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Identity Document Laws and Policies: Name Change Laws

No updates required since March 27, 2023

MAP often relies on research conducted by the National Center for Transgender Equality (NCTE) for this map and the statutes found below. For more information about each state's process and requirements, see NCTE's [ID Documents Center](#).

- (1) State law does not require publication of name change announcement
- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement

Alabama

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the probate court for a name change order. No publication is required.” ([Ala. Code §12-13-1](#), or [Form PS-12](#))

Alaska

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court for a name change order. Both the verified petition and hearing must be published in a newspaper once a week for four weeks. However, individuals can request to waive the publication requirement with a personal safety court order.” ([Form VS-405](#) to change name, [Form CIV-708](#) to waive requirement, [Alaska R. Civ. P. 84](#))

Arizona

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court for a name change order. The court may give notice to interested parties if deemed necessary, except in circumstances where there is a protective order in place OR if the applicant is the victim of a stalking offense.” ([Ariz. Rev. Stat. Ann. §§ 12-601 & 12-602](#), and forms [here](#))

Arkansas

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court for a name change order. The petition may be listed in public court records.” ([Ark. Code Ann. §§ 9-2-101 & 9-2-102](#))
 - Note: “The petition may be listed in public court records” is not the same as requiring an individual to publish an announcement in a local newspaper or other venue.



California

- (1) State law does not require publication of name change announcement
- An applicant must submit a petition to the court for a name change order. If the name change is related to gender, the applicant should not have to attend an in-person hearing and does not need to publish notice of their name change in the newspaper. (See [here](#).)
- “As of September 2018, people who are incarcerated in California can apply for legal name changes without prior approval by correction officials (See [SB310](#)). The courts will deny registered sex offender petitions unless they determine it will not adversely affect public safety.” ([Cal. Civ. Proc. Code §§1275-1279.6](#))

Colorado

- (1) State law does not require publication of name change announcement
- “A petitioner need not give public notice of a name change as required by subsection (1) of this section if the petitioner is changing the petitioner's name to conform with the petitioner's gender identity.” [C.R.S. § 13-15-102\(4\)](#)
- A name change will not be granted for convicted adult felons or delinquents with the equivalent of an adult felony unless there is good cause. The applicant must be fingerprinted, update their criminal history with the new name, and notify District Attorney offices where convicted. ([C.R.S. 13-15-101](#), summarized by NCTE)

Connecticut

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the Superior Court of their judicial district. No publication is required. Registered sex offenders must notify the supervising Commissioner of their intent and update the sex offender registry upon petition approval.” ([Conn. Gen. Stat. Ann. § 52-11](#))

Delaware

- (1) State law does not require publication of name change announcement
- See [HB274](#) (2022)
- Formerly, (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement. Former language: “An applicant must submit a petition to the court. The applicant must publish notice of the name change in a newspaper at least once a week for three weeks before filing the petition, and then include the Affidavit of Publication with their court petition.” ([Del. Code Ann. tit. 10, §§ 5901-5905](#))

District of Columbia

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court and notify creditors and other interested parties of the upcoming name change via certified mail. No publication is required.” ([DC ST §§16-2501 to 16-2503](#))



Florida

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. The applicant must be fingerprinted. No name change will be issued if the applicant's civil rights have been suspended.” ([Fla. Stat. Ann. § 68.07](#))

Georgia

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. Within seven days of filing the petition, the applicant must publish notice of the name change in the county’s ‘official legal organ’ once a week for four weeks.” ([Ga. Code Ann. § 19-12-1](#))

Hawaii

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “Once an online name change application is approved, the applicant must publish notice of the name change once in a general circulation newspaper and submit proof of publication to the Office of the Lt. Governor. The publication requirement can be waived if a prosecutor files an affidavit attesting the need to waive publication for an applicant’s safety. Applicants who have sex offender convictions cannot get a name change unless the court finds the name change to be in the best interest of justice and that the name change won't adversely affect public safety.” ([Haw. Rev. Stat. §§ 574-1 to 574-6](#))

Idaho

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the petition hearing in a county newspaper for four weeks OR in three of the most public places in the county for four weeks. Registered sex offenders are permitted to change their name long as the granting court gives notice to the sex offender registry with the identifying information.” ([Idaho Code Ann. §§ 7-801 to 7-805](#))



Illinois

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court and the petition must be verified ‘by the affidavit of some credible person.’ The applicant must publish notice of the petition in the newspaper for three consecutive weeks, starting at least six weeks before the hearing.” The publication requirement may be waived, at the court’s discretion, if applicant can “provide evidence to support the claim that publishing notice of the name change would put the person at risk of physical harm or discrimination.” ([2019 SB0574](#)) “Individuals who are not currently incarcerated but have a felony conviction within the last ten years are not permitted to change their name. Registered sex offenders are not permitted to change their name.” ([735 Ill. Comp. Stat. Ann. 5/21-101 to 5/21-105](#))

Indiana

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the petition in the newspaper for three weeks and the last week’s publication should be at least 30 days before the hearing. The applicant should file a copy of the published name change notice verified by affidavit of a disinterested person. Individuals who are currently confined in a Department of Corrections facility cannot receive a name change, and individuals who are not currently incarcerated but have a felony conviction within the last ten years have additional notification requirements.” ([Ind. Code Ann. §§ 34-28-2-1 to 34-28-2-4](#))

Iowa

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- An applicant must submit a petition to the court. Subject to the court's discretion, the applicant may need to publish the petition docket information once in a daily newspaper in that county. ([Iowa Code Ann. § 618.13](#) & [§§ 674.1-674.14](#))

Kansas

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. Subject to the court's discretion, the applicant may need to send notice of the hearing to interested parties by mail or publish in a newspaper once a week for four weeks.” ([Kan. Stat. Ann. §§ 60-1401 to 60-1403](#))

Kentucky

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- An applicant must submit a petition to the court. No publication is required; the court keeps the name change in a book of records. ([Ky. Rev. Stat. Ann. §§ 401.010-401.040](#))



Louisiana

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. Individuals who have a felony conviction may change their name once the sentence has been satisfied, with the exception that individuals who have a felony conviction for a violent crime are not permitted to change their name.” ([La. Rev. Stat. Ann. §§ 13:4751 to 13:4755](#))

Maine

- (1) State law does not require publication of name change announcement
- See [HP1407/LD1900](#) (April 4, 2022)
- Formerly, (0) State law had unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement. Former language: “An applicant must submit a petition to the probate court. There is a publication requirement which can be waived if the applicant is a victim of abuse or is currently in reasonable fear for their safety.” ([Me. Rev. Stat. tit. 18-A, § 1-701](#))

Maryland

- (1) State law does not require publication of name change announcement
- See [HB39/SB581](#) (2021), enacted [without governor’s signature](#)
- State previously left publication requirement to discretion of court. See now-out-of-date [MD R SPEC P Rule 15-901](#) and [Whitman Walker’s Legal Guide](#) (2018).

Massachusetts

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. The applicant must give public notice of the petition, however the publication requirement may be waived for a good cause ([Mass. Gen. Laws Ann. ch. 210, §§ 12-14](#)), and is generally waived if an individual is changing their first name only.”

