



California Department of Public Health Logo

Correcting Gender Errors on Birth Certificates

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Center for Health Statistics and Informatics – Vital Records

Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Department of Public Health
Vital Records - M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
Website address www.CDPH.CA.GOV

January 2017

Correcting Gender Error or Birth Certificate

What is a gender error?

Sometimes, hospitals or local registrars will enter **incorrect** gender information on a birth certificate (“female” for male, or “male” for female). This is called “gender **error.**”

This is not the same as “gender **reassignment,**” which is when someone has undergone clinically appropriate treatment for the purpose of gender transition.

Can gender errors be corrected? If so, what do I submit?

Yes, gender errors can be corrected.

- You will need to complete an Affidavit to Amend a Record, VS 24 form. Please see the next page for information on obtaining a form.
- Although this item is **not required**, it would help California Department of Public Health – Vital Records (CDPH-VR) staff if you could include a photocopy of the current birth certificate if you have it (this helps CDPH-VR identify the exact record to be amended).
- You **must** include a notarized Sworn Statement (see next section for more information).

Mail the following items to the CDPH-VR office using the address on the front of this pamphlet:

- Completed VS 24 form (including back side)
- \$23 fee
- **Notarized** Sworn Statement
- Photocopy of current birth certificate (if you have it)
- If any of the required items are not included, your request will be returned to you for correction.
- Keep copies of documents submitted. They will not be returned.

Why do I need a Sworn Statement?

Effective July 1, 2003, the law requires that only an authorized person (as defined by Health and Safety Code 103526 (c)) may receive a Certified Copy of a birth or death record. To help protect against identity theft, you must complete and submit a signed, notarized Sworn Statement declaring under penalty of perjury that you are authorized by law to receive an authorized Certified Copy. *The sworn statement form is available on the CDPH website.*

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Who may apply to correct the record?

The person listed on the birth certificate may complete the VS 24 form if he or she is at least 18 years old. If the person is under 18 or is incompetent, then the parent, legal guardian, or conservator may apply on his or her behalf.

What is the fee to correct a gender error?

- \$23 – which includes one Certified Copy of the new birth certificate.
- Additional copies are \$25 each.
- Fees should be paid by check or money order payable to **CDPH Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

Where can I get the VS 24 form?

One VS 24 form is included if you receive this pamphlet by mail. If you need additional copies of the VS 24 form, or are accessing this pamphlet on the CDPH-VR website:

- [Download a fillable form](http://www.cdph.ca.gov/pubsforms/forms/CtrlForms/VS24.pdf) at: <http://www.cdph.ca.gov/pubsforms/forms/CtrlForms/VS24.pdf>. [Instructions](#) for completing the PDF fillable form can be found at the CDPH website.
- [Order paper forms](#) electronically to be mailed to you at: <https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184>. Because of the volume of phone calls CDPH-VR receives, the internet is usually a faster process for customers than calling the Customer Service Unit.
- Call the Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

How do I complete the VS 24 form?

A sample of what a completed form should look like is attached if you received this by mail.

PART I:

Complete the information **exactly** as it appears on the current birth certificate.

Note: If you need a copy of the current birth certificate to complete this section, you can download a fillable application form for a certified copy at the CDPH website or you may obtain a paper form in the same manner as noted in the previous section.

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How do I complete the VS 24 Form (continued)

Complete and submit the application, notarized Sworn Statement, and \$25 fee to the CDPH-VR office.

PART II:

Item 8: Enter the item number from the current birth certificate that needs to be corrected. List only one item per line.

Item 9: Enter the *incorrect* information **as it appears** on the current birth certificate.

Item 10: Enter the *correct* information **as it should appear** on the birth certificate.

Item 11: Briefly state the reason for the correction.

What sworn affidavits are required?

Health and Safety Code Section 103447 requires one affidavit that meets **one** of the following three conditions:

1. Must be signed by the administrator of the birthing hospital (or the administrator's representative), who must indicate on the affidavit that the gender error was due to a hospital error.
 2. Must be signed by a representative of the local registrar, who must indicate on the affidavit that the gender error was an administrative error by the local registrar.
 3. Must be signed by the physician who attended the birth and either a parent or a relative who was at least five years old at the time of the birth, who must indicate on the affidavit that the listed individual's gender at the time of birth was different from the gender indicated on the current birth certificate.
- The signed affidavits must be included on the bottom of the VS 24 form – and not as a separate document.
 - **Two signatures are required.**

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What makes a VS 24 form “acceptable?”

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability. To help CDPH-VR prepare the new birth certificate accurately:

- Every item on the amendment must be completed.
- The form must be completed using the 26 alphabetical characters of the English language.
- Appropriate punctuation includes: a hyphen such as in “Smith-Jones,” an apostrophe as in “O’Hare,” a period as used with “Jr.,” and a comma as with “Smith, Jr.”
- Unacceptable entries include: drawings, pictures, or symbols, or accents or marks added to a letter to indicate pronunciation or to distinguish it in some way, such as with è, ñ, ē, or ç.
- CDPH-VR must be able to read the information on the form. It is extremely important that the form be legible. ***Typing entries on the form ensures that the information is interpreted clearly.***
- If you are completing the downloadable amendment form, print on standard 8½” x 11” letter size, plain white paper, using black ink only, at 100% scale.
- If you are not able to type the amendment form, it is extremely important that you take the extra time to print ***very clearly and legibly***. Documents that are not legible will be returned to you to complete again.
- ***Only black ink is acceptable*** (per Health and Safety Code Section 102125).
- ***There cannot be any erasures, whiteout, or alterations.***

How long will it take to get the new birth certificate?

The [processing time](#) for birth amendments can be located on the CDPH-VR website at:

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx>

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Once I file the amendment, what happens to the original birth certificate?

- When CDPH-VR receives the acceptable documents (and fee), CDPH-VR will seal the original birth certificate and replace the sealed record with a new birth certificate.
- The new birth certificate will in no way indicate that it is not the original birth certificate.
- The new birth certificate will be the only birth certificate available to the public.

What if I corrected the gender error before January 1, 2001?

CDPH-VR will follow the above “seal-and-replace” procedures for anyone correcting a gender error, regardless of previous amendments that were applied before this law was passed (January 1, 2001).

Prior to that date, when CDPH-VR corrected a gender error, CDPH-VR could not seal the original birth certificate and replace it with a new one. Instead, individuals received a two-page document consisting of a copy of the original birth certificate containing the incorrect gender information, and a copy of the amendment containing the correct gender information.

Upon written request to the CDPH-VR office, and submission of a \$23 processing fee, CDPH-VR can now seal those two-page records and provide you with a one-page birth certificate that contains only the correct gender information.

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered, please call the Customer Service Unit at (916) 445-2684. If you are checking the status of your request, please wait until after the processing time has passed before contacting CDPH-VR.