

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**SP22-08**

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**Title**

Rules and Forms: Name and Gender Change Forms for Minors to Implement Assembly Bill 218 and Assembly Bill 421

**Proposed Rules, Forms, Standards, or Statutes**

Adopt form NC-530; revise forms NC-500, NC-500-INFO, NC-510G, NC-520; revoke form NC-530G

**Proposed by**

Civil and Small Claims Advisory Committee  
Hon. Tamara Wood, Chair

**Action Requested**

Review and submit comments by September 19, 2022

**Proposed Effective Date**

January 1, 2023

**Contact**

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### Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing revisions and additions to Judicial Council forms and the revocation of one form used to request recognition of a change of gender and change of name. Proposed forms implementing statutory changes in Assembly Bill 218 (Stats. 2021, ch. 577) were circulated for comment between April and May 2022. Among other things, AB 218 made significant changes to requirements for petitions for recognition of gender change for minors (removing the requirement for consent by, or notice to, a minor's parents) and added a new category of petitioners who may make such petitions on behalf of minors, placing certain requirements on them.

Shortly after comment on the proposed forms closed, the Legislature enacted Assembly Bill 421 (Stats. 2022, ch. 40), urgency legislation that modifies AB 218's provisions in significant ways. Because AB 421's amendments immediately went into effect upon signing by the Governor, they need to be incorporated in the proposed forms before the forms go into effect in January 2023. The proposed forms for minors' petitions have all been further revised to reflect these statutory changes, and have been reorganized to make them clearer.

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 It is circulated for comment purposes only.*

## Background

### Assembly Bill 218 (2021)

Relevant to the instant invitation to comment, AB 218 (see Link A) changed provisions relating to petitions for orders recognizing gender changes (and new birth certificates reflecting gender changes) for minors. AB 218 eliminated provisions providing that if the petition does not include the signatures of both living parents, any non-signing living parent must be served with a copy of the petition and an order to show cause (OSC) with a date and time for a hearing.<sup>1</sup>

At the same time as eliminating the provision for serving any living, non-signing parents, AB 218 added a requirement for serving the minor's grandparents with a notice of hearing (and so required a hearing be set in advance of issuing an OSC in such cases), although this requirement was triggered only if either or both of the parents are deceased or unable to be located, and the petition was signed by either a guardian or an attorney guardian ad litem for a juvenile dependent.<sup>2</sup>

The other new notice requirement in AB 218 relating to minors was for issuance and service of an OSC if a petition for a minor's change of gender did not include a signature required in Health and Safety Code section 103430(b)(1),<sup>3</sup> that is, a signature by at least one parent, a guardian, a juvenile attorney, or—if both parents are deceased—a near relative or friend. (The committee found it difficult to envision when such an OSC would be issued, because if the petition does not include a signature required in new subdivision (b)(1), it would not be a valid petition to begin with, since the statute provides that the petition must be signed by an individual from one of the categories.)

These provisions of AB 218 were subsequently modified by Assembly Bill 421.

### Assembly Bill 421 (2022)

In June 2022, before the advisory committee's proposed form revisions were acted on by the Judicial Council, the Legislature enacted AB 421 (see Link B), which further amends Health and Safety Code section 103430 as it relates to minors' petitions for name changes in three ways.

First, AB 421 adds back the requirement that any living parents who have not signed the minor's petition be given notice and an opportunity to object to their child's petition for recognition of change of gender.<sup>4</sup>

Second, the new law modifies when and how a minor's grandparents are entitled to notice of a petition to recognize the minor's gender change. An OSC why a minor's gender change petition should not be granted is to be served on the minor's living grandparents only if the petition is

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<sup>1</sup> Former Health & Saf. Code, § 103430(e)(1). "Former" as used in citations hereafter refers to provisions enacted by AB 218. "New" refers to provisions enacted by AB 421.

<sup>2</sup> Former Health & Saf. Code, § 103430(c)(2).

<sup>3</sup> Former Health & Saf. Code, § 103430(e)(1).

<sup>4</sup> New Health & Saf. Code, § 103430(e)(1).

signed by a guardian or guardian ad litem and “*all* parents are deceased or cannot be located” (rather than if either one is deceased, as in the prior law).<sup>5</sup> By requiring an OSC be served on the minor’s grandparents—rather than a “notice of hearing”—AB 421 clarifies that Health and Safety Code section 103430(h) applies to petitions where a minor’s grandparents receive notice and, as a result, a hearing on the petition may not be held unless objections have been filed.<sup>6</sup>

Finally, AB 421 shortened the deadline by which a petitioner must serve any required OSC from 30 days to four week. This means that the time frame for serving orders to show cause and the timeframe for filing objections for gender change petitions are measured in the same unit of time (weeks).

