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 **Transgender Law Center**

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Illustrations by Mila Pavlin

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I. INTRODUCTION

This guide was created to help you navigate the often confusing process of obtaining California and federal identification documents that reflect your gender and identity. It is designed to be used without the assistance of an attorney. However, in some cases it may be quickest or easiest to work with one.

The information in this guide should not be considered legal advice. This guide provides you with legal information but does not seek to apply that information to your specific situation. We've tried very hard to make sure that this resource is accurate and up-to-date. Still, the changing nature of laws and policies concerning identity documents makes 100% accuracy nearly impossible. It's also important to note that this is a guide to policy, and how things are supposed to work. Unfortunately, not all judges and other government employees always implement these policies by-the-book.

If you have a question about your specific legal situation, feel free to contact Transgender Law Center's Legal Information Helpline at <http://www.transgenderlawcenter.org/legalinfo> and we'll do our best to answer your question or point you to resources that may be helpful.

II. GETTING STARTED – COMMON QUESTIONS

WHY IS THIS PROCESS SUCH A PAIN?

Many people are surprised to discover that there is no “one stop” process for getting a name and/or gender marker updated to match their gender identity. This is because the agencies that issue identity documents or keep records of your identity have separate (but increasingly networked) systems and there is no central government agency which coordinates all of these databases. For each of these agencies, there is a different process and set of required documents a person needs to gather in order to update their name and gender information on record.

The inclusion of policies in this guide in no way means that Transgender Law Center approves of or supports them. We must continue to work to ensure people can have their identities recognized without so many hurdles. But, until those efforts are successful, we hope this guide will help you navigate the policies that are in place.

CAN I CHANGE MY NAME AND GENDER MARKER IF I HAVEN'T HAD SURGERY? WHAT IF I'M NOT ON HORMONES?

Yes. Although some states still require proof of surgery to update identity documents, neither surgery nor hormones are required to change identity documents issued by California or the federal government. Even in cases where a doctor's letter is required to update a document, there is often not a strict standard for what medical treatment that involves. See specific sections of this guide for details.

IF I AM FROM OUTSIDE OF CALIFORNIA, CAN I STILL USE THIS GUIDE?

At least some parts may be useful. It's important to understand that some identity documents, including driver's licenses, state IDs, and birth certificates, are issued by individual states, and so those states determine the process of updating them. Other identity documents, including passports, Social Security cards, and immigration documents, are issued by the federal government, so decisions about the process of updating them fall to the federal government. This guide covers both processes specific to California and shared by anyone looking to update US federal documents.

To help you identify the sections of the guide that are relevant to you, here is a summary of which sections apply to which people:

- **Name and/or Gender Change Court Orders** (Section III) – People who currently live in California (regardless of where they were born)
- **Social Security Administration** (Section IV) – People who have (or are applying for) a Social Security number
- **California Department of Motor Vehicles** (Section V) - People who have (or are applying for) a CA driver's license or ID card
- **California Birth Certificate** (Section VI) - People who were born in California (regardless of where they live now)
- **US Passport** (Section VIII) - People who have (or are applying for) a U.S. passport
- **Immigration Documents** (Section IX) - People who have immigration documents issued by U.S. Citizenship and Immigration Services (USCIS)

If you would like information about obtaining a name and/or gender change court order in another state, or updating the information on identity documents issued by other states, please contact our Legal Information Helpline at www.transgenderlawcenter.org/legalinfo, or visit the Identity Documents Center maintained by our friends at the National Center for Transgender Equality at www.transequality.org/documents.

IF I AM UNDER 18 YEARS OLD, CAN I STILL USE THIS GUIDE?

You absolutely can, although most of the policies and laws around ID changes require that a person be age 18 or older, or an emancipated minor, in order to change their documents on their own. If you are under 18 and not emancipated,¹ you'll need to have the approval of your parent(s) or guardian(s) throughout the process. We do our best to note when different steps must be taken if the person whose legal name or gender is being changed is a minor.

IF I AM CHANGING MY MINOR CHILD'S DOCUMENTS, CAN I USE THIS GUIDE?

Absolutely. Though the guide is addressed to someone changing their own documents, every one of the documents discussed in this guide may be changed by a parent or guardian on behalf of their minor child. We do our best to note when different steps must be taken when the person whose legal name or gender is being changed is a minor.

IN WHAT ORDER SHOULD I CHANGE MY DOCUMENTS?

There is no one correct process for changing your documents to reflect your gender identity, in part because some people may not want to change all their documents, and in part because not all documents may be able to be changed. With a few exceptions, which we've noted, you can generally update your documents in any order, according to your own priorities and needs. We have developed the outline below to illustrate one possible path you may take (Please note that this outline is most applicable to people changing both their name and gender as a part of their transition. If you aren't changing your name, you will probably be able to skip step 1.)

¹ Legal emancipation is a process that sets a person free from the legal restrictions of being a minor. This is also a process that grants and requires them to take on the legal responsibilities of a legal adult. If you would like more information about this process, contact our Helpline at www.transgenderlawcenter.org/legalinfo.

1. **Go to court** to get your name and/or gender change court order. You need a court order to change the name on your documents.
2. **Go to the Social Security Administration (SSA)** to update information in your SSA records and on your Social Security card. (If you are changing your legal name, you must change your name on record with SSA before going to the DMV.)
3. **Go to the California Department of Motor Vehicles (DMV)** to change your name and/or gender on your driver's license or state ID.
4. **Update birth certificate, passport, and non-governmental records.** The order in which you change information on your passport, your birth certificate, and your non-governmental records depends largely on your own needs and priorities.

SPECIAL CIRCUMSTANCES: SCHOOL RECORDS

If you are currently enrolled in a K-12 school, vocational program, college, or university, you may want to request that your school records be updated as soon as you have your court order. In some circumstances, you can request that some of your school records be changed prior to getting a court order. With a few exceptions, it is generally possible to update diplomas or other records from schools you used to attend (see page for more information).

SPECIAL CIRCUMSTANCES: IMMIGRATION RECORDS

If you have immigration documents, it may make changing your Social Security Administration records easier if you change your immigration documents between Steps 1 and 2 above. As always, please consult with an experienced immigration attorney before making contact with the government. There are situations where applying for updated immigration documents can lead to a person being placed into removal proceedings.

IF I FOLLOW THESE STEPS, WILL MY OLD IDENTITY BE A COMPLETE SECRET?

While it has generally become easier over the past decade to update name and gender information with the state and federal agencies that issue identity documents and keep records of your identity, the technology of data management has also improved. This has reduced people's ability to remain in control of information about their identity. For instance, a person's previous legal name may be revealed through a background check or a credit report, or they may be required to disclose it in court proceedings or certain kinds of applications.

The bottom line is that it is unfortunately difficult to ensure that your old legal name or gender will never be known to someone without your consent, but it's also possible that it will never come up; it depends largely on individual circumstances. Please see Section XIV for a fuller discussion of privacy and disclosure.

III. COURT ORDERS

WHAT IS A COURT ORDER?

A court order means that a California judge has officially legally recognized your change of name and/or gender.² While it is possible to change the gender marker on most forms of ID without a gender change court order, changing your name on nearly all forms of ID requires a name change court order.

As a general rule, you can only obtain a court order in the county where you currently live. Even if you want to change your birth certificate and you were born in another state, you would request a court order from the county where you currently live.

In California, people generally have the right to change their name for any legal reason (illegal reasons would include changing your name with the intention to commit fraud or impersonate someone else). But if the reason you are changing your name is to better match your gender identity, you are entitled to certain protections designed to protect your safety and privacy: in particular, you do not have to attend an in-person hearing unless someone files an objection to your petition, and you do not have to publish the name change in a newspaper.

To obtain a court order, you will need to fill out a set of forms, file them with the appropriate branch of the Superior Court in the county where you live, and either pay the filing fee or be approved for a fee waiver.

The Court will review your forms. If all the paperwork is complete and you have met all the required legal criteria, the Court will issue an order changing your name and/or gender. (The Court will let you know when and where you can pick up the order.) Being issued this order will not automatically update the name or gender on any of your identity documents, but you can use certified copies of this order to change your name on most identity documents.

² The courts use the phrase “change of gender.” We know this phrase does not accurately reflect the process of transitioning for many transgender people.

The order will also act as a “link” between your current and former identities, in case you have any records or documents on which you cannot update your name but need to demonstrate that those documents refer to you.

In California, as of September 2018, it is not necessary to provide any medical documentation in order to obtain a court-ordered change of gender. Instead, you only need to sign a personal affidavit stating that your request for a change in gender is to conform your legal gender to your gender identity and not for any fraudulent purpose.

It is also possible, as of September 2018, to request a court-ordered change of gender to nonbinary. Obtaining an official notice that the courts recognize one’s nonbinary identity can be personally validating, and some agencies and institutions that issue documents or maintain records of a person’s gender may update those documents or records if you present them with such a court order. However, please note that different agencies have different processes; in many cases, simply having a gender change court order is not enough in itself to update the gender marker on one’s documents or records, and many agencies can only issue documents with male or female gender markers. We will do our best to note in each section what documentation is required to update the gender marker with specific agencies and whether gender markers other than male or female are available.

There are four sets of forms that someone can use to petition for a name and/or gender change court order in California: change of name only for an adult or minor (NC-100 series); change of name and gender for an adult (NC-200 series); change of gender only for an adult (NC-300 series); and change of name and gender OR change of gender only for a minor (NC-500 series).

DO I NEED A GENDER CHANGE COURT ORDER TO CHANGE THE GENDER MARKERS ON MY ID?

Most likely you do not, but it depends on a number of individual circumstances.

You do not need a gender change court order to update the gender marker on any forms of ID issued by California or the federal government. The main case in which gender change court order is necessary is for people who were born in a state that requires a gender change court order to update the gender marker on a birth certificate. You can check the National Center for Transgender Equality’s ID Documents Center

(<https://transequality.org/documents>) to see if this is true for your birth state, and contact TLC's Legal Information Helpline (<https://transgenderlawcenter.org/legalinfo>) for further information about the process of updating your birth certificate.

On the other hand, though it may not be necessary to obtain a gender change court order, note that petitioning for a joint name and gender change court order isn't any more expensive or lengthy a process than petitioning for a name change court order only. So, if you've already decided to pursue a name change court order, you may decide it's worth obtaining a joint name and gender change court order as long as you are already going to court and paying the fee. Also, since you can submit a gender change court order in place of a doctor's letter to update your Social Security information, requesting a joint order may save you a trip to the doctor.

However, if you are only looking to update the gender marker - not the name - on your documents, and you were born in a state that does not require a gender change court order to update your birth certificate, it may not be worth the expense and delay to seek a court order. However, some people still choose to, because they appreciate having the extra documentation for security. In any event, it is fundamentally up to you.

CAN I GET A CONFIDENTIAL COURT ORDER?

Most court documents are part of the public record by default. This means that (though this is not a common occurrence) someone could, in theory, submit a request for public information to the Court and view your name/gender change court order.

It is possible to request a confidential court order, so your new name does not appear on the public record. In an even smaller number of cases, people may be able to file their petition under seal, which means that the Court keeps all records related to the name change case entirely separate from the public files.

There are programs for survivors of domestic violence or stalking that make it easier to request a confidential or sealed court order. If you are in this situation, you would need to register with the Safe at Home program (<https://www.sos.ca.gov/registries/safe-home/>) and follow the instructions at

<http://www.courts.ca.gov/documents/nc400info.pdf> to request confidentiality or document sealing.

Unfortunately, the California courts have not created a system to help people who are not survivors of domestic violence or stalking petition for confidential or sealed court orders in a straightforward way; however, it is possible to do so. You may want to speak with a lawyer with experience in this area to help you draft a petition.

HOW MUCH DOES A COURT ORDER COST? WHAT ABOUT A FEE WAIVER?

