

Legal Name & Gender Marker Change

A step-by-step guide for transgender and gender non-conforming folks, focused on San Francisco, CA

Welcome!

This guide is the result of LYRIC staff's and youth's work and experiences navigating the legal name and gender marker change process in California. This guide is focused on young people who live in the San Francisco Bay Area and are working with LYRIC Youth Advocates, but there are steps and information that can be applied to others embarking on different processes.

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Disclaimer

This guide should not be considered legal advice, and though we have worked to update this guide as best and accurately as we can to reflect how laws are supposed to work, we know we cannot predict how judges or government employees choose to behave or carry out their interpretation of the legal system. Website links may change, and we included the names of forms so people can better locate the online resources. The process does not require an attorney, legal professional, or nonprofit professional to work with you on these steps, but it can help.

Please note steps may be similar but different for California residents outside SF, folks under 18, folks born in another U.S. state, folks who live in California but were born outside the US, folks who are not U.S. citizens, folks who are incarcerated (please refer to the guide in the Resources section), folks who are on probation or parole, folks who otherwise have system involvement, folks who only want to change their gender marker and folks who only want to change their name, and folks who want changes to their tribal ID. We have tried to make a note of different circumstances, especially when they differ widely, but please refer to the resources at the end of this guide for more state-by-state information and reach out to LYRIC if you have questions.

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Acknowledgements

This guide was originally written by Charles Stevens, Isa Noyola, Erik Martinez, Jae Maldonado, and Kelsey Pacha. The content is built off the work of Priya Suman, Judy Jun, Alan Gutierrez, and other LYRIC Program staff. This guide is a living document that is informed by online guides by the Transgender Law Center, which are linked in the **Resources** section, as well as the direct feedback and experiences of LYRIC youth and staff. Significant edits and updates were contributed by Kyla Cheung from 2018-2020. LYRIC takes sole responsibility for any errors.

Helpful Tips

Depending on the documents you are seeking to change, the legal changes you are seeking, life circumstances, legal barriers, access to funds, and access to a doctor this process can take a few months to a year or more. As of 2020, California identity documents no longer require a doctor to sign off, but the passport application does. As people who have advocated, witnessed, and experienced this process firsthand, at LYRIC, we believe this process should become more accessible to more people in the future.

Keep in mind that your experience through this process is dependent on the agency employees that will interact with you. Be prepared to interact with some clerks or agency employees who may be ignorant on trans and gender non-conforming (TGNC) topics and issues. At LYRIC, we know that the process has changed significantly over the past years and have run into employees who have expressed ignorance, surprise, or hostility, as well as many employees who have behaved with kindness, efficiency, and decorum.

Be kind to yourself, plan for your access needs, and if you want, have an advocate or buddy with you at your appointments, such as your LYRIC Youth Advocate or a loved one! What we have found is that this often involves a lot of waiting! Be prepared to read, play on your phone, meditate, chat, or otherwise pass the time in different offices.

We recommend having a second or third trusted person to look over your forms to make sure you have not missed anything.

You got this!

Step 1: Court Petition

With the help of a LYRIC Youth Advocate, you can fill out different forms depending on your circumstance as a resident of California.

If you are 18 and over

- Adult Name Change: *Petition for Change of Name*
- Adult Name and Gender Change: *Petition for Change of Name, Recognition of Change of Gender, and Issuance of New Birth Certificate*
- Adult Gender Change: *Petition for Recognition of Change of Gender and Issuance of New Birth Certificate*

If you are under 18

- Minor Name Change (All Living Parents Signing): *Petition for Change of Name*
- Minor Name Change (One Living Parent Who Does Not Sign): *Petition for Change of Name* (requires different additional forms than above)
- Minor Gender Change (All Living Parents Signing): *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate*
- Minor Gender Change (One Living Parent Who Does Not Sign): *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (requires different additional forms than above)
- Minor Name and Gender Change (All Living Parents Signing): *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name*
- Minor Name and Gender Change (One Living Parent Who Does Not Sign): *Petition for Recognition of Minor's Change of Gender and Issuance of New Birth Certificate and Change of Name* (requires different additional forms than above)

A guide with pre-made form packets and instructions on how to fill out the petition forms can be found through Transgender Law Center's (TLC) website linked in the Resources section at the bottom of this guide. We highly recommend

looking at TLC's resources. You can also find the documents needed on the California Courts website pages linked in the [Resources](#) section.

