



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 24, 2018:

Title

Forms: Civil Name Change and Gender
Change Forms

Agenda Item Type

Action Required

Effective Date

September 1, 2018

Date of Report

April 27, 2018

Contact

Anne M. Ronan, 415-865-8933
anne.ronan@jud.ca.gov

Rules, Forms, Standards, or Statutes Affected
Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320

Recommended by

Civil and Small Claims Advisory Committee
Hon. Ann I. Jones, Chair

Executive Summary

The Civil and Small Claims Advisory Committee recommends adopting, revising, or revoking various Judicial Council name change forms to reflect recently enacted legislative amendments. Senate Bill 179 changed the process for seeking name changes to conform to gender (new Code Civ. Proc., § 1277.5); changed the process for adults seeking recognition of a gender change, including by adding “nonbinary” as one of the genders that can be recognized (amended Health & Saf. Code, §§ 103425 and 103430(a)–(b)); and added a new process for minors seeking recognition of gender changes (new Health & Saf. Code, § 103430(e)). In addition, Senate Bill 310 eliminated the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation (those in state prison or on parole) and those in county jail, while at the same time adding a service requirement for such petitions.

Recommendation

In order to implement statutory changes enacted in Senate bills 179 and 310, the Civil and Small Claims Advisory Committee recommends the following actions be taken, effective September 1, 2018.

1. The advisory committee recommends that the following forms be revised:

- *Petition for Change of Name* (form NC-100), to reflect the change in procedures for name changes to conform to gender identity and update some of the language on the form;
- *Attachment to Petition for Change of Name* (form NC-110), to update certain language on the form;
- *Decree Changing Name* (form NC-130) and *Decree Changing Name of Minor (By Guardian)* (form NC-130G), to reflect the elimination of the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation and those in county jail,
- *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200), to reflect the change in procedures for name changes to conform to gender identity and the change of procedures for recognition of gender change, and to update some of the language on the form;
- *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230), to reflect the change in procedures for name changes to conform to gender identity and the change of procedures for recognition of gender change, to reflect the elimination of the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation and those in county jail, and to update some of the language on the form; and
- *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate* (form NC-300) and *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330), to reflect the change in procedures for recognition of gender change, and to update some of the language on the forms.

2. The advisory committee recommends that the following forms be adopted:

- *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225), to implement the change in procedures for name changes to conform to gender identity; and
- *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (Name Change)* (form NC-500) and *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-520), to implement the change in procedures for name changes to conform to gender identity and the change of procedures for recognition of gender change by a minor.

3. The advisory committee proposes that the following forms be approved:

- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO), moving the current instructions from the back of the petition for change of name to a new form, and revising them to reflect the change in procedures for name changes to conform to gender, to reflect the elimination of the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation and those in county jail, and to update some of the language on the form;
- *Notice of Hearing on Petition* (form NC-150), a new form to implement the change in procedures for name changes to conform to gender; and
- *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-500-INFO), a new information sheet to implement the change in procedures for name changes to conform to gender identity and the change of procedures for recognition of gender change by minors;

4. The advisory committee proposes that the following forms be revoked:

- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310) and *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320), which are no longer required under the new procedures for recognition of gender change; and
- *Order to Show Cause for Change of Name* (form NC-220), which will be replaced by form NC-150 to implement the changes in the procedures for name changes to conform to gender identity.

The text of the new, revised, and revoked forms are attached at pages 17–38.

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 through the years since then. Along with revisions to the set, new forms were adopted to implement the confidential name change program run by the Secretary of State, “Safe at Home.” The most recent changes were made in 2014 to reflect statutory amendments eliminating the publication requirement for petitioners seeking to change their names to conform to their gender identity.

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 (1) in 2011 to reflect the change in venue requirements for petitioners who are California-born, transgender individuals residing outside the state; (2) in 2012 to reflect the statutory change in the evidence required to

support such requests; and (3) in 2014 to add information about the administrative process that may be used as an alternative to the court proceedings.

Analysis/Rationale

Background

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

1. Alters the process for changing names to conform to gender so that it no longer parallels the process for other name changes.¹ The petitions for name changes to conform to gender are not to be set automatically for a hearing, but instead set for hearing only if objections are filed showing good cause to oppose the name change, within six weeks of issuance of an order to show cause (OSC). Therefore, a new OSC form and new instructions about it are needed for these name change petitions, and for name change petitions combined with petitions for recognition of gender change. As is currently the law, there is no requirement to publish this OSC or to serve it on anyone.
2. Allows name change petitions by prisoners in county jail or state prison as well as those on parole (i.e., those under jurisdiction of the California Department of Corrections and Rehabilitation (CDCR)).² The statute also adds service requirements for those petitions. This amendment requires changes to the final name change orders—which no longer require finding that a petitioner is not under CDCR jurisdiction—and to the instructions for name change forms.
3. Adds a third gender—nonbinary—to the genders to which a court may issue an order recognizing a change of gender.³ This amendment requires revisions to the petitions and orders that address court recognition of gender change, to add this third gender.
4. Changes the process for obtaining an order recognizing a change of gender and for issuance of a new birth certificate. There is no longer a requirement for a declaration from a doctor stating that a party has undergone clinically appropriate treatment for a gender transition; instead, all that is required is an affidavit from the petitioner seeking the order stating that the change is not for fraudulent reasons.⁴ In addition, the court is no longer to set a hearing on all such petitions; instead, a hearing is to be set only if timely

¹ See new Code Civ. Proc., § 1277.5.

² See new Code Civ. Proc., § 1279.5.

³ See new Health & Saf. Code, §§ 103425 and 103430(a).

⁴ See new Health & Saf. Code, §§ 103430(a).

objections are filed, within 28 days of the filing of the petition.⁵ These changes require revisions to the gender change recognition petitions and orders (to add the third gender), and revocation of the forms for the doctor's declaration. In addition, the notice of hearing is revised so that it may be issued by the court after timely objections have been filed, should the court choose to use the form.

5. Adds a process for a minor requesting an order recognizing a change of gender and for issuance of a new birth certificate.⁶ The text of the statute assumes that a minor can bring the petition,⁷ but also requires the petition to be signed either by one or both parents or the minor's guardian, or, if there is no living parent and no guardian, then by a near relative or friend. If not signed by all living parents, the petition must be served on any living parent who did not sign it. The OSC on these petitions is to include a hearing date.

The revisions recommended to reflect these changes are described generally below.⁸

Forms for name change only

- *Petition for Change of Name* (form NC-100). This form was revised in only minor ways. Item 3, the request for an OSC, was revised to encompass the new OSCs on petitions to change names to conform to gender, which order the filing of objections by a certain deadline rather than an appearance at a hearing. In item 5, the phrasing of "mother only" or "father only" was changed to a single item "one parent," to eliminate confusion for families in which there are two mothers or two fathers. The term "both parents" in that same item has been changed to "two parents" to reflect the reality of some children who do not have relationships with "both" biological parents. In item 6, a space was added for the name of a minor or ward whose name is being changed to conform to the person's gender identity (for petitions brought by a parent or guardian) and the wording was revised to be inclusive of nonbinary-gendered individuals.
- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). This new form is comprised primarily of the text currently on the back of form NC-100, made into a separate information sheet, as the instructions have become too extensive to fit on a single page. References to and instructions for filing the new OSC form to be used for name changes to conform to gender have been added. A note has been added in item 8 that the service provisions set out there for petitions for minors do not apply to petitions

⁵ See new Health & Saf. Code, §§ 103430(b).

⁶ See new Health & Saf. Code, §§ 103430(e).

⁷ Currently, minors generally cannot file an action on their own in civil proceedings. See Code Civ. Proc., § 372(a), requiring guardian ad litem, and (b) providing for certain exceptions.

⁸ While making these changes, some additional nonsubstantive changes were made to the forms, to clarify the text. For example, the parenthetical instruction to insert the petitioner's "name" was changed in several items to "present name."

to conform name to gender.⁹ New item 9 has been added with instructions for individuals who are within the jurisdiction of the Department of Corrections and Rehabilitation (CDCR) or are in county jail, and may now file petitions for name change. Finally, several items have been revised so that the voice (second person) is consistent throughout the instructions.

- *Attachment to Petition for Change of Name* (form NC-110) is attached to all name change petitions, with information about the petitioner and about any minors or others whose names are to be changed. Only minor changes have been made, including changing “Father” and “Mother” to “Parent” in item 7e.
- *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) is a new OSC form, developed for proceedings for a name change request for conforming name to gender. It is similar to the *Order to Show Cause for Change of Name* (form NC-120)—which is not being revised—but without any notice of hearing. Instead, it orders that any objections be filed within a certain time frame and, as required by statute, it warns that if no timely objections showing good cause are filed, no hearing may be held. It also includes the statement from the statute that objections based on concern over gender identity do not constitute good cause.
- *Decree Changing Name* (form NC-130) and *Decree Changing Name of Minor (By Guardian)* (form NC-130G). Each have only a minor revision, removing the finding currently on the forms that each person whose name is being changed is not within the jurisdiction of the CDCR. (Currently in item 2b on form NC-130 and item 2(f) in form NC-130G.) That finding is no longer required, because even those under that department’s jurisdiction may now change their names. The advisory committee concluded that there was no need to develop a separate decree form for name changes to conform to gender, as there are no additional findings required on such petitions, and the *Decree Changing Name* (form NC-130) may be used.
- *Notice of Hearing on Petition* (form NC-150) is a new, optional form that courts may use for providing notice of a hearing to petitioners and objectors, should a hearing be needed on a petition for change of name to conform to gender. (No hearing is set at the time of the filing of the petition; the court sets one only if timely objections are received.) This form will be available for courts to use if they do not send out their own notice of hearing via a computerized case management system or in some other fashion. It may also be used for setting hearings on petitions seeking recognition of gender change and issuance of new birth certificates, which, like petitions for change of name to conform to gender, do not have a hearing date set at the time the petition is filed.

⁹ New Code of Civil Procedure, section 1277.5, does not require any service of these petitions, even for minors.

Forms for recognition of gender change

Health and Safety Code section 103430 et seq. provide a process for seeking court recognition of a change of gender and an order to amend the birth certificate to reflect that change (referred to hereafter as “gender change recognition”). In addition, Health and Safety Code section 103435 mandates that requests for gender change recognition may be made jointly with requests for name change, with a single petition for both requests. Therefore, there are currently two sets of forms for those seeking gender change recognition: one set for proceedings seeking that recognition alone (the group of forms beginning with form NC-300), and another set for those seeking a name change along with the gender change recognition (the group of forms beginning with NC-200).

