

Obtaining A New Birth Certificate After Gender Reassignment





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 Office of Vital Records M.S. 5103 P.O. Box 997410 Sacramento, CA 95899-7410 Telephone: (916) 445-2684

California Relay: 711/1-800-735-2929

www.cdph.ca.gov

October 2008

Obtaining a New Birth Certificate After Gender Reassignment

What is a gender reassignment?

- "Gender reassignment" is when a person has his or her sexual characteristics surgically altered to those of the opposite sex.
- 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.

I have undergone gender reassignment.

What is my next step toward amending my birth certificate? A petition to have a new birth certificate issued that reflects the change of gender (and name if requested) must be filed with the Superior Court in the county where you reside (does not have to be in California, but must be in a U.S. territory) (Health and Safety Code Section 103425).

- If you have already obtained a legal name change prior to filing your petition for a new birth certificate, your petition to the court must include an affidavit of a physician documenting the gender reassignment, and a certified copy of the court order changing your name (Health and Safety Code Section 103430).
- In lieu of separate proceedings, you can file a single petition with the court for a name change and the issuance of a new birth certificate that reflects a change of gender (Health and Safety Code Section 103435). In this case, your petition to the court must include an affidavit of a physician documenting the gender reassignment.

How do I file a petition with the court?

- We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we 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.courtinfo.ca.gov.

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

- You will need to complete an Affidavit to Amend a Record, VS 24.
- You must include a certified copy of the court order gender reassignment and, if applicable, the court order name change. (See next section for explanation of "certified" copy.)

We do not return the court orders after the new birth certificate is prepared.

- Although this item is not required, it would help our staff if you
 could include a photocopy of the current birth certificate if you
 have it (this helps us identify the exact record to be amended).
- Mail the following items to our office using the address on the front of this pamphlet:
 - Completed VS 24
 - \$ 20 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?

 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:
 - a. An *original* court seal.
 - A signature (or signature stamp) of the judge.
 - c. 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.

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What is a "certified" copy of the court order?

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- (O - 1)
- What is the fee for a new birth certificate after gender reassignment?
- t order?

 ✓ The court seal and signature m
 - The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.

Do not send us a copy where the court seal has been

photocopied. The court seal must be an *original* seal.

- \$20 which includes one Certified Copy of the new birth certificate.
- Additional copies are \$14 each.
- Fees should be paid by check or money order payable to Office
 of Vital Records. International money orders for out-of-country
 requests should be payable in U.S. dollars.

Where can I get the VS 24?

The application must be an *original* form (our office uses a special bond paper). *Photocopies are not acceptable.* One application 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 our website:

- Call our 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?

A sample of what a completed form should look like is attached.

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 get a copy by completing the Application for Certified Copy of Birth Certificate (attached) and submitting the application (and \$14 fee) to our office. Our average processing time for birth certificates is 12 weeks. But you can get a copy much faster from the County Recorder in the county where the birth took place.

(Continued)

How do I complete the VS 24?

(Continued)

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: Enter the Superior Court information (county, case number, etc.) for the court that ordered a new birth certificate reflecting a change of gender and, if applicable, a court order name change.

Items 12: Enter your personal information and signature.

 Contrary to the instructions on the VS 24, 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 us prepare the new birth certificate accurately:

- Every item on the amendment must be completed.
- The amendment form must be an original, not a photocopy.
- We must be able to read the information on the form. It is extremely important that the form be legible. Using a typewriter to complete the form ensures that the information is interpreted clearly.
- If you are not able to type the amendment, 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.
- There cannot be any erasures, whiteout, or alterations.

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

Our processing time for birth amendments is approximately 7 months. (The processing time can change based on our workload.)

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

- When we receive the acceptable documents (and fee), we'll 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.)

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, please call (916) 557-6076 and leave your name, telephone number, and question. One of our Amended Records staff will return your call within 48 hours.

If you have questions on the **status** of your request, please call our Customer Service Unit at (916) 445-2684 – **but only after the processing time has passed**.