Make sure in your packet you have:

- Civil Case Cover Sheet
- Order and Decree forms for each petition you file as needed
- *Attachment to Petition for Change of Name* (needed for both name change only and name and gender change)
- Fee Waiver (if you qualify)

If you wish to waive court fees (which can be a few hundred dollars), you may fill out a *Request to Waive Court Fees*, which will also grant you three free copies provided the petition is accepted. Remember to include the *Order on Court Fee Waiver* and to make two copies to include in your packet.

Note: *You do not need a court order in order to change your GENDER MARKING on California state IDs or driver's licenses, California birth certificates, social security cards, or US passports. You will need a court order to change your NAME, including California IDs and birth certificates, and you may need a court ordered recognition of gender change on your birth certificate if you were born in another U.S. state (to look this up, refer to the National Center for Trans Equality, linked in the [Resources](#) section).*

Step 2: Filing the Petition

File a petition with the court in your county (if in SF, your assigned LYRIC Youth Advocate can do this for you) and include the following:

- Two copies of petition in addition to the original
- A petition to waive court fees if you qualify (make two copies of this too)
- Proof of Residency in the county you are filing in (e.g., San Francisco County) or ask a LYRIC Youth Advocate to write a letter to establish Proof of Residency. Some examples of proof of residency are leases, utility bills, voter registration cards, school transcripts, and certifying letters from nonprofits, shelters, faith-based organizations, or employers. See more examples at the DMV link in the [Resources](#) section at the bottom of this guide.

The courthouse will likely have a security check at the entrance.

Note: *The court may deny your fee waiver should it be incomplete or it deems you are not eligible for the fee waiver. Additionally, the court may request additional information for your court fee waiver and you will be requested to attend a court hearing specific to the fee waiver, separate from the name/gender change court petition, in which you can present additional supporting documentation for your fee waiver. Even then, the court may still deny your fee waiver or it may reduce the cost of the petition you are submitting.*

Step 3: Court Order

Visit the Public Viewing Office with Youth Advocate on date or later given by court (At LYRIC, we have been told to check six weeks after filing).

When picking up the court order, you should bring:

- Court petition
- Government ID or proof of residency

Once the petition and fee waiver are approved by the judge, you can pick up 3 (free) certified copies of your name change form at the courthouse that same day. If you do not have a fee waiver approved or need more than three copies, you will be charged for additional copies, about \$25 each (as of December 2019).

The courthouse will have a security check at the entrance.

Step 4: Social Security

If you have a Social Security Number, after you receive your court ordered name and gender change OR name change, you can go to your local Social Security Administration office to update your name in Social Security and on your Social Security (SS) card.

You will need this before changing your name on other documents like your state ID or driver's license, as the Social Security Number is one of the primary ways of verifying identity, such as at the DMV. The SS card will not have gender listed on

it, but it is a good idea to change it in their system, too. Getting your SS card updated should be free.

Please bring:

- Completed SS-5 (Application for new SS card) form (linked in Resources)
- One of your certified name change copies from court (In our experience at LYRIC, they have given the court orders back to the applicant.)
- Government ID
- Original Social Security Card (optional)

The social security office may have a security check at the entrance.

It may take a few weeks to receive your new card in the mail, but at LYRIC, we have been told that people's names are changed in the SS system in a matter of days.

Step 5: Birth Certificate

If you were born outside of the U.S., please refer to your birth place's policies around changing name and/or sex marker on your birth records. If you were born in the U.S. outside of California, please refer to the National Center for Transgender Equality for information about updating your birth certificate (linked in [Resources](#)).

If you were born in California outside of San Francisco County, look up the application and fees required for your specific county. You will still need to submit the certified name change court order if changing your name and you will likely not receive these documents back, so plan accordingly. You do not need a court order to change the sex marker on your birth certificate.

If you were born in San Francisco County, you should obtain either

- **Name and sex marker change or sex marker change only:** "VS-24" form (linked in the [Resources](#) section at the bottom)

Note: *You do not need a second person's signature on VS-24 even though it says it's required.*

OR

- **Name change ONLY:** the “VS-23” form (also linked in the [Resources](#) section)

These forms have to be “perfect”... ask your Youth Advocate, attorney, or buddy for help.