### **Prior Circulation**

A proposal with revisions to all the name change and gender change recognition forms was previously circulated for comment in spring 2022.<sup>7</sup> The proposed forms relating to minors’ petitions for recognition of change of gender and sex identifier (the forms in the NC-500 form series) are being recirculated in light of the committee proposing significant further revisions to these forms required by AB 421’s changes. All the forms will move forward together to the council after the public has had the opportunity to comment on the further revisions to the forms in the NC-500 series.<sup>8</sup>

### **The Proposal**

The forms in the NC-500 series are for petitions to recognize a minor’s change of gender, potentially combined with a name change. The proposed forms include a petition, an information sheet, a declaration, and an OSC. The committee previously proposed revisions to these forms and proposed a new order form developed to reflect the changes in AB 218. Further substantive revisions are now proposed to reflect the changes in AB 421. The proposed forms have been revised<sup>9</sup> as follows and are attached:

- *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) (formerly *Petition for Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate and Change of Name*). The proposed form has been reorganized for clarity, with subheadings dividing the form into sections for “Information about Petitioner,” “Recognition of Change of Gender and Sex Identifier,” and “Request for Change of Name.” Substantively, new item 2 has been included that notes that the petitioner is either a

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<sup>5</sup> New Health & Saf. Code, § 103430(e)(2) (emphasis added).

<sup>6</sup> See New Health & Safety Code, § 103430(h).

<sup>7</sup> See *Rules and Forms: Name and Gender Change Forms to Implement Assembly Bill 218* (SPR22-04), <https://www.courts.ca.gov/documents/spr22-04.pdf>

<sup>8</sup> Comments have already been received on the proposed forms and revisions in the NC-100 and NC-300 series.

<sup>9</sup> The new revisions in forms NC-510G and 530 are highlighted in yellow while the surviving earlier revisions are highlighted in gray. Changes to proposed revised forms NC-500, NC-500-INFO, and NC-520 are not highlighted as those forms have been significantly revised and would require highlighting the entire form..

California resident or is seeking a change to a California birth certificate. Additionally, to implement AB 421's notice and OSC requirements, the section relating to recognition of change of gender and sex identifier has been revised to include requests that the court issue appropriate orders to show cause if either any living parent of the minor has not signed the petition (item 6), or all parents are deceased and the petition is being filed by a guardian or guardian ad litem (item 7).

- *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO) (formerly *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name*). The information sheet has been substantially revised to reflect the change in NC-500's structure as well as the proposed revisions to the OSC (form NC-520). Additionally, item 6 has been revised to discuss AB 421's notice and OSC requirements.
- *Declaration of Guardian or Juvenile Attorney* (form NC-510G) (formerly *Declaration of Guardian or Dependency Attorney*). This form must be completed to include the information required when a guardian or dependency attorney signs with or for the minor. It was previously revised to implement AB 218. Only one further revision to this form was required after AB 421: the parenthetical in item 4 has been revised to require the information about the minor's grandparents only if all parents are deceased or cannot be located.
- *Order to Show Cause for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520). This proposed form was renamed and revised as part of the spring invitation-to-comment cycle to implement AB 218's provisions for issuing an OSC to any required signatory who had not signed the petition. The form has been further revised in order to comply with the notice and OSC changes in AB 421. As revised, it now implements the requirements of amended subdivision (e)(1), which requires that the court issue an OSC directed to parents when a petition is filed that does not include the signatures of all living parents, and amended subdivision (e)(2) which requires the same order, directed to grandparents, when all parents are deceased and the petition is filed by a guardian or guardian ad litem.<sup>10</sup> The proposed form also covers the OSC required by Code of Civil Procedure section 1277.5 when the petitioner seeks a decree of name change to conform to gender identity. As a result of these revisions, courts will be able to use a single OSC form to address all situations in which an OSC is required because of a

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<sup>10</sup> New Health & Safety Code, § 103430(e)(1), (2). Before AB 421, such consolidation was not possible because in the latter situation, the statute required that a notice of hearing — rather than an OSC — be issued to the minor's living grandparents. See Former Health & Saf. Code, § 103430(c)(2).

minor's gender and name change petition.<sup>11</sup> The proposed form does not contain a notice of hearing because a hearing is to be set only if objections are received to an OSC.<sup>12</sup>

- *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530). This proposed new form was developed and circulated in the spring to serve as a stand-alone order form for all petitions for minors. The single further revision to this form is minor: item 2 has been added to reflect that the petitioning minor must be a California resident or be seeking a change to a California birth certificate in order to bring the petition.
- *Order Recognizing Minor's Change of Gender and for Issuance of New Birth Certificate* (form NC-530G). The committee continues to propose that this form be revoked in light of proposed form NC-530 now taking its place.