Note to Customer:

We *cannot process your request* unless you complete *both sides* of the enclosed amendment form. The information on both sides is important information for our records, and *both sides must be completed in order to process your request*. Thank you.

Atencion al Cliente:

Nosotros *no podemos procesar su solicitud* a menos que usted complete *ambos lados* de la forma de la enmienda. La informacion en ambos lados es informacion importante para nuestros registros y *ambos lados deben ser completados para procesar su solicitud*. Gracias.

California Office of Vital Records Oficina de Registros Vitales de California

The following information pertains to the Office of Vital Records: La informacion siguiente pertenece a la Oficina de Registros Vitales:

Note to Vital Record	s Staff:
Include this flyer whe	n mailing the following forms or pamphlets:
VS 22	Acknowledgement of Paternity
VS 23	Court Order Name Change
VS 24	Affidavit to Amend a Record
VS 24C	Affidavit to Amend a Marriage Record
VS 85	Delayed Registration of Birth
VS 107	Supplemental Name Report – Birth

AFFIDAVIT TO AMEND A RECORD

LEAVE BLANK
STATE FILE NUMBER

NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

TYPE OR PRINT CLEARLY IN BLACK INK ONLY - THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

LEAVE BLANK

LOCAL REGISTRATION NUMBER

PART I INFORMATION TO LOCATE RECORD 1A. NAME-FIRST 1B. MIDDLE 1C. LAST Martin James Smith INFORMATION 2. SEX 3. DATE OF EVENT-MM/DD/CCYY 4. CITY OF EVENT 5. COUNTY OF EVENT AS IT APPEARS Sacramento Male 06/03/1950 Sacramento ON ORIGINAL RECORD 6. FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD 7. FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD John James Smith Ellen May Johnson PART II STATEMENT OF CORRECTIONS TO BIRTH, DEATH, OR FETAL DEATH RECORD 9. INCORRECT INFORMATION THAT APPEARS ON ORIGINAL RECORD 8. ITEM 10. CORRECTED INFORMATION AS IT SHOULD APPEAR NUMBER TO BE CORRECTED Martin 1A Mary 1B James Jane LIST ONE ITEM PER 2 Male Female LINE Gender reassignment per Superior Court of Los Angeles County, State of California, Case #003466, filed REASON FOR 03/06/2006. CORRECTION We, the undersigned, hereby certify under penalty of perjury that we have personal knowledge of the above facts and that the information given above is true and correct. **AFFIDAVITS** 12A. SIGNATURE OF FIRST PERSON 12B. PRINTED NAME 12C. TITLE/RELATIONSHIP TO PERSON IN PART I AND SIGNATURES Mary Jane Smith Mary Jane Smith Self 12D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP) 12E. DATE SIGNED-MM/DD/CCYY TWO PERSONS 1234 Main Street Sacramento, CA 95820 01/24/2007 MUST SIGN 13A. SIGNATURE OF SECOND PERSON 13B. PRINTED NAME 13C. TITLE/RELATIONSHIP TO PERSON IN PART I THIS FORM TO CORRECT A BIRTH, DEATH, OR FETAL 13D. ADDRESS (STREET and NUMBER, CITY, STATE, ZIP) 13E. DATE SIGNED-MM/DD/CCYY DEATH RECORD 14. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR 15. DATE ACCEPTED FOR REGISTRATION STATE/LOCAL REGISTRAR **USE ONLY**

APPLICATION TO AMEND A RECORD

TYPE OR PRINT CLEARLY IN BLACK INK ONLY NO ERASURES, WHITEOUTS, PHOTOCOPIES, OR ALTERATIONS

If an acceptable application to amend the record is registered within one year of the date of the event, there is no processing fee; however, there is a fee required for a certified copy.

