

SAN BENITO SUPERIOR COURT SELF HELP CENTER

450 Fourth Street, Hollister, CA 95023

Getting a court order to legally change the name of an adult or minor.

IF YOU WANT TO CHANGE YOUR NAME BASED ON GENDER IDENTITY OR WANT TO CHANGE YOUR NAME & GENDER YOU NEED A DIFFERENT PACKET.

WHEN DO I NEED A COURT ORDER TO CHANGE MY NAME?

In most instances, government agencies require a court-ordered name change to legally change your name. Without the court order, you will not be able to change your name with Social Security, or get a Driver's License issued in that name. If your name is different than the one on your birth certificate, government agencies want to see the "paper trail" that leads to your current name.

In California, you can change your name:

- Through marriage – by listing your new name on your application for a marriage license. (If you don't list it then, you have to do a court-ordered name change.)
- By petitioning the Superior Court in the county where you live.
- Through another court proceeding such as divorce, adoption or U.S. citizenship.

Changing the name of a minor:

- Changing child's last name by petitioning the Superior Court for a name change will not change the father on the birth certificate or make another person the legal parent. To establish paternity or for a stepparent adoption you will need to go through a different court process.
- Information on the steps to change a minor's name begins on page 4 of this packet.

Confidential Name Changes:

- If you are a victim of a crime, domestic violence, stalking, sexual assault or sex trafficking, then you may be able to obtain a confidential name change under the Safe at Home Program. You must be a registered participant of the program to qualify. You need a letter from the Safe at Home Program to submit with your paperwork. You will find information about this program at <http://www.sos.ca.gov/safeathome>, by calling (877) 322-5227 or going to the Self Help Center located at 450 Fourth Street, Hollister.

Filing Fee: There is a \$435 filing fee. You will also be required to pay a fee to have your name change published. The publishing fee is currently \$230. The filing fee may be waived based on income, but the publishing fee cannot be waived by the court.

THE PROCESS:

You file your request to change your name in the California County where you currently live (even if you were not born in that county).

STEP 1- Complete the forms:

Read through each form carefully. Although, at first glance, the forms may seem simple, required information is often overlooked.

- CLETS Background Information Form
- CM-010 Civil Case Cover Sheet
- NC-100 Petition for Name Change
- NC-110 Name and Information about the Person Whose Name is to Be Changed (separate forms must be completed for each person changing their name.)
- NC-120 Order to Show Cause for Change of Name
- NC-130 Decree Changing Name
- NC-121 Proof of Service of Order to Show Cause (if only one parent changing minor's name)
- NC-110G If you are the guardian of a minor, you may need (See the section about changing a minor's name.)

If you would like the Court to waive or reduce the filing fee complete:

- FW-001 Request to Waive Court Fees
- FW-003 Order on Court Fee Waiver

Tips for filling out the forms

- Write neatly!
- **Write out your full name (including your middle name). Do not use initials.**
 - **Do this for both the present name and the proposed name.**
- Petitioner's name this is the present full legal name of the person(s) filing the form.
 - If an adult's name is being changed, they are the petitioner.
 - If a minor's name is being changed, the parent(s) or legal guardian is the petitioner. **(If changing a minor's name read through the entire instructions before filing out your forms.)**
- Make sure your present name and proposed name are written the same way on all of the forms, and on all parts of each form.
- Pick a newspaper for publication from the list in this packet. This must be listed on your Order to Show Cause form NC-120 # 3.a. Currently, the Free Lance is the only qualifying newspaper for publication in San Benito County.