Unless you qualify for a fee waiver, the county courthouse will charge you a fee for filing your petition for a court order. As of September 2018, the fee in almost every California county is \$435 (see the chart available at <http://www.courts.ca.gov/documents/filingfees.pdf> for a list of fees). Notable exceptions include San Francisco and Riverside counties, where the fee is \$450. Most counties have a website for their local Superior Court where you can double-check the current fee in your county. A list of all the Superior Courts with links to their contact information can be found here: <http://www.courts.ca.gov/find-my-court.htm>.

Also, note that certified copies of court orders cost about \$25 each; most people need to obtain at least three certified copies, depending on how many documents they are looking to update.

The courts do offer a **fee waiver** for those who can't afford to pay the filing fee. If the court approves your request for a fee waiver, you do not have to pay the filing fee and should also be able to obtain up to three certified copies of your court order for free. There are three ways to qualify for a fee waiver:

1. **If you currently receive certain means-tested public benefits** such as food stamps, SSI (Supplemental Security Income), cash assistance, or Medi-Cal, you are automatically eligible for a fee waiver.
2. **If your income falls under a certain limit** based on the number of people in your household, you are also automatically eligible. A chart is available on the form: <http://www.courts.ca.gov/documents/fw001.pdf>.
3. **If you do not receive any of these public benefits and your income falls over the limit, you may still qualify**, but you must

provide the Court with information about all of your income and expenses, and they will determine whether you are eligible. Some courts are very open to waiving fees; others are not. It depends on the county in which you live.

Fee waiver petitions are submitted together with the rest of your forms. If your fee waiver petition is granted, you don't need to do anything else. If it is denied, the Court will let you know how they want you to pay the filing fee. If the Court needs more information to make a judgment on the filing fee petition, they may schedule a hearing. If they do this, they will let you know when and where this will take place.

SPECIAL INFORMATION FOR PEOPLE UNDER 18:

If you are under the age of 18 and are not an emancipated minor, you cannot petition for a name and/or gender change court order by yourself. For a name change only petition, your parent(s) or guardian(s) must file the petition on your behalf. For a gender change only or joint name and gender change petition, you are listed along with your parent(s) or guardian(s) as a petitioner, but at least one parent or guardian must petition.

If you have more than one parent, it is best if your parents are willing to file the petition jointly. If they are not, the parent filing the petition may have to take some extra steps required by the court (like mailing a notice of the proposed name and/or gender change to the other parent). When notice is required, even if one parent has full custody, they still must notify the other parent. The only exceptions to notifying the other parent are when that parent has had their parental rights terminated, or if the other parent cannot be located. While the other parent can object, we are not aware of any cases where a judge has denied a change of name petition simply because one parent objects. However, if this happens to you, please contact our Helpline at <https://transgenderlawcenter.org/legalinfo>.

The process of filing a minor's petition is also slightly different when the person filing the petition is the minor's guardian rather than their parent. The courts clearly recognize a parent's right to file these petitions, but a guardian must make their relationship to the minor clear to the judge. For that reason, a guardian has to submit additional forms (see below).

SPECIAL INFORMATION FOR NON-CITIZENS:

You do not need to be a U.S. citizen or permanent U.S. resident to get a California name change court order. The courts are not allowed to deny access to any state resident regardless of immigration status. However, if you do face barriers because of your immigration status, please contact us for more information or assistance.

With recent increases in immigration law enforcement, there may be some risk involved in using the court system in some areas. Non-citizens should speak with experienced local immigration attorneys before going to court.

SPECIAL INFORMATION FOR PEOPLE WHO ARE INCARCERATED, ON PAROLE, OR ON THE STATE SEX OFFENDER REGISTRY:

As of September 2018, if you are in prison or jail or are on parole in California, you have the right to petition for a name and/or gender change court order without first obtaining permission from your warden, parole officer, or the Secretary of the Department of Corrections and Rehabilitation.

However, at the time you file your petition, you must provide a copy of the petition to the relevant department: the California Department of Corrections and Rehabilitation (CDCR), if you are in prison or on parole; the sheriff's department, if you are in jail. CDCR or the sheriff's department determine how you ought to submit this notice; please ask officials at your institution about their specific process. The CDCR or the sheriff may file objections to the petition, in which case the court would schedule a hearing and make a determination.

If you obtain a name change court order, all your departmental records will be updated; prior names may only be listed as aliases.

Transgender Law Center has collaborated with the [TGI Justice Project](#) and the ACLU to create a more in-depth guide to name/gender changes for incarcerated people. Please contact our Helpline (<https://transgenderlawcenter.org/legalinfo>) or write our Detention Project (PO Box 70976, Oakland, CA 94612) for a copy.

State law also has special rules for people who are on the state sex offender registry. In this case, the court will change your name only if it determines

that granting your petition “is in the best interest of justice” and will not adversely affect public safety. While you do not need to get permission from the police or a parole officer in order to change their name, a judge has more power to deny their petition if the judge thinks that the person is requesting the change of name specifically because of the registry. If you are in this situation, it may be a good idea to get a letter from the police station where you have to register supporting your request for a name change. This letter does not need to be anything more formal than the police officer’s recognition of your request and lack of opposition to your name change. This letter is not required, but it may be persuasive for the judge.

If you are required to register, and your name change petition is granted, you must notify the chief of police of the city where you live, or the county sheriff if you live in an unincorporated area, and also the chief of police of a campus of a University of California or California State University if you live on the campus or in any of its facilities, within five working days.

SPECIAL INFORMATION FOR PEOPLE BORN IN THE STATE OF TEXAS:

Generally speaking, states are required to honor court orders issued by other states, so if a person was born in a state where a court order is required to update the sex marker on a birth certificate, and later moved to another state, they could use a court order from their current state to do so. But Texas insists that the linguistic distinction between "sex" and "gender" exempts them from this requirement and won't accept a “change of gender” court order; it must say “change of sex.”

As a result, we generally recommend that Texas-born Californians who are petitioning for a gender change court order cross out "gender" on their court order forms (NC-230 or NC-330) and write in "sex" before they file. This edited document is still legally binding as long as the judge signs it. If you have any questions about this, please contact our Helpline at <https://transgenderlawcenter.org/legalinfo>.

SPECIAL INFORMATION FOR PEOPLE WHO HAVE CHANGED THEIR NAME PREVIOUSLY:

If you have already changed your name (due to marriage or any other reason) prior to transitioning, you should strongly consider listing your previous name

as an FKA or “Formerly Known As” in your name change petition whenever the form asks for your current legal name. This is especially relevant if you would like to update your birth certificate and it lists your previous legal name. You may also want to list an FKA if you have ever used other names for official purposes and want to updated all of you information to match your new name—for example, if you used a different name earlier in your transition, and that name is on a lease.

Vital records agencies in many states, including California, are very particular about the way names are listed on court orders and will not update a birth certificate unless the name on the birth certificate is mirrored exactly in the previous name on a court order.

If you have already obtained a court order where your former name does not match the name on your birth certificate (for instance, if you obtained a court order changing your name from "OldFirstName MarriedLastName" to "NewFirstName MarriedLastName"), you will need to either amend your court order OR have the court order set aside and obtain a new court order with the correct information.

Many trans people who have changed their names due to marriage want their birth certificates to reflect their pre-marriage last names. Unfortunately, California Vital Records is also quite particular about only issuing amended birth certificates so that the new name on the birth certificate matches the new name on the court order.

The only way we are aware of for an individual to update their CA birth certificate to reflect a pre-marriage last name and a post-transition first name is to go through the court process twice. In other words, they would follow the following four steps:

1. Obtain a court order changing their name from "OldFirstName MarriedLastName (FKA OldFirstName PreMarriageLastName)" to "NewFirstName PreMarriageLastName"
2. Update their birth certificate from "OldFirstName PreMarriageLastName" to "NewFirstName PreMarriageLastName"
3. Obtain a court order changing their name from "NewFirstName PreMarriageLastName" to "NewFirstName MarriedLastName"
4. Update their other documents using the two court forms in conjunction.

WHAT STEPS DO I HAVE TO TAKE IN ORDER TO OBTAIN A COURT ORDER?

STEP 1: FIND THE APPROPRIATE FORMS FOR YOUR SITUATION

In order to get any court order, you must first complete the basic paperwork. The forms you need to fill out depend on whether the name/gender change is for an adult or a minor, and whether you are seeking a name change, gender change, or joint name and gender change.

You can get blank copies of all these forms from your local county courthouse, or directly from the California courts' website. The California court system offers guides containing links to different forms at <http://www.courts.ca.gov/selfhelp-namechange.htm> and an index of all forms at <http://www.courts.ca.gov/forms.htm>.

You can also obtain pre-assembled packets of all the forms you need on our website at <https://transgenderlawcenter.org/resources/id/id-please>.

Here are lists of the forms you will need, depending on which category you fall into:

ADULTS

- **Adult** seeking legal **name change only**:
[NC-100](#), [NC-110](#), [NC-125/NC-225](#), [NC-130](#), [CM-010](#)
- **Adult** seeking legal **name and gender change**:
[NC-200](#), [NC-110](#), [NC-125/NC-225](#), [NC-230](#), [CM-010](#)
- **Adult** seeking legal **gender change only**:
[NC-300](#), [NC-330](#), [CM-010](#) (and a certified copy of any previous name change court orders, if you have changed your name in the past)

MINORS

- **Minor** seeking legal **name change only**:
[NC-100](#), [NC-110](#), [NC-125/NC-225](#), [NC-130](#), [CM-010](#)

- If the person filing the petition is a guardian, add [NC-110G](#), and replace NC-130 with [NC-130G](#)
- **Minor seeking legal name and gender change:**
[NC-500](#), [NC-110](#), [NC-230](#), [CM-010](#)
 - If the person filing the petition is a guardian, add [NC-110G](#)
 - If all legal parents sign the petition, add [NC-125/NC-225](#)
 - If not all legal parents sign the petition, add [NC-520](#) and [POS-040](#)
- **Minor seeking legal gender change only:**
[NC-500](#), [NC-330](#), [CM-010](#) (and a certified copy of any previous name change court orders, if applicable)
 - If not all legal parents sign the petition, add [NC-520](#) and [POS-040](#)

FORMS FOR FEE WAIVERS AND DISABILITY ACCOMMODATIONS

If you want to request a fee waiver for the filing fee (\$435-450):

- Add [FW-001](#) and [FW-003](#)

If you want to request accommodations for a disability:

- Add [MC-410](#)

** Please note that some counties have additional county-specific forms that must be submitted with the standard forms. These are usually county-specific cover sheets or background check forms. See if your county requires extra forms by contacting the court or consulting the chart in Appendix I.

STEP 2: FILL OUT THE FORMS

We have assembled samples of filled-out forms for each type of petition you may want to fill out, as well as step-by-step instructions for filling out the forms. They are available here:

<https://transgenderlawcenter.org/resources/id/id-please>

Regardless of which forms you are filling out, keep in mind that when you are asked to list your “current” name, that generally means the name you were given at birth. If you have legally taken on a new name through a court order, marriage, or adoption, you should list that name as your “current” name, but also include your name at birth as an FKA (“Formerly Known As”). You should also list this name wherever it asks for “petitioner” even if you’ve been using your chosen name for many years and have identification in that name. You should put your chosen name wherever the form asks for “proposed name” or “new name.”

STEP 3: FILE THE FORMS AT THE COURTHOUSE

After completing your forms, you should make two copies of all forms. You may not need this many, but it is good to have multiple copies just in case. Your paperwork must be filed in the Superior Court in the county where you live, generally at the location that handles “unlimited civil” cases. We have provided the location of the courthouses where name/gender change petitions may be filed in the chart in Appendix I. You can also always call a courthouse’s “civil clerk’s office,” and ask if that particular courthouse processes name changes.

