



California Department of Public Health Logo

Correcting the Sex Field on Birth Certificates

Correcting the Sex Field on Birth Certificates

Revised January 2018

Center for Health Statistics and Informatics – Vital Records

Upon request, this document will be made available in alternate formats. To obtain a copy in an alternate format, 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: <https://www.cdph.ca.gov/>

Correcting the Sex Field on Birth Certificates

What is an error in the sex field?

Sometimes, hospitals or local registrars will enter **incorrect** sex information on a birth certificate (“female” for male, or “male” for female). This is an error in the sex field on the birth certificate.

This is not the same as a “sex **change**,” which changes the sex on a person’s birth certificate in order to match the person’s sex identity.

Can errors in the sex field be corrected? If so, what do I submit?

Yes, errors in the sex field on the birth certificate can be corrected.

- 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.
- Although this item is **not required**, it would help California Department of Public Health – Vital Records (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).
- You **must** include a notarized Sworn Statement (see next section for more information).

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

- Completed VS 24 form (including back side)
- \$23 fee
- **Notarized** Sworn Statement
- Photocopy of current birth certificate (if you have it)
- Keep copies of documents submitted. They will not be returned.

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. [Download a Sworn Statement form](#) – page 3 of 3 (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Sworn-Statement.aspx>).

Correcting the Sex Field on Birth Certificates

Who may apply to correct the record?

The person listed on the birth certificate may complete the VS 24 form if he or she is at least 18 years old. If the person is under 18 or is incompetent, then the parent, legal guardian, or conservator may apply on his or her behalf.

What is the fee to correct the sex field?

- \$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 must be payable in U.S. dollars.

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](https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx) (<https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx>).
- [Order paper forms](https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx) electronically to be mailed to you by completing the VS 140 form available on the CDPH-VR forms webpage (<https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx>). 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 24 form?

PART I:

Complete the information **exactly** as it appears on the current birth certificate.

Correcting the Sex Field on Birth Certificates

How do I complete the VS 24 form? (Continued)

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-VR 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 (see address on cover page).

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 the correction.

What sworn affidavits are required?

Health and Safety Code Section 103447 requires one affidavit that meets **one** of the following three conditions:

1. Must be signed by the administrator of the birthing hospital (or the administrator's representative), who must indicate on the affidavit that the incorrect sex entered on the birth certificate was due to a hospital error.
 2. Must be signed by a representative of the local registrar, who must indicate on the affidavit that the incorrect sex entered was an administrative error by the local registrar.
 3. Must be signed by the physician who attended the birth and either a parent or a relative who was at least five years old at the time of the birth, who must indicate on the affidavit that the listed individual's sex at the time of birth was different from the sex indicated on the current birth certificate.
- The signed affidavits must be included on the bottom of the VS 24 form – and not as a separate document.
 - ***Two signatures are required.***

Correcting the Sex Field on Birth Certificates

What makes a VS 24 form “acceptable?”

Important Information

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, 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.
- 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.***

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

The [processing time](https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Processing-Times.aspx) for birth amendments can be located on the CDPH-VR website (<https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Processing-Times.aspx>).

Correcting the Sex Field on Birth Certificates

Once I file the amendment, what happens to the 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.

What if I corrected the sex field before January 1, 2001?

CDPH-VR will follow the above “seal-and-replace” procedures for anyone correcting the sex field, regardless of previous amendments that were applied before this law was passed (January 1, 2001).

Prior to that date, when CDPH-VR corrected the sex field, CDPH-VR could not seal the original birth certificate and replace it with a new one. Instead, individuals received a multiple-page document consisting of a copy of the original birth certificate containing the incorrect sex information, and a copy of the amendment containing the correct sex information.

Upon written request to the CDPH-VR office, and submission of a \$23 processing fee, CDPH-VR can now seal those multiple-page records and provide you with a one-page birth certificate that contains only the correct sex information.

What if I have additional questions?

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.

Correcting the Sex Field on Birth Certificates

**In summary,
what links to
forms and
references may
be required?**

[California Department of Public Health home page](https://www.cdph.ca.gov/)
(<https://www.cdph.ca.gov/>)

[Sworn Statement](https://www.cdph.ca.gov/Programs/CHSI/Pages/Sworn-Statement.aspx) – Application and Sworn Statement:
Certified Copy of Birth Record – VS 111 form – *page 3 of 3*
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Sworn-Statement.aspx>)

[Vital Record Applications \(forms\)](https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx) – VS 24 – Affidavit to
Amend a Record
(<https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx>)

[Request for Amendment or Registration Form](https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx) – VS 140 –
(<https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx>)

[Processing Times](https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Processing-Times.aspx)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Processing-Times.aspx>)

[Directory of County Vital Records Offices](https://www.cdph.ca.gov/Programs/CHSI/Pages/County-Registrars-and-Recorders.aspx)
(<https://www.cdph.ca.gov/Programs/CHSI/Pages/County-Registrars-and-Recorders.aspx>)