STEP 2 – Make copies

- Make additional copies of your forms in the amount listed after each form.
 - CLETS Background Information Form – **Original only** for clerk – no copies needed
 - CM-010 Civil Case Cover Sheet – **Original only** for clerk – no copies needed
 - NC-100 Petition for Name Change – **Original + 1 copy**
 - NC-110 Name and Information about the Person Whose Name is to Be Changed – **Original + 1 copy**
 - NC-120 Order to Show Cause for Change of Name – **Original + 2 or 3 copies** (1 for you, 1 for the newspaper, and 1 if you must serve the other parent in a minor name change)

- NC-130 Decree Changing Name – **Original only** for clerk – no copies needed
- NC-121 Proof of Service of Order to Show Cause (if only one parent changing minor’s name) **Original + 1 copy**
- NC-110G If you are the guardian of a minor, you may need (See the section about changing a minor’s name.) **Original + 1 copy**

If you would like the Court to waive or reduce the filing fee complete:

- FW-001 Request to Waive Court Fees – **Original only**
- FW-003 Order on Court Fee Waiver – **Original only**

STEP 3- File your papers:

- File at the Civil Clerk’s window at 450 Fourth St., Hollister

STEP 4 – Take your papers to be published:

- After the forms are filed, you **must** publish your name change request in the newspaper you listed on the Order to Show Cause NC-120 # 3.a. A list of newspapers and the approximate cost for publication is included in this packet. This must be done once a week for four consecutive weeks before the court date.
 - This fee **cannot** be waived by the court.
- Ask the newspaper if they will file the Proof of Publication with the court or if it is something you will be required to pick up and file. The Proof of Publication needs to be filed prior to your court date or your name change will not be granted.

STEP 5 – Go to your court date, if required:

- At the time of filing, you are given a court date. In most cases, this court date will be taken off calendar and you will not have to go to court. The only exception is that you may be required to go if there is a filed objection or missing court paperwork. The court will let you know if you are NOT required to appear.

STEP 6 – Get a copy of your decree:

- After the judge signs the Decree, you will be given the original. Immediately take the paperwork to the Civil Clerk’s window at 450 Fourth St., Hollister and file it.

STEP 7 – Change your name:

Take your decree changing your name to the Social Security office. Once you have changed your name at the Social Security office, you can go to the DMV. Make sure you contact all of the places that need to be aware of your new name, such as, your bank, credit card companies, utilities, and anyone else you have an account with. See the list included in this packet for ideas.

STEP 8 – Amending your birth record:

- If you want to amend the birth certificate you must submit the following to the California Department of Public Health – Vital Records in Sacramento
 - A certified copy of the court order (Decree)

- The Application for Amendment of Birth Record to Reflect Court Order Change of Name VS 23.
 - A blank copy is in this packet for your use.
 - You can pick up this form from the Recorder's Office.
 - You can also fill one out online or print and fill out by hand. The form is at <https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx> .
 - **The form will not be accepted with cross outs or white out of any kind.**
- \$23 fee
- Copy of your current birth certificate (if you have it)
- More information about the process can be found at [https://www.cdph.ca.gov/Programs/CHSI/CDPH%20Document%20Library/ADA%20Court%20order%20name%20change%20\(01-18\).pdf](https://www.cdph.ca.gov/Programs/CHSI/CDPH%20Document%20Library/ADA%20Court%20order%20name%20change%20(01-18).pdf)

Changing a minor's name:

Changing a child's name through a court order will not change the father on the birth certificate or on the form signed at the hospital. If you want to change the father, including adding a father, speak with the Self Help Center. Their contact information is listed at the end of this informational sheet.

If you are the child's parent:

- **Where do you file?** You must change the child's name in the county where the child lives.
- **Who petitions?** Both parents may petition for the name change jointly or one parent may petition. If both parents petition together both names are listed everywhere it asks for the petitioner to be named and both parents will need to sign all the forms.
- **Do I have to serve the other parent even if I have full legal and physical custody?** Yes, the other parent must be served unless his/her parental rights have been terminated or they petition jointly with you.
- **How do I serve the other parent?** Service on the other parent must be done by someone who is 18 or older and not a party to the action. If the parent lives in California, the papers must be personally served. If they live outside of California, service can be done by certified mail, return receipt requested.
- **When do I need to serve the other parent?** The other parent must be served at least 30 days before the hearing date. If they are being served by mail because they live in another state, 10 days are added.
- **How do I prove the other parent was served?** The person who serves the paperwork fills out and signs NC-121 for Proof of Service of Order to Show Cause
- **Can the filing fee be waived?** Yes, it can be waived based on income. Fill out and submit FW-001 and FW-003. If both parents are filing a joint petition, each parent will need to submit a separate fee waiver.
- **What if the other parent objects to the name change?** If the parents disagree, the court will make a decision based on the legal standard "best interests of the child".

