

Papers Please! Advocacy in Complex Transgender Identity Document Cases

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CLE Materials

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Presenter Biographies

- **Olivia Hunt** is an Equal Justice Works AmeriCorps Legal Fellow at Whitman-Walker Health in Washington, DC, the nation's oldest medical-legal partnership, dedicated to queer and HIV health. Prior to beginning her fellowship, Olivia was a patient and client of Whitman-Walker Health for her own gender transition care. Her work focuses on removing barriers to employment for transgender clients throughout the DC metropolitan area by assisting them to legally change their names and update their identity documents. Before joining Whitman-Walker she worked in the biotechnology finance and international election law fields, and also practiced municipal law. Olivia received her undergraduate degrees in International Relations and Japanese Language and Culture from Michigan State University, and her law degree from the College of William & Mary, where she served as an editor on the Law Review. She is a member of the Virginia and Illinois Bars.
- **Arli Christian** is State Policy Counsel at the National Center for Transgender Equality. Arli works with state advocates to modernize name change laws, state ID regulations, and birth certificate policies, and is dedicated to improving and expanding access to legal services for trans communities through NCTE's Trans Legal Services Network. Arli is an attorney admitted to practice in New York and D.C. and received a J.D. from American University Washington College of Law in 2013 and a B.A. from Wesleyan University in 2004. Arli currently serves on the Steering Committee of Trans Legal Advocates of Washington (TransLAW). Prior to law school Arli worked at an immigration law firm in San Francisco and a socially responsible investment organization in Maryland. Arli speaks English and Spanish and grew up in New York City.
- **Katie D. Fletcher ("Kate")** is an attorney licensed in Virginia, California and Illinois. Kate graduated from the University of Warwick with a B.Sc. (Hons) in Economics many years ago. Upon losing her job due to the September 11th attacks Kate re-entered the scholastic realm and attended law school at Loyola University Chicago School of Law where she graduated cum laude with a J.D. and an LLM in Taxation. Kate interned with the IRS in both Appeals – Large and Midsize Business and Chief Counsel's Office – Individual and Small Business. Kate currently operates her own law practice in Virginia with an emphasis on Estate Planning and taxpayer representation before the IRS. Kate also focuses on the unique challenges facing the LGBT community especially with regard to estate planning. Kate is passionate about the issues facing the transgender community and to that end participates in Name and Gender Change Clinics. Kate has successfully represented many transgender clients with regard to name and gender marker changes both in and out of court.
- **Alex Weaver** has been a corporate associate with Cooley LLP since 2013 in their Washington, DC office. Alex's practice consists of general business and corporate law, representing private and public companies in venture capital financings, mergers and acquisitions, and other general corporate matters. Alex received a JD from Emory University School of Law in 2013. Alex also has an active pro bono practice focusing on immigration matters and LGBTQ rights with a focus on transgender rights and equality. Alex has represented transgender individuals in discrimination cases, as well as in the navigation of the complex court systems when changing name and gender markers on identity documents.

Important Terminology

The Basics

Transgender (Person)	Someone who knows that their gender is different from their sex assigned at birth. (An adjective, not a noun.)
Sex Assigned at Birth (or “Birth Sex)	A person’s designation as male or female as made at the time of their birth. “It’s a ___!”
Gender Identity	A person’s deeply held internal sense of being male or female or somewhere else on the gender spectrum.
Gender Expression	How a person chooses to communicate their gender identity to others through clothing, hair, styles, mannerisms, and social interactions that are perceived as masculine, feminine or somewhere else on the spectrum.
Gender Roles	The (often harmful) expectations placed upon people and the assumptions made about their role and position in society because of their gender.
Sexual Orientation	An individual’s emotional, physical, and/or romantic attraction to another person.
Cisgender (Person)	Someone whose gender identity aligns with their sex assigned at birth. Someone who is not transgender.

Terms to Use

Transgender Person, Trans Person
Transgender Woman, Trans Woman
Transgender Man, Trans Man
Gender Transition
Non-Binary
Genderqueer

Terms to Be Wary Of

Transgendered
A transgender, transgenders
Transman, Transwoman
Sex Change
Transsexual
MtF, FtM

Terms to Avoid

There is a variety of terminology used within the transgender community to describe trans issues and identities. The language preferred by a given individual often depends on their age, when they began transition, and where they lived when they began transition, among other factors. The terms on the left are generally ‘safe’ and considered inoffensive. The terms on the right are less commonly used, and may be considered offensive or insulting by some trans individuals. Other terms not listed (particularly ‘tranny’) are invariably offensive and should always be avoided.

Pronouns and Forms of Address

Third-person pronouns (e.g. he, she, they) are one of the most important ways that we communicate our gender to the world around us, as are our preferred forms of address (Mr., Ms., Sir, Ma’am). Referring to a trans person by a pronoun or form of address that does not reflect their stated gender is just as insulting as it would be for a cisgender person – more so, in fact, since deliberately using the wrong pronoun (called misgendering) is a very common form of abuse directed at trans people. Using the correct pronouns indicates a basic level of respect for your trans clients, colleagues, friends, and family.

- If you make a mistake, you don’t need to make a big production of it. Simply apologize and move on. And most importantly, ***don’t do it again!***
- Some non-binary individuals use “they” as a pronoun (e.g. “They are my client.”) If using they as a singular pronoun feels awkward at first, just keep in mind that it was good enough for Shakespeare, so it’s good enough for you.

NAME & GENDER CHANGE GUIDE FOR MARYLAND 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 LEGAL 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 Maryland 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 Maryland. 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. County Notes Regarding Name Change Procedures
- B. Steps to Complete the Name/Gender Change Process in Maryland
- C. Schedule of Fees and Related Expenses

I. COURT ORDER FOR CHANGE OF NAME

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

The first step to changing your name in Maryland is to apply for an Order for Change of Name from the county or city courthouse where you live (explained in more detail below). This involves a straight-forward process, and can take at least one month to complete.

A. What To File With The Court

Here is what you need to change your name in Maryland:

1) **Completed Name Change Packet, which includes:**

a) **A completed, signed Petition for Change of Name**

- Form DR 60: <http://www.courts.state.md.us/family/forms/dr60.pdf>
- When deciding how to answer Question 4, please keep in mind that whatever you write will likely appear verbatim (exactly as you wrote it) in your local newspaper as part of the publication requirement (discussed in greater detail below). If you're worried about revealing your transgender status, consider writing "This is my name of common usage" or "This is my preferred name."
- Make sure to sign your petition for name change with your *current* legal name.

b) **Notice for Publication**

- Form DR 61: <http://www.courts.state.md.us/family/forms/dr61.pdf>
- Fill out the top section and first paragraph only; leave the second paragraph blank.

c) **Order for Change of Name**

- Form JO 12: <http://www.courts.state.md.us/family/forms/jo12.pdf>
- Do **NOT** fill in the date or the Judge's signature.

