

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue . San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

W19-03

Title

Civil Practice and Procedure: Name Change and Gender Change Forms

Proposed Rules, Forms, Standards, or Statutes

Adopt forms NC-510G and NC-530G; revise forms NC-100-INFO, NC-121, NC-125/NC-225, NC-400, NC-400-INFO, NC-420, NC-500, NC-500-INFO, and NC-520

Proposed by

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

Action Requested

Review and submit comments by February 8, 2019

Proposed Effective Date

Forms are effective January 1, 2019, and are being circulated for comments post-adoption

Contact

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

Executive Summary and Origin

The Judicial Council has recently adopted and revised several Name Change forms at the recommendation of the Civil and Small Claims Advisory Committee to reflect recently enacted legislative amendments that go into effect January 1, 2019. Assembly Bill 3250 (Stats. 2018, ch. 776) added new requirements for issuance and service of orders to show cause in certain name change and gender-change recognition proceedings initiated by parents or guardians, as well as requiring new judicial findings in gender-change recognition proceedings brought by guardians. Assembly Bill 2201 (Stats. 2018, ch. 818) added a new category of petitioners (those seeking to avoid human trafficking) to those who may seek confidential name changes.

The forms have been revised, and the two additional forms adopted, prior to circulation so that they will be correct when the laws become effective. The Civil and Small Claims Advisory Committee is now circulating these forms and seeking comments following adoption of the forms. The committee will recommend further revisions, based on the comments, if appropriate.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

The Proposal

AB 3250

Many of the Name Change forms were previously revised this past year, effective September 2018, to implement the changes in procedures enacted in 2017 in Senate Bill 179 (Stats. 2017, ch. 853). This year, the Legislature passed AB 3250¹ to clean up some problems with implementing SB 179, particularly relating to procedures for petitions for minors, thus requiring further revisions to the forms. The Legislature chose to make those changes effective January 1, 2019, which means that the forms needed to be revised very quickly to ensure that parties and the courts act in compliance with the law when seeking name changes and gender change recognition.

Change of names to conform to gender identity. Last year, SB 179 altered the process for changing names to conform to gender identity so that it no longer parallels the process for other name changes, eliminating the automatic setting of a hearing and instead setting a hearing only if objections are filed showing good cause to oppose the name change. The hearing would be set within six weeks of issuance of the order to show cause (OSC), which the court issues when the petition is filed. The law included no requirement to publish this OSC or to serve it on anyone, even when the petition was on behalf of a minor. AB 3250 has further amended the statute to provide that when such a petition is made on behalf of a minor, the petition and OSC must be served on any nonsigning parent within 30 days of the date of receiving the order.²

The *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO, at item 4) and *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) have both been revised to reflect this change in the law. Item 3 on the OSC containing a statement from the statute that certain objections do not constitute good cause has also been revised to reflect the amended statutory language in AB 3250.³

Recognition of minor's change of gender identity. Last year SB 179 added a process for requesting an order recognizing a minor's change of gender and for issuance of a new birth certificate.⁴ The text of the 2017 statute assumes that a minor can bring the petition, and the forms adopted by the council this past year reflect that assumption,⁵ even though minors generally cannot file an action on their own in civil proceedings.⁶ The law also requires the petition to be signed by either one or both parents, the minor's guardian, or, if there is no living parent and no guardian, a near relative or friend. If not signed by all living parents, the petition

¹ AB 3250 may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3250.

² See new Code Civ. Proc., § 1277.5(a)(2).

³ *Id.*, § 1277.5(c).

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

⁵ The current petition (form NC-500) lists both the minor and an adult as the petitioners, and the current instruction sheet (form NC-500-INFO) is directed to the petitioning minor.

⁶ See Code Civ. Proc., § 372(a) (requiring guardian ad litem) and 372(b) (providing for certain exceptions).

must be served on any living parent who did not sign it. (The statute contained no other service provisions.) The OSC on these petitions will include a hearing date.