Process for changing a child's name:

- If both parents are petitioning jointly, follow all the steps above.
- If only one parent is filing, follow steps 1 – 4. After step 4, arrange for the other parent to be served with a copy of the paperwork at least 30 days before the court date. You will complete the top portion of the NC-121 Proof of Service of Order to Show Cause. The person who serves the paperwork will fill out the rest of the form and sign at the bottom. This needs to be filed with the court before your court hearing. If you come to court without this paper being filed, the judge cannot consider your request.

Guardian Changing a Child's Name: The name change paperwork gets filed into your existing guardianship case. Write in the guardianship case number on all your forms.

- You will need to use the two forms listed below in addition to the forms listed at the beginning of this packet.
 - NC-110G Supplemental Attachment to Petition for Change of Name (Declaration of Guardian) NC-110G for each child.
 - Before the court hearing, the children's parents (or grandparents if parents are deceased) must be served papers of the proposed name change.
 - If the court grants the name change, a guardian must file a Decree Changing Name (by Guardian) NC-130G.

Adult Change of Name--Frequently Asked Questions

Q: Why do I have to publish my Order to Show Cause for Change of Name in the newspaper?

A: The law requires that you publish the Order to Show Cause form showing you are asking to change your name, and the date of your court hearing, to help prevent fraud by letting people know you are changing your name, and giving them a chance to object. Normally no one objects, but the legal requirement means you cannot get a court order to change your name without publishing notice.

Q: Why would a judge not let me change my name?

A: The main reasons why a judge would not agree to change your name are:

- If the judge finds that you are changing your name to commit fraud, or
- If the judge finds that you are changing your name to hide from the law or the police or for some other illegal reason.

If you are on probation or parole, the judge may not agree to change your name, unless your probation or parole officer is aware of your change of name and gives written consent. If you are incarcerated in a California state prison, the Secretary of the California Department of Corrections and Rehabilitation' (http://www.cdcr.ca.gov/Contact_Us/index.html) has to give permission to the court to let you change your name. If you are incarcerated in federal prison, get permission from the Director of the Federal Bureau of Prisons (<http://www.bop.gov/about/organization.jsp>).

Q: What if I am a victim of domestic violence and I do not want my abuser to find out my new name?

A: There are ways for your new name to remain confidential and not appear on the court records. You can register with the Safe at Home (<http://www.sos.ca.gov/safeathome/>) program to keep the information confidential. Ask your local domestic violence shelter, victim services unit in the local

District Attorney's Office, or Self Help Center for help.

Q: What if I am divorced, but I want to change my name to something different from my maiden name or a prior married name that I once used?

A: You have to file a regular change of name case in your local superior court.

Q: What if I want to change my name and gender?

A: There are separate forms that allow you to change your name and gender at the same time or to change only your gender. Ask staff for information.

Q: What if I want to keep my name but change my gender?

A: There are separate forms to only change your gender and issue a new birth certificate. If you were born in California, you may apply directly to the Department of Vital Statistics to change your gender without a court order.

GETTING ASSISTANCE:

The Self Help Center, located in the San Benito Courthouse at 450 Fourth Street, in Hollister, CA 95023, can help you fill out the forms. In person services are available on a walk-in basis.

Call 831-636-4057 x104 or visit <https://www.sanbenito.courts.ca.gov/self-help> for current hours.

San Benito .com

Home of the FREE  LANCE

How to Publish Your Order to Show Cause/Name Change in the Free Lance:

Cost: publication runs for four successive weeks at \$230 - this includes filing the proof of publication with the Court on your behalf. Prepayment is required, and credit cards are processed through our client portal - Please note that we don't take any information through the phone.

