

What are the steps to change my gender marker? (Travis County)

These instructions are to change your gender and sex identifier on Texas state records only. If you want to change your identifier and your name, there are separate instructions and forms for that. Note: These forms are intended for use in **Travis County, Texas**.

The *Final Order to Change the Gender and Sex Identifier of an Adult* is a court order that tells agencies and departments within the court's jurisdiction to change the gender and sex identifier on official documents and licenses. It does not take away any legal rights or responsibilities or debts you had under your original sex identifier. It does not grant any new rights. Changing your identifier will NOT allow you to escape civil or criminal responsibility or your creditors. You will still be held responsible for any debts you have under your original identifier.

Step 1. Fill out two forms.

Petition to Change the Sex and Gender Identifier of an Adult. This form asks the judge to order agencies to change your identifier on official documents. - **and**-

Final Order to Change the Sex and Gender Identifier of an Adult. The judge signs this form to order the agencies to change your identifier on official documents.

Note: When filling out both the *Petition* and the *Order*, use your current name as it appears now on your birth certificate or your social security card.

Where do I get the forms?

You can print fill-in-the-blank forms here: www.TravisCountyLawLibrary.org.

If you have a low income, you may ask the court to waive the court filing fees by filing a *Statement of Inability to Afford Payment of Court Costs* form. This form is also on the Law Library's website.

Do you want your forms reviewed by an attorney?

- You can hire a private attorney. There are attorneys in Austin who specialize in LGBT+ legal matters.
- A Law Library Reference Attorney can review your forms at the morning case review clinic (10 a.m. to noon, weekdays, at 314 West 11th, #140).
- The University of Texas Law School holds a legal clinic each semester. Clinic volunteers will help you fill out the forms. <https://law.utexas.edu/probono/projects/%20special-projects/trans-legal-name-%20%20gender-marker-project/>

Step 2. Gather the additional paperwork.

You will need a letter from a mental health professional and/or medical doctor. The letter should state:

1. that the writer has examined you,
2. your diagnosis, and
3. that granting a change of gender/sex marker is in your best interest.

You may also need this paperwork:

- A *Statement of Inability to Afford Payment of Court Costs* form (if you want to ask that filing fees be waived)
- A copy of your certificate of discharge (if you were convicted of a felony and served time in prison)
- A copy of your discharge from felony probation (if you successfully completed probation)
- A copy of your Sex Offender Update Form (if you are required to register as a sex offender)

Step 3. Get your fingerprints taken.

Have your **fingerprints** taken. You will need the fingerprint card to file with your *Petition* (or with the *Order* if you filed your *Petition* online).

Where do I get my fingerprints taken?

Check with local law enforcement to learn where you can have your fingerprints taken. There is a fee, usually \$10 to \$20.

In Travis County, you can have your fingerprints taken at Passport Express at 1107 Rio Grande, Austin, Texas 78701.

Step 4. File your *Petition*.

In Travis County, file the petition in the District Clerk's Office, in room 302 of the civil courthouse (at 1000 Guadalupe, Austin, TX, 78701)

You may also file these attachments to your *Petition*:

- The letter from your mental health professional and/or medical doctor.
- The fingerprint card.
- A *Statement of Inability to Afford Payment of Court Costs* form (if you want to ask that filing fees be waived)
- A copy of your certificate of discharge (if you were convicted of a felony)
- A copy of your discharge from felony probation (if you successfully completed probation)
- A copy of your Sex Offender Update Form (if you are required to register as a sex offender)

Step 5. Pay the Filing Fee.

You will **pay a filing fee** of about \$285 at the District Clerk's Office.

If you have a low income, or are on government benefits because you have a low income, or you cannot pay court fees, you may file a *Statement of Inability to Afford Payment of Court Costs* form to ask the Court to waive court and filing fees.

Step 6. Learn where and when to go to court.

After you file your *Petition*, go to the **Court Administrator's Office** on the fourth floor of the courthouse. The Court Administrator's Office schedules court hearings.