2) **A copy of an official document reflecting your current legal name**
(such as a valid passport, state-ID card, birth certificate, etc.)

3) **Pay the filing fee**

If you are representing yourself, the Maryland name change petition filing fee is \$165. Some counties have a \$175 filing fee if you are represented by an attorney. Call your county's Circuit Court Clerk Office (see Appendix C) or look at their website for more information about fees.

Fee Waivers: Depending on your income, you may qualify for a waiver of the filing fee. The process to apply for a fee waiver may be different in each county, but the majority of Counties require you to submit the following documents:

- (1) Request for Waiver of Prepayment of the Filing Fee (Form DR 32: <http://www.mdcourts.gov/family/forms/dr32.pdf>);
- (2) Motion and Order to Waive Court Costs;
- (3) Financial Statement Form (Form DR 31: <http://www.mdcourts.gov/family/forms/dr31.pdf>); and
- (4) Any documents that support the information on your financial statement form. It is up to the judge to deny or grant (in whole or in part) your request so it is important to attach as much proof of your financial necessity for the waiver as possible.

- Please see Appendix A (County Notes) for more information about the Fee Waiver requirements for these counties

Where to File: File these materials with the Circuit Court Clerk for the county or city where you live. See Appendix A (County Notes) for more information about the specifics for each county. You can find the address and contact information for all MD circuit courts at: <http://www.courts.state.md.us/circuit/>.

Asking for Certified Copies: When you file these materials with the Clerk, be sure to request at least four (4) extra certified copies of the final court order. You will need these extra copies to make later name changes to various identity documents. If you forget to do this when you file, you can always purchase them from the Clerk later. See Appendix C (Fee Schedule) for county-specific costs of certified copies.

Note for Minors (under age 18):

- Persons under age 18 may change their name in Maryland using specific forms: Petition for Change of Name (form DR-32), Notice (form DR-65), Consent to Change of Name (form DR-63 and DR-64). The same publication requirements and costs apply. 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 share legal or physical custody of the minor.
- Minors must include a copy of their Birth Certificate or other document reflecting the applicant's current name.
- Both parents must provide signed consent of a minor. If you are a minor and do not have signed consent from one parent/legal guardian, you will need to properly serve them with the name change documents you have filed with the court (Petition for Change of Name, Notice, Order for Change of Name, all attachments you filed with these documents, and Writ of Summons), or provide a Death Certificate. You can speak to someone at Whitman-Walker Health or to an attorney about how to properly serve that parent/legal guardian.

B. Order of Publication

After you file the above documents with the Clerk, he/she will sign the Notice of Publication, which gives members of the public an opportunity to object to the petition. At least 15 days before the objection deadline, you must publish notice of the name change in a local newspaper. Publication requirements differ from county to county. In some jurisdictions, publication arrangements are the responsibility of the party asking for publication. In other jurisdictions the Clerk of Court will arrange to have the Notice published. Ask the Clerk if publication is your responsibility. See Appendix A (County Notes) for more information about publication procedures in specific counties.

The newspaper that publicizes your name change will send you an invoice to have the Notice published. You are required to pay this invoice. The cost will vary from county to county, but can run as high as \$200. When your name change is publicized, buy a copy of the paper and keep it for your records. After the notice is published, you and the Clerk should receive a confirmation letter from the newspaper. In some jurisdictions, the notice is only sent to you and not to the Clerk. You will need to check with the Clerk of the Court in your jurisdiction to determine if you need to send the Clerk a copy of this confirmation.

C. **Final Steps**

After the Clerk receives confirmation from the newspaper, he/she will send your Petition to the judge. The judge will review all the information. If someone has contested the name change or if the judge has any questions about your petition a hearing may be scheduled. If this happens, contact Whitman-Walker Health for guidance.

If no one has contested the name change and the judge has no questions about your paperwork, the judge may sign the Order for Name Change. You will receive a certified copy or copies of the Order in the mail. If you receive only one certified copy, you will need to obtain additional certified copies from the Clerk. As discussed earlier, certified copies of the Order are necessary to change your name with other entities, including the MVA and SSA.

With the Court Order for a Name Change, you can change your name with Social Security, with the MVA, on your Passport and with all your financial institutions. To make things simple, we commonly recommend delaying certain changes only briefly so that you may change your name and gender on certain documents at the same time.

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 MD ID.

The SSA office may provide you with a printout reflecting your name change. The MD MVA may or may not accept the SSA printout to change your name on your MD driver's license or ID card. We recommend that you wait for your updated Social Security card to arrive in the mail (approx. two weeks) before going to the MVA. [Tip: the envelope from Social Security with your name and address on it can also serve as one form of proof of MD residency at the MVA, if you need it.]

To apply for a name change with SSA, you will need:¹

1. Application for a Social Security Card (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;

¹ 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.

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); 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. You may also mail these materials to your nearest SSA office. You may find your nearest Social Security office here:
<http://www.socialsecurity.gov/regions/>.

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.

B. Gender Change

Although your Social Security card does not show a gender marker, other government agencies look to your Social Security records to verify your gender. For example, if your gender marker on your tax or employment records does not match your Social Security records, SSA may contact your employer to question the difference, thereby disclosing your transgender status. Changing your gender marker with SSA will help you avoid this situation.

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

1. A completed application for a Social Security Card (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>);
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 or cannot get a replacement within 10 working 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
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. You will receive a new Social Security Card in the mail with the amended name in approximately two weeks and your Social Security account will reflect your preferred gender marker.

III. CHANGING YOUR NAME AND/OR GENDER WITH THE MD MOTOR VEHICLE ADMINISTRATION (MVA)

If you need to change BOTH your NAME and GENDER marker, it is most efficient to change them both at the SAME TIME with the MVA, if at all possible. We understand that some clients will only need to change one or the other, so we have provided separate instructions for each change below. To change both items at the same time, follow the instructions for changing each separately and take all necessary documents and forms of evidence to a full service MVA and present them to a Service Center Manager.

A. Real ID Act Requirements

The new Real ID Act requires a one-time review of your **original documents** in order to renew, duplicate, or obtain a new Driver's License or Non-Driver ID card. Meaning even if you have an active MD Driver's License or ID card, you will need to show your original documents, as well the documents proving your name and/or gender change, to change your name or gender marker on your license or ID. You only need to do this one time. For example, if you choose to change your name first, and you obtain a Real ID license or ID card with your chosen name, you will NOT need to bring the extra documents to change your gender marker later. If you have already obtained a Real ID license or ID card (noted by star marker) you do not need to bring the extra documents.

