



TEXAS LEGAL SERVICES CENTER

Texas Name and Gender Marker Change Guide

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Texas Legal Services Center (TLSC) is a statewide nonprofit organization whose mission is to provide high quality legal representation, advice, advocacy, and education at no cost to underserved people across the state. Visit us on the web at <https://www.tlsc.org>.

TLSC has several medical-legal partnerships (MLPs) with different health care partners, including People’s Community Clinic and KIND Clinic. Our MLPs produce better health outcomes by embedding attorneys and paralegals within healthcare teams to detect, address, and prevent the health-harming legal needs of Texans, including LGBTQ+ people and communities, and people seeking sexual health services.

Find more information about our MLPs here: <https://www.tlsc.org/mlp>.

Find additional information about our partner organizations online:

- People’s Community Clinic - <https://www.austinpcc.org/>
- Kind Clinic - <https://kindclinic.org/> (a program of Texas Health Action: <https://texashealthaction.org/>)

NOTE: This guide only gives general information, not legal advice. If you need legal advice, contact an attorney. TLSC’s MLPs may be able to give you advice or services if you are a patient of one of our healthcare partners. Ask your provider for a referral!

Otherwise, you should contact an attorney. Information about legal services can be found in the [Appendix](#).



The COVID-19 pandemic has caused several changes in name and gender marker change procedures. You can find relevant updates by looking for this caution sign or searching the document for COVID-19.

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[Court Orders for Name and Gender Marker Change](#)

How do I change my name or gender marker?

In Texas, you usually need a court order to change your name or gender marker. You would then use that court order to update each one of your IDs.

- It's perfectly legal for you to use a different name socially. Many people go by a nickname, middle name, or chosen name. However, most legal name changes in Texas (outside of changing your last name during marriage or divorce) require a court order.
- It is possible to change your gender marker on some federal documents and out-of-state IDs without a court order, typically by using a doctor's letter or other evidence. However, changing your gender marker on Texas documents (like your driver's license or birth certificate) generally requires a court order.

You can have only your name changed, only your gender marker changed, or both your name and gender marker changed at the same time. If you are interested in updating both your name and gender marker, you may want to do both at once so that you don't have to pay to update each of your IDs multiple times.

What proof do I need to get a name or gender marker change court order?

Name Change – Texas Family Code, Chapter 45

(<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.45.htm>)

You have the right to change your name for almost any reason. However, you will need to show that you are not seeking the name change to commit fraud or for another illegal purpose, like deceiving others or evading law enforcement or creditors.

The petition asking the court for your name change must include basic identifying information and a fingerprint card. Some counties also require you to submit a background check. You may be required to give the court additional information if you have a criminal history.

Criminal History

You must tell the court about any felony or class A or B misdemeanors charges that have been brought against you. This may include charges that were dismissed or sealed. Class C misdemeanors do not need to be disclosed.

Depending on the county where you file, you may also be required to submit to a background check. It may be helpful to get your background check done anyway to make sure you know what criminal history information you may need to disclose. The most complete form of background check in Texas is the Criminal History Report from the Texas Department of Public Safety. You can find instructions for obtaining your DPS Criminal History Report under "Question 1" on the DPS FAQ page (https://www.dps.texas.gov/administration/crime_records/pages/faq.htm). If you need advice on what you should disclose or how to find your criminal history information, contact an attorney.

If you are required to register as a sex offender, you must notify local law enforcement that you are seeking a name change. You will need to show the court proof that you notified law enforcement.

Felony Convictions

If you were convicted of a felony, you must wait two years after the completion of your entire sentence before you may ask for a name change.

1. If you served your entire sentence in jail, you will need to wait two years from the day you were released.
2. If you served time in jail and were then released on parole, you will need to wait two years from the day you were discharged from parole.
3. If you were placed on probation, you will need to wait two years from the day you complete probation.

If you finished your sentence in jail or on parole, you will need to get your certificate of discharge from the Classification and Records Division of the Texas Department of Criminal Justice. If you finished your sentence on probation, you will need to get your certificate of completion of probation by contacting the Court that sentenced you or the Probation Department that supervised you. If you have multiple felony convictions, you need a certificate of discharge or certificate of completion of probation for each one.

NOTE: The Texas Legislature created a new law in 2019. Now, if you've been convicted of a felony, you can change your name to the primary name listed in your criminal history without waiting the two years. This may be useful if you've been living socially in your gender identity for a long time, and your chosen name is the primary name in your criminal history. You can check which names are listed in your criminal history by getting your DPS Criminal History Report using the instructions above.

Gender Marker Change

For gender marker change, there is no Texas statute that says what proof is required. This means it's up to individual judges to decide what proof they will accept.

Generally, you need at least one doctor's letter that certifies you are receiving clinically appropriate treatment with respect to your gender identity. Some judges may require multiple letters, proof of certain treatment (e.g. surgery), or treatment for a certain length of time. See the [Appendix](#) for a sample letter for use in Travis County.

Some judges may not grant gender marker changes at all.

NOTE: Be careful about proceeding on your own!

Appellate cases in Dallas and Houston have denied requests for gender marker change. A bad appellate decision could prevent District Court judges in your area from granting future gender marker change requests for anyone else.

If you feel you have been wrongly denied a gender marker change, you should contact an attorney.

For judges that will grant a gender marker change, you will likely need to disclose the same criminal history information required for name changes. See the Criminal History section, above.