When you get to the Court Administrator's Office, ask for **Jacob** or **Warren**. They will help you schedule a time to speak with a judge or go to short hearing.

The phone number for the Court Administrator's Office is 512-854-2484.

Step 7. Show your papers to the judge.

When you meet with the judge, make sure you have:

- A copy of your *Petition* and fingerprint card
- A copy of your letter from the mental health professional and/or medical doctor
- The *Final Order to Change the Gender and sex Identifier* which you filled out (except for the judge's signature)
- A copy of your order discharging probation (if you were on felony probation)
- A copy of your TDCJ discharge certificate (if you were convicted of a felony and served time in prison)
- A copy of your Sex Offender notification form (if you are required to register as a sex offender)
- Any other supporting documentation you might think helpful. Examples include birth certificates and passports

If you are sworn in, the judge may ask you questions. Be prepared to answer the judge's questions truthfully and briefly. Address the judge as "Your Honor."

If the judge signs the order, move on to the next step. If the judge does *not* sign the Order, your gender identifier will not change at that time. You may be able to return to court with additional evidence at a later date to continue your request.

Step 8. Get certified copies of the Order.

Go to the District Clerk's Office in room 103. The Clerk's Office stamps the Order signed by the judge. Ask for a certified copy of the signed and stamped Order. Pay the fee for the certified copy. You will need certified copies to prove that the Court ordered the identifier change. You may want to get **at least 3 certified copies**.

Step 9. Notify.

Notify the various agencies of your identifier change. You may be required to show them a certified copy of your court order.

Agencies to notify include the:

- Social Security Administration
- Vital Statistics (birth certificates)
- Department of Public Safety (driver's license)
- Tax Office (vehicle and voter registration) and
- County Clerk's Office (property titles)
- Passport Office

Questions???

Q. Who can use these forms?

A: This form is intended for use by people who want to change the sex on their public documents to match their gender identity. These are the forms for changing gender marker only. If you want to change your name also, use the gender marker with name change forms.

Q, Can I change my name and gender/sex marker on public documents without going to court?

A: No. In Texas, you need a court order. Judges have discretion to either grant or deny your request.

Q: Is surgery or other medical treatment or procedure required before I can change my gender/sex marker?

A: No, surgery is not required by Texas law. What is required is a narrative statement from your doctor and/or therapist that says:

- You have received a diagnosis of Gender Dysphoria (or other diagnosis).
- You have received appropriate treatment for your diagnosis.
- It is in your best interest (it's recommended) that your sex and/or gender marker be changed in public records to be consistent with your identity and presentation.

It is helpful if the statement includes:

- The length of time the doctor/therapist has been treating you.
- A description of your diagnosis and a prognosis.

In exercising their discretion to grant sex/gender marker changes, judges often look to the Current Standards of Care (SOC) established by the World Professional Association for Transgender Health (WPATH). For more information on these standards see

www.wpath.org/site_page.cfm?pk_association_webpage_menu=1352&pk_association_webpage=3947

Q: Can I change my gender/sex marker to non-binary or some other identity that is neither male nor female (M or F)?

A: No. Texas law does not recognize non-binary, third gender, or gender fluid as an acceptable entry for sex or gender that is printed on state identification documents.

Q: Will my identity documents automatically be updated once the court enters an order?

A: No. Getting an order is just the first step of the process of correcting your name and/or gender marker on your ID documents. You will need to contact the issuing authority for each type of ID and present a certified copy of the court order when you ask for a change. You can get a certified copy of the order signed by the judge from the District Clerk's Office, room 302.

Although the order is a binding order of a Texas district court of general jurisdiction, it is not an absolute guarantee that state entities will immediately adjust your gender marker in accordance with the order.

In Re:

Cause No:

Petitioner (Print first, middle, and last names)

In the _____ District Court of

Travis County, Texas

Petition to Change the Sex and Gender Identifier of an Adult

(Print your answers.)

I. Petitioner

1. My current legal name is: _____
First *Middle* *Last*

2. I ask the Court to change my gender and my sex identifier

from Male to Female **OR** from Female to Male.