### **Alternatives Considered**

The committee did not consider the alternative of taking no action. The forms for gender-change petitions are mandatory and, particularly with the changes of law in this area, the petitions and accompanying orders are so complex that failure to have up-to-date forms would be burdensome for courts as well as parties.

The committee considered having three separate forms for orders to show cause on minor's petitions: one for petitions with name change requests included, one for petitions not signed by all living parents, and one for petitions where both parents are deceased and guardians or juvenile attorneys are required to notice the grandparents. The committee concluded that a single form that could be used for all three situations would be easier for both courts and participants to handle.

### **Fiscal and Operational Impacts**

The statutory changes will require education of court staff and judicial officers. The new forms are intended to facilitate the courts' and parties' implementation of the changes in statute and will also require education, and may require some changes to computerized case management systems as well.

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<sup>11</sup> In light of this, the committee is no longer recommending the form *Order to Show Cause—Petition by Guardian or Guardian ad Litem* (form NC-520G)), which was previously circulated for comment as part of the spring invitation-to-comment cycle.

<sup>12</sup> See Code Civ. Proc., § 1277.5(c); new Health & Saf. Code, § 103430(h).

### **Request for Specific Comments**

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- 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?
- Would six weeks from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? (Note, the new laws are operative as of January 1, 2023.)

### **Attachments and Links**

1. Forms NC-500, NC-500-INFO, NC-510G, NC-520, NC-530, and NC-530G, at pages 7–17.
2. Link A: Assembly Bill 218,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB218](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB218)
3. Link B: Assembly Bill 421,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB421](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB421)

ATTORNEY OR PARTY WITHOUT ATTORNEY 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:0;">08.09.2022</h2> <h3 style="margin:0;">not approved by Judicial Council</h3>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner):	
<b>PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE</b> <input type="checkbox"/> <b>AND CHANGE OF NAME</b>	CASE NUMBER:

Use this form only for a petition relating to a minor. (Petitioners 18 years or older must use form NC-300.) Before completing this petition, read the *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO).

- If you are seeking a name change in addition to recognition of gender change, complete items 8 or 9. If you are only seeking recognition of gender change, skip these items.
- If the petition is being brought by a guardian, an attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5), or an attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602), you must also complete *Declaration of Guardian or Juvenile Attorney* (form NC-510G).

**INFORMATION ABOUT PETITIONER**

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.  guardian (name):
  - d.  attorney for minor under jurisdiction of juvenile court (name):
  - e.  near relative or friend (check only if both parents of minor are deceased and no guardian has been appointed)  
Name and relationship to minor: \_\_\_\_\_
2. Petitioning minor is a California resident or seeks a change to a California birth certificate.
3. Parents of minor (check one item below):
  - a.  The minor has no living parent.
  - b.  The minor has no living parent other than the parent or parents who have signed this petition.
  - c.  Neither the minor nor the adult petitioner has any information about whether any non-signing parent is living.
  - d.  The minor has one or more living parents who have not signed the petition (specify names and addresses):  
 (Parent's name): \_\_\_\_\_ (Address): \_\_\_\_\_  
  
 (Parent's name): \_\_\_\_\_ (Address): \_\_\_\_\_
4.  (Check if petition is filed by a guardian or attorney appointed for minor under jurisdiction of juvenile court.)  
This petition is supported by the information contained in attached *Declaration of Guardian or Juvenile Attorney* (form NC-510G).

**RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER**

5. Petitioners request a decree recognizing that minor's gender and sex identifier is changed to:
  - a.  female.
  - b.  male.
  - c.  nonbinary.

PETITION OF <i>(name of each petitioner)</i> :	CASE NUMBER:
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- 6.  *(Check if petition does not include the signature of all living parents.)* Petitioners requests that the court issue an order on form NC-520 directing any living parent who did not sign this petition to file written objections to show cause why this petition for recognition of minor's change of gender and sex identifier should not be granted. (Form NC-520 is filed along with this document.)
- 7.  *(Check if petition is filed by a guardian or guardian ad litem for minor, and all parents are deceased or cannot be located.)* Petitioners request that the court issue an order on form NC-520 directing that any living grandparent file written objections to show cause why the petition for recognition of gender change and sex identifier should not be granted. (Form NC-520 is filed along with this document.)