Michigan

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the petition, but the court may waive the publication requirement for a good cause and seal the court proceedings. Applicants over the age of 22 must provide two sets of fingerprints. Applicants with a criminal record have the burden of proof to rebut a presumption of fraudulent intent.” ([Mich. Comp. Laws Ann. §§ 711.1-711.3](#))



Minnesota

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court and bring two witnesses to the court as proof of identity. There is no general publication requirement for adults, but there are publication requirements if the applicant has interest in land or is a minor. The order is filed in a judgment book and auditor’s records, however the court records can be sealed if the applicant is in the witness and victim protection program. Applicants with a felony conviction may request a name change only once. Upon petition approval, applicants with a criminal history must report the name change to Bureau of Apprehension within ten days or will be guilty of a gross misdemeanor.” ([Minn. Stat. Ann. §§ 259.10-259.13](#))

Mississippi

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required.” ([Miss. Code. Ann. §§ 93-17-1 to 93-17-31](#))

Missouri

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the name change at least once a week for three weeks in a newspaper within 20 days of the court order. The publication requirement may be waived for victims of domestic violence or child abuse.” ([Mo. Ann. Stat. § 527.290](#))

Montana

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the hearing time and place in a county newspaper for four weeks. The applicant may request the petition and hearing to be sealed for their safety.” ([Mont. Code Ann. §§ 27-31-101 & 27-31-201 to 27-31-204](#))

Nebraska

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court and show reasonable cause for the name change. Applicants over the age of 19 must publish notice once a week for four weeks; applicants under the age of 19 must publish notice once a week for two weeks.” ([Neb. Rev. Stat. §§ 25-21,271 and 25-21,273](#))



Nevada

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. If you are changing your name to conform with your gender identity, you do not have to publish the name change in a newspaper. If all of the required forms are filed and the steps are correctly followed, the judge will typically approve of the name change without a hearing.” ([Nev. Rev. Stat. Ann. §§ 41.270-41.290](#)) “If you were convicted of a felony, you must get a copy of your fingerprints to submit to the Court with all your paperwork.” ([NV Courts “Name Changes for Adults”](#))

New Hampshire

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. Subject to the court's discretion there may be a publication requirement, but generally no publication is required” ([N.H. Rev. Stat. Ann. §§ 547:3-i & 550:4](#)). Individuals in prison or on probation or parole must additionally have the sheriff's department serve a copy of the name change petition to the department of corrections (Name Change Petition, [Form NHJB-2175-P](#)).

New Jersey

- (1) State law does not require publication of name change announcement
- In November 2020, the New Jersey Supreme Court amended the state's rule previously requiring publication. See the [decision here](#).

New Mexico

- (1) State law does not require publication of name change announcement
- See [HB31](#) (2023), removing former publication requirement
- Formerly, state required publication but allows individual court discretion and/or broad option to waive requirement (0): “An applicant must submit a petition to the court. Before filing the petition, the applicant must publish notice of the petition at least once a week for two weeks; the publication requirement can be waived for the applicant's safety.” ([N.M. Stat. § 40-8-1 to 40-8-3](#))

New York

- (1) State law does not require publication of name change announcement
- Previously, state required publication but allowed court discretion to waive requirement. Requirement removed by [A.5465D, “The Gender Recognition Act”](#) (signed June 2021, effective December 2021).



North Carolina

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. Before filing the petition, the applicant must publish notice at the courthouse door for ten days, however the publication requirement can be waived with evidence that the applicant is a victim of domestic violence, sexual offense, or stalking. Along with the petition, the applicant must submit proof of the applicant’s good character by two county citizens and FBI and State Bureau of Investigations Record Checks. Registered sex offenders are not permitted to obtain a legal name change.” ([N.C. Gen. Stat. Ann. §§ 101-1 to 101-8](#))

North Dakota

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. At least 30 days before filing the applicant must publish notice of intended application in a newspaper, however the publication requirement can be waived for victims of domestic violence or individuals only seeking to change their first name. Individuals with a felony conviction must provide additional information with their petition and must notify Bureau of Crime Investigation within ten days of the order granting the name change.” ([N.D. Cent. Code Ann. § 32-28-02](#))

Ohio

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. At least 30 days before the hearing, the applicant must publish notice of the hearing in a newspaper, though publication requirements can be waived for the applicant’s personal safety. Depending on the nature of the offense, applicants with prior criminal convictions may not be eligible for a name change.” ([Ohio Rev. Code Ann. § 2717.01](#))

Oklahoma

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. At least 10 days before the hearing, the applicant must publish notice of the hearing in a newspaper, however publication requirements can be waived and records can be sealed with good cause.” ([12 OK Stat § 12-1631](#) to [12-1637](#))

Oregon

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court in the county where you live. There will only be a hearing if the court tells you or sends you a hearing notice. The court will send a Notice of Entry of Judgement when the name change is granted... Applicants can petition the court to recognize their name and gender change at the same time.” ([Or. Rev. Stat. Ann. § 33.420](#))



Pennsylvania

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the hearing in two newspapers, but publication requirements can be waived and records can be sealed for the applicant’s safety. Individuals with a felony conviction may change their name if more than two years have passed since the end of the sentence and if not under probation or parole, or if the individual has been pardoned. Individuals who have been convicted of violent crimes are not eligible to change their name. Upon approval of the name change, the court will notify the Attorney General and the State Policy who keep the name change information in a central repository.” ([54 Pa. Cons. Stat. Ann. §§ 701-705](#))

Rhode Island

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a notarized name change petition to the court. Along with the petition, the applicant must submit a certified copy of their birth certificate and a copy of their Bureau of Criminal Identification records. A waiver can be requested for the publication requirement or to waive the public notice of the hearing in a local newspaper once a week for two weeks. The advertising requirements may differ by county.” ([R.I. Gen. Laws Ann. §§ 33-22-11 & 33-22-28](#), and [Form PC-8.1](#))

South Carolina

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. The applicant must be fingerprinted and undergo a background check for criminal convictions or financial obligations. The court may require a hearing. No publication is required.” ([S.C. Code Ann. § 15-49-10 to § 15-49-50](#))

South Dakota

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish notice of the hearing and petition details in a legal newspaper once a week for four weeks.” ([S.D. Codified Laws §§ 21-37-1 to 21-37-10](#))

Tennessee

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. Individuals who have prior felony convictions must provide additional documentation, and individuals who have been convicted of first-degree murder, second-degree murder, or sex offense are not eligible to change their name. ([Tenn. Code Ann. § 29-8-101 to § 29-8-105](#))



Texas

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. The applicant must be fingerprinted and submit documentation of their criminal record. Individuals with a felony conviction may change their name if more than two years have passed since the end of the sentence and if not under probation or parole, or if the individual has been pardoned. Registered sex offenders must notify local law enforcement of the proposed name change.” ([Tex. Fam. Code Ann. §§45.101 to 45.106](#))

Utah

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. Subject to the court's discretion, the court may issue notice of the hearing” ([Utah Code Ann. § 42-1](#)). The court may also choose to order petitioners to notify other parties of the name change ([Utah Courts Name Change Information](#)). There are numerous criminal-related restrictions on requesting name changes ([UT Courts](#)).

Vermont

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. Registered sex offenders may not be eligible to change their name unless the court finds a compelling purpose.” ([Vt. Stat. Ann. tit. 15, § 811 to § 817](#))

Virginia

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. The application and public record can be sealed for the health and safety of the applicant and their immediate family. Individuals who are currently incarcerated or are on probation may be eligible for name change at the discretion of the court.” ([Va. Code Ann. § 8.01-217](#))

Washington

- (1) State law does not require publication of name change announcement
- “An applicant must submit a petition to the court. No publication is required. The court case file can be sealed for the applicant’s safety if the individual is a victim of domestic violence. Individuals under the jurisdiction of the Department of Corrections must give the department a copy of the application at least five days before the order is entered. The court can deny the application except for legitimate religious, cultural, or marital reasons.” ([Wash. Rev. Code Ann. § 4.24.130](#))



West Virginia

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the court. At least ten days before the hearing, the applicant must publish notice of the hearing time and place in a Class I legal advertisement. A certified copy of the order will be filed in the county clerk’s office. Individuals who are currently incarcerated or registered as sex offenders are not eligible to change their name. Individuals convicted of murder are not eligible to change their name until 10 years after discharge from prison or parole, whichever occurs later.” ([W. Va. Code Ann. §§ 48-25-101 to 48-25-107](#))

Wisconsin

- (0) State law has unclear publication requirement, or requires publication but allows individual court discretion and/or broad option to waive requirement
- “An applicant must submit a petition to the court. The applicant must publish a notice of the hearing in a newspaper once a week for three weeks prior to the hearing date. However, the publication requirement can be waived for the applicant’s safety. Any person required to register as a sex offender may not change their legal name.” ([Wis. Stat. Ann. § 786.37](#) & [Wis. Stat. Ann. § 985.07](#))

Wyoming

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- “An applicant must submit a petition to the District court in the county where you live. Please note you must be a resident of the county for at least two years before you can file. The applicant must publish notice in a newspaper once a week for a required period, however the publication can keep an applicant’s address confidential if the individual is a victim of domestic violence.” ([Wyo. Stat. Ann. §§ 1-25-101 to 1-25-104](#))

U.S. Territories

American Samoa

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- Name changes are possible, but “[The High Court of American Samoa lacks statutory guidelines for name change proceedings.](#)” Additionally, “notice of the court proceeding should be published in a newspaper with general circulation. The court supports publishing a notice of the proceeding in a newspaper with general circulation in order to afford a degree of notice to those who may be negatively affected by a change of name. (See Application of Mase CA No. 97-02. (Trial Div. 2004)).”



