Understanding the Confidential Name Change Process in Sacramento

The law provides confidentiality for a petitioner seeking a name change who is a participant in the Secretary of State's confidential address program, Safe at Home, under <u>California Government Code §6205 et seq</u> (article=1.&part=&chapter=3.1.&article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.article=1.articl

- · Seeking to avoid domestic violence
- Seeking to avoid stalking
- Filing as, or on behalf of, a victim of sexual assault.

One of these reasons *must* be stated in the papers files with the *Petition for Change of Name*. If you do not qualify for a confidential name change, use our guide <u>Understanding the Name Change Process in Sacramento</u> (https://saclaw.org/resource_library/understanding-the-name-change-process-in-sacramento/).

Templates and Forms

- Safe at Home Name Change
 Packet
 (https://www.saccourt.ca.gov/civil/docs/cv-142s.pdf)
- Attachment to Judicial Council
 Form (MC-025)
 (https://www.courts.ca.gov/documents/mc025.pc

Before You File in Court

Enroll in the Secretary of State's Safe at Home program. Then, submit an "Intent to Change Name" form (provided by the Safe at Home program) listing your desired new name. Safe at Home will issue you "Court Letters" authorizing the change. You must include these when filing in court. This must be done before filing in court.

Warning! Changing your name confidentially can make it harder to apply for benefits or other government services. The Secretary of State's Office recommends that you contact a lawyer before proceeding with the confidential name change process.

If you are requesting a name change because of a a Code of Civil Procedure

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1277.)), and are enrolled in the Safe at Home program, you can apply for a confidential name change. Your court documents will not show the new name, to protect you from discovery.

However, the case itself can be found by searching your old name. If your stalker or abuser finds it, they will know that you changed your name (but not your new name) and that you live in Sacramento County. If you believe this will help them find you, you can ask that your entire case be "under seal," or hidden. You will need

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to file extra documents explaining exactly why a public record will put you in extra danger.

If you request to file under seal, and the judge refuses, the court will send the papers back without starting a case, and you can choose whether to file a standard confidential name change instead.

Step-by-Step Instructions

1. Become a Participant in the Safe At Home Program

Before requesting a confidential name change, you must first register with the <u>California Safe at Home program</u> (http://www.sos.ca.gov/registries/safe-home) by applying to an enrolling agency. The Safe at Home program provides anonymous mailing addresses to people escaping the circumstance listed in CCP § 1277 (b)(2), as well as reproductive health care workers and public health officials.

You can find a local enrolling agency listing by calling the Safe at Home program directly at (877) 322-5227 or checking the Secretary of State's Safe at Home website (http://www.sos.ca.gov/registries/safe-home/where-find-enrolling-agency).

2. Request and File a Notice of Intent of Name Change with Safe at Home

Obtain, complete and file a **Confidential Intent of Name Change (CINC)** form with the Safe at Home program. This form lists both the old and new name of the participant and is kept confidential at the Secretary of State's office.

You must contact Safe at Home (877-322-5227) to request this form. It is not available on the internet and the Law Library does not have them.

Once you file the Notice of Intent of Name Change with the Safe at Home program, the program will send you "Court Letters" verifying that you did so. These must be turned in to the court with your name change forms. They inform the court that the Safe at Home program has authorized the confidential name change.

3. Decide Whether to File Under Seal

Every confidential name change protects your new name from public disclosure. But in some cases, just knowing that you changed your name and that you lived in Sacramento can help your abuser search for you.

If so, you can ask the judge for permission to file under seal. If the judge approves, the entire case will be confidential, meaning the public cannot locate your name change at all.



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In the U.S., court records are supposed to be public. So if you want your court records sealed, you must file an extra set of documents requesting permission. You must convince the judge that the threat to your safety is so grave that it outweighs the importance of keeping records open to the public.

This can slow the process down, especially if the judge refuses permission. If that happens, the court clerk sends back all the paperwork back to you, so you can decide whether you want to file the name change petition anyway. (It still will not list your new name).

4. Prepare Your Confidential Name Change Petition Forms

Once you receive the letter from the Secretary of State confirming participation in the Safe at Home program, you can complete and file the required court forms.

4a. Prepare the forms

In Sacramento, download the Petition for Change of Name Under the Address Confidentiality Program (Safe at Home) Packet (https://saccourt.ca.gov/civil/docs/cv-142s.pdf). This packet includes the standard name change forms as well as the extra paperwork to request to file under seal.

