



# Name & Gender Change Guide

New England

September 2018

This document is intended to provide general information only and cannot provide guidance or legal advice as to one's specific situation. Moreover, the law is constantly changing and evolving and this publication is based upon the information that is known to us as of this printing. For guidance on your particular situation, you must consult a lawyer. You should not act independently on this information. The provision of this information is not meant to create an attorney-client relationship. Check our website, [www.glad.org](http://www.glad.org), for more information.

If you have questions about this publication, other legal issues or need lawyer referrals, contact **GLAD Answers** by live chat or email at [www.GLADAnswers.org](http://www.GLADAnswers.org) or by phone weekdays between 1:30 and 4:30pm at (800) 455-GLAD (4523).

# Contents

■ PERSONAL IDENTIFICATION & DOCUMENTATION	1
Name Change	2
Amendment of Birth Certificates	2
Driver's License Changes	3
■ FEDERAL IDENTIFICATION DOCUMENTS	4
Social Security Cards	4
Passports	7
■ NEW ENGLAND STATE IDENTIFICATION DOCUMENTS	10
Connecticut	11
Massachusetts	15
Maine	20
New Hampshire	25
Rhode Island	23
Vermont	28
	32

# **Personal Identification & Documentation**

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It is extremely important for transgender people that their chosen name and gender identity be reflected in federal and state identification documents such as:

- Birth certificate
- Drivers' license
- Social Security card
- Passport

In the past, transgender people had to prove that they had completed gender confirmation surgery before they were allowed to change gender on these documents. But during the past few years, significant changes have been made so that now the gender on all the documents listed above can be changed without the need for surgery, with the exception in New England of Maine and New Hampshire birth certificates.

Also, you do not have to change the name and gender on your birth certificate before you can change the name and gender on federal and state identification documents.

The purpose of this publication is to provide detailed information on how to change name and gender on the above documents.

In addition, transgender people living in New England seeking to update their legal name and gender on federal and state identification documents can receive free legal representation through the Pop-Up ID Project.

Lawyers from Ropes & Gray LLP, working with GLAD and MTPC, will guide transgender people through the legal process for:

- Name change
- Social Security card

- U.S. passport
- Driver's license / state-issued identification card
- Birth certificate

Attorneys may also be able to provide guidance with respect to updating other identification, personal and commercial documents to reflect proper name and gender (including birth certificates issued outside of New England).

To submit an application for the Pop-Up ID Project, go to:

<https://www.glad.org/id/>.

## Name Change

Every state has a legal process for changing one's name. In most states, a name change requires a petition in a local probate court. A probate court name change allows the individual to use the new name in a legal capacity, for everything from changing one's driver's license to signing official business paperwork. Most jurisdictions allow anyone, transgender or otherwise, to choose whatever name they wish to have, as long as it is not adopted for fraudulent purposes. If you are inappropriately denied a petition for a name change, please contact GLAD Answers. Below we will list the process for obtaining a legal name change in each of the New England states.

## Amendment of Birth Certificates

Currently three states forbid the amendment of birth certificates based on gender changes (Kansas, Ohio<sup>1</sup> and Tennessee), and many states have statutory provisions permitting birth certificates only to be amended upon completion of gender affirmation surgery. Fortunately, in New England, only two states continue to require proof of surgery in order to amend a birth certificate—Maine and New Hampshire

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<sup>1</sup> There is a pending lawsuit in Ohio challenging the prohibition on birth certificate gender changes. For more information, see <https://www.acluohio.org/archives/cases/ray-et-al-v-himes-et-al?c=1059>.

The American Medical Association issued a statement supporting “. . . policies that allow for a change of sex designation on birth certificates for transgender individuals based upon verification by a physician that the individual has undergone transition according to applicable medical standards of care.”<sup>2</sup>

## Driver’s License Changes

Procedures for changing one’s name and gender designation on a driver’s license differ from state to state. Fortunately, in all six New England states, surgery is not required to change the gender on a driver’s license or state-issued non-driver’s identification card. There is information below about how to change name and gender if you have a driver’s license or state-issued non-driver’s identification card that issued by one of the six New England states.

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<sup>2</sup> See <https://www.glad.org/wp-content/uploads/2017/01/ama-resolution-fact-sheet.pdf>.

# Federal Identification Documents

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## Social Security Card

Social Security cards are issued by the federal government, and therefore one must follow the same procedure to change them in every state.

Use Form SS-5 to apply for a Corrected Card. For directions and form go to: <https://www.ssa.gov/forms/ss-5.pdf> or visit any Social Security branch office. If you already have a card, you can apply by mail. If you are applying for a card for the first time, you need to go in person.

NOTE: All documents must be either originals or copies certified by the issuing agency (i.e., no photocopies or notarized copies). Your documents will be returned to you.

For either a **name and/or gender change**, you will need to establish your identity and that you are a U.S. citizen (if you are not a U.S. citizen the following website describes what you will need to do:

<https://www.ssa.gov/pubs/EN-05-10096.pdf>).