Guam

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- Requires a legal petition including detailed family information, [according to NCTE research](#). “Upon review [of the petition], the court will set a hearing date, and a copy of the notice of the petition and the hearing date must be posted in three public places in Hagåtña and three public places in the applicant’s home village. The notices must be posted for at least four weeks prior to the hearing.”

Commonwealth of the Northern Mariana Islands

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- Requires a legal petition, which can include a request to legally change sex as well (with proof of surgery from a physician). [A public hearing is required, and public notice of the requested name change is required](#) in both “a newspaper of general circulation at least once prior to the hearing,” and at the courthouse for a period of ten days prior to the hearing. The publishing requirement may be waived if petitioner can demonstrate they would be significantly harmed by publishing this notice.

Puerto Rico

- (1) State law does not require publication of name change announcement
- [Requires a legal petition and hearing, but does not require publishing public notification of the court proceeding.](#)

U.S. Virgin Islands:

- (-1) State law requires publication of name change announcement, and/or includes only narrow option to waive requirement
- [Requirements include a court hearing and two periods of public notice in a local newspaper.](#) “The first notice is referred to as the notice of intent, which will be published for four consecutive weeks... At the hearing the court may, in the absence of a compelling reason from the public, issue a tentative consent to the proposed name change. A final certificate of name change is issued upon receiving proof that a second public announcement of the name change is made in a local newspaper for an additional two consecutive weeks.”



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Identity Document Laws and Policies: Driver's License

No updates required since May 27, 2022

For additional information about each state's process and requirements, see the National Center for Transgender Equality's [ID Documents Center](#).

Process categories and scoring system:

The process for changing the gender marker on a driver's license involves:

- (1) State uses easy to understand form and does not require any provider certification.
- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0.5) State uses easy to understand form and requires provider certification, accepted only from a limited range of licensed professionals.
- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals. *[Note: in these states, a court order may be an available method to change a driver's license, but alternative options such as a physician's letter are also available.]*
- (0) State has unclear, unknown, or unwritten policy regarding gender marker changes.
- (-1) State requires proof of surgery, court order, and/or amended birth certificate.

Option categories and scoring system:

- (0.5) State allows residents to mark M, F, or X on their driver's license
- (0) State only allows residents to identify as male or female

Alabama

- (0) State has unclear, unknown, or unwritten policy regarding gender marker changes.
- (0) State only allows residents to identify as male or female
- State previously required proof of surgery, ruled unconstitutional in [Corbitt v. Taylor](#) (2021)

Alaska

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See [2 AAC 90.480](#) or [Form 427](#)



Arizona

- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See [Motor Vehicle Division Policy 3.1.1, page 5, item Q](#)

Arkansas

- (1) State permits changes without any form and does not require any provider certification
- (0.5) State allows residents to mark M, F, or X on their driver's license. (See [here](#))
- See [here](#) for more information.

California

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license. [See SB 179](#) (2018).
- See [California DMV form DL 329](#)

Colorado

- (1) State uses easy to understand form and does not require any provider certification.
 - Note that provider certification is required for minors only.
- (0.5) State allows residents to mark M, F, or X on their driver's license. (See [DOR FAQ here](#))
- See [form DR 2083](#) or more information [here](#)

Connecticut

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See [Connecticut DMV Gender Designation On A License or Identification Card Form B-385 \(January 2020\)](#)

Delaware

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See [Delaware DMV form MV2020](#)

District of Columbia

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See the [District of Columbia DMV Gender Designation Form](#)



Florida

- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the [Florida Department of Highway Services and Motor Vehicles memo on gender marker change policy](#) (2011), consistent with Equality Florida's [contemporary guidance](#) (2020)

Georgia

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See the [Georgia Department of Driver Services website](#), under "Physical Changes"

Hawai'i

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license
- See [Hawai'i's Application Form](#) (July 2020), [HB 1165](#) (2019), and [HIDOT guidance](#). Individuals seeking an updated gender marker use the same [application form](#) as applying for a new or renewed license.

Idaho

- (0.5) State uses easy to understand form and requires provider certification, accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See [Form ITD 3533](#) and [Idaho Transportation Department's Administrative Policy 5504 \(2013\)](#)

Illinois

- (1) State uses easy to understand form and does not require any provider certification.
- (-) State will, but does not yet, allow residents to mark M, F, or X on their driver's license. See [HB 3534](#) (2019), though the Secretary of State has noted this may not be implemented until 2024.
- See the [Illinois Office of the Secretary of State website](#) (2019) and [Form DSD A329](#)

Indiana

- (0.5) State uses easy to understand form and requires provider certification, accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
 - In March 2019, Indiana's Bureau of Motor Vehicles announced that gender neutral markers on driver's licenses would become available in October 2019. However, in September 2019, the state's attorney general blocked this and in March 2020 issued an official opinion preventing gender neutral markers from ever being allowed unless the state passes legislation explicitly permitting them. See [here](#).
- See Form 55617 at the [Indiana Bureau of Motor Vehicles website](#)



Iowa

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See [Iowa Administrative Code § 601.5\(7\)](#) or [Iowa DOT Memo #17-09](#), p4-5

Kansas

- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See [memo from Ted Smith, Kansas Department of Revenue Staff Attorney \(2011\)](#) or [NCTE page](#)

Kentucky

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See a statement from [Chief of Staff at Jefferson County Circuit Clerk's Office](#) or [Acceptable Documentation](#) list p2

Louisiana

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See the [Louisiana OMV policy on Gender Change/Reassignment](#)

Maine

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See the [Gender Designation Form](#) from the Maine Bureau of Motor Vehicles. Removal of provider certification as of [November 2019](#).

Maryland

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See [S.B. 196 \(2019\)](#) and [MVA website on changing gender designation](#). Individuals seeking an updated gender marker use the same application form as for a new license. No additional form.

Massachusetts

- (1) State allows residents to mark M, F, or X on their driver's license.
- (0.5) State uses easy to understand form and does not require any provider certification.
- See the [Gender Designation Change Form](#) from the Massachusetts Registry of Motor Vehicles



Michigan

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See the Michigan Secretary of State website [Sex Designation Form](#) (first issued Nov 2019; X option added Nov 2021). Prior to this form's creation, state was in 0.25 category.

Minnesota

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See the [Minnesota Driver and Vehicle Services' note](#) that sex is self-designated

Mississippi

- (0) State has unclear, unknown or unwritten policy regarding gender marker changes.
 - Note: In Oct 2021, the Mississippi Department of Public Safety issued a [Change of Gender Designation Form](#) (0.75: easy to understand form and requires provider certification, accepted from a broad range of licensed professionals) and a [memo from the Driver Service Bureau Director](#) outlining further expectations for treatment of transgender and nonbinary applicants. However, just a day, the department [rescinded](#) the form and policy.
- (0) State only allows residents to identify as male or female

Missouri

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the Missouri Department of Revenue [Gender Designation Change Request Form 5532](#)

Montana

- (0) State has unclear, unknown or unwritten policy regarding gender marker changes.
- (0) State only allows residents to identify as male or female
- However, see the [Montana Department of Justice's FAQs](#) requiring any name changes to be supported by a certified copy of at least one official document, such as a court order.

Nebraska

- (0.5) State uses easy to understand form and requires provider certification, accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the Nebraska Department of Motor Vehicles form [Certification of Sex Reassignment](#)

Nevada

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license. (See [here](#), 2019)
- [State DMV](#): "Your driver's license or ID card will indicate the gender you choose on the application. Medical certification of a gender change is not necessary." [NAC 483.070](#).



New Hampshire

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See [Form DSMV 450](#) (Aug 2021) and [HB 669](#) (2019, effective 1/1/20). Individuals seeking an updated gender marker use the same [application form](#) as applying for a new or renewed license, and [are instructed](#) to check "replacement" and list the reason as "gender change."