It may be possible for you to file your petition for a name and/or gender change by mail. To do this, you would need to fill out the necessary forms, include a check for the fee amount (or your request for a fee waiver), and include additional copies of the forms and a self-addressed return envelope with postage paid. Some counties’ Superior Courts will allow electronic filing; more information is available in the chart in Appendix I.

Unless you are submitting a request for a fee waiver, you should expect to pay your filing fee when you submit your paperwork. If you are submitting a request for a fee waiver, you will either be told on the spot if your fee is waived or informed by mail. If the fee is not waived and you disagree with the decision, you should ask to speak to the judge and explain why you need a waiver.

When you file your forms, ask the clerk for the date when you can expect to have a ruling on the name/gender change petition, how you will be notified of the ruling, and where you will be able to pick up the signed order and obtain certified copies. Depending on the courthouse’s current workload, you should

expect that the court will rule on the petition and that you will be able to pick up signed copies of the order between six and twelve weeks from the day you file.

Clerks are generally helpful and informed, but occasionally they will misunderstand the law or not be up to date on it. If you encounter a clerk who tries to tell you that you need to publish notice of your name change in a newspaper, wants to schedule you a hearing, or insists that you need a doctor's letter to file your paperwork, you may want to share the text of the laws that removed these requirements, [AB 1121](#) and [SB 179](#). If you continue to have issues, please consider contacting our Helpline at <https://transgenderlawcenter.org/legalinfo>.

If you are filing for a gender change or joint name and gender change for a minor and only one parent is signing, the other parent must be served the court documents within 30 days of the paperwork being filed. For more information on how to serve, see the last page of POS-040.

STEP 4: ATTEND THE COURT HEARING, IF REQUIRED

As of September 2018, adult petitioners will not have to attend a hearing if no one has contested the name and/or gender change. While the clerk is supposed to contact you if a hearing is scheduled, it may still be a good idea to call the clerk to confirm that the petition is uncontested six weeks after filing your petition.

A hearing will be scheduled for gender changes or joint name and gender changes for minors only if the minor has at least one living parent who doesn't sign the petition. If the non-signing parent doesn't file a written objection with the court at least two days before the hearing date, the Court will grant the petition without a hearing. Call the Court two days before the hearing is scheduled to see if you must attend.

If you do have to attend a hearing, you should bring copies of all of your paperwork with you. It is especially important that you bring your decree (NC-130, NC-230, or NC-330).

During the hearing, there may be other people in the room with you who are also changing their name and/or gender. The judge may ask you questions regarding your paperwork at the hearing. Note that the clerk or judge may

call you by your old name if that is the name on your petition. If you are concerned about your privacy, you can ask the clerk to hold your petition until last. It's up to the clerk whether they will honor the request, but it is worth asking if you would like to increase your privacy. Some courts automatically put gender-related name changes at the end of the hearing.

Many California judges do a great job of providing a supportive and non-discriminatory environment in courtrooms for transgender people. However, in rare cases, judges have misunderstood California law regarding name or gender change court orders or have let their personal beliefs about your transition interfere with their duty. If you encounter a judge who exhibits bias or fails to follow the law in the course of a hearing, you have the right to request a continuance. You are also welcome to contact our Legal Information Helpline at www.transgenderlawcenter.org/legalinfo.

STEP 5: GET COPIES OF YOUR COMPLETED ORDER

Once your name and/or gender change has been approved, it is generally advisable to get several certified copies of the order from the court clerk. This is because most agencies (such as passport offices and the Social Security Administration) require original certified copies of the order to change your name in their records. These agencies may never return the certified copies you provide them or may only do so after a long delay.

As a result, it is a good idea to get between two and four copies depending on the number of identity documents you want to change. Each county has a different fee for making certified copies, but they are generally around \$25. If you are approved for a fee waiver, three copies should be provided for free. Generally, you can always go back to the same courthouse and get more certified copies of your name and/or gender change order if need be.

A NOTE ABOUT COMMON-LAW NAME CHANGES:

Under California law, you have the legal right, with some restrictions,³ to change your name by the common-law or usage method. To do this, you

³ Cal. Civil Procedure Code § 1279.5(a).

would simply adopt a new name and use it continuously and exclusively for a period of time.

However, while this method is still technically a legal way to change a name in California, it is one that is becoming harder and harder to use. At this time, most financial institutions, the California DMV, and the Social Security Administration will recognize only a court-ordered name change, because without a court order, they cannot verify the link between your current and former identities. For these reasons, we are urging people to consider obtaining a court-ordered name change.

Referencing a “common-law name change,” may be useful in certain circumstances, though. For example, if you have not yet obtained a court order, but you would like to change your name at work, and your employer attempts to require a court order.

IV. SOCIAL SECURITY ADMINISTRATION

SOCIAL SECURITY AND NAME CHANGES

After you obtain your court order, you may want to go next to the Social Security Administration (SSA) to change your records and get a new Social Security card. This is because if you are planning to change the name on your California driver's license or state ID, you need to change your name with the SSA first. Additionally, changing your name and/or gender with the Social Security Administration may alleviate some workplace issues.

The SSA requires an individual to submit proof of a "legal" name change in order to change their name on Social Security records. In most cases, a "legal" name change means a court order. Generally, the only other proofs of name change that the SSA will accept are proofs of name change by marriage, adoption, divorce, or Certificate of Naturalization.

SOCIAL SECURITY AND GENDER MARKER CHANGES

Though your Social Security card does not list your gender, the SSA does have a gender marker in its computer systems. Though, in most circumstances, you do not need to change your gender with Social Security to change your gender on your California driver's license or state ID, it can still be important to change your gender on your SSA account. This is because other agencies and entities may look to Social Security to verify your gender.

Unfortunately, the Social Security Administration does not recognize nonbinary gender markers. If you are nonbinary and are interested in updating your Social Security records to reflect a different binary gender, you do have that option. The SSA is also currently (as of October 2018) refusing to assign Social Security numbers to infants whose birth certificates were issued with a nonbinary or dash (-) gender marker or amended to include before the parents applied for a Social Security number. We are currently engaged in advocacy with the SSA to change this practice.

To view the SSA's current policy for processing changes of the gender on record, see <https://secure.ssa.gov/poms.nsf/lnx/0110212200>.

Surgery is no longer required to change the gender marker on SSA records. However, the SSA will continue to accept an original or certified letter from a physician stating an individual has undergone sex reassignment surgery.

The SSA will accept several different documents to update the gender marker in their records; see below. All documents you submit must be either originals or copies certified by the issuing agency. The SSA won't accept photocopies or notarized copies of documents. As in most other situations, if you are under 18 and are not emancipated, you will need the permission of your parents or guardians in order to change your name on your SSA account. There is no charge to get a corrected Social Security card; the service is free.

The process of changing the name on a Social Security card is addressed on the SSA website at <https://faq.ssa.gov/en-US/Topic/article/KA-01981>; the page on gender marker changes is <https://faq.ssa.gov/en-us/Topic/article/KA-01453>.

STEPS FOR UPDATING YOUR NAME AND/OR GENDER ON RECORD WITH THE SSA:

STEP 1: FILL OUT FORM SS-5

Complete an Application for a Social Security Card, Form SS-5. When completing Form SS-5, list your new legal name. Form SS-5 is available at Social Security offices or at <http://www.socialsecurity.gov/online/ss-5.html>.

STEP 2: GATHER DOCUMENTS

You will need to bring documents proving the following:

- **U.S. citizenship or immigration status** (e.g., a birth certificate or passport. This does not need to be in your current name or gender, as long as you can document the link between your former and current legal identities, e.g., with a court order.)

- **Identity** (e.g., a driver's license or other photo ID. This does not need to be in your current name or gender, as long as you can document the link between your former and current legal identities, e.g., with a court order.)

STEP 3: FOR THOSE CHANGING THEIR NAMES

If changing your name, include proof of your change of name (Usually, a certified copy of your court order. Alternatively, proof of name change through marriage, adoption, divorce, or Certificate of Naturalization.)

STEP 4: FOR THOSE CHANGING THEIR GENDER MARKERS

If changing your gender marker, include one of the following:

- A medical certification of "appropriate clinical treatment for gender transition" in the form of an original signed statement from a licensed physician, e.g., an M.D. or D.O. (a model physician's statement is provided as Appendix II at the end of this guide on page); or
- A full-validity 10-year passport with the new gender marker; or
- A state-issued birth certificate with the new gender maker; or
- A court order directing legal recognition of the new gender (note that, unfortunately, the SSA can only recognize court orders directing a change of gender to male or female).

STEP 5: VISIT THE SOCIAL SECURITY OFFICE

Take your completed application and documents to your local SSA office (for an office locator tool, see <https://secure.ssa.gov/ICON/main.jsp>). You can also mail your application to the SSA office.

Generally, individuals have no issue updating the information on record with the SSA as long as they are able to provide the documentation above, but in rare cases, the SSA may not be able to match your old name with your current identity. The SSA has a policy that requires an applicant to show additional identification in these cases. The policy is available on the SSA website (<https://www.ssa.gov/ssnumber/ss5doc.htm>):

“If the document you provide as evidence of a legal name change does not give us enough information to identify you in our records or if you changed your name more than two years ago (four years ago if you are under 18 years of age), you must show us an identity document in your prior name (as shown in our records). We will accept an identity document in your old name that has expired.

If you do not have an identity document in your prior name, we may accept an unexpired identity document in your new name, as long as we can properly establish your identity in our records.”

If you experience difficulty because of this policy, please contact us.

If you have the misfortune to encounter an SSA employee who does not understand the SSA's policies or who has some bias against transgender people, do your best to keep calm. We would recommend asking for a supervisor, and if that does not help, you should not hesitate to try another office if there is one nearby.

SPECIAL INFORMATION FOR PEOPLE WHO RECEIVE SSI/SSDI:

Changing your name and/or gender marker in your SSA account will not automatically change the information on your SSI/SSDI (Social Security Insurance/Disability Insurance) account. If you have an SSI/SSDI account, you should tell the SSA to change your name and/or gender on this account as well. For more information about updating your name and gender on Medi-Cal, SSI, and/or SSDI records, see page

SPECIAL INFORMATION FOR PEOPLE WITH IMMIGRATION DOCUMENTS:

It may be a good idea for you to change your name and/or gender with U.S. Citizenship and Immigration Services (USCIS) before going to the SSA. This is because the SSA now verifies a person's immigration status when they change the name in their SSA records. If your new name is already in your immigration service records and on your immigration documents, it could speed up the verification process. As always, you should consult with an experienced immigration attorney before initiating contact with the government. There are situations where applying for updated immigration documents can lead to a person being placed into removal proceedings.

V. CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Currently, to change your name on a California driver's license or state ID, you must submit a certified copy of a name change court order and fill out form DL 44. To change your gender designation on a California driver's license or state ID, and you must fill out and submit form DL 329, "Medical Certification and Authorization, Gender Change." **(This process will change in January 2019, when only a personal affidavit on the part of the applicant will be required to update their gender designation.)** Note that a gender change court order will not work to update the gender designation on a California license or state ID; an applicant must fill out the DMV's own form.

You do not need to have undergone any specific medical treatment (i.e. there is no requirement that you've undergone hormone therapy, mental health services, or surgery) in order to change your gender marker using form DL 329. Note that, unlike the Social Security Administration or the passport office, the DMV will not accept a physician's letter. Your physician or psychologist must actually fill out form DL 329.

Form DL 329: Medical Certification and Authorization, Gender Change. The form is filled out with handwritten information. Section 1 (Applicant's True Full Name) is completed with 'JANE AS BROWN', 'SAN FRANCISCO, CA', '94108', 'A 352828', '010-00-1999'. Section 2 (Certification) is signed by 'JANE AS BROWN' on '02/01/19'. Section 3 (Physician/psychologist information) is completed by 'DR. JANE AS BROWN', 'SAN FRANCISCO GENERAL HOSPITAL', '1001 PIERCE AND SAN FRANCISCO, CA 94108', signed on '02/01/19'.

