

CLC PRACTICE KIT 10

Overview of Name and Gender Change

This section of the LGBTQ Youth Advocacy Toolkit outlines the state and federal policies that govern changing one's name and gender marker on a multitude of legal documents. This section also provides step-by-step guidance for individuals (and their attorneys) who seek those changes.

Generally, an individual who wishes to change their identification documents should start by filing a Petition for Name Change. This is a relatively straight-forward process that varies slightly by jurisdiction and may involve fees, publication, and an oral hearing. Instructions for undergoing this process in DC, Maryland, and Virginia are provided in this toolkit. Once an Order for Name Change is issued, an individual can use it to change his or her name on numerous legal documents.

Changing one's gender on official documents is not as simple, and varies widely by jurisdiction and agency. For some documents, proof of medical transition (defined in myriad ways) is required. For others, one only needs to provide an affidavit from a therapist, social worker, or medical professional. When available, agency-specific instructions are provided in this toolkit. However, this area of law is undergoing rapid change, so advocates should contact each agency directly for the latest updates.

In addition to changing one's name and gender on legal documents, advocates should consult with their clients about changing their information with other agencies, including: health insurance, car insurance, utility and cell phone companies, and banks and credit agencies.

In this practice kit, you will find:

- Step-by-step guides for changing most of one's state and federal documentation for DC, Maryland, and Virginia
- Information about the governing DC Code regarding changing one's name and birth certificate

Please note: The Social Security Administration's policy regarding name and gender change is not included in the toolkit, but can be accessed here: <http://ssa-custhelp.ssa.gov/app/home>.

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Vital Records Act of 1981 to require the Registrar to issue a new certificate of birth designating a new gender for any individual who provides a written request and a signed statement from a licensed healthcare provider that the individual has undergone a gender transition, and to require that an original certificate of birth be sealed when a new certificate of birth is issued; to repeal section 16-2502 of the District of Columbia Official Code to remove the publication notification requirement for a name change; and to amend section 16-2503 of the District of Columbia Official Code to authorize the Superior Court of the District of Columbia to issue decrees of gender or name change in specific circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013”.

Sec. 2. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-210 *et seq.*), is amended as follows:

(a) Section 6(f) (D.C. Official Code § 7-205(f)) is amended to read as follows:

“(f) (1) Either of the parents of the child, or other informant, shall confirm with his or her signature the accuracy of the personal data entered on the certificate before the certificate is filed.

“(2) Any institutional error regarding the personal data on the certificate may be corrected within 90 days of issuance, and:

“(A) A new certificate shall be issued;

“(B) The new certificate shall not be marked amended; and

“(C) The original, erroneous certificate shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.”.

(b) Section 11 (D.C. Official Code § 7-210) is amended by striking the period in the heading and inserting the phrase “for adoption and determination of parentage.” in its place.

(c) A new section 11a (to be codified at D.C. Official Code § 7-210.01) is added to read as follows:

“Sec. 11a. New certificates of birth for change of gender designation.

“(a) The Registrar shall establish a new certificate of birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

“(1) A written request, signed under penalty of law, for a new certificate of birth with a gender designation that differs from the gender designated on the original certificate of birth, from the individual or, if the individual is a minor, the individual’s:

“(A) Parent;

“(B) Guardian; or

“(C) Legal representative;

“(2) A statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

“(A) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

“(B) The individual has an intersex condition, and that in the healthcare provider’s professional opinion, the individual’s gender designation should be changed; and

“(3) If a change of name listed on the certificate is also being requested, an original or certified copy of an order of a court of competent jurisdiction granting a change of name.

“(b) The Registrar shall establish, upon request, a new certificate of birth reflecting the new gender designation, new name, or name as previously amended, in these additional circumstances:

“(1) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous name change and seeks a change of gender designation;

“(2) When an individual, who is requesting a change of name, holds a certificate of birth previously issued pursuant to subsection (a) of this section that reflects a change in gender; or

“(3) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous change in gender designation.

“(c) A new certificate of birth, issued in accordance with subsection (a) or (b) of this section, shall:

“(1) Be substituted for the original certificate of birth; and

“(2) Not be marked “amended” or on its face show that:

“(A) A change in gender has been made;

“(B) A change in name has been made; or

“(C) Both.

“(d) The original certificate of birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.”.

(d) Section 18(d) (D.C. Official Code § 7-217(d)) is repealed.

Sec. 3. Chapter 25 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The chapter title is amended to read as follows:

“CHAPTER 25. CHANGE OF NAME OR GENDER.”.

(b) Section 16-2502 is repealed.

(c) Section 16-2503 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “On proof of the notice prescribed by section 16-2502, and upon a showing” and inserting the phrase “Upon a showing” in its place.

(3) A new subsection (b) is added to read as follows:

“(b)(1) Any District resident may seek a declaration by the Superior Court reflecting a change of gender. The Superior Court shall grant the declaration if the individual seeking the declaration provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2). If granted, the declaration shall be effective from the date of gender transition as specified in the healthcare provider’s statement.

“(2) Any District resident who was born in a state or foreign jurisdiction that requires a court order to amend a birth certificate to reflect a change in gender may request a court order by the Superior Court directing the birth state or foreign jurisdiction to amend the original birth certificate or issue a new birth certificate reflecting a change of gender. The Superior Court shall grant the order if the individual seeking the order provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2).

“(3) Any declaration or order issued pursuant to subsection (b) this section shall constitute conclusive proof of the individual’s gender for all purposes and shall be given the full force and effect of any judgment issued by the Superior Court.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia



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*** Annotations current through November 23, 2012 ***

DIVISION I. GOVERNMENT OF DISTRICT
TITLE 7. HUMAN HEALTH CARE AND SAFETY
SUBTITLE A. GENERAL
CHAPTER 2. VITAL RECORDS

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 7-217 (2012)

§ 7-217. Amendment [Formerly § 6-217]

(a) The Registrar shall issue regulations governing amendment of vital records, which shall protect the integrity and accuracy of the vital records. A certificate, or report registered under this chapter may be amended only in accordance with this chapter and regulations issued under this chapter.

(b) Except as otherwise provided in this section, a certificate or report that is amended under this section shall be marked "amended". The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the records. The Registrar shall issue regulations which prescribe the conditions under which additions or minor corrections may be made to certificates, or reports, within 1 year after the date of the event without the certificate or record being marked "amended".

(c) Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in the District and upon request of such person, his or her guardian or legal representative, or, in the case of a minor, his or her parents, the Registrar shall amend the certificate of birth to show the new name.

(d) Upon receipt of a certified copy of an order of the Court indicating that the sex of an individual born in the District has changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.

(e) The Registrar shall not amend the vital record if: (1) an applicant does not submit the minimum documentation required in the regulations for amending a vital record; or (2) when the Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and the deficiencies are not corrected. The Registrar shall state in writing the reason for this action. Upon the Registrar's refusal to amend the vital

record, the applicant shall have a cause of action in the Court to amend the vital record. The Registrar shall give the applicant written notice of this right.

HISTORY: 1981 Ed., § 6-217; Oct. 8, 1981, D.C. Law 4-34, § 18, 28 DCR 3271; Mar. 14, 1985, D.C. Law 5-159, § 18, 32 DCR 30.

NOTES: LEGISLATIVE HISTORY OF LAW 4-34. --See note to § 7-201.

LEGISLATIVE HISTORY OF LAW 5-159. --Law 5-159, the "End of Session Technical Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-540. The Bill was adopted on first and second readings on Nov. 20, 1984, and Dec. 4, 1984, respectively. Signed by the Mayor on Dec. 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.



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DIVISION II. JUDICIARY AND JUDICIAL PROCEDURE

TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

CHAPTER 25. CHANGE OF NAME

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 16-2501 (2012)

§ 16-2501. Application; persons who may file

Whoever, being a resident of the District and desiring a change of name, may file an application in the Superior Court setting forth the reasons therefor and also the name desired to be assumed. If the applicant is an infant, the application shall be filed by his parent, guardian, or next friend.

HISTORY: Dec. 23, 1963, 77 Stat. 595, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 560, Pub. L. 91-358, title I, § 145(i); 1973 Ed., § 16-2501; 1981 Ed., § 16-2501.

ANALYSIS Common law Compliance

COMMON LAW.

Under D.C. common law, any adult or emancipated person could change his name at will, without any legal proceedings, simply by adopting another name, as long as he did not do so for a fraudulent or criminal purpose; this chapter, which sets forth a procedure by which a person can petition a court for a change of name, does not abrogate the common law right. *In re Phillips*, 871 A.2d 513, 2005 D.C. App. LEXIS 147 (2005).

COMPLIANCE.

Denial of applicant's requested name change to "Jesus Christ" held improper where the trial court failed to follow the notice and hearing requirements of §§ 16-2501 through 16-2503 and D.C. Super. Ct. R. Civ. P. 205. *In re Phillips*, 871 A.2d 513, 2005 D.C. App. LEXIS 147 (2005).

APPLIED in *Brown v. Brown*, App. D.C., 379 A.2d 1174, 1977 D.C. App. LEXIS 275 (Nov. 21, 1977).



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DIVISION II. JUDICIARY AND JUDICIAL PROCEDURE

TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

CHAPTER 25. CHANGE OF NAME

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 16-2502 (2012)

§ 16-2502. Notice; contents

Prior to a hearing pursuant to this chapter, notice of the filing of the application, containing the substance and prayer thereof, shall be published once a week for three consecutive weeks in a newspaper in general circulation published in the District.

HISTORY: Dec. 23, 1963, 77 Stat. 595, Pub. L. 88-241, § 1; 1973 Ed., § 16-2502; 1981 Ed., § 16-2502.

NOTES: SECTION REFERENCES. --This section is referenced in § 16-2503.



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DIVISION II. JUDICIARY AND JUDICIAL PROCEDURE

TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

CHAPTER 25. CHANGE OF NAME

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 16-2503 (2012)

§ 16-2503. Decree

On proof of the notice prescribed by section 16-2502, and upon a showing that the court deems satisfactory, the court may change the name of the applicant according to the prayer of the application.

HISTORY: Dec. 23, 1963, 77 Stat. 595, Pub. L. 88-241, § 1; 1973 Ed., § 16-2503; 1981 Ed., § 16-2503.

ANALYSIS Compliance Discretion.

COMPLIANCE.

Denial of applicant's requested name change to "Jesus Christ" held improper where the trial court failed to follow the notice and hearing requirements of §§ 16-2501 through 16-2503 and D.C. Super. Ct. R. Civ. P. 205. In re Phillips, 871 A.2d 513, 2005 D.C. App. LEXIS 147 (2005).

DISCRETION.

Use of the word "may" in D.C. Code § 16-2503 provided a court with discretion to grant a name change, and such discretion was required in cases where a name change may have incited or offended the rights of other people; allowing an applicant's request for a name change to Jesus Christ could have served to both offend people and incite violence or protest and was improper. In re Phillips, 2003 D.C. Super. LEXIS 37 (June 5, 2003).

Purpose

800.1 In order to meet the obligations to prohibit discrimination based on gender identity or expression as set forth in the Act, the Office and the Commission adopt this chapter for the following purposes:

- (a) To implement the provisions of the Act regarding discrimination based on gender identity or expression in employment, housing, public accommodations, or educational institutions, including all agencies of the District of Columbia government and its contractors;
- (b) To provide guidance with regard to the requirements of the law to all employers, housing providers, businesses, organizations, educational institutions, and District government agencies and contractors in seeking compliance with the law;
- (c) To educate the public on the behaviors, conduct, and actions that constitute unlawful discrimination based on gender identity or expression;
- (d) To ensure that transgender people are treated in a manner that is consistent with their identity or expression, rather than according to their presumed or assigned sex or gender; and
- (e) To guide the internal processing of complaints filed with the Office or cases heard by the Commission.

AUTHORITY: Unless otherwise noted, the authority for this chapter is section 301(c) of the Human Rights Act of 1977 (Act), effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c)).

SOURCE: Final Rulemaking published at 53 DCR 8751, 8751-52 (October 27, 2006).

