



California Department of Public Health Logo

# Obtaining a New Birth Record After Gender Reassignment

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*Correcting Birth Record to Reflect Gender Reassignment*

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](http://www.CDPH.CA.GOV)

# Obtaining New Birth Certificate After Gender Reassignment

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## What is gender reassignment?

**“Gender reassignment”** is when a person has undergone clinically appropriate treatment for the purpose of gender transition.

This is not the same as “gender **error**,” which is when a person’s sex is **incorrectly stated** on the original birth certificate by the person preparing the certificate and registering the birth.

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## I have undergone gender reassignment. What is my next step towards amending my birth certificate?

To obtain a new birth certificate after gender reassignment, you must submit a physician’s affidavit documenting the gender reassignment.

If you are also changing the name on your birth certificate, a petition to have a new birth certificate issued that reflects the name change must be filed with a Superior Court (does not have to be in California, but must be in the U.S. or a U.S. territory) pursuant to Health and Safety Code Sections 103425-103426.

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## 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, California Department of Public Health-Vital Records (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.

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## How do I file a petition with the court?

CDPH-VR suggests you contact a family law attorney for legal advice in this matter. CDPH-VR 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](http://www.courts.ca.gov).

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## What do I submit to amend my birth certificate?

- 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.
- You **must** include an affidavit of a physician attesting that you have undergone clinically appropriate treatment for the purpose of gender transition. The affidavit must include the physician's full name and medical license or certificate number.
- You **must** include a notarized Sworn Statement, unless you are submitting a **certified** copy of a court order (see next page for more information).
- You **must** include a **certified** copy of the court order name change, if applicable (see next page for explanation of "certified" copy).
- CDPH-VR will not return the physician affidavits or court orders after the new birth certificate is prepared. Keep copies of documents submitted.
- Although this item is **not required**, it would help CDPH-VR 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).

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

- Completed VS 24 form (including back side).
- Physician's affidavit.
- \$23 fee.
- **Notarized** Sworn Statement, unless you are submitting a **certified** copy of a court order.
- **Certified** copy of the court order name change, if applicable.
- 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.

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## 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 located within this pamphlet.

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## 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’s 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.

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## What is the fee for a new birth certificate after gender reassignment?

- \$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.

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## 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 at: <http://www.cdph.ca.gov/pubsforms/forms/CtrldForms/VS24.pdf>. Instructions for completing the PDF fillable form can be found on 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.

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## How do I complete the VS 24 form?

A sample of what a completed form should look like is attached if you received this pamphlet 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 on 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:**

**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 correction. Enter the Superior Court information (county, case number, etc.) for the court that ordered the court order name change, if applicable.

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## Continued

**Item 12:** Enter your personal information and signature. Contrary to the instructions on the VS 24 form, two signatures **are not required** when using this form for gender reassignment.

## 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.**

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## How long will it take to get my new birth certificate?

The processing time for 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 my 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. (The original sealed record will only be available through a court order – per Health and Safety Code Section 103440.)

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## 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.