New Jersey

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license
 - First announced in Feb 2020, became available in April 2021
- See the [New Jersey MVC Gender Designation Form](#)

New Mexico

- (1) State uses easy to understand form and does not require any provider certification.
 - Note that notarization of the form is required.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See Form [MVD 10237](#)

New York

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license ([announced](#) Nov 2020, first available May 2022)
- See [Form MV-44](#) and [A.5465D, "The Gender Recognition Act"](#) (June 2021), removing former requirement of provider attestation (from broad range of providers) and legislatively requiring gender-neutral X options on all state-issued identity documents.

North Carolina

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See DMV's Sex Designation Form, [Form DL-300](#) (Jan 2019).

North Dakota

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See DOT's Gender Designation Form, [Form SFN 61146](#) (last revised Nov 2016).

Ohio

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the Ohio BMV's [Declaration of Gender Change form](#) (BMV 2369, Sept 2019).



Oklahoma

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See the [Oklahoma Department of Public Safety website](#)

Oregon

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See ["Changing Your Sex Designation on Your DL or ID"](#)

Pennsylvania

- (1) State uses easy to understand form and does not require any provider certification. (2/2020)
- (0.5) State allows residents to mark M, F, or X on their driver's license. (2/2020)
- See [PennDOT's Form DL-32 "Request for Gender Change on Driver's License/Identification Card" form](#) and additional information [here](#)

Rhode Island

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license
- See the [Rhode Island Division of Motor Vehicles Name and Gender Change Information](#)

South Carolina

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See the [South Carolina Department of Motor Vehicles website](#)

South Dakota

- (0) State has unclear, unknown or unwritten policy regarding gender marker changes.
- (0) State only allows residents to identify as male or female
- However, see the [South Dakota DPS's FAQs](#) requiring any name changes to be supported by legal documents proving the name change. Similar requirements could be imposed for gender change requests.

Tennessee

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See [Tennessee Department of Safety Rule 1340-1-13-.12 \(6\)](#)

Texas

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- See the [Texas Department of Public Safety website](#)



Utah

- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals.
- (0.5) State allows residents to mark M, F, or X on their driver's license. (See [here](#))
- See the [Utah Department of Public Safety's website](#)

Vermont

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license. (See [here](#))
- See the [Vermont Department of Motor Vehicles website](#)

Virginia

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license
- See [SB 246](#) (2020). Individuals seeking an updated gender marker [must apply for a replacement license](#), using the same form as applying for a new license, [Form DL1P](#) (1/1/2021).

Washington

- (1) State uses easy to understand form and does not require any provider certification.
- (0.5) State allows residents to mark M, F, or X on their driver's license.
- See [Form DLE-520-043](#) or the [Washington State Department of Licensing website](#)

West Virginia

- (0.5) State uses easy to understand form and requires provider certification, accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the [West Virginia Division of Motor Vehicles Gender Designation Form](#)

Wisconsin

- (0.25) State has no form. No proof of surgery or court order required, but does have burdensome process requirements and/or required provider certification accepted only from a limited range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the [Wisconsin Department of Transportation website](#)

Wyoming

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See the [Gender Designation Change Request Form](#) and more information [here](#)



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U.S. Territories

American Samoa

- (0) State has unclear, unknown or unwritten policy regarding gender marker changes.
- (0) State only allows residents to identify as male or female
- There is [“no established policy for amending the gender marker on a driver’s license.”](#)

Guam

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- [“The applicant must provide the court order for the legal name change and/or a sworn statement from a physician that the license holder’s sex has been changed.”](#)

Commonwealth of the Northern Mariana Islands

- (-1) State requires proof of surgery, court order, and/or amended birth certificate.
- (0) State only allows residents to identify as male or female
- [“In order to change the name and gender marker on a driver’s license, the license holder must provide both the court order for the legal name and gender change, as well as a valid passport or original birth certificate.”](#)

Puerto Rico

- (0.75) State uses easy to understand form and requires provider certification, accepted from a broad range of licensed professionals.
- (0) State only allows residents to identify as male or female
- See guidance from [NCTE’s Identity Documents Center](#) and [Form DTOP-DIS-324](#) (August 2015).

U.S. Virgin Islands

- (0) State has unclear, unknown or unwritten policy regarding gender marker changes.
- (0) State only allows residents to identify as male or female
- [No clear or established policy for amending the gender marker on a driver’s license.](#)



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Identity Document Laws and Policies: Birth Certificates

No updates required since May 19, 2023

For more information about each state's process and requirements, see also the National Center for Transgender Equality's [ID Documents Center](#).

Process categories and scoring system:

The process for changing the gender marker on a birth certificate involves:

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State is unclear regarding surgical/clinical requirements and/or requires a court order
- (0) State has unclear, unknown, or unwritten policy regarding gender marker changes
- (-1) State requires proof of "sex reassignment surgery" to change gender marker, or does not allow changing the gender marker at all

Option categories and scoring system:

- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- (0) State only allows individuals to identify as male or female

Alabama

- (-1) State requires proof of "sex reassignment surgery" to change gender marker
- (0) State only allows residents to identify as male or female
- See [Alabama Code § 22-9A-19\(d\)](#) (1992) or [Form ADPH-HS-33](#)

Alaska

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Department of Vital Records Gender Change Policy](#)

Arizona

- (-1) State requires proof of "sex reassignment surgery" to change gender marker
- (0) State only allows residents to identify as male or female
- See [Ariz. Rev. Stat. § 36-337 \(A\)\(3\)](#) (2006) and [Form VS-41](#)

Arkansas

- (-1) State requires proof of "sex reassignment surgery" to change gender marker
- (0) State only allows residents to identify as male or female
- See [Ark. Code Ann. §§ 20-18-307, 20-18-304, 20-18-305](#) (1995)



California

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Hlth. and Safety Code, §§ 103425-103445](#) (2014) and [Form VS 24](#)

Colorado

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [H.B. 19-1039](#) (2019) and Department of Public Health's [Birth Certificate Gender Change Information](#)

Connecticut

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Conn. Gen. Stat. § 7-51](#) (2012), Public Act 15-132 (2015), and [DPH website](#)

Delaware

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows individuals to identify as male or female
- See [Del. Administrative Code Title 16 § 4205](#) (2017).

District of Columbia

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [D.C. Law 20-37](#) (2013) or [Gender Designation Application](#) (2021).

Florida

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows individuals to identify as male or female
- See <https://www.floridanamechange.org> (2018).

Georgia

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [Ga. Code Ann. § 31-10-23\(e\)](#) (2005)

Hawai`i

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows individuals to identify as male or female
- See [Haw. Rev. Stat. Ann. § 338-17.7\(a\)\(4\)\(B\)](#) (2015)



Idaho

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows individuals to identify as male or female
- See [F.V. v. Jeppesen](#) (August 2020).
- Recent history: [F.V. v. Barron](#) (2018) required Idaho's Department of Health and Welfare to develop and implement a policy for issuing accurate birth certificates. The new policy was (1) state issued new birth certificate and did not require surgery or court order (see [Idaho Gender Change Packet](#) (2018)). However, [HB509](#) (March 2020) changed the state's policy to (-1) does not allow for amending the gender marker on the birth certificate at all. [F.V. v. Jeppesen](#) (August 2020), overturned HB509, reverting to the state's earlier policy of (1) issuing new birth certificates and not requiring surgery or a court order.

