

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1084 (Zbur)
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Fiscal: No
Urgency: Yes
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SUBJECT

Change of name and gender and sex identifier

DIGEST

This bill streamlines the process for legally changing one's name, including a change of name to match a person's gender identity.

EXECUTIVE SUMMARY

In 2017, SB 179 (Atkins, Ch. 853, Stats. 2017) restructured the processes for individuals to change their names and genders to conform with their gender identity and to have these changes reflected on their birth certificates. In addition, a streamlined process was established for changing one's name and gender and having an updated birth certificate issued as part of a single petition. Specific guidelines and required procedures were laid out for petitioners.

AB 218 (Ward, Ch. 577, Stats. 2021) incorporated into those processes the ability to likewise change a petitioner's gender or sex identifier and name on their marriage certificate and their children's birth certificates. It subjected such updating to similar procedural requirements and included additional provisions to account for objecting spouses and children. It also extended recognition to underlying orders from foreign courts and provided eligibility to persons not born or residing in the state, as specified.

This bill streamlines the process for legally changing one's name, including a change of name to match the person's gender identity.

The bill is sponsored by Equality California and supported by a number of advocacy organizations, including the Ella Baker Center for Human Rights. It is opposed by the Lighthouse Baptist Church. Should this bill pass out of this Committee it will be referred to the Senate Health Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that a person may file a petition with a superior court seeking a judgment recognizing the change of gender to female, male, or nonbinary. If requested, the judgment shall include an order that a new birth certificate be prepared reflecting the change of gender and any name change accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States. (Health & Saf. Code § 103425.)
- 2) Provides the process for a petitioner seeking a court order to recognize a change in the petitioner's gender and sex identifier as female, male, or nonbinary and to direct the issuance of new administrative documents to reflect those changes. (Health & Saf. Code § 103430.)
- 3) Requires the court to grant the above petition without a hearing if no written objection is timely filed. The relevant court order can include an order for a new birth certificate reflecting the petitioner's change in gender and name, where applicable. The law provides additional processes for a petitioner under 18 years of age. (Health & Saf. Code § 103430.)
- 4) Authorizes a single petition to be filed to change the petitioner's name and recognize the change to the petitioner's gender, and, if requested, to order the issuance of a new birth certificate. It further provides for the filing of such court orders with the Secretary of State and the State Registrar, as specified. (Health & Saf. Code §§ 103435, 103445, 103725.)
- 5) Provides the court procedures for effectuating the above changes. (Code Civ. Proc. § 1275 et seq.)
- 6) Provides that if a proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity is commenced by the filing of a petition, the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to make known any objection to the change of name by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection showing good cause to oppose the name change is timely filed, the court shall, without hearing, enter the order that the change of name is granted. (Code Civ. Proc. § 1277.5(a)(1).)
- 7) Provides that if a petition is filed to change the name of a minor to conform to gender identity that does not include the signatures of both living parents, the

petition and the order to show cause shall be served on the parent who did not sign the petition, within 30 days from the date on which the order is made by the court. If service cannot reasonably be accomplished, the court may order that service be accomplished in a manner that the court determines is reasonably calculated to give actual notice to the parent who did not sign the petition. (Code Civ. Proc. § 1277.5(a)(2).)

- 8) Exempts a proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity from any requirement for publication. (Code Civ. Proc. § 1277.5(b).)
- 9) Prohibits a hearing date from being set in the proceeding unless an objection is timely filed and shows good cause for opposing the name change. Objections based solely on concerns that the proposed change is not the petitioner's actual gender identity or gender assigned at birth shall not constitute good cause. At the hearing, the court may examine under oath any of the petitioners, remonstrants, or other persons touching the petition or application, and may make an order changing the name or dismissing the petition or application as the court may deem right and proper. (Code Civ. Proc. § 1277.5(c).)