To establish **identity**, Social Security prefers one of the following documents, and it must be current:

- U.S. driver's license;
- State-issued non-driver identification card; or
- U.S. passport

If you don't have any of these documents, they may accept (provided it has enough identifying information—name, date of birth or age, and preferably a photo):

- Employer ID card;
- Health insurance card (not a Medicare card);

- School ID card; or
- U.S. military ID card

To establish that you are a **U.S. citizen**:

- If you were born in the U.S., you must provide:
  - U.S. birth certificate
  - U.S. passport
- If you were not born in the U.S., you must provide:
  - U.S. passport
  - Certificate of Naturalization
  - Certificate of Citizenship
  - Certification of Report of Birth
  - Consular Report of Birth Abroad

NOTE: You may use the same document for more than one purpose (e.g. a U.S. passport can be used both to establish your identity and citizenship).

### **Name Change**

If you need to change your name on your Social Security card, you must show proof of your legal name change. Documents Social Security may accept to prove a legal name change include:

- Court order approving the name change;
- Marriage document;
- Divorce decree; or
- Certificate of Naturalization showing the new name.

If the document you provide as evidence of a legal name change does not give enough information to identify you in the Social Security records, or if you changed your name more than two years ago (four years ago if you are under 18 years of age), you must show an identity document in your prior name (as shown in the Social Security records). They will accept an identity document in your old name that has expired.

If you do not have an identity document in your prior name, they may accept an unexpired identity document in your new name, as long as they can properly establish your identity in their records.

## **Gender Change**

**The Social Security Administration no longer requires surgery to change gender on a Social Security card.** The SSA will now accept any of the following as proof of gender change:

- A 10-year U.S. passport showing the new gender;
- a state-issued amended birth certificate showing the new gender;
- a court order directing legal recognition of change of gender; or
- a medical certification of appropriate clinical treatment for gender transition in the form of an original letter from a licensed physician. The document must have enough biographical data (e.g., name and date of birth) to clearly identify the person. To see a sample letter go to: <https://secure.ssa.gov/poms.nsf/lnx/0110212200#c>.

For more detailed information about changing name and gender on your social security card, go to: <https://faq.ssa.gov/en-us/Topic/article/KA-01453> or <http://transequality.org/know-your-rights/social-security>.

In 2011, the Social Security Administration (SSA) ended the practice of allowing gender to be matched in its Social Security Number Verification System (SSNVS). This will result in the cessation of SSA sending “no-match letters” that alert employers when the gender marker on an employee's W-2 does not match Social Security records.

## Passports

Because passports are issued by the federal government, one must follow the same procedure to change them in every state. **The State Department no longer requires surgery to change the gender on a passport.**

- If you only want to change the name on your passport, you can follow the directions here:  
<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-correct.html>.
- If you already have a 2- year limited-validity passport because your transition was in progress, as long as you apply for a 10-year passport before the limited-validity passport expires, you can use Form DS-5504, <https://eforms.state.gov/Forms/ds5504.pdf>, and there is no charge. You must submit:
  - Your limited-validity passport
  - A passport photo that resembles your current appearance
  - Medical certification (see below) from a licensed physician stating that you have had appropriate clinical treatment to transition to the gender that matches your gender identity

To change the name and sex designation that appear on a passport, a person must:

- Complete a DS-11 form, <https://eforms.state.gov/Forms/ds11.pdf>, and **submit it in person.**
- When you apply in person you will be asked for the following (for more details about which documents are acceptable, go to <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/apply-in-person.html>):
  - Proof of citizenship (must be an original or certified copy)
  - Proof of identity (must be an original or certified copy)

- Also bring a copy of your proof of citizenship and identity that the Passport office will keep (these do not need to be originals or certified copies)
- A passport photo that meets the following requirements:  
<https://travel.state.gov/content/travel/en/passports/requirements/photos.html>
- Pay a fee (for a schedule of fees, go to <https://travel.state.gov/content/travel/en/passports/requirements/fees.html>)
- Provide medical certification from a licensed physician stating that you have had appropriate clinical treatment to transition to the gender that matches your gender identity (see below)
- Medical certification:
  - A signed original statement from a licensed professional that must be on office letterhead and include:
    - Physician's full name, address, and phone number
    - Medical license or certificate number
    - Issuing state or other jurisdiction of medical license or certificate
    - Language stating that:
      - The physician has treated you or reviewed and evaluated your medical history
      - For a 10-year passport, that you have had appropriate medical treatment to transition to the gender that matches your gender identity (**no surgery is required**)
      - For a 2-year passport, that you are in progress to transitioning to the gender that matches your gender identity (**no surgery is required**)
      - The statement must include: "I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct."
  - Medical requirements for a minor are the same as for an adult, but parental consent is required and both parents must appear with the child.