If a check is preferred, please send us one along with a copy of your document to P.O. Box 516, Gilroy CA 95021.

Sending the Order to Show Cause to the Free Lance:

Email: The easiest way to send us your document is via **email** to legals@newsymedia.com or jpulcrano@weeklys.com; it can be a picture or a scan of the page that holds your name change details and hearing date (the Order to Show Cause)

Following COVID-19 guidelines, we don't encourage walk-ins to our office located at 7455 Monterey Road, Gilroy CA 95020, and our office in Hollister is not open to the public.

Mail: send a check for \$230 along with a copy of your Order to Show Cause to P.O. Box 516, Gilroy CA 95021.

Our deadline is on Friday at noon for the following Friday publication - the Free Lance publishes weekly.

San Benito Superior Court Self Help Center

What to do after the Court grants your name change and/or gender change

After the court grants your name and/or gender change petition, you will need to update your important documents. This list will give you a good idea of what needs to be changed. Contact each business or agency to find out what their procedures are in order to make the necessary changes.

Basic documents you will need:

- Certified copy of your Court order
- Valid photo I.D.

*Check with each agency if they require any other documents.

Suggested places to notify and documents to change:

Identity Documents:

- Social Security
- Birth Certificate
 - o Must be updated within **30 days** if changing your gender
- Driver's license or ID card
- Passport
 - o Will require additional medical verification if changing gender
- Tax records
- Voter Registration

Legal/Health Documents:

- Wills and Other Estate Planning Documents
- Advance Healthcare directives
- Insurance (Auto, Health, Life, etc.)
- Medical Records

Memberships:

- State Licensing Boards
- Public Assistance agencies
- Veterans Administration
- Personal memberships (AAA, gym, library, etc.)

Financial Documents:

- Bank Accounts
- Credit Cards
- Credit Reporting Agencies
- Stocks, Bonds, Mutual Funds, and IRAs
- Auto, Boat, and/or Plane Registration
- Student/Vehicle Loans
- Deeds to Real Estate
- Mortgage/Lease
- Creditors and Debtors
- Telephone
- Utilities
- Subscriptions (magazine, news, video/music/streaming platforms)
- Payment Services

Various Records

- Your Employer's Records
- School Records

Personal:

- Contacts
- Email (name as it appears to others)
- Social Media

**Though the State of California recognizes non-binary as a gender, it is still not recognized federally. Therefore, any federal documents will only allow the choice/change of a single binary gender identity to the other. If you changed your name and your gender to non-binary, you will need to update your name with federal agencies, but your gender will remain the one assigned at birth.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO
 450 4th Street, Hollister, CA 95023
 (831) 636-4057

CLETS BACKGROUND INFORMATION FORM

Pursuant TO CCP 1279.5, the court is required to conduct a background investigation to determine whether an applicant for name change is under the jurisdiction of the California Department of Corrections or is required to register as a sex offender (PC290). To conduct this investigation, the following form must be completed. In the process of completing this form, **please print your information.** If any section does not apply to your, please indicate "NA".

<u>LAST NAME:</u>			<u>FIRST NAME:</u>			<u>MIDDLE NAME:</u>			
<u>LIST ANY OTHER NAMES THAT YOU USE, INCLUDING MAIDEN NAME, BIRTH NAME OR NICKNAME:</u>									
1.									
2.									
3.									
<u>RESIDENCE STREET ADDRESS:</u>						<u>CITY/STATE:</u>		<u>ZIP:</u>	<u>PHONE NUMBER</u>
<u>MAILING ADDRESS IF DIFFERENT FROM RESIDENCE:</u>								<u>BUSINESS PHONE</u>	
<u>DATE OF BIRTH:</u>	<u>AGE:</u>	<u>PLACE OF BIRTH:</u> (STATE OR COUNTRY)		<u>SEX:</u>	<u>HEIGHT:</u>	<u>WEIGHT:</u>	<u>HAIR:</u>	<u>EYES:</u>	
<u>DRIVERS LIC NO:</u>	<u>STATE:</u>	<u>EXPIRATION DATE:</u>	<u>SOCIAL SECURITY NO:</u>			<u>U.S. CITIZEN:</u> YES <input type="checkbox"/> NO <input type="checkbox"/>			
<u>SCARS, MARKS OR TATTOOS: IF YES, DESCRIBE</u>									
I certify the above information is correct.									
Signature: _____						Date: _____			