Illinois

- (1) State issues new birth certificate and does not require surgery or a court order (2017)
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [Illinois Vital Records Act \(2017\)](#) and [Illinois Department of Public Health forms](#)

Indiana

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- In [Dec 2014](#), an Indiana court ruled that the state's existing statute (16-37-2-10(b)) allowed for state courts to issue court orders to change the gender marker on a birth certificate (score of 0.5). This was affirmed again by a later court ruling in [2017](#). However, appellate court rulings in [May 2022](#) and [Dec 2022](#) argued that existing statute does not apply to gender marker changes and therefore that state courts have no authority to issue court orders to change gender markers on birth certificates. In [May 2023](#), the state Supreme Court declined to hear those cases, meaning that state courts cannot change gender markers on birth certificates.
- See [Ind. Code Ann. § 16-37-2-10\(b\)](#), [IN Department of Health FAQ](#), and [NCTE information](#)

Iowa

- (-1) State requires proof of "sex reassignment surgery" to change gender marker
- (0) State only allows residents to identify as male or female
- See [Iowa Code Ann. § 144.23\(3\)](#) (2004)

Kansas

- (1) State issues new birth certificate and does not require surgery or a court order (2017)
- (0) State only allows residents to identify as male or female
- See [consent judgment in Foster v. Andersen](#) (2019) and [Form VS624](#) on [department website](#), including [this FAQ](#) on updating the gender on birth certificates



Kentucky

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [Ky. Rev. Stat. Ann. § 213.121\(5\)](#) (2005)

Louisiana

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [La. Rev. Stat. Ann. § 40:62](#) (2006)

Maine

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Maine Department of Health and Human Services 10-146 CMR ch. 16](#) (2020)

Maryland

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Md. Code Ann. \[Health - Gen.\] § 4-214\(b\)\(5\)](#) (2006)

Massachusetts

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Mass Gen. Laws Ann. ch. 46, § 13\(e\)](#) (2006)

Michigan

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- State formerly required proof of sex reassignment surgery in order to change gender marker (see [Mich. Comp. Laws Ann. § 333.2831\(c\)](#) (2006)). In February 2021, the Michigan Department of Health and Human Services (MDHHS) [formally requested](#) guidance from the state’s Attorney General regarding the constitutionality of that requirement. In June 2021, the Attorney General issued [Opinion 7313](#), finding that the requirement was unconstitutional. In July 2021, the state published a [new process](#) allowing for self-attestation with no requirement of medical documentation or a court order. See also [Sex Designation Form](#), including “X” options.

Minnesota

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Minn. Stat. Ann. § 144.218](#) (2006) and [Minn. Rules 4601.1100](#) (2006)



Mississippi

- (0.5) State is unclear regarding surgical/clinical requirements and/or requires a court order
- (0) State only allows residents to identify as male or female
- See [Miss. Admin. Code 15-5-85:3.21.2](#)

Missouri

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [Mo. Ann. Stat. § 193.215\(9\)](#) (2006)

Montana

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Rule 37.8.311](#) (Sept 2022), prohibiting any changes to the gender marker.
 - Due to events described below, the state claims it is accepting applications to update gender markers on birth certificates, and a [Gender Designation Form](#) is currently available on the state website. However, given the hostility of the state, it is unknown whether such applications will actually be processed or approved, and meanwhile both Rule 37.8.311 and SB280 remain on the books in Montana, pending ongoing litigation. This map and citation sheet will be updated as events continue to unfold.
- Recent history:
 - Formerly, state issued new birth certificate and did not require surgery or court order (see Rule 37.8.311, [2017 version](#)).
 - In 2021, the state enacted [SB280](#), adding requirements for proof of surgery and a court order before updating the birth certificate.
 - In July 2021, a [lawsuit](#) was filed against this discriminatory law.
 - In April 2022, a district court issued a preliminary injunction temporarily blocking enforcement of the law and ordering the state to its previous 2017 process while the court case continued.
 - In May 2022, despite the court order, the state health department issued an “[emergency order](#)” that prohibits any update to the gender marker on the birth certificate under any circumstance, even with proof of surgery and a court order.
 - On Sept 9, 2022, this emergency order was [formally adopted](#) as an administrative rule (Rule 37.8.311).
 - On Sept 15, 2022, the court again ordered the state to revert to its 2017 process and to stop violating the court’s instructions. Hours later, the state [responded](#) by saying it would continue to enforce its new rule, but the following week the state said it would [comply](#) with the court order and accept applications for birth certificate updates. A [Gender Designation Form](#) is now available on the state website, but given the hostility of the state, it is unknown whether such applications will actually be processed or approved.
 - On Sept 26, 2022, the Montana health department [asked](#) the Montana Supreme Court to suspend the district court’s order so the health department can resume its rule prohibiting any gender marker changes.



- In January 2023, the Montana Supreme Court [ruled](#) the state health department should have been issuing updates according to the 2017 procedures during the injunction period. However, the ruling also stated that the new 2022 administrative rules (banning updates under any circumstance) would need to be addressed separately.

Nebraska

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [Neb. Rev. Stat. § 71-604.01](#) (2005)

Nevada

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Nev. Admin. Code. Ch. 440, § 130](#) (2006)

New Hampshire

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [NH RSA 5-C:87](#)

New Jersey

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [N.J. Stat. Ann. § 26:8-40.12](#) (2013) and [N.J. S478](#) (2018)

New Mexico

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB 20](#) (2019). Formerly (-1) required proof of “sex reassignment surgery.”

New York

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [NYCCRR Title 10 Section 35.2](#) (2014) and [DOH’s Gender Designation Corrections information](#), “including requests for non-binary gender designations.” See also [Form DOH-5305](#) (January 2023).

North Carolina

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [N.C. Gen. Stat. §§ 130A-118\(b\)\(4\), \(e\)](#) (2005); a [2022 case brought by Lambda Legal](#) resulted in a consent judgement through the state must provide accurate birth certificates without undergoing surgery.



North Dakota

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [HB1297](#) (2023) banning any sex/gender marker changes to birth certificates, and [HB1139](#) (2023) requiring birth certificates to include a sex marker and banning the use of any marker other than male or female
- Previously, state allowed changes, but required proof of “sex reassignment surgery” to change gender marker. See [ND Cent. Code §23-02.1-25](#) (2005), [ND Admin. Code §33-04-12-02](#) (2006),

Ohio

- (0.5) State is unclear regarding surgical/clinical requirements and/or requires a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Ohio Department of Health’s website](#) (2021) and [ACLU of Ohio’s FAQ](#) for X option info. See also [Form 30.0 “Application for Correction of Birth Record”](#) (Aug 2021) to initiate court order.
- Prior to 2016, state (0.5) updated gender markers with a court order, consistent with state’s statutory [process for other birth certificate changes](#). Beginning in 2016, state (-1) refused to change gender markers even under court order. This policy was ruled unconstitutional in [Ray v. McCloud](#) (Dec 2020), and the state [announced](#) in April 2021 that it would not challenge the ruling. The current policy (0.5) was announced in May 2021.

Oklahoma

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
 - Note: the state issued its first nonbinary marker in [Oct 2021](#), but the state’s Governor then issued [Executive Order 2021-24](#) (Nov 2021) to prevent such options.
- Previously, Oklahoma had unclear, unknown, or unwritten policy regarding gender marker changes on birth certificates (0). In [Oct 2021](#), the state’s Department of Health formalized a process for these changes (requiring a court order (0.5)) including the option of a nonbinary gender marker, all as part of a settlement in a federal lawsuit. In [Nov 2021](#), the state’s Governor issued [Executive Order 2021-24](#), not only preventing nonbinary options but also *any* changes of sex/gender markers on birth certificates (-1).

Oregon

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [HB 2673](#) (2017)

Pennsylvania

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Pennsylvania Department of Health policy](#) and [Birth Certificate Correction Form](#)



Rhode Island

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2019)
- See [R.I. Gen. Laws § 23-3-21](#) (2005) and R.I. Code R. 14 170 001 §§ 35-37 (2004)

South Carolina

- (0) State has unclear, unknown, or unwritten policy regarding gender marker changes
- (0) State only allows residents to identify as male or female
- See [NCTE for more information](#).

South Dakota

- (0) State has unclear, unknown, or unwritten policy regarding gender marker changes
- (0) State only allows residents to identify as male or female
- See [S.D. Admin. R. 44:09:05:02](#), or [NCTE for more information](#).

Tennessee

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Tenn. Code Ann. § 68-3-203\(d\)](#) (2006)

Texas

- (0.5) State is unclear regarding surgical/clinical requirements and/or requires a court order
- (0) State only allows residents to identify as male or female
- See [Form VS-170](#), [TX Health & Safety Code § 192.011](#), and [NCTE for more information](#)

Utah

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB93](#) (2023), requiring a court order, which can only be granted “if the court determines by clear and convincing evidence that” the individual has met a long list of criteria including that they have transitioned, and further mentions that the court “shall consider...evidence of medical history, care, or treatment related to sex transitioning.”
- Formerly, state required a court order (0.5) to change the birth certificate, but did not specify any medical or other requirements to do so. See [Utah Code Ann. § 26-2-11](#) (2004)

Vermont

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [H 628](#) (April 2021, effective July 1, 2022)
- Formerly, (0.5) state required a court order. See [18 Vt. Stat. § 5112](#) (2011).