Getting BOTH Name and Gender Marker Change

Again, if you're interested in changing both your name and gender marker you may want to do both at once. That way you only have to pay one set of court fees, and only have to pay to update each ID once. However, you should proceed at your own pace and update whatever you are ready to update.

You must file a *Petition to Change the Name and Sex/Gender Identifier of an Adult*. Forms are available from the Travis County Law Library on their website (<https://lawlibrary.traviscountytexas.gov/>).

The forms also contain all the instructions for filing and obtaining the court order. The Travis County Law Library forms are meant for use in Travis County, and should not be used elsewhere. If you have questions about where you can or should file, contact an attorney.

Getting Name Change ONLY

You must file a *Petition to Change the Name of an Adult*. Additional information and forms for only name change can be found on TexasLawHelp.org: <https://texaslawhelp.org/toolkit/i-want-change-my-name>.

Unlike the Name and Gender Marker forms from the Travis County Law Library, the forms for only name change from TexasLawHelp.org can be used throughout the state of Texas.

NOTE: If you're changing from a stereotypically masculine name to a stereotypically feminine name (e.g., from Alexander to Alexandra), or vice versa, you may not have the most pleasant experience. Even if you aren't requesting a gender marker change, this may disclose your gender identity to the judge and court staff. However, your name change cannot be denied simply because of your gender identity. If a judge denies your name change, you should contact an attorney.

Name changes are filed in state District Court. Contact your local District Court about how to file your name change and to ask if they require a background check. If you have questions about where you can file your name change, contact an attorney.

Getting Gender Marker Change ONLY

You must file a *Petition to Change the Sex/Gender Identifier of an Adult*. Forms for only gender marker change are also available from the Travis County Law Library and can be found on their website (<https://lawlibrary.traviscountytexas.gov/>).

Again, forms from the Travis County Law Library are meant for use only in Travis County and should not be used elsewhere. If you have questions about where you can or should file, contact an attorney.

Fee Waiver

Courts charge filing fees when you file a new petition, which often cost about \$300 for a name or gender marker change. If you're worried about being able to afford the filing fee, you can also file a Statement of Inability to Afford Payment (known as a Pauper's Oath or Affidavit for Declaration of Indigency) asking the court to waive your fees.

The form can be found on TexasLawHelp.org: <https://texaslawhelp.org/article/court-fees-fee-waivers>
You can call your local court in advance to ask about fee waivers. Some courts will have different requirements about proof of income (such as paystubs), proof of government benefits, or proof of expenses. If you have questions about fee waiver and whether you might qualify, contact an attorney.

Court Filing



Courts have changed their operations with the COVID-19 pandemic. Most people seeking a name or gender marker change should expect to e-file their documents and handle all court proceedings remotely.

With e-filing you can scan and file your documents with the court online. Your documents will then be forwarded to the judge for consideration or the court will schedule you for a remote hearing with video conferencing software, like Zoom. If the judge grants your order, the clerk may be able to mail you certified copies of your order. Anyone can create a free e-filing account at www.eFileTexas.gov.

If you're unable to e-file, you can contact the District Clerk to discuss your options or consult with an attorney to help you.

Travis County

In their Second Amended Emergency Order on May 8, 2020, the Travis County Civil and Family Courts have suspended almost all in-person hearings until June 29, 2020 and will continue to favor remote proceedings after that date. You can find the latest orders on the court website: <https://www.traviscountytexas.gov/courts/civil/civil-courts-covid-19-information>.

Other Counties

If you're getting just your name changed in another county, you should contact the local District Clerk about your filing options or changes to court proceedings with COVID-19.

Certified Copies

If your court order is granted, you should get at least 5 or 6 certified copies to make sure you have enough to update your IDs. If you need more copies later, you can always order them from the clerk.

NOTE: even if the court waives your filing fee, they may still charge you for some copies of your order. A certified copy usually costs a couple of dollars (\$1-2 certification fee, and \$1-2 per page).

How do I change my name and gender marker if I'm a minor?

Name Change - Texas Family Code, Chapter 45

(<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.45.htm>)

To change the name of a minor, a caregiver having a legal relationship to the minor (meaning the parents, guardians, or conservators) must file a *Petition to Change the Name of a Child*. Minors at least 10 years old must agree and consent in writing to their name change.

If more than one caregiver has a legal relationship with the minor (i.e., the child has two parents, two guardians, or two conservators) both can petition together as co-petitioners. If one caregiver agrees but the other does not, the caregiver who does not agree must be served and will have the opportunity to contest the minor's name change in court.

Forms and instructions for only name change of a minor may be found at TexasLawHelp.org:

<https://texaslawhelp.org/toolkit/i-want-change-my-childs-name>. These forms can be used anywhere in Texas.

Gender Marker Change

A gender marker change for a minor is like the process for adults—there is no Texas statute spelling out the requirements, so different judges may or may not grant a gender marker change and may require different forms of proof. And like a name change, the parents, guardians, or conservators must ask for the gender marker change for the minor.

There are no forms available for gender marker change for minors. Minors interested in changing their gender marker, or changing both their name and gender marker, should contact an attorney.

If minors are concerned that one of both of their parents, guardians, or conservators may not agree to a name and/or gender marker change, they may choose to wait until age 18 when they can handle the process for themselves as an adult. You should contact an attorney if you're worried that one or both of your parents, guardians, or conservators won't support your name and/or gender marker change.