802 RESTROOMS AND OTHER GENDER SPECIFIC FACILITIES

- 802.1 All entities covered under the Act, as amended, shall allow individuals the right to use gender-specific restrooms and other gender-specific facilities such as dressing rooms, homeless shelters, and group homes that are consistent with their gender identity or expression.
- 802.2 All entities covered under the Act with single-occupancy restroom facilities shall use gender-neutral signage for those facilities (for example, by replacing signs that indicate "Men" and "Women" with signs that say "Restroom").

SOURCE: Final Rulemaking published at 53 DCR 8751, 8753 (October 27, 2006).

- 803.1 When requested by the employee, an employer shall make reasonable accommodations (including medical leave) for transgender-related health care needs that are consistent with such accommodations that are provided for other medical needs. Such needs include but are not limited to medical or counseling appointments, surgery, recovery from surgery, and any other transgender-related procedures.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8753 (October 27, 2006).

804 DRESS AND GROOMING STANDARDS

- 804.1 No employer, housing provider, public accommodation, educational institution, or any agency of the District of Columbia government or its contractors shall require individuals to dress or groom themselves in a manner inconsistent with their sex or their gender identity or expression.
- 804.2 Employers, housing providers, public accommodations, educational institutions, and agencies of the District of Columbia government and its contractors may prescribe standards of dress which shall serve a reasonable business purpose, as long as such standards do not discriminate or have a discriminatory impact on the basis of an individual's sex or the individual's gender identity or expression.
- 804.3 Except as otherwise provided in this chapter, the Office and Commission adopt and incorporate by reference the provisions of 4 DCMR § 512(1995).

SOURCE: Final Rulemaking published at 53 DCR 8751, 8753-54 (October 27, 2006).

**805 GENDER-SPECIFIC FACILITIES WHERE NUDITY
 IN THE PRESENCE OF OTHERS IS CUSTOMARY**

- 805.1 All entities covered under the Act shall provide access to and the safe use of facilities that are segregated by gender.
- 805.2 In gender-specific facilities where nudity in the presence of other people is customary, entities covered by the Act shall make reasonable accommodations to allow an individual access to and the use of the facility that is consistent with that individual's gender identity or expression, regardless of whether the individual has provided identification or other documentation of their gender identity or expression.
- 805.3 Requiring documentation or other proof of an individual's gender is prohibited, except in situations where all persons are asked to provide documentation or other proof of their gender for a reasonable business or medical purpose.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8754 (October 27, 2006).

RECORDING OF GENDER AND NAME

- 806.1 An entity covered under the Act shall not require an applicant to state whether the individual is transgender.
- 806.2 If an application form asks for the applicant to identify as male or female, designation by the applicant of a sex that is inconsistent with the applicant's assigned or presumed gender shall not be considered, without more, to be fraudulent or to be a misrepresentation for the purpose of adverse action on the application.
- 806.3 An applicant's giving of a name publicly and consistently used by the applicant, even when the name given is not the applicant's legal name, shall not be grounds for adverse action, if the name given is consistent with the applicant's gender identity or expression. However, where use of a person's legal name is required by law or for a reasonable business purpose, the applicant may be required to disclose it.
- 806.4 An applicant's failure to disclose a change of gender or name (unless specifically required as part of an application process for a reasonable business purpose) shall not be considered grounds for an adverse action.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8754-55 (October 27, 2006).

- 807.1 If an entity covered under the Act learns through a background check or other means that a person is transgender, the entity shall not, without more, take an adverse action against the individual on the basis of the learned information and shall take reasonable measures to preserve the confidentiality of that information.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8755 (October 27, 2006).

HARASSMENT AND HOSTILE ENVIRONMENT

808.1 All harassment and actions that create a hostile environment based on gender identity or expression shall be prohibited.

808.2 The following behaviors may constitute evidence of unlawful harassment and hostile environment:

- (a) Deliberately misusing an individual's preferred name form of address or gender-related pronoun;
- (b) Asking personal questions about an individual's body, gender identity or expression, or gender transition;
- (c) Causing distress to an individual by disclosing to others that the individual is transgender; and
- (d) Posting offensive pictures, or sending offensive electronic or other communications.

In determining whether there is unlawful harassment or a hostile environment, the totality of the circumstances surrounding the alleged violation of the Act must be considered, including the nature, frequency, and severity of the behavior, whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with the alleged victim. Ultimately the standard is an objective one, focusing on whether the behavior was sufficiently severe or pervasive to alter the conditions of the victim's employment, housing, education, or access to or use of public accommodations, or relations with a District of Columbia agency or contractor, and to create an abusive environment.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8755 (October 27, 2006).

899 DEFINITIONS

899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

"Act" - the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official code § 2-1401.01 et seq.).

"Commission" - the Commission on Human Rights, established by section 401 of the Act (D.C. Official Code § 2-1404.01).

"Entities" - include all employers, housing providers, public accommodations, educational institutions, and government agencies and their contractors that come within the jurisdictional reach of the Act.

"Gender identity or expression" - a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

"Office" - the Office of Human Rights, established by section 202 of the Fiscal Year 2000 Service Improvement and Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01).

"Transgender" - an adjective that refers to any individual whose identity or behavior differs from stereotypical or traditional gender expectations, including transsexual individuals, cross-dressers, androgynous individuals, and others whose appearance or characteristic are perceived to be gender-atypical.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8756 (October 27, 2006).

515 CHANGES IN REGISTRATION: NAME

- 515.1 A registered voter shall notify the Board in writing of a name change due to marriage, divorce, or by order of a court within thirty (30) days of the applicable event.
- 515.2 The Board shall process name changes received pursuant to the monthly report furnished by the Superior Court of the District of Columbia in accordance with D.C. Official Code § 1-1001.07(k)(3) (2011 Repl.).
- 515.3 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of name by:
- (a) Completing a change of name on a voter registration application;
 - (b) Filing a change of name by signed letter or postal card which includes the following information:
 - (1) Former and current name;
 - (2) Address; and
 - (3) Date of birth;
 - (c) Filing a change of name through the DMV or a voter registration agency (VRA) pursuant to D.C. Official Code § 1-1001.07(d) (2011 Repl.); or
 - (d) Completing any other form prescribed for this purpose by the Board.
- 515.4 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her name in-person at the Board's office or a VRA. Requests for change of name other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

SOURCE: Final Rulemaking published at 43 DCR 1078, 1089-90 (March 1, 1996); as amended by Final Rulemaking published at 43 DCR 1927 (April 12, 1996); as amended by Final Rulemaking published at 57 DCR 3267, 3284 (April 16, 2010); as amended by Emergency and Proposed Rulemaking published at 7 DCR 7690 (August 20, 2010)[EXPIRED]; as amended by Final Rulemaking published at 57 DCR 11111, 11119 (November 26, 2010); as amended by Emergency and Proposed Rulemaking published at 58 DCR 10752 (December 16, 2012)[EXPIRED]; as amended by Final Rulemaking published at 58 DCR 941, 953 (February 10, 2012); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014).

NAME & GENDER CHANGE GUIDE FOR RESIDENTS OF WASHINGTON, DC

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing one's name and gender on identity documents. Please note that specific steps may have changed since this guide was printed, and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

Need further assistance? Come to the
NAME & GENDER CHANGE CLINIC

Whitman-Walker Health Legal Services Program and Trans Legal Advocates of Washington (TransLAW) hold monthly Name & Gender Change Clinics to assist clients navigating the name and gender change process. For more information or to find out about the next clinic, please visit www.translawdc.org or call (202) 939-7627.



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INTRODUCTION

This guide provides an outline for residents of the District of Columbia who wish to change their name and/or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in DC. For most clients, we recommend pursuing these steps in the order listed. We understand, however, that some clients may have unique needs and/or goals which require a different approach to pursuing name/gender changes on their identity documents.

We encourage clients to make an appointment with staff from the Whitman-Walker Legal Services Program to discuss their specific situation and goals. We know this can be a daunting process and we are happy to guide clients through the name and gender change steps. Together, we can create a name/gender change strategy that fits each client's unique needs. Call us at (202) 939-7627 or visit our main office at 1701 14th Street, NW, Washington, DC 20009.

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APPENDICES

- A. Schedule of Fees and Related Expenses
- B. DMV List of Document Requirements: DART (Documents Acceptance Requirements Transactions List)

STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN DC

- ____(Step 1) **File the Application for Change of Name with the Court**
- Moultrie Courthouse Judge-in-Chambers, 500 Indiana Ave. NW, Room 4220
- ____(Step 2) **Mail notices to interested parties (including, creditors) as checked off on the signed Order and Notice of Final Hearing [must mail notices within 10 days of filing]**
- Go to Post Office to send each notice, including the
 - Application for Change of Name
 - Order and Notice of Final Hearing
 - Send by Certified Mail (or registered mail) with Return Receipt Requested
 - Keep all receipts from the U.S. Postal Service showing that you paid to mail the letters by certified or registered mail.
- ____(Step 3) **Return to the Court on the date written in the Order and Notice of Final Hearing provided by the Court**
- File the completed “Affidavit / Declaration of Service” forms with the Court
 - Attach the receipts from the Postal Service showing that you paid to mail the letters, and attach any Return Receipts you collected prior to the Final Hearing.
 - The judge may or may not hold a brief hearing.
 - The Court will provide 2 certified copies of the signed Order for Change of Name. You should request 4 extra copies at this time and pay related fee.
- ____(Step 4) **Go to Social Security Administration to change name and gender**
- Bring original copy of court order for name change
 - Bring letter signed by doctor for gender marker change
 - Request new SSA card
 - Ask SSA agent for a printout showing correct name
- ____(Step 5) **Go to DMV to get new ID/License with correct name and gender**
- Bring original copy of court order for name change
 - Bring proof of name change with Social Security
 - Bring gender designation form signed by doctor
 - Request new card and pay related fee
- ____(Step 6) **Change your information with your bank, creditor, school, employer, insurers, etc.**

I. OBTAINING A COURT ORDER FOR CHANGE OF NAME

The first step in changing your name in DC is to apply for a Court Order from the DC Superior Court recognizing your name change. This is a straightforward, yet time-consuming process, and will require at least two months to complete. Please note that you must adhere to the TIMING requirements, or your application to change your name may be denied, or you may need to re-file your application.

A. What To File With The Court

To legally change your name in DC, you will need to take the following materials to the DC Superior Court Judge-In-Chambers office, located in the **Moultrie Courthouse, 500 Indiana Ave., NW, Room 4220, Washington, DC 20001**; phone: (202) 879-1450; fax: (202) 879-1579. Natalie Byrd is the Court Clerk for the Judge-in-Chambers. The nearest Metro stop is Judiciary Square on the Red Line. The office is open from 8:30am to 5pm, Monday through Friday.

Note: If you are involved in (i) an open Family Court case; (ii) an ongoing child support order; or (iii) an open Civil Protection Order, you may be required to file your name change petition with the Family Court Central Intake Center (CIC).¹

Be sure that you have the following items before going to the courthouse:

- 1) Completed paperwork packet.² A blank copy of this packet can be obtained from WWH Legal Services. Note that the Court released an updated packet as of December 13, 2013, but this packet has not yet been uploaded to the Court's website.³

The paperwork packet includes these forms:

a. **Application for Change of Name of an Adult**

For Item 4, you are required to list reasons for your name change. We suggest: "This is my preferred name and I want to obtain proper identification."⁴

For Item 7, you must list each of your parent's names EXACTLY as the names appear on your birth certificate.

¹ D.C. Superior Court Administrative Order 11-14.

² D.C. Code § 16-2501.

³ The Court also issued new instructions. This guide incorporates the new instructions, and provides additional advice consistent with the forms, conversations with Court staff, and feedback from clients.

⁴ If the client lists "I am transgender," in the past the Court has asked clients to produce a statement from a counselor or physician attesting to the fact that the client is transgender. In other cases, when the applicant listed only "this is my name of common usage" or "this is my preferred name," the Court refused to accept that reason as sufficient. Accordingly, we recommend the language mentioned above.

For Item 9, if you have EVER provided a different name in connection with any medical or legal issue, including criminal matters, you must list this name here.

