



# Judicial Council of California

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## Subject Text

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File #: 18-076, Version: 1

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### Title

### Forms: Civil Name Change and Gender Change Forms (Action Required)

#### 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:
  - a. *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;
  - b. *Attachment to Petition for Change of Name* (form NC-110), to update certain language on the form;
  - c. *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,
  - d. *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;
  - e. *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
  - f. *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:
  - a. *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
- b. *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:
- a. *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;
  - b. *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
  - c. *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:
- a. *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
  - b. *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.