Note: Non-US citizens may obtain a MD REAL ID driver license or identification card if they possess a USCIS Notice of Action (Form I-797) reflecting that you have applied for an employment authorization card, permanent resident card or adjustment of status, or any other unexpired document issued by USCIS or US Department of State allowing lawful presence.

Original Documents You Need to Take to MD MVA:

For a complete list of acceptable forms of proof, see:

<http://www.mva.maryland.gov/drivers/apply/sources-of-proof.htm>

✓ **One (1) Proof of Age & Identity**

For example, birth Certificate or valid/unexpired U.S. passport

✓ **One (1) Proof of Lawful Status**

Age & Identity proof documents will be verified through the Department of Homeland Security to verify your lawful status

✓ **One (1) Proof of Valid Social Security Number**

Original/Replacement Social Security Card or SSA printout² reflecting name change

✓ **Two (2) Proofs of MD Residency**

For example, bank statements and utility bills. The documents **MUST** reflect your name and residential address

B. Changing Your Name with the MVA

MD law requires that you notify the MVA of a name change within 30 days. This change must be reported in person and must be reported only **AFTER** you have changed your name with the SSA. After you have changed your name with the SSA, the MVA system will be updated by SSA in approximately 24 hours. Bring the following to any full service MVA: (1) your current driver's license or ID card; (2) **a certified copy of your court order** for a name change; **AND** (3) your newly issued social security card reflecting your new name. 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 MVA will change your name and will mail your ID to the address you have on file. See Appendix B for the Fee Schedule for related costs.

C. Changing Your Gender with the MVA

MD MVA policy allows you to permanently change your gender on your driver's license through one of the following methods (whichever is most appropriate for you):

- 1) **Letter from Your GRS Surgeon:** If you have had GRS (gender reassignment surgery), you may submit a letter from your surgeon stating that surgery was completed and the date of completion; **OR**
- 2) **Court Ordered Gender Change; OR Three (3) Letters Confirming Your Gender Change** (if you are undergoing hormone therapy but have not had any type of surgery):
 - a) **A Letter Written by You**

The MVA requires a letter written by you requesting the change, listing the reasons for the change, and explaining how you would benefit from it. WWH Legal Services staff recommends that you mention how long you've been living in your new gender and that that you are now living

² The SSA office may provide you with a printout reflecting your name change. The MD MVA may or may not accept the SSA printout to change your name on your MD driver's license or ID card. We recommend that you wait for your updated Social Security card to arrive in the mail (approx. two weeks) before going to the MVA.

full time as a male/female. You may consider stating that it is very important to you, not only for safety reasons, but for personal reasons, that you have identification that accurately reflects your identity and your appearance.

b) A Letter from the Physician Administering Hormone Therapy

The MVA requires a letter from the physician who is administering your hormone therapy and/or assisting you with plans for surgery. The letter should include the length of time you have been in treatment with the physician and should offer the doctor's final impression of your progress and prognosis for success.

c) A Letter Written by Your Psychotherapist

The MVA requires a letter from your treating psychotherapist stating the length of time length of time you have been in treatment and a summary of your progress and prognosis for success.

Be sure that each of the above documents lists your name, driver's license number and correct address. Send your materials to:

Fax to: (410) 768-7627
Attn: Lisa Logan / Renee Isaac
Driver Wellness and Safety Division

or

Mail to: MD MVA, 6601 Ritchie Highway NE, Glen Burnie, MD 21062

If you have any questions or to check up on the progress of your request, call (410) 787-7986.

The MVA will review the materials and send either a letter of approval or denial to the address you provide them. Take your approval letter to any local, full service MVA to obtain a driver's license with the proper gender marker. 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.

D. Federally Non-Compliant IDs for People With No Social Security Number

What is a Federally Non-Compliant Driver's License?

The Federally Non-Compliant driver's license, learner's permit, and ID card are official state-issued identification credentials. The federally non-compliant driver's license and learner's permit allow you to legally drive, but none of the limited purpose credentials can 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. You must schedule an appointment to obtain a federally non-compliant driver's license, learner's permit or non-driver ID card.

Note: Always check the MVA website for the latest requirements before beginning the federally non-compliant identification credential application process <http://www.mva.maryland.gov/announcements/sb715-information.htm>

Steps to Prepare for Application Submission:³

- (1) Gather necessary ID documents (such as a valid, current foreign passport)
- (2) Apply for an Individual Taxpayer Identification Number (ITIN) through the Internal Revenue Service (<http://www.irs.gov/Individuals/General-ITIN-Information>)
- (3) File Maryland Income Taxes for the preceding 2 years
- (4) Obtain a certification letter from the MD Comptroller's Office with a unique number in order to schedule an appointment. You can apply for a certification letter online through the Comptroller's website (http://taxes.marylandtaxes.com/Individual_Taxes/Individual_Tax_Types/Income_Tax/Obtain_MVA_Tax_Certifications/)
- (5) Obtain two residency documents such as copies of a residential lease, utility bill, or bank statement; **AND**
- (6) Study the Maryland Driver's Manual (<http://www.mva.maryland.gov/drivers/maryland-drivers-manual.htm>) and take the Online Driver Test Tutorial (<http://www.mva.maryland.gov/drivers/rookie-driver/tutorial/tutorial-intro.html>) to prepare for the knowledge test.

Steps to Obtain Federally Non-Compliant Identification Credentials:

1. Make an appointment (<http://license.mva.maryland.gov/CheckList/default.aspx>)

You cannot make an appointment without the control number on the tax certification letter from the Maryland Comptroller's Office (see Step 4 above)

2. Take and pass a knowledge test and road skills test (see Step 6 above)

³MD MVA, <http://www.mva.maryland.gov/announcements/sb715-information.htm> (last visited May 27, 2014).

If you fail the knowledge test, you will be required to make another appointment.

3. Bring all of the following documents:
 - 1) Proof of Age & Identity (full legal name and birth date; must be at least 16 years old)
 - 2) Proof of MD Residency (2 required)
 - 3) Proof of MD Income Tax Filing (for preceding 2 years)
 - 4) Driver's License Application Form (or Non-Driver ID Application Form) with all required forms of proof

We encourage you to speak with an attorney before submitting your materials to the MVA.

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

If you are a U.S. citizen you can easily apply for a U.S. Passport that reflects your new name and gender. All you need is a court order for a name change and a letter from your physician certifying to 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 & GENDER WITH 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.⁴ 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.

⁴ <http://www.sss.gov>.

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.⁵

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 resumes and you receive an order to report for examination or induction, you may file a claim for exemption from service.⁶

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 Health 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 our Legal Services Program at (202) 939-7627 for further information.

⁵ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

⁶ <http://www.sss.gov/>.

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 once you have legally changed your name. You will most likely be asked to provide a certified copy of the court order.

