on MC-410-INFO, How to Request a Disability Accommodation for Court • Fill out MC-410, Disability Accommodation Request • Mail or hand your completed request to your court's ADA coordinator - o To find your ADA coordinator: go to https://www.courts.ca.gov/find-my-court.htm?query=92120. Input your zip code and find your court. Your court will have an ADA coordinator on its website with an email and phone to contact. • You must make the request at least 5 days before your court appearance • You may appeal if your request is denied by submitting a written request for review to the presiding judge or designated judicial officer.	
			In summary, we appreciate the Judicial Council's circulation of these proposed forms and believe the changes will largely benefit petitioners and the courts. We hope these suggestions will prove	No response necessary.

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			helpful in clarifying a few points of uncertainty and ensuring the process of implementing AB 218 and AB 421 is as seamless as possible.	
3.	Amira Hasenbush Founder All Family Legal	NI	First of all, thank you so much for all of your work in getting forms together to implement these new changes in the law. I know this stuff gets tricky, and I really appreciate your eye for detail! I am trying to go through the forms pretty carefully from a practitioner's standpoint to give you my thoughts/suggestions for changes. (Lucky you – I was on a plane when I wrote this, so I had some time. 😊) I'm sure once I actually start using the forms with clients, other things will come up, but I will do my very best to try to help us get it right from the start. Here's what I'm seeing:	No response necessary.
			1) Parents – it was my understanding that the forms are trying to make the effort to accommodate the possibility of more than two parents. NC-500 1(a) and 1(b) presume exactly two parents. I have seen this become an issue for a client who was a single parent. Even though the form had a box that stated that there were no other parents, and the birth certificate showed my client as the only parent, the judge still did not understand and called us in for a hearing to ask why the other parent had not been given notice.	The committee has modified forms NC-500, NC-500-INFO, and NC-530 in light of these comments to allow for more than two parents. Item 1a of form NC-500 has been revised to read “parent or parents (<i>names</i>).” while item 3d has been revised to add an option by which petitioner can more that the names and addresses of two parents. Item 1 of form NC-500-INFO has been revised to replace references to “both” parents

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			The simplest fix to accommodate more than or fewer than two parents may simply be to change the wording to: a. All of the minor child’s living parent(s) (name(s)): b. Fewer than all of the minor child’s living parents (name(s)): However, that wording may be confusing to parents in two-parent households (which may be the majority of petitioners). While a more complicated fix, one that may provide greater clarity could be by starting with the question, “How many living parents does the child have?” The boxes that are accessible to complete below could flow differently depending on the answer to that question. Of course, that may be too complicated and require too much of an overhaul.	with references to “all” parents. Finally, NC-530 item 3d has been revised similarly. The committee believes the forms as drafted are sufficiently clear regarding situations where a petitioning minor only has one parent, and declines to make any modifications on that point.
			The same issue occurs in NC-530 items 3(d)(1) and 3(d)(2).	See above response.
			2) NC-500 item number 2: “Petitioning minor is a California resident or seeks a change to a California birth certificate.” I misread this the first time as an AND statement instead of an OR statement. I would suggest either capitalizing the word “or” or splitting it into an (a)/(b) sentence just to make it clear that either is sufficient.	In light of this comment, item 2 in form NC-500 has been revised to read that “[p]etitioning minor <i>either</i> is a California resident or seeks a change to a California birth certificate.” [emphasis added to show change].

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			3) NC-500 Item 3(d): again, not sure it's frequent enough to be worth adjusting, but there is the rare possibility of more than two parents not signing the petition.	See above response regarding multiple parents.
			4) NC-500 Item 8 – I'm not sure why a prior name change order needs to be acknowledged. If the point is to have a link between all prior names, it may be simpler to say the minor has previously changed their legal name. All prior legal names are listed below: _____. Asking people to attach certified copies of court orders is an added expense in an already expensive process, so if there is a need to attach a copy of a prior name change order for whatever reason, I would not require it to be certified. For what it's worth, most judges require a copy of a minor's birth certificate to be attached to the petition, so it may be simpler to add that onto the form, since I've regularly had my clients' petitions rejected for not including the minor's birth certificate. (Granted, that then puts the minor's birth certificate into the public record, but that is the standard practice in most courts at this time.) Maybe it makes more sense to have an optional notice of lodgment form to attach a birth certificate to, so that that court can review it, but it doesn't become part of the public record.	The committee declines to make the suggested revision because the point is not to link to prior names, but to allow the petitioner to have a name change made to California-issued certificates without requiring the petitioner to undergo the name change process if the petitioner has already obtained a name change decree. The committee believes that NC-500 and NC-500-INFO sufficiently explain this alternative. However, form NC-530 has been modified to reflect this alternative more clearly in item 3c and the court order section of the form.