What if I want to update documents outside of Texas, like a birth certificate from a different state?

Each state and each ID has its own requirements. The National Center for Transgender Equality has an ID Documents Center (<https://transequality.org/documents>), with information about updating IDs from all U.S. states and territories.

Surgery Requirements

Some state laws require proof of surgery to update the gender marker on a birth certificate. Note that the gender marker change forms available from the Travis County Law Library do not mention surgery. This leaves you with 3 basic options:

1. You can try to apply with the standard forms available from the Travis County Law Library, but there's no guarantee the other state will update your birth certificate.
2. If you've had or plan to have gender-affirming surgery, you can contact an attorney to ask about drafting custom gender marker change court documents that specifically mention the surgery. This might give you a better chance of getting your birth certificate updated.
3. You may not want to update your birth certificate. There are not many times you will need to show your birth certificate to someone else. If you need it as proof of citizenship (such as when you apply for a Texas driver's license or a job) you can use a U.S. Passport instead, which is easier to update with the correct gender marker—see [U.S. Passport](#) section, below.

Contact an attorney if you need advice about out-of-state documents.

Gender Marker Court Order Not Required

Many states allow you to update the gender marker on your birth certificate without a court order—either by self-determination (meaning you don't have to provide any evidence) or using other evidence like a letter from a healthcare provider.

If your birth certificate is from one of these states, you may not need a court order for gender marker change. If you update the gender marker on your birth certificate, you should then be able to use it to update the gender marker on other documents, like your Texas Driver's License. On principle, this is good because it means you get to decide your own gender instead of a judge deciding for you.

However, it can take weeks or months for a state to update your birth certificate. If you're also changing your name you will most likely need to get a court order anyway, so it might be easier and faster for you to get a court order for both name and gender marker change at the same time.

It's up to you how to proceed, and you can contact an attorney for advice.

What do I do after I get a court order?

Obtaining a court order does not automatically change your name or gender marker. You must then apply to have each one of your IDs and all your information updated. Information about updating specific IDs is below.

[Social Security Administration](#)

It is recommended you change your name and/or gender marker with the Social Security Administration (SSA) first, because many other government agencies will check your name and gender with Social Security.

Step 1: Complete an application for a new social security card.

The application can be found here: <https://www.ssa.gov/forms/ss-5.pdf>

Step 2: Gather appropriate documentation.

You will need to bring at least one of the following as proof of identity:

- U.S. driver's license
- State-issued non-driver identification card
- U.S. Passport

If you do not have one of the above documents and cannot get one within in 10 days, you may use one of the following documents that includes either your photo or your date of birth:

- Employment ID card
- School ID card for the current school year
- Health insurance card or Medicaid card (not a Medicare card)
- Certified copy of your medical records from a clinic, doctor, or hospital
- U.S. military identification card
- Life insurance policy

NOTE: immigrants who qualify for a social security card and minors have different proof of identity requirements. You can learn more on the SSA website (<https://www.ssa.gov/ssnumber/ss5doc.htm>) or read the full policy in SSA's Program Operations Manual System (POMS): <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110210420>

In addition to proof of identity you will need to bring at least one document for proof of name change and proof of gender marker change.

Acceptable documents for proof of name change:

- Marriage document
- Divorce decree
- Certificate of naturalization
- **Court order**

Acceptable documents for proof of gender marker change:

- Full validity, 10-year U.S. Passport (5-year U.S. Passport for minors)
- Amended state birth certificate showing the new sex
- **Court order**
- Medical certification signed by an MD or DO.
 - Social Security provides a sample letter on their website: <https://secure.ssa.gov/poms.nsf/lnx/0110212200#c>

Step 3: Apply for a new social security card.

Mail or take all necessary documents in-person to your nearest local SSA office. Social Security will mail original documents back to you if you apply by mail, but it is recommended you complete this step in-person so that you do not have to go without an ID.

Find your nearest office here: <https://secure.ssa.gov/ICON/main.jsp>

Always stay polite. If the worker at the Social Security Office seems unfamiliar with a gender marker change request, ask that they speak to a manager/supervisor. If necessary, you may point out the gender marker change policy on the Social Security website (<https://secure.ssa.gov/poms.nsf/lnx/0110212200>) in the Program Operations Manual System (POMS) RM 10212.200 Changing Numident Data for Reasons other than Name Change.



NOTE: Social Security offices are still closed to the public for services due to the COVID-19 pandemic. You can find up to date information on the SSA's website: <https://www.ssa.gov/coronavirus/>. This means, even if you're able to get your court order, you may have to wait before you'll be able to go in and update your social security card.

Will changing my information with Social Security affect anything else?

You will keep your same Social Security number and record. Changing your name or gender marker does not affect your social security if you're receiving or will receive any kind of social security benefits.

If you receive Medicare or Medicaid, then the gender marker listed on your insurance may be updated when you update Social Security. This can cause denials of coverage if the insurance thinks your gender marker doesn't match with the services you received. You should work with your provider or contact your plan to try to fix the denial. You can also contact an attorney for advice or more help.

Texas Driver's License

The Texas Department of Public Safety states on its website that an amended birth certificate or a court order is required to update the gender marker on your driver's license (<https://www.dps.texas.gov/DriverLicense/changes.htm#gender>). You must also report a name change to DPS within 30 days. If you're a registered voter, you should be able to update your voter registration at the same time you apply to change your state ID.