**REQUEST FOR CHANGE OF NAME**

- 8.  A decree of change of name for the minor has already been obtained and a certified copy of the decree is attached.
- 9.  Petitioners request that the court decree that the minor's name is changed to conform to minor's gender identity to *(proposed name)*:
  - a. Petitioners provide the additional required information in support of this request for name change on the attached *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110).
  - b. This is the right court for the petition to change name, because petitioner *(check (1) or (2))*:
    - (1)  is a resident of this county.
    - (2)  has a birth certificate that was issued in this county.
  - c. Petitioners request that the court issue an order on form NC-520 directing all interested persons to file written objections to show cause why the petition for change of name should not be granted. (Form NC-520 is filed along with this document.)
- 10. Petitioners request the court to order that a new birth certificate be issued reflecting the recognition of gender change and any name change sought by this petition.
- 11. The number of attachments included in this petition is *(specify number)*:

**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 ADULT and RELATIONSHIP TO MINOR)      \_\_\_\_\_ (SIGNATURE OF PETITIONING ADULT)

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME OF PETITIONING ADULT and RELATIONSHIP TO MINOR)      \_\_\_\_\_ (SIGNATURE OF PETITIONING ADULT)

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME OF PETITIONING ADULT and RELATIONSHIP TO MINOR)      \_\_\_\_\_ (SIGNATURE OF PETITIONING ADULT)

Date: \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME OF PETITIONER'S ATTORNEY)      \_\_\_\_\_ (SIGNATURE OF PETITIONER'S ATTORNEY)



## 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 both 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 both of minor's parents are deceased and no guardian has been appointed, a near relative or friend

### 2. Where to File

The petition to recognize a change of gender and sex identifier 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 either in the superior court in the county where the minor whose name is to be changed presently resides, or 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 for 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.)

### 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 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.
- **ONLY** check item 6 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.
- **ONLY** check item 7 if the petition is (1) filed by a guardian, 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 Name Change:*

**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*

- Item 10 asks 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 attachments that are included with the petition.
- *Declaration:* The minor may complete (check 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 the original petition with any attachments or orders to show cause required on page 1 of this information sheet 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).

**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, 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 apply, complete the top part of an original and two copies of the *Order to Show Cause for 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 including checking 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:

- 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 non-signing parent within **four weeks** of issuance of the order.
- If a petition seeks a change of name, even though an order to show cause must be issued to all interested persons, it only needs to be served if all living parents have not signed the petition.
- If the petition was filed by a guardian, 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. Domestic Violence Confidentiality Program**

In cases where the minor is a participant in the state address confidentiality program (Safe at Home), the petition, including the name change portion of the petition, and any order to show cause 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).

**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 <https://selfhelp.courts.ca.gov/gender-recognition-order-index>.

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 <i>(Name of petitioner or petitioners):</i> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">DRAFT 08.09.2022 not approved by Judicial Council</div> <div style="text-align: center; font-size: 0.8em;">FOR CHANGE OF GENDER</div>	CASE NUMBER:
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**DECLARATION OF GUARDIAN OR JUVENILE ATTORNEY (Attachment to Form NC-500)**

*Court-appointed guardians must fill out all items on this page.  
 An attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5), must complete items 1–4.  
 An attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602), must complete items 1–3.*

1. a. Petitioner *(name)*:  
     b. Address *(street, city, county, and zip code)*:
  
2. a. Minor seeking recognition of gender change *(present name of minor)*:  
     b. Address *(street, city, county, and zip code)*:
  
3. Petitioner was appointed guardian for minor or is attorney for minor who is under the jurisdiction of the juvenile court as follows:
  - (a) Superior Court of California, County of *(name)*:
  - (b) Department *(check one)*:    Juvenile    Probate
  - (c) Case number *(specify)*:
  - (d) Date of appointment *(if applicable)*:
  
4. The living grandparents of the minor *(provide if known and if all parents are deceased or cannot be located)*:
 

(a) Grandparent's name:	(address):
(b) Grandparent's name:	(address):
(c) Grandparent's name:	(address):
(d) Grandparent's name:	(address):

Neither the minor nor the petitioner has any information about whether any of minor's grandparents are living.
  