This bill:

- 1) Eliminates the process whereby a person may object to an adult's petition for a change of name for a period of six weeks after the petition is filed with the court.
- 2) Requires the court to enter an order without hearing approving of an adult's petition for a change of name within six weeks of receiving the petition.
- 3) Requires a court to enter an order without hearing approving of a minor's petition for a change of name within six weeks of receiving the petition if all of the minor's living parents have signed the petition.
- 4) Provides that a court may only deny a minor's petition for a change of name in the presence of good cause, which cannot be based solely on concerns that the proposed change is not the petitioner's actual gender identity or gender assigned at birth, and where all living parents have not signed the petition.
- 5) Expedites the timelines for the granting of petitions, as provided.

COMMENTS

1. Civil rights and government documents

Over the past decade, the struggles of the transgender and gender nonconforming communities have become part of the American zeitgeist, particularly as various media have explored the institutional challenges facing these communities. In order to live safe, full, and authentic lives, it is essential that transgender and gender nonconforming people have access to identity documents that accurately reflect their true name, gender identity, and gender expression. The ability to change one's documentation or status can have a significant impact on all other aspects of a person's life including employment, marriage, and inheritance rights. A National Transgender Discrimination Survey found that 90 percent of transgender people experienced mistreatment or discrimination at work or took actions to avoid such discrimination.¹ Nearly 47 percent of those surveyed lost their jobs, were denied a promotion, or were denied a job as a direct result of being transgender. Especially given the assault on the rights of the transgender community in other state and at the federal level, legal protections under California law are critical to protecting the privacy and safety of these communities.

Difficulty is created by the fact that each state (and, for foreign-born United States residents and citizens, each country) and the federal government have their own rules and restrictions on changing names and gender marker information. In a major step backward, President Trump issued an executive order shortly after taking office regarding federal recognition of only two sexes, leading the State Department to eliminate the X gender as an option and suspending its previous policy of allowing transgender, intersex and nonbinary people to update the sex field of their passports.²

Even within California, the various agencies that issue identity documents have different requirements for changing name and gender markers, as well as a separate process for doing so.

2. California's efforts to address these issues

In recent years, the Legislature has addressed these hurdles faced by the transgender community. To address the barriers faced by transgender individuals going through the court process for name changes, AB 1121 (Atkins, Ch. 651, Stats. 2013) was introduced and enacted into law. It *required* courts to grant petitions for a change of name sought to

¹ Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011) National Center for Transgender Equality and National Gay and Lesbian Task Force, https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf. All internet citations are current as of June 16, 2025.

² Jaclyn Diaz, *Trump's passport policy leaves trans, intersex Americans in the lurch* (February 21, 2025) NPR, <https://www.npr.org/2025/02/21/nx-s1-5300880/trump-passport-policy-trans-gender-intersex-nonbinary>.

conform an individual's name to the individual's gender identity without a hearing if no timely objection is made. The legislation also exempted such requests from the publication requirement.

AB 1121 also created an administrative process by which California-born individuals can submit an affidavit of a physician attesting that the person has undergone clinically appropriate treatment for the purpose of a gender transition, along with a fee, directly to the State Registrar and thereby change the person's gender on the person's birth certificate. This eliminated the need for the court to review a gender change petition, simplifying the process for transgender individuals to update the gender marker on their birth certificates and allowing persons born in California, but now residing out of state, to update their birth certificate to match their gender remotely. This administrative process to change one's gender on a birth certificate is far more cost-effective and accessible for transgender individuals.

In 2017, SB 179 (Atkins, Ch. 853, Stats. 2017) streamlined these processes even further and updated the required documentation to reflect an evolved understanding of gender identity. The bill created a standalone statute governing legal name changes sought to conform one's legal gender to the person's gender identity. The new section requires the court to make an order reciting the filing of the person's petition. It provided that if no objection is received to the proposed name change within six weeks of the order, the court must grant the name change. There is no requirement for publication. A hearing is not to be set unless a timely objection shows good reason against the change of name.