FOR COURT USE ONLY: CASE NUMBER: _____ DATE OF APPLICATION: _____	DATE SENT TO COMMUNICATIONS: _____ DATE DUE BACK TO COURT: _____ HEARING DATE: _____
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS:		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Benito		
STREET ADDRESS: 450 Fourth St.		
MAILING ADDRESS: 450 Fourth St.		
CITY AND ZIP CODE: Hollister, CA 95023		
BRANCH NAME:		
CASE NAME:		
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER:
		JUDGE:
		DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input checked="" type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract *(not unlawful detainer or wrongful eviction)*
 - Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
 - Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment *(non-domestic relations)*
 - Sister State Judgment
 - Administrative Agency Award *(not unpaid taxes)*
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint *(not specified above)* (42)
- Declaratory Relief Only
- Injunctive Relief Only *(non-harassment)*
- Mechanics Lien
- Other Commercial Complaint Case *(non-tort/non-complex)*
- Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME

NC-100-INFO

1. Where to File

The petition for change of name must be filed in the superior court of the county where the person whose name is to be changed is a resident.

2. Whose Name May Be Changed

The petition may be used to change your own name and, under certain circumstances, the names of others (e.g., children under 18 years of age).

3. Confidentiality of Certain Names

If you are a participant in the Secretary of State's address confidentiality program (Safe at Home), your current and proposed names may be kept confidential. (Code Civ. Proc., § 1277(b).) See *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO) for additional instructions.

4. What Forms Are Required

Prepare an original and two copies of each of the following documents:

- a. *Petition for Change of Name* (form NC-100)
- b. *Name and Information About the Person Whose Name Is to Be Changed (Attachment to Petition For Change of Name)* (form NC-110) (attach as many copies as necessary)
- c. *Order to Show Cause for Change of Name* (form NC-120) or, if applicable, *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125)
- d. *Decree Changing Name* (form NC-130 or, for guardians, form NC-130G)
- e. *Civil Case Cover Sheet* (form CM-010)

In addition, a guardian must prepare and attach a *Declaration of Guardian (Supplemental Attachment to Petition)* (form NC-110G) for each child whose name is to be changed.

5. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File the original petition and *Civil Case Cover Sheet* with the clerk of the court and obtain two filed-endorsed copies of the petition. A filing fee will be charged unless you qualify for a fee waiver. (If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). There is no filing fee for minors in the State's address confidentiality program (Safe at Home).

6. Requesting a Court Hearing Date and Obtaining the Order to Show Cause

You should request a date for the hearing on the *Order to Show Cause for Change of Name* (form NC-120) at least six weeks in the future. Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's signature, file the original, and give you a copy.

If you are changing your name to conform to gender identity, you need not request a hearing date. Instead, complete the *Order to Show Cause for Change of Name to Conform to Gender Identity* (form NC-125) and take the completed form to the clerk's office. The clerk will obtain the judicial officer's signature, file the original, and give you a copy.

7. Publishing the Order to Show Cause

In most cases, a copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for at least four consecutive weeks before the date of the hearing. You must select the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the superior court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk. But you **do not have to publish** the order if you are seeking to change a name to conform to your gender identity or are a participant in (1) the State Witness Program, or (2) the address confidentiality program, and the petition alleges that you are petitioning (a) to avoid domestic violence, (b) to avoid stalking, (c) to avoid sexual assault, or (d) to avoid human trafficking.