C. Other Legal Documents

We recommend that you also update any legal documents in which you are named as a party, such as a rental lease, wills, powers of attorney, advanced health directive, deeds, or other documents that name you as a party. This 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 A GENDER CHANGE

A court order legally changing your gender in MD is not necessary for changing your gender marker on your driver's license or identification card. However, if you successfully obtain a court order for a gender change, this guarantees you the ability to change your gender marker on your MD driver's license. 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. See Section X for more information about amending your birth certificate.

You are eligible for a court order for a gender change if you have undergone “a medical procedure that permanently and irreversibly changes your gender.”⁷ The Maryland Court of Appeals established this standard in 2003, but did not elaborate on what type of medical procedures qualifies. Whitman-Walker Legal Services can help determine if you meet this standard.

To obtain a court order for a gender change, you must submit a petition to 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 MD, there is no similar procedure for changing your gender. As a result, you must draft your own individual petition seeking a court order acknowledging your gender change. You should attach any relevant supporting evidence, such as an affidavit from your surgeon that uses the language in the standard discussed above.

File the above materials with the Clerk at the circuit court for the county or city in which you reside. A directory of MD circuit courts along with their addresses and phone numbers can be found at <http://www.courts.state.md.us/circuit/directory.html>. Attorneys at Whitman-Walker Health Legal Services may be able to assist you with this process.

⁷ *In re Heilig*, 816 A.2d 86, 87, 372 Md. 692 (Md. 2003).

IX. AMENDING YOUR BIRTH CERTIFICATE TO REFLECT A NAME AND/OR GENDER CHANGE

A. Birth Certificates Issued in a State Other than MD

The law in 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 currently live) before your birth 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 MD.

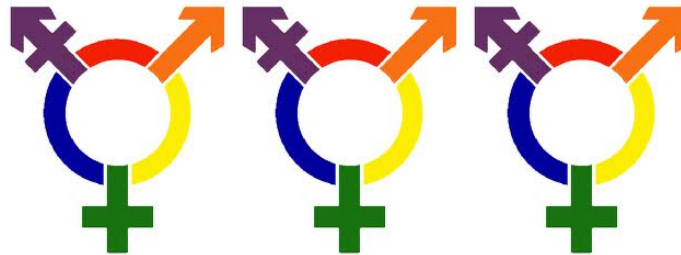
B. Amending a birth certificate issued in MD

Maryland allows an individual to amend their MD issued birth certificate to reflect both a new name and gender. The state 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.

You may change your name on your MD birth certificate upon receipt of a court order changing your name. You may change your gender marker on your MD birth certificate by mailing or hand-delivering the following documents to the Division of Vital Records (410-764-3186). There is no surgery requirement.

- Completed and signed Application For Change In Sex Designation on a Certificate of Live Birth, signed by the applicant (address on the application should be the address where you want your certificate mailed), and a completed and signed Statement of Licensed Healthcare Practitioner, signed by your healthcare provider. (Both forms available at <http://dhmh.maryland.gov/vsa/Documents/Sex%20change%20instructions.pdf>),
- Photocopy of applicant's photo ID
- Check or money order payable to State of Maryland for total cost (the change fee is \$24 and each copy of the birth certificate costs \$24)
- Mail to: Division of Vital Records, 6550 Reisterstown Road, Baltimore, MD 21215.

* * * * *



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
www.whitman-walker.org/legal

Legal Director: Amy Nelson
anelson@whitman-walker.org
202-939-7625

Equal Justice Works
AmeriCorps Legal Fellow: [Olivia Hunt](mailto:ohunt@whitman-walker.org)
ohunt@whitman-walker.org
202-797-4401

Operations Manager: Lee Hicks
lhicks@whitman-walker.org
202-939-7627

Intake Coordinator: Leonor Suarez
lsuarez@whitman-walker.org
202-939-7630

APPENDIX A: COUNTY NOTES REGARDING NAME CHANGE PROCEDURES

Anne Arundel County

Court Information: The fee is \$165 without an attorney and \$175 with an attorney. They will accept cash, money order or personal check (payable to “Clerk of the Court”), but no credit or debit cards. Address: Circuit Courthouse, 7 Church Circle, Annapolis, MD 21401; Phone: (410) 222-1397; Civil /Family Division - (410) 222-1431. Office Hours: 8:30am - 4:30pm, Monday - Friday; Telephone Hours: 9am to 3:30pm.

Publication Requirement: The publication must run once in *The Capital* (a/k/a *The Capital Gazette*). Each paper charges \$80 and can be reached through Suzanne Scarborough, Legal Advertising, legalad@capgaznews.com, 410-268-5000 – but the court will send the order of publication directly to the paper which will then bill the client for the \$80 fee and mail the proof of publication directly to the court. Following an 18 day waiting period from receipt of the proof, the clerk’s office will forward the petition to a judge for review. Approximately four to ten weeks later, you should receive four certified copies of the order for a name change in the mail. Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form with the word “~~Prepayment~~” crossed out and the word “Final” written over it so it reads “Request for Waiver of *Final* Filing Fee,” the (2) Financial Statement form (DR31) and supportive financial documents.

Baltimore County

Court Information: The fee is \$165 without an attorney and \$185 with an attorney. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Baltimore County Circuit Court.” The Civil Court, Family Division handles name changes in Baltimore County and their hours are 8:30am – 4:30pm Monday through Friday. The Civil Court can be reached at 410-887-2614. Address: County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

Publication Requirement: To meet the publication requirement, notice of the name change must be run one once in one of these papers: *The Daily Record*, *The Jeffersonian*, or any other generally circulated local publication of your choosing. The court will send the publication notice directly to *The Daily Record* and *The Jeffersonian*. You are responsible for sending the notice yourself to any other publication. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you. Approximately four to ten weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent. Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Filing Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, and (2) the same form with the word “~~Prepayment~~” crossed out and the word “Final” written over it so it reads “Request for Waiver of *Final* Filing Fee,” the (3) Financial Statement form (DR31) and supportive financial documents.

Baltimore City

Court Information: The fee is \$165. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Baltimore City Circuit Court.” The Civil Court, Family Division handles name changes in Baltimore City and their hours are 8:30am – 4:30pm Monday through Friday. The Civil Court can be

reached at 410-333-3722. Address: Clarence M. Mitchell, Jr. Courthouse, 100 N. Calvert Street, Baltimore, MD 21202

Publication Requirement: To meet the publication requirement, notice of the name change must be run once in *The Daily Record* or any other generally circulated local publication of your choosing. The court will send the publication notice directly to *The Daily Record*. You are responsible for sending the notice yourself to any other publication. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you.

Approximately four to ten weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent.

Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, the (2) Financial Statement form (DR31) and supportive financial documents.