Enclosed is the fee of \$	for a certified copy of the newly amended record.
	s registered one year or more after the date of the event, there is a fee for filing the affidavit, or each additional certified copy. Please contact your Local Registrar, County Recorder, or the bsite at www.cdph.ca.gov .
Enclosed is the fee of \$_20.00	for filing the affidavit and one certified copy of the newly amended record.
Enclosed is the fee of \$	for an additional certified copy(ies) of the newly amended record.
Mary Jane Smith	1234 Main Street
Printed Name of Applicant	Mailing Address of Applicant
Telephone Number (916) 444-5678	Sacramento, CA 95820
	City, State, ZIP Code

GENERAL INFORMATION

- The original certificate cannot be altered.
- 2. This amendment becomes a part of the original record, so please type or print clearly in black ink only.
- 3. Please submit original amendment form only. Photocopies of the amendment form will be rejected.
- 4. Your certified copy will include a copy of the original certificate with a copy of the amendment.
- 5. The certified copy of the certificate and the attached amendment must remain together for the certified copy to be valid.

READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM

- 1. This form becomes a part of the original record type or print clearly in black ink only.
- 2. No erasures, whiteouts, photocopies, or alterations allowed.
- 3. Enter the Local Registration Number in the space provided in the upper right-hand corner of the form.
- 4. Complete Part I, Items 1-7, with the information as it appears on the original certificate.
- 5. Enter the certificate item number(s) to be corrected, either from the original or subsequent amendment, in Part II—Item 8. List one item per line.
- 6. Enter the incorrect information that appears on the original certificate in the line(s) provided below Item 9.
- 7. In Item 10, enter the correct information as it should appear for each item listed in Item 9.
- 8. Enter the reason for the correction in Item 11.
- 9. Read the affidavit statement. Two persons who are certifying to the statement of corrections must sign the form.
- 10. Do not write in Items 14 or 15. This space is reserved for State or Local Registrar use only.
- 11. Make check or money order payable to the Office of Vital Records. When the paperwork is properly completed and signed by two parties, return this form, together with the required fee(s), to:

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

APPLICATION FOR CERTIFIED COPY OF BIRTH RECORD

DO NOT Complete This Application Before Reading the Instructions on Page 2

In an attempt to stop the illegal use of vital records, and as part of statewide efforts to reduce identity theft, a new law (effective July 1, 2003) changed the way certified copies of birth certificates are issued. **Certified Copies** to establish the identity of a registrant can be issued only to authorized individuals, as indicated below. All others will be issued **Certified Informational Copies** that **are not** valid to establish identity.

Fee:	\$14 per copy (payable to	the Office	of Vital F	Records).					
Please	e indicate the type of certified	copy you a	re reques	sting:					
	I would like a Certified Copy . This copy will establish the identity of the registrant. (To receive a Certified Copy you MUST INDICATE YOUR RELATIONSHIP TO THE REGISTRANT by selecting from the list below AND COMPLETE THE ATTACHED SWORN STATEMENT declaring that you are eligible to receive the Certified Copy. The Sworn Statement MUST BE NOTARIZED if the application is submitted by mail unless you are a law enforcement or local or state governmental agency .)					I would like a Certified Informational Copy. This document will be printed with a legend on the face of the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." (A Sworn Statement does not need to be provided.)			
	: Both documents are cert ments contain the exact san			original document o	on file	e with our offi	ice. With	the exception of the	e legend, the
To red	ceive a Certified Copy I am:								
	The registrant (person liste	ed on the ce	ertificate)	or a parent or legal	guard	lian of the regis	strant.		
	A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.								
An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate. (If you are requesting a Certified Copy under a power of attorney, please include a copy of the power of attorney with this application form.)									
APPL	ICANT INFORMATION (P	LEASE PR	INT OR	ГҮРЕ)	То	oday's Date:			
	LICANT INFORMATION (For Name (if appropriate)			TYPE) ase No. (if appropriate		oday's Date: _ Purpose of Re			
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INFORMATION: Birth records have been maintained in the Office of the State Registrar of Vital Records since July 1, 1905.

The "Birth" name required on Vital Records (see Items 1C, 6C, 7C, 9C, and 12C) is the name given at birth, or a name received through adoption, court-ordered name change, or Naturalization. AKA's (Also Known As) and assumed names cannot be entered as the legal "Birth" name.