If you're age 18 to 26, you may first want to review the [Selective Service](#) information, below.

To correct your name or gender marker, apply to replace or renew your ID. A replacement costs about \$11, and it will *not* update your expiration date. A renewal costs about \$25 and will update your expiration date.

Step 1: Complete an application to replace/renew/change your driver's license or ID.

The application can be found here: <https://www.dps.texas.gov/internetforms/Forms/DL-43.pdf>.

Step 2: Gather appropriate documentation.

For proof of name change you may use:

- Marriage license
- Divorce decree
- Annulment
- DSHS marriage verification letter
- **Certified court order**
- Amended birth certificate

For proof of gender marker change you may use:

- **Original certified court order**
- Amended birth certificate

You may also need to bring proof of citizenship or immigration status and proof of identity to comply with Real ID Act requirements. See an extensive list of acceptable IDs for proof of citizenship or immigration status here: <https://www.dps.texas.gov/DriverLicense/LawfulStatusDLID.htm>. See an extensive list of acceptable IDs for proof of identity here: <https://www.dps.texas.gov/DriverLicense/identificationrequirements.htm>.

Step 3: Apply to replace/renew/change your driver's license or ID.

Take your application and all necessary documents to your local DPS office to apply in person. You can find your nearest office here:

https://www.dps.texas.gov/administration/driver_licensing_control/rolodex/search.asp.

As with Social Security, if the front desk worker seems unfamiliar with your gender marker change request, you can ask that they speak to a supervisor/manager.

Some people have been able to update the gender marker on their Texas driver's license or state ID with proof of updated out-of-state IDs, or even based on their appearance. However, because DPS policy states that a court order or amended birth certificate is required, it is recommended that you obtain a court order before attempting to update your ID.



NOTE: Texas DPS offices are still closed to the public for services due to the COVID-19 pandemic. This means, even if you're able to get your court order, you may have to wait before you'll be able to go in and update your ID.

You can find more information about expiration date extensions and other driver's license renewals on the DPS website:

<https://www.dps.texas.gov/DriverLicense/covid-19.htm>;
<https://www.dps.texas.gov/DriverLicense/covid19FAQ.htm>.

What if my license is suspended and can't be renewed or updated?

Even if your driver's license is suspended, you can apply for a non-driver's state ID with your new name and gender marker.

You can check your driver's license eligibility on the DPS website:

<https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

If your license is suspended or you are having issues with traffic tickets, you should contact an attorney. Texas Fair Defense Project (<https://www.fairdefense.org/>) works on issues like driver's license recovery.

Texas Birth Certificate

Step 1: Complete an application for amendment of birth record.

The application Form VS-170 can be found here: <https://dshs.texas.gov/vs/reqproc/amendment.shtm>

- NOTE: In the Fee Schedule on page 1 you should fill in the box for "New Birth Certificate based on child's sex or parent's race or color See 'Correcting the Child's Sex or Parent's Race or Color' on Page 3."
- At the bottom of page 4 you should also check the box that says, "I am requesting a new birth certificate be filed to incorporate the correction to the child's sex or parent's race or color."
- This costs \$10 more, but Vital Statistics will print a new birth certificate with the corrections. Otherwise, Vital Statistics will simply attach your requested change to your original birth certificate without changing the information on the birth certificate itself.

Step 2: Gather appropriate documentation.

You will need proof of identity. Texas Vital Statistics has an extensive list of acceptable IDs here:

<https://dshs.texas.gov/vs/reqproc/Acceptable-IDs/>.

You will also need proof of name and/or gender marker change. Both changing your legal name and changing your sex marker require a **certified copy of your court order**.

NOTE: Texas Vital Statistics has previously refused to amend birth certificates based on an order for “Gender Identifier Change,” because the gender field on birth certificates is listed as “Sex.” This is why current court forms are for “Sex/Gender Identifier Change”, so that you should be able to update all IDs whether they list your gender marker as “Sex” or “Gender”.

Step 3: Apply by mail.

Vital Statistics does not process in-person requests to amend a birth certificate. You MUST apply by mail.

Regularly processed requests are sent by USPS to:

DSHS – Vital Statistics Section
P.O. Box 12040
Austin, TX 78711-2040

Expedited requests must be sent by overnight mail, such as FedEx, LoneStar, or UPS (NOT USPS) to:

DSHS-Vital Statistics Section MC 1966
1100 W. 49th Street
Austin, TX 78756

Processing time for a regular application currently takes about 75-90 business days. Expedited processing currently takes about 35-50 business days. Current processing times can be found here: <https://www.dshs.texas.gov/vs/processing/>.

A fee schedule may be found on the Vital Statistics website: <http://www.dshs.texas.gov/vs/reqproc/amendment.shtm>. A regularly processed request costs \$37, plus the cost of mailing. An expedited request costs \$42, plus the cost of expedited mailing.



NOTE: Because Vital Statistics only accepts birth certificate amendment requests by mail, they should be unaffected by any public office closures due to COVID-19.

Amending a Birth Certificate for a Minor

If both parents are listed on the minor’s birth certificate, then both parents must complete and sign Form VS-170. If one parent’s rights to the child have been terminated, the parent who still has rights to the child can apply on their own and attach proof that the other parent’s rights are terminated. If the minor has a legal representative (i.e., a guardian or conservator) other than their parents, then their legal representative must apply and attach proof that they are the minor’s conservator or guardian. Otherwise, the minor may wait until they are 18 to request an amendment to their birth certificate themselves, under the process for adults listed above.