8. Name Change for Children

- a. If you are a petitioning parent requesting the name change for a child under 18 years of age, and one of the parents, if living, does not join in consenting to the name change, the petitioning parent must have a copy of the *Order to Show Cause* or notice of the time and place of the hearing served on the nonconsenting parent. Service must be made **at least 30 days prior to the hearing** under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40.
- b. If you are a petitioning parent or any other adult requesting the name change for a child **to conform to that child's gender identity** and a living parent does not join in the petition for the name change, you must have a copy of the petition and the *Order to Show Cause* served on the nonconsenting parent. Service must be made **within 30 days of the date the order is made by the court**, under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40.
- c. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.
- d. If the nonconsenting parent resides outside California, that parent may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.
- e. If you are the guardian of a minor and filing a petition to change the name of that minor, you must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing (or as in b above), or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing, under Code of Civil Procedure sections 413.10, 414.10, 415.10, or 415.40. *(If the minor's name is being changed to conform to gender identity, these notices and orders for grandparents need not be completed or served.)*

If you have served a parent or grandparents, file a copy of the completed *Proof of Service of Order to Show Cause* (form NC-121) with the court before the hearing.

9. Name Change for Person in Jail or Prison or on Parole

If you are a person in county jail, or under the jurisdiction of the Department of Corrections and Rehabilitation (in state prison, or on parole) you may file a petition to change your name, but must serve the petition on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department. Check with the department as to how that should be done.
- If in state prison, you must provide a copy of the petition to the warden. Check with the warden's office as to how that should be done.
- If on parole, you must provide a copy of the petition to the regional parole administrator. Check with the administrator's office as to how that should be done.

After you have provided a copy to the sheriff, warden, or regional parole administrator, file a copy of the completed *Proof of Service By Mail* (form POS-030) with the court.

Note that the declaration on form NC-110 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation is only for purposes of determining if service of the petition is required.

10. Court Hearing

If no written objection is filed at least two court days before the scheduled hearing, the court may grant the petition and sign the decree without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original decree.

If you filed a petition for name change to conform to gender identity, and timely objections were filed, the court may set a hearing date after receiving the objections. If it does, you will be sent a notice of the hearing date. Check with the court after the deadline for filing objections to see if a hearing date has been set. If there are no objections, the court will grant the petition and sign the decree without a hearing.

11. If you were born in California and want to amend a birth certificate to show the name change, you should contact the following office:

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

Phone: 916-445-2684
website: www.cdph.ca.gov

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles name change petitions, the times when petitions are heard, and the newspapers that may be used to publish the *Order to Show Cause*.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO STREET ADDRESS: 450 Fourth Street MAILING ADDRESS: 450 Fourth Street CITY AND ZIP CODE: Hollister, CA 95023 BRANCH NAME:	
PETITION OF (name of each petitioner):	
PETITION FOR CHANGE OF NAME	CASE NUMBER:

Before you complete this petition, you should read the *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). You must answer all questions and check all boxes that apply to you on this petition. You must file this petition in the superior court of the county where the person whose name is to be changed resides.

1. Petitioner (present name): _____ resides in this county.

2. Petitioner requests that the court decree the following name changes (list every name that you are seeking to change):

<u>Present name</u>	<u>Proposed name</u>
---------------------	----------------------

- a. _____ changed to _____
- b. _____ changed to _____
- c. _____ changed to _____
- d. _____ changed to _____

Continued (if you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2.)

3. Petitioner requests that the court issue an order directing all interested persons to appear or file objections to show cause why this petition for change of name of the persons identified in item 2 should not be granted.

4. The number of persons under 18 years of age whose names are to be changed is (specify):

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):

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

7. For each person whose name is to be changed, petitioner provides the following information (you must attach a completed copy of the attachment Name and Information About the Person Whose Name Is to Be Changed (form NC-110) for each person identified in item 2):

- a. The number of attachments included in this petition is (specify number):
- b-f. (These are the items on the attached page or pages of Form NC-110.)



