



California Department of Public Health Logo

Amending a Birth Certificate After a Court Order Name Change

Court Order Name Change

Revised January 2017

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

Amending a Birth Certificate After Court Order Name Change

I want to change my name on my birth certificate. Can I do this without going to court?

No. The law does not allow California Department of Public Health – Vital Records (CDPH-VR) to completely change the registrant’s name on a birth certificate unless the registrant has his or her name legally changed through the court process.

Only information that was ***erroneously*** entered ***by the hospital*** staff at the time of registration can be amended without going to court (documentation must be provided by the hospital to support the correction). Supporting documents will not be returned. Keep copies of documents submitted.

- CDPH-VR suggests you contact a family law attorney for legal advice in this matter. CDPH-VR staff cannot provide legal advice, nor does CDPH-VR have information about the legal process.
- There are also books available at bookstores or public libraries to help you with the court process.
- You can also access the following website for additional information about the court process:
www.courts.ca.gov.

My parents changed their names through the court process. How can I change their names on my birth certificate?

The Court Order Name Change process can only be used to change the name of the person listed on the birth certificate. However, with documentation supporting their own court order name change, parents may add an amendment to the child’s birth certificate showing their name changes as an AKA (“also known as”).

There is no additional fee required to include an AKA for one or both of the parents on the child’s birth record, as long as the AKA paperwork (Affidavit to Amend a Record) is submitted with the paperwork to change the child’s name.

A sample Affidavit to Amend a Record is enclosed if you received this by mail. If adding AKAs for both parents, this change can be combined on the same VS 24 form (Affidavit to Amend a Record), but a certified copy of the court order changing the name(s) of the parent(s) is required (supporting documentation must be included to support both AKAs).

Amending a Birth Certificate After Court Order Name Change

My parents changed their names through the court process. How can I change their names on my birth certificate? (continued)

If the parent's name(s) was changed through the Naturalization process, photocopies of the Petition for Name Change from U.S. Citizenship and Immigration Services and the Certificate of Naturalization with the Department of Homeland Security seal are required.

Supporting documents will not be returned. Keep copies of documents submitted.

The Court Order Name Change process cannot be used to change a parent listed on a child's birth certificate. In order to change a parent listed, you must petition the Superior Court. For more information on this process, please call the CDPH-VR Customer Service Unit at (916) 445-2684 and request the pamphlet entitled "Adjudication of Facts of Parentage" (or you can download the pamphlet from the CDPH-VR website).

I was born in California, but I changed my name in another state. Are court orders from other states acceptable?

Yes. If you obtained your court order from a court in another state, the District of Columbia, or any territory of the United States, the order can be used to amend a California birth certificate. **The court order *must state the full birth name prior to and after the name change.***

Exception: If you reside in Hawaii, CDPH-VR cannot accept a name change issued by the Office of the Lieutenant Governor, because it is an administrative procedure and does not comply with California law.

Residents of Hawaii must petition the court in Hawaii or another U.S. state or territory.

After I get the court order, what do I submit to amend my birth certificate?

- You will need to complete an Amendment of Birth Record to Reflect Court Order Change of Name, VS 23 form. Please see next page for information on obtaining a form.
- You must include a certified copy of the court order name change. ***The court order must state the full birth name prior to and after the name change.*** (See next section for explanation of "certified" copy.) CDPH-VR does not return the court order after the amended birth certificate is prepared.
- Although this item is ***not required***, it would help the 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).

Amending a Birth Certificate After Court Order Name Change

After I get the court order, what do I submit to amend my birth certificate? (continued)

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

- Completed VS 23 form (including back side).
- \$23 fee.
- **Certified** copy of the court order.
- 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.

What is a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - An original court seal.
 - A signature (or signature stamp) of the judge.
 - A signature (or signature stamp) of the court clerk.

IMPORTANT:

- The “certified” copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It is the **original** seal and court clerk signature (certification) that make this a “certified” copy.
- Do not send CDPH-VR a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.
- The “FILED / ENDORSED” stamp in the top right corner of the court order is not the court clerk’s certification.
- You should keep a photocopy of the court order for your own file.

Amending a Birth Certificate After Court Order Name Change

What is the fee to amend a birth certificate after a court order name change?

- \$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 23 form?

One VS 23 form is included if you receive this pamphlet by mail. If you need additional copies of the VS 23 form, or are accessing this pamphlet on the CDPH-VR website:

- Download a fillable form at: <http://www.cdph.ca.gov/pubsforms/forms/CtrldForms/VS23.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 23 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. Complete and submit the application, notarized Sworn Statement, and \$25 fee to the CDPH-VR office.

PART II: Enter the Superior Court information (county, case number, etc.) AND the new name as changed by the court order.

PART III: Complete items 13A-13G.

Amending a Birth Certificate After Court Order Name Change

What makes a VS 23 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. Because the amendment you submit becomes an actual part of this legal document, it must adhere to strict guidelines:

- 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 and 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.
- Because the amendment form becomes part of the official record, every word and letter must be extremely clear and 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 my amended 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>.

Amending a Birth Certificate After Court Order Name Change

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

- The original record remains unchanged, and the amendment becomes page 2 of the birth certificate – making it a two-page document (per Health and Safety Code Sections 102140 and 103255).
- Anyone receiving a copy after the amendment is applied will receive a copy of both documents.

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.