Other States

The National Center for Transgender Equality also has an ID Documents Center (<https://transequality.org/documents>) that has information about how to update documents in every U.S. state and territory. You should consult with an attorney if you’d like advice about specific documents.

Remember that some states will allow you to update the gender marker on your birth certificate without getting a court order. However, you would still likely need a court order for name change and may want to go ahead and get a gender marker court order at the same time. Consult with an attorney for advice.

U.S. Passport

If you are getting a passport for the first time and have already updated the other IDs you need to show in your passport application, you should be able to apply normally. If you've had a passport but it's now expired, you can apply for a new passport with your court order and doctor's letter, using the same instructions for updating a passport below.



NOTE: Due to the COVID-19 pandemic, the Department of State has incredibly limited operations for U.S. Passports. It is strongly recommended that you wait to get a passport until they have resumed normal operations, unless it is a life-or-death emergency. You can find up to date information on the Department of State's website: <https://travel.state.gov/content/travel/en/traveladvisories/ea/passport-covid-19.html>.

Updating Gender Marker

If you already have a passport and you're changing your gender marker, you apply as if you're applying for a new passport.

U.S. Passports are unique, because they are the only document where you CANNOT use a court order to update your gender marker. You will still need to use your court order as proof of name change, but you will need a medical certification to update your gender marker.

If you are requesting a letter of medical support to get a gender marker court order, you may want to ask your provider for a second copy for updating your passport.

The Department of State provides a sample medical certification on their website:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>.

NOTE: The Department of State issues full validity passports (10 years for people 17 and up, 5 years for people age 16 and younger) and limited 2-year validity passports, depending on the language of your medical certification. When requesting a letter of support, you should discuss with your medical provider whether they are willing to certify that you "have had appropriate clinical treatment" or you're "in the process of getting appropriate clinical treatment."

Step 1: Fill out an application for a new passport.

The Form DS-11 can be found on the Department of State website here:

<https://travel.state.gov/content/travel/en/passports/requirements/forms.html>.

Step 2: Gather appropriate documentation.

You will need:

- an ID that matches your current physical appearance
- a passport photo that resembles your current appearance
- proof of citizenship
- a medical certification for proof of gender marker change, and
- a copy of your court order for proof of name change.

Additional information can be found on the Department of State website:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>.

Step 3: Apply.

Apply in-person at your nearest passport acceptance facility. More information and a fee schedule can be found on the Department of State website:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/apply-in-person.html>.

You can locate your nearest passport acceptance facility here: <https://iafdb.travel.state.gov/>

Limited Validity Passport

If your medical provider certifies that you are “in the process of getting appropriate clinical treatment” you can use the same Form DS-11 to apply for a limited 2-year validity passport.

You can then use form DS-5504

(<https://travel.state.gov/content/travel/en/passports/requirements/forms.html>) to request a full validity passport once your provider will certify that your transition is “complete.” If your 2-year passport expires before your provider is willing to certify your transition is “complete,” you can apply for another limited 2-year validity passport using Form DS-11 again.

Name Change ONLY

If you only changed your name and not your gender marker, the process for updating a passport can be different. If it’s been less than a year since your passport was issued, you will apply by mail. You will need:

- Form DS-5504
- Your most recent U.S. Passport
- Your court order for name change, and
- Once color passport photo.

You should not have to submit any fees unless you request expedited service. You MUST send your documents by USPS to the address listed on Form DS-5504. Other companies cannot deliver to the P.O. Box.

If it's been more than a year since your passport was issued you may be able to renew your passport by mail using Form DS-82. Otherwise, you will have to apply in-person using form DS-11. See the Department of State's website for more information:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-correct.html>

Passport Renewals

Unless you have a limited-validity passport, see above, once you've updated your name and or gender marker you should be able to renew your passport as normal once it expires, without the extra proof of the court order or doctor's letter.

Can I get something other than M or F on my passport?

The Department of State only offers an M or an F. However, Lambda Legal has sued (Zzyym v. Pompeo—https://www.lambdalegal.org/in-court/cases/co_zzyym-v-pompeo) to ask for an X gender marker. The Colorado Federal District Court twice told the Department of State to reconsider its binary-only gender marker policy, and the Department of State has now appealed to the 10th Circuit. The case has been proceeding since 2016, but it would be important to watch if you're interested in an X gender marker, since Texas does not currently offer options other than M or F.

Immigration Documents (USCIS)

Immigrants may request to have their gender marker changed on USCIS-issued documents such as Employment Authorization Documents, Refugee Travel Documents, Permanent Resident Cards, and Certificates of Citizenship or Naturalization. Individuals should use the standard form for requesting the desired document.

- The USCIS policy can be found in the Adjudicator's Field Manual here: <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-1067/Chapter10-22.html>.
- The policy is also available in the new USCIS Policy Manual here: <https://www.uscis.gov/policy-manual/volume-11-part-a-chapter-2>.

The policy as written in the Policy Manual also expressly states that USCIS does not require proof of sex reassignment surgery and that officers should not request any evidence related to surgery.

USCIS will accept the any one of the following as proof of gender marker change:

- A court order granting change of sex or gender;
- A government-issued document reflecting the requested gender designation. Acceptable government-issued documents include an amended birth certificate, a passport, a driver's license, or other official document showing identity issued by the U.S. Government, a state or local government in the United States, or a foreign government; or
- A letter from a licensed health care professional (licensed counselor, nurse practitioner, physician, physician assistant, psychologist, social worker, or therapist) including specific information certifying that the requested gender designation is consistent with the individual's gender identity.