In addition, realizing that an individual's gender identity is not contingent on whether the individual has received any associated medical treatment, SB 179 removed the requirement that individuals submit medical documentation in order to change their gender on a birth certificate or to obtain a court-ordered gender change.

A person instead must provide an affidavit in which the person attests under penalty of perjury that the request for a change in gender is to conform the person's legal gender to the person's gender identity. For a court-ordered gender change, the court is required to accept the individual's affidavit as conclusive proof of gender change.

3. Expansion of existing processes for additional documents

A series of bills have further honed the processes. AB 218 (Ward, Ch. 577, Stats. 2021) took the next step in providing more inclusive processes for the transgender and gender nonconforming communities. That bill extended the existing framework for petitioners changing their names and/or genders on their own birth certificates to further update their marriage licenses and certificates and the birth certificates of their children. It also extended eligibility for certain processes to persons not born or residing within the state and recognized orders in foreign jurisdictions for purposes of sufficient documentation.

Section 103425 of the Health and Safety Code provides that a person may file a petition with the superior court in any county seeking a judgment recognizing the change of gender to female, male, or nonbinary. A petitioner can request that a new birth certificate be ordered in the judgment, reflecting the change in gender and a change in name, as specified. AB 218 allowed for the judgment to additionally include an order for a new marriage certificate reflecting the change of gender and a similar change of name. Furthermore, an order for a new birth certificate for the petitioner's child could also be included in such a judgment. These avenues to updated documentation were subject to specific procedures. (Health & Saf. Code § 103430; Code Civ. Proc. § 1275 et seq.) The new marriage certificate can reflect the gender of the petitioner, as specified in the judgment of the court, and reflect any change of name, as specified in the court order.

AB 218 applied a detailed set of rules for petitions requesting new documentation specifying who must sign such petitions and who must be served with notice and an order to show cause.

Under previously existing law, if the person whose gender is to be changed is under 18 years of age, the petition is required to be signed by at least one of the minor's parents or a guardian or attorney of the minor, or if both parents are deceased and there is no guardian of the minor, by a near relative or friend of the minor. If the petition does not include a signature from one of those persons, the court is required to make an order directing the person or persons whose required signatures are not on the petition to show cause why the petition should not be granted by filing a written objection.

AB 421 (Ward, Ch. 40, Stats. 2022) required the court, if the petition is not signed by all living parents, to make that order and to direct the parent or parents who did not sign the petition to show cause why the petition should not be granted by filing a written objection. AB 421 also required the court, where all parents are deceased or cannot be located, to make an order directing the living grandparents to show cause why the petition for a court order to recognize a change in the minor's gender and sex identifier should not be granted, as specified.

4. Streamlining the petition process

Relevant here, Code of Civil Procedure section 1277.5 provides the procedure for handling change of name petitions. Currently the court must make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to make known any objection to the change of name by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection showing good cause to oppose the name change is timely filed, the court shall, without hearing, enter the order that

the change of name is granted. Additional procedural requirements apply where the petitioner is a minor and all living parents have not signed the petition.

This bill expedites these processes considerably. It eliminates the ability to object to petitions brought by adults and for minors whose petitions are signed by all living parents. Furthermore, it converts the six-week period into a maximum waiting period, requiring courts to grant such petitions without hearing *within* six weeks of the filing. The bill also expedites various timelines for the court to enter related orders.

The author identifies another issue:

Current law requires a petitioner to file a judgment ordering a new birth certificate or marriage certificate with the State Registrar or county clerk, as applicable, within 30 days from the date of the judgment. However, in some counties, judgments are not available to the petitioner until seven to ten business days after the court grants it, and if a mailed request is made for copies of the court order, it can take three to six weeks for the copies to arrive. The 30-day statutory deadline is not feasible for many petitioners and is generally not enforced.

This bill removes this timeline from the relevant statutes.