Both sets of forms are being revised to reflect the new nonbinary gender option and the new procedures set out in the amended laws. In addition to revising those forms, a parallel set of forms (beginning with form NC-500) has been developed for minors seeking recognition of a change of gender, because the new provisions for petitions by minors (1) provide for different procedures, such as mandating that the court issue an OSC setting a hearing date if there are nonconsenting parents; and (2) present an issue of how the minor should appear in the pleadings.¹⁰

Forms for Gender Change Recognition Petitions by Adults

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

- *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate* (form NC-200). The title has been revised¹¹ to more correctly reflect the purpose of the petition as stated in the statute. Item 1 and the instructions have been revised to provide that the petition is for use by adults only. Item 3 has been revised to add nonbinary as an option for changed gender, and to eliminate the assumption of only two genders.¹² The item in the current form regarding an attached doctor’s declaration has been removed, and instead there is now a declaration by the petitioner affirming the change in gender—and that it is not for fraudulent purposes—based on the text from Health and Safety Code section 103430(a).

There is also a minor revision to item 2, to clarify that a request for a name change made as part of this petition is for the purpose of changing one’s name to conform to one’s gender identity. The instructions on these forms have always been based on this interpretation of the statute: that any name change request brought combined with a

¹⁰ The new statute assumes that the minor will be the person bringing the petition. See new Health & Saf. Code, § 103435(e).

¹¹ The form is currently called “Petition for Change of Name and Gender.”

¹² Currently this item provides choices of changing from “from male to female” or “from female to male”; the proposed form simply indicates a change to female, male, or nonbinary.

petition for gender change recognition is for the purpose of conforming the name to gender identity. However, a statement to that effect has now been expressly included as part of the petition.

In addition, the instructions on the back of the form have been revised to reflect the change in procedures.

- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310) will be revoked, as it is no longer necessary.
- *Order to Show Cause for Change of Name* (form NC-220), which sets a hearing date for petitions for name changes to conform to gender, will also be revoked, to be replaced with a new *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225). The new form does not set a hearing date; it just sets a deadline for objections. Form NC-225 is identical to form NC-125, the OSC form to be used on a petition for name change to conform to gender identity, because Health and Safety Code section 103435 provides that the procedures for the name change request on the combined petition should be the same as for other name change petitions.¹³
- *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230). The title of the form has been revised to match the revised title of the petition. The first item has been revised to allow for issuance without a hearing. The finding currently in item 2b that a party is or is not under the jurisdiction of the Department of Corrections has been removed, and nonbinary has been added to the list of genders in item 4. Finally, new item 6 has been added to make this order parallel the current order on form NC-330: a direction that if the petitioner was born in California, the order should be filed with the Secretary of State within 30 days and the Secretary of State is to issue a new birth certificate.

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

- *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate* (form NC-300) has been revised parallel to the revisions to form NC-200: a minor change in title, addition of a statement that the petitioner is 18 years or older, addition of nonbinary to the list of genders, deletion of a reference to a doctor's declaration, and addition of the declaration containing statutory language for the petitioner to affirm changed gender under penalty of perjury.

¹³ Two numbers are assigned to the form, NC-125 and NC-225, to make it easier for clerks and parties to know it can be issued on both types of petitions, a form NC-100 petition, or a form NC-200 petition. Note that for combined petitions, there has only ever been an OSC issued regarding the name change part of the petition, and not for the gender change portion, because the law expressly states that the OSC for the combined petitions shall not include the petition for change of gender. Health & Saf. Code, § 103435.

- *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310) will be revoked, as it is no longer necessary.
- *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320) will be revoked because no hearing is to be set at the time of filing the petition. Courts will either issue their own notice of hearing if objections have been received and a hearing is to be set, or they may use the new *Notice of Hearing on Petition* (form NC-150) should they want to use a Judicial Council form for the notice.
- *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330) has been revised to allow for the situation of no hearing prior to issuance (previously, a hearing was required) and to add the nonbinary gender to the list in item 3. As with form NC-230, a phrase has been added to the last item of the form, directing only those parties born in California to file the order with the Secretary of State's office to obtain a new birth certificate.

Forms for Gender Change Recognition Petitions by Minors

The advisory committee recommends a single set of forms (starting with form NC-500) for minors seeking gender change recognition: a new petition, OSC, and information sheet. The orders to be issued will be the same as those issued for adults, so no new order forms are required. The following form set is for proceedings in which a minor is seeking a gender change recognition order, either by itself or with an accompanying name change decree:

- *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (Name Change)* (form NC-500). The instructions at the top of the form indicate which items on the form must be completed by all petitioners, and which additional items (including an additional form) are to be completed only by those who are seeking a name change along with the gender change recognition.

Because the amended statute assumes that minors themselves may bring petitions seeking recognition of change of gender and issuance of birth certificates (see Health & Saf. Code, § 103430(e)),¹⁴ item 1 calls for two (or more) individuals to be named as petitioners: the minor and one or more adults. The list of potential adults is taken from the statute, which is the same as the list of possible petitioners in the name change statute.

¹⁴ Generally, minors cannot file an action on their own in civil proceedings. (See Code Civ. Proc., § 372(a), requiring filing by a guardian ad litem, and § 372(b), providing for certain exceptions, none of which covers these petitions.) It is unclear whether the new law will be amended, either to add a further exception in the Code of Civil Procedure to the general rule, and allow minors to file these petitions on their own, or to amend the new Health and Safety Code provision to state that it is directed to petitions brought on behalf of—rather than by—minors. Because the new provision does require an adult signature, the committee believes the proposed form, which requires that an adult be named as the petitioner along with the minor, will meet the current legal requirements.

Items 2 through 5 are applicable to all petitioners, as the items address the gender change recognition order. Item 5 requires either identifying all living parents who did not sign, or indicating that all living parents signed the petition, or that the minor has no living parents. This information will be needed by the court to determine whether an order to show cause (OSC)—which is directed only to living parents who did not sign the petition—should be issued on the petition for gender change recognition and a hearing date set.

As noted in the box at the top of the form, items 6 through 8 are applicable only if a name change is sought along with the gender change recognition. These are the same items that would be required for a standalone name change petition, along with the supplemental form that must be attached to each name change petition, *Name and Information About the Person Whose Name is to Be Changed* (form NC-110); and, if a guardian is a petitioner, *Supplemental Attachment to Petition for Change of Name (Declaration of Guardian)* (form NC-110G). The instruction box at the top of the form, item 7, and the new information sheet all note that form NC-110 and possibly form NC-110G must be completed and attached.

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

- *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-520). While the combined petition allowing the option of a name change request at the same time as a gender change request is fairly straightforward, the OSC form for a combined petition is a bit more complex. The statute regarding the OSC for the petition for gender change recognition requires that, if the minor has a living parent who did not sign the petition, the nonsigning parent must be served with an OSC with a hearing date, in the manner of service set out in the statute. (See Health & Saf. Code, § 103430(e)(1)(A); the instructions for service are included in form NC-500-INFO.) The OSC is to be set from 6 to 12 weeks in the future, and any objections must be made at least two days before the hearing date. The OSC also warns the nonsigning parent that if objections are not timely filed or if the objecting parent does not appear, the court may grant the petition without further hearing. (See Health & Saf. Code, § 103430(e)(1)(B) and (2).)

First, an issue arises in that the statute actually states that service shall be “no less than 30 days after the petition was filed.” That provision does not make sense, because it could result in no meaningful notice whatsoever. If the petition is served 90 days after the petition is filed (which is “no less than 30 days after the petition was filed”), it may well be served after the date of the OSC hearing. Because this appears to be a drafting error, this point has been included in suggestions for urgent clean-up legislation. In the meantime, the instructions for serving the OSC do not include a time frame for such

service. When the time frame for service in the statute is amended, as expected, the form will be revised to reflect that.

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

Finally, the time period for objections is different (1) for gender change recognition petitions by minors: up to 2 days before the hearing, which is to be set 6 to 12 weeks from the date of the OSC; and (2) for petitions by minors, or anyone, for a name change to conform to gender identity: within 6 weeks from the date of the OSC.¹⁵ If the hearing on the gender change petition is set out farther than 6 weeks after the filing, as permitted by statute, the time for objections on the name change will have run before the time for objections on the gender change is up. Therefore, the OSC to be issued on the minor’s petition has two separate orders in it: one directed to nonconsenting parents in regard to the gender change petitions (with a hearing date set), and one—with an optional checkbox in front of it, to be issued only if a name change has been requested¹⁶—directed to all interested persons in regard to the name change petition (with a deadline for filing objections but no hearing date set). The different time frames for objecting are highlighted in bold in both orders.

- *Instructions for Filing Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-500-INFO). A new information sheet has been developed to assist parties in completing the petition for minors and, if necessary, having an OSC issued and served. It is directed to the petitioning minor, and sets out where the petition may be filed, who should complete or sign it, and how to complete it. The instructions tell petitioners seeking a name change to

¹⁵ This time frame for the name change portion of the petition is because a name change being sought as part of a petition for gender change recognition is a name change to conform to gender identity, and so falls within Code of Civil Procedure, section 1277.5. As noted earlier, there are no separate provisions regarding minors on such petitions—no different OSC or service requirements than those for adults.

¹⁶ If no OSC is required on the minor’s gender change petition because there is no nonsigning parent living, and a name change is requested, a different OSC is to be used for the name change (form NC-125/NC-225, the OSC for a name change to conform to gender), which does not mention gender change and so will be in compliance section 103435.

complete items 6, 7, and 8, as well as an additional form or forms with information about the person whose name is to be changed. It also has instructions about the OSCs, when needed, and how to serve.

Policy implications

While the new legislation has numerous policy implications, such as eliminating hearings on certain name change proceedings and adult gender recognition change proceedings, allowing more prisoners and parolees to obtain name changes, removing the requirement of doctor certificates in gender change recognition proceedings, and establishing new procedures for minor gender change requests, those are not implications that the judicial branch has any purview over. The recommendations here are simply to implement the legislative changes.

Comments

This proposal was circulated for comments from December 15, 2017, through February 12, 2018. Eight comments were received: from the Orange County Bar Association; three courts (Orange, Riverside, and San Diego Counties); the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, through their joint rules subcommittee (Joint Rules Subcommittee); and three public interest groups (American Civil Liberties Union–California, TGI Justice, and the Transgender Law Center).