- A description of specific treatments is not required in the medical certification. The certification is based on your physician's clinical assessment of your treatment. The certification should meet the standards and recommendations of the World Professional Association for Transgender Health which is recognized by the American Medical Association.
- For more details and a sample physician's statement template, go to <https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>.
- Some clarifying information:
  - The citizenship and identification documents do not have to be in your gender identity, but the photo must resemble your current appearance.
  - Your identification document must be in your changed name, unless the change occurred no more than a year ago. In that case you can submit an identification document in your previous name along with the court order changing your name.
  - The first time you change the gender marker on your passport you must use form DS-11 and appear in person. After that, you can renew your passport by mail using form DS-82, <https://efrms.state.gov/Forms/ds82.pdf>.
  - The medical certification statement must be from a licensed physician (M.D or D.O.), not from a therapist, social worker, psychologist, etc.
  - The State Department will only issue a passport with a gender of male or female, there is not an option for non-binary or no gender.

For more information regarding fees and the application process, please contact:

- National Passport Information Center
- Toll-free (877) 487-2778
- <https://travel.state.gov/content/travel/en/passports.html>

# **New England State Identification Documents**

In addition to this publication, transgender people living in New England (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island or Vermont) seeking to update their legal name and gender on federal and state documents can receive free legal representation through the Pop-Up ID Project.

Lawyers from Ropes & Gray LLP, working with GLAD and MTPC, will guide transgender people through the legal process for:

- Legal name change
- Social Security card
- U.S. passport
- Driver's license / state-issued identification card
- Birth certificate

Attorneys may also be able to provide guidance with respect to updating other identification, personal, and commercial documents to reflect proper name and gender (including birth certificates issued outside of New England).

For additional information and to submit an application form, go to <https://www.glad.org/id>.

**NOTE: When going through the name change process in court, petitioners should request both a waiver of the publication requirement and that the record be sealed.**

# CONNECTICUT

## Connecticut *Probate Court Name Change*

According to Connecticut law, probate courts and the Superior Court have concurrent jurisdiction to grant a change of name.<sup>3</sup>

Moreover, “an application for a change of name should be granted unless it appears that the use of the new name by the applicant will result in injury to some other person with respect to his legal rights, as for instance, by facilitating unfair competition or fraud.”<sup>4</sup>

### Probate Court Name Change Process

- Fill out application form PC-901 for adult or PC-900 for minor\*
- Submit affidavit form PC-910 for adult or PC-910A for minor\*
- Submit a certified copy of your birth certificate
- Provide the court with two forms of identification, including at least one form of photographic identification
- Pay a filing fee

\* The forms can be obtained at your local probate court or online at [www.ctprobate.gov/Pages/Probate-Court-Forms.aspx](http://www.ctprobate.gov/Pages/Probate-Court-Forms.aspx).

For complete information about the fees and process go to: [http://www.ctprobate.gov/Documents/Name\\_Change\\_Instructions.pdf](http://www.ctprobate.gov/Documents/Name_Change_Instructions.pdf).

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<sup>3</sup> Conn Gen. Statute §§ 45a-99 and 52-11.

<sup>4</sup> Don v. Don, 142 Conn. 309, 311-312, 114 A.2d 203 (1955).

## **Connecticut *Birth Certificate Amendment***

**NOTE:** For a detailed explanation on how to change name and gender on a Connecticut birth certificate, see GLAD's publication: **Connecticut Birth Certificate Tool Kit** at: <https://www.glad.org/wp-content/uploads/2017/01/ct-birth-certificate-toolkit.pdf>.

Birth certificate changes are allowed by statute in Connecticut.<sup>5</sup> **The new birth certificate will contain no evidence of the original name and sex designation and the original will remain confidential and under seal.**

### **Name Change**

If you wish to change your name on the birth certificate you must provide a certified copy of the court order for name change. The court order does not need to be from Connecticut.

### **Gender Designation**

To change sex on a Connecticut birth certificate, you must submit:

- An affidavit from you, signed under penalty of law, requesting a replacement birth certificate be created to reflect that your gender differs from the sex designated on your current birth certificate;
- An affidavit completed by a licensed physician, a licensed advanced practice registered nurse, or a licensed psychologist, stating that you have undergone surgical, hormonal or other treatment clinically appropriate for the purpose of gender transition (the affidavit form must be obtained from the Department of Public Health);

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<sup>5</sup> Conn. Gen. Stat. § 19a-42(a), as amended by Public Act No. 01-163, Sec. 32 (2001).

- A photocopy of a valid, government issued photo identification (e.g., driver's license, passport); and
- A 'Request for Copy of Birth Certificate' if you would like a certified copy of your amended birth certificate. Along with the request form, you will also need to pay the fee for the cost of the certified copy of the birth certificate. The payment must be a money order payable to "Treasurer, State of Connecticut."

In order to request an affidavit form or for general questions regarding this topic, you can contact department staff at 860-509-7956 or [maria.d.colon@ct.gov](mailto:maria.d.colon@ct.gov).

See Connecticut General Statutes §§ 7-42 and 19a-42 and Regulations for Connecticut State Agencies §§ 19a-41-5 through 19a-41-12.

Documentation should be mailed to:

Department of Public Health  
Vital Records Section  
410 Capital Ave. M.S. #11 VRS  
P.O. Box 340308  
Hartford, CT 06134

## **Questions?**

For further information, one may contact the customer service line at the Vital Records Office of the Department of Public Health at: (860) 509-7700 or visit <https://portal.ct.gov/DPH/Vital-Records/State-Vital-Records-Office--Home>.