In addition to either the VS-24 or VS-23 form, you should include the following with your application:

- \$23 check or money order only, \$25 for each additional copy, payable to CDPH, Vital Records Office (money orders can be obtained at the post office and carry a processing fee)
- If you have it, a photocopy of your current birth certificate (not required)
- **For name and sex marker change:**
 - One of your certified name change copies from court. This is required to change your legal name, but you should be able to change your sex marker on your birth certificate without a court order in California. In our experience at LYRIC, they will not return court orders back to the applicant.
- **For sex marker change only:**
 - a notarized Affidavit (linked in [Resources](#))
 - a notarized Sworn Statement that you are authorized to receive a certified copy (linked in [Resources](#))
- **For name change only:**
 - One of your certified name change copies from court. This is required to change your legal name, but you should be able to change your sex marker on your birth certificate without a court order in California. In our experience at LYRIC, they will not return court orders back to the applicant.
 - a notarized Sworn Statement that you are authorized to receive a certified copy (linked in [Resources](#))

Notaries, which may charge you or donate their services, can be found at clerks' offices, banks, real estate, insurance offices, law agencies, or pharmacies.

Mail your completed application with required documentation to

Vital Records - M.S. 5103

P.O. Box 997410

Sacramento, CA 95899-7410

This may take a few weeks provided the application is approved.

Step 6: DMV

You may choose to complete this step before Step 5 (birth certificate) if you cannot or do not wish to obtain a "REAL ID." Make an appointment with the DMV online and download a new ID form or apply online.

On the day of your DMV appointment, you must bring:

- Completed new ID application (DL-44 form)
 - Available at DMV
 - Available online
- 1 form of proof of CA residency
- One of your certified name change copies from court (in our experience at LYRIC, they may or may not return the court order back to the applicant.)
- \$9-31 fee and/or reduced fee waiver (reduced fee waivers do not apply to drivers' licenses)

Starting October 2020, you will need a REAL ID to board any planes in the US. For a REAL ID, in addition to the ID application, you need

- Documentation of identity (needs to be in current legal name) such as a birth certificate, passport, resident card
- Document with full SSN
- Two forms of proof of CA residency
- One of your certified name change copies from court

It may take a few weeks to receive your new ID or driver's license in the mail.

Step 7: Immigration Documents

United States Citizenship and Immigration Services (USCIS) allows individuals to change their name, gender marker, or both on their immigration documents. We recommend you consult with your attorney for legal advice on pursuing this process.

Please refer to the National Center for Trans Equality website (linked in [Resources](#)) for more information on different documents, including

- Employment Authorization Card
- Permanent Resident Card
- Naturalization Certificate

Step 8: Passport

Fill out form DS-11 (available at the US Department of State website linked below in the [Resources](#) section) and submit the following:

- Proof of US citizenship (e.g., old passport, birth certificate, certificate of naturalization) in black & white (B&W) single-sided photocopies
- Photo ID (Note: this does not need to reflect current legal name if court order is within a year of passport application) and B&W single-sided photocopy
- Passport photo that “resembles current appearance”
- Certification from a medical provider for gender marker change (template is available on US Department of State website, linked below) (As of the last update, you are not allowed to have an “X” as your gender marker on your passport.)
- 1 certified copy of court order (In our experience at LYRIC, they will not return this back to the applicant.)
- Fee (Note: Use the calculator on the US Department of State website to estimate fees, linked below. At LYRIC, we have seen the fees paid by applicants between \$100-200 and we have not come across any ways to reduce the fees the Dept of State asks, but there are resources such as Trans Lifeline and TAJA’s Coalition that can subsidize or cover the fees, linked below.)

Remember to make copies (single sided, B&W) of application materials to avoid additional fees.

You must apply in person at a Passport Acceptance facility when using form DS-11. Some facilities have open hours and others take appointments, so check ahead for the facility's information.

It may take a few weeks to receive your new passport book or card in the mail.

Fees & Costs

For folks who can verify they receive certain government benefits (e.g., MediCal), there are fee waivers available to get the initial court order and a state ID. There are also organizations that provide grants, such as Trans Lifeline and TAJA's Coalition, that can fund other parts of the name/gender legal process, but be aware this might take some more time and coordination.

It is free to have a LYRIC Youth Advocate assist and accompany you throughout this process, for youth 24 and under who have done a New Participant Orientation. For those who are not 24 and under, there are many legal clinics, e.g., Bay Area Legal Aid, that can assist with the court petition for free.