If you would like to request a new birth certificate and that your old birth certificate be sealed, you will also need Attachment (MC-025). (https://www.courts.ca.gov/documents/mc025.pdf)

When you fill the forms out, use your current name and your Safe at Home address. If you have used more than one name in the past, include them as "aka" in any line asking for "previous name" (example: Jane Jones aka Jane Smith).

In all spaces asking for the proposed (new) name, you will instead write:

"Confidential on file with the Secretary of State's Office per provisions of the Safe at Home Program pursuant to the provisions of the Address Confidentiality Program (Code of Civil Procedure Section 1277 (b))."

Confidential Cover Sheet (NC-400) must be attached as the first page of every other document, to shield it and indicate to the filing clerk that it contains confidential information.

If you decide to request to file under seal, you will need to file three additional extra forms: *NC-410* (Application to File Documents Under Seal in Name Change Proceeding); *NC-420* (Declaration in Support of Application to File Documents under Seal in Name Change Proceeding); and *NC-425* (Order on Application to File Documents under Seal in Name Change Proceeding).

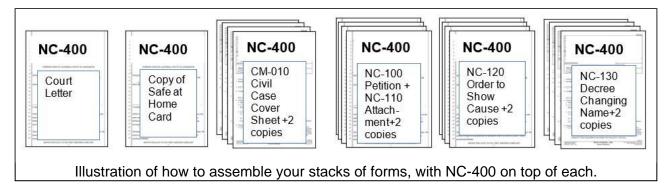
Samples of all of these filled-out forms are attached to this guide.

4b. Assemble Documents for Filing

Make two copies of each court form (You will file three of each paper — the original and two copies). For Items 3 – 9, a Confidential Cover Sheet form (NC-400) must be attached as the first page of each and every copy of each and every document. It can help sort the pages to put a sticky note with the form number on each stack of documents.

Assemble your paperwork in the following order:

- 1. Court Letter from Safe At Home: 1 copy
- 2. Copy of Safe at Home card: 1 copy
- 3. Civil Case Cover Sheet form (CM-010): original +2 copies
- 4. Petition for Change of Name form (NC-100) and the Attachment to Petition for Change of Name form (NC-110) (and Attachment MC-025, if needed): original +2 copies
- 5. Order to Show Cause for Change of Name form (NC-120): original +2 copies
- 6. Decree Changing Name form (NC-130): original +2 copies



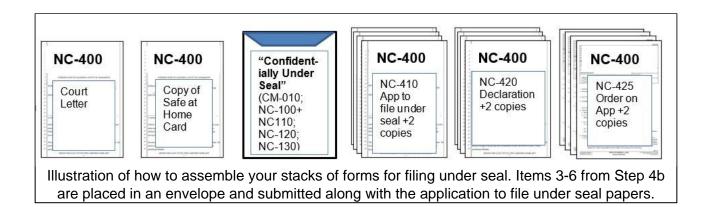
4c. Additional Steps when Filing Under Seal

Place Items 3 – 6 in a sealed envelope, with a completed Confidential Cover Sheet (formNC-400) on top marked "Conditionally Under Seal."

Assemble the remaining documents:

- Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home) form (NC-410): original +2 copies
- Declaration in Support of Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home) form (NC-420): original +2 copies
- Order on Application to File Documents under Seal in Name Change Proceeding (NC-425):original +2 copies





File Your Court Forms

All completed documents should be submitted to the Hall of Justice Building, 813 Sixth St., Sacramento CA 95814, in Room 212 or the drop box in the lobby.

Tip: Unlike most name changes, you do NOT have to publish the Order to Show Cause in a newspaper.

6. Wait to Receive Approval or Denial of Permission to File Under Seal, if Requested

If you have requested to file under seal, the first decision the judge makes is whether to approve that request.

If refused: All paperwork will be returned to you, unfiled. You can then decide wither to re-file with a nonsealed application.

If you did not request to file under seal, or if the judge approves: The court clerk will assign you a hearing date (about six weeks from filing), write it on the Order to Show Cause (NC-120), and return one copy of your paperwork to you by mail.

7. Checking the Judge's Decision: Tentative Rulings and Hearing

TENTATIVE RULING: Checking the decision online the day before the hearing.

If you filed under seal: You cannot check online. You will get the Decree in the mail a few days after your hearing date.