For Item 13, if you have an open immigration matter, list it here.

For Item 15, if you do not have the case information about a past conviction, go to the court's website to search the public case files. For DC Superior Court, go to <http://www.dccourts.gov/internet/CCO.jsf>.

For Item 20, list any creditors with whom you have an open account, regardless of the balance. Examples of creditors include mortgage companies, loan providers (including student loans), credit card companies, finance/loan companies and utility companies. You must list the complete name and address of the creditor.

On page 4, you must SIGN the Application on the line marked "Signature of Applicant;" this form does NOT require a notary. Sign the documents with your CURRENT legal name.

- b. **Order and Notice of Final Hearing.** On this form, you should write your current legal name at the top of the form, and complete the second section with your current legal name in the first two blanks and your new chosen name in the third blank.
 - c. **Order for Change of Name.** On this form, you should write your current legal name at the top of the form and complete your address and phone number.
- 2) The **original** long form, or a **certified copy** of your **birth certificate**. Note that **the card-sized version is not accepted**. **Foreign birth certificates** must be translated word-for-word and the attestation from the translator must be notarized.

Note: For information about obtaining a certified copy of a birth certificate issued in DC, see <http://doh.dc.gov/service/birth-certificates>, which will direct you to the Department of Health, Vital Records Division, 899 North Capitol Street, NE, First Floor, Washington, DC 20002, (202) 442-9303. You may request a copy in person, by mail, online, or by phone. See the Fee Schedule appendix for more information. Hours are Monday to Friday, from 8:30 am to 3:30 pm; proper ID is required. The cost is \$23.

If you have a birth certificate issued in a language other than English, it must be translated by a translator who swears to the accuracy of the information and provides their name, address, phone number and email.

- 3) **Valid identification** in the form of a current driver's license, ID card, or passport. An expired document will *not* be accepted.
- 4) **Proof of DC Residency for the past 6 months** in the form of a current ID card with your current DC address, a utility or telephone bill (issued within the past 60 days; NOT a cell phone bill), a pay stub, W-2 statement, or a letter with photo from Court Services and Offender Supervision Agency (CSOSA). A bank statement will *not* be accepted; and
- 5) **The \$60 filing fee**, payable to "Clerk, DC Superior Court" (cash, certified check, or money order). The Judge-In-Chambers staff will direct you to the appropriate office to submit this payment. Depending on your income, you may qualify for a waiver of the \$60 fee. The application for this waiver (known as an "IFP" application) can be found here <http://www.dccourts.gov/internet/documents/NEW-IFP-application-fill-in-blanks.pdf>. The IFP petition and Application for Change of Name can be filed at the same time at the Judge-in-Chambers office.

Minors: If you are under the age of 18, you must complete the Application for Change of Name of a Minor and have a parent/guardian file your application with the Family Court Central Intake Center (CIC).⁵ You must also have the consent of your other parent/guardian. If one parent/guardian is missing or absent, the applicant must complete an affidavit form provided by the court outlining the steps taken to locate the missing/absent individual. Having (i) an open Family Court case; (ii) an ongoing child support order; or (iii) an open Civil Protection Order involving the minor applicant will dictate how the Court assigns your case. We encourage minors and their parent/legal guardian to speak to an attorney before pursuing their name change.⁶

What You Should Have When You Leave the Court:

You should receive the following items from the Clerk before you leave the Judge-In-Chambers office:

- a. One (1) copy of the signed Application for Change of Name (you will use this to notify creditors and other interested parties);
- b. One (1) copy of the signed and completed Order and Notice of Final Hearing; and
- c. A fixed date on which to return (specified in the Order and Notice of Final Hearing).

⁵ D.C. Superior Court Administrative Order 11-14.

⁶ Court rules suggest that anyone under 21 must file with the Family Court Central Intake Center (CIC); but court staff is not consistently enforcing this rule – in our experience any applicant above 18 years old may file with the Judge-in-Chambers office. We encourage applicants under age 21, however, to speak to an attorney before pursuing a name change, especially if (i) there is an open Family Court case; (ii) there is an ongoing child support order; or (iii) there is an open Civil Protection Order involving the applicant.

B. Notifying Interested Parties

The Order and Notice of Final Hearing form provided to you by the court when you file may require that you notify (i) your creditors, and in some cases, (ii) the DC Chief of Police, (iii) the Department of Corrections, (iv) the Court Services and Offender Supervision Agency, (v) your current probation/parole/supervisory release officer, (vi) law enforcement officials in other states; (vii) the Federal Bureau of Prisons, (viii) the Bankruptcy Court, and (ix) the Immigration and Customs Enforcement Agency, Washington Field Office.

- **When:** You must notify these offices **within 10 days** of filing at the court.
- **What:** Send each office a copy of the completed Application for Change of Name and the completed Order and Notice of Final Hearing.
- **How:** You must use **certified mail** with return receipt requested or personally serve these parties. Note that personal service cannot be completed by you, the applicant. Someone else, over the age of 18, must complete personal service.

After you have notified all relevant parties, you must complete and sign the Affidavit / Declaration of Service by Mail or Affidavit of Personal Service. Include the name and address of each notified party, and the date each party was notified. File it with the Court when you return for your final hearing. These forms are found in the name change packet mentioned above.

Below are common parties that need to be notified. Remember, each office must be notified within 10 days of filing the Application for Change of Name.

- 1) **Creditors:** You must notify each of your creditors, including utility companies and all credit cards, even if you have a zero balance. You can look up the mailing address to notify your creditor on your latest statement or on the creditor's website.
- 2) **Department of Corrections, Police, CSOSA, and Parole Officer:** *If you have been convicted of a felony*, you must notify the DC Chief of Police, the Department of Corrections, and the Court Services and Offender Supervision Agency (CSOSA).

If you have been convicted of a felony in another state, you **must notify the same three parties listed below in that state and also notify the DC agencies listed below.**

The addresses for the DC offices are listed below. *[If you were convicted of a felony in another state, you **must** look up the addresses for these three offices in that state and notify them.]*

D.C. Department of Corrections
2000 14th Street, NW, 7th Floor
Washington, DC 20009

D.C. Chief of Police
Metropolitan Police Department Headquarters
300 Indiana Avenue, NW, Room 5080
Washington, DC 20001

D.C. Court Services and Offender Supervision Agency (CSOSA)
633 Indiana Avenue, NW
Washington, DC 20004-2902

If you are currently on parole, probation, or supervised release, you must notify your current parole/probation/supervisory release officer.

- 3) **Federal Bureau of Prisons:** *If you are currently incarcerated in a jurisdiction other than DC, you must notify the Federal Bureau of Prisons.*

Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

- 4) **Bankruptcy Court:** *If you have filed for bankruptcy, you must notify the Bankruptcy Court.*

United States Bankruptcy Court
333 Constitution Avenue, NW
Suite 1225
Washington, DC 20001

- 5) **Department of Homeland Security/Immigration and Customs Enforcement Agency**

If you are undocumented, we recommend you consult with an immigration attorney BEFORE filing for a name change.

If you are not a U.S. citizen, you are required to notify Homeland Security-Immigration and Customs Enforcement Agency.

Homeland Security-US Immigration and Customs
Washington Field Office – 7
MS 2480
US Citizenship and Immigration Services
2675 Prosperity Avenue
Fairfax, VA 20598-2480

C. Getting Your Court Order

In order to receive the final, signed court order approving your name change, you must appear at the date and time listed on the Order and Notice of Final Hearing. If you will be late or will miss your court date, you must call the Clerk in advance at (202) 879-1450.

What to take with you to Court: the completed Affidavits of Service and any proof of mailing (receipts or returned green cards).

The Court may or may not hold a brief hearing and, if granted, you will receive two (2) certified copies of the final court order (the signed Order for Change of Name) while you wait.

Requesting Extra Copies of the Court Order: If you filed for and were approved for a fee waiver, the Clerk will likely provide you with as many as six original copies of the court order at no charge.

If you did not receive a fee waiver, the clerk may charge you \$5.00 for each certified copy and we recommend that you ask for at least four (4) additional certified copies of the final Order for Change of Name. You can obtain such copies from the Clerk of Court at the courthouse (Room 5000, 5th Floor of the Moultrie Courthouse).

These copies are required to make later name changes, and by requesting them when the Order is issued, you can avoid future trips to the courthouse. The Court usually charges a fee of \$5.00 for each certified copy, so be sure to bring cash.

After you have received your Court Order for a Name Change, you are ready to change your name with the Social Security Administration, the Department of Motor Vehicles, on your Passport and with all your financial institutions. You should go to the Social Security Administration to change your name first.

II. CHANGING YOUR NAME AND GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

NOTE: You can change both your gender marker and name at the SAME TIME.

A. Name Change

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA **BEFORE** updating the name on your DC ID or license.

To apply for a name change with SSA, you will need:⁷

1. Application for a Social Security Card; (Form SS-5) (<http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An identification document, such as an unexpired driver's license or state-issued ID card, or an unexpired U.S. Passport card (it is okay if your ID document includes your former name). If you do not have one of these documents or cannot get a replacement within 10 business days, the SSA may accept other documents that show your new legal name and biographical information, such as a U.S. military identity card, Certificate of Naturalization, employee identity card, certified copy of medical record (clinic, doctor, hospital), health insurance card, Medicaid card, or school identity card/record. If you are not a U.S. citizen, SSA must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph. Note: SSA will not accept a birth certificate, hospital souvenir birth certificate, Social Security card stub, or a Social Security record as evidence of identity; and
4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.

You should take these documents in person to your nearest Social Security office during normal business hours; call 1-800-772-1213 to locate the office nearest you or check online at <https://secure.ssa.gov/ICON/main.jsp>. Note that many offices are only open from 9am to 3pm, Monday through Friday, except Wednesday, when some offices close at 12 noon. You may also mail these materials to your nearest SSA office, using Certified Mail or other delivery service that can be traced.

While at the SSA office, we recommend that you **REQUEST A PRINTOUT OR RECEIPT** reflecting your name change, because you will need this printout to change your name on your driver's license or ID in DC.

⁷ Changing a name on a Social Security Card FAQ, http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315 (last visited June 4, 2014).

B. Gender Change

Although no gender marker is listed on your Social Security card, other government agencies look to your Social Security records to verify your gender. Changing your gender marker with SSA will help you avoid this situation. NOTE: You can change both your gender marker and name at the SAME TIME.

To apply to change your gender on your Social Security record, you will need three items:

1. Social Security Card Application (Form SS-5) (if you are changing your NAME at the SAME TIME, you only need one copy of this form);
2. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport (it is okay if your ID document includes your former name/gender). If you do not have one of these documents, see page above for other ID options; and
3. **One** of the following items to prove your transition:
 - a. Passport: A valid, 10-year U.S. passport with the updated gender marker (NOTE: passports with less than 10 years of validity will not be accepted), or
 - b. Birth Certificate: An original, state-issued birth certificate reflecting your updated gender marker, or
 - c. Court Order: An original court order directing legal recognition of change of gender, or
 - d. Doctor Letter: A **signed letter on letterhead** from your licensed doctor stating that you have had appropriate clinical treatment for gender transition and including the following language:

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician

Address

Telephone Number

You should take these materials in person to your nearest SSA office. Following your visit to SSA, you will receive a new Social Security card in the mail with your changed name and the same social security number.

III. CHANGING YOUR NAME AND GENDER WITH THE DC DEPARTMENT OF MOTOR VEHICLES (DMV)

If you are changing BOTH your NAME and GENDER marker on your driver's license, it is most efficient to change them at the SAME TIME at the DMV. We understand that certain clients will only need/want to change one or the other, so we have provided separate instructions for each change below, but if you are changing both items at the same time combine the documents listed in Sections B and C.

A. Real ID Act Requirements

Due to changes under the REAL ID Act, even if you already have a DC Driver's License or ID, the DMV may need to re-inspect your original documents to issue a REAL ID compliant identification card. You only need to do this re-inspection one time, so if you have already obtained a REAL ID license or ID card (marked with a star in the top right corner) you do not need to bring the extra documents.