This year, AB 3250 has cleaned up several aspects of these provisions of the Health and Safety Code, in the following ways:

- Does not treat the minor as the petitioner, thus clarifying that such petitions follow the general rule and are to be brought on behalf of a minor, not by the minor;⁷
- Corrects the deadline for service of the petition and OSC on nonsigning parents to at least 30 days before the hearing date set in the OSC;⁸
- Adds new service provisions, parallel to those in the name change statutes,⁹ for petitions brought by guardians or court-appointed dependency attorneys appointed as guardians ad litem (dependency attorneys), requiring that, if the minor's parents are deceased, all living grandparents known to the petitioner must be served with the petition and an OSC, not less than 30 days before the hearing date set in the OSC;¹⁰ and
- Requires that petitions brought by a guardian include certain information about the guardianship and the likelihood that the child will remain with the guardian until adulthood, just as in name change proceedings,¹¹ and requires that the court make a finding to that effect before granting the petition.¹²

Revisions have been made to the following forms to reflect these changes:

- *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).

The minor is no longer listed as the petitioner in either the petition or the instruction sheet. The request in the petition (form NC-500, at item 4) for an OSC directed to living parents has been expanded to include a request for an OSC directed to grandparents, in appropriate cases. The instructions (form NC-500-INFO) on requesting a hearing and serving the OSC have been revised to address the new service requirements for guardians and dependency attorneys. The

⁷ See new Health & Saf. Code, § 103430(e)(1).

⁸ *Id.*, § 103430(e)(1)(A).

⁹ See Code Civ. Proc., § 1277(e).

¹⁰ See new Health & Saf. Code, § 103430(f)(2). (Note: This service requirement for dependency attorneys was also included in the name change provisions in AB 3250 (cf. new Code Civ. Proc., § 1277(e)), but those amendments were made ineffective by passage of the later-enacted SB 2201, which amended a different portion of section 1277.

¹¹ See Code Civ. Proc., §§ 1276(f) and 1278(d).

¹² See new Health & Saf. Code, § 103430(g).

OSC itself (form NC-520) has also been revised, to allow a court to issue it directed at grandparents if there are no living parents (the current form is directed solely to parents because under current law no other objectors had standing).¹³

Two new forms have also been adopted to implement the new requirements placed on gender-change recognition petitions brought by guardians or dependency attorneys:

- *Declaration of Guardian or Dependency Attorney* (form NC-510G) supplements the petition, providing the additional information required of petitioners who are guardians or dependency attorneys appointed to be guardians ad litem. This form parallels the existing supplemental form for guardians bringing name change petitions (form NC-110G), just as the statutory provisions parallel each other. It will be required with all gender-change recognition petitions brought for a minor by a guardian or dependency attorney, and so will be used in place of the NC-110G when a name change petition is made at the same time.
- *Order Recognizing Minor's Change of Gender and for Issuance of New Birth Certificate* (form NC-530G) is a new order form for petitions brought by guardians, needed so the court can make the additional findings required on such petitions under AB 3250. This form is based on the current combined gender change/name change order (form NC-230), but also includes the findings regarding guardianships from the name change order for petitions brought by guardians, form NC-130G.

SB 2201¹⁴

This bill, enacted after AB 3250,¹⁵ amends the provisions that allow certain categories of individuals who are members of the Safe at Home program, the address-confidentiality program run by the Secretary of State's office, to obtain confidential name changes. The new law adds a new category of individuals—those seeking to avoid human trafficking—to those who can use the confidential procedures.¹⁶ The following three forms used for those proceedings list the categories of those whose name changes may be kept confidential by the court, and therefore each has been revised to reflect this additional category:

- *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

¹³ The new statutory description relating to objections has also been included in the revised OSC.

¹⁴ SB 2201 may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2201.

¹⁵ The date of enactment is pertinent only because it means that the provisions in SB 2201, Code of Civil Procedure section 1277, override the provisions of that section in AB 3250.

¹⁶ See new Code Civ. Proc. § 1277(b)(2).

- *Declaration in Support of Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-420).

In addition, the general name-change information sheet, *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO) has been revised to add the new category of those who can use these confidential proceedings. Both that form and form NC-400-INFO, directed at the confidential name changes, have also been revised to reflect the new provisions that eliminate the filing fee for name change petitions for minors who meet the requirements of the confidential name change procedures.¹⁷

Alternatives Considered

Because the forms would have been incorrect under the new law if not revised, the only alternative considered was when to recommend approval of the proposed revisions. The Civil and Small Claims Advisory Committee concluded, and the council agreed, that it was better to amend the forms quickly without prior comments, rather than to circulate them for comment first and have incorrect forms in use for the next nine months.