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If you did not file under seal, you can find out what the judge plans to decide (the "tentative ruling") after 2 p.m. on the day before your hearing date. Log on to the court's <u>Case Information Portal Page (https://prod-portal-sacramento-ca.journaltech.com/public-portal/)</u> to find the decision.

If the name change is tentatively denied, and you wish to try to change the judge's mind, you must call the department by 4 p.m. the day before the hearing. Leave a message saying you want to appear. If you do not, the hearing will be cancelled and the Decree will be mailed to you.

On the hearing date, the judge will sign the Decree Changing Name (NC-130) granting or denying your name change. You will receive this order in the mail a few days later.

8. Send the Court Decree to the Safe at Home Program

If your name change is granted, send a **certified copy** of your court order to the Safe at Home program. Once the Safe at Home office receives it, they will create a new name certificate for you and send it back.

9. Update Records

Use the Decree and the new name certification from Safe at Home to change your name with Social Security, the DMV, and other required agencies.

Contact the agency in question to request special forms or procedures to keep the record change from being public. Here are some helpful links for doing that:

If you need a new Social Security number, that is a separate process.

Read "New Numbers for Victims of Domestic Violence

(https://www.ssa.gov/pubs/EN-05-10093.pdf)" for

information about doing that.

- Update your Social Security information. Visit the <u>Social Security</u> <u>Administration website (https://www.ssa.gov/personal-record/change-name)</u> for information.
- After you receive the updated Social Security card, contact the Department of Motor Vehicles
 Confidential Record Suppression Unit at (916) 657-7142 to learn how to update your records safely.
- If you were born in California, you may request to have your birth records amended through the
 Department of Public Health Vital Records Office. For more information, please contact Vital Records
 at (916) 445-8494. If you were born in another state or country, you must inquire with that state or
 country's Vital Records office about their procedure.
- Update educational or professional licenses or public records as necessary.

Note that if you update a public record, such as a professional license or real estate title, it may create a public link between your new identity and your old name.

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For Help

SH@LL (Self-Help at the Law Library) (https://saclaw.org/services/civil-self-help/) (formerly Civil Self Help Center) 609 9th Street, Sacramento CA 95814 (916) 476-2731 (Appointment Request Line)

Services Provided: SH@LL provides general information and basic assistance to self-represented litigants on a variety of civil legal issues, including name changes. All assistance is provided by telephone. Visit "What we can help with (https://saclaw.org/services/civil-self-help/#canhelp)" for a list of qualifying cases.

Eligibility: Must be a Sacramento County resident or have a <u>qualifying case (https://saclaw.org/services/civil-self-help/#who)</u> in the Sacramento County Superior Court.

For More Information

On the Web

California Secretary of State – Safe at Home Program (http://www.sos.ca.gov/registries/safe-home/)

Provides information about the program, including how to find an enrolling agency.

Community Resources

Safe at Home Enrolling Agencies (https://www.sos.ca.gov/registries/safe-home/where-find-an-enrolling-agency) /(877) 322-5227 These agencies are identified by the Secretary of State's office as enrolling agencies for the Safe at Home Program and offer a variety of services to assist domestic violence survivors.

When this was written, the Sacramento area enrolling agencies included:

- Lao Family Community Development, Inc.. (916) 393-7501 or (916) 359-2788
- Opening Doors, Inc., (916) 492-2591
- Sacramento Regional Family Justice Center, (916) 875-4673
- Victim of Crime Resource Center (McGeorge), (800) 842-8467
- Women Escaping a Violent Environment, Inc. (WEAVE), (916) 448-2321

For up-to-date listings and agencies in other counties, check the Secretary of State's Safe at Home website.