PETITION OF <i>(Name of petitioner or petitioners):</i>	CASE NUMBER:
FOR CHANGE OF NAME	

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED**

Attachment **1** of

Attachment to Petition (form NC-100, form NC-200, or form NC-500)

(You must use a separate attachment for each person whose name is to be changed. If petitioner is a guardian of a minor, a supplemental attachment, Declaration of Guardian (form NC-110G), must also be completed and attached for each minor whose name is to be changed.)

7. *(Continued)* Petitioner applies for a decree to change the name of the following person:

- b. Self Other
- (1) Present name *(specify):*
 - (2) Proposed name *(specify):*
 - (3) Born on *(date of birth):*
and presently under 18 years of age over 18 years of age
 - (4) Born at *(place of birth):*
 - (5) Sex *(as stated on original birth certificate):* Male Female
 - (6) Current residence address *(street, city, county, and zip code):*

c. Reason for name change *(explain):*

- d. Relationship of the petitioner to the person whose name will be changed:
- (1) self
 - (2) parent
 - (3) guardian
 - (4) near relative *(indicate relationship):*
 - (5) Other *(specify):*

e. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

- (1) Parent *(name):* _____ *(address):* _____
- (2) Parent *(name):* _____ *(address):* _____
- (3) *(Only if neither parent is living)* Near relatives *(names, relationships, and addresses):*

f. If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration:

DECLARATION

I declare under penalty of perjury under the laws of the State of California that *(check one)* I am not I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in county jail and *(check one)* I am not I am required to register as a sex offender under Penal Code section 290.

Date: _____

(TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED)	(SIGNATURE OF PERSON WHOSE NAME IS TO BE CHANGED)
--	---

(If petitioner is represented by an attorney, the attorney's signature follows):

Date: _____

(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY)
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(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date: _____

(TYPE OR PRINT NAME)	(SIGNATURE OF PETITIONER)
----------------------	---------------------------

Date: _____

(TYPE OR PRINT NAME)	(SIGNATURE OF PETITIONER)
----------------------	---------------------------

ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS SIGNATURE OF PETITIONERS FOLLOWS LAST ATTACHMENT

PETITIONER OR ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Benito STREET ADDRESS: 450 Fourth Street MAILING ADDRESS: CITY AND ZIP CODE: Hollister, CA 95023 BRANCH NAME: _____	
PETITION OF (Name of each petitioner): <div style="text-align: right;">FOR CHANGE OF NAME</div>	
ORDER TO SHOW CAUSE FOR CHANGE OF NAME	CASE NUMBER: _____

TO ALL INTERESTED PERSONS:

1. Petitioner (name): _____ filed a petition with this court
 for a decree changing names as follows:

	<u>Present name</u>	to		<u>Proposed name</u>
a. _____		to	_____	
b. _____		to	_____	
c. _____		to	_____	
d. _____		to	_____	
e. _____		to	_____	

Continued on Attachment 1.

2. THE COURT ORDERS that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING

a. Date:	_____	Time:	_____	<input checked="" type="checkbox"/> Dept.:	1 _____	<input type="checkbox"/> Room:	_____
b.	The address of the court is <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____						
3. a.	<input checked="" type="checkbox"/> A copy of this <i>Order to Show Cause</i> shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county (specify newspaper): Hollister Free Lance						
b.	<input type="checkbox"/> Other (specify): _____						

Date: _____

JUDGE OF THE SUPERIOR COURT

NOTE: When a *Petition for Change of Name* has been filed for a child and the other parent, if living, does not join in consenting to the name change, the petitioner must have a notice of the time and place of the hearing or a copy of the *Order to Show Cause* served on the other parent not less than 30 days prior to the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. If a petition to change the name of a child has been filed by a guardian, the guardian must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40. (This Note is included for the information of the petitioner and shall not be included in the *Order to Show Cause* published in the newspaper.)