Before changing your name on your California driver's license or state ID, you will first need to obtain a name change court order and update your name with the Social Security Administration (SSA). This is because the DMV links its computer system with the SSA's computer system to verify the information on a driver's license application. This requirement applies to California residents seeking to change their existing California driver's licenses, as well to people who are moving to California from out of state and wish to obtain a California driver's license in a name different than the one appearing on their out-of-state ID.

Note: If you wish to change both the name and gender marker on your California driver's license or state ID, it is best to do both at the same time, if at all possible. This is because when both are changed at the same time, the name change is sealed in the DMV's records. When a name change is not done at the same time as a gender marker change, the record is not sealed, and can be seen by third parties, such as the police or auto insurers.

SPECIAL DMV INFORMATION FOR PEOPLE UNDER 18:

If you are under 18 and are not emancipated, you need a parent or guardian's permission to change your name and gender on your California driver's license, provisional driver's license, or state ID card. The steps for doing so are nearly identical to those followed by an adult.

To change your name on a state ID if you are under age 18, you must first obtain a valid name change court order. A parent or guardian must then complete DL 44 and submit it to the DMV along with a copy of the name change court order. To change your gender marker if you are under 18, you must have a physician complete DL 329 and bring it to the DMV. It is also a good idea for both you and your parent or guardian to sign DL 329.

STEPS FOR CHANGING YOUR GENDER WITH THE DMV:

STEP 1: OBTAIN FORM DL 329

The DL 329 "Medical Certification and Authorization (Gender Change)." is available at your local DMV or can be downloaded from the DMV website: <https://www.dmv.ca.gov/portal/wcm/connect/683f91d7-5c27-4260-970e-c23139bb8e22/dl329.pdf?MOD=AJPERES>.

STEP 2: FILL OUT FORM DL 329 WITH YOUR DOCTOR OR PSYCHOLOGIST

This form is somewhat complicated. **Beginning in January 2019, medical certification will no longer be required at the California DMV.** However, until then, it is important that you work with your physician or psychologist to ensure that the form is completed correctly. Make sure that your physician or psychologist fills in EVERY line on the form. No line should be left blank. The DMV will send back any form that has a blank line.

If the form requires information that the physician or psychologist doesn't have or is not relevant, the line should be marked with "N/A." For example,

some doctors do not have medical case numbers and instead file their cases under a patient's last name. If this is true for your doctor, they should write your last name on this line. Also, when a physician or psychologist signs the form at the bottom, make sure they list M.D. or Ph.D. after their name.

I certify (or declare) under penalty of perjury under the laws of the State and correct.	
SIGNATURE OF PHYSICIAN OR PSYCHOLOGIST	<i>Sally Physician, MD</i>
X	

Section 1

Fill in all the requested information. Remember to fill in every line of the form.

SECTION 1 – APPLICANT'S TRUE FULL NAME (TO BE COMPLETED BY THE APPLICANT)				
LAST	FIRST	MIDDLE	DATE OF BIRTH (MM,DD,YYYY)	
DOE	JOHN	QUINCY	02-29-1976	
MAILING ADDRESS		CITY	STATE	ZIP CODE
123 MAIN STREET		SAN FRANCISCO, CA	94114	A 99999X
CALIFORNIA DRIVER LICENSE/IDENTIFICATION CARD NUMBER				
RESIDENCE ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)				
SAME AS ABOVE				
DAYTIME TELEPHONE NUMBER			SOCIAL SECURITY NUMBER	
(415) 555-5555			010-00-9999	

Section 2

You should sign your name under penalty of perjury that all the information is correct. Do not forget to sign your initials on the small line on the lower right side of the box authorizing your physician or psychologist to release relevant information to the DMV if necessary. A physician or psychologist must now complete the rest of the form.

ION
any person are confidential and not open to public inspection
lease the information below to the California Department of Motor under my preferred gender. <i>JD</i> (Applicant's Initials)
OOCT LICENCED IN THE UNITED STATES

Section 3

A physician or psychologist must designate whether, in their professional opinion, your "gender identification" and "demeanor" are male or female. A physician or psychologist must also designate whether your gender identification is "complete" or "transitional." Opinions vary on when to check which box. Transgender Law Center's opinion is that as soon as you are expressing your gender identity full-time (regardless of whether you have accessed hormones or surgery) and plan to continue expressing it, your doctor should mark "complete." If your doctor has any questions about this, please let them know that we would be happy to speak with them about it.

Only a physician licensed in the United States can certify that gender identification is complete.
Gender identification is: Complete Transitional
TO BE COMPLETED BY A PHYSICIAN/PSYCHOLOGIST LICENSED IN THE UNITED STA

Note: If your physician or psychologist indicates on your DL 329 that your gender identification is “transitional,” you are required to submit a new form DL 329 every five years. If a new form DL 329 is not submitted, your original gender marker will be restored. Additionally, if your gender identification is marked as transitional, the DMV will maintain both sets of data, as well as your male and female gender records, in the DMV computer system. Under certain circumstances, both records may be visible to third parties, such as auto insurers. Once your gender identification is designated “complete,” the DMV erases your previous name and gender from its records except in an encrypted internal format visible only to DMV staff.

Only a physician (and not a psychologist) licensed in the U.S. can certify that your gender identification is “complete.” If your physician indicates on your DL 329 that your gender identification is “complete,” you should not be required to submit new information about your gender after that to obtain a new or renewed license.

STEP 3: SUBMIT DL 329 AND PAY THE APPLICATION FEE

Finally, the DMV office where you submit the form needs to sign the form and stamp it in the bottom right corner. If the office forgets to sign and stamp the form and submits it to the DMV processing center in Sacramento, the form will be returned to you and you must return to the DMV to have them sign and stamp the form. Save yourself a second trip and politely ask the DMV staff member who is processing your form to make sure it is stamped AND signed.

As of October 2018, the fee for changing name/gender on a California driver’s license is \$28, and on a California state ID is \$30. For a complete list of fees, visit http://www.dmv.ca.gov/dl/fees/driverlicense_fees.htm.

STEP 4: WAIT FOR THE LICENSE OR ID

The DMV will issue you a paper record of your application for a new license at the time you submit your forms; they may ask you to submit your old license or identification card as well. The DMV will mail your actual plastic license or

ID about two weeks after processing your application. You should plan accordingly so that you are not traveling by airplane or train or leaving the country during the time you are waiting for your license or ID.

CHANGING YOUR NAME WITH THE DMV:

You must complete and submit an original form DL 44, which can be obtained at a local DMV office, or by calling the DMV's automated line (800) 777-0133 and requesting that the form be mailed to you. Form DL 44 is not available online because each form has a unique barcode. You will also to provide additional documentation to ensure that the name provided on the application is your full legal name. The most common and acceptable form of documentation is a name change court order.

Documents the DMV will accept in place of a court order are listed at https://www.dmv.ca.gov/portal/dmv/detail/dl/dl_info#truename. However, please note that this document must state your current legal name as you want it to appear on your driver's license. It cannot be your birth or other former name.

IMPORTANT NOTE ABOUT THE IMPLEMENTATION OF THE REAL ID ACT:

California is now offering driver's licenses and ID cards that comply with the federal REAL ID Act. People who are applying for, renewing, or changing information on their driver's licenses or ID cards for the first time since the act was passed and want a REAL ID-compliant license/card will have to present additional documentation at the DMV.

To obtain a REAL ID license or ID card, you must provide:

1. Proof of identity such as an original or certified copy of a U.S. birth certificate, U.S. passport, employment authorization, permanent resident card, or foreign passport with an approved form I-94.
2. Proof of Social Security Number such as an SSN card, W-2, or paystub with full SSN.

3. California residency document such as a utility bill, rental agreement, mortgage bill, or medical document.
4. If your identity document is in a different name, you will need to provide a name change document such as a marriage license, divorce decree or court document."

For more information about REAL ID, see <https://www.dmv.ca.gov/portal/dmv/detail/realid>.

STEPS FOR CHANGING YOUR NAME ON YOUR VEHICLE REGISTRATION RECORD:

If you change your name on your driver's license, it will not automatically change your name on your vehicle registration information. You will have to change your name on this record after you have legally changed your name in court or after you have changed it as a result of marriage or divorce. Here is how to change your name on your vehicle registration information:

STEP 1: SUBMIT A CALIFORNIA CERTIFICATE OF TITLE FOR THE VEHICLE

Submit to the DMV (or to its licensed agent, such as AAA) a California Certificate of Title for your vehicle with your full correct name printed or typed in the "New Registered Owner" section.

STEP 2: COMPLETE THE STATEMENT OF FACTS (REG 256) SECTIONS F & G

You must also complete and submit a Statement of Facts form (REG 256). On the form, you must indicate the reason for the change and sign the bottom of the form. The Statement of Facts form can be found at: <https://www.dmv.ca.gov/portal/wcm/connect/5a40cbcc-a9a9-4a42-ac43-a8564fa552c0/reg256.pdf?MOD=AJPERES>. You should fill out parts F and G (including your reason for your name change). There is no cost to make a name change to your Certificate of Title.

VI. CALIFORNIA BIRTH CERTIFICATES

California law explicitly allows a person born in the state to receive a new birth certificate recognizing their gender identity. The process for changing an individual's name and gender on their birth certificate is a relatively simple process. The Office of Vital Records has created forms and publications to assist with this process. Note that if you are only changing your name on your birth certificate, you will use a different form (VS 23) from the form used if you are changing your gender marker only or your name and gender marker at the same time (VS 24).

It is possible to obtain a California birth certificate with a gender marker listed as nonbinary or - (dash). You do not need a gender change court order for this; you may simply indicate this on the affidavit and form VS 24.

If you live out of state, you can still change your California birth certificate. The requirements and process are the same as those for California residents. Vital Records will accept certified court orders from any US state.

According to the state agency's website (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Processing-Times.aspx>) the processing time to receive a new birth certificate is currently (as of October 2018) six to eight weeks, but we have been told that it can take up to eight months for a person to actually receive the birth certificate in the mail.

After the California Office of Vital Records has received your application, you will either receive a postcard accepting your request or, if rejected, your application will be returned to you along with a letter explaining what corrections are needed. You should expect to wait about 6-10 weeks after your application is mailed for a reply.

If your application is accepted, a new or amended birth certificate will be issued in approximately three months. If you have applied for a name change only, you will receive an "amended" two-page birth certificate. The first page will include your new name and the second page will be a copy of your unchanged, old birth certificate.

If your application is for name and gender change, you will receive a new birth certificate without any notation that it is not your original birth certificate. Your old birth certificate is not destroyed, but is sealed and is only accessible to other individuals if they have a court order.

STEPS FOR CHANGING NAME AND GENDER (OR JUST GENDER) ON A CA BIRTH CERTIFICATE:

STEP 1: COMPLETE THE VS 24 FORM

The VS 24 ("Affidavit to Amend a Record") is available online through the California Vital Statistics website at <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS24.pdf>, or by calling (916) 445-2684, or by going to your local Recorder's Office

- Check "Birth" as the type of record at the top of the page
- Fill out Part I based on data in the original birth certificate
- List the name and sex designation (or just the sex designation) as the item(s) you would like to change in Part II
- Adults requesting a change to their own birth certificates may sign in the "affidavits and signatures" section, but do not need a second signature. If the change is for a minor, both parents should sign the form if possible.
- On the second page, "Application to Amend a Record," fill in "\$23" in the second field, "Enclosed is the fee of ___ for filing the affidavit and one certified copy of the newly amended record."
- Fill in your name and contact information below the fee section

STEP 2: GATHER ADDITIONAL DOCUMENTS

You will need to submit the following along with the VS 24:

- A personal affidavit stating that your request is being made to conform your (or your child's) legal gender to your (or your child's) gender identity.
 - A template for adults is available at <https://tlcenter.box.com/s/nqsdd7v5k0jylrcac2clxh16l4i7yyoo> and a template for minors is available at <https://tlcenter.box.com/s/9dbi1bcd5ax5tgvpk6f6xisqco0cai1l>.
 - In place of this affidavit, Vital Records will also accept a gender change court order.
- Check or money order for \$23.00 payable to "CDPH Vital Records"
- **If changing name as well:** include a certified copy of the name change order and indicate that you would like the name changed on the VS-24 form.
- **If not changing your name:** A notarized sworn statement,⁴
 - Available at <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS111.pdf>
- Photocopy of the current birth certificate (optional, but may expedite the process)

STEP 3: MAIL YOUR APPLICATION

Mail all of these items to:

California Department of Public Health
 Vital Records – M.S. 5103
 P.O. Box 997410
 Sacramento, CA 95899-7410

Resource: [Obtaining a New Birth Certificate After Sex Change, CA Department of Public Health](#) (for people who are changing the sex marker on their birth certificate)

⁴ If you submit a certified copy of a gender change court order, you do not need to include a notarized statement.