Calvert County

Court Information: The fee is \$165 without an attorney and \$175 with an attorney. They accept cash, check, or money order, but do not accept credit/debit cards. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Calvert County Circuit Court.” The clerk’s hours are 8:30am – 4:30pm Monday through Friday. The civil clerk can be reached at 410-535-1600, ext. 2404. You may choose to mail the petition to the Calvert County Circuit Court, Courthouse, 175 Main Street, Prince Frederick, MD 20678.

Publication Requirement: To meet the publication requirement, notice of the name change must be run once in *The Calvert Recorder*. The \$30 that you will pay for publication is extra and you must write a check for that amount out to the Calvert Recorder and give that check to the Circuit Court Clerk if you would like the Clerk to handle it. The Recorder will traditionally send a form to both the Clerk and the *pro se* party with notice that publication has been completed. The entire process may take up to four months to complete.

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Court Costs and supportive financial documents.

Charles County

Court Information: The fee is \$165 without an attorney and \$175 with an attorney. They will accept cash, money order or personal check, but no credit or debit cards. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Court.” The Clerk’s Office is open to the public from 8:30am – 4:30pm, Monday – Friday and is located at 200 Charles Street, La Plata, MD 20646. The civil clerk may be reached at 301-932-3215. You may choose to bring the petition and filing fee in person or mail it to P.O. Box 970, La Plata, MD 20646. Approximately one week later the clerk will mail notice that the case has been initiated.

Publication Requirement: To meet the publication requirement, notice of the name change must run once (before the expiration date listed in your court paperwork) in *The Maryland Independent*; phone 301-764-2815; fax 301-932-4059; and you must arrange for publication. This paper publishes every Wednesday and Friday; the deadline to submit your paperwork is Monday at 11am and Wednesday at 11am respectively. This paper will accept a fax copy. After publication is complete, the paper will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court. The Judge in Chambers will review the Certificate of Publication and should issue the Order for a Name Change. You will receive 3-4 certified copies in the mail. Additional certified copies are \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents.

Howard County

Court Information: The fee is \$165 without an attorney and \$175 with an attorney. Applicants must include a copy of their valid ID and a copy of their birth certificate. They will accept cash, money order or personal check, but no credit or debit cards. The Clerk’s Office is open to the public from 8:30am – 4:30pm, Monday – Friday and is located at 8360 Court Avenue, Ellicott City, MD 21043. The civil clerk may be reached at 410-313-3844. You may file in person or by mail – if submitting by mail, include proof of residence and proof of identity.

Publication Requirement: The Clerk will send the court order for publication directly to the newspaper, the *Howard County Times*, which will invoice the client for the \$100 fee and will mail the proof of publication to the client. The client delivers this proof to the paper and following a 15-day waiting period, the application moves to the judge. The entire process should take 4 to 5 weeks.

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents.

Montgomery County

Court Information: The fee is \$165. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Montgomery County Circuit Court.” The Family Department handles name changes in Montgomery County and their hours are 8:30am – 4:30pm Monday – Friday. The Family Department can be reached at 240-777 9426. You may choose to mail the petition to 50 Maryland Ave., Circuit Court, Family Department, Rockville, MD 20850. Approximately one week after the court receives the petition, you will receive notice in the mail that the case has been initiated and assigned a case number.

Publication Requirement: To meet the publication requirement you must indicate, in a cover letter attached to your application, which newspaper you plan to publish your notice in. Notice of the name change must be run once in: *The Gazette*, *The Sentinel*, *The Daily Record*, *The Washington Post* or *Washington Jewish Week*. The court will send the publication notice to the newspaper you indicated in your application cover letter themselves. The publication of choice will bill you directly and then you must pay this bill before the notice is published. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you. Approximately four to twelve weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent. Additional copies are available for \$5.50 per copy.

Fee Waiver: To waive all filing costs they require the submission of the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs, the (3) Montgomery County Circuit Court Financial Statement form and supportive financial documents. Examples of these documents are available upon request.

Prince George’s County

Court Information: The fee is \$165 without an attorney and \$175 with an attorney. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Prince George’s County Circuit Court.” The Clerk’s office is open to the public from 8:30am – 4:30pm Monday – Friday. The civil clerk can be reached at 301-952-3323. You may choose to mail the petition to the Clerk of the Circuit Court, Courthouse, 14735 Main Street, Upper Marlboro, MD 20772.

Publication Requirement: The Clerk's office will send the notice to the paper of your choice: *The PG Post*, *The Sentinel*, or *The Gazette*. The paper will send you an invoice which you must pay. After receipt of payment, the newspaper will send you a Certificate of Publication which you must take back to the clerk's office at the courthouse (located at 14735 Main St Upper Marlboro, MD 20772). The judge will review your motion and the Certificate. If approved, you will receive the Order for Change of Name in the mail. According to the Clerk, the process can take up to four months.

Fee Waiver: To waive all filing costs they require the submission of the (1) "Request for Waiver of Prepayment of the Filing Fee" (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents. Examples of these documents are available upon request.

St. Mary's County

Court Information: The fee is \$165, payable by cash, check or money order. When filing your petition for a name and/or gender change all checks or money orders should be made out to "Clerk of the St. Mary's County Circuit Court." The clerk's office is open to the public from 8:30am - 4:30pm Monday to Friday. The civil clerk can be reached at 301-475-7844, ext. 4562. You may choose to mail the petition to Clerk of the Circuit Court, PO Box 676, Leonardtown, MD 20650. Once the petition is filed it goes to the Judge's Chambers for approval.

Publication Requirement: Once approved, you will receive two copies of the Order of Publication in the mail and you must immediately fulfill the time-sensitive publication requirement. The St. Mary's County Civil Clerk does not assist with the publication requirement and you must arrange for publication in either *The Enterprise* or *The County Times*. The publication of choice will bill you directly and the you must pay this bill before the ad is run. *The Enterprise* will automatically send a Certificate of Publication to the Judge's Chambers once publication is complete. However, if you choose to publicize in *The County Times*, you will receive the Certificate of Publication and must deliver it to the Civil Clerk. The Judge in Chambers will review the Certificate of Publication and should issue the Order for a Name Change, which you will receive in the mail. The Court may take up to 3 months to process the petition.

Fee Waiver: To waive all filing costs they require the submission of the (1) "Request for Waiver of Prepayment of the Filing Fee" (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents. Examples of these documents are available upon request.