All comments are generally favorable, with each requesting minor modifications of the forms. The public interest commenters also made some general comments applicable to all the forms, and the Joint Rules Subcommittee and one court sought development of an additional form.

A chart with the full text of the comments and the committee’s responses is attached beginning at page 38. The advisory committee accepted many of the suggestions made, modifying the forms to address the points made in the comments. The principle comments are discussed here.

Proposals to use different wording

Public interest commenters at the ACLU and TCI Justice both expressed similar concerns about certain language used throughout the forms relating to name changes. They acknowledged that the references to changes of name “to conform to gender” tracked the relevant language in the Code of Civil Procedure, but asserted that it “risks confusing the impacted community, as the term ‘conform to gender’ is sometimes colloquially used to indicate efforts to repress a transgender person’s identity.” (See ACLU comment.) Both commenters also note that many in the community filling out these forms do not identify as nonbinary, but rather as “gender nonconforming,” meaning that their gender expression and/or identity do not conform to cultural assumptions and stereotypes associated with their sex assigned at birth. The commenters believe that for this reason also, the use of the phrase name change “to conform to gender” may cause confusion. Both public interest groups asked for global replacement of the phrase “to conform to gender” with another, such as “related to gender”, “to match gender”, or “because of gender transition”.

The advisory committee considered these comments, and understands the concerns raised. New Code of Civil Procedure, section 1277.5 expressly provides for the different procedures (with no publication of the name change request and no hearing set as a matter of course) in proceedings “for a name change to conform the petitioner’s name to the petitioner’s gender identity.” The language in the recommended forms tracks the statute very closely.¹⁷ The committee believes that tracking the statute is the best way to avoid any confusion as to which petitions for name changes come within these special procedures, and which must follow the other procedures, requiring publication of the intended name change. In light of the comments, however, the language in all the forms have been further reviewed to make sure that the phrase used is “conform to gender identity” rather than the shortened “conform to gender” that had previously been used in some places. The committee believes any concerns as to the language used in the statute should be addressed to the Legislature.

Similarly, the committee considered but rejected the suggestion by these public interest groups relating to the instructions for item 2 in the minor’s combined petition (form NC-500) regarding what gender the minor is seeking to be recognized by the courts, to replace the phrase “what gender you (the minor) have changed to” with “your gender” or “select your gender” as a “more clear, accurate, and respectful characterization.” Again, while the committee appreciates the concern raised, it concluded that tracking the statute, which authorizes petitions for court orders “to recognize a *change* in the petitioner’s gender” (Health & Saf. Code, § 103430(a)), is a better way to proceed. Moreover, the proposed instructions would actually be more confusing, as it would be unclear whether the minor is supposed to indicate the gender on the minor’s birth certificate at the time of the petition, or the gender they want on the reissued birth certificate.

Most of the other suggestions to clarify or improve the text of the forms were suggested by the public interest groups have been adopted by the committee and are reflected in the recommended forms. For example, references to “both parents” on several forms were changed to “two parents.” All the suggestions were reviewed, and committee responses to each are provided in the comment chart.

Other comments

- The Joint Rules Subcommittee and the Superior Court of Riverside County suggested that an item regarding attached materials was confusing. The committee agreed and has modified the item (see form NC-100, item 7).

¹⁷ The proposed language in form NC-100 states, at item 6: “The petition seeks to change name of [petitioner or minor] to conform to that person’s gender identity.” The combined petition (for name change and recognition of gender change) for adults, form NC-200, states at item 2: “Petitioner requests that the court decree that petitioner’s name is changed, in order to conform to petitioner’s gender identity, to . . .” And similarly, in form NC-500, the combined petition for minors, item 6 states: “Petitioners request that the court decree that the petitioning minor’s name is changed to conform to petitioner’s gender identity to . . .”

- The Superior Court of San Diego County noted that the name change information sheet (form NC-100-INFO) was confusing because some of it was in second person (“you” should do this or that), and some in third person (“the petitioner” should do this or that). That form is now all in second person.
- Several commenters suggested more information be added to the new instruction for petitioners who are in jail or prison. (See NC-100-INFO at item 9.) The information available regarding the new service requirements has been provided.¹⁸ An additional paragraph has been added in light of the comments, noting that the declaration on form NC-110 regarding whether a petition is in jail or prison is now only applicable to whether this service is required, and not for determining eligibility for a name change.
- Several commenters asked who would be responsible for serving the new *Notice of Hearing on Petition* (form NC-150), the notice to be sent out only if timely objections are received on a petition for name change to conform to gender identity or a petition for recognition of gender change. The Superior Court of San Diego County asked that, if the court is responsible, a clerk’s certificate of mailing be added to the form. This form is indeed to be sent out by the court, as it is only after the court has received objections, and determined they were timely under the statute, that a hearing is to be set and noticed. Most courts will choose to use their own case management system for issuing a notice, but optional form NC-150 is being provided for those courts who choose to use it. The form has now been modified to include a clerk’s certificate of mailing to make it clear that the form is to be sent out by the court.
- Some commenters noted that form NC-230, the order on combined name change and gender change petitions by adults, did not include the final item on form NC-330, which directs that the order for reissuance of a birth certificate should be served on the office of the State Registrar within 30 days; and that this office is to issue a new birth certificate reflecting the change in gender. That item has now been included on the order on the combined petition. (See form NC-230 at item 6 and form NC-330 at item 5.)
- TGI Justice suggested that the first item of form NC-330, the order for recognition of gender change and issuance of a new birth certificate, be amended to “add an opportunity for petitioner to say if they were born in California since birth certificates will not be reissued for people born out of state.” The committee notes, however, that there is no requirement for one seeking an order recognizing change of gender to have been born in California. (See Health & Saf. Code, §§ 103425 and 103430.) The statute does provide that “if the judgment includes an order for a new birth certificate *and* if the petitioner was

¹⁸ The California Department of Corrections and Rehabilitation is in the process of developing regulations regarding service of name change petitions on the department, but does not expect to have those regulations finalized before September. More detailed instructions and a reference to the regulations will be added to these forms the next time they are revised.

born in this state, the order shall be served on the State Registrar within 30 days.” (Health & Saf. Code, § 103430(c) [emphasis added]). Therefore, the committee has added the phrase “if the petitioner was born in California” to the directive on the order forms described in the bullet above. The instruction forms have all also been modified to make it clear to petitioners early on that it is only California-born petitioners who will be able to get a new birth certificate from the registrar’s office.

- The Joint Rules Subcommittee and the Superior Court of Riverside County suggested that a form be developed for making objections to the new *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225). There are currently no forms for objecting to name change petitions, and the committee did not, and would not, consider developing such a form solely for the purpose of objecting to name changes to conform to gender identity. The committee will, as time and resources allow, consider the possibility of developing a form that could be used generally for raising objections to any petition for name changes, but that is outside the scope of this proposal.

Alternatives considered

As discussed above, the advisory committee considered all the alternatives raised by commenters.

In addition, the advisory committee considered not including the new form for *Notice of Hearing on Petition* (form NC-150), for hearings set following receipt of timely objections responsive to orders to show cause where no hearing had been set. Some on the committee questioned the necessity for such a form, because most courts would simply issue a hearing notice from their case management system. The committee concluded, however, that including it as an optional form was a better option, thus making it available for circumstances when a court preferred issuing a notice manually.

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.

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 statute no longer allows 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 current forms and the current procedures of the courts will not be in compliance with the new law once it goes into effect in September 2018, these operational impacts cannot be avoided.

Attachments and Links

1. Forms NC-100, NC-100-INFO, NC-110, NC-125/NC-225, NC-130, NC-130G, NC-150, NC-200, NC-210/NC-310, NC-220, NC-230, NC-300, NC-320, NC-330, NC-500, NC-500-INFO, and NC-520, at pages 17–38
2. Chart of comments, at pages 39–69
3. SB 179 at
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB179
4. SB 310 at
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB310

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 20px 0 0 0;">04/23/18</h2> <p style="margin: 20px 0 0 0;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF (name of each petitioner): _____	
PETITION FOR CHANGE OF NAME	CASE NUMBER: _____

Before you complete this petition, you should read the *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). You must answer all questions and check all boxes that apply to you on this petition. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (present name): _____ resides in this county.
2. Petitioner requests that the court decree the following name changes (list every name that you are seeking to change):

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

☐ Continued (if you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2.)
3. Petitioner requests that the court issue an order directing all interested persons to appear **or file objections** to show cause why this petition for change of name of the persons identified in item 2 should not be granted.
4. The number of persons under 18 years of age whose names are to be changed is (specify): _____
5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by
 - a. ☐ **two parents.**
 - b. ☐ **one parent.**
 - c. ☐ near relative (name and relationship): _____
 - d. ☐ guardian (name): _____
 - e. ☐ other (specify): _____
6. ☐ This petition seeks to change name of (check one) ☐ petitioner ☐ (name): _____ to conform to that person's gender identity.
7. For each person whose name is to be changed, petitioner provides the following information (you must attach a completed copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110) for each person identified in item 2):
 - a. The number of attachments included in this petition is (specify number): _____
 - b-f. **(These are the items on the attached page or pages of Form NC-110.)**

INSTRUCTIONS FOR FILING A PETITION
FOR CHANGE OF NAME

NC-100-INFO

1. **Where to File**

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

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:

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

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

5. **Filing and Filing Fee**

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

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

You should request a date for the hearing on the *Order to Show Cause for Change of 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 for 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 you are seeking to change a name to conform to your gender identity or are a participant in (1) the State Witness Program, or (2) the address confidentiality program, and the petition alleges that you are (a) petitioning to avoid domestic violence, or (b) petitioning to avoid stalking, or (c) a victim of sexual assault or petitioning on behalf of one.

8. Name Change for Children

- a. If 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 sections 413.10, 414.10, 415.10, or 415.40.
- b. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.
- c. 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.
- d. If you are the guardian of a minor and filing a petition to change the name of that child, 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 (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40.

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

If the minor's name is being changed to conform to gender, these notices and orders need not be completed or served.

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. 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-200, 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 supplemental attachment, Declaration of Guardian (form NC-110G), must also be completed and attached for each minor whose name is to be changed.)