Note: Non-US citizens can obtain a DC REAL ID identification card as long as they have an unexpired document issued by USCIS or US Department of State showing lawful presence.

Original Documents You Need to Take to DC DMV:

For a complete list of acceptable documents see the DC DMV Document Guide in the Appendix, also online here:

<http://dmv.dc.gov/sites/default/files/dc/sites/dmv/publication/attachments/DART%20brochure%20revision%204.2014.pdf>

1. One (1) Proof of Full Legal Name and Date of Birth

- Birth Certificate, Unexpired U.S. Passport, etc.
- Note: Document used for Proof of Identity cannot also be used to satisfy Proof of Ability to Drive or Social Security Number requirements

2. Two (2) Proofs of DC Residency

- Utility/Telephone bills, etc., less than 60 days old, that display name and DC address

3. One (1) Proof of Ability to Drive

- Valid DC license, Out-of-State license not expired more than 90 days, etc.

4. One (1) Proof of Valid Social Security Number

- Your new Social Security Card or SSA printout reflecting name change

5. Proof of Parental Approval (if applicant is 16 or 17 years old)

B. Changing Your Name with the DMV

After you have changed your name with SSA, bring the following to the DMV:

1. Your current driver's license or ID card;
2. A certified copy of your court order for a name change; and
3. EITHER your newly issued social security card reflecting your new name OR an SSA printout reflecting your name change.

If you do not already have a REAL ID driver's license or ID card, you will also need to bring original versions of the REAL ID required documents listed above.

The DMV will change your name and will mail your ID to the address you have on file (P.O. Boxes not accepted). If you have a DC driver's license, learner's permit or ID card that is not due for renewal or expired, the fee for duplication is \$20. The fee for surrendering an out-of-state license, renewal and a first time driver's license is \$44; and an identification card is \$20. There is no fee for an identification card for persons (i) age 65 and older; (ii) ex-offenders released within the last six (6) months; and (iii) homeless residents.

See Appendix for Fee Schedule.

C. Changing Your Gender Marker with the DMV

1. Complete a Gender Designation Form

In order to change your gender on your DC driver's license, you must complete and submit a Gender Designation Form, available here:

http://dmv.dc.gov/sites/default/files/dc/sites/dmv/publication/attachments/Gender_Change_Policies.pdf.

Part I of the Gender Designation Form must be completed by the applicant and Part II must be completed by a physician, licensed therapist/counselor, or case worker/other social worker. The person completing Part II of the form must only stipulate that, in their professional opinion, your gender identity has changed. No further evidence of your transition (such as medical records or a letter from a surgeon) is required.

2. Take the Following to a DMV Service Center Manager at the DMV:

- Your completed Gender Designation Form;
- Your current driver's license or ID card (which you must surrender);
- If you do not have a Real ID driver's license or ID card, you will need to bring original versions of the Real ID required documents listed above; and
- Money order to pay the fee for a new ID (see attached fee schedule)

It is important to take these documents to a DMV Service Center Manager, because not all DMV employees have undergone training on this procedure. Be prepared to take a new photograph for your new ID. The DMV will mail you your new ID with new gender marker, so it is very important to have an up to date address on file; P.O. Boxes are not accepted.

D. Limited Purpose IDs for People Without a Social Security Number

1. What is a Limited Purpose Driver's License?

The Limited Purpose driver's license, learner's permit, and ID card are official state-issued identification credentials for those who do not have a social security number or cannot establish legal presence in the U.S. The limited purpose driver's license and learner's permit allow you to legally drive, but cannot be used for official federal purposes (such as boarding commercial airline flights, accessing federal buildings or purchasing firearms), and will be marked to reflect this requirement.

2. Eligibility Requirements:⁸

- You must have never been issued a social security number; or previously been issued a social security number but cannot establish legal presence in the United States at the time of application; or not be eligible for a social security number.
- You must be a DC resident for at least 6 months from the date of application.
- You must have no outstanding debts to the District of Columbia or unpaid fines for moving traffic violations in other jurisdictions.

3. Steps to Obtain Limited Purpose Identification Credentials:

a. You Must Make an Appointment

<https://www.flashappointments.com/client/lgn/launch.cfm?busId=10140>

b. You Must Take the Knowledge Test and Road Skills Test

Prior to your DMV appointment, be sure to study and review the Driver Manual because you will be required to take a knowledge test. If you fail the knowledge test, you will be required to make another appointment.

DC Driver's Manuals are available in English, Amharic, Chinese, French, Korean, Vietnamese and Spanish. <http://dmv.dc.gov/page/dmv-manuals>

- c. You Must Bring the Following Documents (for complete list of acceptable documents see the required and acceptable identification documents for limited purpose credential applicants; also found here: <http://dmv.dc.gov/page/limited-purpose-credential-required-and-acceptable-documents>)

⁸ District of Columbia, Department of Motor Vehicles, <http://dmv.dc.gov/page/obtain-limited-purpose-driver-license> (last visited June 4, 2014).

- Proof of Identity - full legal name and date of birth (must be at least 16 years of age)
- Proof of DC Residency (2 required)
- Proof of 6-Month DC Residency (2 required)
- Social Security Number Declaration Form See Multi-lingual Lists of SSN Declaration Forms: <http://dmv.dc.gov/page/social-security-number-declaration-limited-purpose-credential>
- Driver's License Application Form (or Non-Driver ID Application Form)
- Proof of Parental Approval (if applicant is 16 or 17 years old); see Multi-lingual Lists of Parental Approval Forms: <http://dmv.dc.gov/node/136072>

d. At the DMV You Will

- Provide the required documents.
- Take and pass a vision screening (driver's license/learner's permits only).
- Take and pass knowledge test and road skills test (driver's license/learner's permit only).
- Take a digital photograph (DC law and policy requires a full frontal digital photo that shows either the ears or up to the hairline without exposing the hair).
- Pay the appropriate fees (see attached fee schedule).
- Obtain your paper DC limited purpose driver's license, learner's permit or non-driver ID card.
- Driver's licenses, learner's permits and non-driver IDs are mailed to your listed address. P.O. Boxes are not accepted.

IV. CHANGING YOUR NAME AND GENDER ON YOUR U.S. PASSPORT

If you are a citizen of the United States, you can easily apply for a U.S. Passport that reflects your new name and gender. You need only a court order for a name change and a letter from your physician certifying your transition. Please see our Passport Guide, entitled "Information on Obtaining or Changing a Passport for Transgender Clients" for detailed information on how to obtain an updated passport.

This change can be made at either an earlier or later stage in the name/gender change process. If you have plans for international travel, you should prioritize this change and may want to consider completing this step earlier in the process. If you do not have a Passport and do not intend to travel internationally, you do not need to obtain a Passport.

V. CHANGING YOUR NAME WITH THE SELECTIVE SERVICE

A. Female to male individuals:

If you were designated female at birth, you do not have to register with the Selective Service, even if you have had surgery.⁹ However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form from the Selective Service website (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If the gender marker on your birth certificate has been changed, attach any documentation you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to ‘out’ yourself in any other application process. Once you receive your SIL, keep it in your files.¹⁰

B. Male to female individuals:

- 1) If you were designated male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have had surgery. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a “mail-back” registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction, you may file a claim for exemption from service.¹¹

While you do not need to notify the Selective Service of a change in gender, **you are obligated to inform them of a change in name.** To notify the Selective Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

⁹ <http://www.sss.gov>.

¹⁰ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

¹¹ <http://www.sss.gov/>.

VI. CHANGING YOUR NAME AND GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

If you are a foreign-born individual who intends to apply for legal status with USCIS, has already applied for legal status with USCIS or who has already been granted some form of legal status here in the United States, Whitman-Walker Legal Services can help you obtain immigration documents (such as green cards, work authorization cards or naturalization certificates) that match your changed name and/or gender. This section does not apply to U.S. citizens who were born in the U.S., but it does apply to foreign-born persons who have been naturalized. If this section applies to you, please contact Whitman-Walker Legal Services at 202-939-7627 for further information.

VII. CHANGING YOUR NAME AND GENDER WITH THE DC DEPARTMENT OF HUMAN SERVICES ECONOMIC SECURITY ADMINISTRATION (DC-ESA), YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Food Stamps and Medical Assistance

You should inform the DC Department of Human Services Economic Security Administration (ESA) (formerly the Income Maintenance Administration or IMA) about your name and gender change. In order to update your records, you must submit a copy of your new DC identification card or driver's license reflecting your updated information, your new Social Security card, and a copy of your court order for the name change. You can change both your name and gender at the same time if you have an ID reflecting both changes. You can do this at the ESA offices at 645 H Street NE. Whitman-Walker can assist you with this notification process.

B. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth. If you update your gender with your doctor, you must also change your gender with your health insurance company.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to either your new or previous gender, contact Whitman-Walker Legal Services for assistance.

C. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You will most likely be asked to provide a certified copy of the court order.

D. Other Legal Documents

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. These include your lease, wills, powers of attorney, advanced health directive, deeds, etc., or such documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

Some clients also want to change their name and/or gender marker in their education records, such as high school or college transcripts and diplomas. Whitman-Walker Legal Services can assist with these changes.

VIII. OBTAINING A COURT ORDER FOR CHANGE OF GENDER

You may want to obtain a court declaration or order recognizing your gender change in order to update other personal records, such as military records or birth certificates from other states. Thanks to the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, you have the following two options:

Declaration: Any District resident may seek a declaration by the Superior Court reflecting a change of gender. The Superior Court shall grant the declaration if the individual seeking the declaration provides a statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

- The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or
- The individual has an intersex condition, and that in the healthcare provider's professional opinion, the individual's gender designation should be changed.

If granted, the declaration shall be effective from the date of gender transition as specified in the healthcare provider's statement.

Court Order: Any District resident who was born in a state or foreign jurisdiction that requires a court order to amend a birth certificate to reflect a change in gender may request a court order by the Superior Court directing the birth state or foreign jurisdiction to amend the original birth certificate or issue a new birth certificate reflecting a change of gender. The Superior Court shall grant the order if the individual seeking the order provides a statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating one of the two items listed above.

IX. CHANGING NAME AND GENDER ON A BIRTH CERTIFICATE

A. Birth Certificate Issued in a State Other than D.C.

Name Change: Most states will allow you to change the name on the birth certificate upon presentation of a court order recognizing the name change. Some states will issue new birth certificates while others will issue an “amended” birth certificate which reflects the old and new names. Note that some states will NOT accept a court order from another state to change one’s name (e.g. Louisiana which requires the client to file for a name change in Louisiana regardless of where you live now).

Gender Change: Most, but not all, states will allow you to change the gender marker on the birth certificate upon presentation of a court order recognizing the gender change. Some states will issue new birth certificates while others will issue an “amended” birth certificate which reflects the previous and updated gender markers. States that will NOT change the gender marker on a birth certificate include Idaho, Ohio, and Tennessee.

B. Birth Certificates Issued in D.C.

Name Change: If you have obtained a court order recognizing your change of name, you may present this to the Registrar of Vital Records and request a new birth certificate.

Gender Change: If you were born in D.C. and wish to amend your birth certificate to reflect your gender, you can mail or hand-deliver the following documents with the Registrar of Vital Records. The process takes approximately 3 business days; there is no surgery requirement.

- Completed and signed the Birth Certificate Gender Designation Application Form, signed by the applicant (address on the application should be the address where you want your certificate mailed) (<http://doh.dc.gov/node/778482>),
- Completed and signed Statement of Licensed Healthcare Provider Certifying the Applicant’s Gender Designation, signed by your healthcare provider (<http://doh.dc.gov/node/778492>).
- Photocopy of applicant’s photo ID
- Check or money order payable to DC Treasurer for total cost (the change fee is \$28 and each copy of birth certificate costs \$23)
- Mail to: Department of Health, Vital Records Division, 899 North Capitol Street, NE, 1st Floor, Washington, DC 20002.

* * * * *



If you have any questions about the steps described in this guide, please do not hesitate to contact us at the numbers listed below.