Virginia

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [SB 657](#) (2020)

Washington

- (1) State issues new birth certificate and does not require surgery or a court order
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See the [Washington Department of Health's policy](#)

West Virginia

- (1) State issues new birth certificate and does not require surgery or a court order
- (0) State only allows residents to identify as male or female
- See [Sex Designation Form](#) (May 2022) or West Virginia Department of Health & Human Resources [“Correcting a Birth Certificate” page](#)
- Recent history: State clearly allowed for gender updates with a court order (see [W. Va. Code § 16-5-25, § 64-32-12](#)) (MAP score of 0.5), but in June 2020 the State Supreme Court of Appeals ruled in *In re: G.M.* that courts do not have the authority to order state’s Department of Health & Human Resources to change the gender marker on a birth certificate, in effect disallowing gender marker changes entirely (MAP score of -1). In August 2021, this ruling was appealed by the ACLU in *Hersom v. Crouch*; see also [this coverage](#). In May 2022, the state Department of Health & Human Resources issued a new form allowing individuals to update their birth certificates (see above), and the court case is now on temporary pause (“in abeyance”) while the parties discuss potential settlement.

Wisconsin

- (-1) State requires proof of “sex reassignment surgery” to change gender marker
- (0) State only allows residents to identify as male or female
- See [Wis. Stat. Ann. § 69.15](#) (2006)

Wyoming

- (0.5) State is unclear regarding surgical/clinical requirements and/or requires a court order
- (0) State only allows residents to identify as male or female
- See [WY Rules and Regulations HLTH VR Ch. 10 s 4\(e\)\(iii\)](#) (2004) or [NCTE’s state page](#)



U.S. Territories

American Samoa

- (0) Territory has unclear, unknown, or unwritten policy regarding gender marker changes
- (0) Territory only allows residents to identify as male or female
- [“The High Court of American Samoa has held that the alteration of a birth certificate is granted only to correct information that was erroneous at the time of recordation, or to reflect a name change due to adoption.”](#) NCTE reports anecdotal cases of successfully updating gender markers on birth certificates, but there is no clear policy for doing so.

Guam

- (-1) Territory requires proof of “sex reassignment surgery” to change gender marker
- (0) Territory only allows residents to identify as male or female
- [“In order to update the gender marker on a birth certificate, the requestor must provide a sworn statement from the physician having performed the surgery, thus certifying the sex of the requestor has been changed by surgical procedure.”](#)

Commonwealth of the Northern Mariana Islands

- (0.5) Territory is unclear regarding surgical/clinical requirements and/or requires a court order
- (0) Territory only allows residents to identify as male or female
- [“In order to change a legal name on a birth certificate, the applicant must provide a court order for legal name and gender marker change to the Vital Statistics Office Division of Public Health.”](#)

Puerto Rico

- (1) Territory issues new birth certificate and does not require surgery or a court order
- (0) Territory only allows residents to identify as male or female
- See [Arroyo v. Rosselló](#) (2018) or [NCTE](#) for more information.

U.S. Virgin Islands

- (0) Territory has unclear, unknown, or unwritten policy regarding gender marker changes
- (0) Territory only allows residents to identify as male or female
- See [NCTE for more information](#).

[Home Table of Contents](#)**RULE 15-901. ACTION FOR CHANGE OF NAME**

West's Annotated Code of Maryland

Maryland Rules

Effective: January 1, 2023

West's Annotated Code of Maryland
Maryland Rules
Title 15. Other Special Proceedings
Chapter 900. Change of Name; Judicial Declaration of Gender Identity

Effective: January 1, 2023

MD Rules, Rule 15-901

RULE 15-901. ACTION FOR CHANGE OF NAME[Currentness](#)

(a) Applicability. This Rule applies to actions for change of name other than in connection with an adoption, divorce, or declaration of gender identity.

(b) Venue.

(1) *Change of Name of an Adult.* An action for change of name of an adult shall be brought in the county where the adult resides, carries on a regular business, is employed, habitually engages in a vocation, or was born.

(2) *Change of Name of a Minor.* An action for change of name of a minor shall be brought by an adult petitioner on behalf of the minor in the county where the minor resides or where a parent, guardian, or custodian of the minor resides.

(c) Petition.

(1) *Contents.* An action for change of name shall be commenced by filing a petition captioned "In the Matter of ..." [stating the name of the individual whose name is sought to be changed] "for change of name to ..." [stating the change of name desired]. The petition shall be under oath and shall contain the following information:

(A) the name, address, and date and place of birth of the individual whose name is sought to be changed;

(B) a statement as to why venue is appropriate;

(C) whether the individual whose name is sought to be changed has ever been known by any other name and, if so, each name and the circumstances under which the name was used;

(D) the change of name desired;

(E) all reasons for the requested change;

(F) a certification that the petitioner is not requesting the name change for any illegal or fraudulent purpose;

(G) if the individual whose name is sought to be changed is a minor, (i) a statement explaining why the petitioner believes that the name change is in the best interest of the minor; (ii) the name and address of each parent and any guardian or custodian of the minor; (iii) whether each of those persons consents to the name change; (iv) whether the petitioner has reason to believe that any parent, guardian, or custodian is unfamiliar with the English language and, if so, the language the petitioner reasonably believes the individual can understand; (v) if the minor is at least ten years old, whether the minor consents to the name change; and (vi) if the minor is younger than ten years old, whether the minor objects to the name change; and

Committee note: If a petition filed on behalf of a minor contains confidential information pertaining to the minor, the petitioner may request that the court seal or otherwise limit inspection of a case record as provided in Rule 16-934.

(H) whether the individual whose name is sought to be changed has ever registered or been required to register as a sexual offender and, if so, each full name, including any suffix, under which the individual was registered and each state where the registration requirement originated.

Cross reference: See Code, Criminal Procedure Article, § 11-705, which requires a registered sexual offender whose name has been changed by order of court to send written notice of the change to each law enforcement unit where the registrant resides or habitually lives within three days after the order is entered.

(2) *Documents to Be Attached to Petition.* The petitioner shall attach to the petition:

(A) a copy of a birth certificate or other documentary evidence from which the court can find that the current name of the individual whose name is sought to be changed is as alleged; and

(B) if the individual whose name is sought to be changed is a minor, (i) the written consent of each parent, guardian, and custodian of the minor or an explanation why the consent is not attached, and (ii) the written consent of the minor, if the minor is at least ten years old.

(d) Minors--Notice to Nonconsenting Parent, Guardian, or Custodian.

(1) *Generally.* Upon the filing of a petition for change of name of a minor, if the written consent of each parent, guardian, and custodian of the minor was not filed pursuant to subsection (c)(2)(B) of this Rule, the clerk shall sign and issue a Notice in a form approved by the State Court Administrator that (A) includes the caption of the action, (B) describes the substance of the petition and the relief sought, and (C) states that any objection to the name change shall be filed no later than 30 days after service of the petition.

(2) *Notice or Advisement in Language Other Than English.* If the petition states that a nonconsenting parent, guardian, or custodian may be unfamiliar with the English language, the clerk also shall either issue the Notice in the language indicated in the petition or, if the Notice is not available in the indicated language, attach a Multilingual Advisement Form approved by the State Court Administrator to the Notice that was issued in English.

(3) *Documents to Be Served.* A copy of the following documents shall be served upon each nonconsenting parent, guardian, or custodian in the manner provided by Rule 2-121:

(A) the Notice,

(B) the petition,

(C) each attachment to the petition, and

(D) if the petition indicates that the individual to be served is unfamiliar with the English language, either the Notice in the indicated language or a Multilingual Advisement Form attached to the Notice.

(e) Objection to Petition. Any person may file an objection to the petition. The objection shall be supported by an affidavit that sets forth the reasons for the objection. The affidavit shall be made on personal knowledge, shall set forth facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. The objection and affidavit shall be served upon the petitioner in accordance with Rule 1-321. The petitioner may file a response within 15 days after being served with the objection and affidavit. A parent, guardian, or custodian of a minor who does not file an objection within 30 days after being served in accordance with section (d) of this Rule shall be deemed to have consented to the name change of the minor.