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

b. ☐ Self ☐ Other

(1) Present name (specify):

(2) Proposed name (specify):

(3) Born on (date of birth):

and presently ☐ under 18 years of age ☐ over 18 years of age

(4) Born at (place of birth):

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

(6) Current residence address (street, city, county, and zip code):

c. Reason for name change (explain):

d. Relationship of the petitioner to the person whose name will be changed:

(1) ☐ self

(4) ☐ near relative (indicate relationship):

(2) ☐ parent

(5) ☐ Other (specify):

(3) ☐ guardian

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

(1) **Parent** (name): (address):

(2) **Parent** (name): (address):

(3) (Only if neither parent is living) Near relatives (names, relationships, and addresses):

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

DECLARATION

I declare under penalty of perjury under the laws of the State of California that (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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	<div style="text-align: center;"> <h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 0;">04/23/18</h2> <p style="margin: 20px 0;">Not approved by the Judicial Council</p> </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name of each petitioner): <div style="text-align: right;">FOR CHANGE OF NAME</div>	
<div style="text-align: center;"> ORDER TO SHOW CAUSE FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY </div>	CASE NUMBER:

TO ALL INTERESTED PERSONS:

1. Petitioner (name): _____ filed a petition with this court
 for a decree changing name as follows:

Present name
 a. _____
 b. _____
 c. _____
 d. _____

to
to
to
to

Proposed name

2. 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.

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

Date: _____

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b style="font-size: 1.5em;">DRAFT <b style="font-size: 1.5em;">04/23/18 <b style="font-size: 1.2em;">Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	<b style="font-size: 1.2em;">Not approved by the Judicial Council
PETITION OF (name of each petitioner): _____ <div style="text-align: right;">FOR CHANGE OF NAME</div>	
DECREE CHANGING NAME	CASE NUMBER: _____

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

THE COURT FINDS

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

THE COURT ORDERS

3. The name of _____
- | | | |
|---------------------|---------------|-----------------|
| <u>Present name</u> | | <u>New name</u> |
| a. | is changed to | |
| b. | is changed to | |
| c. | is changed to | |
| d. | is changed to | |

☐ Additional name changes are listed on Attachment 3.

Date: _____

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 10px 0 0 0;">04-23-18</h2> <h3 style="margin: 20px 0 0 0;">Not approved by the Judicial Council</h3>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF <i>(name of each petitioner)</i> : _____ <div style="text-align: right;">FOR CHANGE OF NAME</div>	
DECREE CHANGING NAME OF MINOR (BY GUARDIAN)	CASE NUMBER: _____

1. The petition was duly considered:

- a. ☐ at the hearing on *(date)*: _____ in Courtroom: _____ of the above-entitled court.
- b. ☐ without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. The person whose name is to be changed *(specify present name)*: _____ is a minor.
- c. The petition for change of name was filed on behalf of the minor by the minor's guardian *(name)*: _____
- d. The minor whose name is to be changed is likely to remain in the guardian's care until the age of majority.
- e. The minor whose name is to be changed is not likely to be returned to the custody of his or her parents.
- f. The minor whose name is to be changed
☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.
 This determination was made *(check one)*: ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
- g. ☐ No objections to the proposed change of name were made.
- h. ☐ Objections to the proposed change of name were made by *(name)*: _____
- i. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed name change is in the best interest of the minor, and that the petition should be granted.
- j. ☐ Other findings *(if any)*: _____

THE COURT ORDERS

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

Date: _____

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

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT</h1> <h2 style="text-align: center;">04/23/18</h2> <p style="text-align: center;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (<i>name</i>):		
NOTICE OF HEARING ON PETITION		
		CASE NUMBER:

Objections having been filed to petitioner's request for:

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

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

(To be completed by clerk.)

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

b. The address of the court is

- ☐ same as noted above
☐ other

(specify):


Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	<h1 style="text-align: center;">DRAFT</h1> <h2 style="text-align: center;">04/23/18</h2> <p style="text-align: center;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (Name):	

PETITION FOR CHANGE OF NAME, RECOGNITION OF CHANGE OF GENDER, AND ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER:
--	--------------

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

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

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) <input type="checkbox"/> female <input type="checkbox"/> male <input checked="" type="checkbox"/> nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose.	
Date: _____	
_____ (TYPE OR PRINT NAME OF PETITIONER)	 _____ (SIGNATURE OF PETITIONER)

(Instructions on next page)

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)* (form NC-110)
- c. *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225)
- 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.

PETITION OF (Name):	CASE NUMBER:
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Page of

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

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

REVOKED

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

Date: _____

(TYPE OR PRINT NAME OF PHYSICIAN)



(SIGNATURE OF PHYSICIAN)

Page 1 of 1

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

TO ALL INTERESTED PERSONS:

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

NOTICE OF HEARING

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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b. The address of the court is ☐ same as noted above ☐ other (*specify*): _____

3. ☐ Other (*specify*): _____

Date: _____

JUDGE OF THE SUPERIOR COURT

PETITIONER OR ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 04/04/18 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): <div style="text-align: right;">FOR CHANGE OF NAME AND GENDER</div>	
DECREE CHANGING NAME AND ORDER RECOGNIZING CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE	CASE NUMBER:

1. The petition was duly considered:

- a. ☐ at the hearing on (date): _____ in Courtroom: _____ of the above-entitled court.
- b. ☐ without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.

b. Each person whose name is to be changed identified in item 3 below

☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.

This determination was made ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.

c. ☐ No objections to the proposed change of name were made.

d. ☐ Objections to the proposed change of name were made by (name): _____

e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.

f. ☐ Other findings (if any): _____

THE COURT ORDERS

3. The name of (present name): _____

is changed to (new name): _____

THE COURT FURTHER ORDERS

4. The gender of (new name): _____

is changed 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 shall 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: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;">DRAFT</p> <p style="text-align: center;">04/23/18</p> <p style="text-align: center;">Not approved by the Judicial Council</p>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name):		
PETITION FOR RECOGNITION OF CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE		CASE NUMBER:

Before you complete this petition, you should read the instructions on the next page. Note: if you were born in California, you do not need to file this petition or to obtain a court order in order for the State Registrar to issue a new birth certificate reflecting a change of gender. See Health and Safety Code section 103426.

- Petitioner (present name): is 18 years old or older and requests an order recognizing the change of petitioner's gender to
 - ☐ female.
 - ☐ male.
 - ☐ nonbinary.
- ☐ Petitioner requests an order for the issuance of a new birth certificate reflecting the change of petitioner's gender.
- Petitioner ☐ has ☐ has not already obtained a decree of change of name. (If petitioner has obtained a decree of change of name, attach a certified copy of the decree to this petition.)
- I 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 FOR FILING PETITION FOR RECOGNITION OF CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE

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

1. Where to File

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

2. Who May File

This petition form may only be used by individuals 18 years old or older. (Minors must use form NC-500.) If you were born in California, you may file the order you receive with the State Registrar and obtain a new birth certificate.

3. What Forms Are Required

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

- a. *Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate* (form NC-300)
- b. *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330)
- c. *Civil Case Cover Sheet* (form CM-010)

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

4. Filing

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

5. Court Hearing

A hearing date will only be set if timely objections have been filed. **If there is a hearing, you will be sent a notice by the court.** Bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original order and decree. Bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330).

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

6. New 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 State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY 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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (Name):		
SETTING OF HEARING ON PETITION FOR CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE		
		CASE NUMBER:

Petitioner having filed a petition requesting an order for the issuance of a new birth certificate reflecting the change of petitioner's gender, a hearing will take place at the time and place below, at which time the court may examine the petitioner and any other person having knowledge of facts relevant to this petition.

(To be completed by clerk.)

a.	Date:	Time:	Dept.:	Room:
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b. The address of the court is

☐ same as noted above

☐ other

(specify):

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.:	FOR COURT USE ONLY DRAFT 04/23/18 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 FOR ISSUANCE OF NEW BIRTH CERTIFICATE		CASE NUMBER:

1. The petition was duly considered:

- a. ☐ at the hearing on (date):
- b. ☐ without hearing.

in Courtroom:

of the above-entitled court.

THE COURT FINDS

2. a. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- b. ☐ Other findings (if any):

THE COURT ORDERS

3. The gender of the petitioner has been changed to:
- a. ☐ female.
- b. ☐ male.
- c. ☐ nonbinary.

THE COURT FURTHER ORDERS

4. ☐ A new birth certificate reflecting the change of gender described in item 3 shall be issued.
5. 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.

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	DRAFT 04-23-18 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> : _____	
PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and CHANGE OF NAME	CASE NUMBER: _____

Use this form only for a petition relating to a minor. (Petitioners 18 years or older must use form NC-200 or NC-300.) Before you complete this petition, read the *Instructions for Filing* (form NC-500-INFO). Everyone must complete items 1 through 5 and the affidavit on the back. If you are seeking a name change in addition to recognition of gender change, you must also complete items 6, 7, and 8, and form NC-110 or NC-110G.

1. This request is being made by *(minor's present name)*: _____ and *(check one of the following)*
 - a. ☐ two parents *(names)*:
 - b. ☐ one parent *(name)*:
 - c. ☐ near relative *(name and relationship)*:
 - d. ☐ guardian *(name)*:
 - e. ☐ other *(specify)*:
2. Petitioning minor requests a decree recognizing that petitioning minor's gender is changed to:
 - a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.
3. Petitioners request the court to order that a new birth certificate be issued reflecting the gender change sought by this petition.
4. Petitioners request that the court issue an order directing any living parent who did not sign this petition to file written objections and appear to show cause why the petition for change of name should not be granted.
5. Living parents of petitioning minor who did not sign this petition are *(specify names and addresses, or check a box below)*:


☐ Petitioner has no living parent. ☐ Petitioner has no living parent other than the parent or parents who signed this petition.
6. ☐ Petitioners request that the court decree that the petitioning minor's name is changed to conform to petitioner's gender identity to *(proposed name)*: _____
(If petitioner has already obtained a decree of change of name, attach a certified copy of the decree to this petition. If no name change is requested, skip items 6, 7, and 8, and go to Affidavit.)
7. Petitioners provide the following information in support of this petition:
 - a. The affidavit on page 2 of this form.
 - ☐ b-f. The information contained in the attachment. *(If seeking a name change, you must attach a completed copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110). If adult petitioner is a guardian, also attach form NC-110G.)*

(Continued on next page)

Page 1 of 2

PETITION OF <i>(name of each petitioner):</i>	CASE NUMBER:
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8. ☐ Petitioning minor is a resident of this county. *(This must be checked if a name change is requested.)*

DECLARATION	
<p>I <i>(minor's present name):</i> _____ declare under penalty of perjury under the laws of the state of California that the request for a change in gender to <i>(check one)</i>: <input type="checkbox"/> female <input type="checkbox"/> male <input type="checkbox"/> nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose.</p>	
Date: _____	
_____ <small>(TYPE OR PRINT NAME OF PETITIONING MINOR)</small>	<div style="text-align: center;">  </div> _____ <small>(SIGNATURE OF PETITIONING MINOR)</small>