- A sample letter can be found on the USCIS website:
<https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-26573/10-22.html>

However, in practice, many immigration officers are unfamiliar with this policy. This can result in inappropriate, invasive, or even hostile questions, and unnecessary requests for additional evidence of gender marker change. It can also be very expensive to replace immigration documents.



USCIS is continuing operations that do not involve face-to-face contact with the public. You can find more information about their COVID-19 response here: <https://www.uscis.gov/about-us/uscis-response-covid-19>.

It is highly recommended you consult with an attorney before attempting to change immigration documents on your own.

Other Documents

In almost any other situation, you should be able to update your name and/or gender marker by using either a certified copy of your court order or an updated ID. You will need to contact each organization, agency, or entity to find out exactly what they require.

Voter Registration

To update your voter registration, see the information on the Vote Texas website here: <https://www.votetexas.gov/register-to-vote/did-you-change-something.html>. If you only changed your name and you live in the same county, you can request your update online here: <https://txapps.texas.gov/tolapp/sos/SOSACManager>.

If you've already updated your Texas driver's license or state ID, you may have updated your voter registration at the same time. You can check your registration information here: <https://teamrv-mvp.sos.texas.gov/MVP/mvp.do>.

NOTE: the jury wheel is made up of two lists—a list of registered voters and a list of people with driver's licenses or state IDs. Therefore, your old name may remain on the jury wheel unless you update both your driver's license/state ID and voter registration.

Banks, Creditors, Financial Institutions

Most financial accounts do not track your gender, but you should still update your name on all bank accounts, credit cards, loans, mortgages, etc.

It is not necessary to update your name directly with the three credit reporting agencies (Experian, TransUnion, and Equifax) but you may if you wish. The credit reporting agencies will continue to list your old name as long as they continue to receive reports from your creditors under your old name. Therefore, it is most important that you update your name with every creditor individually. Even after

updating your name with every creditor, your old name may continue to appear on your credit report for several years.

Student Loans

When it comes to student loans, it is usually easier to update your name and gender marker either before you start applying to college or university, or after you've graduated or finished higher education. If you change your name before applying, then the college or university will have your chosen name from the beginning and your loans and financial aid can be issued under that name. If you wait until after you've graduated or finished, then you should only have to update your name and gender marker with your loan providers.

If you update your name and gender marker while enrolled in college or university, it may take additional work. You will have to update your information with your educational institution, with FAFSA, and with your loan providers. It can be confusing to manage and coordinate so many different pieces of information, and if any information is inconsistent it may result in delays or problems receiving your student loans or financial aid. Be prepared to advocate for yourself and update all your information as quickly as possible.

Selective Service requirements can also affect your ability to receive financial aid—see [Selective Service](#) section, below.

[Legal Documents](#)

You should update, or re-execute, any legal documents you have, such as titles, a will, powers of attorney, a lease or contract, etc. Contact an attorney if you need assistance.

Deed for Real Property

If you owned land or a home before your name change, the title will be under your former legal name. It is difficult to update or change a deed in Texas, but you may not need to change the name on your deed. You will have a copy of your court order in case you need to prove that you are the person listed in the deed. However, if your deed stays under your old name you may continue to receive property tax bills under your old name.

To change your deed, you would likely need to have a new deed prepared “transferring” the property from yourself under your old name, to yourself under your new name. You should contact an experienced real estate attorney for more information. If you ever sold your property, whatever real estate or title companies you work with should be able to help you make any updates to the title if it would be necessary for the sale.

Car Title

The Texas Motor Vehicle Title Manual can be found on the Department of Motor Vehicles website here: <https://www.txdmv.gov/publications-tac>

Under 16.12 Change of Name, you should apply for corrected title and include both your original title and a certified copy of your court order for name change. Use Form 130-U, which comes with detailed

instructions labeled VTR-130-UIF. Both can be found on the DMV website here:

<https://www.txdmv.gov/forms>.

If there is still a lien on your car, you may have to work with your lienholder to get a certified copy of your original title.



NOTE: Like with driver's licenses and state IDs, vehicle title and inspections have extended expiration dates due to the coronavirus pandemic. Currently, Texas Department of Motor Vehicles offices are still closed to the public for in-person transactions. You can find up to date information on their website: <https://www.txdmv.gov/covid-19>.

Will

If you have your own will, you should contact an attorney to discuss whether you need to update it. Your will may still need to list both your old name and your new name, just in case any of your property or assets remain under your old name.

If you are named in another person's will, this may or may not affect your ability to inherit. A court will likely have to decide on a case-by-case basis what to do. You should still be able to use your court order to prove that you're the person listed in the will. However, other beneficiaries or potential heirs may try to take advantage of the inconsistency to challenge your inheritance. You should encourage whoever has named you as a beneficiary in their will to discuss with their attorney whether they should have the will updated.

Professional License

Any licensed professionals (attorneys, medical providers, pharmacists, insurance agents, cosmetologists, etc.) should contact your licensing board or organization for information on updating your license.

Employment

Updating employment documents and records will depend on your employer. Larger employers may already have gender-affirming policies in place. The HR Department is a good place to start, if your employer has one and you feel comfortable speaking to them. Otherwise talk to your direct manager/supervisor. If you experience discrimination in employment because of your gender identity you should contact an attorney.