Whitman-Walker Health Legal Services Program
1701 14th Street NW
Washington DC 20009
Main telephone (202) 939-7627 - Fax (202) 939-7651
whitman-walker.org/legal

Supervising Attorney: Amy Nelson; anelson@whitman-walker.org

Intake Coordinator: Becky Reeve; breeve@whitman-walker.org

Operations Manager: Lee Brubaker; lbrubaker@whitman-walker.org

Appendix A
SCHEDULE OF FEES AND RELATED EXPENSES

Below are the projected costs associated with legal name and gender changes for DC residents.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN D.C.	PROJECTED COSTS (in dollars)
Obtaining a Court Order for Change of Name	
<ul style="list-style-type: none"> ▪ Court Filing Fee¹² Note: Persons who receive public assistance and can demonstrate financial hardship can have the Court Filing Fee waived by filling out an IFP Waiver application. ✓ Fees are payable to “Clerk, DC Superior Court” 	\$60
<ul style="list-style-type: none"> ▪ A certified copy of your existing birth certificate is required. If born in the District of Columbia, this can be obtained from the D.C. Dept. of Health, Vital Records Division.¹³ ✓ Fees are payable to “DC Treasurer.” Mail-in requests must include a check or Money Order. ✓ You can order requests online or over the telephone through VitalChek Network, Inc. VitalChek can be reached through its website, www.vitalchek.com or by phone at (877) 572-6332. An additional fee is charged by VitalChek for using this service; all major credit cards are accepted. 	\$23
<ul style="list-style-type: none"> ▪ Notification to Required Parties of Intent to Change Name (via Certified or Registered Mail)¹⁴ Note: This fee does not include a return receipt. A return receipt can be purchased for \$1.25(email copy) or \$2.55 (hard copy). 	\$3.10 (per party)
<ul style="list-style-type: none"> ▪ Certified Copy of Final Order of Name Change¹⁵ Note: The DC Superior Court provides each applicant with 2 copies; however, most applicants will need additional copies. 	\$5 (per copy)
Obtaining a New Social Security Card¹⁶	\$0

¹² District of Columbia Superior Court, <http://www.dccourts.gov/internet/documents/InstructionsApplyingChangeName.pdf> (last visited June 4, 2014) [hereinafter “Court Instructions”].

¹³ District of Columbia Dept. of Health, Vital Statistics Division, <http://doh.dc.gov/node/118222> (last visited June 4, 2014).

¹⁴ United States Postal Service, <https://www.usps.com/ship/insurance-and-extra-services.htm> (last visited June 4, 2014).

¹⁵ See Court Instructions, *supra* note 1.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN D.C.	PROJECTED COSTS (in dollars)
Obtaining New Identification Reflecting Name and/or Gender Change¹⁷	
<ul style="list-style-type: none"> ▪ Duplicate Driver's License and Learner's Permit <ul style="list-style-type: none"> ▪ If license is not due for renewal or expired, duplication fee applies for changing name or gender marker. 	\$20
<ul style="list-style-type: none"> ▪ Driver's License: New & Renewal <ul style="list-style-type: none"> ▪ Fees are payable to "DC Treasurer." DMV accepts payments in the form of cash, money order, or credit card. DMV only accepts VISA, MasterCard and Discover credit cards. American Express credit cards are not accepted. 	\$44
<ul style="list-style-type: none"> ▪ Learner's Permit: New & Renewal Note: Must be at least 16 years old 	\$20
<ul style="list-style-type: none"> ▪ Non-Driver ID Card: New, Renewal and Duplicate Note: Persons who are 65 or older, criminal offenders released from prison within 6 months of ID application and HOMELESS residents are eligible to obtain a Non-Driver ID Card free of charge. You must have appropriate documentation. 	\$20
<ul style="list-style-type: none"> ▪ Driver's License Reinstatement (if license was suspended or revoked) (to be paid with personal check, money order or credit card only, not cash) 	\$98
Changing Your Gender with the Social Security Administration¹⁸	\$0

¹⁶ United States Social Security Administration, http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1120/~cost-for-a-social-security-card (last visited June 4, 2014) [hereinafter "SSA"].

¹⁷ District of Columbia Dept. of Motor Vehicles, <http://dmv.dc.gov/book/vehicle-registration-fees/driver-license-fees> (last visited May 21, 2014).

¹⁸ See SSA, *supra* note 16.

Obtaining a New Passport Reflecting Name and/or Gender Change	
<ul style="list-style-type: none"> First-time Applicant¹⁹ <p>Note: First-time applicants must present a valid government-issued ID at time of application, as well as a passport-size photo. The cost of obtaining a passport photo typically ranges from \$6 - \$8.</p> <ul style="list-style-type: none"> Fees are payable to “Department of State.” Acceptable forms of payment include: Credit Cards (VISA, MasterCard, American Express, Discover) and Debit/Check Cards; Checks (personal, certified, cashiers, travelers); Money orders (U.S. Postal, international, currency exchanges) and bank drafts 	\$165
<ul style="list-style-type: none"> Renewal of Passport issued less than one year ago at time of application (w/o Expedited Service)²⁰ 	\$0
<ul style="list-style-type: none"> Renewal of Passport issued more than one year ago at time of application (w/o Expedited Service)²¹ 	\$140
<ul style="list-style-type: none"> Expedited Service²² <p>Note: This is an additional cost for persons who need to receive their first-time or renewal passport within two weeks or less from the time of application submission.</p>	\$60
<p>Changing Name with Insurance Carrier, Creditors, Financial Institutions or on Legal Documents²³</p> <p>Note: This cost assumes that the party will need to submit a certified copy of the Final Court Order granting the Name Change. Each certified copy costs \$5.00.</p>	\$5 (per party)
Amending a DC Birth Certificate to Reflect New Name and/or Gender²⁴	
<ul style="list-style-type: none"> Change fee for Name Change on Birth Certificate 	\$23
<ul style="list-style-type: none"> Change fee for Gender Change (including simultaneous Name Change if applicable) on Birth Certificate 	\$28
<ul style="list-style-type: none"> Obtaining a certified copy of the [new or original] Birth Certificate with Name and/or Gender Change Information 	\$23

¹⁹ U.S. Dept. of State, Bureau of Consular Affairs, http://travel.state.gov/passport/fees/fees_837.html (last visited June 4, 2014) [hereinafter “Passport Instructions”].

²⁰ U.S. Dept. of State, Bureau of Consular Affairs, http://travel.state.gov/passport/correcting/ChangeName/ChangeName_851.html (last visited June 4, 2014).

²¹ *Id.*

²² See Passport Instructions, *supra* note 19.

²³ See Court Instructions, *supra* note 1.

²⁴ District of Columbia, Department of Health, <http://doh.dc.gov/service/birth-certificates> (last visited June 4, 2014).



GENDER DESIGNATION ON A LICENSE OR IDENTIFICATION CARD

PROCEDURE FOR CHANGING GENDER DESIGNATION ON DRIVER'S LICENSE OR IDENTIFICATION CARD

Applicants requesting a change of the gender designation on their driver's license or identification card from that showing on their identity proof documents must:

- Surrender any current state-issued license or identification card;
- Submit a completed Gender Designation form; and
- Pay applicable fees for new or amended license. The applicant shall have a new photograph taken.

Employees shall not request additional gender-related information beyond that required on the applicable forms or otherwise inquire about the applicant's private medical history or records.

Until the Department of Motor Vehicles is able to provide all employees comprehensive training on this procedure, gender designation applications should be directed to DMV service center managers.

PRIVACY OF INFORMATION RELATING TO GENDER DESIGNATION

The Gender Designation form contains private medical information and will be kept confidential and protected under the provisions of the Driver Privacy Protection Act.

MATCHING GENDER DATA FROM OTHER SOURCES

DMV will change the gender designation on an applicant's license or identification card contingent on the submission of the fully and accurately completed Gender Designation form. The applicant is not required to have changed his or her gender designation on other forms of identification.

CHANGE OF NAME

Name changes related to gender are completed via submission of appropriate court documents and must also be reflected on the Social Security card.



Gender Designation Form



PART ONE: TO BE COMPLETED BY APPLICANT

Last Name	First Name	Middle Name	Social Security Number
-----------	------------	-------------	------------------------

Street Address	City/State	Zip Code	License/Identification Number
----------------	------------	----------	-------------------------------

Washington, D.C.

I, _____ wish to designation the gender on my
(print name)

driver's license or identification card to read: circle one: **Male** **Female**

I hereby certify under penalty of law that this request for gender designation is for the purpose of ensuring my driver's license / identification card accurately reflects my gender identity and is not for any fraudulent or other unlawful purpose.

Signature: _____ Date: _____

PART TWO: TO BE COMPLETED BY MEDICAL OR SOCIAL SERVICE AUTHORITY

Provider Last Name	Provider First Name	Provider Title
--------------------	---------------------	----------------

Provider Organization Name (if applicable)

Provider Street Address	City	State	Zip Code
-------------------------	------	-------	----------

Provider Phone	Provider E-mail	Provider Organization or Professional License Number
----------------	-----------------	--

I am a:

- ☐ Physician
- ☐ Licensed therapist or counselor
- ☐ Case worker or social worker
- ☐ Other. Please specify:

In my professional opinion, the applicant's gender identity is (circle one): **Male** **Female** and can reasonably be expected to continue as such in the foreseeable future.

I hereby certify under penalty of law the foregoing information is true and correct.

Signature: _____ Date: _____

Any person using a fictitious name or address and/or knowingly making any false statement on this application is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D>C. Official Code §22-2405).

Any person using a fictitious name or address and/or knowingly making any false statement on this application is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D>C. Official Code §22-2405).

To report waste, fraud and abuse by any DC Government agency or official, call the DC Inspector General at 1-800-521-1639. Ver. 11/2006

CLC PRACTICE KIT 10

Local Resource for Name & Gender Change Assistance

Transgender Legal Advocates of Washington (TransLAW) and Whitman-Walker Health Legal Services hold a Name and Gender Change Clinic once per month at 6:30pm at the Elizabeth Taylor Medical Center (1701 14th St. NW). For more information: go to their website at <https://www.translawdc.org/clinic>; call 202-939-7627; or email translawdc@gmail.com.

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name. To notify the Selective Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

VI. CHANGING YOUR NAME AND GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

If you are a foreign-born individual who intends to apply for legal status with USCIS, has already applied for legal status with USCIS or who has already been granted some form of legal status here in the United States, Whitman-Walker Legal Services can help you obtain immigration documents (such as green cards, work authorization cards or naturalization certificates) that match your changed name and/or gender. This section does not apply to U.S. citizens who were born in the U.S., but it does apply to foreign-born persons who have been naturalized. If this section applies to you, please contact Whitman-Walker Health Legal Services at 202-939-7627 for further information.

VII. CHANGING YOUR NAME AND GENDER WITH YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to either your new or previous gender, contact Whitman-Walker Legal Services for assistance.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You should have a court order changing your name before you inform them of the change; some financial institutions take the position that name changes on bank records in the absence of a court order are inconsistent with the Patriot Act.

NAME & GENDER CHANGE GUIDE FOR VIRGINIA RESIDENTS

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing one's name and gender on identity documents. Please note that specific steps may have changed since this guide was printed and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

Need further assistance? Come to the

NAME & GENDER CHANGE CLINIC

Whitman-Walker Health Legal Services Program and Trans Legal Advocates of Washington (TransLAW) hold monthly Name & Gender Change Clinics to assist clients navigating the name and gender change process. For more information or to find out about the next clinic, please visit www.translawdc.org or call (202) 939-7627.



WHITMAN-WALKER HEALTH
Community. Caring. Quality.



INTRODUCTION

This guide provides an outline for Virginia Residents who wish to change their name and/or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in Virginia. For most clients, we recommend pursuing these steps in the order listed. We understand, however, that some clients may have unique needs and/or goals which require a different approach to pursuing name/gender changes on their identity documents.

We encourage clients to make an appointment with staff from the Whitman-Walker Legal Services Program to discuss their specific situation and goals. We know this can be a daunting process and we are happy to guide clients through the name and gender change steps. Together, we can create a name/gender change strategy that fits each client's unique needs. Call us at (202) 939-7627 or visit our main office at 1701 14th Street, NW, Washington DC 20009.