Resources

- Transgender Law Center: <https://transgenderlawcenter.org/resources/id> (includes information for incarcerated people in California)
- Guide to Legally Changing your Name and Gender while Incarcerated <http://www.tgijp.org/guide-to-legally-changing-your-name--gender-while-incarcerated.html>
- California Courts Gender Change Resources: <https://www.courts.ca.gov/genderchange.htm>
- California Courts Name Change Resources: <https://www.courts.ca.gov/selfhelp-namechange.htm?rdeLocaleAttr=en>
- California Courts Fee Waiver Resources: <https://www.courts.ca.gov/selfhelp-feewaiver.htm?rdeLocaleAttr=en>
- DMV Proof of Residency Documents: https://www.dmv.ca.gov/portal/wcm/connect/a34dbefd-c615-4c07-a271-b135850de9d1/Residency_DocsList.pdf?MOD=AJPERES
- Social Security Card Form: <https://www.ssa.gov/forms/ss-5.pdf>
- California Department of Public Health VS-24 form (Name and Sex Marker Change) <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS24.pdf>
- California Department of Public Health VS-23 form (Name Change Only): <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS23.pdf>
- California Affidavit for Change of Gender on Birth Certificate (Gender Change Only) <https://transequality.org/sites/default/files/Change%20of%20Gender%20Affidavit%20California%20.docx>
- California Sworn Statement for Birth Certificate: <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS111.pdf>

- US Department of State Change of Sex Marker Resources: <https://travel.state.gov/content/travel/en/passports/need-passport/change-of-sex-marker.html>
- US Department of State Passport Fee Calculator: <https://travel.state.gov/content/travel/en/passports/how-apply/fees/fee-calculator.html>
- National Center for Trans Equality Identity Documents Guide: <https://transequality.org/documents>
- National Center for Trans Equality Immigration Documents Guide: <https://transequality.org/know-your-rights/immigration-documents>
- Trans Lifeline - Microgrants for Name/Gender Change paperwork: <https://www.translifeline.org/microgrants>
- TAJA's Coalition: <https://tajascoalition.org/>
- East Bay Community Law Center <https://ebclc.org/>

Glossary

- **Certified copy** - This is a “special” copy of your court order that will contain many unique stamps and embossing from the Public Viewing Office and cannot be created in a copy machine. These typically are required to change your name in governmental agencies and other places, like the DMV and Social Security Office.
- **Court order** - This is often the “proof” you need to show you have had a judge or court order that your name and/or gender be legally changed in governmental systems and other agencies, like banks. Places will typically only accept *certified copies*, which cost around \$25 each in San Francisco County (or come free with a fee waiver for up to three copies) and need to be stamped and picked up at the Public Viewing Office.
- **DMV** - Stands for “Department of Motor Vehicles.” Where people may obtain their driver’s licenses and state IDs in California.
- **Dead name** - Typically refers to a name, usually assigned at birth, that a TGNC person no longer goes by.
- **Fee waiver** - A request to pay no or lower costs attached to applying or submitting paperwork to the courts.
- **Gender marker** - What someone’s gender is marked legally as, typically on their ID.
- **Legal name** - What someone’s name is recognized as legally by the government or different governmental agencies. If this differs across agencies, it can cause confusion and awkwardness, e.g., checks bouncing, being denied funds, etc., and can escalate to hostility and violence.
- **Money order** - Payment that looks similar to a check and is prepaid before sent to the other party. Typically you also have to pay a processing fee on top of the amount you are sending to the other person. Can be obtained at the post office and other agencies.

- **Notary/notarized** - A person authorized to witness signatures on documents and who can be found at banks, real estate offices, etc. and may be available on a volunteer basis. A notarized document has only been signed with a notary witnessing, which means do not sign a document that requires a notary until you are in front of them!
- **Penalty of perjury** - Perjury is intentionally lying while under oath. In California, perjury is a felony punishable up to 4 years in prison. On many of the forms in this process, you will not be asked for verification for certain facts (e.g., you receive Medi-Cal benefits and therefore are eligible for a court fee waiver), but you make these statements under penalty of perjury.
- **Petition** - In this guide, this refers to a court petition, which is paperwork you can file to ask the court to hear a case, such as to legally recognize a name or gender marker. This could be an ID, report card, bank statement, voting registration card, or immigration documents. See more examples in the **Resources** section.
- **REAL ID** - An ID required after October 2020 to board any flights in the U.S. that has stricter document requirements than other city or state identification. The REAL ID often requires documents that show you have legal status in the U.S., e.g., a U.S. birth certificate, a Permanent Resident card, or TPS eligibility documents.
- **Sex marker** - What someone's sex is marked legally as, typically on their birth certificate.
- **SSN** - Stands for Social Security Number. People's SSNs are used by the United States to identify people.
- **Sworn Statement** - A legal document that states facts (e.g., you are legally authorized to retrieve a birth certificate for someone) that are made under "penalty of perjury" (described above).
- **TGNC** - Stands for transgender and gender non-conforming.
- **TLC** - Stands for Transgender Law Center.

