

## INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER

### 1. Who Can File

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

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

### 2. Where to File

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

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

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

### 3. What Forms Are Required

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

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

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

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

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

### 4. Completing the Petition

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

*Section of form titled Information About Petitioner:*

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

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

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

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

*Section of form titled Request for Change of Name:*

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

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

*Remaining items on form*

- | In item 10, check the box to request that the court order that a new birth certificate be issued that will reflect the gender change to be recognized by the court as well as any name change being sought by the petition.
- | In item 11, list the number of pages attached to the petition.
- | *Declaration:* The minor may complete (by filling out the minor's name and checking the box identifying the new gender) and sign the Declaration on the second page of the petition. Note that it is signed under penalty of perjury. The adult named in item 1 must also sign the form, and any living parent may also sign.

## 5. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File with the clerk of the court the original petition and any attachments or orders to show cause required on page 1 of this information sheet with the *Civil Case Cover Sheet* and obtain two filed-endorsed copies of the petition and any order to show cause. A filing fee will be charged unless you qualify for a fee waiver. If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).

## 6. Orders to Show Cause and Hearing Date

*When an Order to Show Cause is required*

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

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

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

#### *What to do with the Order to Show Cause*

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

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

If the person to be served lives in California, the form and petition must be served in person. If they live outside California, the form may be served either in person or by first-class mail requiring return receipt. If such service is not possible, or if the person lives outside the United States, then the court may order that service be done in another way. Service must be made by someone other than the petitioner, but the petitioner must have the server complete a proof of service and file it with the court. (Form NC-121 may be used.)

#### *What happens next*

If objections are filed within six weeks of the issuance of the order to show cause, the court will set a hearing date and send you and the objectors notice of the date, time, and place. If no objections are filed, the court will make the decision based on the petition.

### 7. Court Hearing

Check with the court after the deadline for objections to find out if a hearing will be held. If a hearing is held, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original order, form NC-530.

### 8. Requesting Accommodations for Disability

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

### 9. Birth Certificate

If you were born in California, to obtain a new birth certificate reflecting the change of gender or name, file a certified copy of the order within 30 days with the Secretary of State and the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

#### California Department of Public Health

Vital Records – MS 5103

P.O. Box 997410

Sacramento, CA 95899-7410

Phone: 916-445-2684

Website: [www.cdph.ca.gov](http://www.cdph.ca.gov)

### 10. Self-Help Guide

For more information, please visit the California Courts Self-Help Guide on gender recognition, available at

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.