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APPENDIX

Schedule of Fees and Related Expenses

STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN VIRGINIA

- ____(Step 1) **File the Application for Change of Name with the Court**
- File in person, or by mail if allowed in your county
 - Request at least 4 extra certified copies of court order and pay related fee
- ____(Step 2) **Receive signed Order for Name Change in the mail**
- If the court schedules a hearing or contacts you to request additional information, contact Whitman-Walker
- ____(Step 3) **Obtain doctor signature on DMV gender change form**
- Your doctor must fax this form to the DMV
 - You will receive a gender change approval letter from the DMV central office
- ____(Step 4) **Go to Social Security Administration to change name and gender**
- Bring original copy of court order for name change
 - Bring letter signed by doctor for gender marker change
 - Request new SSA card
 - Ask SSA agent for a printout showing correct name
- ____(Step 5) **Go to DMV local office to get new ID or License with correct name and gender**
- Bring original copy of court order for name change
 - Bring proof of name change with Social Security
 - Bring gender change approval letter from DMV
 - Request new card and pay related fee
- ____(Step 6) **Change your information with your bank, creditor, school, employer, insurers, etc.**

I. COURT ORDER FOR CHANGE OF NAME

You have a right to change your name so long as you are not doing so for fraudulent purposes (i.e. to evade creditors or to escape criminal charges) or in a way that interferes with the rights of others.

You must obtain a court order recognizing your new name to legally change your name in Virginia. The first step toward receiving the court order is to file an Application for Change of Name with the circuit court of the county or city in which you live.¹ Once you have successfully filed the application, the court will either mail you the original signed court order recognizing your new legal name or if the court chooses to schedule a hearing, present it to you in person after the hearing.

Many cities/counties in VA have distinct requirements for individuals wishing to change their name, including a city/county specific application and court order that the client must complete in a very particular way. **YOU MUST check the website for the civil circuit court in the county or city where you live for specific instructions.** If none is provided, call the civil clerk's office for your city or county and ask what you must do. A list of circuit courts and their addresses is available online at <http://www.courts.state.va.us/courts/circuit.html>.

A. What To File / Where to File:

1. File a completed and notarized Application for Change of Name.

The general state form and instructions can be found online at <http://www.courts.state.va.us/forms/circuit/cc1411.pdf>; the application should be typed – which you can do on the website before you print the document. Arlington and the City of Alexandria use the state form.

Some counties, such as Fairfax and Prince William, require that you use their local version of this form:

- Fairfax forms and detailed filing instructions (for both in-person and by mail) can be found online here: <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-160.PDF>.
- Prince William County's requirements can be found here: <http://www.pwcgov.org/government/courts/circuit/Pages/Name-Change.aspx> This county requires that the petition be prepared from scratch and does not accept pre-filled forms.

¹ Va. Code § 8.01-217.

If you live in another county, you should call the clerk to confirm which form is required.

In all cases, you must sign the Application for Change of Name in the presence of a notary public. Whitman-Walker Legal Services offers this service for free at the NW office located at 1701 14th Street NW. Notary public services may be available for a small fee at a courthouse or bank. You should call in advance to confirm.

*Make sure to sign your application for name change with your *current* legal name.

2. Submit a proposed (unsigned) Court Order.

The Virginia State Court website does not provide a Court Order form online. Some counties/cities have their own Court Order forms and you should check the website of your local court or call the clerk to confirm which form to use. If your county form is not available on-line, you may be able to pick up and complete the form when you go to the court to file your application for a name change.

3. Publication.

Only minors seeking a name change must fulfill a publication requirement. There is **no publication requirement for adults** seeking a name change in Virginia.

4. Fees.

When you file the application, the clerk will collect the required fee. The filing fee will vary depending on the city or county where you live. Check the website of your local circuit court for filing fee information. Note that certain jurisdictions only accept cash or money order. See the attached fee schedule for more information.

Depending on your income, you may qualify for a waiver of the filing fee. Complete the "Petition for Proceeding in Civil Case without Payment of Fees or Costs" form (CC-1414):

<http://www.courts.state.va.us/forms/circuit/cc1414.pdf>, and attach any financial statements or other information supporting your need for the fee waiver.

5. Double check that you have fulfilled all of the filing requirements in your city/county.

Before filing your application, you should double check the filing rules applicable in your county and make sure you have complied with all of

them – this includes the **number of copies you must file** with the Court, whether to include a proposed court order or a self-addressed, stamped-envelope, the amount of the filing fee, whether you may submit your filing by mail, and how to obtain additional certified copies of the court order. This information is often available online, but you may also consider calling the civil circuit clerk in the city/county where you live for more information.

Note: As part of the application process, a certified copy of your existing birth certificate may be required. If born in Virginia, this can be obtained from the Virginia Dep't of Health for a fee of \$12.

6. Pay in advance for additional certified copies of your court order.

Unless you request additional copies of the order, you will usually receive only one original court order signed by the judge. **You must request several certified copies of the court order as these will be needed to support later name and gender changes with other agencies.** We suggest you request at least 3 certified copies. It may be most convenient for you to arrange for these copies at the time you submit your filing. Ask the clerk if you can pay in advance to have additional copies of the signed order sent to you. Courts charge a small fee for each additional copy requested and you must submit this fee in advance. See the attached Fee Schedule for more information.

7. Requests for Medical Documentation. Several judges in Virginia have recently **scheduled a hearing** and asked clients to provide a letter from a medical or mental health provider stating something about the client's transition at that hearing; the request has always been vague. Clients have successfully submitted letters similar to the letters used for a gender marker change on a passport or Social Security record, although clients concerned about their privacy should consider submitting a letter with less detail. This is a sample letter which has been successful. This letter should be submitted to the Court as soon as requested. If the court elects to schedule a hearing, the letter can be submitted to the court in advance and the court will likely cancel the hearing and send you the signed court order.

[on official letterhead]

[date]

Dear Sir/Madam:

I, [therapist name], am a licensed _____ at [clinic/office] in [Washington, D.C.], and I have counseled [Mr/Ms]. _____ (whose current legal name is _____, DOB 02/02/19xx) to support [him/her] with the emotional and psychological aspects of [his/her] transition from [fe/male to fe/male].

While [Mr/Ms]. ____ was identified as [fe/male] at birth, [s/he] has been presenting as [fe/male] for more than ____ years. I expect that [Mr/Ms]. ____'s transgender treatment will be successful, and I fully support [his/her] efforts to change [his/her] name and to obtain valid identification that accurately reflects [his/her fe/male] gender which is central to [his/her] personal identity.

If you have any additional questions, I can be reached at (202) xxx-xxxx.

[full signature block with license number]

8. Note for Minors.

If you are a minor and wish to obtain a court order for a name change, you must have the consent of both of your parents/legal guardians. There is a separate name change petition that minors and their parents/legal guardians must complete and submit to the courthouse in the city or county where they live. Both parents/legal guardians are required to sign and approve a minor's name change petition. The judge may require a parent to publish the name change in a local newspaper if one parent is unknown or unaccounted for, or not present to sign petition. This decision is based solely on the judge's discretion. We encourage minors and their parents/legal guardians to speak to an attorney before pursuing the name change of a transgender minor as special legal issues surround this decision, especially if the parents/legal guardians of the minor share legal or physical custody of the minor with another parent/legal guardian.

The general state application for name change for a minor can be found here: <http://www.courts.state.va.us/forms/circuit/cc1427.pdf>, but some counties may have a specific county form.

B. Next Steps

After you have filed the application, paid the required fee, and filed all other required documentation, if any, the court will process your application. Processing time will vary depending on the court. Arlington and Fairfax County each estimate that the order will be mailed to you in approximately 3 weeks. Prince William County estimates a wait time of 4-6 weeks.

In some cases, the court will choose to schedule a **hearing**, which you must attend in order to receive your court order for a name change. (See item 7 above discussing hearings and requests for medical documentation.) If the court chooses to schedule a hearing, you should receive a copy of the court order immediately following your hearing if the judge grants the order.

If you did not arrange in advance for the delivery of additional certified copies of the court order, you may go to the courthouse at any time during business hours to request (and pay for) additional certified copies.

Recently, Fairfax County has been mailing the signed name change court order to the department of vital records of the state where the client was born. Please be aware that this action may result in the client receiving a notice from the (birth) state explaining that the birth record cannot be updated until the state receives a written request and/or a small fee from the client; in other states, the notice may explain what other steps are required to update the birth record. In some instances, the client will not receive any notice from the (birth) state.

II. CHANGING YOUR NAME AND GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

A. Name Change

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA before updating the name on your VA ID.

While at the SSA office, we recommend that you REQUEST A PRINTOUT reflecting the change to your name, because you will need this printout to change your name on your VA driver's license or ID card. Otherwise, you will have to wait for your new social security card to arrive by mail approximately 2 weeks later.

Following your visit to SSA, you will receive a new Social Security card in the mail with your changed name and the same social security number.

To apply for a name change with SSA, you will need:²

1. Application for a Social Security Card; (Form SS-5) (<http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport card (it is okay if your ID document includes your former name). If you have questions about acceptable documents see: <http://www.socialsecurity.gov/pubs/EN-05-10513.pdf>; and

² Changing a name on a Social Security Card FAQ, http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315.

4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.

You should take these documents in person to your nearest Social Security office during normal business hours. You may also mail these materials to your nearest SSA office. You may find your nearest Social Security office here:

<https://secure.ssa.gov/ICON/main.jsp>.

Selected Virginia offices include:

Arlington: 1401 Wilson Blvd, Suite 200, Arlington 22209
Alexandria: 6295 Edsall Road, Plaza 500, Suite 190, Alexandria 22312
Fairfax: 11212 Waples Mill Rd., Suite 105, Fairfax 22030
Manassas: 9500 Center St., Manassas 20110

B. Gender Change

Although no gender marker is listed on your Social Security card, other government agencies look to your Social Security records to verify your gender. Changing your gender marker with SSA will help avoid any discrepancies.

To apply to change your gender on your Social Security record, you will need three items:

1. A completed application for a Social Security Card (Form SS-5);
2. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport (it is okay if your ID document includes your former name/gender).
3. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.; and
4. **One** of the following items to prove your transition:
 - a. Passport: A valid, 10-year U.S. passport with the updated gender marker (NOTE: passports with less than 10 years of validity will not be accepted), or
 - b. Birth Certificate: An original, state-issued birth certificate reflecting your updated gender marker, or
 - c. Court Order: An original court order directing legal recognition of change of gender, or
 - d. Doctor Letter: A signed letter on letterhead from your licensed doctor stating that you have had appropriate clinical treatment for gender transition and including the following language:

[ON OFFICE LETTERHEAD]

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician

Address

Telephone Number

You should take these materials in person to your nearest SSA office:

<https://secure.ssa.gov/ICON/main.jsp>

III. CHANGING YOUR NAME AND/OR GENDER WITH THE VA DEPARTMENT OF MOTOR VEHICLES (DMV)

If you are changing BOTH your NAME and GENDER marker on your driver's license, it is most efficient to change them both at the SAME TIME at the DMV. We understand that certain clients will only need/want to change one or the other, so we have provided separate instructions for each change below. If you are changing both items at the same time, follow the instructions for changing each separately and take all necessary documents and forms of evidence to the DMV and present them to the Service Center Manager.

The following persons are eligible to apply for a VA driver's license or ID card: a) Citizens of the United States, b) Legal Permanent Residents of the United States, c) Conditional Resident Aliens of the United States, d) Holders of a valid, unexpired nonimmigrant visa status, e) Individuals with a pending or approved application for

asylum in the United States, f) Refugees, g) Individuals with a pending or approved application for temporary protected status in the United States, h) Individuals with approved deferred action status, i) Individuals with a pending application for adjustment of status to legal permanent resident status or conditional resident status.³

Acceptable Documents by Status:

http://www.dmv.state.va.us/webdoc/pdf/accept_doc_status.pdf

- Note: Unlike Maryland and the District of Columbia, Virginia does not allow those who cannot prove their lawful presence in the United States to apply for driver's licenses, learner's permits, or ID cards. If you are temporarily authorized to be in the U.S. and present a valid legal presence document without an expiration date, you will be issued a limited duration license that is valid for one year.

