



NATIONAL CENTER FOR LESBIAN RIGHTS

Name and Gender Changes After the 2016 Election

1. What documents should I prioritize changing now?

When to change your name and/or gender on any ID or with a state or federal agency can be a very personal decision. Having ID that matches your gender identity and/or presentation can be useful in your day to day life, and may also help to keep you safer in certain situations. If you are considering changing your name and/or gender on your ID, we would suggest prioritizing:

- Changing your name and/or gender on your **U.S. passport**, or applying for a U.S. passport with your new name and/or gender, or on your **immigration documents** (see question 5 for more details)
- Changing your name and/or gender on your **social security record** (see question 6 for more details)

These are documents and records regulated by federal agencies, and are more likely to be directly affected by the change in who is president.

2. Should I get a court ordered name change and/or gender change now?

Court ordered name and/or gender changes are done generally in state courts. The rules are set by state law.

If you have already been thinking about getting a court ordered name or gender change, this may be a good time to do that, but we do NOT anticipate that these state processes will be directly affected by the new president.

However, there are a few federally-issued documents that you may want to consider changing now.

You can change your **gender** on your U.S. passport, immigration documents, and on your social security record without a court order. If you do not have the resources or time to get a court order now, you can change just your gender on these documents first, then change your name on these documents later, if or when you can get a court ordered name change.

If you have questions about changing your name and gender, or any other legal rights or protections, contact NCLR at www.nclrights.org/gethelp or 1.800.528.6257

3. Should I change my name and gender on my birth certificate now, and if so how?

Birth certificates, for those born in the U.S., are regulated by the states.

If you have already been considering changing your name and gender on your birth certificate, this may be a good time to look into doing so, but the process to change name and gender on your birth certificate would likely NOT be directly affected by the new president.

The process to do this varies from state to state. You can check with your state's birth certificate issuing agency (often called something like the "Department of Vital Statistics") or contact NCLR for information about how to do this in your state.

4. Should I change my name and gender on my driver's license or other state ID now, and if so how?

Drivers licenses and state IDs are regulated by the states.

If you have already been considering changing your name and gender on your driver's license or state ID, this may be a good time to look into doing so, but the process would likely NOT be directly affected by the new president.

The process varies from state to state. You can check with your state's drivers license agency (e.g., the Department of Motor Vehicles), or contact NCLR for information about how to do this in your state.

5. Should I change my name and gender on my U.S. passport or immigration documents now, and if so how?

These are federal documents, and it is possible that the name and gender change rules for them could be affected by a new administration, though it is unclear if and how they would change.

It is unlikely that the federal government will interfere with the ability of people to change their **names** on their passports or immigration documents. This process has been around for a long time, and is available to many people for a range of reasons. To change your name on your U.S. passport or immigration documents, you will in general need a court order of name change.

It is unclear if the rules about changing **gender** on your U.S. passport or immigration documents will change. Currently, the rules allow for you to change gender on those documents if you can show other matching ID, OR a letter or certification from a physician. Surgery is NOT required.

If you are thinking of changing your gender on these documents, we encourage you to do so as soon as you can, as there is a wait time associated with making these changes. You can pay an additional fee to expedite the issuing of an amended U.S. passport.

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To change your gender on your U.S. passport, you will need a letter from your medical physician on office letterhead that confirms whether your gender transition is in process or complete (or if you have already changed your gender on your birth certificate or other proof of U.S. citizenship, and on your photo ID, you may not need this letter). Surgery is NOT a requirement.

To change your gender on your immigration documents, you will need an amended birth certificate, passport, or court order recognizing the new gender OR medical certification of the change in gender from a licensed physician. Surgery is NOT a requirement.

The National Center for Transgender Equality has an online guide to changing name and gender on your passport here: <http://www.transequality.org/know-your-rights/passports>

They also have a guide to changing name and gender on your immigration documents here: <http://www.transequality.org/know-your-rights/immigration-documents>

Transgender Law Center also has a detailed publication on changing your name and gender on many forms of ID, called ID Please. The information about how to change name and/or gender on a U.S. Passport is on page 38. The information about how to change name and/or gender on immigration documents is on page 47. The publication is available at: http://translaw.wpengine.com/wp-content/uploads/2012/05/ID_Please_FINAL_7.25.14.pdf

6. Should I change my name and/or gender on my social security record now, and if so how?

This is a federal agency, and it is possible that the name and gender change rules could be affected by a new administration, though it is unclear if and how they would change.

It is unlikely that the federal government will interfere with the ability of people to change their **names** with social security. This process has been around for a long time, and is available to many people for a range of reasons. To change your name on your social security record, in general, we would recommend a court order of name change, though there may be other ways to change your name with social security as well.

It is unclear if the rules about changing **gender** on your social security record will change. Currently, you can change gender with ANY of the following (surgery is NOT required):

- 10 year passport with the correct gender
- State-issued birth certificate with the correct gender
- Court order directing recognition of the correct gender
- Signed statement from a licensed physician that you have had “appropriate clinical treatment for gender transition”

If you go in to the SSA office, SSA can change your gender on the spot if you have the correct documentation.

The National Center for Transgender Equality has an online guide to changing name and gender with social security here: <http://www.transequality.org/know-your-rights/social-security>

If you have questions about changing your name and gender, or any other legal rights or protections, contact NCLR at www.nclrights.org/gethelp or 1.800.528.6257

Transgender Law Center also has a detailed publication on changing your name and gender on many forms of ID, called ID Please. The detailed information about how to change name and/or gender with social security is on page 23. The publication is available at: http://translaw.wpengine.com/wp-content/uploads/2012/05/ID_Please_FINAL_7.25.14.pdf

7. What about for transgender people under 18?

In general, transgender people under 18 will need their parents or guardians permission to change their name and/or gender on state and/or federal ID.

The medical certification requirements to change gender on a U.S. passport are the same. A parent or guardian must go to the passport office in person to make the change. If a minor is under 16 and has two parents, both of them must consent to the change.

The gender change requirements for a social security record are the same as well. Parental or guardian approval is required. Only one parent needs to fill out the application, but if a person's other parent may object to the change, we recommend speaking with an attorney before applying.

It is unlikely that the state-level rules about name and gender changes (e.g., court orders, drivers licenses, state ID, birth certificates) will be directly affected by the new president.

If you are under 18, or if you are applying for a name and/or gender change on behalf of your child who is under 18, and one or more parent(s) or guardian(s) objects to the name and/or gender change, you can contact NCLR for more information about your or your child's legal rights.

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