## **Connecticut Driver's License**

You should change the name on your Social Security card before going to the Connecticut Department of Motor Vehicles (DMV) to change your name and/or gender on your Connecticut driver's license or non-driver photo identification card.

### **Name Change**

Fill out the form, <https://www.ct.gov/dmv/lib/dmv/20/29/E-78.pdf>, and go to the nearest branch office of the DMV with your current license and certified documentation of legal name change. *Photocopies will not be accepted.*

### **Gender Designation**

To change gender on your license or identification card, you must complete Form B-372 that can be found at: <http://www.ct.gov/dmv/lib/dmv/20/29/b-372.pdf>. You complete Part 1.

Then Part 2 must be completed by a physician, therapist/counselor, psychiatric social worker, physician assistant, or advanced practice registered nurse who will affirm your gender designation statement in Part 1. **Surgery is not required.**

There will be a fee for the new driver's license or non-driver's identification card. You will be issued a temporary license or card, and the permanent one will be mailed to you.

### **Questions?**

For further information, one may contact the CT Department of Motor Vehicles customer service line: (860) 263-5700.

# MASSACHUSETTS

## Massachusetts *Probate Court Name Change*

A change of name shall be freely granted unless such change is inconsistent with public interests.<sup>6</sup> It is not open for a court to inquire into the motive that prompts one to change his or her name, provided the change is not for any dishonest, fraudulent, or unlawful purpose.<sup>7</sup>

### Name Change Process

- Submit an application
  - For an adult form CJP-27 that you can find at your local probate court or online at:  
<https://www.mass.gov/files/documents/2018/07/20/cjp27-petition-change-of-name-adult.pdf>;
  - For a minor form CJP-25 that you can find at your local probate court or online at:  
<https://www.mass.gov/files/documents/2018/07/20/cjp-25-petition-to-change-name-of-minor.pdf>.
- Submit a certified copy of your birth certificate or naturalization papers;
- Submit a Court Activity Record Information (CARI) and Warrant Management System (WMS) release request form CJP-34 that you can find at your local probate court or online at:  
<https://www.mass.gov/files/documents/2018/07/20/cjp34-cari-wms-request-form.pdf>.
- Submit a certified copy of any prior name change.
- Pay a filing fee.
- Publish a notice of name change in a local newspaper and pay the fee for citation for publication (GLAD suggests you request

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<sup>6</sup> M.G.L. c. 210 §12.

<sup>7</sup> Sec’y of Comm. v. City Clerk of Lowell, 366 N.E.2d 717 (Mass. 1977).

- to waive this requirement, but it is up to the court to decide whether your request will be granted.)
- There are additional requirements if the name change is for a minor.

For more detailed information about the process, go to <https://www.mass.gov/probate-and-family-court-uniform-practices/uniform-probate-and-family-court-practice-xxxv-change-of>

## **Massachusetts *Birth Certificate Amendment***

**NOTE: For a detailed explanation on how to change name and gender on a Massachusetts birth certificate, see GLAD’s publication: Massachusetts Birth Certificate Tool Kit at: <https://www.glad.org/wp-content/uploads/2017/01/ma-birth-certificate-toolkit.pdf>.**

In July 2015, the Massachusetts Department of Public Health provided new guidance for changing gender on a birth certificate. **No specific surgery is necessary, and any licensed physician can attest to the fact that you have completed appropriate medical intervention for sex reassignment and are no longer the gender listed on your birth certificate.**<sup>8</sup> Here is an explanation of the process:

- 1. Submit an applicant affidavit that contains the following:**
  - a. Your full name, date of birth, place of birth and parents’ names on the existing birth certificate;
  - b. A statement that you have completed medical intervention for the purpose of permanent sex reassignment and are not of the sex designated on the current birth certificate (**No**

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<sup>8</sup> See Registry of Vital Records and Statistics, MA Department of Public Health: <https://www.mass.gov/files/2017-08/r-117-fact-sheet-birth-certificate-amendment-following-sex-reassignment.pdf>

**particular type of surgery is required, and you should not list what medical intervention was completed.)**

- c. Your request for a permanent amendment to your birth certificate to reflect a different sex and, if you want your name changed, submit a certified copy of your court name change decree with your application.
- d. Contact information including your current name and address.

The applicant affidavit form can be found here:

<https://www.mass.gov/files/documents/2016/07/su/r-116-applicant-affidavit-birth-certificate-amendment-following-sex-reassignment.pdf>.

**2. Submit a *notarized* affidavit from a physician on office letterhead or an affidavit form that contains the following:**

(This can be from any physician and does not need to be from the doctor who did your surgery or a doctor who is treating you for reasons relating to gender transition or gender dysphoria):

- a. The physician's name, license number, state of jurisdiction, physician-patient relationship and a statement that either the physician is treating you or has reviewed your medical history and evaluated you concerning a change of sex.
- b. The physician needs to certify that you have completed medical intervention for the purpose of permanent sex reassignment that is appropriate for you and that you are not the sex recorded on the birth certificate. The doctor should not indicate the nature or type of surgical treatment/medical intervention and should use the phrase "has completed medical intervention, appropriate for that individual, for the purpose of permanent sex reassignment."<sup>9</sup> Using alternative terms or specifying the nature and type of surgery or adding any other information may delay your application.