Date: _____	
_____ <small>(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)</small>	<div style="text-align: center;">  </div> _____ <small>(SIGNATURE OF PETITIONING PARENT/GUARDIAN)</small>

Date: _____	
_____ <small>(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)</small>	<div style="text-align: center;">  </div> _____ <small>(SIGNATURE OF PETITIONING PARENT/GUARDIAN)</small>

Date: _____	
_____ <small>(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)</small>	<div style="text-align: center;">  </div> _____ <small>(SIGNATURE OF PETITIONING PARENT/GUARDIAN)</small>

Date: _____	
_____ <small>(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)</small>	<div style="text-align: center;">  </div> _____ <small>(SIGNATURE OF PETITIONING PARENT/GUARDIAN)</small>

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

1. Where to File

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

2. What Forms Are Required

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

- a. *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-500)
- b. *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520) (see item 5 below).
- c. *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330)
- d. *Civil Case Cover Sheet* (form CM-010)

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

- e. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition for Change of Name)* (form NC-110 and, if a guardian is signing the petition, form NC-110G).
- f. *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) (see item 5 below).
- g. *Decree Changing Name and Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-230)

3. Completing the Petition

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

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

4. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition (with attached form NC-110 or NC-110G if you are seeking a name change) and *Civil Case Cover Sheet* with the clerk of the court and obtain two filed-endorsed copies of the petition. A filing fee will be charged unless you qualify for a fee waiver. If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).

5. Requesting a Court Hearing Date and Serving the Order to Show Cause

A. Petition not signed by all living parents.

If any of your parents now living has not signed the petition, that parent has to be given notice and the right to object to the petition. You should request a date for a hearing on the *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (and Change of Name)* (form NC-520) at least six weeks in the future. Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's signature, file the original, and give you a copy. You must have a copy of the completed *Order to Show Cause* showing the time and place of the hearing served on the nonsigning parent after you file the petition, and you must file a Proof of Service with the court (see form POS-040). **If a nonsigning parent lives in California, the form must be served on the parent in person. If a nonsigning parent lives outside California, the form may be served either in person or by first-class mail requiring return receipt. If such service is not possible or if a nonsigning parent lives outside the United States, then you may ask the court that service be done in another way.**

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

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

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

6. Court Hearing

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

7. Domestic Violence Confidentiality Program

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

8. Birth Certificate

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

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: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 20px 0;">04-24-18</h2> <p style="margin: 20px 0;">Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF <i>(Name of each petitioner):</i> _____ <div style="text-align: right;">FOR CHANGE OF GENDER (Minor)</div>	
ORDER TO SHOW CAUSE FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and CHANGE OF NAME	CASE NUMBER: _____

TO ALL LIVING PARENTS OF PETITIONING MINOR:

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

2. THE COURT ORDERS that any living parent interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition should not be granted. Any person objecting to the gender or name changes described above must file a written objection that includes the reasons for the objection **at least two court days before the matter is scheduled** to be heard, and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed or, even if filed timely, the objector does not appear on the hearing date, the court may grant the petition without a hearing.

NOTICE OF HEARING

a. Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Room: _____
b. The address of the court is <input type="checkbox"/> same as noted above <input type="checkbox"/> other <i>(specify):</i> _____			

TO ALL INTERESTED PERSONS:

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

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

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

Date: _____

JUDGE OF THE SUPERIOR COURT

W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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

	Commentator	Position	Comment	Committee Response
1.	American Civil Liberties Union (California) Center for Advocacy and Policy By Amanda C. Goad, Senior. Staff Attorney		<p>The ACLU of California appreciates the opportunity to comment on the court form revisions proposed by the Civil and Small Claims Advisory Committee of the Judicial Council as part of the implementation process for SB 179 and SB 310 of 2017. The ACLU of California is interested in these issues because of our longstanding commitment to advancing the rights of transgender people, particularly those who are incarcerated. Our comments below are based on our extensive experience in advocating for people seeking to formalize gender transition through a legal name change and/or court-ordered gender change, as well as on consultation with other advocates working with affected communities.</p> <p>NC-100: Petition for Change of Name At item 5, we suggest changing “both parents” to “two parents.” This wording would better reflect the reality of many children not having relationships with two parents.</p> <p>NC-100 INFO: Instructions for Filing a Petition for Change of Name At 8(d) and the sentence following it, the references to serving “grandparents” are confusing, as the accompanying forms indicate that any “near relative” may file these petitions on behalf of a young person who does not have a parent or guardian able to do so. We suggest adjusting the language to be consistent.</p>	<p>The committee appreciates the thoughtful review and comments provided.</p> <p>The form has been modified in light of this suggestion.</p> <p>Item 8(d) applies only to guardians filing petitions, who, by statute, are required to serve grandparents. A near relative or friend of a minor may file a name change petition on the minor’s behalf when the minor’s parents are not alive, and there is no appointed guardian. (Code Civ. Proc. § 1276(a)). The statute does not place any service requirements on such petitioners. It does, however, place requirements of service on</p>

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W18-03

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			<p>Also at 8, in the last sentence, delete the extraneous word “is” before “conform.”</p> <p>At 9, we suggest adding “in Jail” to the heading just before “in Prison,” for clarity.</p> <p>Also at 9, we suggest deleting the first “on parole” from the first sentence, for clarity, as this clause appears to be referring to people on parole as well as people currently incarcerated in a state prison.</p> <p>Also at 9, the instructions note that a petitioner who is currently incarcerated in county jail must “provide a copy of the petition to the county sheriff’s department” and that a person who is currently in state prison or on state parole must “provide a copy of the petition to the Department of Corrections and Rehabilitation.” We suggest that this sentence should more specifically instruct incarcerated individuals on how they may serve copies on these agencies, recognizing that it may be easier to do so after CDCR issues relevant rules and/or policies.</p>	<p>guardians who file the petitions. Guardians must serve the order to show cause on living parents or on grandparents if one or both parents are deceased. (Code Civ. Proc. §1277(e)).</p> <p>The form has been modified as suggested.</p> <p>The amended statute provides for service “in a manner prescribed by the department”. For those in county jail, it will not be possible for the form to include how each county’s sheriff’s department prescribes the manner of service, but the committee has further modified the new language on this form to advise petitioners in county jail to check with the department as to how service should be done. Judicial Council staff has been informed that the CDCR will require service on wardens or, for parolees, on the regional parole administrator. However, CDCR does not expect to have regulations finalized on this issue until shortly before September 2018, too late to add the instructions to the forms being approved by the Council in May 2018.</p>

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		Finally, we suggest adding clarification at 9 that the petitioner’s declaration at item 7(f) on form NC-110 as to whether they are under the jurisdiction of CDCR or a county jail is relevant only to where the papers must be served, and will not affect the court’s review of the substance of the petition.	The form has been modified in light of this comment.
		NC-200: Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate In the AFFIDAVIT section, the parenthetical “(name)” should read “(present name)” for clarity. Also in this section, a parenthesis is missing after “Signature of Petitioner.”	The form has been modified in light of these comments.
		In the instructions, at item 7. Court Hearing, to align with NC-100, we suggest adding the sentence “You may also check with the court after the deadline to find out if a hearing date has been set.” Additionally, as with NC-100, we suggest noting explicitly here (as NC-100 does) that the decree may be picked up from the court after it has been signed.	The form has been modified in light of the first comment. The committee considered the second comment, and has modified the item to note that if objections are not filed, the court will grant the petition without a hearing. (The committee is not aware of any instructions on form NC-100 telling the party to go to the court.)
		NC-230: Decree Changing Name and Order Recognizing Change of Gender and For Issuance of New Birth Certificate To conform to the layout of other documents in this packet and other forms used for non-adversarial proceedings, remove the	The form has been modified in light of this comment.

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		<p>“PLAINTIFF:” / “DEFENDANT:” box that currently appears in the caption below the Superior Court address.</p> <p>NC-300: Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate</p> <p>In item 1, the parenthetical “(name)” should read “(present name)” for clarity.</p> <p>At item 5 of the instructions, it may be helpful to state that if there is no hearing, the judge will sign the order and decree and the petitioner may pick them up at the court.</p> <p>NC-350: [Now NC-500] Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate (Change of Name)</p> <p>At item 1, we suggest changing “both parents” to “two parents” for reasons described above.</p> <p>In the AFFIDAVIT section, the parenthetical “(type or print name of petitioning minor)” should read “(type or print present name of petitioning minor)” for clarity.</p> <p>Also in this section, a parenthesis is missing after “Signature of Petitioning Minor.”</p>	<p>The form as been modified in light of this comment.</p> <p>The form has been modified to state that if there are not objections the court will grant the petition and sign the order.</p> <p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment.</p> <p>This has now been corrected.</p>

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			<p>NC-350-INFO [now NC-500-INFO]: Instructions for Filing Petitioner for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name</p> <p>At 3, in reference to item 2, we suggest removing the phrase "what gender you (the minor) have changed to" and replacing it with "your gender," as a more clear, accurate, and respectful characterization.</p> <p>At 5(A), the instructions note that a petitioner may "ask the court that service be done in another way" if personal service is "not possible" or if a parent resides outside the United States. We suggest adding a reference to family violence protective orders as an example of a situation in which personal service would not be possible and the petitioner should discuss alternatives with the court.</p> <p>Global Suggestion</p> <p>Throughout the packet of proposed revisions, various forms and instructions refer to changes of name "to conform to gender." Although this tracks relevant language in the Code of Civil Procedure, it risks confusing the impacted</p>	<p>The committee considered this comment, but concluded that the original wording more accurately reflects the statute, which authorizes petitions for judgments which "recognizing the change of gender" (Health & Saf. Code § 103425) and provide for a petition "for a court order to recognize a change in the petitioner's gender" (Health & Saf. Code § 103430(a)).</p> <p>The committee has declined this suggestion. California protective orders to prevent domestic violence expressly permit such service. See <i>Restraining Order After Hearing (Order of Protection)</i>, form DV-130, at item 6(b) ("Peaceful written contact through a lawyer or process server or another person for service of legal process related to a court case is allowed and does not violate this order.")</p> <p>The committee considered this comment and understands the concerns that have been raised. However, as noted, the statute authorizing these forms expressly refers on name changes "to conform to gender", and the new law expressly</p>

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			<p>community, as the term “conform to gender” is sometimes colloquially used to indicate efforts to repress a transgender person’s identity. Many of the people likely to pursue legal gender changes to “nonbinary” also identify as “gender nonconforming,” meaning that their gender expression and/or identity do not conform to cultural assumptions and stereotypes associated with their sex assigned at birth, and this may cause further confusion. In the interest of minimizing confusion and ensuring that all affected individuals immediately recognize these as the appropriate forms to meet their needs, we suggest globally replacing the phrase “to conform to gender” with another, such as “to match gender” or “because of gender transition”.</p> <p>Conclusion Overall, the ACLU of California supports the proposed changes and believes they fulfill the legislative mandates to ease the name change process for incarcerated individuals, create a nonbinary gender option for court-ordered gender changes, and allow self-attestation of legal gender for all Californians. However, we note that in several places, clarifications are needed to make the forms easily usable and accessible.</p>	<p>adds “nonbinary” to male and female as the genders the court may issue an order recognizing. The committee suggests that if the commenter believes other terms are more appropriate, that legislative amendments be sought.</p>
2.	Orange County Bar Association by Nikki P. Milibrand, President Newport Beach, CA 92658	AM	Form NC-100-INFO (<i>new</i>)	The committee notes the commenter’s general agreement with the form, and addresses the amendments requested individually.

