

# Changing Your Name and Gender

## Research Guide

Last Reviewed: January 2013

### Scope:

This guide is not intended to be a comprehensive resource for legally changing your name and gender. Additional research may be necessary.

### Getting a Court Order to Change Your Name and Gender

This is discussed in chapter 7 of *How to Change Your Name in California*, Nolo Press, 2011 (KFC109.L6). The court forms for changing your name and gender are available online at <http://www.courts.ca.gov/forms.htm>.

Generally, to get a court order changing your name and gender, you have to:

1. Fill out the Petition for Change of Names and Gender ([Form NC-200](#)) and the Attachment to Petition for Change of Name ([Form NC-110](#)) and make 2 copies of each.
2. Fill out the Order to Show Cause for Change of Name and Gender ([Form NC-220](#)) and make two copies.
3. Fill out the Civil Case Cover Sheet ([Form CM-010](#))
4. Have your doctor fill out an affidavit telling the court that you have undergone gender reassignment surgery. Your doctor can use [Form NC-210](#) or write out his/her own declaration.
5. File all the forms and copies in the court in the county where you live.
6. Publish the Order to Show Cause in a newspaper of general circulation once per week for 4 weeks in a row—ask your court for a list of newspapers. Not all newspapers are valid, and the fees they charge are different, so call around.
7. Go to your court date and take the proof of publication from the newspaper. You will also need the Decree Changing Name and Gender ([Form NC-230](#)) for the judge to sign.
8. Once you get your Decree Changing Name and Gender, get a certified copy from the court. You will need this to change your birth certificate, driver's license, social security card, and other papers like your passport.

For more information go to <http://www.courts.ca.gov/1105.htm#gendername>

If you need help filling out the forms or any have questions about the requirements for getting a court order contact Transgender Law Center at [www.transgenderlawcenter.org](http://www.transgenderlawcenter.org) or (415) 865-0176.

## **Changing Your Driver's License**

The California Department of Motor Vehicles (DMV) requires form DL 329 to change gender, and form DL 44 to change name.

### **To change your gender on your California driver's license:**

1. Obtain the DMV Medical Certification and Authorization (Gender Change) Form DL 329 available at <http://www.dmv.ca.gov/forms/dl/dl329.pdf>.
2. The DL 329 must be completed by a licensed U.S. physician or psychologist.
3. The physician or psychologist must designate whether your “gender identification” and “demeanor” are male or female.
4. The physician or psychologist must also designate whether your gender identification is “complete” or “transitional.” However, only a licensed U.S. physician (and not a psychologist) can certify that your gender identification is “complete.”
5. If your physician or psychologist indicates on the DL 329 that your gender identification is “transitional,” you must submit a new form DL 329 every 5 years. If a new form DL 329 is not submitted, your original gender marker will be restored.
6. If your physician or psychologist indicates on the DL 329 that your gender identification is “complete,” you will not be required to submit new information about your gender to obtain a new or renewed license.

### **To change your name on your California driver's license:**

1. Obtain and complete the Driver License or Identification Card Application form DL 44. The Form DL 44 is available only at your local DMV office. Note that you may need to provide additional documentation to ensure that the name provided on the application is your true full name.
2. The most common and acceptable form of additional documentation is a court-ordered name change.
3. Other types of acceptable additional documentation include a birth certificate, passport, military ID card, U.S. naturalization certificate, American Indian card, or U.S. citizenship card. Birth and identity documents from other countries may also qualify. **HOWEVER**, this additional form of identification must state your current true name as you want it to appear on your driver's license. It cannot be your birth or other former name.

4. Other types of acceptable information include official judicial decrees such as: an adoption decree; a marriage certificate; a dissolution of marriage certificate; a domestic partnership registration certificate or declaration; or a dissolution of domestic partnership certificate of judgment. Again, this additional form of identification must state your current true name as you want it to appear on your driver's license. It cannot be your birth or other former name.

### **Changing Your Social Security Records**

1. Complete an *Application for a Social Security Card* ([Form SS-5](#)) (available at <http://www.ssa.gov/online/ss-5.html>);
2. Show proof of:
  - U.S. citizenship or immigration status;
  - Legal name change; and
  - Identity.
3. Take completed application and documents to the local Social Security office. You can also mail them.
4. All documents must be either originals or copies certified by the issuing agency. Photocopies or notarized copies of documents won't be accepted.
5. For more information call Social Security at 1-800-772-1213.

### **Changing your Birth Certificate**

The California Health and Safety Code § 103425 states that:

- (a) Whenever a person has undergone clinically appropriate treatment for the purpose of gender transition, the person may file with the superior court in any county seeking a judgment recognizing the change of gender.
- (b) If requested, the judgment shall include an order that a new birth certificate be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States

The California Department of Health Services, Office of Vital Records web site (at <http://www.cdph.ca.gov/programs/ovr/Pages/default.aspx>) provides instruction booklets on how to amend a birth certificate to reflect a legal name change, and to obtain a new birth certificate after gender reassignment surgery. Go to "Birth, Death & Marriage Certificates" a link on the left navigation bar, and then select "Correcting and amending vital records" in the center of the screen; then select "Obtaining a New Certificate After Gender Reassignment" or "Court Order Name Change," depending on your situation. Alternatively, go directly to <http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx> to download the instruction booklets.

In short, to change your birth certificate to reflect a name or gender change you will need:

- a. For Name Change complete a form VS 23 (Application for Amendment of Birth Record to Reflect Court Order Change of Name)
- b. For Gender Change complete a form VS 24 (Affidavit to Amend a Record),
- c. Pay fee set out in information packets
- d. Provide a CERTIFIED copy of the court order
- e. Provide a photocopy of your birth certificate (if you have it)

Forms VS 23 and VS 24 must be originals, on the Department's special bond paper. You can get forms VS 23 and VS 24 in one of three ways:

- a. Order via the internet at <http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/CorrectingorAmendingVitalRecords.aspx> and click "CDPH-VR Forms" hyperlink in center of page, then retype the security code provided--delivery by mail takes about 2 weeks;
- b. Call Department of Health Services Forms Customer Service at (916) 445-2684;
- c. Pick up at a local office:

San Diego County Department of Health  
And Local Registrar of Births & Deaths  
3851 Rosecrans Street, Suite 802  
San Diego, CA 92110

San Diego County Recorder  
1600 Pacific Highway, Room 260  
San Diego  
Birth Certificates office (619) 237-0502

(619) 692-5733

*How to Change Your Name in California*, Ref Desk KFC 109 .L6 2011 also covers changing a birth certificate to reflect when an adult has new gender or name information.

Related and subsequent procedures and sample forms for amending a birth record to reflect a sex change can be found in 32 *California Legal Forms*, sections 101.157 and 101.220[1][g] (KFC 68.C3). Remember, the forms for the Department of Health Services (VS 23 and VS 24) must be on original bond paper received from the Department. Do not use photocopies of the forms found in this book.

If you were born outside of California, you will need to contact the office of vital statistics of that state and find out what procedures they require to change birth certificates.

### **Other Resources**

For additional instructions, fillable forms, and fee waiver forms, go to:

<http://www.transgenderlawcenter.org>