Fiscal and Operational Impacts

Training on the new statutory requirements and how these new and revised forms reflect those changes will be necessary for clerks, judicial officers, and court legal services and self-help offices. New training materials and internal procedures may need to be developed.

Attachments and Links

1. Forms NC-100-INFO, NC-121, NC-125/NC-225, NC-400, NC-400-INFO, NC-420, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530G, at pages 6–22
2. Link to Assembly Bill 3250,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3250
3. Link to Assembly Bill 2201,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2201

¹⁷ See new Gov. Code, § 70635.

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). There is no filing fee for minors in the State's address confidentiality program (Safe at Home).

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

You should request a date for the hearing on the *Order to Show Cause 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 petitioning (a) to avoid domestic violence, (b) to avoid stalking, (c) to avoid sexual assault, or (d) to avoid human trafficking.

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 you are a petitioning parent or any other adult requesting the name change for a child **to conform to that child's gender identity** and a living parent does not join in the petition for the name change, you must have a copy of the petition and the *Order to Show Cause* served on the nonconsenting parent. Service must be made **within 30 days of the date the order is made by the court**, under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40.
- c. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.
- d. If the nonconsenting parent resides outside California, that parent may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.
- e. If you are the guardian of a minor and filing a petition to change the name of that minor, you must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing (or as in b above), or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing, under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40. *(If the minor's name is being changed to conform to gender identity, these notices and orders for grandparents need not be completed or served.)*

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

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

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

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

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

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

10. Court Hearing

If no written objection is filed at least two court days before the scheduled hearing, the court may grant the petition and sign the decree without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original decree.

If you filed a petition for name change to conform to gender identity, and timely objections were filed, the court may set a hearing date after receiving the objections. If it does, you will be sent a notice of the hearing date. Check with the court after the deadline for filing objections to see if a hearing date has been set. If there are no objections, the court will grant the petition and sign the decree without a hearing.

11. 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*.

| | |
|--|---------------------------|
| ATTORNEY <i>(leave blank if no attorney)</i> STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR <i>(name)</i> : [CONFIDENTIAL] | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF <i>(name of each petitioner)</i> : <p align="center">[CONFIDENTIAL]</p> | |
| <p align="center">CONFIDENTIAL COVER SHEET NAME CHANGE PROCEEDING UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p> | |
| CASE NUMBER: | |

INSTRUCTIONS: This petition for change of name is being brought by a petitioner who is a participant in the Secretary of State's address confidentiality program under Government Code section 6205 et seq. and who is petitioning (1) to avoid domestic violence, (2) to avoid stalking, (3) to avoid sexual assault, or (4) to avoid human trafficking. **As provided by Code of Civil Procedure section 1277(b), the current legal name of the petitioner must be kept confidential by the court and must not be published or posted in the court's calendars, indexes, or register of actions, or by any means or in any public forum.**

This Confidential Cover Sheet must be affixed to the first page of the petition and to any other documents filed in this name change action. (See *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO).)

This cover sheet is affixed to the following documents *(check all that apply)*:

1. *Petition for Change of Name* (form NC-100)
2. *Attachment to Petition for the Name Change* (form NC-110)
3. *Order to Show Cause for Change of Name* (form NC-120)
4. *Decree Changing Name* (form NC-130)
5. *Civil Case Cover Sheet* (form CM-010)
6. *Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-410)
7. *Declaration in Support of Application to File Documents Under Seal in Name Change Proceedings Under Confidentiality Program (Safe at Home)* (form NC-420)
8. *Order on Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-425)
9. *Other (describe):*

Date:

The name of the petitioner is to remain confidential UNLESS:

1. The petitioner's participation in the address confidentiality program is ended (Gov. Code, § 6206.7); or
2. The court finds by clear and convincing evidence that the allegations of domestic violence or stalking in the petition are false. (Code Civ. Proc., § 1278(b).)

