

Name and Gender Change

Overview

This section outlines the state and federal policies that govern changing one's name and gender on a multitude of legal documents. It also provides step-by-step guidance for individuals, and their attorneys, who seek to make those changes. Because this area of law is undergoing rapid change, advocates should contact each entity discussed to ensure they have the most up-to-date information.

The Importance of a Name and Gender Change

For many transgender people, obtaining a legal name and gender change is more than a formality. It is a significant step “toward making their legal identities match their lived experience.”¹ Without appropriate identity documents, basic activities, such as opening a bank account, traveling, or starting a new job, can become an invitation for harassment and discrimination.²

Approximately 40% of transgender persons reported experiencing harassment when, in the ordinary course of life, they presented ID that did not match their gender presentation.³ Another 3% reported being attacked while 15% were asked to leave.⁴ Transgender people are also more likely to experience hiring and housing discrimination when their identity documents do not reflect their lived experience.⁵

Obtaining a Name and Gender Change

Generally, an individual must file a Petition for a Name Change in order to obtain a legal name change. This process varies slightly by jurisdiction and may involve fees, publication, and an oral hearing. Once an Order for Name Change is issued, an individual can use it to change his or her name on a number of legal documents. Detailed instructions for undergoing this process in DC and Maryland are provided in this Toolkit along with resources for obtaining information for other jurisdictions.

The process for changing one's gender on official documents varies widely by jurisdiction and agency. For some documents, proof of “medical transition” (defined in myriad of ways) is required.⁶ For others, an affidavit from the individual, a therapist, social worker, or other medical professional is all that is required.⁷

¹ *The Name Change Project*, TRANSGENDER LEGAL DEF. & EDUC. FUND, http://tldef.org/work_show.php?id=7.

² Lambda Legal, *Chapter V: Identity Documents*, in TRANSGENDER RIGHTS TOOLKIT: A LEGAL GUIDE FOR TRANS PEOPLE AND THEIR ADVOCATES (2016), <http://bit.ly/2nnQzsz>.

³ Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey 5* (2011), http://www.endtransdiscrimination.org/PDFs/NTDS_Report.pdf.

⁴ *Id.*

⁵ *Id.* at 139.

⁶ Lambda Legal, *supra* note 2 at 17.

⁷ See, e.g., *ID Documents Center: District of Columbia*, NAT'L CENTER FOR TRANSGENDER EQUALITY, <http://bit.ly/2Beqf0g>; *ID Documents Center: Nevada*, NAT'L CENTER FOR TRANSGENDER EQUALITY, <http://bit.ly/2AuNcgl>.

Name and Gender Change

Washington, DC

Overview of the Process

In the District of Columbia, the first step in the name change process is to apply for a court order from DC Superior Court recognizing your name change.¹ Under District of Columbia law, to apply for a legal name change, a person must: (1) have lived in DC for at least six months before filing the application; (2) complete and submit the Application for Change of Name, as well as supporting documentation; (3) be at least 18 years old (a parent, legal guardian, or next-of-kin may apply on behalf of a minor child); and (4) pay the court filing fee (or get a Fee Waiver if he or she qualifies based on low income).²

After obtaining a court order recognizing a name change, a person can make changes to a number of other documents. Whitman-Walker Health, in partnership with Trans Legal Advocates of Washington (TransLAW), provides a detailed guide for residents of the District of Columbia wishing to change their name and/or gender marker on identity documents and other records. The guide includes a step-by-step checklist to complete the name/gender change process in DC and a schedule of fees and related expenses associated with the process.

Resource Highlight

[Name & Gender Change Guide for Residents of Washington, DC \(updated Aug. 2017\)](#)

- ◆ The guide contains in-depth information on multiple topics, including: (1) obtaining a court order for a change of name and gender, (2) changing a name and/or gender on a birth certificate, and (3) changing the name and/or gender with (a) the Social Security Administration, (b) the DC Dept. of Motor Vehicles, (c) United States Citizenship and Immigration Services (USCIS), (d) Selective Service, (e) the DC Department of Human Services Economic Security Administration (DC-ESA), insurance providers, creditors, and others, and (f) on a U.S. Passport.
- ◆ The guide is also available in [Spanish](#).

Important Forms

- ◆ [DC Application to Amend Birth Certificate of a Minor](#)
- ◆ [DC Application & Checklist for Change of Name of an Adult](#)
- ◆ [Instructions & Application for an Updated Gender Marker on a DC Birth Certificate](#)
- ◆ [Procedure for Establishing or Changing Gender Designation on a DC Driver License or Identification Card](#)

¹ WHITMAN-WALKER HEALTH, CHANGE GUIDE FOR RESIDENTS OF WASHINGTON, DC 3 (2017).

² *Application for Change of Name*, D.C. COURTS, <https://www.dccourts.gov/services/judge-in-chambers/application-change-name>.

