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Research Guide

Changing Your Name and Gender

Last Updated: July 19, 2007

Last Reviewed: July 19, 2007

Scope:

This is an *introduction only*. It is not intended to be a comprehensive resource for legally changing your name and gender. Additional research may be necessary. If you require further assistance, please consult a Reference Librarian.

The “Usage” Method

Traditionally, a person could change his or her name simply by consistently using a new name. The person could then ask a government agency to change their records to reflect that new name. In this era of identity theft and terrorism, an agency will generally require that you show a court order or birth certificate, which recognizes your new name before changing your its records. While a court order is relatively easy to obtain, most people who seek a court-ordered name change must publish their intention in a local newspaper. This may be undesirable to someone seeking to change genders or who is changing their name for personal reasons. *How to Change Your Name in California*, Nolo Press, 2006, can be found at the Reference Desk at KFC 109.L6 2006, or purchased online at www.nolo.com. Chapter 7 of this book discusses changing your name by the “Usage method,” and the order in which you might try changing various records.

Changing Your Drivers License and Social Security Records

The California Department of Motor Vehicles and the Social Security Administration will change your California Drivers License and Social Security records to reflect a new name and gender without a court order, without publishing a notice of your intention to legally change your gender, and without proof of a revised birth certificate, *if* you change them at the same time. For instructions on how to do this, go to www.ftminfo.net/cadmv2.html. You will need to show that you have medically changed your gender by having your doctor fill out a form certifying that you have “undergone surgical treatment for the purpose of altering your sexual characteristics to those of the opposite sex” (California Health and Safety Code § 103425).

Getting a Court Order Changing Your Name and Gender

This is discussed in detail in *How to Change Your Name in California*, Nolo Press, 2006. The court forms for changing your name and gender are available online at www.courtinfo.ca.gov/. Select “Self-Help Center,” then “More Topics,” then “Name Change.” Select the forms for “Change of Name and Gender.”

Changing your Birth Certificate

The California Health and Safety Code § 103425 states that:

Whenever a person born in this state has undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex, a new birth certificate may be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States. A petition for the issuance of a new birth certificate in those cases shall be filed with the superior court in the county where the petitioner resides.

The California Department of Health Services, Office of Vital Records web site (at www.dhs.ca.gov/chs/default.htm) provides instructions on how to amend a birth certificate to reflect a legal name change, and to obtain a new birth certificate after gender reassignment surgery. Go to "Amendments, Delayed Registration, Name Changes, etc.," a link on the left navigation bar, and then select “Obtaining a New Birth Certificate After Gender Reassignment” or “Court Order Name Change,” depending on your situation.

Another source for instructions on changing a birth certificate to reflect new gender information or to add a new name when an adult has legally changed his or her name is the book, *How to Change Your Name in California*, Ref Desk KFC 109 .L6 2006. Forms for amending a birth certificate must be requested directly from the State Department of Health Services by calling (916) 445-4171, downloading from www.dhs.ca.gov/hisp/chs/ovr/ovrformsreq.asp, or at the following local offices:

San Diego County Department of Health
3851 Rosecrans Street
San Diego
(619) 692-5733

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

Related and subsequent procedures and sample forms for amending a birth record to reflect a sex change can be found in 32 *California Legal Forms*, sections 101.157 and 101.220 (KFC 68.C3). However, many of these forms are shrunken or stamped "SAMPLE," and the State will not accept photocopies of many of these forms.

More Information

For a general discussion of “Legalizing Your Gender Identity,” visit the National Center for Lesbian Rights website, at <http://www.nclrights.org/publications/legalizinggender.htm>.