1 Confidentiality in Name Change Proceedings

It is important that you understand that changing your name, especially confidentially, is a life-changing decision. It may make it more difficult for you to enforce a restraining order and significantly impair your ability to obtain a passport, apply for school programs, purchase or rent property, gain employment, get credit, start a business, and other matters.

The law provides confidentiality for a petitioner seeking a name change who is a participant in the Secretary of State’s confidential address program, Safe at Home, under Government Code section 6205 et seq., *and* who asserts reasons for a name change that include seeking (1) to avoid domestic violence, (2) to avoid stalking, (3) to avoid sexual assault, or (4) to avoid human trafficking. (One of these reasons must be stated in the papers filed with the *Petition for Change of Name*.)

By law, the court must keep the current legal name of such a petitioner confidential. The court must not publish or post the name in the court’s calendars, indexes, or registers of actions, or in any other place in which it might be accessible to the public. In addition, the proposed new name is not put into the court records at all and does not have to be published. (Code Civ. Proc., § 1277(b).)

To ensure this confidentiality for the name change proceeding, petitioners must follow the instructions below.

2 Is a Lawyer Necessary?

You are not required to have a lawyer, but it is highly advisable that you contact a lawyer or legal service agency to discuss the effects of a confidential name change.

3 How to Get Started

Before beginning the court process for a confidential name change, you must be an active participant in the Safe at Home program. You must complete and file a Notice of Intent of Name Change with the Safe at Home program at the Secretary of State’s Office. You will receive a letter from that program to show to the court, confirming that the you are an active participant in the confidential address program and that a Notice of Intent of Name Change is on file. You can reach the Safe at Home program by calling toll free 1-877-322-5227 or by going to the Web site at www.sos.ca.gov/safeathome.

4 Where to File

As with all name change petitions, the petition filed under the confidential address program must be filed in the

superior court of the county where the person whose name is to be changed presently lives.

5 Whose Name May Be Changed

The petition may be used to change one’s own name and, under certain circumstances, the names of others (e.g., children under 18 years of age). There are no filing fees for minors in the Safe at Home program.

6 Name Changes for Children

A petitioner in the confidential address program must comply with all the rules stated in item 8 in the *Instructions* on the back of the *Petition for Change of Name*, concerning serving notice of a name change petition for a child on the child’s parents or grandparents. The confidentiality provisions do not change those requirements. You will generally not be able to change a child’s name without notifying the other parent.

7 What Forms Are Required

Prepare an original and two copies of the forms described in item 4 of the *Instructions* on the back of the *Petition for Change of Name* (form NC-100). In addition:

- a. In the *Petition for Change of Name* (form NC-100), *Order to Show Cause for Change of Name* (form NC-120), and *Decree Changing Name* (form NC-130), include your present name where indicated. Instead of including the proposed new name, indicate that the new name is confidential and on file with the Secretary of State’s Safe at Home program.
- b. In the *Attachment to the Petition for Change of Name* (form NC-110), include the reasons for seeking the name change.
- c. Prepare and attach to the front of each document a *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400). Do not include the petitioner’s current name on these forms. These forms will flag the documents as containing confidential information.

You will also need a copy of the letter from the Safe at Home program to take to the court when filing the petition, to confirm that you are in the confidential address program and have a Notice of Intent of Name Change on file. Keep a copy of that letter for your records.

8 Filing

Follow the instructions in item 5 of the *Instructions* on the back of the *Petition for Change of Name* (form NC-100). Prepare and attach a *Confidential Cover Sheet* (form

NC-400) to the *Civil Case Cover Sheet* (form CM-010), your petition, and any other document you file under that item.

9 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* at least six weeks after the date you file the petition. 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.

10 No Requirement to Publish the Order to Show Cause

In most cases, the *Order to Show Cause* must be published in a local newspaper of general circulation. But a petitioner does not have to publish the order if he or she is a participant in the address confidentiality program and the petition alleges that he or she (1) is petitioning to avoid domestic violence, (2) is petitioning to avoid stalking, or (3) is, or is filing on behalf of, a victim of sexual assault.

11 Court Hearing

If 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 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.