3. The reason I want to make that change is:

My birth certificate lists me as male female. My true sex and gender, as reflected in my physician's/therapist's letters attached, is male female.

In all aspects of my life, I present as male female. My birth certificate and other identifying information should conform with my true gender/sex. If this conformation does not occur, I will suffer significant damage including problems with voting, problems with travel, problems obtaining insurance, employment, housing, credit and problems with producing correct and consistent identification.

And/OR (if other reason, print below)

II. Discovery Level

The discovery level in this case, if needed, is Level 1.

III. Personal Information

My personal information is as follows:

4. Home address is: _____
street address

city *county* *state* *zip code*

11. Have you ever been **convicted** of a felony that has not been pardoned? Yes No

*If yes -- The court **may grant** your request **if** at least 2 years have passed since you received a certificate of discharge from the Texas Department of Criminal Justice or completed court ordered community supervision or juvenile probation. You **must attach proof from the Texas Department of Criminal Justice.***

*List **all** of your **felony convictions** here. If you need more space, attach an additional page.*

Felony Conviction 1

_____ District Court County Court
County _____ Court number: _____ Case number: _____

Felony Conviction 2

_____ District Court County Court
County _____ Court number: _____ Case number: _____

Felony Conviction 3

_____ District Court County Court
County _____ Court number: _____ Case number: _____

Felony Conviction 4

_____ District Court County Court
County _____ Court number: _____ Case number: _____

12. Are you required to register as a sex offender? No Yes

If yes – attach a copy of your notification to local law enforcement. See below.

V. Request for Judgment

I ask that my gender and my sex identifier be changed: *(select one)*

from Male to Female from Female to Male.

I ask the Court to enter an order for agencies and departments within this court's jurisdiction to correct and amend the gender and sex identifiers in all licenses, databases, certificates, or other official documents under the agencies control and issuance, whether electronic or paper. This includes, but is not limited to, the Texas Department of Public Safety.

I ask that upon application to the Vital Statistics Unit the Petitioner's Texas birth certificate shall be amended pursuant to Texas Health and Safety Code 192.011 to reflect my sex/gender as:

Male Female.

*[Optional] **Sealing Court Records** (Check only if you want to seal the court record. Sealing records restricts future access the court order. This has privacy benefits but makes it difficult to get additional certified copies if you need them later.)*

I ask that the records in this cause number be sealed. This action is not subject to the standards for sealing records set forth in rule 76a of the Texas Rules of Civil Procedure. Sealing the records will not adversely affect the public health or safety. The records do not involve matters that should be available to the general public.

VI. Declaration Made Under Penalty of Perjury

(Unsworn declaration made pursuant to Texas Civil Practice and Remedies Code, Section 132.001.)

My current legal name is: _____
First Middle Last

My date of birth is: _____/_____/_____.
Month Day Year

My address is: _____
Street Address

City State Zip Code Country

I declare under penalty of perjury that all information in this Petition to Change the Gender and Sex Identifier of an Adult is true and correct. I understand I could be prosecuted for lying on this form.

Formally signed in _____ County, _____, on ____/____/____ by:
County State Month Day Year

→ _____
Petitioner's Signature Phone

Email Address Fax # (if any)

Mailing Address City State Zip

VII. You MUST attach these documents to your Petition:

- A letter from your doctor and/or counselor/therapist stating that you have received or are receiving treatment to transition permanently to a new sex and gender. Write **"Exhibit A"** at the top.
- A legible and complete set of your fingerprints on a fingerprint card in a form acceptable to the Texas Department of Public Safety and Federal Bureau of Investigations. Write **"Exhibit B"** at the top.
- If you were convicted of a felony and it has been at least 2 years since you discharged or completed probation or parole, attached proof of each conviction. Write **"Exhibit C"** at the top.
- If you were convicted of a felony and pardoned, attached proof. Write **"Exhibit D"** at the top.
- If you are required to register as a sex offender, attach proof that you notified the appropriate local law enforcement authority of your proposed name change. Write **"Exhibit E"** at the top.

Print court information exactly as it appears on Petition.

