



NAME AND GENDER CHANGE

Having forms of identification that reflect a person's identity is beneficial to the individual. Barriers may present when the identification does not match the person's identity. For example, you use identification documents regularly to apply for jobs, gain entrance into a bar, order alcoholic beverages, apply for government assistance, and much more. For those whose identity does not match their documents, this can create barriers impacting their quality of life. There are different identification documents you may wish to change your name or gender on, including your Social Security card, driver's license, birth certificate, and Passport.

The first step to changing your name and/or your gender is to receive a Court Order. Petitioning to change your name is quite simple, and you should be able to petition the court yourself. The standards governing a name change are that there is good cause/reason to do so (which is why you are changing it), it cannot be offensive or the name of a public figure, and it cannot be done for fraudulent purposes.

Court Order:

To change your name, you will have to petition the court in the county you reside in. You cannot change your name for a fraudulent purpose, such as to avoid repercussions for breaking the law. You may change your name for any reason if it is not fraudulent. In your petition for a change of name, you would simply state that you are requesting a change of name because this new name is your preferred name.

Some judges may require a hearing before they grant the change of name. If the judge asks you why you wish to change your name, you will simply state that this name is your preferred name.

You will need a Court Order granting a change in gender to be able to change the gender on your birth certificate. A court will grant an Order allowing the change of gender if your sex has been changed by surgical procedure. However, you will not need a Court Order to change your gender on your Social Security Administration profile, your driver's license, or your passport.

There is a filing fee that all Courts require to change your name or gender. The filing fee will be \$165.00. You may pay the filing fee with cash, a check, or a money order. Call the Court in the county you reside to determine which is preferred.

After you have received your Court Order, you will start by changing your name on your Social Security card. You will need a new Social Security card with your new name to change your name on your driver's license.

Social Security Card:

To change your name on your Social Security card, you will need to apply for a new card with your new name. You will need to provide:

1. Certified copy of the Court Order granting the change of name.
2. Identification documents, such as your driver's license. The name on your identification documents does not need to match your new name.
3. Proof of US citizenship or lawful immigration status.

The SSA will update your name, and then they will mail you a new Social Security card. The SSA does not state your gender on your Social Security card, but the SSA does have a profile that provides your gender.

The SSA has recently changed its policies regarding gender changes. Beginning in Fall 2022, you can change your gender marker on your Social Security profile with no medical documentation and no court order. You will self-at-test what your gender marker is.

You can mail the documents to your local Social Security Office or apply in person.

After you have updated your Social Security card, you may then change your name on your driver's license. You must update your Social Security card before updating your license.

Driver's License:

To change your name on your driver's license, you will need to provide:

1. The Court Order granting the change of name
2. Proof of legal residence
3. Identification documents

Call your local DMV or visit your local DMV's website to determine what identification documents you will need. You should not go to the DMV without bringing the required documents to update your license. You will need to update your name on your Social Security card before you updating your name on your driver's license.

You will not need any documentation to change your gender on your driver's license. There is a policy with the DMV that any individual's gender marker may be updated at the individual's request with no medical documentation or need for a Court Order. If you meet any resistance in attempting to change your gender on your driver's license, ask to speak with the supervisor and inform them of this policy that should be known to the employees of the DMV. Although

no documentation is required to change your gender, it is always advisable to bring documentation such as a Court Order granting the gender change (if you have a Court Order), a Passport or Birth Certificate showing the correct gender, or a letter from your physician stating you have had the appropriate clinical treatment. However, no supporting documentation is needed to change your gender marker. There will be a fee to print a new license; check with your local DMV to determine what the fee will be.

Passport:

To change your name on your U.S. Passport will depend on whether your Passport is still valid or expired. If the Passport is still valid, you will have to:

1. Submit a Passport renewal application
2. Provide your most recent Passport
3. Provide a recent color photograph that is 2x2inches
4. Provide the Court Order granting the name change
5. Pay the fee

If your Passport is expired, you will have to:

1. Submit an application for a U.S. Passport
2. Provide proof of US citizenship
3. Provide proof of identity
4. Provide a recent color photograph that is 2x2inches
5. Provide the Court Order granting the name change
6. Pay the fee

The policies for changing your gender marker on your Passport have recently changed. Just like the SSA, you can change your gender marker on your Passport with no court order and no medical documentation. You will fill out the appropriate forms and self-attest what your gender is. These policies are new, and there are likely to be some issues as these policies are implemented.

Birth Certificate:

To change your name on your birth certificate, you will need to provide:

1. Certified copy of the Court Order granting the change of name
2. Copy of original birth certificate

To change your gender on your birth certificate, you will need to provide:

1. Certified copy of Court Order stating that your birth sex has been changed by surgical procedure
2. Copy of original birth certificate

You will not be able to change your gender marker on your birth certificate if you have not completed gender-affirmation surgery. A mastectomy, a surgical procedure commonly performed to remove breast tissue, is not likely to be considered gender-affirmation surgery. Gender-affirmation surgery is a surgical procedure to change your genital organs.

There will be a \$15 fee to update your birth certificate and a \$12 fee for a copy of the new birth certificate.

If you have not had gender affirmation surgery to change

your gender on your birth certificate, you may still change your gender on your license, Passport, and with the SSA without any medical documentation. You do not need a Court Order or have to be receiving any gender transition treatment to change your gender marker on your license, Passport, or with the SSA.

IMPORTANT NOTES:

In the United States, there is no national birth registry, and each state issues birth certificates for the citizens born in that state. Every state has its laws regarding amending a birth certificate to reflect a name change or gender change on a birth certificate. When you change your name or your gender marker, you must request to amend your birth certificate in your home state (the state where you were born) to reflect the changes in your name or gender marker.

The laws in this factsheet only pertain to name and gender changes in Arkansas.

If you were born in a state that is not Arkansas, there might be additional requirements or procedural requirements that must be met to change your name or gender marker on your birth certificate. If you receive an Order signed by a Judge from an Arkansas Circuit Court to change your name or gender, there is a possibility that your home state will not issue you an amended birth certificate reflecting your name or gender change.

Example: Ohio requires name and gender change matters to be heard at the Probate Courts. In Arkansas, name and gender change matters are heard at the Circuit Courts. It is unclear if Ohio will honor a name change Order or gender change Order from an Arkansas Circuit Court to amend a birth certificate because of Ohio's requirement that these matters be heard at the Probate Courts.

If you were born in a different state, you might wish to consult with legal aid/services in your home state or a private attorney in your home state.

The fees are subject to change. Contact the agencies directly to confirm the fee to change your name and/or gender on certain documents

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The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a general guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently.

Before you take action, talk to an attorney, and follow their advice. Always do what the court tells you to do.