Decree Changing Name—Final Court Order

- Complete as much as possible on the attached Decree Changing Name before your court date.
- Bring this form with you to your court date.
- If the court grants your name change ask the court to sign the decree that day in court. After it is signed you will need to file it at the Clerk's Office at 450 Fourth Street, Hollister, CA 95023.
- If the court will not sign it that day the Decree Changing Name will need to be completed and given to the Clerk's Office at 450 Fourth Street, Hollister, CA 95023. Turn it in with a self-addressed stamped envelope and the clerk will mail it to you.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Benito STREET ADDRESS: 450 Fourth Street MAILING ADDRESS: CITY AND ZIP CODE: Hollister, CA 95023 BRANCH NAME:	
PETITION OF (name of each petitioner): <p style="text-align: right;">FOR CHANGE OF NAME</p>	
DECREE CHANGING NAME	CASE NUMBER:

1. The petition was duly considered:
- a. at the hearing on (date): _____ in Courtroom: _____ of the above-entitled court.
- b. without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. Each person whose name is to be changed identified in item 3 below
 is not is required to register as a sex offender under section 290 of the Penal Code.
 This determination was made (check one): by using CLETS/CJIS based on information provided to the clerk of the court by a local law enforcement agency.
- c. No objections to the proposed change of name were made.
- d. Objections to the proposed change of name were made by (name): _____
- e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- f. Other findings (if any): _____

THE COURT ORDERS

3. The name of
- | | <u>Present name</u> | <u>New name</u> |
|----|---------------------|-----------------|
| a. | | is changed to |
| b. | | is changed to |
| c. | | is changed to |
| d. | | is changed to |

Additional name changes are listed on Attachment 3.

Date:

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE OF JUDGE FOLLOWS LAST ATTACHMENT

Request to Change Child's Name Service and Proof of Service

- If this is a request to change your child's name you will need to find someone 18 years or older to hand a copy of the filed forms to the other parent. The forms may be served by mail with a return receipt requested if the other parent lives out of the state. With either type of service, the person either handing or mailing the forms cannot be you and they must be at least 18 years-old. The server can be a friend or relative.
- Service cannot happen until after you file your papers and get a court date at the Clerk's office at 450 Fourth Street, Hollister, CA 95023.
- The person who serves your filed court forms has to complete the attached Proof of Service of Order to Show Cause.
- After the server completes the Proof of Service make a copy of the form and file the original and copy at the Clerk's office at 450 Fourth Street, Hollister, CA 95023. The clerk will stamp the copy and give it back to you for your records.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Benito STREET ADDRESS: 450 Fourth Street MAILING ADDRESS: CITY AND ZIP CODE: Hollister, CA 95023 BRANCH NAME:	
PETITION OF (name of each petitioner): <p style="text-align: right;">FOR CHANGE OF NAME</p>	
PROOF OF SERVICE OF ORDER TO SHOW CAUSE BY <input type="checkbox"/> PERSONAL DELIVERY <input type="checkbox"/> MAILING (OUTSIDE CALIFORNIA ONLY)	CASE NUMBER:

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this proceeding.
2. My residence or business address is (specify):

3. I personally delivered or mailed a copy of the (title of document):
 ORDER TO SHOW CAUSE FOR CHANGE OF NAME (NC-120)

as follows (complete either a or b):

- a. **Personal delivery.** I personally delivered a copy to the person served as follows:

- (1) Name of person served:
- (2) Address where delivered:

- (3) Date delivered:
- (4) Time delivered:

- b. **Mail.** I am a resident of or employed in the county where the mailing occurred.

- (1) I enclosed a copy in an envelope and mailed the sealed envelope to the person served by first-class mail, postage prepaid, return receipt requested, to the address outside of California listed below.
- (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:

- (c) Date of mailing:
- (d) Place of mailing (city and state):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF DECLARANT)

 (SIGNATURE OF DECLARANT)

PROOF OF SERVICE OF ORDER TO SHOW CAUSE
 (Change of Name)