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			Okay – now after reading the instructions, I see that the idea is that they should be able to have their birth certificate updated with the new gender AND prior name changes if they haven’t updated their birth certificate already. You all may have more expertise on this than I do, but I think if they’ve already changed their name, they should be filing under the new name with an FKA for the old name, just so that there is a link in the document to make it clear to vital records. Then, they could file with vital records a certified copy of the name change and a certified copy of the gender order and get a new birth certificate issued with the new name and gender. What may be better is to put something about the FKA, or as mentioned above, a listing of all former legal names, that could also be in the court order. (I often come across people – although usually adults – who have had IDs and documents issued to 3 or 4 variations on a name, so if the court order could link them together and basically say – this person’s new name is X, and A, B and C are all of the former names of X, and they are all the same person – that could make their life much easier to then have all of the names linked.)	
			5) NC-500 Item 8 – this is super nuanced, but it is possible that the minor may be changing their	The committee declines to make the proposed revision. Form NC-500 may only be used for

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			name not specifically to conform with gender identity. For example, they may have a gender neutral name and just like some other gender neutral name better. They may have previously changed their name, and now they've decided they like something else better. Presumably all of the new names would also conform to their gender identity, but I would keep it simpler and say "Petitioners request that the court decree that the minor's name is changed to (proposed name):"	name changes if the petitioning minor is seeking to change their name to conform to gender identity. Name change requests to conform to gender identity are exempt from the publication requirements of Code of Civil Procedure 1277. <i>See</i> Code of Civ. Proc., § 1277.5. A minor seeking a change of name for reasons other than to conform to gender identity must use the NC-100 series forms.
			6) NC-500 Item 9(b): again, this possibility is so rare that it might not be worth updating the forms, but technically, it's possible that older minors may have children or a marriage of their own, and therefore could be filing where their children's birth certificate was issued or where their marriage certificate was issued. (This would also need to be updated in item #2, in the where to file instruction #2, and NC-530, Item 3(c).)	The committee declines to make the suggested revision. The committee acknowledges that there may be rare situations where a minor has had a child or gets married and subsequently decides to change their gender before reaching age 18. But the alternative venue provisions of Code of Civil Procedure section 1276(g) will only be implicated by a petitioning minor who (1) had a child or got married in California, as a minor, while identifying as a certain gender; (2) does not live in California (either they moved or never lived in state); (3) while still a minor, seeks to change the California-issued wedding certificate or child's birth certificate, issued a short time earlier, to reflect a change of gender.

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				Because the committee believes this to be an exceedingly rare scenario, which would make the forms more complicated to account for it, it declines to modify the forms to account for it at this time.
			7) Instruction #3 what forms are required. Could we add an advisement that your local court may require additional local forms, and you should check on the court's website or by asking a clerk or self-help office? (For example, in LA County, there is an additional local cover sheet as well as a required background check form for name changes that's usually required for anyone over the age of 12.)	The forms have been modified in light of this comment. Paragraph 3 of form NC-500-INFO has been further revised to advise petitioners to check with local courts to determine if additional local forms are required. Similar modifications were made to form NC-100-INFO and form NC-300-INFO.
			8) Order to show cause instructions – should we include an instruction that they need to file a proof of service? Wouldn't want people to get called into a hearing that could otherwise be avoided just because they didn't realize they need to file that.	The committee notes that NC-500-INFO already provides, in item 6 at the section titled: "What to do with the Order to Show Cause," that "the petitioner must have the server complete a proof of service and file it with the court. (Form NC-121 may be used.)." The committee believes further instruction is unnecessary.
			9) NC-510G item 4: I think the wording is a bit confusing and could be simplified as follows: If all parents are deceased or cannot be located,	NC-510G has been modified to reflect this change.