12 Application to File Documents Under Seal

If a petitioner in the confidential address program believes that the protections described above and required by law that keeping the current and future name confidential are not sufficient in a particular case, the petitioner may ask the court to file the petition and related documents under seal. Documents filed under seal are secured and kept separate from the public files.

For the court to order that the petition may be filed under seal, you must show facts to support the following findings by the court:

- There is an overriding interest that overcomes the right of public access to the record.
- That overriding interest supports sealing the name change documents.

- A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.
- The proposed order to seal the records is narrowly tailored to protect that overriding interest.
- No less restrictive means than sealing the whole record exist to achieve the overriding interest.

A petitioner in the confidential address program may file an application to file records under seal following the procedures in rule 2.577 of the California Rules of Court. The application must be made on the *Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-410) and be accompanied by a *Declaration in Support of Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-420), containing facts sufficient to justify the sealing.

Attach a *Confidential Cover Sheet* (form NC-400) to the application. All the documents that you want filed under seal must be put in a sealed envelope, with a completed *Confidential Cover Sheet* (form NC-400) on top marked "Conditionally Under Seal." and lodged with the court. If the application is denied, the documents will be returned by the clerk unless you file written notice within 10 days that they should be filed unsealed.

13 Making the Records Public

Even if the documents are not sealed, as long as the other requirements are met, your name will remain confidential **UNLESS**:

- Your participation in the address confidentiality program is ended under Government Code section 6206.7; or
- The court finds by clear and convincing evidence that the allegations of domestic violence or stalking in the petition are false (see Code of Civil Procedure section 1278(b).)

If another person or a court wants to make the records public based on the above, the court must hold a hearing, with notice sent to the petitioner in care of the Safe at Home program, as permitted under Government Code section 6206(a)(5)(A).

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

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT 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 CASE NUMBER: |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (name of each petitioner): | |
| DECLARATION IN SUPPORT OF APPLICATION TO FILE DOCUMENTS UNDER SEAL IN NAME CHANGE PROCEEDING UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME) | |

I (name): declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would testify competently to those facts.
2. I am a participant in the Secretary of State's confidential address program, Safe at Home.
3. I am seeking a name change (check all that apply):
 - a. To avoid domestic violence.
 - b. To avoid stalking.
 - c. To avoid sexual assault.
 - d. To avoid human trafficking.
4. Facts showing that there is an overriding interest that overcomes the right of public access to the records in this name change proceeding are (specify):

Continued on Attachment 4 (If you need more space, attach form MC-025.)

5. Facts showing that the overriding interest described in item 4 supports filing the documents in this name change proceeding under seal are (specify):

Continued on Attachment 5. (If you need more space, attach form MC-025.)

| | |
|-------------|--------------|
| PETITIONER: | CASE NUMBER: |
|-------------|--------------|

6. Facts showing that there is a substantial probability that the overriding interest described in item 4 will be prejudiced if the records in this name change proceeding are not sealed are *(specify)*:

Continued on Attachment 6. *(If you need more space, attach form MC-025.)*

7. Facts showing that an order sealing the records in this action is narrowly tailored to protect that overriding interest are *(specify)*:

Continued on Attachment 7. *(If you need more space, attach form MC-025.)*

8. Facts showing that there is no less restrictive means to protect that overriding interest than filing the entire record under seal are *(specify, including facts that show why the law requiring the court to keep the current name and the proposed name confidential, is not sufficient protection of that interest)*:

Continued on Attachment 8. *(If you need more space, attach form MC-025.)*

The number of pages attached is:

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct.

Date:

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

| | |
|--|--------------|
| PETITION OF <i>(name of each petitioner)</i> : | CASE NUMBER: |
|--|--------------|

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).)*

8. The minor named in item 1 is a resident of this county. *(This must be checked if a name change is requested.)*

DECLARATION

I *(minor's present name)*: _____ declare under penalty of perjury under the laws of the state of California that the request for a change in gender to *(check one)*: **female** **male** **nonbinary** is to conform my legal gender to my gender identity and is not for any fraudulent purpose.

Date:

(TYPE OR PRINT NAME OF MINOR)



(SIGNATURE OF MINOR)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

Date:

(TYPE OR PRINT NAME OF PETITIONING PARENT/GUARDIAN)



(SIGNATURE OF PETITIONING PARENT/GUARDIAN)

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 for a minor and issuance of a new birth certificate reflecting that change in the superior court of any county in California. (If the minor was 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 the minor's name**, you must file in the superior court of the county where the minor whose name is to be changed presently resides.

