



Judicial Council of California

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Subject Details (With Text)

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Title

Civil Practice and Procedure: Name Change and Gender Change Forms (Action Required)

Summary

The Civil and Small Claims Advisory Committee recommends adopting and revising various Judicial Council Name Change forms to reflect recently enacted legislative amendments that go into effect January 1, 2019. Assembly Bill 3250 adds new requirements for issuance and service of orders to show cause in certain name change and gender change proceedings initiated by parents or guardians, as well as requiring new judicial findings in gender change proceedings brought by guardians. Assembly Bill 2201 adds a new category of petitioners (those seeking to avoid human trafficking) to those who may seek confidential name changes. The advisory committee recommends that the forms be revised, and two additional forms adopted without circulation so that the forms will be correct under the new laws when they become effective.

Recommendation

To implement statutory changes enacted in Assembly Bill 3250 and Assembly Bill 2201, the Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2019:

1. Adopt:
 - *Declaration of Guardian or Dependency Attorney (Supplemental Attachment to Form NC-500)* (form NC-510G), to provide the information guardians and guardians ad litem are required under the new law to include in such petitions; and
 - *Order Recognizing Minor's Change of Gender and for Issuance of New Birth Certificate and Decree Changing Name* (form NC-530G), to reflect the findings required under the new law in orders on petitions brought by guardians; and
2. Revise:
 - *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO), to reflect the changes in law as to who can apply for confidential name changes (those seeking to avoid human trafficking) and who must be served with notice of the order to show cause (OSC);
 - *Proof of Service of Order to Show Cause* (form NC-121), to reflect new law requiring multiple orders to

show cause for which the form may be used;

- *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225), to reflect the change in law regarding what objections do not constitute good cause for objections;
- *Confidential Cover Sheet-Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400); *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO); and *Declaration in Support of Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-420), to add the new factual basis that supports seeking a confidential name change proceeding (to avoid human trafficking), and (in the information sheet) to reflect the elimination of filing fees by the new law for minors in the address-confidentiality program; and
- *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name* (form NC-500); *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name* (form NC-500-INFO); 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 changes in procedures for petitions for recognition of a minor's change of gender.

The advisory committee recommends an effective date of January 1, 2019, because the current mandatory forms, will contain incorrect statements of the law as of that date. The committee intends to ask the Rules and Project Committee to circulate the forms for comment postadoption, in the winter comment cycle.