5. The minor identified in item 2 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 5, and attach it to this declaration.)*
  
6. The minor identified in item 2 is not likely to be returned to the custody of the parents because *(explain)*:  
  

Continued *(If you need additional space, check the box, prepare an Attachment 6, and attach it to this declaration.)*
  
7. Other relevant information about the guardianship and why the proposed change is in the best interest of the minor *(specify)*:  
  

Continued *(If you need additional space, check the box, prepare an Attachment 7, 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 NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<p style="font-size: 24pt; font-weight: bold;">DRAFT</p> <p style="font-size: 24pt; font-weight: bold;">08.09.2022</p> <p style="font-size: 18pt; font-weight: bold;">not approved by the Judicial Council</p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> 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>	
<b>ORDER TO SHOW CAUSE FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE</b> <input type="checkbox"/> and CHANGE OF NAME	CASE NUMBER:

**1. NAME CHANGE**

**TO ALL INTERESTED PERSONS**  
*(Check only if the petition (form NC-500) includes a request for change of name. If not checked, go to item 2.)*

- a. A petition has been filed seeking change of name  
 from (minor's current name):  
 to (proposed name):
- b. **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.

**2. GENDER AND SEX IDENTIFIER CHANGE**

**TO ANY LIVING PARENT OF MINOR WHO DID NOT SIGN PETITION**  
*(Check only if the petition (form NC-500) was not signed by all living parents of minor.)*

**TO ALL LIVING GRANDPARENTS OF MINOR**  
*(Check only if the petition (form NC-500) was brought by guardian or dependency attorney appointed as guardian ad litem and all parents are deceased or cannot be located.)*

- a. Petitioner (name of petitioning adult): \_\_\_\_\_ filed a petition on behalf of  
 (name of minor): \_\_\_\_\_  
 requesting a decree recognizing that minor's gender and sex identifier is changed to  
 female  
 male  
 nonbinary  
 and an order for issuance of a new birth certificate reflecting minor's changed gender and sex identifier.

- b. **THE COURT ORDERS** that any living parent or, if all parents are deceased or cannot be located, all living grandparents show cause, if any, why the petition should not be granted by filing a written objection that includes any 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.

Date: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>DRAFT</b>  <b>08.10.2022</b>  <b>not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner):  <div style="text-align: right;">(FOR CHANGE OF GENDER (Minor))</div>	
<b>ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE</b>  <input type="checkbox"/> and <b>DECREE CHANGING NAME</b>	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.  Petitioner is a California resident or seeks a change to a California birth certificate.
3. a. All notices required by law have been given.
- b. The following person seeking recognition of a change of gender and sex identifier is a minor (specify present name):
- c.  The petition includes a request for a change of name to (specify new name):
- (1)  the minor is a resident in this county.
- (2)  the minor's birth certificate was issued in this county.
- d. The adult petitioner who signed on behalf of the minor was minor's:
- (1)  two parents (names):
- (2)  one parent (name):
- (3)  guardian (name):
- (a) The minor is likely to remain in the guardian's care until the age of majority.
- (b) The minor whose name is to be changed is not likely to be returned to the custody of the parents.
- (4)  attorney guardian ad litem appointed by the juvenile court (name):
- (5)  attorney representing minor who is asserted be a person described in Welfare and Institutions Code section 601 or 602 (name):
- (6)  near relative or friend (name and relationship to minor):
- (a) The minor's parents are both deceased.
- (b) No guardian has been appointed for minor.
- e.  (For name change) Minor  is not  is required to register as a sex offender under Penal Code section 290. 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 timely objections to the proposed changes were made.
- g.  Objections to the proposed changes were made by (name and relationship to minor):

PETITION OF <i>(name of each petitioner)</i> :	CASE NUMBER:
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- h.  *(If objections by parent)* After considering objections by minor's parent, it appears to the satisfaction of the court that the proposed recognition of change of gender and sex identifier
  - is in the best interest of the minor, and the petition should be granted.
  - is not in the best interest of the minor, and the petition should be denied.
- i.  It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed recognition of change of gender and sex identifier *(and name, if requested)* are not fraudulent, and that the petition should be granted.
- j.  Other findings *(if any)*:

**THE COURT ORDERS**

- 4.  The gender and sex identifier of the minor *(name)*:  
is changed to:
  - a.  female.
  - b.  male.
  - c.  nonbinary.
- 5.  A new birth certificate reflecting the change of gender described in item 3 shall be issued.
- 6. 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**

- 7.  The name of *(present name)*:  
is changed to *(new name)*:
- 8.  Other orders:

Date:

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

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> ):	<b>DRAFT</b>  <b>03/22/22</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF ( <i>name of each petitioner</i> ):  (BY GUARDIAN or DEPENDENCY ATTORNEY)	
<b>ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE</b>  <input type="checkbox"/> and <b>DECREE CHANGING NAME</b>	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:
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**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:

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JUDGE OF THE SUPERIOR COURT

SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

PROPOSE TO REVOCKE