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 to determine if needed)
- c. *Order Recognizing Change of Gender and for Issuance of New Birth Certificate* (form NC-330 or form NC-530G if petitioner is a guardian)
- d. *Civil Case Cover Sheet* (form CM-010)
- e. *Declaration of Guardian or Dependency Attorney* (form NC-510G) (if petition being filed by one of those individuals)

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

- f. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition for Change of Name)* (form NC-110) (not needed if petitioner is the minor's guardian or dependency attorney)
- g. *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125/NC-225) (see item 5 below)
- h. *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 for a person 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 the name of the minor and the name and relationship of the adult who is signing the petition. One or both parents or a guardian should sign. If neither parent is alive, and there is no 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 the minor's new gender. Check the box to indicate what gender the minor has changed to.
- Item 3 asks the court for an order that a new birth certificate be issued to reflect the 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).) If parents are deceased or cannot be located and the petition is brought by a guardian or dependency attorney appointed as a guardian ad litem, check the box next to 4b to ask the court to issue an order that will give notice to any living grandparent. **(A guardian or dependency attorney must also complete form NC-510G.)**
- In item 5, put the name and address of any living parent of the minor who is not signing the petition. If there are no parents living, or none other than the person or persons signing the petition, check the appropriate box in item 5.
- If **not asking to change the name of the minor**, 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 asking the court to **change the name of the minor** in this petition, complete the following items also:
 - Check the box in the title of the form, in front of "and CHANGE OF NAME."
 - Check item 6, and put the 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 the 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.)
 - Check the box in item 7 and complete an additional form, form NC-110. If guardian or dependency attorney appointed as a guardian ad litem is the adult signing the petition, complete form NC-110G also. That form must be signed by the same adult signing this petition.
 - Check item 8, stating that the minor whose name is to be changed is a resident of the county in which you are filing.
- *Declaration and Signatures.* The minor may complete (check the box identifying the new gender) and sign the Declaration on the second page of the petition. Be sure the minor reads it carefully, because 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.

4. Filing and Filing Fee

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

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

A. Petition Requiring a Hearing.

You must request a hearing in the following situations:

- (1) One or more living parents of the minor has not signed the petition. That parent must be given notice and the right to object to the petition.
- (2) Petition is brought by a guardian or a dependency attorney appointed as a guardian ad litem and parents are deceased or cannot be located. In this case, any living grandparents known to petitioners must be given notice and the right to object to the petition.

If a hearing is required, 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 or grandparent at least 30 days before the hearing date, and you must file a Proof of Service with the court (you may use form NC-121). **If a nonsigning parent or grandparent lives in California, the form must be served on the parent in person. If a nonsigning parent or grandparent 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 person lives outside the United States, then you may ask the court that service be done in another way.**

B. Petitions Not Requiring a Hearing.

If all parents of the minor now living have signed the petition, or if there are no living parents and the petition is brought by another adult who is not a guardian or a dependency attorney appointed as a guardian ad litem, 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 name change portion of the petition should, instead of giving the proposed name, indicate that the new 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 NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PETITION OF (name of each petitioner): <p style="text-align: center;">FOR CHANGE OF GENDER (Minor)</p> | |
| ORDER TO SHOW CAUSE FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE and CHANGE OF NAME <input type="checkbox"/> | CASE NUMBER: |

- TO ALL LIVING PARENTS OF MINOR:
 (If petition brought by guardian or dependency attorney appointed as guardian ad litem) TO ALL LIVING GRANDPARENTS OF THE MINOR:

- Petitioner (name of petitioning adult): _____ filed a petition for an order recognizing change of gender and issuance of a new birth certificate for (name of minor): _____
- THE COURT ORDERS that any living parent or, if parents are deceased, grandparent 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 recognition of gender change 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 same as noted above other (specify): _____

TO ALL LIVING PARENTS OF MINOR:

TO ALL INTERESTED PERSONS:

- A petition has been filed seeking change of name from (minor's current name): _____ to (proposed name): _____
- THE COURT ORDERS that any person objecting to the name change described above must file a written objection that includes the reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing.