STEPS FOR CHANGING NAME ONLY ON A CA BIRTH CERTIFICATE:

STEP 1: COMPLETE THE VS 23 FORM

The VS 23 form ("Amendment of Birth Record to Reflect Court Order Change of Name") is available online through the California Vital Statistics website at <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS23.pdf>, or by calling (916) 445-2684, or by going to your local Recorder's Office. Unlike the VS 24 form discussed above, the VS 23 is relatively straightforward.

STEP 2: GATHER ADDITIONAL DOCUMENTS

You will need to submit the following along with the VS 23:

- A certified copy of your name change court order
- Check or money order for \$23.00 made payable to "CDPH Vital Records"
- Photocopy of your current birth certificate (optional, but may expedite the process)

STEP 3: MAIL YOUR APPLICATION

Mail all of these items to:

California Department of Public Health
Vital Records – M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Resource: [Amending a Birth Certificate After a Court Order Name Change, CA Department of Public Health](#) (for people who are ONLY changing the name on their birth certificate).

VII. CONSULAR REPORTS OF BIRTH ABROAD

If you are a U.S. citizen born to American citizen parents in another country, then your birth certificate is a Consular Report of Birth Abroad (CRBA). The standard for changing your gender marker on your CRBA is the same as changing your gender marker on your U.S. passport, which is discussed in the next section of this guide. To learn more about changing the gender marker on a CRBA, visit the State Department's website at <https://travel.state.gov/content/travel/en/international-travel/while-abroad/birth-abroad/replace-amend-CRBA.html>.

VIII. UNITED STATES PASSPORTS

Unfortunately, the U.S. Passport Office does not have a single form designed to process name and gender marker changes. Instead, you will need one of three forms depending on whether you're changing your gender marker, whether you've had a passport before, and how old your previous passport was. Unfortunately, the U.S. Passport Office currently refuses to issue **nonbinary gender markers**.

While there is more information below, generally, if you want to **change your name and gender marker**, you will use **form DS-11** ("Application for a U.S. Passport"). The DS-11 is the same form anyone uses if they are applying for a U.S. passport for the first time.

If you would like to **change just your name**, and you have had a U.S. passport before, you will use one of two other forms depending on your circumstances: DS-5504 ("Application for a U.S. Passport - Name Change, Data Correction, and Limited Passport Replacement"), DS-82 ("U.S. Passport Renewal Application for Eligible Individuals").

You can download all of these forms at:
<https://travel.state.gov/content/passports/en/passports/forms.html>.

A list of current passport fees is available at:
<https://travel.state.gov/content/passports/en/passports/information/fees.html>.

The State Department's page on gender changes to U.S. passports is available here: <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>.

The U.S. Department of State allows you to use a photo that represents the way you look, regardless of whether the photo stereotypically corresponds to the gender marker on your passport. The Passport Office has a number of specific rules about the photos it will accept, though, which you can find here: <https://travel.state.gov/content/travel/en/passports/requirements/photos.html>. U.S. passport policies instruct officials to be respectful, use the appropriate pronouns, and not ask further medical questions if the correct documentation is provided. If you encounter any of these problems, please contact us.

The following guide will help you determine which form is right for you.

FORM DS-11

Form DS-11 is the basic application for a U.S. passport and it must be used if **any** of the following are true:

- You are requesting a **gender marker change**; or
- You have never been issued a U.S. passport; or
- You are under age 16; or
- You were under age 16 when your previous passport was issued; or
- Your most recent U.S. passport was issued more than 15 years ago; or
- Your most recent U.S. passport was lost or stolen; or
- Your name has changed since your previous U.S. passport was issued but you are unable to legally document your name change.

Form DS-11 must be submitted in person. You can fill out DS-11 online, but you must then download it and submit it in person with a fee.

A list of places where you can submit DS-11 is available at: <http://iafdb.travel.state.gov/>.

FORM DS-5504

Form DS-5504 should only be used for making a data change (name change, printing error, etc.) to a previously issued, currently valid U.S. passport within one year from the date of issue. You may submit this application by mail and there is no accompanying fee for routine processing. It may not be used to change your gender marker.

You must use form DS-5504 if **any** of the following are true and the passport is valid and has been issued within the past year:

- You need to change your name on your valid U.S. passport
- You need to extend the validity of a limited-validity passport or upgrade it to a full-validity passport
- You need to correct a printing error in your valid U.S. passport

FORM DS-82

You should use form DS-82 if your passport meets **all** the following conditions and has expired or was issued more than one year ago:

- Your passport is undamaged and can be included with the application;
- Your passport was issued when you were age 16 or older;
- Your passport was issued within the last 15 years; and
- Your passport was issued in your current name or you can legally document your name change (with a court order or marriage certificate changing name).

This form also may not be used to change your gender marker. If you use this form, you will have to submit a fee along with your application, but you can apply by mail.

CHECKLIST FOR CHANGING YOUR NAME AND GENDER ON A U.S. PASSPORT:

- A completed Form DS-11
- A certified copy of a court order or other proof of legal name change
- Two 2x2-inch photographs of yourself
- Proof of U.S. citizenship, such as a previous passport or a birth certificate (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*
- A valid form of government-issued photo identification, like a previous passport or driver's license (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*
- A letter from your attending medical physician on office letterhead that states that you have had "appropriate clinical treatment for gender transition." A model declaration is available in Appendix II or at <https://tlcenter.box.com/s/m6yopfoumopf66mj1qlv1emahy6cmgp4>.
- Fees

CHECKLIST FOR CHANGING YOUR NAME ONLY ON A U.S. PASSPORT:

- A completed Form DS-5504, DS-82, or DS-11 (see guide above)
- A certified copy of a court order or other proof of legal name change
- Two 2x2-inch photographs of yourself (if submitting DS-82 or DS-11)
- Proof of U.S. citizenship, such as a previous passport or a birth certificate (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*

- A valid form of government-issued photo identification, like a previous passport or driver's license (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*
- Fees (if submitting DS-82 or DS-11)

CHECKLIST FOR CHANGING YOUR GENDER MARKER ONLY ON A U.S. PASSPORT:

- A completed Form DS-11
- Two 2x2-inch photographs of yourself
- Proof of U.S. citizenship, such as a previous passport or a birth certificate (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*
- A valid form of government-issued photo identification, like a previous passport or driver's license (doesn't need to be in your current name and gender, if you're applying within one year of obtaining your court order)*
- A letter from your attending medical physician on office letterhead that states that you have had "appropriate clinical treatment for gender transition." A model declaration is available in the appendix at the end of this guide on page or at <https://tlcenter.box.com/s/m6yopfoumopf66mj1qlv1emahy6cmgp4>.
- Fees

SPECIAL INFORMATION FOR YOUNG PEOPLE SEEKING PASSPORTS:

If you need to apply for a passport or change information on a passport for someone under 16 years old, there are somewhat different documentation requirements. In particular, you will need to provide documentation showing the name(s) of the minor's parent(s) and their consent. For more information, see <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/under-16.html>.

If you need to apply for a passport or change a passport for someone 16 or 17 years old, you must demonstrate parental awareness. For more information, see <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/16-17.html>.

The documentation required to update the gender marker on a minor's passport is the same as for an adult's. However, parental consent is required. See <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>.

A passport issued for someone 16 or 17 is normally valid for ten years; a passport issued for someone under 16 years old is only valid for five years.

A NOTE ON APPLYING FOR A U.S. PASSPORT FOR THE FIRST TIME:

If you are applying for a U.S. passport for the first time, the steps you take depend on whether you have updated your birth certificate. If you have changed your birth certificate, in most cases you do not need to submit any further name or gender change documentation. Instead, you should fill out the standard application form, DS-11, and include a copy of your changed birth certificate.

If you are applying for a U.S. passport for the first time and you have not changed your birth certificate, you must submit all the documentation listed above with your DS-11 form, including a certified copy of a name change court order if you have changed your name, and a doctor's letter, if you are requesting a gender different from the one on your birth certificate.

OPTIONAL TWO-YEAR LIMITED-VALIDITY PASSPORTS:

Individuals can also get a renewable two-year limited-validity passport if they are just beginning their gender transition. It has the effect of a full passport, but it is only valid for two years. To receive a limited-validity passport, individuals must submit the same materials as noted above. However, the paragraph of the physician's letter stating that the patient has had "appropriate clinical treatment" must be replaced with this language: "(Name of patient) is in the process of gender transition to the new gender (specify new gender, male or female)."

During the two-year limited-validity period, the passport can be converted into a full passport by submitting via mail a DS-5504, new photos, and a physician's statement indicating that the person "has had appropriate clinical treatment for gender transition." Submit these documents to the address specified on the form. Unless you request expedited service, no new fee is required.

Note that there is no specific medical standard to distinguish whether someone is "in the process of gender transition" or "has had appropriate treatment for gender transition." If you would like to avoid having to submit an additional form, you may ask your doctor to write you a letter for a full-validity passport, even if you are just beginning your transition.

* Since the fall of 2017, we have been seeing an increasing number of people encountering issues while applying for passports. In particular, some people's applications are being rejected if the documents they present as proof of their identity and/or citizenship are in their old names, even when they present a certified court order linking the two names and they are applying within a year of obtaining their court order. This goes against the State Department's own policy. If your application for a passport was rejected even though you believe you meet the requirements, please contact our Helpline at <https://transgenderlawcenter.org/legalinfo>.

IX. IMMIGRATION DOCUMENTS

U.S. Citizenship and Immigration Services (USCIS) issues over a dozen different forms of identification. This section of the guide focuses specifically on those documents related to permanently immigrating to the United States, but similar policies apply for temporary visas (student, tourist, work, etc.). For specific information about updating other documents or records, please contact our Helpline at <https://transgenderlawcenter.org/legalinfo>. As always, please consult with an experienced immigration attorney before initiating contact with the government. There are situations where applying for updated immigration documents can lead to a person being placed into removal proceedings.

SPECIAL NOTE FOR PEOPLE CONSIDERING IMMIGRATING TO THE U.S.:

If you are not yet in the United States, you may want to try to obtain legal recognition of your name (and gender) change in your home country if possible. This way, you can submit all filings in your new, current name and list your birth name as a prior name. In some cases, however, it is not possible to obtain a name or gender change court order before entering the United States, or it is much easier to do so from within the U.S.

SPECIAL NOTE FOR PEOPLE BEGINNING THE PROCESS OF APPLYING FOR STATUS:

It may be ideal to start the immigration process with your correct name; however, if this is not possible, do not worry. For instance, if you are applying for asylum, it may be easier if you submit a court order recognizing your new name along with your asylum application, so that your initial record can include your current name. However, make sure to get advice from an immigration attorney to ensure that the wait for a court order won't affect your timeliness for the asylum filing deadline.

If you are unable to do so, or if you have already started your immigration process, please rest assured that immigration documents can still be updated with the appropriate documentation; it may just involve more time and expense. Below, we outline the process of updating name and gender information on immigration documents.

STEPS FOR OBTAINING USCIS DOCUMENTS REFLECTING YOUR NAME/GENDER:

Whether you are changing your name or gender marker or both, the form you will need depends on the document you would like to update.

To update your “**green card**,” you’ll need Form I-90, available at <https://www.uscis.gov/i-90>.

To update your **naturalization certificate**, you’ll need Form N-565, available at <https://www.uscis.gov/n-565>.

For information about filing fees, see here: <https://www.uscis.gov/fees>. Unfortunately, fee waivers are not available in most cases.

Whether you are preparing to receive a USCIS document for the first time and would like it to state your chosen name and/or gender, or are hoping to amend the name and/or gender marker on a USCIS document you have already been issued, gather the following documentation:

To obtain a USCIS document with your chosen name, gather supporting documentation, such as a certified copy of a name change court order (see Section III above for information about California court orders).

To obtain a USCIS document reflecting your gender, obtain one of the following documents:

- A court order granting change of gender;
- An amended birth certificate, passport, driver’s license, or court order recognizing your new gender marker (court orders recognizing legal change of gender are available in California but are not available in all states); or
- A letter from a licensed health care professional certifying that the requested gender designation is consistent with your gender identity. For USCIS document purposes, “licensed health care professional” includes licensed counselors, nurse practitioners, physicians (Medical Doctors or Doctors of Osteopathy), physician assistants, psychologists, social workers, and therapists.

Sample Language for Health Care Certification: It is very important to have the exact language that is used below for your letter. It may be a good idea to print out a copy of this letter or email so that the language is exact.

Health Care Certification

[Date] To Whom It May Concern:

I am a licensed [counselor, nurse practitioner, physician, physician assistant, psychologist, social worker, or therapist], and I have treated or evaluated [patient's name] in relation to [patient's name]'s gender identity. In my professional opinion, [patient's name]'s gender identity is consistent with a designation of [male or female]. Patient's Information: Full Name: Date of Birth:

Health Care Professional's Information: Full Name: Organization (if any): Address: Phone Number: License Type: [counselor, nurse practitioner, physician, physician assistant, psychologist, social worker, or therapist] License Number: Issuing State, Country, or other Jurisdiction of License:

Sincerely,

[Health Care Professional's Signature]

[Health Care Professional's Printed Name]

Surgery is not required to issue or update gender markers on immigration documents, and USCIS should not request any records relating to surgery.

Unfortunately, USCIS is not currently issuing documents with nonbinary gender markers. If you are nonbinary and are interested in updating your documents to reflect a different binary gender, you do have that option.

For more information about the requirements and process for updating gender markers on USCIS-issued documents, as well as a sample health care provider's letter, see the USCIS guidance (issued 1/19/17) available at <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2017/2017-1-19ChangeGenderDesignation-PM-602-0141.pdf>.

Regardless of whether you are updating your name, gender, or both, you should also prepare to submit:

- Evidence that any name change was completed according to the relevant state or foreign law, and
- A recent facial photograph that reflects a good likeness of and satisfactorily identifies the applicant (if you are requesting an update on a document that includes a photo). The photograph must agree with the submitted identification evidence and reflect the applicant's current and true appearance. This can be submitted with the application or provided through biometrics collection at an Application Support Center (ASC).

You can generally file these documents online or mail them to a USCIS office. To find out more information on where and how to file this forms, please check out: www.uscis.gov and click on the forms button.

When corresponding with USCIS, it may be best to be explicit and direct about what you are requesting and why. The officer who receives your application will likely not be familiar with transgender issues, so consider spelling out the issues in the application as clearly as possible, such as by including a cover letter that states that you are transgender and submitting the form to change your name and/or gender marker according to USCIS policy.

SPECIAL NOTE ON NAME RECOGNITION ON CERTIFICATES OF NATURALIZATION:

As with other USCIS documents, you can amend your Certificate of Naturalization after it has been issued by obtaining a name change court order and submitting it to USCIS. But you are also able to request a change in your name at the time you apply for naturalization through the application process. You will be able to confirm this request during the interview process. Your name will then be legally changed the time that you take the Oath of Allegiance at a Naturalization Ceremony. Your Certificate of Naturalization will then reflect your change of name. To learn more about this process, see the USCIS document available here: www.uscis.gov/files/article/M-476.pdf.

X. SELECTIVE SERVICE

All American citizens and resident aliens aged 18 to 25 who are assigned male at birth are required to register with the Selective Service System. This information is compiled by the government as a means of preparing for a military draft. Currently, all individuals assigned male at birth are required to register within 30 days of their 18th birthday. Failure to do so is punishable by a fine and imprisonment. Many federally funded programs, such as financial aid for higher education and federal employment, require proof of registration as a condition of application. As a result, trans people of all genders may be impacted by the registration process.

TRANSGENDER PEOPLE ASSIGNED FEMALE AT BIRTH

If you are a transgender person assigned female at birth, you are not required to register with the Selective Service regardless of your current gender or transition status. However, if you have legally changed your gender to male, you may be required to show that you are exempt from registration in order to apply for federal student loans or other government aid and employment programs. To establish that you are exempt, you must obtain a "Request for Status Information Letter" form. The form can be obtained by contacting the Selective Service at (888) 655-1825 or by downloading the Request at <https://www.sss.gov/Portals/0/PDFs/Status.pdf>.

You should fill out the "Transgender" section, attach a copy of your original birth certificate, and sign and submit the document. If your birth certificate has been changed and you do not have the original copy, you should include documentation establishing that your gender and birth certificate have been changed. There is no cost to obtain the Status Information Letter and it usually takes between four and six weeks to receive. The Status Information Letter will not state why you are exempt and thus will not out you as transgender.

If you are a transgender person assigned female at birth who transitioned prior to your 18th birthday and you have changed your birth certificate, it is possible to register with Selective Service. Note that this does not guarantee that you will ultimately be eligible to join the military.

TRANSGENDER PEOPLE ASSIGNED MALE AT BIRTH

If you are a transgender person assigned male at birth, you are required to register with Selective Service regardless of whether you transitioned before or after your 18th birthday and regardless of whether you will ultimately be deemed eligible for military service. Selective Service contacts individuals assigned male at birth prior to their 18th birthday to register.

Name Changes: If you are a transgender person assigned male at birth and are required to register, you must also inform the Selective Service of any legal name change or change in other record information, such as a change of address, up until your 26th birthday. Notification must take place within ten days of the change. Please note that this notification process does not apply to changes of gender for individuals who are assigned male at birth, as the Selective Service policy requires that all individuals assigned male at birth between the ages of 18 and 26 must register regardless of transition status.

To update your Selective Service records, use one of the following methods:

- Fill out the Change of Information Form that is sent to you with your Registration Acknowledgement Card.
- Fill out a Change of Information Form called an "SSS Form 2," available at any U.S. Post Office, embassy, or consulate, or [HERE](#).
- Send a letter to the Selective Service. In the letter, you should include your full name, Social Security number, Selective Service number, date of birth, current mailing address and new name. Regardless of which means you choose, you must attach official documentation of your name change. Updating records generally takes four to six weeks, after which you will be mailed a new registration acknowledgement card.

OTHER INFORMATION REGARDING TRANSGENDER PEOPLE AND THE MILITARY

For information about Selective Service Registration requirements for **conscientious objectors**, see <https://www.sss.gov/consobj>.

For more information about transgender people's eligibility to serve in the military, refer to OutServe-SLDN (Servicemembers Legal Defense Network) at https://www.outserve-sldn.org/page/transgender_service.

XI. FINANCIAL INSTITUTION RECORDS

BANK RECORDS

If you have a bank account or accounts, different banks have different policies for changing your name and/or gender in your records. Some banks may require a court order while others may only ask you to present identity documents with your old and new name and/or gender on them. While you may be able to argue to your bank that a common-law name change is sufficient to change your records, many banks are now requiring a court order. You should contact your bank to find out what it would require to change your name and/or gender in its records.

As a practical matter, you may want to consider whether there is any reason to keep your old name as an additional name on your account. For example, if you receive checks in your old name (from relatives who don't recognize your changed name, from some kind of annual fund, or some kind of copyright or contract residuals) it is helpful if your prior name is kept on your account as an "AKA" (also known as). Some people even go so far as to list both their old and new names on their checks for a period of time.

CREDIT CARDS

As with banks, if you have a credit card or cards, each credit card provider has a different policy regarding what is required to change an individual's name on its records. You should consult your credit card provider to find out what it would require to change your name on both its records and on your credit card.

CREDIT REPORTS

Credit bureaus are likely to keep your old name on your records for a period of time, though credit reports are not supposed to show information older than 7 years. It is not necessary to update your name directly with the credit bureaus. Instead, you can simply update your name with your credit card

companies and other lenders, and the information will be updated automatically at the next cycle. Your full credit history will appear, and your credit score will not be affected.

The legality of a credit reporting agency distributing an individual's old name is an open legal question. As credit reporting agencies regularly report non-transgender people's past names, it is likewise probably not unlawful to report on transgender people's former names. However, this practice may understandably cause concern. For more information about your rights, consult:

- Federal Trade Commission: <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre34.shtm>
- National Consumer Law Center: <https://www.nclc.org/>

If you want to check your credit report after you have legally changed your name, federal law provides that you are entitled to one free credit report every twelve months.

XII. SCHOOL RECORDS

Different school districts, colleges, and universities have different policies regarding changing name and/or gender on official school records. If you are currently enrolled in a K-12 school, vocational program, or college or university, you should request that your school records be updated as soon as you obtain a name change court order and/or a DMV ID is issued in your new name. All California public educational institutions must recognize a name change court order and some will recognize the name change simply based on the DMV identification.

You should also be able to update diplomas or other school records from your past. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99), is the federal law protecting the privacy of student records. FERPA gives parents certain rights with respect to their children's educational records. These rights transfer to the student when they reach the age of 18 or attend a school beyond the high school level.

Under FERPA, students, current or former, have a right to seek to amend their school records if those records are "inaccurate, misleading, or in violation of the student's rights of privacy." Transgender students wishing to change their name and gender marker on their educational records can do so under this federal law.

If a school keeps your former name and gender marker on your educational records, that school may effectively be outing you to anyone who looks at them. As the Court of Appeals for the Second Circuit has stated, it is "beyond a doubt" that transgender status is "excruciatingly private and intimate" for those who wish to keep it private. See *Powell v. Schriver*, 175 F.3d 107 (2nd Cir 1999).

Some schools have been reluctant to amend educational records for former students. This can be an issue especially for those individuals who transitioned or came out after they attended the school. FERPA does have some language stating that it is not applicable to former students, but in 2008, the US Department of Education clarified that the language was only applicable to fundraising and similar types of records related to alumni. The final regulations clarify that records that pertain to an individual's previous attendance as a student are "education records" under FERPA. This means that former students can examine and change their education records.

FERPA requires that schools provide parents with an opportunity to inspect and review educational records, but not to receive copies, except in limited circumstances. FERPA also requires your school to give you a formal hearing regarding a requested amendment if you request such a hearing.

If your hearing is successful, the school district will amend your records accordingly and notify you that the change has taken place in writing. If your hearing is unsuccessful, you have the right to place a statement in your records commenting on the contested information, which your school must add to your records and disclose alongside relevant parts of your record to any interested parties. (Source: <http://www.lambdalegal.org/know-your-rights/article/youth-ferpa-faq>.)

The Department of Education has several guides to FERPA. See: <https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html>

XIII. HEALTH AND PUBLIC BENEFIT RECORDS

If you have Medi-Cal (California's Medicaid program), you can update the name and/or gender information in your account, but the process differs depending on whether you have an SSI/SSDI account or not.

If you have an SSI/SSDI account AND Medi-Cal: The SSA has "SSI linked Medi-Cal", which will change your information with Medi-Cal once you have changed your name and/or gender marker in your SSI/SSDI account. However, it is a good idea to remind the SSA to forward the name/gender change information to Medi-Cal just to make sure it gets updated.

If you have Medi-Cal ONLY (and not SSI/SSDI): Changing your name and/or gender marker in your SSA account will NOT automatically change your information with Medi-Cal. If this is the case, you need to contact both the SSA and Medi-Cal to change your name with SSA and Medi-Cal.

If you fail to change this information, you may experience problems when trying to use your Medi-Cal or Medicare benefits. Both agencies are generally good about changing name and/or gender markers on a person's records. However, if you make the change with the SSA but do not do so with SSI/SSDI, it is possible that your name and/or gender in your Medi-Cal or Medicare records will get changed back when a routine records check is done. Make sure to change your name and/or gender markers with SSI/SSDI to ensure your records do not get changed back.

You can change your name on Medi-Cal records by following these steps:

- Change your name with SSA and the DMV and obtain a new Social Security card and driver's license. You will need the documentation of your new name on your Social Security card and driver's license in order to provide ample documentation of your new legal name to your county Medi-Cal office.
- Contact your Medi-Cal caseworker at your local Department of Health and Human Services office. Inform your caseworker of the name change and request and fill out the Change of Information form.

- Make copies of your Social Security card and driver's license or birth certificate that reflect your new name and mail the Change of Information form along with the copies of your identifying documents to your county Department of Health and Human Services office.

Your new Medi-Cal card reflecting the name change should arrive in about eight weeks.

If you have both Medi-Cal and SSI, you must change the gender marker in your Social Security records before they will change the gender marker on your Medi-Cal card.

XIV. PRIVACY AND DISCLOSURE

As mentioned in the introduction to this guide, it's important to realize that although people in the US are generally able to update their name and gender on most documents and records, that does not mean that former legal identities are entirely confidential.

Unless you receive a name change court order confidentially or under seal, name and/or gender change court orders are generally part of the public record. As a result, current and former names are often available to interested parties. Below is more information about a few key examples.

CREDIT AGENCIES

Credit reports issued by credit agencies regularly report past and current names. This is because your past and current names are linked by your Social Security number, which credit reporting agencies have access to.

It may be possible to contact a credit agency (Experian, Equifax, or TransUnion) and explain that reports containing both names may put you in danger, or violate your privacy. However, without an injunction or other legal directive instructing a credit agency not to include this information, they will likely continue to do so. The reason is that name usage is very valuable information for creditors, and may in some instances prevent lending to individuals with past bad credit under a different name. Credit agencies also believe that including all of a person's credit information, including past names and addresses, helps combat identity theft.

You may want to check the actual appearance of the reports issued by each of the credit agencies: they may provide different amounts of information, and it is possible that one may not list both your names. It is also possible that if you can establish a credible fear of violence and harassment, you may be able to get a legal order prohibiting the credit agencies or other information agencies from listing both your names. You may want to check with a lawyer who has experience in this area to see if it is possible.

JOB APPLICATIONS AND OTHER FORMS THAT ASK FOR FORMER NAMES

Also, after updating your name and/or gender on all relevant documents, you may encounter forms or applications that ask for any previous names used. Generally, if you are applying for a job that requires a security clearance, you have to disclose any previous legal names, aliases, or nicknames. If you are asked directly if you have used any aliases or previous names, it may help to seek legal advice directly if you do not wish to disclose.

MUST I DISCLOSE MY PREVIOUS NAME WHEN ASKED IN A JOB APPLICATION PROCESS?

It is very common for employment applications to ask for individuals to list any other names that they have gone by in the past. Many transgender people are distressed by this question and feel strongly that they should not have to disclose this information since their previous name(s) may be gendered and therefore disclosure of these name(s) may “out” a person as trans. Unfortunately, transgender people are under the same obligation to provide this information as non-transgender (cisgender) people.

That said, if the business or organization makes any exceptions to listing a person’s former name in their record (such as for a person who has experienced domestic violence), then there are strong arguments that can be made as to why an exception should also be made for transgender applicants. You may want to contact the business or organization to find out if any such exceptions apply to their record listings.

For a fairly good resource that discusses different scenarios and may be helpful in thinking about whether to disclose previous names in an employment process, you can consult the Rochester Institute of Technology’s “FAQ for Trans* Job Seekers” available at <https://www.rit.edu/emcs/oce/student/FAQsforTransJobSeekers.pdf>.

AFTER HAVING A LEGAL NAME CHANGE, DO I HAVE TO DISCLOSE MY FORMER NAME IF ASKED ABOUT “ALIASES”?

Whether you are required to disclose your previous name if you are asked about aliases by an official (for example a judge or attorney in court, police officers, etc.) is a complex question.

Unfortunately, this is a question with no single correct answer. Generally, an alias is another name that someone goes by in a situation where they have two (or more names) that they are known by regularly. An alias is a name that is attached to your reputation, but not a true (legal) name. An alias is also sometimes considered a fictitious name. Considering these definitions of alias, if you have legally changed your name, your former name would not be an alias, it would simply be a former name.

However, some people may consider a former name to be an alias. If you will be testifying in court, and you feel comfortable doing so, you may wish to disclose your former name and transgender status to your attorney in advance. This way, if any questions come up regarding an alias or former name, your attorney will know. Also, you should not be permitted to be questioned about things that are not relevant to the proceedings; however, your attorney would have to object to questions; otherwise, you have to answer them. This is another reason it could be a good idea to be open with your attorney in advance.

The bottom line is, you may not always be able to choose when, or if, to disclose your former name and sex assigned at birth. This is yet another reason that strong anti-discrimination laws are vital: to provide our communities with tools to confront the increased risk of discrimination that sometimes comes from disclosure.

XV. CONCLUSION

We hope you have found this guide useful. Please remember that the information presented in this guide should not be considered legal advice.

If you have any questions about your particular situation, feel free to contact Transgender Law Center's Legal Information Helpline at www.transgenderlawcenter.org/legalinfo for further guidance or resources.

Transgender Law Center is committed to improving the laws and policies that affect our ability to obtain accurate identification. If you have any problems in the process of changing your identity documents, please let us know. Thank you.

TRANSGENDER LAW CENTER

P.O. Box 70976
Oakland, CA 94612
Tel (510) 587-9696
Fax (510) 587-9699
Helpline intake form: www.transgenderlawcenter.org/legalinfo

Transgender Law Center (TLC) is the largest national trans-led organization advocating self-determination for all people. Grounded in legal expertise and committed to racial justice, TLC employs a variety of community-driven strategies to keep transgender and gender nonconforming people alive, thriving, and fighting for liberation.

APPENDIX I: COUNTY-SPECIFIC INFORMATION FOR NAME/GENDER CHANGE COURT ORDER PETITIONERS

Below is a list of some of the most relevant county-specific information for people filing for a name and/or gender change court order in California: the name, address, website, and phone number of the courthouse where these petitions can be filed, as well as special forms and procedures, if any.

Unless otherwise stated, name/gender change petitions are filed in the Civil Division and can be filed in person or by mail (just include an extra copy of your petition and a self-addressed stamped envelope). Some counties may accept petitions by fax or drop box. Petitions may be e-filed in the following counties (consult the appropriate website for more information; this may not be a comprehensive list): Butte, Calaveras, Fresno, Kern, Los Angeles, Merced, Monterey, Orange, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Sutter, Ventura, and Yuba.

<p>Alameda County http://www.alameda.courts.ca.gov/</p> <p>Oakland: René C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612 510-891-6000</p> <p>Hayward: Hayward Hall of Justice, 24405 Amador Street, Hayward, CA 94544 510-690-2700</p>	<p>Alpine County http://www.alpine.courts.ca.gov/</p> <p>Alpine County Superior Courthouse 14777 State Route 89, Markleeville, CA 96120 530-694-2113</p>
<p>Amador County http://www.amadorcourt.org/dv-civil.aspx</p> <p>Amador County Superior Courthouse 500 Argonaut Lane, Jackson, CA 95642 209-257-2603</p>	<p>Butte County http://www.buttecourt.ca.gov/</p> <p>North Butte County Courthouse 1775 Concord Ave, Chico, CA 95928 530-5327009</p>
<p>Calaveras County http://www.calaveras.courts.ca.gov/</p> <p>Calaveras Superior Court 400 Government Center Drive, San Andreas, CA 95249-9794 209-754-9800</p>	<p>Colusa County http://www.colusa.courts.ca.gov/default.asp</p> <p>Courthouse Annex 532 Oak Street, Colusa, CA 95932 530-458-5149</p>
<p>Contra Costa County http://www.cc-courts.org/default.aspx</p> <p>Wakefield Taylor Courthouse</p>	<p>Del Norte County http://www.delnorte.courts.ca.gov/</p> <p>Main Courthouse</p>

<p>725 Court Street, Martinez, California 94553 925-608-1000</p> <p>Forms can only be filed in person between 9:30 and 11am in room 210 (the Probate Examiner)</p>	<p>450 H Street, Crescent City, CA 95531 707-464-8115</p>
<p>El Dorado County http://www.eldoradocourt.org/index.html</p> <p>1354 Johnson Blvd., South Lake Tahoe, CA 96150 530-573-3075</p> <p>Extra form required for adult petitioners: “Confidential Information re: Petition for Name Change (Adults Ages 18 & Over), C-2” http://www.eldoradocourt.org/files/LocalForms/Civil/C-2ConfidentialInfoNameChangeWestSlope.pdf</p>	<p>Fresno County http://www.fresno.courts.ca.gov/</p> <p>BF Sisk Courthouse 1130 O Street, Fresno, CA 93721-2220 559-457-1900</p>
<p>Glenn County http://www.glenncourt.ca.gov/index.shtml</p> <p>Orland Courthouse 821 E. South Street, Orland, CA 95963 530-865-1101</p> <p>Superior Court of California, County of Glenn 526 West Sycamore St, Willows, CA 95988 530-934-6446</p>	<p>Humboldt County http://www.humboldt.courts.ca.gov/index.htm</p> <p>County Courthouse Building 421 I Street, Eureka, CA 95501 707-445-7256</p>
<p>Imperial County http://www.imperial.courts.ca.gov/Index.htm</p> <p>El Centro Courthouse 939 West Main Street, El Centro, CA 92243 760-482-2200</p>	<p>Inyo County http://www.inyocourt.ca.gov/</p> <p>Independence Courthouse 168 North Edwards St, Independence, CA 93526 760-872-3038</p>
<p>Kern County https://www.kern.courts.ca.gov/</p> <p>Metropolitan Division – Bakersfield 1415 Truxtun Ave, Bakersfield, CA 93301 661-868-7205</p>	<p>Kings County https://www.kings.courts.ca.gov/</p> <p>1640 Kings County Drive Hanford, CA 93230 559-582-1010</p>
<p>Lake County http://www.lake.courts.ca.gov/index.htm</p> <p>Lakeport Division</p>	<p>Lassen County http://www.lassencourt.ca.gov/index.shtml</p> <p>Hall of Justice</p>