**APPENDIX B: STEPS TO COMPLETE
THE NAME/GENDER CHANGE PROCESS IN MARYLAND**

DATE

- _____ (Step 1) **File the Application for Change of Name with the Court**
- File in person, or by mail if allowed in your county
 - Request a total of at least 5 certified copies of court order and pay related fee
- _____ (Step 2) **Publish name change**
- Depending on county-specific instructions, the court clerk may send the Order of Publication directly to the newspaper, or the court clerk may send it to you for you to deliver to the newspaper yourself
 - Pay the publication fee to the newspaper
 - Deliver proof of publication to the court clerk; some newspapers will mail this to the client and others will mail it to the court clerk.
- _____ (Step 3) **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 4) **Fax 3 letters to Motor Vehicle Administration (MVA) central office requesting gender change**
- Letters include 1 letter from client, 1 from physician, 1 from therapist
 - Whitman-Walker can help prepare and send these letters
- _____ (Step 5) **Go to Social Security Administration (SSA) to change name and gender**
- Bring original copy of court order and letter signed by doctor (WWH can help prepare this letter for you)
 - Request new SSA card
 - Ask SSA agent for a printout showing correct name
- _____ (Step 6) **Receive gender change approval letter from MVA central office**
- _____ (Step 7) **Go to local MVA office to get new ID/License with correct name and gender**
- Bring original copy of court order and MVA letter approving gender change
 - Request new card and pay related fee
- _____ (Step 8) **Change your information with your bank, creditor, school, employer, insurers, etc.**
- _____ (Step 9) **Amend your birth certificate (according to state-specific rules)**

APPENDIX C: SCHEDULE OF FEES AND RELATED EXPENSES

Projected costs associated with legal name and gender changes for Maryland residents.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
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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 apply for a filing fee waiver.</p> <p>✓ Fees are payable to “Clerk of the [county] Circuit Court”</p>	
<ul style="list-style-type: none"> • Anne Arundel County⁸ 	\$165/\$175
<ul style="list-style-type: none"> • Baltimore County⁹ 	\$165/\$185
<ul style="list-style-type: none"> • Baltimore City¹⁰ 	\$165
<ul style="list-style-type: none"> • Calvert County¹¹ 	\$165/\$175
<ul style="list-style-type: none"> • Charles County¹² 	\$165/\$175
<ul style="list-style-type: none"> • Montgomery County¹³ 	\$165
<ul style="list-style-type: none"> • Prince George’s County¹⁴ 	\$165/\$175
<ul style="list-style-type: none"> • St. Mary’s County¹⁵ 	\$165/\$175

⁸ Circuit Court for Anne Arundel County: 410-222-1397. [\$165 if representing yourself *pro se*; \$175 if represented by an attorney]

⁹ Circuit Court for Baltimore County: 410-887-2614 [\$165 if representing yourself *pro se*; \$185 if represented by an attorney]

¹⁰ Circuit Court for Baltimore City: 410-333-3709

¹¹ Circuit Court for Calvert County: 410-535-1600 x2404. [\$165 if representing yourself *pro se*; \$175 if represented by an attorney]

¹² Circuit Court for Charles County: 301-932-3202 [\$165 if representing yourself *pro se*; \$175 if represented by an attorney]

¹³ Circuit Court for Montgomery County: 240-777-9426.

¹⁴ Circuit Court for Prince George’s County: 301-952-3318. [\$165 if representing yourself *pro se*; \$175 if represented by an attorney]

¹⁵ Circuit Court for St. Mary’s County: 301-475-7844 x4562. [\$165 if representing yourself *pro se*; \$175 if represented by an attorney]

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
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Publication of Legal Notice of Intent to Change Name	
Note: Below are court-approved papers in which an applicant can provide public notice of name change by County. Prices reflect approximate total cost per paper/per county.	
<ul style="list-style-type: none"> • Anne Arundel County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Maryland Gazette¹⁶ • The Capital (a/k/a Capital Gazette) 	\$80 \$80
<ul style="list-style-type: none"> • Baltimore County <ul style="list-style-type: none"> • The Daily Record¹⁷ • The Jeffersonian¹⁸ 	\$84 \$90
<ul style="list-style-type: none"> • Baltimore City <ul style="list-style-type: none"> • The Daily Record¹⁹ 	\$84
<ul style="list-style-type: none"> • Calvert County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> ▪ The Calvert Recorder²⁰ 	\$30
<ul style="list-style-type: none"> • Charles County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> ▪ The Maryland Independent²¹ 	\$70

¹⁶ Both papers can be reached at 410-268-5000.
¹⁷ The Daily Record, *supra* note 21.
¹⁸ The Jeffersonian phone 410-332-6284
¹⁹ The Daily Record, *supra* note 21.
²⁰ The Calvert Recorder phone 301-764-2814.
²¹ The Maryland Independent phone 301-764-2815; fax 301-932-4059.

WHITMAN-WALKER HEALTH
LEGAL SERVICES PROGRAM
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COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
<ul style="list-style-type: none"> • Montgomery County [Note: County requires legal notice to run once a week for three consecutive weeks.] <ul style="list-style-type: none"> ▪ The Gazette²² ▪ The Daily Record²³ ▪ The Montgomery County Sentinel²⁴ ▪ Washington Jewish Week²⁵ ▪ The Washington Post²⁶ 	\$50 \$84 \$35 \$70 \$300
<ul style="list-style-type: none"> • Prince George's County [Note: County requires legal notice to run once a week for three consecutive weeks.] <ul style="list-style-type: none"> • The Prince George's Post²⁷ • The Prince George's Sentinel²⁸ ▪ The Gazette²⁹ 	\$50 \$30 \$50
<ul style="list-style-type: none"> • St. Mary's County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Enterprise³⁰ ▪ The County Times³¹ 	\$65 \$50

Notification to Required Parties of Intent to Change Name (via Certified Mail) ³²	
Note: This fee does not include a return receipt. A return receipt can be purchased for \$1.35(email copy) or \$2.70 (hard copy). ³³	\$3.30 (per party)
Certified Copy of Final Order of Name Change	
<ul style="list-style-type: none"> • Calvert County³⁴ 	\$5 + \$0.25 (per page)

²² The Montgomery County Gazette phone 301-846-2108.

²³ The Daily Record Contact: phone 443-524-8188.

²⁴ The Sentinel, *supra* note 10.

²⁵ Washington Jewish Week phone 301-230-6692; fax 301-230-0114.

²⁶ Washington Post Contact: phone 202-334-7007; fax 202-334-6724.

²⁷ The Prince George's Post Contact: phone 301-627-0900.

²⁸ The Prince George's Sentinel phone 301-838-0788.

²⁹ The Prince George's County Gazette phone 301-764-2813.

³⁰ The Enterprise phone 301-862-2111.

³¹ The County Times Contact: phone 301-373-4125.

³² United States Postal Service, <https://www.usps.com/ship/insurance-and-extra-services.htm> (last visited June 5, 2014).

³³ *Id.* (last visited June 5, 2014).