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 or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5 (c).)

Date: _____ JUDGE OF THE SUPERIOR COURT

| | |
|---|--------------|
| PETITION OF <i>(Name of petitioner or petitioners):</i> <div style="text-align: right;">FOR CHANGE OF NAME</div> | CASE NUMBER: |
|---|--------------|

DECLARATION OF GUARDIAN OR DEPENDENCY ATTORNEY
Supplemental Attachment to Form NC-500

(Guardians appointed by the Juvenile or Probate courts must fill out all items on this page. Dependency attorneys appointed as guardians ad litem under rules adopted under section 326.5 of Welfare and Institutions Code must fill out only 7a–e.)

- 7. a. Petitioner *(name)*:
 - b. Petitioner's address *(street, city, county, and zip code)*:
 - c. Petitioner is the guardian or dependency attorney appointed as guardian ad litem of the following minor, whose name is to be changed:
 - (1) Name *(present name of child)*:
 - (2) Address *(street, city, county, and zip code)*:
 - d. Petitioner was appointed guardian or guardian ad litem of the minor identified in item 7c by *(complete the following)*:
 - (1) Superior Court of California, County of *(name)*:
 - (2) Department *(check one)*: Juvenile Probate
 - (3) Case number *(specify)*:
 - (4) Date of appointment *(specify)*:
 - e. The grandparents of the minor whose name is to be changed are *(provide, if known)*:
 - (1) (grandfather's name): _____ (address): _____
 - (2) (grandmother's name): _____ (address): _____
 - (3) (grandfather's name): _____ (address): _____
 - (4) (grandmother's name): _____ (address): _____
 - f. The minor identified in item 7c is likely to remain under the guardian's care until the minor reaches the age of majority because *(explain)*:
- Continued *(If you need additional space, check the box, prepare an Attachment 7f, and attach it to this declaration.)*
- g. The minor identified in item 7c is not likely to be returned to the custody of his or her parents because *(explain)*:
- Continued *(If you need additional space, check the box, prepare an Attachment 7g, and attach it to this declaration.)*
- h. Other relevant information about the guardianship and why the proposed name change is in the best interest of the minor *(specify)*:
- Continued *(If you need additional space, check the box, prepare an Attachment 7h, and attach it to this declaration.)*

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Guardian of *(name of minor)*:

| | |
|--|--------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 each petitioner</i>): <div style="text-align: right;">(BY GUARDIAN or DEPENDENCY ATTORNEY)</div> | |
| ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and DECREE CHANGING NAME | CASE NUMBER: |

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

THE COURT FINDS

2. a. All notices required by law have been given.
- b. The person seeking recognition of a change of gender (*specify present name*):
is a minor.
 - c. The petition was filed on behalf of the minor by a dependency attorney appointed as guardian ad litem pursuant to rules adopted under section 326.5 of Welfare and Institutions Code (*attorney name*):
 - d. The petition was filed on behalf of the minor by the minor's guardian (*name*):
 - (1) The minor is likely to remain in the guardian's care until the age of majority.
 - (2) The minor whose name is to be changed is not likely to be returned to the custody of his or her parents.
 - e. The minor is not is required to register as a sex offender under section 290 of the Penal Code.
 This determination was made (*check one*) by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
 - f. No objections to the proposed recognition of gender change were made.
 - g. Objections to the proposed recognition of gender change of name were made by (*name*):
 - h. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed recognition of gender change is in the best interest of the minor, and that the petition should be granted.
 - i. Other findings (*if any*):

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

THE COURT ORDERS

- 3. The gender of the minor (*name*):
 is changed to:
 - a. female.
 - b. male.
 - c. nonbinary.

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

- 5. If minor was born in California, a certified copy of this order shall be filed by the petitioner within 30 days with the State Registrar. When the State Registrar receives a certified copy of this order and payment of the applicable fees, the State Registrar shall establish for the petitioner a new birth certificate reflecting the gender of the minor as it has been altered.

THE COURT FURTHER ORDERS

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

Date:

JUDGE OF THE SUPERIOR COURT

SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT