

## Changing Your Legal Identification in California

**WHAT MAKES YOUR NAME “LEGAL”?** Your legal name is the identity by which you are officially known. Your birth name is a legal name because it is on your birth certificate and is used on all of your legal documents. There are technically two ways to change your name: a common law name change and a **court ordered name change**. While common law name changes are recognized by California law, few government agencies recognize them. Also, a **court ordered name change creates a paper trail linking your old name and your new name, which can be helpful in many circumstances. We recommend you consider getting a court order if you are planning on changing your name.**

- ❑ **Court Ordered Name Change:** A court ordered name change is when a judge approves your request to change your name.
  - ❑ **Petition to Change Name:** You begin the process by filling out a series of forms called a “**Petition to Change Name**” and submitting them at the Superior Court of the county where you live. You will then be given a court date, generally within six to eight weeks (depending on the county).
    - ❑ <http://www.courts.ca.gov/documents/nc100.pdf>
    - ❑ *You must also pay a fee or submit an application for a “fee waiver” if you cannot afford the fee.*
  - ❑ <http://www.courtinfo.ca.gov/forms/documents/fw003.pdf>
- ❑ **Order to Show Cause:** During that time, you are required to “**publish**” your name change in the **classified section of a local newspaper**. Most everyone who changes their name, regardless of their reason for doing so, has to do this. To publish, you give the newspaper a form called the “Order to Show Cause” that the court gives you when you file your paperwork. **After the “Order to Show Cause” runs in the paper for four weeks, the newspaper will send you a copy as proof that it has been published.**
  - ❑ <http://www.courts.ca.gov/documents/nc120.pdf>
- ❑ **Appear Before a Judge:** On your court date, **you will appear before a judge with proof that you have published your name change**. The judge may ask you a question or two about the name change. If all of your paperwork is in order and no one objects to your name change request, the judge will approve your request to change your name. This name is now your legal name.

**WHAT MAKES YOUR GENDER “LEGAL”?** You certainly don’t need a piece of paper to tell you what your own gender is, but there is a way to get legal recognition of your gender. California law allows you to get a court order acknowledging your gender and allows you to change the gender on your California birth certificate. **Unfortunately, a California court order does not automatically change your gender on all of your legal documents.** Each state and federal agency has an independent standard and process for gender change. This means that even if you get a court ordered gender change, you must still follow the process and provide the documentation required by each agency.

- ❑ **Court Ordered Gender Change:** The process for getting a court order recognizing your gender change is similar to the one used to get a court ordered name change. The primary difference is that **you’ll need a letter signed by a physician saying that you have undergone “clinically appropriate treatment” for gender transition.** *You can file your gender change petition in any California county, not just the one where you live and you are not required to publish a notice of your gender change in the newspaper. What “clinically appropriate treatment” means for you is between you and your doctor.*
  - ❑ <http://www.courts.ca.gov/documents/nc210.pdf>

**Combined Name and Gender Change:** You can also petition the court for a name change and gender change at the same time. If you use that process, you will need to file in the county where you live and publish the name change part of your petition in a local newspaper.

- ❑ <http://www.courts.ca.gov/documents/nc200.pdf>
- ❑ <http://www.courts.ca.gov/documents/nc230.pdf>

**Special note for people less than 18 years of age:** If you are under 18, and are not an emancipated minor, a parent or legal guardian will need to apply for your name or gender change for you. **When you fill out the forms be sure to also include the additional paperwork necessary for applicants under 18.**

- ❑ <http://www.courts.ca.gov/documents/nc110g.pdf>

## Changing Your Legal Identification in California [Continued]

**UPDATING IDENTITY DOCUMENTS:** In order to avoid confusion between the different agencies that keep information on your name and gender, we recommend that people:

1. **get a court order,**
2. **change their Social Security records,**
3. **and then change their driver's license or state ID**
4. **you may also pursue changing other documents (Birth Certificate or Passport)**

**Social Security:** To change your name with Social Security (SSA) you must show a court ordered name change. Once you have your court order, take it to a SSA office, **fill out an SS-5 form** and request that they change your name. Your Social Security card does not list your gender, but **it is a good idea to get your gender marker changed in their system.** In order to do this, Social Security requires that you **provide a doctor's letter showing that you have had "complete" sex reassignment surgery.** *However, the agency does not define "complete."*

❑ <https://www.ssa.gov/forms/ss-5.pdf>

**Driver's License and California ID:** To change your name on your California driver's license or DMV identity card, you will need to submit a certified copy of a court ordered name change and fill out a form DL-44.

- **Form DL-44 is NOT available online, but is available at any DMV location or at 1.800.777.0133**
  - **Special note:** if you are under 18, you will need a signature from a parent or guardian to request a gender change on your license or ID. Use form DL-44 for this signature

**If you are changing your gender you can use the DMV form DL-329 to request the change.** You do not need a court order to change your gender on your California driver's license or DMV identity card. ***The DL-329 form must be completed by a licensed California physician or psychologist.*** *You do not need to have undergone any specific medical procedure to get your license or ID with the correct gender marker. Your physician simply has to confirm that you are expressing your gender identity full-time and you can receive a license that is valid for 10 years. If your psychologist completes the form, you will receive a license that is only good for 5 years, after which you will have to renew it.* Once the form is filled out and signed, take it to the DMV and **pay the fee**. You will receive a temporary license with your new information.

❑ <https://www.dmv.ca.gov/portal/wcm/connect/683f91d7-5c27-4260-970e-c23139bb8e22/dl329.pdf?MOD=AJPERES>

**Birth Certificate:** Once you have received a court order for changing your name and/or gender, you must take the next step to request that the California Department of Vital Records (VR) issue your new birth certificate. **To change your name and gender, or gender only, you will need to fill out form VS-24 (for name change only, the form is VS-23).**

❑ **Form VS-24 and VS-23 are NOT available online, but are available at 916.557.6073 or 916.445.2684**

**Passport:** To change the gender marker on your passport, **you need to provide a letter from your doctor that says you have had "clinically appropriate treatment" for gender transition.** **The letter must be on your doctor's office letterhead.** *However, the agency does not define "clinically appropriate treatment."* If you are requesting gender change, **you must use form DS-11 and apply in person,** even if you would otherwise be eligible to renew by mail.

❑ <http://www.state.gov/documents/organization/212239.pdf>

By contrast, **if you are only applying for a change of name, or do not need to change any information, you may be eligible to renew by mail using form DS-82.**

❑ <http://www.state.gov/documents/organization/212241.pdf>

To find out where to take your documents, **see the State Department's website or call the National Passport Information Center**

❑ <http://iafdb.travel.state.gov>

❑ **1.877.487.2778**

*This resource contains only a little bit of information on a very complex subject. Check out ID Please, a much more detailed community guide to these and other ID document issues. It's free to download:*

- <http://transgenderlawcenter.org/issues/id/id-please>

*Summarized from TransgenderLawCenter.org*