INSTRUCTIONS:

- As of July 1, 2003, ONLY individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Birth Record to establish identity of the registrant (person listed on the certificate). (Page 1 identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, "Informational, Not a Valid Document to Establish Identity."
 - Confidential Information on Birth Record: Some individuals have special needs for a birth certificate that contains the confidential information provided at the time the birth record was prepared. This confidential information may be used to establish ethnicity, to provide health background, or for other personal reasons. For information on how to obtain a birth certificate containing the confidential information, please refer to the Birth Certificate section of our website: www.cdph.ca.gov (then select "Services"). Only specific individuals may obtain confidential copies.
- 2. Complete a separate application for each birth record requested.
- Complete the Applicant Information section on Page 1 and provide your signature where indicated. In the Birth
 Certificate Information section, provide all the information you have available to identify the birth record. If the
 information you furnish is incomplete or inaccurate, we may not be able to locate the record.
- 4. **If the registrant has been adopted**, make the request in the **adopted** name. (If you're requesting a copy of the **original** birth certificate, you **must** provide a court order releasing the original sealed record.)

5. SWORN STATEMENT:

- The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring under penalty of perjury that they are eligible to receive the certified copy of the birth record, and identify their relationship to the registrant the relationship must be one of those identified on Page 1.
- If the application is being submitted by mail, the Sworn Statement **must be** notarized by a Notary Public. (To find a Notary Public, see your local yellow pages or call your banking institution.) **Law enforcement and local and state governmental agencies are exempt from the notary requirement**.
- You do not have to provide a Sworn Statement if you are requesting a Certified Informational Copy of the birth record.
- 6. Submit \$14 for **each** copy requested. If no birth record is found, the \$14 fee will be retained for searching the record (as required by law) and a "Certificate of No Public Record" will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to the **Office of Vital Records**. Mail this application with the fee(s) to the Office of Vital Records at the address below.
- 7. Returning Completed Certificates: Completed certificates are returned using the U.S. Postal Service.

Office of Vital Records - MS 5103 P.O. Box 997410 Sacramento, CA 95899-7410 (916) 445-2684

SWORN STATEMENT

that I am an authorized person, as defined in California Healt certified copy of the birth or death record of the following indi		
Name of Person Listed on Certificate	Applicant's Relationship to Perso (Must Be a Relationship Listed on	
(The remaining information must be completed in the presence of a		
Subscribed to this day of(Month)	, 20, at (City)	, (State)
(Day) (Month)		
Note: If submitting your order by mail, you mus of Acknowledgment below. The Certificate of Ac(Law enforcement and local and state government)	(Applicant's Signature) It have your Sworn Statement notarize Cknowledgment must be completed intal agencies are exempt from the n	by a Notary Public. otary requirement.)
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CALIFORNIA COUNTY RECORDERS