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<sup>9</sup> See Registry of Vital Records and Statistics, Massachusetts Department of Public Health: <https://www.mass.gov/files/2017-08/r-117-fact-sheet-birth-certificate-amendment-following-sex-reassignment.pdf>.

The physician affidavit form can be found here:

<https://www.mass.gov/files/documents/2016/07/rc/r-115-physician-statement-birth-certificate-amendment-following-sex-reassignment.pdf>.

**3. Submit a court-certified copy of your legal name change decree.**

For more information visit: <https://www.mass.gov/how-to/amend-a-birth-certificate-following-medical-intervention-for-the-purpose-of-sex-reassignment> or <https://www.mass.gov/files/2017-08/r-117-fact-sheet-birth-certificate-amendment-following-sex-reassignment.pdf>.

## **Massachusetts *Driver's License***

### **Name Change**

To change your name on a Massachusetts driver's license or identification card, the applicant must go in person to a Massachusetts Registry of Motor Vehicles (RMV) office with:

- A court order with your legal name change
- Social Security card with your new name
- A license/ID card change of information form:  
<https://www.mass.gov/files/documents/2018/03/21/LIC100%20-%20License%20and%20ID%20Application%20-%20Fillable.pdf>

A listing of branch offices and the current fees can be found online at <https://www.mass.gov/orgs/massachusetts-registry-of-motor-vehicles>.

### **Gender Designation**

The Massachusetts registry of Motor Vehicles has amended its policy to enable transgender individuals to more easily change the gender

designation on their licenses and identity cards by allowing the individual to self-attest to their gender identity.

Under this new policy, you are no longer required to submit any documents or proof of medical transition or surgery from a medical provider or counselor/psychologist.

An individual who wishes to change the gender marker submits an updated application with a Gender Designation Change Form, which is signed by the applicant and can be obtained at:

[https://www.mass.gov/files/documents/2018/03/22/LIC108%20-%20Massachusetts%20Gender%20Designation%20Change%20Form\\_0.pdf](https://www.mass.gov/files/documents/2018/03/22/LIC108%20-%20Massachusetts%20Gender%20Designation%20Change%20Form_0.pdf) or at any RMV office.

# MAINE

## **Maine *Probate Court Name Change***

A person who desires to change their name may petition the probate judge in the county where they reside. If the person is a minor, the person's legal custodian may petition on their behalf. If there is a proceeding involving custody or other parental rights with respect to the minor pending in the District Court, the petition must be filed in the District Court.<sup>10</sup> In the case of a minor, a Jurisdictional Affidavit must also be filed.<sup>11</sup>

### **Name Change Process**

- Submit form CN-1 for adult name change, <https://www.ptla.org/sites/default/files/CN-1.pdf>, or form CN-2 for a minor name change, [www.ptla.org/sites/default/files/CN-2.pdf](http://www.ptla.org/sites/default/files/CN-2.pdf);
- A certified copy of your birth certificate;
- Pay a filing fee;
- Publish the change in a newspaper (You can request that the publication requirement be waived, but it will be up to the Probate Court in the county where you reside to decide whether to honor your request.)

Detailed instructions for changing your name in Maine can be found at: <http://www.ptla.org/how-change-your-name-maine>.

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<sup>10</sup> 18-A Me. Rev. Stat. Ann. § 1-701.

<sup>11</sup> See <https://ptla.org/adoption-guardianship-minor-child-name-change-and-maines-home-court-act-when-where-and-how-file>.

## **Maine *Birth Certificate Amendment***

Maine law gives the Department of Health and Human Services authority for establishing procedures for amending a birth certificate.<sup>12</sup>

Maine allows people to just change their name on the birth certificate, but, in this case, the old name is crossed out and the new name is written in, so both names show on the birth certificate.<sup>13</sup>

However, if you change both the name and gender on the Maine birth certificate, a new birth certificate is created that only shows the new name and gender, so most transgender people will want to choose this option, if they can satisfy the gender change requirement.

These are the steps for changing both the name and gender on a Maine birth certificate:

- You need to submit a court ordered legal name change (see above on how to do this in Maine). It does not have to be from a Maine court.
- You also need to submit proof that you have had a surgical procedure to change your sex, by submitting a notarized affidavit (a statement from the physician who did your surgery, that they affirm is true, and sign in front of a notary). More below about what surgery qualifies.
- Submit an Application to Correct a Vital Record form (VS-7: <https://www1.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/documents/pdf-files/VS7.pdf>). On this form indicate both the name and gender change you wish to make.
- Pay the current fee (Checks should be made payable to: Treasurer, State of Maine.)

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<sup>12</sup> 22 Me. Rev. Stat. Ann. § 2705.

<sup>13</sup> See <https://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/documents/pdf-files/Legal-Name-Change.pdf>.