5. Stakeholder positions

According to the author:

Transgender and nonbinary people across the country are facing relentless attacks that are part of a coordinated effort to both make it more difficult for them to live safely and openly as their authentic selves and to erase transgender people from public life entirely. AB 1084 will help to ensure that transgender and nonbinary people do not experience unnecessary delays in obtaining accurate identification documents in California so that they can better protect themselves from growing legal threats to their safety and wellbeing and reduce their vulnerability to discrimination and harassment.

Equality California, the sponsor of the bill, writes:

Under existing law, an individual seeking a court order recognizing their gender change and changing their legal name must wait a minimum of six weeks for anyone who has an objection to file a written objection with the court. However, the six-week waiting period is burdensome and unnecessary as name and gender change petitions for minors are

confidential, and for adults and minors who have consent from both of their parents, there is no notification or publication requirement. AB 1084 streamlines and expedites the process for transgender and nonbinary Californians to obtain a court-ordered name and gender change by eliminating the six-week mandatory waiting period for uncontested petitions and requiring court orders for uncontested petitions to be issued within six weeks.

The Transgender Records Act is crucial and timely legislation to ensure that transgender and nonbinary Californians can swiftly obtain accurate identification documents to protect themselves from growing legal threats and reduce their vulnerability to discrimination and harassment.

The East Bay Community Law Center writes in support:

This bill will streamline and expedite the process for transgender and nonbinary Californians to obtain a court-ordered name and gender change by eliminating the six-week mandatory waiting period for uncontested petitions and requiring court orders for uncontested petitions to be issued within six weeks. At a time when the Trump administration is actively blocking transgender and nonbinary Americans from obtaining accurate U.S. passports and other federal IDs, it is more critical than ever for transgender and nonbinary Californians to have swift access to accurate state-issued identification documents.

The Lighthouse Baptist Church writes in opposition:

While AB 1084 pretends to recognize parental involvement by requiring the consent of both parents for minors, it simultaneously undermines that authority by nullifying objections based on belief in biological sex. The bill states that a court must disregard any parental concern if it is based on the view that “the proposed change is not the petitioner’s actual gender identity or gender assigned at birth.”

SUPPORT

Equality California (sponsor)

APLA Health

Asian Americans Advancing Justice – Southern California

Bienestar Human Services

California LGBTQ Health and Human Services Network

Courage California

East Bay Community Law Center

Ella Baker Center for Human Rights

Grace Institute - End Child Poverty in CA

Los Angeles LGBT Center

PFLAG Sacramento

Public Counsel - Tay

Radiant Health Centers

Rainbow Families Action Bay Area

San Francisco Aids Foundation

OPPOSITION

Lighthouse Baptist Church

RELATED LEGISLATION

Pending Legislation: SB 59 (Wiener, 2025) extends the confidentiality provisions that already apply to specified petitions by minors, including for a change of gender and sex identifier, to adults and makes those confidentiality provisions retroactive, as specified. SB 59 prohibits such records from being posted publicly and authorizes an action to enforce any violations. SB 59 is currently in the Assembly Appropriations Committee.

Prior Legislation:

AB 760 (Wilson, Ch. 222, Stats. 2023) required the California State University, and requested the University of California, to implement a process whereby current students, staff, and faculty may request the updating of any records for that person to include the person's affirmed name, gender, or both name and gender identification.

AB 421 (Ward, Ch. 40, Stats. 2022) *See* Comment 3.

AB 218 (Ward, Ch. 577, Stats. 2021) *See* Comment 3.

SB 179 (Atkins, Ch. 853, Stats. 2017) *See* Comment 2.

AB 1121 (Atkins, Ch. 651, Stats. 2013) *See* Comment 2.

PRIOR VOTES:

Assembly Floor (Ayes 60, Noes 13)

Assembly Appropriations Committee (Ayes 12, Noes 1)

Assembly Health Committee (Ayes 12, Noes 2)

Assembly Judiciary Committee (Ayes 9, Noes 1)