Alameda	1106 Madison Street, Room 214, Oakland, CA 94607, (510) 272-6363
Alpine	P.O. Box 217, Markleeville, CA 96120-0217, (530) 694-2286
Amador	810 Court Street, Jackson, CA 95642, (209) 223-6468
Butte	25 County Center Drive, Administration Building., Oroville, CA 95965, (530) 538-7691
Calaveras	Government Center, 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372
Colusa	546 Jay Street, Colusa, CA 95932-2491, (530) 458-0500
Contra Costa	555 Escobar Street, Martinez, CA 94553, (925) 646-2365
Del Norte	981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216 or 7205
El Dorado	360 Fair Lane, Placerville, CA 95667, (530) 621-5490
Fresno	2281 Tulare Street, Room 303, or P.O. Box 766, Fresno, CA 93712, (559) 488-3476
Glenn	526 West Sycamore Street, Courthouse, Willows, CA 96988, (530) 934-6412
Humboldt	825 5th Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382
Imperial	940 Main Street, Room 206, El Centro, CA 92243-2865, (760) 482-4272
Inyo	Courthouse, 168 N. Edwards Street, Independence, CA 93526, (760) 878-0222
Kern	1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6400
Kings	Government Center, 1400 W. Lacey Blvd., Hanford, CA 93230, (559) 582-3211, X 2475
Lake	Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293
Lassen	Courthouse, 220 S. Lassen Street, Room 5, Susanville, CA 96130, (530) 251-8234
Los Angeles	12400 Imperial Highway, Room 1002, Norwalk, CA 90650, (562) 462-2137
Madera	200 West 4 th Street, Madera, CA 93637, (559) 675-7724
Marin	3501 Civic Center Drive, Courthouse, Room 234, San Rafael, CA 94903, (415) 499-6094
Mariposa	4982 10th Street, P.O. Box 35, Mariposa, CA 95338, (209) 966-2332
Mendocino	501 Low Gap Road, #1020, Ukiah, CA 95482, (707) 463-4376
Merced	2222 M Street, Merced, CA 95340, (209) 385-7627
Modoc	204 Court Street, Room 107, Alturas, CA 96101, (530) 233-6205
Mono	83 Main Street, P.O. Box 237, Bridgeport, CA 93517-0237, (760) 932-5530
Monterey	Church and Alisal Street, P.O. Box 29, Salinas, CA 93902-0029, (831) 755-5041
Napa	900 Coombs Street, Room 116, P.O. Box 298, Napa, CA 94559-2936, (707) 253-4105
Nevada	950 Maidu Avenue, Nevada City, CA 95959, (530) 265-1221
Orange	12 Civic Center Plaza, P.O. Box 238, Santa Ana, CA 92702-0238, (714) 834-2500
Placer	2954 Richardson Drive, Auburn, CA 95603, (530) 886-5600
Plumas	520 Main Street, Room 102, Quincy, CA 95971, (530) 283-6218
Riverside	2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 486-7000
Sacramento	600 8th Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334
San Benito	440 5th Street, Room 206, Hollister, CA 95023-3896, (831) 636-4029
San Bernardino	222 W. Hospitality Lane, San Bernardino, CA 92415-0022, (909) 387-8314
San Diego	1600 Pacific Highway, Room 260, or P.O. Box 1750, San Diego, CA 92112-4147, (619) 237-0502
San Francisco	One Dr. Carlton B. Goodlett Place, City Hall Room 190, San Francisco, CA 94102-4698, (415) 554-4176*
San Francisco Health Dept.	101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700**, (415) 554-2710***
San Joaquin	6 South El Dorado, Second Floor, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-3939
San Luis Obispo	1144 Monterey Street, Suite C, San Luis Obispo, CA 93408, (805) 781-5080
San Mateo	Vital Records, 1st Floor, 555 County Center Dr., Redwood City, CA 94063-1665, (650) 363-4713
Santa Barbara	1101 Anacampa Street, P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250
Santa Clara	County Government Center, East Wing, 70 W. Hedding St., San Jose, CA 95110, (408) 299-4227
Santa Cruz	701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-2800
Shasta	1450 Court Street, Suite 208, Redding, CA 96001, (530) 225-5678
Sierra	P.O. Drawer D., Downieville, CA 95936, (530) 289-3295
Siskiyou	311 4th Street, P.O. Box 8, Yreka, CA 96097, (530) 842-8065
Solano	675 Texas Street, Fairfield, CA 94533, (707) 421-6290
Sonoma	585 Fiscal Drive, Room 103F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2651
Stanislaus	1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353, (209) 525-5251
Sutter	433 Second Street, or P.O. Box 1555, Yuba City, 95992-1555, (530) 822-7134
Tehama	633 Washington Street, P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350
Trinity	101 Court Street, P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215
Tulare	County Civic Center, 221 S. Mooney Blvd., Room 105, Visalia, CA 93291-4593, (559) 733-6419
Tuolumne	2 South Green Street, Sonora, CA 95370, (209) 533-5531
Ventura	800 South Victoria Avenue, LN 1260, Ventura, CA 93009, (805) 654-2295
Yolo	625 Court Street, Room B01, Woodland, CA 95695, (530) 666-8130
Yuba	915 8th Street, Marysville, CA 95901, (530) 749-7851
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* Marriages

*** Deaths

^{**} Births