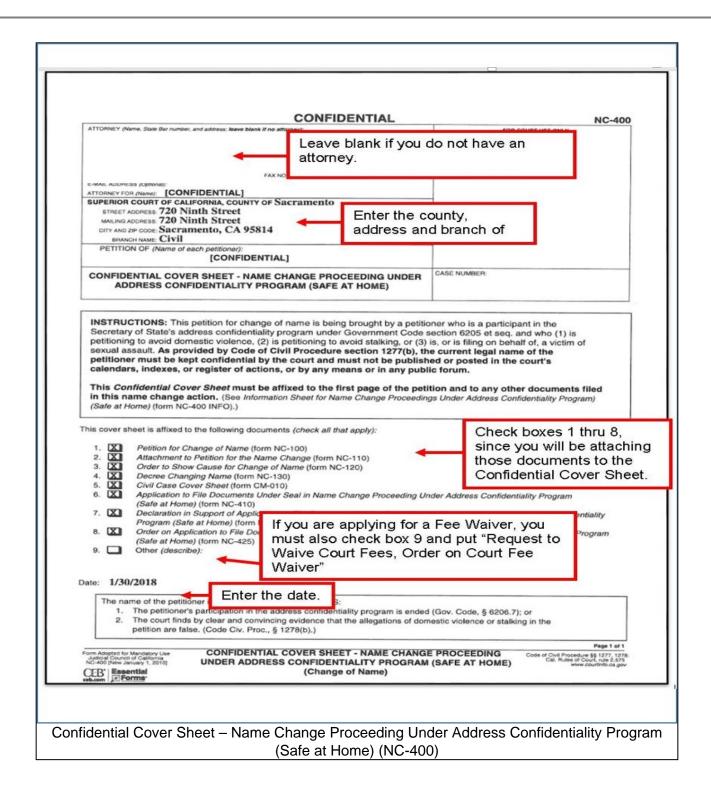


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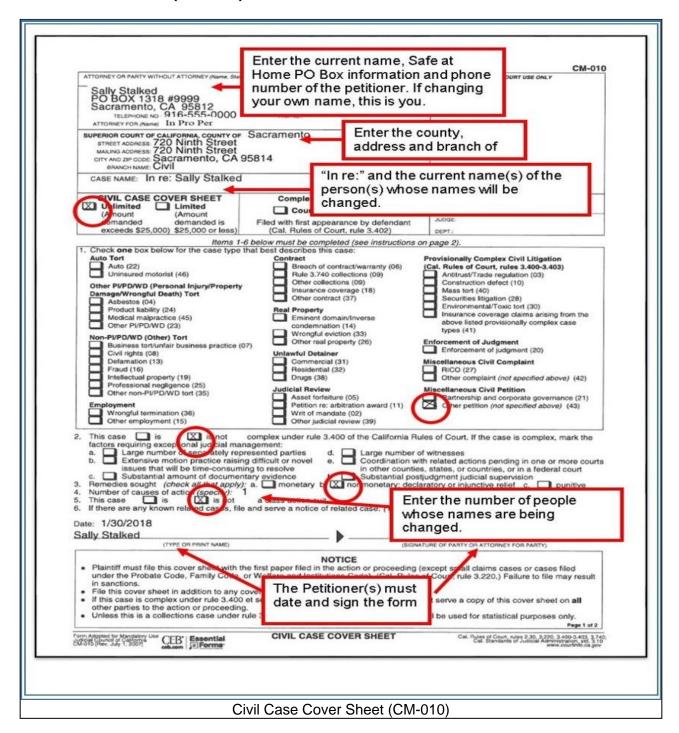
Samples

Confidential Cover Sheet (NC-400)

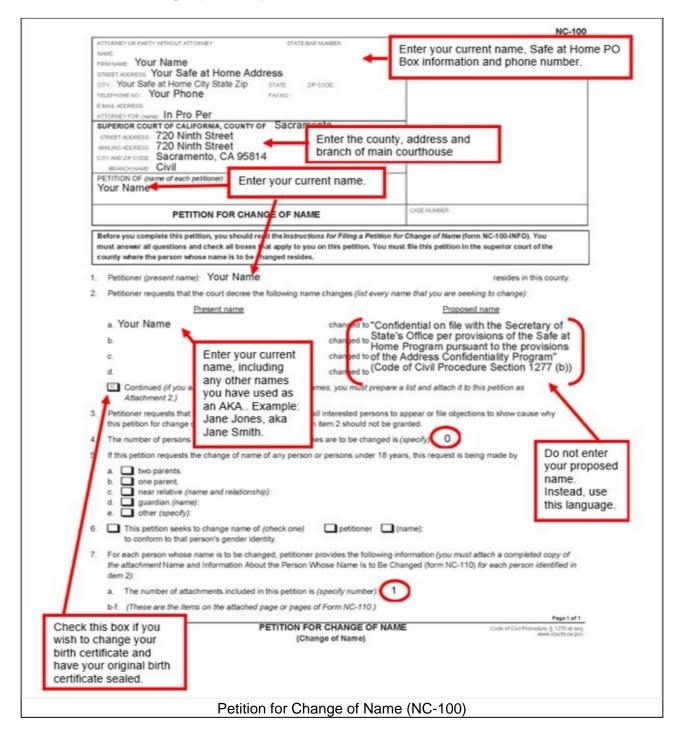
A separate copy of this CONFIDENTIAL COVER SHEET –NAME CHANGE PROCEEDING UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME) form (NC-400) must be placed in front of each document when filing. This means you will need up to 8 original copies of NC-400.



