



ACCESS Center Name and Gender Change A-Z

MINOR'S NAME CHANGE TO CONFORM TO GENDER IDENTITY

Q: What forms do I need to change my child's name to conform to my child's gender identity?

A: You will need the following forms available at <https://www.courts.ca.gov/41237.htm>:

- CM-010, Civil Case Cover Sheet
- NC-100, Petition for Change of Name
- NC-110, Attachment to Petition for Change of Name (attached to NC-100)
- NC-125/NC-225, Order to Show Cause for Change of Name to Conform to Gender Identity
- NC-130, Decree Changing Name

Q: How do I complete the forms?

A: Please review form NC-100-INFO available at <https://www.courts.ca.gov/documents/nc100info.pdf> for detailed instructions.

Q: Is the process for a minor's name change to conform to gender identity the same as a regular minor's name change?

A: The process is slightly different. You will need to complete section 6 on form NC-100, Petition for Change of Name. Please note this process is not a recognition of gender change for your child. You may need to file a Petition to Change Gender or Petition to Change Name and Gender to do so.

6. This petition seeks to change name of (*check one*) petitioner (*name*): Your child's name.
to conform to that person's gender identity.

Q: Will I need to publish in a newspaper if I am changing my child's name to conform to gender identity?

A: No, you will not need to publish in a newspaper if you are changing your child's name to conform to gender identity. You will be completing and filing form NC-125/NC-225, Order to Show Cause for Change of Name to Conform to Gender Identity instead of form NC-120.

Q: The other parent and I agree to change our child's name to conform to gender identity, and we will be petitioning together. How do I complete the forms?

A: You will list both parents' names as petitioners. Mark 5.a. "two parents" on form NC-100.

5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by
- a. two parents.
 - b. one parent.
 - c. near relative (*name and relationship*): _____
 - d. guardian (*name*): _____
 - e. other (*specify*): _____

Both parents must sign NC-110, Attachment to Petition for Change of Name. If both parents are petitioning together, only one parent needs to attend the court date.

Q: I am the only parent petitioning for our child’s name change to conform to gender identity. How do I complete the forms?

A: You will list your name only as petitioner. Mark 5.b. “one parent” on form NC-100.

5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by
- a. two parents.
 - b. one parent.
 - c. near relative (*name and relationship*): _____
 - d. guardian (*name*): _____
 - e. other (*specify*): _____

Q: What do I do after I complete the forms?

A: Make 2 photocopies of forms NC-100, NC-110, and NC-125/NC-225. Attach form NC-110 behind form NC-100. Put the photocopies behind each original form. No need to make copies of CM-010 or NC-130. Double-hole punch the top of all the original forms. Bring all your papers to the Civic Center Courthouse located at 400 McAllister Street, San Francisco, CA 94102. File your papers in Room 103 at the “New Filings” window. The clerk will schedule a court date for at least eight weeks later.

Q: I am petitioning for our child’s name change to conform to gender identity by myself without the other parent’s signature. However, the other parent agrees to the name change. What else do I need to do?

A: The other parent must sign a consent form in front of a notary public. The notarized consent form must be filed with the court prior to the hearing. Please contact the ACCESS Center for more information on the consent form.

Q: I am petitioning for our child’s name change to conform to gender identity by myself without the other parent’s signature. I am not sure if the other parent will agree to the name change. What do I need to do?

A: You should try to talk to the other parent and see if they will consent. If you are not able to obtain their consent, you will need to have the other parent served with form NC-125/NC-225, Order to Show Cause for Change of Name to Conform to Gender Identity, at least 30 days before your court date. Your server must be someone else age 18 or older. Your server must complete form NC-121, Proof of Service of Order to Show Cause. You must have this filed with the court prior to the court date. The court will also require you to file a declaration explaining why you are not able to obtain the other parent’s consent.

Q: Why do I have to serve the other parent with a copy of the change of name papers if I cannot obtain their consent?

A: Your child's other parent, even if he or she has not been involved in your child's life, has a legal right to know that you are trying to change your child's name. The other parent will have the chance to go to court and tell the judge if he or she is against agrees to the name change. The judge will make a decision based on the best interest of your child.

Q: What if I cannot locate the other parent?

A: You will have to ask the court to dispense notice to the other parent (allow you to proceed without the other parent). You will be required to show the court that you did everything possible to search for the other parent by filing a Declaration of Due Diligence along with a Request to Dispense Notice to the Other Parent. Please contact the ACCESS Center for further information on this.

Q: Why would a judge deny my child(ren)'s name change?

A: The judge has to determine whether it is in the best interest of your child(ren) to approve the name change. If you are applying for your child(ren)'s name change without the other parent's consent, the judge may find that it is not in the best interest of your child(ren) to grant the name change.

Q: What can I expect at the court date?

A: The court date and location are listed on form NC-125/NC-225. If there are no issues or objections, the judge will approve your request to change your child's name. The clerk will give you the Decree Changing Name (NC-130) signed by the judge approving the name change.

Q. If my petition is granted, will my child(ren)'s names be automatically updated with the government?

A: No. It is your responsibility to contact each government agency and follow their procedures to obtain new legal documents in your child(ren)'s new name. Most government agencies will require you to provide a certified copy of the decree. You can request a certified copy of the Decree Changing Name (NC-130) from the records department at the courthouse located at 400 McAllister Street, Room 103, San Francisco, CA 94102. Please visit

<https://www.sfsuperiorcourt.org/sites/default/files/pdfs/Statewide%20Fee%20Schedule%20rev%201-6-20.pdf?1588971058419> for information on fees for certified copies.

This fee is waived if you have a fee waiver granted.