³⁴ Calvert County Circuit Court Clerk's Office phone 410-535-1600.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
<ul style="list-style-type: none"> • Anne Arundel County³⁵ • Charles County³⁶ • Baltimore City³⁷ • Baltimore County³⁸ • Montgomery County³⁹ • Prince George’s County⁴⁰ • St. Mary’s County⁴¹ 	\$5 + \$0.50 (per page)

Obtaining a New Social Security Card⁴²	\$0
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Obtaining New Identification Reflecting Name and/or Gender Change ⁴³	
▪ Driver’s License Renewal	\$6 / year
▪ Driver’s License Corrected	\$20
▪ Driver’s License New (Under 21)	\$9 / year
▪ Driver’s License New (21 & over)	\$72 / \$9 per year*
▪ Learner’s Permit- No previous license (includes conversion to full license)	\$50
▪ Learner’s Permit- Currently/Previously licensed	\$30
▪ Learner’s Permit Corrected	\$20
▪ Photo ID Card – New/Renewal (under 18)	\$15
▪ Photo ID Card – New/Renewal (18 & over)	\$24
▪ Photo ID Card – Duplicate / Correction	\$20

³⁵ Anne Arundel Circuit Court Clerk’s Office phone 410-222-1397.

³⁶ Charles County Circuit Court Clerk’s Office phone 301-932-3202.

³⁷ Baltimore City Circuit Court Clerk’s Office phone 410-887-2614.

³⁸ Baltimore County Circuit Court Clerk’s Office phone 410-333-3709.

³⁹ Montgomery County Circuit Court Clerk’s Office phone 240-777-9400.

⁴⁰ Prince George’s County Circuit Court Clerk’s Office phone 301-952-3240.

⁴¹ St. Mary’s County Circuit Court Clerk’s Office: 301-475-7844 x4562.

⁴² 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 5, 2014) [hereinafter “SSA”].

⁴³ Maryland Motor Vehicle Association, <http://www.mva.maryland.gov/About-MVA/Fees/> (last visited May 27, 2014).

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
<ul style="list-style-type: none"> ▪ Photo ID Card (65 & over or disability which limits major life activity) 	FREE
<ul style="list-style-type: none"> ✓ Fees are Payable to “Maryland Motor Vehicle Administration” 	* Fees prorated per year (21 & Over: 5-8 years)

Changing Your Gender with the Social Security Administration	\$0
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Obtaining a New Passport Reflecting Name and/or Gender Change The following fees cover (1) the cost of a passport book and/or passport card payable to “Department of State,” and (2) the separate “Execution Fee” payable to the local passport agency you go to submit your application. ⁴⁴	
<ul style="list-style-type: none"> ▪ First-time Applicant: see our Passport Guide for information on what to include in your application. If any of the required documents have names or gender markers that do not match (such as a birth certificate that cannot be updated), you will need to apply in person at a passport agency and pay the execution fee. • If (1) you already have a passport issued <i>more than 1 year ago</i>, (2) have obtained a court-ordered name change, and (3) only need to update your legal name but not your gender marker → you can apply for an amended passport <i>by mail</i> for the same cost of a new passport <i>without</i> paying the additional execution fee. However, if (1) and (2) apply to you but you also need to update your gender marker, you must apply for an amended passport <i>in person</i> at a local passport agency and pay the additional execution fee. 	\$140 (book & card) \$110 (book only) \$30 (card only) + \$6 – 10 (two passport sized photos) + \$25 execution fee
<ul style="list-style-type: none"> ▪ If (1) you already have a passport issued <i>less than 1 year ago</i>, (2) have obtained a court-ordered name change, and (3) only need to update your legal name but not your gender marker → you can apply for the amended passport <i>by mail at no cost</i>. However, if (1) and (2) apply to you but you also need to update your gender marker, you must apply for an amended passport <i>in person</i> at a local passport agency and pay the execution fee. 	\$0 (book or card) + \$25 execution fee (applies to gender marker changes only)
<ul style="list-style-type: none"> • Expedited Service⁴⁵ 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. By mail, make a check or money order out to 	\$60

⁴⁴ U.S. Dept. of State, Bureau of Consular Affairs, Passport Fees, <http://travel.state.gov/content/passports/english/passports/information/fees.html> (last visited Jan. 21, 2015).

⁴⁵ U.S. Dept. of State, Bureau of Consular Affairs, Expedited Passport Processing Fees, <http://travel.state.gov/content/passports/english/passports/services/expedited.html> (last visited Jan. 21, 2015).

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
"Department of State." In person, ask a local passport agency what payment they accept.	

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 \$5.00.]	
<ul style="list-style-type: none"> • Anne Arundel County⁴⁶ • Calvert County⁴⁷ 	\$5 + \$0.25 (per page)
<ul style="list-style-type: none"> • Baltimore County⁴⁸ • Baltimore City⁴⁹ • Charles County⁵⁰ • Montgomery County⁵¹ • Prince George's County⁵² 	\$5 + \$0.50 (per page)
<ul style="list-style-type: none"> ---per Clerk in Sept 2013; \$5 for certified copy and \$0.50 for each 'true form' copy (which is stamped with a raised seal) • St. Mary's County⁵³ 	\$5 + \$0.50 (per page)

Amending a Birth Certificate to Reflect New Name and/or Gender⁵⁴	\$48
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Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information⁵⁵	
Check or money order made payable to the "DIVISION OF VITAL RECORDS"	\$24

⁴⁶ Anne Arundel County Circuit Court Clerk's Office: phone 410-222-1397

⁴⁷ Calvert County Circuit Court Clerk's Office: phone 410-535-1600

⁴⁸ Baltimore County Circuit Court Clerk's Office: phone 410-887-2614.

⁴⁹ Baltimore City Circuit Court Clerk's Office: phone 410-887-2614.

⁵⁰ Charles County Circuit Court Clerk's Office: phone 301-932-3202.

⁵¹ Montgomery County Circuit Court Clerk's Office: phone 240-777-9400.

⁵² Prince George's County Circuit Court Clerk's Office: phone 301-952-3240.

⁵³ St. Mary's County Circuit Court Clerk's Office: phone 301-475-7844 x4562.

⁵⁴ Maryland Dep't of Health and Mental Hygiene, Vital Statistics Administration, <http://dhmh.maryland.gov/vsa/SitePages/birth.aspx> (last visited June 5, 2014).

⁵⁵ Maryland Dep't of Health and Mental Hygiene, Vital Statistics Administration, <http://dhmh.maryland.gov/vsa/Documents/apps/abcapp.pdf> (last visited June 5, 2014).



WHITMAN-WALKER HEALTH

Mailing Address:

Elizabeth Taylor Medical Center
1701 14th St., NW
Washington, DC 20009

August 5, 2016

U.S. Social Security Administration

Re: Gender Marker Change, Pursuant to POMS RM 10212.200 (Changing Numident Data for Reasons other than Name Change)

Dear Madame/Sir,

I, [MD's Name], Medical License No. MD036371 issued by the District of Columbia am the attending physician of and supervise care for [Client's Name] (formerly known as [Client's Former Name if Changed], DOB XX/XX/XXXX).