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Rules and Forms: Name and Gender Change Forms for Minors to Implement Assembly Bill 218 and Assembly Bill 421 (Adopt form NC-530; revise forms NC-500, NC-500-INFO, NC-510G, NC-520; revoke form NC-530G)

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	Commenter	Position	Comment	Committee Response
			provide the following information for the minor's living grandparents (if known):	
			10) This is super nitpicky, but could you please put a line _____ next to all places where people are supposed to date? I cannot tell you how often my clients forget to date documents, and those that have the line get missed a lot less.	The committee declines to make the suggested revision as it is inconsistent with Judicial Council forms style. The Judicial Council Forms Manual provides that the date field is not followed by a line.
			11) NC-530, item 3(h): I'm not sure if this is a statutory issue, but why limit objections to only those by parents? What about grandparents? Or somehow someone else files a written objection? Could just say "If objections were filed" or something like that.	The court declines to change item 3(h). Under Health and Safety Code section 103430(h)(1), when anyone other than a parent files an objection, "[a]t the conclusion of the hearing, the court shall grant the petition if the court determines that the petition is not made for any fraudulent purpose." The finding related to this provision is in the form at item 3(i). If a parent files an objection, however, a different finding must be made by the court. Under Health and Safety Code section 103430(h)(2), if an objection is "timely filed by a parent who objects to changes to their minor child's birth certificate, after holding a hearing on the matter, the court may deny the petition if the court finds that the change of gender and sex identifier is not in the best interest of the minor." Item 3(h) on form NC-

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				530 is the item by which the court can make the specific statutory finding required by Health and Safety Code section 103430(h)(2).
			12) NC-530, item 5 says gender in item 3, but I believe it should say gender in item 4. Also, I would move this entire court order to the end before other orders and say: “A new birth certificate reflecting the new gender described in item 4 and the minor child’s current legal name shall be issued.” First - new gender instead of change of gender, so that no vital records office then decides that they need to show that someone went from A to B, instead of just showing B. Also, with this language about current legal name, if the name change is happening in the same order, it reflects that, and if there was a prior name change, they will be able to show that the name on this court order is the current legal name by showing the old name change order, and if there has been no name change, that language works as well.	Item 5 of form NC-530 has been revised to make the suggested correction. The committee agrees with the recommended revision to the extent that it recommends the court order regarding issuance of new birth certificate include reference to a petitioner’s change of name request. However, the committee declines the suggestion to change “change of gender” to “new gender.” The phrase “change of gender” tracks the applicable statutory language. <i>See</i> Health & Saf. Code, § 103430. For the expressed concern, the committee notes that Health & Safety Code section 103431(a)(1) provides that for a new birth certificate, “[n]o reference shall be made in the new birth certificate, nor shall its form in any way indicate, that it is not the original birth certificate of the petitioner.” <i>See also</i> Health & Saf. Code, § 103431(a)(2) & (c)(2) (providing the same regarding new marriage certificates and new birth certificates for petitioner’s children, respectively).

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				The committee declines the suggestion to incorporate the phrase “current legal name” into the forms. The committee believes “current legal name” may cause confusion to petitioners and further believes that “change of name” clearly articulates to the petitioner and the court what is being sought.
			13) NC-530 item 6 – I would move this down to be the last thing either right before or right after other orders and amend as follows: “If minor was born in California, a certified copy of this order shall be filed by the petitioner 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 minor as it has been altered as well <u>as the minor’s current legal name.</u> ” (underlining the addition just to make it easy to read.) Again – this language is flexible enough to accommodate a current name change, an old name change or no name change at all.	The court order section of form NC-530 has been revised and reorganized to separate the change of gender and change of name orders and to present the change of name options more clearly. As suggested, the order requiring the petitioner to file the order with the State Registrar (item 7 in revised form NC-530) has been moved to the end of the form, above “Other orders.” The committee declines the suggestion to reword this item because it believes the item as currently drafted is sufficiently clear.
4.	Superior Court of Orange County Family Law and Juvenile Division	NI	Form NC-500 • In the Declaration section of the form, remove the line next to the date section for the	Form NC-500 has been modified to reflect the correction.