Committee note: Nothing in this Rule is intended to abrogate the right of a person who learns of a requested name change to object to the name change where there is personal knowledge of an illegal or fraudulent purpose or harm to the rights of others.

(f) Action by Court; Hearing.

(1) *Name Change of Adult.* The court may hold a hearing or may rule on a petition to change the name of an adult without a hearing and shall enter an appropriate order, except that the court shall not deny the petition without a hearing. The court may not enter an order earlier than 30 days after the petition was filed.

Committee note: Although there is no publication or other required notice of a requested name change of an adult, if a person learns of a requested name change, the 30-day delay in the entry of an order after the petition is filed affords a period of time within which an objection could be filed.

(2) *Name Change of Minor.* The court may hold a hearing or may rule on a petition to change the name of a minor without a hearing and enter an appropriate order if (A) the written consent of the minor, if required, has been filed, and (B) each parent, guardian, and custodian (i) has filed a written consent pursuant to subsection (c)(2)(B) of this Rule, or (ii) having been served pursuant to section (d) of this Rule, did not timely file an objection. In all other cases in which a name change of a minor is requested, the court shall hold a hearing and enter an appropriate order no earlier than 30 days after all nonconsenting parents, guardians, or custodians have been served in accordance with section (d) of this Rule.

Source: This Rule is derived in part from former Rules BH70 through BH75 and is in part new.

Credits

[Adopted June 5, 1996, eff. Jan. 1, 1997. Amended April 5, 2005, eff. July 1, 2005; June 7, 2011, eff. July 1, 2011; Sept. 30, 2022, eff. Jan. 1, 2023.]

MD Rules, Rule 15-901, MD R SPEC P Rule 15-901

Current with amendments received through February 1, 2023. Some sections may be more current, see credits for details.

END OF DOCUMENT

[Home Table of Contents](#)**RULE 15-902. ACTION FOR JUDICIAL DECLARATION OF GENDER IDENTITY**

West's Annotated Code of Maryland
 Maryland Rules
 Effective: January 1, 2023

West's Annotated Code of Maryland
 Maryland Rules
 Title 15. Other Special Proceedings
 Chapter 900. Change of Name; Judicial Declaration of Gender Identity

Effective: January 1, 2023

MD Rules, Rule 15-902

RULE 15-902. ACTION FOR JUDICIAL DECLARATION OF GENDER IDENTITY[Currentness](#)

(a) Applicability. This Rule applies to actions for judicial declaration of gender identity, with or without a name change.

Committee note: Under certain circumstances, a judicial declaration of gender identity may be necessary to change an individual's gender designation on a birth certificate or to affirm the individual's gender identity in legal, administrative, and other contexts.

Cross reference: See Rule 16-914 (p) concerning inspection of a case record in an action filed under this Rule. For a change of name without a judicial declaration of gender identity, see Rule 15-901.

(b) Venue

(1) *Declaration of Gender Identity of an Adult.* An action for judicial declaration of gender identity shall be brought in the county where the adult resides, carries on a regular business, is employed, habitually engages in a vocation, or was born.

(2) *Declaration of Gender Identity of a Minor.* An action for judicial declaration of gender identity of a minor shall be brought by an adult petitioner on behalf of the minor in the county where the minor resides or where a parent, guardian, or custodian of the minor resides, or where the minor was born.

(c) Petition.

(1) *Contents.* An action for judicial declaration of gender identity shall be commenced by filing a petition captioned "In the Matter of ..." [stating the name of the individual for whom the declaration is sought] "for judicial declaration of gender identity as..." [stating the gender designation desired]. The petition shall be under oath and shall contain the following information:

(A) the name, address, and date and place of birth of the individual for whom the relief requested is sought;

(B) a statement as to why venue is appropriate;

(C) the gender identity declaration desired;

(D) all reasons for the relief requested;

(E) a certification that the petitioner is not requesting the relief for any illegal or fraudulent purpose; and

(F) if the individual for whom the declaration is sought is a minor, (i) a statement explaining why the petitioner believes that the relief requested is in the best interest of the minor; (ii) the name and address of each parent and any guardian or custodian of the minor; (iii) whether each of those individuals consents to the relief requested; (iv) whether the petitioner has reason to believe that any parent, guardian, or custodian is unfamiliar with the English language and, if so, the language the petitioner reasonably believes the individual can understand; (v) if the minor is at least ten years old, whether the minor consents to the relief requested; and (vi) if the minor is younger than 10 years old, whether the minor objects to the relief requested.

(2) *Change of Name.* If the petitioner also requests a name change, the petition shall include the following information:

(A) whether the individual whose name is sought to be changed has ever been known by any other name and, if so, each name and the circumstances under which the name was used;

(B) the change of name desired; and

(C) whether the individual whose name is sought to be changed has ever registered or been required to register as a sexual offender and, if so, each full name, including any suffix, under which the individual was registered and each state where the registration requirement originated.

Cross reference: See Code, Criminal Procedure Article, § 11-705, which requires a registered sexual offender whose name has been changed by order of court to send written notice of the change to each law enforcement unit where the registrant resides or habitually lives within three days after the order is entered.

(3) *Documents to Be Attached to the Petition.* The petitioner shall attach to the petition:

(A) if the individual for whom relief is sought is a minor, (i) the written consents of each parent, guardian, or custodian of the minor or an explanation why the consent is not attached, and (ii) the written consent of the minor, if the minor is at least 10 years old;

(B) any documentation in support of the requested declaration of gender identity; and

(C) if the petitioner requests a name change, a copy of a birth certificate or other documentary evidence from which the court can find that the current name of the person whose name is sought to be changed is as alleged.

(d) Minors--Notice to Nonconsenting Parent, Guardian, or Custodian.

(1) *Generally.* Upon the filing of a petition under this Rule on behalf of a minor, if the written consent of each parent, guardian, and custodian of the minor was not filed pursuant to subsection (c)(2)(B) of this Rule, the clerk shall sign and issue a Notice in a form approved by the State Court Administrator that (A) includes the caption of the action, (B) describes the substance of the petition and the relief sought, and (C) states that any objection to the relief requested shall be filed no later than 30 days after service of the petition.

(2) *Notice or Advisement in Language Other Than English.* If the petition states that a nonconsenting parent, guardian, or custodian may be unfamiliar with the English language, the clerk also shall either issue the Notice in the language indicated in the petition or, if the Notice is not available in the indicated language, attach a Multilingual Advisement Form approved by the State Court Administrator to the Notice that was issued in English.

(3) *Documents to Be Served.* A copy of the following documents shall be served upon each nonconsenting parent, guardian, or custodian in the manner provided by Rule 2-121:

(A) the Notice,

(B) the petition,

(C) each attachment to the petition, and

(D) if the petition indicates that the individual to be served is unfamiliar with the English language, either the Notice in the indicated language or a Multilingual Advisement Form attached to the Notice.

(4) *Objection to Petition.* A parent, guardian, or custodian of a minor who does not consent to the relief requested may file an objection no later than 30 days after being served in accordance with subsection (d)(3) of this Rule. The objection shall be supported by an affidavit that sets forth the reasons for the objection. The affidavit shall be made on personal knowledge, shall set forth facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. The objection and affidavit shall be served upon the petitioner in accordance with Rule 1-321. The petitioner may file a response within 15 days after being served with the objection and affidavit. A parent, guardian, or custodian of a minor who does not file an objection within 30 days after being served in accordance with subsection (d)(3) of this Rule shall be deemed to have consented to the relief requested.

(e) Action by Court; Hearing.

(1) *Petition Seeking Declaration of Gender Identity of an Adult.* The court may hold a hearing on a petition seeking a declaration of gender identity of an adult, or may grant the relief requested without a hearing, and shall enter an appropriate order, except that the court may not deny any of the relief requested without a hearing.