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			<p>At Item 6, second paragraph, second line, it is suggested for clarity and internal consistency, the phrase “the completed form” be inserted after the word “take.”</p> <p>At Item 8, while there is no note highlighted to which the explanatory text makes reference, it is suggested for clarity, for greater consistency with the provisions of CCP section 1277.5(a)(2), and to remove the word “is” included in error, the final paragraph be modified to read:</p> <p style="padding-left: 40px;">The service of these orders or notices is not required if the minor’s name is being changed to conform to gender.</p> <p>Form NC-300 (revised). At Item 2 of the instructions for the use of the form, it is suggested for consistency with the language of other instructions for the use of forms in this series, the second sentence of this paragraph be placed in parentheses.</p> <p>Form 320 (revoke) The agreed revocation of form NC-320 is based on the discussion and representation of this form in the explanatory text, rather than the form titled <i>Order to Show Cause for Change of</i></p>	<p>The form has been modified in light of this comment.</p> <p>The final sentence has now been highlighted as new and has been further modified in light of this suggestions.</p> <p>The form has been modified in light of this suggestion.</p> <p>The committee thanks the commenter for bringing this to its attention. The form NC-320 listed and described in the Invitation to Comment, <i>Setting of Hearing of Petition for Change of Gender</i>, is indeed the form recommended for revocation, and a copy has now been included with the report to the council.</p>

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			<i>Gender and Issuance of New Birth Certificate</i> included with the proposals. Form NC-350-INFO [now NC-500 INFO] (new) At Item 3, the sentence in parentheses requires a closing parenthesis. Response to Specific Request: Yes, these proposals appropriately address the stated purpose.	 This has now been corrected. The committee notes the commenter's agreement.
3.	Superior Court of California, County of Orange by Civil and Probate Operations Managers	NI	Form NC125/NC225 (Order to Show Cause for Change of Name to Conform to Gender): We suggest to add more space to item 1 and to maintain consistency as some forms are a to c and others are a to e. For item 3, it is unclear what a timely filed objection means. Form NC-130 (Decree Changing Name): Suggest being consistent with present name and new name section as NC100 lists a to d, OSC lists a to c, and the decree lists a to e. If an attachment is needed on one of the form, it may not be needed for all or it would require different information. This would make it	 The form has been modified in light of this comment. Item 2 provides that objections must be filed in writing within 6 weeks of the date of the order. Those filed in that time frame are timely. The form has been modified in light of this comment.

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			<p>extremely confusing for the petitioner and for the clerk reviewing the forms.</p> <p>Form NC-200 (Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate): Suggest indicating "present name" under the affidavit.</p> <p>Form NC-350 [now NC-500] (Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate): Suggest making the number of signature lines for petitioning parent/guardian consistent with the other forms which only have two signature lines.</p> <p>Form NC-350-INFO [now NC-500 INFO] (Instructions for Filing Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name): Item 3, 11th bullet point - suggest changing "should attach" to "must attach." Item 5B, second paragraph - suggest changing "different form" to "additional form."</p>	<p>The form has been modified in light of this comment.</p> <p>Four signature lines are provided on the form on the advice of the Family and Juvenile Law Advisory Committee, who noted that there may be two guardians and two living parents, all consenting to the petition for the minor. Because a hearing would be required if all did not sign, and because space was available on the form in any event, the advisory committee agreed to include 4 signature lines.</p> <p>The form has been modified in light of this comment.</p>
4.	Superior Court of California, County of Riverside	AM	<p><u>General Comments:</u></p> <p>Form NC-100 (page 1); Section labeled 'b – f. (Attachment page or pages)' is unclear and may be confusing to litigants.</p>	<p>The form has been modified in light of this comment.</p>

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			<p><u>Form NC-100-INFO</u>: We recommend adding statement regarding service of process for the petition for name change.</p> <p><u>Form NC-110</u>: In light of the fact that this form is already signed under penalty of perjury, we recommend reformatting item (f) to delete “Declaration box” and include the pertinent language in the standard format.</p> <p>Item (f) could read: If the person whose name will be changed is 18 years of age or older, please state: (1) <input type="checkbox"/> I am not <input type="checkbox"/> I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in a county jail. (2) <input type="checkbox"/> I am not <input type="checkbox"/> I am required to register as a sex offender under Penal Code section 290.</p> <p><u>Form NC-125</u>: Is there any method available to notify those who could potentially object? Was consideration given to developing an objection form? We recommend taking the second item on NC-125 and including it on an objection</p>	<p>There is no general service of process requirement relating to the petition. The order to show cause must be served in most proceedings involving a minor, and instructions as to how to do that are provided in item 8. A prisoner or parolee must serve the sheriff or Department of Corrections and Rehabilitation, but the method of service is to be determined by each county’s sheriff and by the CDCR. General instructions to that effect have been added to the form.</p> <p>The committee had considered this issue before amending the forms, and considered it again in light of this comment, but declined to change this section of the form. The form has required this discrete declaration for many years, and the committee saw no reason to remove it. The information sheet does advise petitioners that the first point is now used only for indicating that special service requirements apply.</p> <p>The statute expressly states that the order to show cause for change of name to conform to gender (form NC-125) is not to be published, and there is no requirement for service. (Code Civ. Proc. § 1277.5.) Trying to notify those who might object</p>

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			<p>form with an example, (e.g., fraudulent purpose, registered sex offender, etc.)</p> <p><u>Forms NC-130, NC-130G, and NC230:</u> It is recommended that a clerk's certification be added to the form (similar to restraining order forms) versus clerk's stamping certification the back of the document.</p> <p><u>Form NC-150:</u> It is recommended that the form title be changed to 'Notice of Hearing on Petition'. Further, delete the 'Notice of Hearing' title in the middle of the form.</p> <p>It is recommended that direction be provided on who is responsible to give notice of notice of hearing (i.e. petitioner, clerk, etc.).</p> <p><u>Form NC-200:</u> It is recommended that California Dept. of Public Health information be consistent in format between the NC-100-INFO and the NC-200 forms.</p> <p><u>Response to Request for Specific Comments:</u></p>	<p>would appear to be contrary to statutory provision and far outside the council's purview. For that same reason, no consideration was given to developing an objection form to respond to this form. In light of the proposal here, the committee will in the future, as time and resources permit, consider developing an objection form to be used generally in opposing name change petitions.</p> <p>The committee considered this comment but declines to proceed on it. Most civil orders do not have a clerk's certification on them, and to add here would require a second page on each order.</p> <p>The form has been modified in light of this and other comments.</p> <p>A clerk's certificate of mailing has now been added to the form.</p> <p>The form has been modified in light of this comment.</p>

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			<p>1. Does the proposal appropriately address the stated purpose? Yes.</p> <p>2. Would the proposal provide cost savings? If so please quantify. No.</p> <p>3. What would the implementation requirements be for courts? The proposed changes would have an impact on court case management systems. New case categories, filing and minute codes would need to be created for the new and revised forms. Tracking mechanisms would need to be developed to track the timeframes for filing oppositions in order for the judicial officer to decide whether or not to schedule matters for hearing. Further, the proposed changes would result in the need for additional training for Filing Clerks, Legal Services, Self Help, Courtroom Assistants and Judicial Officers. Courts will need to revise current desk procedures and operational manuals.</p> <p>4. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>5. How well would this proposal work in courts of different sizes? No difference.</p>	<p>The committee appreciates the commenter's response to these questions.</p>

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5.	Superior Court of California, County of San Diego, by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Q: Would the proposal provide cost savings? If so, please quantify.</p> <p>No.</p> <p>Q: 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?</p> <p>Training court operations clerks and courtroom clerks (approximately 5 hours), updating internal procedures and training materials, and updating case management system to reflect additional/revised filings.</p> <p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>Q: How well would this proposal work in courts of different sizes?</p>	The committee appreciates the commenter's responses to these questions.