1. How to Change Your Name with the VA DMV⁴

After you have changed your name with SSA, bring the following to a VA DMV customer service center to update your name on your existing VA driver's license, learner's permit or ID Card:

- 1) "Driver's License and ID Card Application" Requesting a Name Change
- 2) Your current, valid state-issued driver's license, learner's permit or ID card
- 3) Certified Copy of your Court Order for a Name Change
 - (the DMV may refer to the certified copy as a "teste copy")
- 4) Your newly issued Social Security Card reflecting your new name OR your SSA printout reflecting your name change

If you do not already have a driver's license, learner's permit or ID card, you will also need to bring original versions of the required documents listed below:

Original Documents to Take to VA DMV for First-Time Applicants:

✓ **Two (2) Proofs of Identity**

- Birth Certificate, Unexpired U.S. Passport, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
- Only need one (1) Proof of Identity if under age 19

✓ **One (1) Proof of VA Residency**

³ Va. Code §46.2-328.1

⁴ See Change of Address or Name, Virginia Department of Motor Vehicles, *available at* http://www.dmv.state.va.us/webdoc/citizen/records/update_add.asp.

- Utility Bill, Lease Agreement, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
- Applicants under age 19 can have their parent/legal guardian certify their VA residency in person, by presenting an ID card and a document from the proof of residency list.
- ✓ **One (1) Proof of Legal Presence in the United States**
- Birth Certificate, Unexpired U.S. Passport, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
- ✓ **One (1) Proof of Valid Social Security Number**
- Your new Social Security Card or SSA printout reflecting name change
- ✓ ***For Minors: Written Parental Consent***

VA DMV Document Guide: <http://www.dmv.state.va.us/webdoc/pdf/dmv141.pdf>

Note: All identification credentials will be mailed to your listed address.

2. How to Change Your Gender with DMV

In order to change the gender marker on your Virginia driver's license or ID card, your doctor must fax or mail a completed form DL-17 Gender Change Request form (<http://www.dmv.state.va.us/webdoc/pdf/dl17.pdf>) to the following address:

Virginia Department of Motor Vehicles
Post Office Box 27412
Richmond, VA 23269-0001
Fax (804) 367-1604, or
Fax (804) 367-0520.

The DL-17 form can be signed by your physician, psychiatrist, nurse practitioner, clinical social worker, psychologist, or professional counselor. It certifies that their "practice includes treatment and counseling of persons with gender identity issues, including the applicant" and that in the practitioner's "professional opinion, the applicant's gender identity is [male or female]."

Once you submit your completed DL-17 form, allow at least 5 days for processing. You should receive a letter in the mail approving your request for a gender change. You will take that letter and the documents listed in the Name Change section above to any VA DMV customer service center to apply for a corrected or new license, learner's permit or ID card reflecting the proper gender marker. You should be prepared to take a new photo and to pay the relevant fee. See the attached Fee Schedule.

Note: All identification credentials will be mailed to your listed address.

IV. CHANGING YOUR NAME AND/OR GENDER ON YOUR U.S. PASSPORT

If you are a citizen or permanent resident of the United States, you can easily apply for a U.S. Passport that reflects your new name and gender. You will need a court order for a name change and a letter from your physician certifying to your transition. The language of the letter is identical to the language of the sample Social Security letter on page 10. Please see our Passport Guide, entitled “Information on Obtaining or Changing a Passport for Transgender Clients” for detailed information on how to obtain an updated passport.

V. CHANGING YOUR NAME WITH THE SELECTIVE SERVICE

A. Female to male individuals:

If you were designated female at birth, you do not have to register with the Selective Service, even if you have had sexual reassignment surgery.⁵ However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form from the Selective Service website (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If the sex on your birth certificate has been changed, attach any documentation you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to ‘out’ yourself in any other application process. Once you receive your SIL, keep it in your files.⁶

B. Male to female individuals:

If you were designated male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have had sexual reassignment surgery. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a “mail-back” registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction, you may file a claim for exemption from service.⁷

⁵ <http://www.sss.gov>.

⁶ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

⁷ <http://www.sss.gov/>.

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name. To notify the Selective Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

VI. CHANGING YOUR NAME AND/OR GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

If you are a foreign-born individual who intends to apply for legal status with USCIS, who has already applied for legal status with USCIS, or who has already been granted some form of legal status here in the United States, Whitman-Walker Legal Services can help you obtain immigration documents (such as green cards, work authorization cards or naturalization certificates) that match your changed name and/or gender. Please contact Whitman-Walker Health Legal Services at 202-939-7627 for further information.

VII. CHANGING YOUR NAME AND/OR GENDER WITH YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to your gender, contact Whitman-Walker Legal Services for assistance.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You should have a court order changing your name before you inform them of the change; some financial institutions take the position that name changes on bank records in the absence of a court order are inconsistent with the Patriot Act.

C. Other Legal Documents

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. These include your lease, wills, powers of attorney, advanced health directive, deeds, etc., or such documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

VIII. OBTAINING A COURT ORDER FOR CHANGE OF GENDER

A. Is a Court Order for a Gender Change a Necessary Part of the Name/Gender Change Process?

You do not need a Court Order for a Gender Change to change your gender marker on your driver's license or ID card. Depending on the laws in the state where you were born, a court order for a gender change may be necessary to amend your birth certificate to reflect your new gender. If you were born in VA, you will need a court order for a gender changes to amend your VA birth certificate to reflect your new gender. See Section IX below for more information about amending your birth certificate.

Whitman-Walker Legal Services staff is available to discuss the court order process with you and determine whether a court order for a gender change is necessary to achieve your name/gender change goals.

B. How Do I Obtain a Court Order for a Change of Gender?

Whitman-Walker Legal Services is limited in its ability to represent individuals who want to obtain a court order for a gender change in VA where court rules prohibit us from assisting clients in writing their own petitions. We can, however, refer clients to attorneys in VA who specialize in this type of legal work. Below, we give some general details on obtaining a court order for a gender change.

To obtain a court order for a gender change, you must petition your local circuit court for an order signed by a judge that acknowledges your gender change. Note that while there is a court-issued form and procedure to change your **name** in Virginia, there is no similar procedure for changing your **gender**. As a result, you or your attorney must draft an individual petition seeking a court order acknowledging your gender change.

VA law offers little guidance on what is required before the court will issue a court order for a gender change. The law states that a court order for a gender change may be issued “**when the sex of an individual has been changed by medical procedure.**”⁸ Virginia courts are not specific about what medical procedure is required; the court reviews each petition on a case-by-case basis and requires only that your doctor certify that the procedure changed your gender. You/your attorney should be sure to obtain a letter from your doctor affirming

⁸ Va. Code § 32.1-269(E)

that he/she has performed “a medical procedure that has changed [client’s name]’s sex” and include that letter in the filing with the court.

There may be a number of additional rules that would apply to filing a court order for a gender change depending on where you live – such as the number of copies to file with the Court, filing fees, etc. You or your attorney should call the local Circuit Court and verify what is required to file a petition for an order for a gender change.

IX. CHANGING YOUR NAME AND GENDER ON A BIRTH CERTIFICATE

A. Birth Certificates Issued in a State Other than VA

The law in the state that issued your birth certificate (the state where you were born) governs the rules for amending your birth certificate. Some states allow you to amend your birth certificate with relative ease, while others will not amend birth certificates at all. Many states require that an applicant for an amended birth certificate present a court order for a gender change (issued in the state where you live) before that state is willing to amend the gender marker on a birth certificate. Of the states that will amend your birth certificate, some insist that the information on your original birth certificate (your name and gender at birth) remain on the amended birth certificate, which will simply make note of the amendment. The Office of Vital Records in the state where you were born can give you more information about what is required to amend your birth certificate to reflect your new name and gender and what an amended birth certificate would look like. Whitman-Walker Legal Services Staff may be able to assist you with amending a birth certificate issued outside of VA.

B. Birth Certificates Issued in VA

VA allows an individual to amend their VA issued birth certificate to reflect both a new name and gender.⁹ You may change your name on your VA birth certificate upon receipt of a court order changing your name.¹⁰ To change your gender on your VA birth certificate, you must present a court order for a gender change.¹¹ Virginia will issue you a new birth certificate with your new name and/or gender. Your old name and/or gender will not appear on the newly issued birth certificate.

Submit the following to Virginia Department of Health, Division of Vital Records, Attn: Special Services Department, PO Box 1000, Richmond, VA 23218-1000:

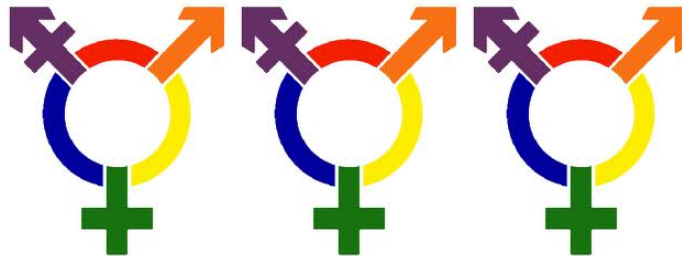
1. Certified copies of the Court Order for Change of Gender and/or Court Order for Change of Name;
2. Copy of your current identification card (this should include your changed name and/or gender); and
3. A statement or application requesting that your birth certificate be amended.
4. The required fee (see attached fee schedule)

⁹ Va. Code § 32.1-269 (C), (E) (2012).

¹⁰ Va. Code § 32.1-269 (C) (2012).

¹¹ Va. Code § 32.1-269 (E) (2012).

* * * * *



If you have any questions about the steps described in this guide,
please do not hesitate to contact us at the numbers listed below.

Whitman-Walker Health Legal Services Program
1701 14th Street NW
Washington DC 20009
Main tel (202) 939-7627 - Fax (202) 939-7651
whitman-walker.org/legal

Supervising Attorney: Amy Nelson
anelson@whitman-walker.org
202-939-7625

Operations Manager: Lee Brubaker
lbrubaker@whitman-walker.org
202-939-7627

Intake Coordinator: Becky Reeve
breeve@whitman-walker.org
202-939-7630

APPENDIX: SCHEDULE OF FEES AND RELATED EXPENSES

Below is a list of projected costs associated with legal name and gender changes in Virginia.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Obtaining a Court Order for Change of Name	
<ul style="list-style-type: none"> ▪ Court Filing Fee (by County) <p>[Note: Persons who receive public assistance and can demonstrate financial hardship can fill out a Petition for Proceeding in Civil Case Without Payment of Fees or Costs.]</p> <p>Fees are payable to “Clerk of the Circuit Court”</p>	
<ul style="list-style-type: none"> • Arlington County¹² <ul style="list-style-type: none"> ▪ Payments may be made by cash, check or money order; or by credit card. Arlington only accepts MasterCard and Visa, and collects a 4% service charge on all credit card payments. 	\$44
<ul style="list-style-type: none"> • Fairfax County¹³ <ul style="list-style-type: none"> ▪ Payable only by cash, certified check or money order. 	\$41
<ul style="list-style-type: none"> • Loudoun County¹⁴ 	\$39
<ul style="list-style-type: none"> • Prince William County¹⁵ 	\$41
Publication of Legal Notice of Intent to Change Name	\$0
[Note: There is no publication requirement for adults in Virginia.]	
Notification to Required Parties of Intent to Change Name¹⁶ (via Certified Mail)	\$3.30 (per party)
[Note: This fee does not include a return receipt. A return receipt can be purchased for \$1.35(email copy) or	

¹² Circuit Court for Arlington County,

<http://www.arlingtonva.us/departments/ClerkofCircuitCourt/CivilCourt/page64984.aspx>

¹³ Circuit Court for Fairfax County, <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

¹⁴ Circuit Court for Loudoun County,

http://www.loudoun.gov/documents/16/1760/3804/3806/adult_201205021437067165.pdf

¹⁵ Circuit Court for Prince William County, http://webdev.courts.state.va.us/cgi-bin/DJIT/ef_djs_ccfees_calc.cgi#ID_CALC_FRM

¹⁶ United States Postal Service, <https://www.usps.com/ship/insurance-and-extra-services.htm>

(last visited June 6, 2014).