(2) *Petition Filed on Behalf of a Minor.* The court may hold a hearing or may grant the relief requested on a petition filed on behalf of a minor without a hearing and enter an appropriate order if (A) the written consent of the minor, if required, has been filed, and (B) each parent, guardian, and custodian (i) has filed a written consent pursuant to subsection (c)(3)(A) of this Rule, or (ii) having been served pursuant to subsection (d)(3) of this Rule, did not timely file an objection. In all other cases, the court shall hold a hearing no earlier than 30 days after all nonconsenting parents, guardians, or custodians have been served in accordance with subsection (d)(3) of this Rule and enter an appropriate order. To aid the court in evaluating the best interests of the minor, the court may order further proceedings, which may include a specific issue evaluation using the procedure set forth in Rule 9-205.3. The court may not deny any of the relief requested without a hearing.

Committee note: Not all individuals identify as cisgender or transgender or on a binary of male or female. See *In re K.L.*, 252 Md.App. 148 (2021), citing *Grimm v. Gloucester County School Board*, 972 F. 3d 586 (4th Cir. 2020).

Cross reference: See *In re K.L.*, 252 Md.App. 148 (2021); *In re Heilig*, 372 Md. 692 (2003); Code, Health General Article, § 4-211; and Code, Transportation Article, § 12-305.

Source: This Rule is new.

Credits

[Adopted Sept. 30, 2022, eff. Jan 1, 2023.]

MD Rules, Rule 15-902, MD R SPEC P Rule 15-902

Current with amendments received through February 1, 2023. Some sections may be more current, see credits for details.

END OF DOCUMENT

JX

[Statutes, codes, and regulations](#)[Code of Maryland](#)[Subtitle 5 - RECORDS](#)

Md. Code, Fam. Law § 2-504

[Download](#)

Current with changes effective on or before 6/1/2023 from the 2023 Legislative Session through Ch. 672

Section 2-504 - Change of marriage record

(a)

(1) On written request, made under penalty of perjury, of both parties to a marriage, the clerk for the county that issued the marriage license shall issue a new marriage record in accordance with this section if the clerk received satisfactory proof that a court of competent jurisdiction, regardless of location, has issued an order for a change of name for a party to the marriage.

(2) On the presentation of a death certificate for a party to a marriage, the clerk for the county that issued the marriage license shall accept a request made under paragraph (1) of this subsection from the other party to the marriage.

(3) On the presentation of an order of the court instructing a marriage record to be changed, the clerk for the county that issued the marriage license shall accept a request under paragraph (1) of this subsection without a written request of both parties.

(b)

(1) A new marriage record issued under this section shall:

(ii) if the name of a party to the marriage has been changed at any time, reflect the name that was most recently established and for which a certified order of change of name or other appropriate evidence has been submitted to the clerk.

(2) A new marriage record issued under subsection (a) of this section may not:

(i) be marked "amended"; or

(ii) show on its face that a change has been made to:

1. a name of a party; or

2. if applicable, a gender designation.

(c)

(1) If a new marriage record is issued, the clerk shall:

(i) substitute the new electronic marriage record for the existing marriage record then on file; and

(ii) report and transmit a copy of the new marriage record to the Secretary of Health in accordance with § 2-503 of this title.

(2) After a marriage record is changed under this section, any certified copy of the marriage record that is issued shall be a copy of the new marriage record, unless a court of competent jurisdiction orders the issuance of a copy of the original marriage record.

Md. Code, FL § 2-504

Added by 2022 Md. Laws, Ch. 540, Sec. 1, eff. 10/1/2022.

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5028

Chapter 34, Laws of 2023

68th Legislature
2023 Regular Session

NAME CHANGES

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 1, 2023
Yeas 45 Nays 3

DENNY HECK

President of the Senate

Passed by the House March 24, 2023
Yeas 64 Nays 32

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved April 6, 2023 9:38 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5028** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 6, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5028

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman, and C. Wilson)

READ FIRST TIME 01/20/23.

1 AN ACT Relating to revising the process for individuals to
2 request name changes; and amending RCW 4.24.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.130 and 2022 c 141 s 1 are each amended to read
5 as follows:

6 (1) Any person desiring a change of the person's name or that of
7 the person's child or ~~((ward))~~ of an individual subject to
8 guardianship for whom the person has been appointed as guardian, may
9 apply therefor to the district court of ~~((the))~~ any judicial district
10 in ~~((which the person resides))~~ the state, by petition setting forth
11 the ~~((reasons))~~ desire for such change; thereupon such court in its
12 discretion may order a change of the name and thenceforth the new
13 name shall be in place of the former.

14 (2) An offender under the jurisdiction of the department of
15 corrections who applies to change the offender's name under
16 subsection (1) of this section shall submit a copy of the application
17 to the department of corrections not fewer than five days before the
18 entry of an order granting the name change. No offender under the
19 jurisdiction of the department of corrections at the time of
20 application shall be granted an order changing the offender's name if
21 the court finds that doing so will interfere with legitimate

1 penological interests, except that no order shall be denied when the
2 name change is requested for religious or legitimate cultural reasons
3 or in recognition of marriage or dissolution of marriage. An offender
4 under the jurisdiction of the department of corrections who receives
5 an order changing the offender's name shall submit a copy of the
6 order to the department of corrections within five days of the entry
7 of the order. Violation of this subsection is a misdemeanor.

8 (3) A sex offender subject to registration under RCW 9A.44.130
9 who applies to change the sex offender's name under subsection (1) of
10 this section shall follow the procedures set forth in RCW
11 9A.44.130(7).

12 (4) The district court shall collect the fees authorized by RCW
13 36.18.010 for filing and recording a name change order, and transmit
14 the fee and the order to the county auditor. The court may collect a
15 reasonable fee to cover the cost of transmitting the order to the
16 county auditor. Upon affidavit by the person seeking the name change
17 or a qualified legal service provider that the person is unable to
18 pay the fees due to financial hardship, the court shall waive all
19 fees for filing and recording a name change order and direct the
20 county auditor or recording officer to process the name change order
21 at no expense to the person. The court may not waive the fees if the
22 person has received victim compensation for name change fees. For
23 purposes of this subsection, "qualified legal service provider" means
24 a not-for-profit legal services organization in Washington state
25 whose primary purpose is to provide legal services to low-income
26 clients.

27 (5) (a) Name change petitions may be filed and shall be heard in
28 any superior court ((when the)) in the state:

29 (i) When a person desiring a change of the person's name ((or
30 that of the person's child or ward is a victim of domestic violence
31 as defined in RCW 7.105.010 and the person seeks to have the name
32 change file sealed due to reasonable fear for the person's safety or
33 that of the person's child or ward)):

34 (A) Is an emancipated minor under chapter 13.64 RCW; or

35 (B) Has received asylum, refugee, or special immigrant juvenile
36 status; or

37 (ii) If the reason for the person's name change, or the name
38 change of the person's child or of an individual subject to
39 guardianship for whom the person has been appointed as guardian, is:

1 (A) Related to gender expression or identity as defined in RCW
2 49.60.040; or

3 (B) Due to an experience of or reasonable fear of domestic
4 violence, stalking, unlawful harassment, or coercive control as those
5 terms are defined in RCW 7.105.010.

6 (b) When a person for whom a name change is sought is a child
7 named in a proceeding under Title 13 or 74 RCW in which the court has
8 exercised original, exclusive jurisdiction, the juvenile court has
9 jurisdiction to either adjudicate a name change petition or grant
10 concurrent jurisdiction to another court to hear the petition.

11 (c) Upon granting the name change, the superior court shall seal
12 the file ((if the court finds that the safety of the person seeking
13 the name change or the person's child or ward warrants sealing the
14 file)) to protect the person's privacy or that of the person's child
15 or of an individual subject to guardianship for whom the person has
16 been appointed as guardian. In all cases filed under this subsection
17 (5), whether or not the name change petition is granted, there shall
18 be no public access to any court record of the name change filing,
19 proceeding, or order, unless the name change is granted but the file
20 is not sealed. The name change file shall not thereafter be open to
21 inspection except: (i) Upon order of the court for good cause shown;
22 or (ii) upon the request of the person whose name change was granted
23 or the person's guardian or representative.

24 (d) This subsection (5) does not apply to a person who is subject
25 to the requirements of subsection (2) or (3) of this section.

Passed by the Senate February 1, 2023.

Passed by the House March 24, 2023.

Approved by the Governor April 6, 2023.

Filed in Office of Secretary of State April 6, 2023.

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