In Re:

Cause No:

Petitioner *(Print first, middle, and last names)*

In the _____ District Court of

Travis County, Texas

Final Order to Change the Gender and Sex Identifier of an Adult

Today the Court heard the *Petition to Change the Gender Identifier of an Adult*.

I. Appearances & Jurisdiction

The Petitioner appeared in person without an attorney and announced ready.

The Court finds that it has jurisdiction over this case and the Petitioner.

II. Record

(The court will select one of the following.)

- Testimony was not recorded, and the Court agreed that it did not need to be recorded.
- Testimony was recorded by the court reporter.

III. Findings

The Court finds the following information about the Petitioner.

1. Petitioner's full name is: _____
First Middle Last

2. Home address is: _____
street address

city county state zip code

3. Petitioner's date of birth is: _____
month day year

4. Petitioner's race is: _____.

5. Petitioner's place of birth is: _____
city county state country

6. Petitioner's social security number is: _____.
Or Petitioner does not have a Social Security Number.

7. All driver's license numbers issued to Petitioner during the last 10 years are listed below:

Driver's License Number	State that Issued License
_____	_____
_____	_____
_____	_____
_____	_____

Or Petitioner has not had a driver's license during the last 10 years.

8. Petitioner's current sex/gender as listed on birth certificate is Male Female

9. Petitioner: (Check one.)

- does **not** have FBI number or SID number.
- Petitioner's FBI (Federal Bureau of Investigations) number is: _____.
- Petitioner's SID (State Identification) number is: _____.

10. Petitioner: (Check one.)

- has **not** been charged with a crime above the grade of Class C misdemeanor.
- has** been charged with a crime above the grade of Class C misdemeanor. Listed below is the cause number and the court for each crime for which a warrant was issued for Petitioner's arrest or in which charges were filed or presented against the Petitioner. (If you need more space, attach an additional page.)

Offense 1: _____ District Court County Court
County _____ Court number: _____ Case number: _____

Offense 2: _____ District Court County Court
County _____ Court number: _____ Case number: _____

Offense 3: _____ District Court County Court
County _____ Court number: _____ Case number: _____

Offense 4: _____ District Court County Court
County _____ Court number: _____ Case number: _____

11. Petitioner: *(Check one.)*

- has **not** been convicted of a felony.
- has** been convicted of a felony and has been pardoned.
- has** been convicted of a felony and at least two years have passed since Petitioner received a certificate of discharge or completed court ordered community supervision or probation.

12. Petitioner: *(Check one.)*

- is **not** required to register as a sex offender under chapter 62 of the Code of Criminal Procedure.
- is** required to register as a sex offender under chapter 62 of the Code of Criminal Procedure. Petitioner provided proof to the Court that Petitioner notified the appropriate local law enforcement authority of this proposed change of gender identity marker.

IV. Orders

The Court **orders** Petitioner's gender and sex identifier be changed:

(Select one) from Male to Female **OR** from Female to Male.

This order shall act as the official order for agencies and departments within this court's jurisdiction to correct and amend the gender and sex identifiers on any and all licenses, certificates, or other official documents under the agency's control and issuance. This includes, but is not limited to, the Texas Department of Public Safety.

The Court **orders** that upon application to the Vital Statistics Unit the Petitioner's Texas birth certificate shall be amended pursuant to Texas Health and Safety Code 192.011 to reflect Petitioner's sex/gender as:

Male Female.

The Court **further orders** that the Petitioner not use this change of gender identification to:

- Avoid any and all past or future financial or credit obligations or liabilities, or
- For the purposes of fraud; or
- To circumvent any laws or ordinances; or

The Court **orders** does **NOT order** that all documents in this cause are sealed, except for the documents that are required by law to be recorded in the minutes of the Court. The documents and file shall not be opened except on court order. Documents within the file shall not be released except upon court order or upon request of the attorneys of record or the party to the case.

The Court has the right to make other orders, if needed, to clarify or enforce this order. Any orders requested that do not appear above are denied.

SIGNED ON:

_____ *Date Signed*



_____ *Judge's Signature*