Civil Case Cover Sheet (CM-010)



Petition for Name Change (NC-100)

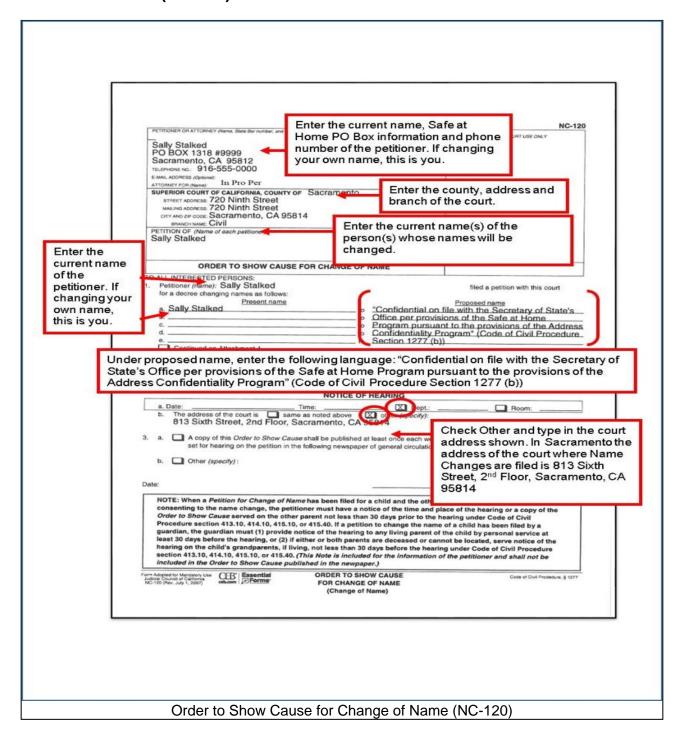




	NC-110
PETITION OF (Name of petitioner or petitioners): Your Name	CASE NUMBER:
FOR CHANGE OF N	
Enter your current name. NAME AND INFORMATION ABOUT THE WHOSE NAME IS TO BE CHANGE.	Attachment of
Attachment to Petition (form NC-100, form NC-200), or form NC-500)
(You must use a separate attachment for each person whose name is to be changed supplemental attachment, Declaration of Guardian (form NC-110G), must also be com-	
is to be changed.)	7h(2) Do not enter your proposed
7. (Continued) Petitioner applies for a decree to change the name of the following polynomials. b. Self Other	name. Instead, use this language.
7b(1) (5) (1) Present name (specify): Your Current Name	
(2) Proposed name (specify): Confidential on file with Secretary of State Safe a (3) Born on (date of birth): Your birth date	t Home Address Confidentiality Program CCP 1277(b)
current and presently under 18 years of age over 18 years of age	7b(6) Do not enter your address.
name, (4) Born at (place of birth): City and state (or country) where you birthdate, (5) Sex (as stated on original birth certificate): Male Femal	
place of (6) Current residence address (street, city, county, and zip code):	address and add this language.
birth, and Use Safe at Home address then write, Physical Address in Sacral Sex : Reason for name change (explain): Secretary of State Safe at Home A	
Petitioner is a victim of domestic violence and under threa	at of murder. This name change is
necessary to protect the petitioner's safety and to prevent d. Relationship of the petitioner to the person whose name will be changed:	ongoing abuse.
(1) 🗓 self (4) 🗖 near relative (indicate relationshi)	7c. Be sure to include you are a
(2) parent (5) Other (specify):	victim of domestic violence.
e. If the person whose name will be changed is under 18 years of age, provide	
following persons: (1) Parent (name): (address):	abuse & include that the
(2) Parent (name): (address):	confidential name change is necessary for your ongoing
(3) (Only if neither parent is living) Near relatives (names, relationships, and	d addresses): safety.
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under the jurisdiction of the California Department of Corrections and Rehabilit iail and (check one)	ation (in state prison or on parole) or in county sex offender under Pena Code section 290.
Date: Date	SOX Offerract and of Ferral Code Section 200.
Your Name Sign here	
(TYPE OR PRINT NAME OF PERSON WHOSE NAME IS TO BE CHANGED) (SIGN (If petitioner is represented by an attorney, the attorney's signature follows):	By signing this, you are declaring
Date:	under penalty of perjury you are not on
	parole or required to register as a sex offender.
(TYPE OR PRINT NAME) (Each petitioner must sign this petition in the space provided below or, if additions are supported by the space provided by the spa	16 - 14
attachment.) I declare under penalty of perjury under the laws of the State of Californi	
true and correct. Date: Date	explaining why your name change will
Your Name Sign here	not endanger the public.
(The St	(SIGNATURE OF PETITIONER)
Date: Enter the date, print and	
sign your name.	(CIONATUDE OF DETITIONED)
(TYPE OR PRINT NAME) ADD ADDITIONAL SIGNATURE LINES FOR ADDITIONAL PETITIONERS SIGNATURE	(SIGNATURE OF PETITIONER) OF PETITIONERS FOLLOWS LAST ATTACHMENT Page 1 of 1
Form Adopted for Mandatory Use Judicial Council of California NC-110 [Per September 1, 2018] Ceb.com Forms PETITION FOR CHANGE OF NA	Code of Civil Procedure, § 1275 et seq. www.courts.ca.gov
NC-110 [Rev. September 1, 2018] PEIIIION FOR CHANGE OF NA	IVI L
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Attachment to Petition (NC-110)