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		<p>It will have a larger impact on larger courts based on the number of staff that will need to be trained.</p> <p>General Comments:</p> <p>INFO forms:</p> <ul style="list-style-type: none">• Our court proposes including “Civil Case Coversheet (CM-010)” among the forms listed in the “What Forms Are Required” sections of NC-100-INFO & NC-300 to be consistent with NC-200 & NC-350-INFO <p>NC-100-INFO:</p> <ul style="list-style-type: none">• The form switches between second and third person pronoun. Our court proposes using one form throughout the form.• Items 6: Insert a period after “clerk’s office in the second paragraph and the following sentence to be consistent with the first paragraph: <i>“The clerk will obtain the judicial officer’s signature, file the original, and give you a copy.”</i> <p>Item 8c: For consistency the reference to the gender of the nonconsenting parent (e.g., “he or she”) should be replaced with a gender neutral pronoun (e.g., “that parent...”).</p>	<p>The form has been modified in light of this comment.</p> <p>The form has been modified to a consistent use of the second person pronoun in light of this comment</p> <p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment. A clerk’s certificate of mailing has been added, along with an item for adding the name and address of any objectors, who, along with the parties, must be served the notice.</p>

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			<p>NC-150:</p> <p>Is the proposed Notice of Setting of Hearing On Petition to be served by the clerk? If so, should the form include a Clerk's Certificate of Mailing?</p> <p>NC-350-INFO: [now NC-500 INFO]</p> <p>Item 2b.: Propose adding clarifying language to indicate that the Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate (NC-360) is only required if both parents/all living parents do not consent.</p>	<p>The circumstances in which specific orders must be served is somewhat complicated, but the form has now been modified to direct the parties to the explanation of those circumstances, at item 5).</p> <p>.</p>
6.	Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	AM	<p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.) – The proposed changes would have an impact on court case management systems. New case categories, filing and minute codes would need to be created for the new and revised forms. Tracking mechanisms would need to be developed to track the timeframes for filing oppositions in order for the judicial officer to decide whether or not to schedule matters for hearing.; and 	<p>The committee appreciates the commenter providing this information on impacts to court operations.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> Results in additional training, which requires the commitment of staff time and court resources – The proposed changes would result in the need for additional training for Filing Clerks, Legal Services, Self Help, Courtroom Assistants and Judicial Officers. Courts will need to revise current desk procedures and operational manuals. <p><i>Suggested Modifications:</i></p> <ul style="list-style-type: none"> Form NC-100 (page 1): Section labeled "b – f. (Attachment page or pages)" is unclear and may be confusing to litigants. Form NC-100-INFO: Suggest adding statement regarding service of process on the petition Form NC-125: Is there some advocacy for those who could potentially object? Was consideration given to developing an objection form? Suggestion: Take the second sentence on NC-125 and include that on an objection form with an example (e.g., fraudulent purpose, 	<p>The form has been modified in light of this comment.</p> <p>There is no general service of process relating to the petition. The order to show cause must be served in most proceedings involving a minor, and instructions as to how to do that are provided in item 8. A prisoner or parolee must serve the sheriff or Department of Corrections and Rehabilitation, but the method of service is to be determined by each county's sheriff and by the CDCR. General instructions to that effect have been included.</p> <p>The committee is not aware of any advocacy for those who would object to a name change to conform to gender, other than private attorneys hired buy such objectors. The statute expressly states that the order to show cause on such petitions (form NC-125) is not to be published, and there is no requirement for service. (Code</p>

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

W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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Commentator	Position	Comment	Committee Response
		<p>registered sex offender, etc.).</p> <p>•Forms NC-130, NC-130G, and NC230: Suggest that a clerk’s certification be added to the form (similar to restraining order forms) versus clerk’s stamping certification the back of the document.</p> <p>•Form NC-150: Suggest that the form title be changed to “Notice of Hearing on Petition.” Delete “Notice of Hearing” title in the middle of the form. Recommend that direction be provided on who is responsible to give notice of hearing (i.e. petitioner, clerk, etc.).</p> <p>•Form NC-200: Make the California Department of Public Health information consistent in format on the NC-100-INFO and the NC-200 forms.</p> <p>•NC-230 (page 24): 4. a, b, c, -- the “to” in front of each gender should be deleted. The top</p>	<p>Civ. Proc. § 1277.5.) Trying to identify those who might object would appear to be contrary to statutory provision and far outside the council’s purview. For that same reason, no consideration was given to developing an objection form to respond to this form. In light of the proposal here, the committee will in the future, as time and resources permit, consider developing an objection form that might be used generally in opposing name change petitions, but not one responsive only to this order to show cause.</p> <p>The committee considered this comment but declines to proceed on it. Most civil orders do not have a clerk’s certification on them, and to add one here would require a second page on each order.</p> <p>The form has been revised to in light of this and other comments. There is now a clerk’s certificate of service, and a new item to enter the name and address of the objectors, who must be served along with the petitioner.</p> <p>The form has been modified in light of this comment.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<p>sentence to number 4 should read “the gender of (new name) is changed to:”</p> <ul style="list-style-type: none"> •NC-300 (page 25): Same comment as to paragraph 1. Move the word “to:” after gender and delete it from a, b and c. •NC-350 (page 29): Same comment as above for paragraph 2. 	<p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment.</p>
7.	TGI Justice San Francisco, California Kelly Densmore, Legal Director	NI	<p>Overall Comments</p> <ul style="list-style-type: none"> • Change all the language “conform to gender” to “<i>related to gender</i>” throughout all forms and instructions. Alternately, use “to better match gender identity.” The community filling out these forms often uses the term “gender nonconforming” in place of the term “non-binary.” The language “conform to gender” will confuse many people filling out these forms. “<i>Related to gender</i>” or “<i>to better match gender identity</i>” has the same meaning but will not confuse the people for whom these forms are written for. • Change language “both parents” to “two parents.” (found in NC-100 and NC-350 [now NC-500]). <p>Proposed forms to be revised:</p> <ul style="list-style-type: none"> • NC-100: Petition for Change of Name <ul style="list-style-type: none"> o Change language “both parents” to “two parents” in number 5. 	<p>The committee considered this comment and understands the concerns that have been raised. However, as noted, the statute authorizing these forms expressly refers on name changes “to conform to gender”, and the new law expressly adds “nonbinary” to male and female as the genders the court may issue an order recognizing. The committee suggests that if the commenter believes other terms are more appropriate, that legislative amendments be sought.</p> <p>The forms have been modified in light of this comment.</p> <p>The form has been modified in light of this comment</p>

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

W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<p>o Change language in number 6 from “conform name of...” to “change name of ____ to better <i>match</i> that person’s gender identity.”</p> <p>o NC-100 INFO: Item 4. The list does not include NC-150. Does the court fill out the form, NC-150?</p> <p>o NC-100 INFO: Item 7. Change wording “conform to a change of gender...” so it reads, “<i>But petitioners do not have to publish the order if they are seeking to change a name to better match their gender identity or are participants...</i>”</p> <p>o NC-100 INFO: Item 9. Add “jail” to the heading.</p> <p>o NC-100 INFO. Item 9. Where will a person in jail serve the county sheriff?! Please notify our organization if/when CDCR develops statewide rules on service of petition?</p>	<p>The form has been modified somewhat in light of this comment, but continues to track the language of the statute that the name change is to conform to the petitioner’s gender identity. (Code Civ. Proc. § 1277.5.)</p> <p>The clerk issues form NC-150 should it be required. That form has been modified to reflect this.</p> <p>The committee disagrees, concluding that the form should track the language of the statute, that the name change is to conform to the petitioner’s gender identity. (Code Civ. Proc. § 1277.5.)</p> <p>The form has been modified in light of this comment.</p> <p>The statute requires that each sheriff’s department develop a process for this. The form has been modified to advise petitioners in jail to check with that department. As to CDRC, council staff has been informed that service is to be on the prison warden or, for parolees, or the regional parole administrator. This is now reflected on the forms. No further information is currently available.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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Commentator	Position	Comment	Committee Response
		<p>• NC- 110: Attachment to Petition for Change of Name o In Item 7(f) add a sentence informing petitioner that court findings are not based on being under the jurisdiction of CDCR “or county jail,” but that service is required for petitioners under the jurisdiction of CDCR “or in county jail.”</p> <p>NC-130: Decree Changing Name o No comments.</p> <p>• NC-130G: Decree Changing Name o No comments.</p> <p>• NC-200: Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate o In Item 2, for clarity, should read: “Petitioner requests that the court decree that, <i>for purposes of better matching</i> to petitioner’s gender identity, petitioner’s name is changed to (proposed name): In AFFIDAVIT section, the parenthetical “(name)” should read “(present name)” for clarity.</p> <p>o In the instructions, in 7, <i>Court Hearing</i>, to align with NC-100, add the sentence “<i>you may also check with the court after the deadline to see if a hearing date has been set.</i>”</p>	<p>This information has been added to the information sheet.</p> <p>The committee concluded that the form should track the language of the statute, that the name change is to conform to the petitioner’s gender identity. (Code Civ. Proc. § 1277.5.)</p> <p>The form has been modified.</p> <p>The form has been modified.</p>