Education

Updating educational records is a decision made on a school-by-school basis. Refusing to use your chosen name and pronouns or to update your educational records may violate federal laws like Title IX and FERPA. If you experience discrimination in education, or a school refuses to update your records, you should contact an attorney.

Criminal History and Background Checks

Criminal records cannot be changed. Any criminal records under your old name that show up in a criminal record check will continue to show up. However, there are two types of checks—fingerprint-based checks and name-based checks. A fingerprint-based check will most likely associate you with any criminal records under your dead name, while a name-based check might not. But name-based checks may use other identifying information such as your birth date or social security number. Your other demographic information will match with your old records, but the person requesting the background check may or may not actually connect those records to you if you've legally changed your name.

Name-based background checks may also search for additional information besides just your criminal history, such as old education and employment records. Again, even if you've legally changed your name, your other identifying information may show a match with records under your old name, but the person requesting the background check may or may not actually connect those records with you.

Military Records

The military has not released a clear policy on name and gender marker change, but the National Center for Transgender Equality has a detailed guide (<https://transequality.org/know-your-rights/military-records>) for requesting updates to your DD214 Military Discharge Record and in the Defense Enrollment Eligibility Reporting System (DEERS). You may wish to contact an attorney for additional assistance.

The Modern Military Association of America (<https://modernmilitary.org/>) is the largest non-profit serving the LGBTQ+ military and veteran and community and may be able to provide you with legal services.

Selective Service

Name Change

If you are registered, you are required to notify Selective Service of a name change within 10 days. Mail a Change of Information Form (<https://www.sss.gov/Portals/0/PDFs/Change%20of%20Information.pdf>) to:

Selective Service System
P.O. Box 94638
Palatine, IL 60094-4638

Include a copy of the court order changing your name. Processing takes 4-6 weeks and you will be mailed a new acknowledgment card.

Gender Identity

The Selective Service System's policy on gender identity and registration may be found here: <https://www.sss.gov/Registration-Info/Who-Registration>. Despite the current dispute over a military ban on transgender service members, some transgender individuals may still be required to register.

Assigned Male at Birth

Individuals assigned male at birth are required to register with Selective Service from age 18-26. You must do so within 30 days after your 18th birthday.

Registration with Selective Service is required to receive federal aid, grants, and loans, as well as for most federal and state employment, if you apply with a male gender marker.

Texas DPS automatically sends your information to Selective Service if you apply for a Texas driver's license listing "Male." If you have ever had a Texas driver's license that lists your gender as male, you are likely already registered. You can check your registration status here:

<https://www.sss.gov/Home/Verification>

If you were assigned male at birth but obtained a female gender marker on your Texas driver's license before age 18 (meaning you were not automatically registered), you can register here:

<https://www.sss.gov/Home/Registration>.

Assigned Female at Birth

Individuals assigned female at birth are not required to register with Selective Service. However, Texas DPS will automatically register you upon application for a driver's license listing "Male." If you change your gender marker to male before you turn 18 or at any time until you turn 26, and you then obtain a "Male" Texas driver's license, it is likely you will automatically be registered with Selective Service. You may try to ask DPS not to send your information to Selective Service.

Registration or proof of exemption is required for federal aid, grants, and loans, as well as most federal and state employment, if you apply with a male gender marker.

If you have changed your gender marker to male (and were not automatically registered because of your Texas driver's license), you can either choose to register or request a Status Information Letter.

You may register here: <https://www.sss.gov/Home/Registration>.

You can otherwise request a Status Information Letter (SIL) from Selective Service explaining that you are exempt from the registration requirement. The letter states only that you are exempt, not why you are exempt, so it should not out you as transgender. The request form can be found here:

<https://www.sss.gov/Portals/0/PDFs/Status.pdf>.

While the SIL is intended to be used by individuals over 26 who need to prove their past registration or exemption, Selective Service instructs transgender individuals to use the same form and there is a specific section for transgender individuals to identify their sex assigned at birth.

NOTE: In February 2019, a federal district court in National Coalition for Men v. Selective Service System decided that requiring only people who were assigned male at birth to register is unconstitutional. However, the court did not say what the government should do to fix the draft, and the ruling has been appealed to the Fifth Circuit.

The Fifth Circuit heard oral arguments in the case on March 3, 2020 but has not yet issued a written opinion. Unless a later decision says otherwise, the assigned male at birth registration requirement is still the rule.

On March 25, 2020 the National Commission on Military, National, and Public Service also released its Final Report recommending that Selective Service registration be made gender neutral, which may result in future changes to the Selective Service System. You can find the full report here: <https://inspire2serve.gov/reports>.

Appendix

Legal Resources

Texas Legal Services Center Medical-Legal Partnerships

- Patients of our partner organizations (KIND Clinic and People’s Community Clinic) should ask your provider for a referral.

Pro Bono Clinics

University of Texas School of Law - Gender Affirmation Project

- Law students under attorney supervision can help prepare court documents for name and gender marker change for free. Pro bono clinics are held multiple times each semester.
 - Watch the Project’s Facebook page (<https://www.facebook.com/TexasLawGAP/>) for updates and upcoming events.

Trans Legal Aid Clinic Houston

- Hosts name and gender marker change clinics in Houston. See their Facebook page (<https://www.facebook.com/TransLegalAidClinicHouston/>) for information.