Relevant Law & Regulations

D.C. Code:

- [Amendment to the Vital Records Act of 1981](#)
- Statutes revised by the Improving Access to Identity Documents Amendment Act of 2016
 - [§ 7-221](#). Vital records fees and fund.
 - [§ 50-1401.01](#). Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.
 - [§ 50-1401.03](#). Federally-accepted driver's license — Identification card option.
 - [§ 50-1401.05](#). Limited purpose driver's license, permit, or identification card.
- Amending a Birth Certificate
 - [§ 7-217](#). Amendment. (Amending birth certificate)
- Change of Name or Gender
 - [§ 16-2501](#). Application; persons who may file.
 - [§ 16-2503](#). Decree.

D.C. Municipal Regulations:

- Rules Regarding Gender Identity or Expression
 - D.C. Mun. Regs. [Tit. 4, § 800](#) (Purpose)
 - D.C. Mun. Regs. [Tit. 4, §807](#) (Background Checks)
 - D.C. Mun. Regs. [Tit. 4, §899](#) (Definitions)
- Voter Registration Name Change
 - D.C. Mun. Regs. [Tit. 3, § 515](#) (Changes in Registration: Name)

Additional Community & Legal Resources

Name	Location or Area of Operation	Type(s)	Description
Name & Gender Change Clinic	DC	Legal, Advocacy	The Trans Legal Advocates of Washington (TransLAW), in collaboration with Whitman-Walker Health , offers a free Name and Gender Change Clinic. It consists of a one-on-one meeting with a trained attorney who provides assistance with the name and gender change processes.
National Center for Transgender Equality ID Documents Center—District of Columbia	DC, Online	Legal, Policy	The National Center for Transgender Equality provides a guide on how to obtain a legal name change and update your name/gender on state and federal IDs and records in DC. The DC profile contains detailed information on different policies and procedures associated with the process and includes links to important forms and other resources.

Name and Gender Change

Maryland

Overview of the Process

In Maryland, the first step in the name change process is to apply for an Order for Change of Name from the county or city courthouse where you live.¹ It should be noted that there are additional filing requirements if the person seeking a name and gender change is a minor.² To change your name, you must file a completed name change package with the court where you live. This package includes a Petition for Change of Name, Notice for Publication, Order for Change of Name, a copy of an official document reflecting your current legal name, and a filing fee, which can be waived.³

The process for filing a name change package and subsequent required steps are detailed in a guide published by Whitman-Walker Health, in partnership with Trans Legal Advocates of Washington (TransLAW). The guide includes a step-by-step checklist to complete the name/gender change process in MD and a schedule of fees and related expenses associated with the process.

Resource Highlight

[Name & Gender Change Guide for Residents of Maryland \(updated Feb. 2017\)](#)

- ◆ The guide contains in-depth information on multiple topics, including: (1) obtaining a court order for a change of name and gender, (2) changing a name and/or gender on a birth certificate, and (3) changing a name and/or gender with (a) the Social Security Administration, (b) the MD Dept. of Motor Vehicles, (c) on a U.S. Passport, (d) with the Selective Service, (e) with United States Citizenship and Immigration Services (USCIS), and (f) insurance providers, creditors, and others.

Important Forms

- [Instructions for Change of Name of An Adult](#)
- [Petition for Change of Name \(Adult\)](#)
- [Notice for Publication \(Adult\)](#)
- [Instructions for Petition for Change of Name of a Minor](#)
- [Petition for Change of Name \(Minor\)](#)
- [Parental Consent to Change of Name \(Minor\)](#)
- [Notice for Publication](#)
- [Certificate of Publication](#)

¹ WHITMAN-WALKER HEALTH, CHANGE GUIDE FOR RESIDENTS OF MARYLAND 3 (2017).

² *Id.* at 5.

³ *Id.* at 3-4.

Relevant Law & Regulations

M.D. Code:

- ◆ Vital Records and Statistics
 - [§ 4-211](#). New birth certificates; conditions, requirements
 - [§ 4-214](#). Amendments to certificate

M.D. Rules:

- ◆ Change of Name
 - [Rule 15-901](#). Action for Change of Name

Additional Guidance:

- [Changing Gender Designation on Your Maryland Driver’s License, Learner’s Permit, or Identification Card](#)
- [Fact Sheet: Applying for a New Certificate of Birth Following Sex Change or Diagnosis of an Intersex Condition](#)
- [MD Birth Certificates: Frequently Asked Questions](#)
- [TransLAW: Maryland Name and Gender Change Guidance](#)

Additional Community & Legal Resources

Name	Location or Area of Operation	Type(s)	Description
FreeState Justice: Legal Services	MD	Legal, Advocacy	FreeState Justice provides legal services to low-income lesbian, gay, bisexual, transgender, and queer Maryland residents. They provide assistance for a variety of legal issues, including name changes and gender marker changes on birth certificates or state-issued identification.
Name & Gender Change Clinic	MD	Legal, Advocacy	The Trans Legal Advocates of Washington (TransLAW), in collaboration with Whitman-Walker Health , offers a free Name and Gender Change Clinic. It consists of a one-on-one meeting with a trained attorney who provides assistance with the name and gender change processes.
National Center for Transgender Equality ID Documents Center—Maryland	MD, Online	Legal, Policy	The National Center for Transgender Equality provides a guide on how to obtain a legal name change and update your name/gender on state and federal IDs and records in MD. The MD profile contains detailed information on different policies and procedures associated with the process and includes links to important forms and other resources.