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
\$2.70 (hard copy).]	
Certified Copy of Final Order of Name Change	
Arlington County ¹⁷ , Fairfax County ¹⁸ , Loudoun County ¹⁹ , and Prince William County ²⁰	\$2 + \$0.50 (per page)

Obtaining a New Social Security Card²¹	\$0
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Obtaining New Identification Reflecting Name and/or Gender Change²²	
Fees are payable to “Virginia Dept. of Motor Vehicles”	
▪ Corrected Driver’s License	\$20
▪ New Driver’s License Note: There is a \$20 fee for a license. A driver can pay an additional \$4 to keep his/her license valid an additional year for up to 3 additional years.	\$20-32
▪ New Learner’s Permit	\$3 + \$4 per year of license validity
▪ Corrected Learner’s Permit	\$2.00
▪ Non-Driver’s License Photo ID (New or Corrected)	\$10

Changing Your Gender with the Social Security Administration²³	\$0
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¹⁷ Arlington County Circuit Court Clerk’s Office Contact: phone 703-228-7010.

¹⁸ Fairfax County Circuit Court Clerk’s Office Contact: phone 703-691-7320.

¹⁹ Loudoun County Circuit Court Clerk’s Office Contact: phone 703-777-0270.

²⁰ Prince William County Circuit Court Clerk’s Office Contact: phone 703-792-6029.

²¹ United States Social Security Administration, http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1120/~/_cost-for-a-social-security-card (last visited June 6, 2014) [hereinafter “SSA”].

²² VA DM V, <http://www.dmv.virginia.gov/webdoc/pdf/dmv201.pdf> (last visited May 27, 2014).

²³ See SSA, *supra* note 21.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Obtaining a New Passport Reflecting Name and/or Gender Change	
Fees are payable to “Department of State.” Acceptable forms of payment include: Credit Cards (VISA, MasterCard, American Express, Discover) and Debit/Check Cards; Checks (personal, certified, cashiers, travelers); Money Orders and Bank Drafts	
<ul style="list-style-type: none"> First-time Applicant²⁴ [Note: First-time applicants must present a valid government-issued ID at time of application, as well as a passport-size photo. The cost of obtaining a passport photo typically ranges from \$6 - \$8.]	\$165
<ul style="list-style-type: none"> Renewal of Passport issued <u>less</u> than one year ago at time of application (w/o Expedited Service)²⁵ 	\$0
<ul style="list-style-type: none"> Renewal of Passport issued <u>more</u> than one year ago at time of application (w/o Expedited Service)²⁶ 	\$140
<ul style="list-style-type: none"> Expedited Service²⁷ Note: This is an additional cost for persons who need to receive their first-time or renewal passport within two weeks of application submission..	\$60

Changing Name with Insurance Carrier, Creditors, Financial Institutions or on Legal Documents	
[Note: This cost assumes that the party will need to submit a certified copy of the Final Court Order granting the Name Change. Each certified copy costs \$2.00 plus a per page copying fee.]	
Arlington County ²⁸ , Fairfax County ²⁹ , Loudoun County ³⁰ , and Prince William County ³¹	\$2 + \$0.50 (per page)

²⁴ United States Dep’t of State, Bureau of Consular Affairs, http://travel.state.gov/passport/fees/fees_837.html (last visited June 6, 2014) [hereinafter “Passport Instructions”].

²⁵ United States Dep’t of State, Bureau of Consular Affairs, http://travel.state.gov/passport/correcting/ChangeName/ChangeName_851.html (last visited June 6, 2014).

²⁶ *Id.*

²⁷ Passport Instructions, *supra* note 24.

²⁸ Arlington County Circuit Court Clerk’s Office Contact: phone 703-228-7010.

²⁹ Fairfax County Circuit Court Clerk’s Office Contact: phone 703-691-7320.

³⁰ Loudoun County Circuit Court Clerk’s Office Contact: phone 703-777-0270.

³¹ Prince William County Circuit Court Clerk’s Office Contact: phone 703-792-6029.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Amending a Birth Certificate to Reflect New Name and/or Gender³²	\$12
Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information³³	\$12

³² Virginia Dep't of Health Contact: 804-662-6200.

³³ Virginia Dep't of Health, http://www.vdh.virginia.gov/Vital_Records/documents/appform.pdf (last visited June 6, 2014).



TRANSGENDER PEOPLE AND THE SOCIAL SECURITY ADMINISTRATION

June 2013

In June 2013, the Social Security Administration (SSA) announced a new policy to for updating Social Security records to reflect a person's gender identity. Under the new policy, 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 that they have had appropriate clinical treatment for gender transition. This policy replaces SSA's old policy, which required documentation of sex reassignment surgery.

How Is the gender in my SSA record used?

Your Social Security card only lists your name and Social Security number – not your gender. However, SSA maintains information in its computer records on everyone who has a Social Security number, including name, date of birth, and gender.

Social Security benefits do not depend on your gender, and determinations related to marriage and family relationships are not based on what gender is in your record. Aggregated data about gender and other demographic factors from SSA records is used for statistical and research purposes. In addition, as discussed below, SSA gender data is still used for identity verification by some third-party organizations.

Will changing my gender with SSA affect my Social Security benefits?

No. Social Security benefits do not depend on your gender. In addition, Social Security gender markers do not determine a person's eligibility for marriage-related benefits.

Will changing my gender with SSA affect my health benefits?

Changing your gender marker with Social Security will typically not affect your health insurance at all if you have private insurance. While some insurance plans may automatically refuse coverage of services that appear inconsistent with a gender marker in the plan's records, insurance plans generally do not base their gender data on, or match it with, Social Security records, but instead use data from enrollment forms.

An exception is that if a person is enrolled in Medicare, or is enrolled in both the Medicaid and Supplemental Security Income (SSI) programs, their insurance record will be based Social Security data. In that case, they may experience automatic refusals for coverage of services that appear inconsistent with a gender marker in Social Security records. These automatic rules were developed as a means to prevent erroneous or fraudulent billing, with the unintended consequence of sometimes affecting trans people. (This can happen with private insurance too, but that will be based on the gender in plan records, not Social Security records.) These types of denials can usually be resolved by having your provider's office either add a specific billing code, contact the plan, or help you request a formal coverage determination. For more information, see NCTE's health care and Medicare rights below.

What about "No-Match Letters?" Will my SSA record out me on the job or elsewhere?

This is much less likely than it used to be, but could still happen in some circumstances. SSA administers several programs used to verify a person's identity for purposes of employment, applying for public benefits, or other purposes. Through these various programs, SSA compares personal data submitted by a business or government agency with its own programs and reports whether the data matches.

Some of these systems include gender among the personal data that is submitted and matched, while other systems don't include gender. The largest system used by private employers, the Social Security Number Verification System (SSNVS), eliminated gender in 2011. As a result, it is now very rare for employees to be outed on the job by their SSA gender marker. However, some systems used by state government agencies still match gender against SSA records. If a person's recorded gender with the submitting agency does not match SSA records, SSA may report this back to the submitting agency.

In cases where gender data is submitted to SSA and does not match, it is important to understand that the submitting agency is under no obligation to respond in any way. Businesses or government agencies are **not** subject to **any** penalties or legal requirements when they receive a notice of gender data that does not match. The organization can simply ignore the gender mismatch so long as the other personal data matches with SSA records. For this reason, NCTE continues to advocate removing gender from these matching systems altogether.

How do I change the gender in my SSA record?

Social Security will accept *any* of the following forms of evidence for a gender marker change:

- A U.S. passport showing the correct gender,
- A birth certificate showing the correct gender,
- A court order recognizing the correct gender, or
- A signed letter from a [provider] confirming that you have had appropriate clinical treatment for gender transition

If you use a physician letter, it must come from a licensed physician with whom you have a patient relationship and who is familiar with your transition-related treatment. This may be any physician who is familiar with your treatment, including a primary care physician or a specialist. All certifications must be on the physician's office letterhead and include all of the information seen in the sample letter below, including the physician's license or certificate number.

The following is an example of a letter that meets all the Social Security requirements. You should ask your physician to use this letter and not give additional personal health information that is not included here.

I, (physician's full name), (physician's medical license or certificate number), (issuing U.S. State/ Foreign Country of medical license/certificate), am the physician of (name of patient), with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated).

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify male or female).

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Signature
Typed Name
Date

What does "Appropriate Clinical Treatment" mean?

The new policy recognizes that people's medical needs vary, and that treatment options must be decided by health care professionals on an individual basis. You are entitled to an updated gender marker if you have had the clinical treatment determined by your health care providers to be appropriate, in your individual case, to facilitate gender transition. **No specific type of treatment is required, and details of your treatment should**

not be included in the letter from your physician to SSA. NCTE encourages you and your doctor to only state in the letter that you have had the clinical treatment determined by your health care providers to be appropriate. Details about surgery, hormone treatment, or other treatments are unnecessary and not helpful.

How can I change my name in my Social Security record?

Social Security's procedures for name changes have not changed. You can change the name on your Social Security card and record by applying through the mail or in person at a local Social Security office. This can be done separately from, or together with, applying for a gender change. You will need to submit an Application for a Social Security Card, proof of your identity and citizenship or immigration status, as well as acceptable proof of the name change.

In general, SSA will accept any of the following as proof of a name change:

- Name change court order (original or certified copy);
- Marriage, civil union, or domestic partnership certificate (original or certified copy);
- Divorce decree (original or certified copy); or,
- Certificate of citizenship or naturalization (original only).

The new card will be sent to you in the mail, as will any original documents submitted with your application.

Note: Marriage, civil union, or domestic partnership certificates showing a name change can be used so long as they are recognized by the issuing state. For name change purposes, it does not matter whether the federal government or the applicant's state of residence recognize the relationship. However, locally-issued domestic partnership certificates not recognized by a state cannot be used for this purpose.

How does Social Security treat marriages involving transgender people?

Social Security recognizes as valid any marriage that was recognized under state law as being a valid, different-sex marriage when it was entered into. Any marriage that was valid when it was entered continues to be valid regardless of a spouse's transition.

Social Security looks to state law and government-issued documents (such as birth certificates and court orders) to determine marital status – it is not based on the gender marker in your Social Security record. For this reason, changing your gender marker with Social Security will not affect your or your spouse's right to Social Security benefits.

What If I have a problem?

Social Security employees are instructed to treat transgender customers with respect, including using appropriate pronouns, and to not ask unrelated personal questions. If you encounter improper requests for information, unprofessional treatment, or other difficulties in a local Social Security office or with other SSA employees, contact NCTE, your SSA Regional Office, or your U.S. Senator's Office. NCTE is monitoring implementation of the new policy.

In addition, if you believe you have been subject to discriminatory treatment by an SSA office or staff, you may file a formal complaint of discrimination with SSA. SSA accepts complaints of discrimination in services and programs based on race, color, national origin (including English language ability), religion, sex (including gender identity), sexual orientation, age, disability, or in retaliation for filing a complaint. The purpose of this process is not to provide compensation but to resolve unfair actions and prevent future incidents. Complaints must be filed within 180 days of the discriminatory action, or be accompanied by an explanation for filing later. The complaint form can be found at: <http://www.ssa.gov/online/ssa-437.pdf>.

Additional Resources

Health Care Rights and Transgender People: http://www.transequality.org/Resources/HealthCareRight_UpdatedAug2012_FINAL.pdf

Medicare Benefits and Transgender People: http://transequality.org/Resources/MedicareBenefitsAndTransPeople_Aug2011_FINAL.pdf

SSA Gender Change Policy: <https://secure.ssa.gov/poms.nsf/lnx/0110212200>

Application for Social Security Card: <http://ssa.gov/ssnumber/ss5.htm>

Social Security Office Locator: <https://secure.ssa.gov/ICON/main.jsp>

Social Security phone numbers: 1-800-772-1213 or, for TTY, call 1-800-325-0778

SSA Discrimination Complaint Form: <http://www.ssa.gov/online/ssa-437.pdf>