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

W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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Commentator	Position	Comment	Committee Response
		<p>Additionally, as with NC-100, it may be helpful to state explicitly that the decree may be picked up from the court once it is signed.</p> <p>• NC-230: Decree Changing Name and Order Recognizing Change of Gender and For Issuance of New Birth Certificate</p> <ul style="list-style-type: none"> o Remove PLAINTIFF: DEFENDANT: found underneath the Superior Court address. <p>• NC-300: Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate</p> <ul style="list-style-type: none"> o In Item 1, the parenthetical “(name)” should read “(present name)” for clarity. o In Item 1, a blank line should be follow “I (present name) to indicate the field to be filled. o Item 3 should read “... is to <i>better match</i> my legal gender to my gender identity...” o In Item 5 of the instructions, it may be helpful to state that if there is no hearing, the judge will sign the order and decree and they may be picked up at the court. 	<p>The committee disagrees that this statement is needed.</p> <p>The form has been corrected.</p> <p>The form has been modified.</p> <p>The form style used by the Judicial Council on this form set only includes blank lines for signatures. The committee notes that there will be a field to fill in on the on-line version of the form.</p> <p>See responses above re tracking statutory language.</p> <p>The form has been modified to state that if there is no hearing the court will grant the petition and sign the order.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none">• NC-330: Order Recognizing Change of Gender and For Issuance of New Birth Certificate<ul style="list-style-type: none">o In Item 1, add an opportunity for petitioner to say if they were born in California since birth certificates will not be reissued for people born out of state.• Additional Comments<p>Change all the language “conform to gender” to “<i>related to gender</i>” throughout all forms and instructions. Alternately, use “to better match gender identity.” The community filling out these forms often uses the term “gender nonconforming” in place of the term “non-binary.” The language “conform to gender” will confuse many people filling out these forms. “<i>Related to gender</i>” or “<i>to better match gender identity</i>” has the same meaning but will not confuse the people for whom these forms are written for.</p><p>Proposed new forms to be adopted</p>	<p>This is an order form, for findings and orders by the court, not assertions by the petitioner. Moreover, the committee does not want to add this requirement to the petition because there is no requirement in the statute that the court may only recognize a change of gender of a petitioner born in California. The form has been modified so that the final item on the order regarding birth certificates state “If the petitioner was born in California. . .” the order shall be filed with the State Registrar and a new birth certificate issued. This tracks the statutory language.</p> <p>As discussed above, the committee declines to proceed with these suggestions, choosing instead to use the statutory language. The committee suggests that if the commenter believes other terms are more appropriate, that legislative amendments be sought.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • NC-125/NC-225: Order to Show Cause for Change of Name to Conform to Gender Change title of form to “Order to Show Cause of Name Change <i>to Match</i> Gender” • NC-350:[now NC-500] Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate (Change of Name) <ul style="list-style-type: none"> o INFO “Check the box to select gender” o INFO 5(a) add if there is a protective order barring contact, “or inquire that service be waived...” • NC-360: Order to Show Cause for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate and Change of Name • Additional Comments <ul style="list-style-type: none"> o Change all the language “conform to gender” to “<i>related to gender</i>” throughout all forms and instructions. Alternately, use “to better match gender identity.” The community filling out these forms often uses the term “gender nonconforming” in place of the term “non-binary.” The language “conform to gender” will confuse many people filling out these forms. 	<p>As discussed above, the committee has decided to continue to use the statutory language.</p> <p>The committee declines to accept this suggestion, as it would leave it unclear what gender the petitioner was checking: the one currently on petitioner’s birth certificate or the one the petitioner wants the court to recognize.</p> <p>As noted above in response to a similar comment by the ACLU, California protective orders do not bar service of legal papers.</p> <p>As discussed above, the committee has decided to continue to use the statutory language.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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Commentator	Position	Comment	Committee Response
		<p><i>“Related to gender”</i> or <i>“to better match gender identity”</i> has the same meaning but will not confuse the people for whom these forms are written for.</p> <p>Proposed new forms to be approved</p> <ul style="list-style-type: none"> • NC-100-INFO: Instructions for Filing a Petition for Change of Name <ul style="list-style-type: none"> o See comments above under NC-100. • NC-150: Notice of Setting Hearing on Petition <ul style="list-style-type: none"> o No comments. • NC-350-INFO [Now NC-500-INFO]: Instructions for Filing Petition for Minor’s Change of Gender and Issuance of New Birth Certificate (and Change of Name) <ul style="list-style-type: none"> o See comments above under NC-350. • Additional Comments <ul style="list-style-type: none"> o Change all the language “conform to gender” to <i>“related to gender”</i> throughout all forms and instructions. Alternately, use “to better match gender identity.” The community filling out these forms often uses the term “gender nonconforming” in place of the term “non-binary.” The language “conform to gender” will confuse many people filling out these forms. <i>“Related to gender”</i> or <i>“to better</i> 	<p>See responses to those comments.</p> <p>See responses to those comments.</p> <p>As discussed above, the committee has decided to continue to use the statutory language.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<p><i>match gender identity</i>” has the same meaning but will not confuse the people for whom these forms are written for.</p> <p>Proposed forms to be revoked - NO COMMENTS</p>	
8.	Transgender Law Center Oakland, California Corinne Green	NI	<p>NC-100: Petition for Change of Name</p> <ul style="list-style-type: none"> NC-100-INFO, 4. What Forms Are Required: There is no mention of NC-150: Notice of Setting of Hearing on Petition. If this is intentional, it implies that the court will fill out the entirety of NC-150 when required. If it is intended that petitioners pre-fill NC-150 and submit it to the court, it should be listed. Because the vast majority of cases are unlikely to require hearings, the former option – the court filling out the form if necessary - is preferred. NC-100-INFO, 7. Publishing the Order to Show Cause : The phrase “to conform to a change of gender identity” should read, simply, “to conform to the petitioner’s gender identity” to avoid unnecessarily implying that someone’s gender identity has changed. This also conforms to the language used in Item 6 of the NC-100 form. NC-100-INFO, 9. Name Change for Person in Prison or on Parole : The address of a CDCR 	<p>The committee agrees that, because most of the cases in which form NC-150 might be issued (cases involving changes of name to conform to gender or recognition of a change of gender) will not have a hearing, there is no need for petitioners in those cases to complete that notice of hearing form. That is why it is not on the list of forms to be completed.</p> <p>The form has been corrected.</p> <p>The Judicial Council does not know the details of the procedure that CDCR will use for service of</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<p>agent designated to accept service should be listed to assist petitioners required to serve CDCR with a copy of their petition. It would also be appropriate to note additional notification steps required for people registered as sex offenders here.</p> <p>NC-100-INFO, 10. Court Hearing: In case of a hearing date being set, the petitioner is informed both that they “will be sent a notice of the hearing date” and to “check with the court after the deadline ... to see if a hearing date has been set.” To clearly communicate the fact that the court’s notice is the primary way to learn this information, the latter sentence should read: “You may also c heck with the court after the deadline ... to see if a hearing date has been set.” Additionally, it may be helpful to state explicitly that the decree may be picked up from the court once it is signed.</p>	<p>name change petitions, beyond that service on the prison warden or the regional parole administrator will be required. The procedures have not yet been finalized by the CDCR.</p> <p>The “additional notification steps” required of a registered sex offender are not related to service of the petition, but rather to service of the order or decree, should such a petition be granted. The committee concluded that such information should be included as part of an order in such a case. These cases are rare enough that the provisions could be added to such order individually, along with the specific findings a court has to make to grant the petition in such a case.</p> <p>No notice is sent out setting a hearing in most name change proceedings: the date of the hearing is set in the Order to Show Cause which the petitioner is required to obtain from the court and publish. This is described in item 6 of form NC-100. It is only in proceedings for a name change to conform to gender that a notice of hearing is set. The committee considered this suggestion but concluded the language in the circulated form is sufficient.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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Commentator	Position	Comment	Committee Response
		<ul style="list-style-type: none"> ● NC-110: Attachment to Petition for Change of Name <ul style="list-style-type: none"> ○ In f. Declaration , because many petitioners miss the Date fields accompanying the signatures, the Date fields should gain a blank line indicating a need for input. ● NC-125/NC-225: Order to Show Cause for Change of Name to Conform to Gender <ul style="list-style-type: none"> ○ No comments. ● NC-130: Decree Changing Name <ul style="list-style-type: none"> ○ No comments. ● NC-130G: Decree Changing Name <ul style="list-style-type: none"> ○ No comments. NC-150: Notice of Setting Hearing on Petition <ul style="list-style-type: none"> ○ No comments. ● NC-200: Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate <ul style="list-style-type: none"> ○ Item 2, for clarity, should read: “Petitioner requests that the court decree that, for purposes of conforming to petitioner’s gender identity, petitioner’s name is changed to (proposed name): ” ○ In the AFFIDAVIT section, the parenthetical “(name)” should read “(present name)” for clarity. 	<p>As noted above, in the form style used for this set of forms, generally only signature lines have a blank line.</p> <p>The form has been modified in light of this comment.</p> <p>The form has been modified in light of this comment.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none">○ In the AFFIDAVIT section, because many petitioners miss the Date fields accompanying the signatures, the Date fields should gain a blank line indicating a need for input.○ In the instructions, in 7. Court Hearing, to align with NC-100, add the sentence “You may also check with the court after the deadline to see if a hearing date has been set.” Additionally, as with NC-100, it may be helpful to state explicitly that the decree may be picked up from the court once it is signed.● NC-230: Decree Changing Name and Order Recognizing Change of Gender and For Issuance of New Birth Certificate<ul style="list-style-type: none">○ The PLAINTIFF: DEFENDANT: box at the top part of the form should be removed.NC-300: Petition for Recognition of Change of Gender and for Issuance of New Birth Certificate<ul style="list-style-type: none">○ In Item 1, the parenthetical “(name)” should read “(present name)” for clarity.○ In Item 1, a blank line should follow “I (present name)” to indicate the field to be filled.	<p>See response above.</p> <p>The form has been modified in light of this comment.</p> <p>This has been corrected.</p> <p>The form has been modified in light of this comment.</p> <p>See response above, that blank lines are generally only for signatures in this style of form.</p> <p>The form has been modified in light of this comment.</p>

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W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none">○ In Item 5 of the instructions, it may be helpful to state that if there is no hearing, the judge will sign the order and decree and they may be picked up at the court.● NC-330: Order Recognizing Change of Gender and For Issuance of New Birth Certificate<ul style="list-style-type: none">○ NC-330, in Item 5, has an additional court order to file with the State Registrar, while the similar NC-230 does not have this direction.○ In the footer, correct typo: “RECO G NIZING”● NC-350: [now NC-500] Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate (and Change of Name)<ul style="list-style-type: none">○ In NC-350-INFO, [now NC-500 INFO] in Item 2d, the Civil Case Cover Sheet is form CM-010, not CM-100.○ In NC-350-INFO, [now NC-500 INFO] in Item 2b, note that there should be no need to complete NC-360 if there is no living parent who did not sign the petition.○ In NC-350-INFO, in Items 2c and 2f, note that if the petitioner needs form NC-230	<p>Form NC-230 has been modified, in light of this comment, to include this item.</p> <p>The form has been corrected.</p> <p>The form has been corrected</p> <p>Item 2 has been modified to direct the parties to the paragraph containing information as to when the OSC forms and order forms are needed.</p> <p>See comment above.</p>

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

	Commentator	Position	Comment	Committee Response
			<p>because they are also changing their name, there should be no need to complete NC-330.</p> <p>NC-360: [now NC-520] Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name</p> <ul style="list-style-type: none">○ No comments. <p>● Additional Comments</p> <ul style="list-style-type: none">○ Forms NC-350 and NC-360 could be moved to a new series (the 500 series?) because they do not fit the NC-300 series description as being for "individuals seeking only gender change recognition (with no name change order requested)." Form NC-350 contains a name change component (Item 6).○ It would likely be useful to incorporate the text, including the contact information for the Office of Vital Records, from Item 8 of NC-350-INFO/Item 6 of NC-300's instructions/Item 8 of NC-200's instructions to NC-230, NC-330, and possibly NC-130 and NC-130G.○ NC-330 currently includes a directive to file a copy of the order with the State Registrar without providing the address. It would be beneficial to standardize this section across forms, and to make plainly available the Office	<p>The forms are being renumbered as NC-500 and NC-520. The committee notes, however, that the description of the current NC-300 forms in the Invitation to comment was merely descriptive of the current forms, and not prescriptive in any way.</p> <p>The committee concluded that it is sufficient that the address information is in the Information Sheets and instructions on the forms, and does not need to be included in the order forms.</p> <p>See response above.</p>

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

W18-03

Civil Forms: Name Change and Gender Change Forms (Revise forms NC-100, NC-110, NC-130, NC-130G, NC-200, NC-230, NC-300, and NC-330; adopt forms NC-125/NC-225, NC-500, and NC-520; approve forms NC-100-INFO, NC-150, and NC-500-INFO; and revoke forms NC-210/NC-310, NC-220, and NC-320)

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

	Commentator	Position	Comment	Committee Response
			of Vital Records contact information in each case where it may be needed.	

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