Houston Volunteer Lawyers (Income and residency requirements)

- Hosts Gender Marker and Name Change Clinics (<https://www.makejusticehappen.org/transgender>) in Houston.
 - Check eligibility requirements on their website:
<https://www.makejusticehappen.org/node/24/how-get-help>

Legal Aid (income and residency requirements)

Generally, to qualify for Legal Aid your income must be below 125% of the Federal Poverty Line (<https://aspe.hhs.gov/poverty-guidelines>), which looks at your household income and the number of people that live with you. For one person, 125% of FPL is \$15,950 per year. For two people—\$21,550 per year, for a family of four—\$32,750.

Some legal aid organizations may receive other grants that allow them to serve people whose income is above 125% FPL. Even if you think you might be over-income, you can still try to apply.

- Texas RioGrande Legal Aid: 1 (888) 988-9996
 - El Paso to Austin, and south to Brownsville
 - See if your county is in TRLA’s service area: <https://www.trla.org/help#ourservicearea>
- Legal Aid of Northwest Texas: 1 (888) 529-5277
 - The panhandle to Odessa, and east to Dallas-Fort Worth
 - See if your county is in LANWT’s service area:
<https://internet.lanwt.org/gethelp/service-area>
- Lone Star Legal Aid: (713) 652-0077
 - East Texas from Texarkana to Galveston
 - See if your county is in LSLA’s service area: <https://lonestarlegal.blog/offices/>

Other Legal Service Providers

Driver's License Recovery:

- Texas Fair Defense Project (<https://www.fairdefense.org/>)
- The University of Texas School of Law and other organizations also offer pro bono clinic for driver's license recovery

Criminal Record Expunction and Nondisclosure:

- Travis County Law Library Reference Attorney
 - <https://lawlibrary.traviscountytexas.gov/services/reference-attorney-for-expunctions>
 - (512) 854-8677
- Texas Legal Services Center – Transactional Legal Assistance
 - <https://www.tlsc.org/transactional>
 - (512) 637-6752 or 1 (800) 622-2520
- Texas Law Expunction Project
 - <https://www.facebook.com/expunctionproject/>

Military:

- Modern Military Association of America (<https://modernmilitary.org/>)

Self-Help Resources

TexasLawHelp (<https://texaslawhelp.org/>)

- General information about the law, as well as forms and instructions you can use for yourself.
 - Instructions and forms for adult name change: <https://texaslawhelp.org/toolkit/i-want-change-my-name>
 - Instructions and forms for minor name change: <https://texaslawhelp.org/toolkit/i-want-change-my-childs-name>
 - FAQ about gender marker change: <https://texaslawhelp.org/article/answers-frequently-asked-questions-gender-marker-change>

National Center for Transgender Equality

- Has an ID Documents Center (<https://transequality.org/documents>) with information about updating federal documents, and documents in every state and U.S. territory
- Also has a guide for updating Military Documents (<https://transequality.org/know-your-rights/military-records>)

Sample Fee Schedule – Estimated Total Cost to Update All Documents

Court Order	
Filing Fee for Travis County Name and Gender Marker Change	\$300 (potentially free with fee waiver)
Fingerprint Card	\$20
5 – 6 Certified Copies of Court Order	\$15-20 (usually \$1-2 certification fee, and \$1-2 per page)
Social Security	Free
Texas Driver's License	
Replacement	\$11
Renewal (updates your expiration date)	\$25
Texas Birth Certificate	
Regular Processing	\$37 (\$15 fee + \$22 for a certified copy)
Expedited Processing	\$46.95 to \$64.95 (\$37 + \$5 expedited processing fee + cost of express mailing)
U.S. Passport	
Age 16 and older	\$145 for passport book (\$110 application + \$35 execution fee) \$65 for passport card (\$30 application + \$35 execution fee) \$175 for book and card (\$140 application + \$35 execution fee)
Under 16	\$115 for passport book (\$80 application + \$35 execution fee) \$50 for passport card (\$15 application + \$35 execution fee) \$130 for book and card (\$95 application + \$35 execution fee)
Total Fees for Typical Cases	
Pay court costs, update passport	\$540
Court fees waived, update passport	\$240
Court fees waived, no passport	\$100

Forms

Travis County Law Library

- <https://lawlibrary.traviscountytexas.gov/>
 - BOTH Name and Gender Marker Form for Travis County
 - ONLY Gender Marker Change Form for Travis County

ONLY Name Change Form – Adult (Statewide)

- <https://texaslawhelp.org/toolkit/i-want-change-my-name>

Minor ONLY Name Change Form – Both Parents Agree (Statewide)

- <https://texaslawhelp.org/toolkit/i-want-change-my-childs-name>

Fee Waiver Form (Statewide)

- <https://texaslawhelp.org/article/court-fees-fee-waivers>

Sample Physician's Letter for Travis County Gender Marker Court Order

[Letterhead]

[Date]

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:

[Patient's chosen name], (Legal Name: [Patient's current legal name, if different]), DOB: [Patient's DOB], [whom I have treated OR whose medical history I have reviewed and evaluated].

[Patient's chosen name] has had appropriate clinical treatment for transition to the new gender/sex of [male/female]. [Patient's chosen name] has been a patient of [mine OR physician's organization, if any] since [Date of patient's first appointment].

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

[Signature of physician]

[Typed name of physician]