The above items should be presented or mailed to:

Vital Records  
11 State House Station  
220 Capitol Street  
Augusta, ME 04333-0011

### **Surgical Requirement**

According to Pine Tree Legal,<sup>14</sup> the Maine law about the requirement of surgery is not very detailed. Surgery is required, but there is not a list of particular surgeries that you would need to have done in order to meet this requirement.

A “surgical procedure to change sex” means many different things to different people. It does not necessarily mean a particular kind of genital reconstructive surgery, or what are commonly called “top” or “bottom” surgeries. The state is not looking for a laundry list of particular surgical procedures.

If you feel that you have had a surgical procedure that has “changed your sex,” whatever that may mean to you, talk with the physician who did the surgery. If they agree and will send a notarized affidavit stating that you have had such surgery, you should be considered as having met this requirement.

The letter from your doctor or surgeon does not need to be overly complicated or detailed about the specifics of your surgery. It could be as simple as this:

*I, Dr. \_\_\_\_\_ am licensed to practice medicine in \_\_\_\_\_  
and hold license number \_\_\_\_\_.*

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<sup>14</sup> See <https://ptla.org/amending-your-birth-certificate>.

2. *I am the physician of \_\_\_\_\_, with whom I have a doctor/patient relationship and whom I have treated.*

3. *On Month, Day, Year, I performed and completed a surgical procedure to change the sex of \_\_\_\_\_.*

4. *That procedure was performed in cooperation with Ms./Mr. \_\_\_\_\_'s medical team for the purpose of transition to the female/male gender.*

Your surgeon or doctor may already have a format they like to use for this purpose, but if they don't, you can send them this language as an example. Be sure to let your doctor know that you need a notarized affidavit, and that the letter includes enough information to identify you (name, date of birth, etc.).

Vital records cannot contact your doctor or surgeon to ask about what surgeries you have had. If they do, call GLAD Answers.

### **Questions?**

For more information contact the Maine Office of Vital Records:  
(207) 287-3181.

## **Maine Driver's License**

### **Name Change**

First change the name on your Social Security card and then go to a Maine Bureau of Motor Vehicles (BMV) office with a court order indicating your new name.

## **Gender Designation**

To change gender on a Maine Driver's license, you and a doctor, therapist, counselor, social worker or other qualified professional must complete and sign a form on which the professional certifies your gender identity. **Surgery or hormone treatment is not required.**

Maine is the first state in New England to offer a non-binary option on its driver's license. When you complete the form below, you can choose male (M), female (F) or non-binary (X), but this must agree with the gender affirmed to by the medical or social service provider. The form can be obtained at any Bureau of Motor Vehicle (BMV) office or online at:

<https://www.maine.gov/sos/bmv/forms/GENDER%20DESIGNATION%20FORM.pdf>.

The completed form is taken to any BMV office, and you will be issued a 60-day temporary license and a new photo will be taken. There will be a fee to issue a replacement license or ID. You will receive the permanent license with the new gender in the mail 2-4 weeks later.

## **Questions?**

More information can be found at:  
<https://www.ptla.org/classroom/2304/445799> or by visiting your local BMV office.

# NEW HAMPSHIRE

## New Hampshire *Probate Court Name Change*

New Hampshire law permits individuals to change their name through probate court.<sup>15</sup>

### Name Change Process

- File a Name Change Petition at the probate division of your local circuit court. There will be a fee.
- This is the form that you need to submit to the probate court: <http://www.courts.state.nh.us/forms/nhjb-2175-p.pdf>, and these are the instructions on how to fill out the form: <http://www.courts.state.nh.us/forms/nhjb-2175-p-instructions.pdf>.
- Once the name change is approved, you are required to do the following: <http://www.courts.state.nh.us/probate/namechange.pdf>. Notice that you must inform the DMV within 10 days of having a name change petition approved.

## New Hampshire *Birth Certificate Amendment*

New Hampshire law does not have an explicit provision relating to public records for transgender people. The law provides generally for changes to birth certificates to be made by the town clerk according to rules set by the Commissioner of the Department of Health and Human Services.

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<sup>15</sup> N.H. Rev. Stat. Ann. § 547:3-i.

## **Name Change**

See the process for changing a name above. Once the name change is accepted, the birth certificate will be amended to read “also known as [New Name]” and “name changed pursuant to an order of the [Town] probate court.” It is the individual’s responsibility to inform others of the name change.

## **Gender Designation**

The Bureau of Vital Records and Health Statistics (603-271-4655) provides the following guidance: An applicant should petition the appropriate probate court for a court ordered sex change using Form NHJB-2128-P that can be obtained at <http://www.courts.state.nh.us/forms/nhjb-2128-p.pdf>. This involves a hearing in which evidentiary findings are made and payment of a nominal certificate amendment fee.

Once you have a court order for both your name change and gender change, contact your town or city clerk for a list of what must be submitted and the fee that will be charged.

## **New Hampshire *Driver’s License***

### **Name Change**

To change the name on your New Hampshire Driver License or Non-Driver Identification Card, you must complete a Record Change Request form and provide supporting legal documentation of your name change. Submit both of these requirements IN PERSON to a DMV office: <http://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv30.pdf>. There is no charge for this. GLAD recommends changing your name on your Social Security card before going to the DMV office.