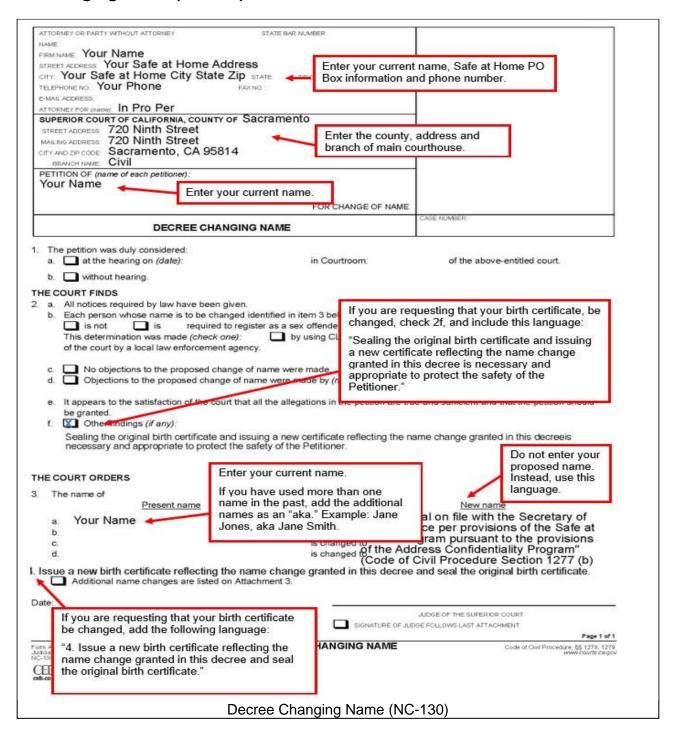
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Order to Show Cause (NC-120)