I have reviewed and evaluated the medical history of [Client's Name] and can attest that s/he has received appropriate clinical treatment for permanent gender transition from fe/male to fe/male. I support her/his efforts to change the gender marker on her/his identity documentation to fe/male.

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

Sincerely,

Dr. [MD's Name], MD
Staff Physician
DC Medical License
Whitman-Walker Health
1701 14th Street, NW
Washington, DC 20009
Phone Number



WHITMAN-WALKER HEALTH

Mailing Address:

Elizabeth Taylor Medical Center
1701 14th St., NW
Washington, DC 20009

August 5, 2016

United States Passport Agency
U.S. Department of State

Dear Madame/Sir,

I, [MD's Name], Medical License No. MD036371 issued by the District of Columbia am the attending physician of and supervise care for [Client's Name] (formerly known as [Client's Former Name if Changed], DOB XX/XX/XXXX).

I have reviewed and evaluated the medical history of [Client's Name] and can attest that s/he has received appropriate clinical treatment for permanent gender transition from fe/male to fe/male. I support her/his efforts to change the gender marker on her/his identity documentation to fe/male.

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

Sincerely,

Dr. [MD's Name], MD
Staff Physician
DC Medical License
Whitman-Walker Health
1701 14th Street, NW
Washington, DC 20009
Phone Number

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE

IN RE: JOHN DOE

CL _____

Application for Name Change

BRIEF OF APPLICANT REGARDING § 8.01-217 OF THE CODE OF VIRGINIA

I. Introduction

This is the applicant's second Application for Change of Name in the past two years. The applicant's first Application, which was filed pro se in 2015, was called for a hearing. At this hearing applicant was asked numerous questions but no final decision was made regarding approval or denial of applicant's application. The applicant requested the original application be withdrawn and a new application was filed bringing the current matter before the Court.

In light of the common law right of individuals to choose their own names, absent fraudulent intent and absent infringement upon the rights of others, this Court should grant the second Application for Change of Name because Applicant complied with the statutory requirements, there is no evidence of any fraudulent intent on the part of Applicant, and there is no evidence that the change of name will infringe upon the rights of others.

This brief is submitted on behalf of applicant who requests that the Court rule on the application and approve applicant's request for name change.

II. Common Law

Under the common law, a person may adopt any name he or she wishes, provided it is not done for a fraudulent purpose or does not infringe upon the rights of others. *In re Miller*, 243 S.W.2d 464, 467 (1978). The common-law privilege of changing one's name at will, in the absence of fraudulent intent, has not been abrogated by present-day name change statutes. Present-day name change statutes do, however, aid an individual's common-law right. Am Jur. 2d Name § 11.

Typically, two types of name change statutes exist. The first, where the court is governed by the "good and sufficient reason supporting the petition" principle, places the burden of proof upon the applicant to prove that there is more than just a whim or personal desire to assume another name. Am Jur. 2d Name § 3(a). The second type of statute permits the court to grant the application unless the court determines that there is a good and sufficient reason to deny the change of name. Am Jur. 2d Name § 3(b). The Virginia Name Change Statute is of the second type. [See *In re Miller*, 243 S.E.2d 464, 468 explaining that the compelling need standard is erroneous].

Under this type of statute, *the burden of proof rests with either the court or interested third parties* to prove that there exists a lawful objection that overrides the applicant's right to a name change. Such objections include prejudice to the interests of third parties, applicant's illegal conduct, an application to assume a new name which would imply a conferring of a title of nobility or royalty, or the alien status of the applicant. Am Jur. 2d Name §§ 10-14.

III. Virginia Code § 8.01-217 How Name of Person May Be Changed

A. A person desiring a name change shall apply in the circuit court where they reside. Probationers and incarcerated persons may apply if the court finds good cause exists for the application. Applications for minor's name change are brought by the parent. Va Code §8.01-217.

Applicant is an adult over the age of 18.

B. Applications must be under oath and require certain identifying information including place of residence, names of both parents, including maiden name of mother, date and place of birth of applicant, applicant's felony conviction record and whether applicant is presently incarcerated or a probationer with any court. Va Code §8.01-217(B).

Applicant completed the Application for Name Change Form and included all requested identifying information. Applicant has no criminal record, felony or otherwise. Applicant is neither incarcerated nor a probationer. Applicant is not a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required.

C. Upon the application or hearing, if requested, "the court *shall*, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others, . . . order a change of name." Va. Code § 8.01-217(C) (emphasis added).

(i) Fraudulent Purpose

Under Virginia law, fraud must be proved by clear and convincing evidence. Fraud is (1) a false representation, (2) of a present, material fact, (3) made intentionally and knowingly, (4) with intent to mislead, (5) reasonable reliance by the party misled, and (6) resulting in damage to him. *Thompson v. Bacon*, 245 Va. 107, 111 (1993) Clear and convincing evidence is required. *Id.*

Applicant has no fraudulent intent in requesting the name change. Applicant is not falsely representing any material fact, intentionally or otherwise and does not intend to do so in the future. Applicant's chosen name will not mislead anyone or anything. There is simply no evidence that Applicant's chosen name could or would confuse any person or party resulting in any measure of legally cognizable damage.

(ii) Infringing upon the rights of others

While the Court has discretion in approving or denying a name change application, the Supreme Court of Virginia has held that the trial court's discretion is not unbridled. "Evidence of the discretion must be based on evidence, not speculation, that a change of name would infringe upon the rights of others." *Miller*, p. 468

D. and E. Applicant is neither a probationer or an incarcerated person. Therefore, these two sections do not apply in this case.

G. Applicant has no reason to believe a safety issue would occur if the name change were made public.

IV. Conclusion

In summary, Paragraph A of Va Code §8.01-217 (2015) sets forth the conditions and venue for the application, paragraph B sets forth the essential contents of the petition, paragraph C sets forth the applicable standard for ruling on the name change and how, once the change has been granted, the order is to be processed, and paragraph G sets forth an alternative procedure for handling the order granting the name change where the health or safety of the applicant or immediate family is at issue.

Here, applicant is over 18 and filed the application in the Circuit Court where the applicant resides. Applicant completed the Application for Name Change Form under oath and included in the Application all requested identifying information. Applicant has no criminal record, felony or otherwise

“There is nothing in Code § 8-577.1 [the predecessor statute to §8.01-217], or in the common law, requiring a showing of a compelling need to justify a change of name. Such a requirement would be inconsistent with the common-law principle that names may be changed in the absence of a fraudulent purpose.” *In re: Miller*, p. 467 (1978).

Applicant has applied for a name change in accordance with §8.01-217. Applicant has complied with all requirements set forth by the statute and by this court. Applicant respectfully requests this court approve the Application for Change of Name.

JOHN DOE

BY COUNSEL

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