## **Gender Designation**

The New Hampshire Department of Safety Division of Motor Vehicles (DMV) has modernized the criteria to change the gender on your New Hampshire Driver License or Non-Driver Identification Card **by removing any requirements of surgery**. The new process instead requires that one of the following health care providers attest to your current gender identity and that in their professional opinion this gender identity will continue for the foreseeable future:

- Physician
- Advanced Practice Registered Nurse (APRN)
- Clinical Social Worker
- Clinical Mental Health Counselor

To submit a request for a gender change, you and the health care provider must complete the following form:

<http://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv626.pdf>.

Submit this document IN PERSON to the DMV. There will be a fee and a current photo will be taken.

## **Questions?**

For more information see GLAD's New Hampshire Driver License/Non-Driver Identification Card Tool Kit at:

<https://www.glad.org/wp-content/uploads/2017/01/nh-license-tool-kit.pdf>.

# RHODE ISLAND

## Rhode Island *Probate Court Name Change*

Rhode Island law allows individuals to change their names in probate court.<sup>16</sup> In every petition for change of name in the probate court, the judge shall grant or deny the petition without consideration of spousal consent.

### Name Change Process

- Fill out form P.C. 8.1 (available at court or at [sos.ri.gov/documents/probate/PC8.1.pdf](http://sos.ri.gov/documents/probate/PC8.1.pdf)) and get it notarized;
- Get a certified copy of your birth certificate and a copy of your Bureau of Criminal Identification (BCI) record. Instructions on how to get a copy of your BCI record can be found at: <http://www.riag.ri.gov/BCI/index.php#>;
- Check with your local probate court about the filing fee, and whether it requires that you advertise in a local newspaper;
- If required by the court, advertise in local newspaper by filling out form P.C. 9.1 (see: [sos.ri.gov/documents/probate/PC9.1.pdf](http://sos.ri.gov/documents/probate/PC9.1.pdf)). You should request that the court waive this requirement to protect your privacy, but it will be up to the court whether your request is granted.

\*For minors, both parents must be present with identification.

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<sup>16</sup> R.I. Gen. Laws § 8-9-9, 33-22-28.

## **Rhode Island Birth Certificate Amendment**

**NOTE:** For a detailed explanation on how to change name and gender on a Rhode Island birth certificate, see GLAD’s publication: **Rhode Island Birth Certificate Tool Kit** at: <https://www.glad.org/wp-content/uploads/2017/01/ri-birth-certificate-toolkit.pdf>.

### **Name Change**

The applicant must submit to the registrar of vital records a certified copy of the probate court order changing the name, including applicant’s name at birth, date and place of birth, and new name. The applicant will receive an affidavit in the mail that must be signed in a notary’s presence.

### **Gender Designation**

**Surgery is no longer required to change the gender on a Rhode Island birth certificate.**

The procedure requires:<sup>17</sup>

1. The individual (or if a minor, the individual’s parent(s) or legal guardian(s)) must submit an affidavit attesting that the person has undergone medical treatment for the purpose of gender transition based on contemporary clinical standards established by the World Professional Association for Transgender Health (WPATH).
2. A physician, certified nurse practitioner or physician’s assistant, who is licensed to practice in the United States (or possibly some foreign country), and who has treated or evaluated the person, must sign an affidavit that the individual has “undergone surgical and/or hormonal treatment based on contemporary clinical standards and/or other treatment appropriate for the

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<sup>17</sup> See [https://risos-apa-production-public.s3.amazonaws.com/DOH/REG\\_9648\\_20180806190343.pdf](https://risos-apa-production-public.s3.amazonaws.com/DOH/REG_9648_20180806190343.pdf).

individual for the purpose of gender transition based on contemporary clinical standards.”

For an intersex person, the procedure requires:<sup>18</sup>

1. An affidavit by the individual attesting that the person is intersex and is not the sex designated on the Rhode Island birth certificate.
2. An affidavit by a medical professional, as listed in the procedure for a transgender person above, that the individual has an intersex condition, and, in the medical professional’s opinion, the person’s sex designation should be changed.

NOTE: Correction requests regarding sex that also include a request for a legal name change will be marked as amended only with respect to the name change.

### **Questions?**

For more information, one may contact the Rhode Island Division of Vital Records: (401) 222-2812.

## **Rhode Island *Driver’s License***

### **Name Change**

You must first change your name on your Social Security card and complete the application for a new License/ID: <http://www.dmv.ri.gov/documents/forms/license/LI-1.pdf>. You will also need a document demonstrating your name change (such as a court order). There will be a fee.

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<sup>18</sup> See [https://risos-apa-production-public.s3.amazonaws.com/DOH/REG\\_9648\\_20180806190343.pdf](https://risos-apa-production-public.s3.amazonaws.com/DOH/REG_9648_20180806190343.pdf).

## **Gender Designation**

Changing one's gender designation on a license or identification card involves completing a Gender Designation form—see [http://www.dmv.ri.gov/documents/forms/license/gender\\_designation.pdf](http://www.dmv.ri.gov/documents/forms/license/gender_designation.pdf) This form requires a physician, licensed therapist or counselor or case worker or social worker to declare under penalty of perjury what the applicant's current gender identity is and that this identity “can be reasonably expected to continue as such in the foreseeable future.” The person submits the completed form, surrenders any current license or identification card, has a new photograph taken and pays the applicable fees.