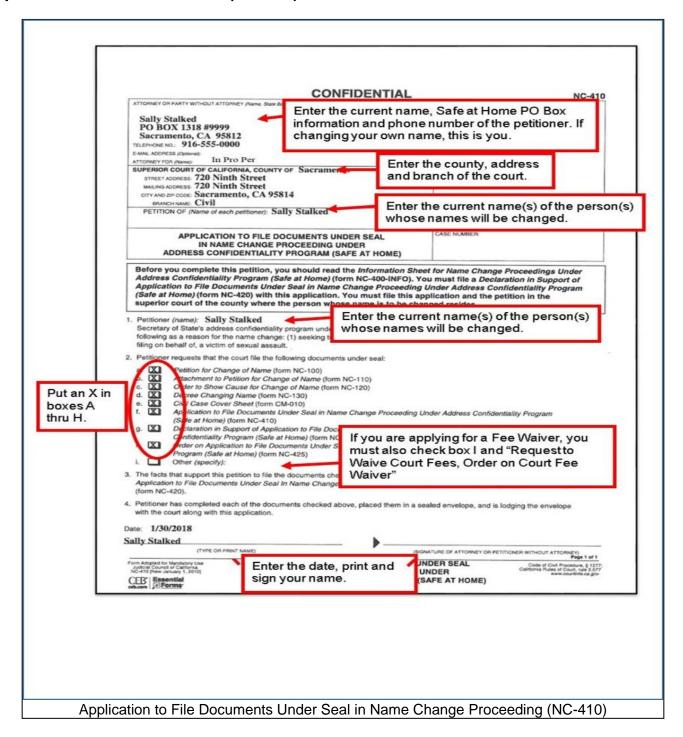


Decree Changing Name (NC-130)

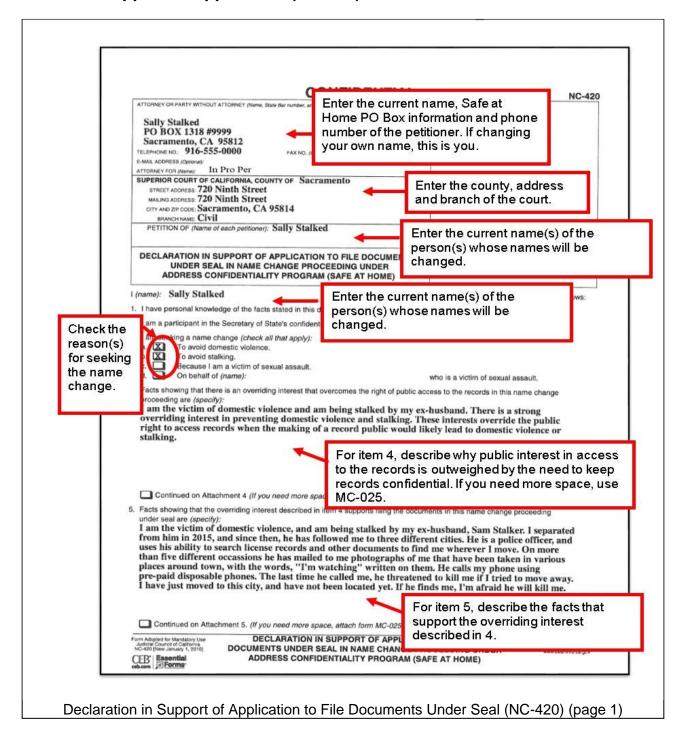


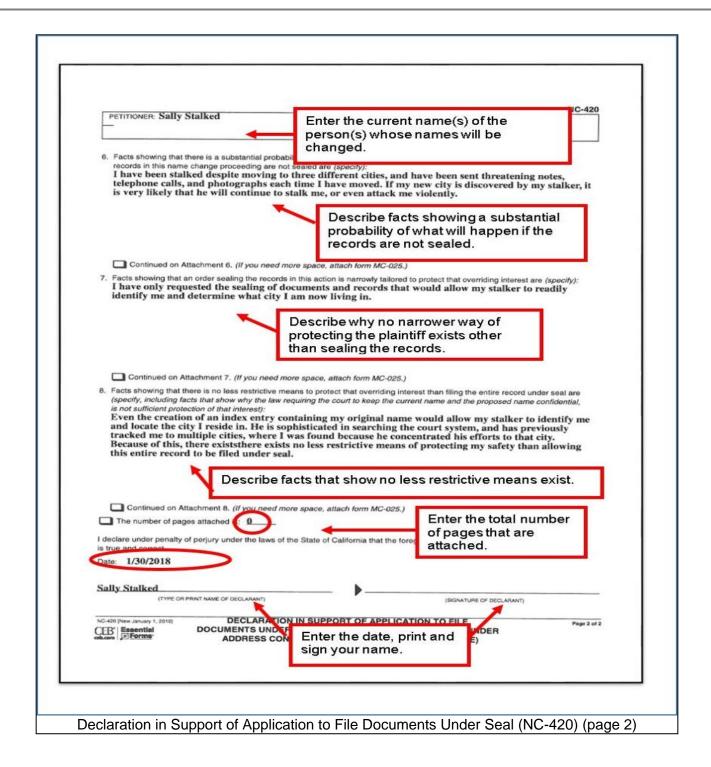


Application to File under Seal (NC-410)



Declaration in Support of Application (NC-420)





Order on Application to File under Seal (NC-425)

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