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			petitioner's attorney so that it's uniform with all other signature sections.	
			Form NC-500-INFO • Page 3, 2nd bullet point has an extra space between "it only"	Form NC-500-INFO has been modified to reflect the correction.
			• It may be beneficial for the form title to include the complete name of the NC-500 petition.	The committee declines to make the suggested revision to NC-500-INFO's title. The committee believes that the shorter title currently on the form helps save space and makes it easier to locate the form, while still making clear the form's purpose.
			• Form references form NC-500 petition but does include full name.	Paragraph 2 of form NC-500-INFO has been modified to include the full name of form NC-500 when the form is referenced.
			• Spacing in footer needs to be adjusted.	Form NC-500-INFO has been modified to reflect the correction.
			Form NC-510G • Spacing in footer needs to be adjusted.	Form NC-510G has been modified to reflect the correction.
			Form NC-520 • It may be beneficial for the form title to include the full name of petition: ORDER TO SHOW CAUSE PETITION FOR RECOGNITION OF MINOR'S CHANGE OF	The title of form NC-520 has been modified to be consistent with the other orders to show cause used in the name and gender change context, specifically, NC-120 and NC-325. Specifically,

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			GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE	“for” has been replaced with an em-dash to clarify that the order to show cause is not “for” recognition of a minor’s change of gender and sex identifier. The committee declines the suggestion to add the terms “Petition for” to the title.
			• Items 1b and 2b where it reflects “The Court Orders” should be its own section for Orders with a breaker. The “The Court Orders” sections should also contain a box for the judicial officer to mark as ordered.	The committee declines to make the suggested revisions. The committee believes that keeping the name change and gender change portions of the form (including the respective court order items) separate will make the forms clearer for recipients of the orders to show cause. Additionally, the committee believes adding checkboxes next to the items where the court orders the recipient to show cause would be inconsistent with other form OSCs. Further, as the form is currently drafted, the court would indicate which order or orders are applicable by checking the appropriate box next to “TO ALL INTEREST PERSONS,” “TO ANY LIVING PARENT OF MINOR WHO DID NOT SIGN PETITION,” and/or “TO ANY LIVING GRANDPARENTS OF MINOR.”
			• Given that the form no longer includes a hearing date section, should form <i>Notice of Hearing on Petition</i> (NC-125) be used to	Courts may use <i>Notice of Hearing on Petition</i> (form NC-150) to schedule a hearing after objections are received, but the committee

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			schedule the hearing? If so, this information should be listed on form NC-500-INFO so that the public is aware.	declines to make the suggested revision to form NC-500-INFO. A hearing on a petition to recognize a change of gender (or change of name to conform to gender identity) can only be scheduled if the court receives objections showing good cause why the petition should be denied. Code of Civ. Proc., §1277.5(c); Health & Saf. Code, § 103430(h). Form NC-500-INFO provides information for petitioners, who will not know whether a hearing will be required at the time they file the petition, and will not be the individuals who complete the notice form. Only a court will be in a position to know whether objections have been received and a hearing required. Accordingly, form NC-150 will be filled out and sent, if necessary, by the court, not the parties. The committee therefore does not believe it is necessary to instruct petitioners about form NC-150 in form NC-500-INFO. To reflect that petitioners will not fill out NC-150, the committee has revised the form to remove “<i>(To be completed by clerk.)</i>” from the form, as this line implied that everything above the line would be filled out by the petitioner.
			Request for Specific Comments	

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			▪ <i>Would the proposal provide cost savings? If so, please quantify.</i> ○ This proposal does not appear to provide any cost savings.	The committee appreciates the information.
			▪ <i>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> ○ Revising case management system as to new entry codes. ○ Training on new/revised forms, how to process new/revised form. ○ Case processing/courtroom – approximately 2-3 hours of training ○ Revising procedures	The committee appreciates the information.
			▪ <i>Would six weeks from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? (Note, the new laws are operative as of January 1, 2023.)</i> ○ No, six weeks does not provide sufficient time for implementation.	Assembly Bill 218 and Assembly Bill 421 become operative January 1, 2023. Because of the need to have revised forms that conform to the changes in the law, the committee has concluded that it is impractical to provide more time between approval of the proposal to its effective date.

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5.	Superior Court of Riverside County by Susan Ryan Chief Deputy of Legal Services	A	Suggested edit: on NC 530 form, Item #3 - add a period after "d".	Form NC-530 has been modified to reflect the correction.
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	Would the proposal provide cost savings? If so, please quantify. No.	The committee appreciates the information.
			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? Training business office and courtroom staff, updating existing internal procedures for name/gender change petitions, and updating local forms packets. New, revoked, and revised forms will also require updates to the court's case management system.	The committee appreciates the information.
			Would six weeks from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? (Note, the new laws are operative as of January 1, 2023.)	The committee appreciates the information.

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			Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to train staff, update its case management system, modify local packets, and obtain printed stock.	
			No additional Comments.	No response necessary.

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