## **Questions?**

For more information contact: Division of Motor Vehicles  
License and Registration Office  
600 New London Avenue  
Cranston, RI 02920-3024  
(401) 462-4368

# VERMONT

## **Vermont** *Probate Court Name Change*

According to Vermont law, a person of age and sound mind may change their name by making, signing, sealing and acknowledging before the judge of the probate court of the district in which the person resides, a standard form available from the probate court.<sup>19</sup> The person will also need a certified copy of their birth certificate and will need to pay a filing fee.

An adult must submit the following form:

<https://www.vermontjudiciary.org/sites/default/files/documents/Pc%20122.pdf>.

Here are the directions for changing the name of a minor:

[https://www.vermontjudiciary.org/sites/default/files/documents/700-00123A%20Name%20Change%20of%20Minor%20Child%20Information.word\\_.pdf](https://www.vermontjudiciary.org/sites/default/files/documents/700-00123A%20Name%20Change%20of%20Minor%20Child%20Information.word_.pdf). It requires the consent of the parents and completing this form:

[https://www.vermontjudiciary.org/sites/default/files/documents/700-00123\\_1.pdf](https://www.vermontjudiciary.org/sites/default/files/documents/700-00123_1.pdf).

The following link has further information:

<https://www.vermontjudiciary.org/probate/name-changes>.

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<sup>19</sup> Vt. Stat. Ann. tit. 15, § 811.

## **Vermont *Birth Certificate Amendment***

### **Name Change**

Whenever a person changes their name, as provided in the section above, they shall provide the probate division of the superior court with a copy of their birth certificate and, if married, a copy of their civil marriage certificate, and a copy of the birth certificate of each minor child, if any.

The register of probate with whom the change of name is filed and recorded shall transmit the certificates and a certified copy of such instrument of change of name to the supervisor of vital records registration.

The supervisor of vital records registration shall forward such instrument of change of name to the town clerk in the town where the person was born within the state, or wherein the original certificate is filed, with instructions to amend the original certificates.

Such amended certificates shall have the words "Court Amended" stamped, written, or typed at the top.<sup>20</sup>

### **Gender Designation**

**No surgery is required** to change gender on a Vermont birth certificate.<sup>21</sup> Here are the steps:

- Get an affidavit from a licensed physician who has treated or evaluated the person stating that the individual has undergone “surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition.” The affidavit

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<sup>20</sup> Vt. Stat. Ann. tit. 15, § 816.

<sup>21</sup> Vt. Stat. Ann. tit. 18, § 5112

shall include the medical license number and signature of the physician.

- The person then files this affidavit with the probate division of the superior court, and the court will issue an order that the person's sexual reassignment has been completed.
- Upon presentation of the court order to the state registrar, the registrar will issue a new birth certificate with the sex changed.
- The new certificate shall be substituted for the original birth certificate and shall not show that a change in name or sex has been made, and the original birth certificate will be sealed.
- Anyone who previously was issued an "amended" birth can apply to the registrar for a new birth certificate.

## **Vermont *Driver's License***

### **Name Change**

You must notify the Vermont Department of Motor Vehicles (DMV) within 30 days after you change your name. You should first change your name on your Social Security card, and then provide documentation of your new name (such as a court order). You will also need to complete a change of name form:

[https://dmv.vermont.gov/sites/dmv/files/documents/VL-040-Duplicate\\_License.pdf](https://dmv.vermont.gov/sites/dmv/files/documents/VL-040-Duplicate_License.pdf).

This link has further directions and form for changing the name on your Vermont driver's license:

<http://dmv.vermont.gov/licenses/drivers/name>.

### **Gender Designation**

People who wish to change their sex designation can submit a written request to do so in two alternative ways:

1. Accompanied by a letter from a physician stating the gender change is complete and the date of completion, OR
2. Accompanied by a statement from a physician, psychologist or psychiatrist stating the target gender to which the applicant is irrevocably committed.

The statement must be signed by the medical professional and include their printed name, address and jurisdiction in which licensed and license number.

The Vermont DMV is exploring offering a non-binary gender option when it upgrades its software in 2019.

Through strategic litigation, public policy advocacy, and education, GLBTQ Legal Advocates & Defenders works in New England and nationally to create a just society free of discrimination based on gender identity, HIV status, and sexual orientation.

**GLAD Answers** and publications are provided *free of charge* to all who need them. We hope that those who are able will make a contribution to ensure that GLAD can continue the fight for equal justice under the law.

To make a tax-deductible contribution, log on to [www.glad.org](http://www.glad.org), or call us at (800) 455-GLAD (4523) with your credit card, or mail your check, payable to GLAD to 18 Tremont Street, Suite 950, Boston, MA 02108. If your workplace has a matching gift program, please be sure to have your donation matched. Please contact us if you would like more information on becoming a GLAD partner.

*Thank You!*



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