<p>255 N Forbes Street, 4th Floor, Lakeport, CA 95453 707-263-2374</p>	<p>2610 Riverside Drive, Susanville, CA 96130 530-251-8205, ex 152</p> <p>Extra form required for adult petitioners: "Name Change Criminal History Assessment" http://www.lassencourt.ca.gov/forms/Name%20Change%20Criminal%20History%20Assessment%20to%20Sheriff%20Dept.pdf</p>
<p>Los Angeles County http://www.lacourt.org/</p> <p>Changes based off of where you live; use http://www.lacourt.org/filinglocator/ui/filingsearch.aspx?CT=C to find the civil court location to file. The following courthouses accept name change petitions: Antelope Valley, Lancaster, Burbank, Chatsworth, Compton, Glendale, Long Beach, Los Angeles, Norwalk, Pomona, Santa Monica, Torrance, Van Nuys</p> <p>Extra forms required for adult petitioners: "Civil Case Cover Sheet Addendum and Statement of Location (LACIV-109)" http://www.lacourt.org/forms/pdf/LACIV109.pdf and "Name Change Criminal History Assessment (LACIV 226)" http://www.lacourt.org/forms/pdf/LACIV226.pdf</p>	<p>Madera County http://madera.courts.ca.gov/index.htm</p> <p>Main Courthouse 200 South "G" Street, Madera, CA 93637 559-416-5525</p>
<p>Marin County http://www.marincourt.org/home.cgi</p> <p>Street Address: Hall of Justice 3501 Civic Center Dr., San Rafael, CA 94903</p> <p>Mailing Address: Hall of Justice P.O. Box 4988, San Rafael, California 94913 415-444-7040</p>	<p>Mariposa County http://www.mariposacourt.org/index.shtml</p> <p>Mariposa County Superior Court 5088 Bullion Street, Mariposa, CA 95338 209-966-6599</p>
<p>Mendocino County http://www.mendocino.courts.ca.gov/index.asp</p> <p>Mendocino County Courthouse/Ukiah: 100 North State Street, Ukiah, CA 95482 707-468-2003</p> <p>Ten Mile Branch/Fort Bragg 700 South Franklin Street, Fort Bragg, CA 95437 707-964-3192</p>	<p>Merced County http://www.mercedcourt.org/index.shtml</p> <p>Old Merced Courthouse 627 W. 21st St., Merced, CA 95340 209-725-4111</p>

<p>Extra form required: "Declaration re: Change of Name" http://www.mendocino.courts.ca.gov/forms_and_filing/forms/MNC-110.pdf</p>	
<p>Modoc County http://www.modocsuperiorcourt.ca.gov</p> <p>Modoc County Superior Court 205 South East Street, Alturas CA, 96101 530-233-6515</p>	<p>Mono County http://www.mono.courts.ca.gov/index.htm</p> <p>Mammoth Lakes Street Address: 100 Thompsons Way, Mammoth Lakes, CA 93546</p> <p>Mammoth Lakes Mailing Address: P.O. Box 1037, Mammoth Lakes, CA 93546 760-924-5444</p> <p>Bridgeport Physical Address: 278 Main Street, Bridgeport, CA 93517</p> <p>Bridgeport Mailing Address: P.O. Box 537, Bridgeport, CA 93517 760-932-5239</p>
<p>Monterey County http://www.monterey.courts.ca.gov/Default.aspx</p> <p>Monterey Courthouse 1200 Aguajito Road, Monterey, CA 93940 831-647-5800</p> <p>Extra form required: "CLETS Name Change Info - CI-140" http://www.monterey.courts.ca.gov/Documents/Forms/Local%20Court%20Forms/CI-140.pdf</p>	<p>Napa County http://www.napa.courts.ca.gov/</p> <p>Street Address: Historic Courthouse 810 Coombs Street, Napa, CA 94559</p> <p>Mailing Address: Historic Courthouse 825 Brown St, Napa, CA 94559 707-299-1130</p>
<p>Nevada County http://nccourt.net/index.shtml</p> <p>Historic Courthouse 201 Church Street, Nevada City, CA 95959 530-265-1293</p> <p>Petitions are filed in the Civil and Family Division.</p>	<p>Orange County https://www.occourts.org/index.html</p> <p>Central Justice Center 700 Civic Center Drive W, Santa Ana, CA 92701 657-622-6878</p>
<p>Placer County http://www.placer.courts.ca.gov/index.html</p> <p>Santucci Justice Center Courthouse 10820 Justice Center Drive, Roseville, CA 95678 916-408-6000</p>	<p>Plumas County http://www.plumascourt.ca.gov/</p> <p>Plumas Superior Court 520 Main Street, Room 104, Quincy, CA 95971 530-283-6305</p>

<p>Extra form required for adult petitioners: “CLETS Background Information Supplement” http://www.placer.courts.ca.gov/forms/Addendum Name Change Packet-2016.pdf</p>	
<p>Riverside County http://www.riverside.courts.ca.gov/index.shtml</p> <p>Changes based off of where you live; use https://www.riverside.courts.ca.gov/localrules/civilwheretofile.pdf under section (d) on pages 6-8 to find your location. The following courthouses accept name change petitions: Riverside Historic Courthouse, Hemet Courthouse, Palm Springs Branch, and Blythe Courthouse.</p> <p>Extra form required: “Certificate of Counsel (Local Form RI-C1032)” http://riverside.courts.ca.gov/localfrms/ri-ci032.pdf</p>	<p>Sacramento County https://www.saccourt.ca.gov/default.aspx</p> <p>Hall of Justice Building 813 6th St, Sacramento, CA 95814 916-874-5522</p> <p>Petitions will only be accepted at the designated counter for filing in Room 212 Tuesday through Friday from 8:30 a.m. to 12:00 p.m.</p> <p>Extra form required: “Name Change Criminal History Addendum” included in county-issued packets available at https://www.saccourt.ca.gov/civil/filing-instructions.aspx#name-change</p>
<p>San Benito County http://www.sanbenito.courts.ca.gov/new_site/index.shtml</p> <p>Superior Court of California, San Benito County 450 4th St, Hollister, CA 95023 831-636-4057</p> <p>Extra form required: “CLETS-001 - California Law Enforcement Telecommunication System Information Form” http://www.courts.ca.gov/documents/clets001.pdf</p>	<p>San Bernardino County https://www.sb-court.org/Locations/SanBernardino/Civil.aspx</p> <p>San Bernardino District – Civil Division 247 W 3rd St, San Bernardino, CA 92415-0210 909-708-8678</p>
<p>San Diego County http://www.sdcourt.ca.gov/portal/page?_pageid=551555020&dad=portal&schema=PORTAL</p> <p>Hall of Justice 330 W Broadway, Room 225, San Diego, CA 92101 619-450-7275</p> <p>North County Regional Center 325 South Melrose Drive, Vista, CA 92081</p>	<p>San Francisco County https://sfsuperiorcourt.org/divisions/civil</p> <p>Civic Center Courthouse 400 McAllister St, San Francisco, CA 94102 415-551-4000</p>

760-201-8600	
<p>San Joaquin County https://www.sjcourts.org/general-info/court-locations-contact/stockton-courthouse/</p> <p>Superior Court of California – San Joaquin Civil Division 180 E Weber Ave, Ste 200, Stockton, CA 95202 209-992-5693</p>	<p>San Luis Obispo County https://www.slo.courts.ca.gov/dv/civil.htm</p> <p>Civil & Family Law Branch 1035 Palm Street, Room 385, San Luis Obispo, CA, 93408 805-781-5677</p>
<p>San Mateo County https://www.sanmateocourt.org/general_info/locations_and_contact_info/hoj.php</p> <p>Hall of Justice and Records 400 County Center, Redwood City, CA 94063 650-261-5100</p>	<p>Santa Barbara County http://www.sbcourts.org/gi/loc/sb.shtm</p> <p>Santa Barbara Court Anacapa Division 1100 Anacapa Street (Mailing Address P.O. Box 21107), Santa Barbara, CA 93121-1107 805-882-4520</p> <p>Santa Maria Court Cook Division 312-C East Cook Street, Building E, Santa Maria, CA 93454 805-614-6414</p>
<p>Santa Clara County http://www.scscourt.org/general_info/contact/courthouses/dts.shtml</p> <p>Downtown Superior Court 191 North First Street San Jose, CA 95113 408-882-2100</p> <p>Petitions are filed in the Probate Division.</p> <p>Extra form required for adult petitioners: “CLETS Background Information Form” http://www.scscourt.org/forms_and_filing/forms/PB-4010.pdf</p>	<p>Santa Cruz County https://www.santacruzcourt.org/divisions/civil</p> <p>Santa Cruz Courthouse 701 Ocean Street, Rm 110, Santa Cruz, CA 95060 831-420-2200</p>
<p>Shasta County http://www.shastacourts.com/index.shtml</p> <p>Main Courthouse 1500 Court Street, Room 319, Redding, CA 96001 530-245-6789</p>	<p>Sierra County https://www.sierra.courts.ca.gov/generalinfo/contact_location.htm</p> <p>Sierra County Superior Court 100 Courthouse Square, Downieville, CA 95936 530-289-3698</p>

<p>Siskiyou County http://www.siskiyou.courts.ca.gov/generalinfo/contact_locations.htm</p> <p>Yreka Court Location 311 4th Street, Rm 206, Yreka, CA 96097 530-842-8182</p> <p>Petitions are filed in the Civil and Family Division.</p>	<p>Solano County http://www.solano.courts.ca.gov/Courts/CivilCourt.html</p> <p>Old Solano Courthouse, Civil Clerk's Office 580 Texas Street, Fairfield, CA 94533 707-207-7330</p>
<p>Sonoma County http://sonoma.courts.ca.gov/info/locations/civil-family-courthouse</p> <p>Civil and Family Law Courthouse 3055 Cleveland Ave, Santa Rosa, CA 95403 Courthouse: 707-521-6500 Probate Desk: 707-521-6650</p> <p>Petitions are filed in the Probate Division.</p>	<p>Stanislaus County https://www.stanct.org/city-towers-courthouse-civil</p> <p>City Towers Courthouse 801 10th Street, 4th Floor, Modesto, CA 95354 209-530-3100</p>
<p>Sutter County https://www.suttercourts.com/general-info/locations-phone-numbers</p> <p>Sutter County Superior Courthouse 1175 Civic Center Blvd, Yuba City, CA 95993 Main: 530-822-3300 Civil: 530-822-3304</p>	<p>Tehama County http://www.tehamacourt.ca.gov/directions.htm</p> <p>Tehama County Courthouse 1740 Walnut Street, Red Bluff, CA 96080 530-527-3484</p>
<p>Trinity County https://www.trinity.courts.ca.gov/</p> <p>Main Courthouse 11 Court Street, Weaverville, CA 96093 530-623-1208</p>	<p>Tulare County http://www.tularesuperiorcourt.ca.gov/index.php?section=civil</p> <p>Tulare County Superior Court, Civil Division 221 South Mooney Blvd, Room 201, Visalia, CA 93291 559-730-5000</p>
<p>Tuolumne County https://www.tuolumne.courts.ca.gov/general-info/directions.shtml</p> <p>Historic Courthouse 41 West Yaney Avenue, Sonora, CA 95370 209-533-5555</p>	<p>Ventura County http://www.ventura.courts.ca.gov/civil.html</p> <p>Ventura Hall of Justice Street Address: 800 South Victoria Avenue, Ventura, California 93009 Mailing Address: P.O. Box 6489 Ventura, California 93006-6489</p>

	805-289-8525
Yolo County https://www.yolo.courts.ca.gov/divisions/civil Main Courthouse 1000 Main St, Woodland, CA 95695 530-406-6704	Yuba County http://www.yubacourts.org/divisions/civil Civil Division, Yuba County Superior Court 215 Fifth Street, Suite 200, Marysville, CA 95901 530-740-1800 Ext. 6 Extra form required: "Confidential CLETS/CJIS Information Sheet" http://www.yubacourts.org/sites/default/files/pdfs/CourtForms/G04050B.pdf

APPENDIX II: SAMPLE PHYSICIAN'S LETTER FOR GENDER MARKER CHANGE ON FEDERAL DOCUMENTATION (PASSPORT AND SOCIAL SECURITY ADMINISTRATION RECORDS)

[On office letterhead providing physician's address and telephone number]

I, (physician's full name), (physician's medical license or certificate number) am a licensed physician in (issuing U.S. State/Foreign Country of medical license/certificate), (DEA registration number or comparable foreign equivalent). I am the physician of (name of patient), born on (date of birth of patient), with whom I have a doctor/patient relationship and whom I have treated (or "with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated").

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender, (specify new gender, male or female).

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Signature of Physician
Typed Name of Physician
Date