Name and Gender Change

Additional Resources

Obtaining a Name and Gender Change in Virginia

[Name & Gender Change Guide for Residents of Virginia \(updated Aug. 2017\)](#)

- ◆ The guide contains in-depth information on multiple topics for Virginia residents, including: (1) obtaining a court order for a change of name and gender, (2) changing the name and gender on a birth certificate, and (3) changing a name and/or gender with (a) the Social Security Administration, (b) the VA Dept. of Motor Vehicles, (c) United States Citizenship and Immigration Services (USCIS), (d) Selective Service, (e) the VA Department of Human Services Economic Security Administration (DC-ESA), insurance providers, creditors, and others, and (f) on a U.S. Passport.

Obtaining a Name and Gender Change in Other Jurisdictions

[Changing Birth Certificate Sex Designations: State-By-State Guidelines](#)

- ◆ This state-by-state guide contains a list of legal authorities intended to assist with the process of changing the sex listed on a person's birth certificate. For each state, the relevant statute citation and text is provided, along with general notes and a summary of whether or not an amendment can be obtained in that jurisdiction.

[National Center for Transgender Equality's ID Documents Center](#)

- ◆ NCTE's ID Documents Center provides information on how to obtain a legal name change and update the name/gender on federal and state IDs and records in all 50 states, the U.S. Territories, and the District of Columbia. It also contains information and forms required to obtain a name change and update gender markers on a driver's license and birth certificate.

[State-by-State Overview: Rules for Changing Gender Markers on Birth Certificates](#)

- ◆ This fact sheet, published by the Transgender Law Center, provides an overview of which states have a process for updating gender markers on birth certificates and a link to the basic outline of what those states' policies look like.

Updating Other Documents

[A Transgender Advocate's Guide to Updating and Amending School Records](#)

- ◆ This short guide provides basic information on the Family Educational Rights and Privacy Act (FERPA) and how to amend name and gender markers on educational records. It discusses a person's rights under FERPA, how to make a request to amend records if a person is under 18 or after they have graduated, and the requirements for schools under FERPA.

[Know Your Rights: Immigration Documents](#)

- ◆ This guide provides information on how to update the name and/or gender marker on immigration documents. Topics discussed include the contents of a provider certification letter, updating employment authorization and/or permanent resident card, and updating naturalization certificate.

[Know Your Rights: Military Records](#)

- ◆ This guide provides information on how to update the name and/or gender marker on military records. It discusses the Department of Defense’s policy, how to change the name on DD214 military discharge records, and the process for updating name and gender in the Defense Enrollment Eligibility Reporting System (DEERS).

[Transgender People and the Social Security Administration](#)

- ◆ Under the Social Security Administration (SSA) new policy for updating records to reflect a person’s gender identity, a transgender person can change their gender on their Social Security records by submitting either government-issued documentation reflecting a change or a certification from a physician confirming they have had appropriate clinical treatment for gender transition. This guide provides basic information on how to update a person’s gender with the SSA and what that change will mean.

[Voting While Trans: Preparing for Voter ID Laws](#)

- ◆ Regardless of whether someone has ever had trouble voting in the past, voter ID laws can make it harder for many transgender people to vote. Even if they have the required ID, new laws may encourage additional scrutiny toward and bias against transgender voters. This guide provides information all transgender people should know to be able to cast their vote, including checklists for pre-election and Election Day, information for poll workers and election officials, and why voter ID laws can prevent transgender voters from voting.

[Understanding the Passport Gender Change Policy](#)

- ◆ In June 2010, the State Department announced a new policy to issue passports that reflect a person’s current gender when either a previous passport or other personal documentation presented by an applicant reflects a different gender. Under the new policy, a transgender person can obtain a passport reflecting his or her current gender by submitting a certification from a physician confirming that he or she has had appropriate clinical treatment for gender transition. This guide provides basic information on how to obtain a passport under the new policy, when a physician certification is required, and what constitutes appropriate clinical treatment under the policy.

Organizations

Name	Location or Area of Operation	Type(s)	Description
Trans Legal Services Network	National, Online	Legal, Advocacy	The Trans Legal Services Network, created by the National Center for Transgender Equality, is a group of over 60 organizations dedicated to providing name and gender change services or other legal services for trans people in their area.