

What are the steps to change my sex/gender marker in Travis County, Texas?

These instructions are to change your sex/gender identifier on Texas state records only. If you want to change your sex/gender 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 Sex/Gender Identifier of an Adult* is an order a judicial finding of your sex/gender. It gives notice to agencies and departments within the court's jurisdiction of the change of sex/gender identification. 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 of 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/Gender Identifier of an Adult. This form asks the judge to order agencies to change your sex/gender identifier on official documents.

- and -

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

Where do I get the forms?

You can print forms from the Law Library's website at www.TravisCountyLawLibrary.org.

If you cannot afford to pay a filing fee, you can ask to waive it by filing a *Statement of Inability to Afford Payment of Court Costs* form. This form is also on the website.

Step 2. Gather the additional paperwork.

You will need a letter from a medical doctor.

The letter should say that:

- The doctor has examined you,
- You have received appropriate clinical treatment for transitioning, **and**
- Granting a change of gender/sex marker is in your best interest.

Alternatively, you can use the same medical certification letter used to change your passport. See:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>

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*.

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.

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. The clinic volunteers will help you fill out the paperwork.

<https://law.utexas.edu/probono/projects/special-projects/trans-legal-name-gender-marker-project/>.

Step 4. File your Petition.

You can file the *Petition* in the District Clerk's Office, in room 302 of the civil courthouse (at 1000 Guadalupe, Austin, TX, 78701).

You should also file these attachments with your *Petition*:

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

Note: You can file your *Petition* online www.eFileTexas.gov. If you file online:

1. Make sure you scan and upload your fingerprint card, the diagnosis letter, and the exhibits (if applicable) with your *Petition*.
2. Fill out and upload your proposed *Final Order to Change the Sex /Gender Identifier of an Adult*.
3. Include instructions in the 'Comments' section that you would like your paperwork forwarded to the court for consideration.
4. Bring the original documents with you when meet with the judge.

Step 5. Pay the Filing Fee.

You will **pay a filing fee** of about \$300 at the District Clerk's Office.

If paying the fee will create a financial hardship for you and your family, 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.

If you filed your petition and proposed order online, you may get a follow-up call from the District Clerk's or the Court Administrator's offices.

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 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 the 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 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)
- County Clerk's Office (property titles)
- Passport Office

Questions: Gender Marker/Sex Identifier Change

Q. Who can use these forms?

A: This form is intended for use by people who want to change the sex identifier on their public documents to match their gender identity. If you want to change your name AND gender marker only, there are separate forms for that. There are also separate forms if you want to just change your name.

Q, Can I change my 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 medical doctor that says:

- The doctor has examined you.
- You have received appropriate treatment to transition.
- It is in your best interest (it is recommended) that your sex and/or gender marker be changed in public records to be consistent with your identity and presentation.

Alternative: You can use the same medical certification letter used to change your passport. The template for the letter is on the Department of State's website. See:

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/change-of-sex-marker.html>

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 <https://www.wpath.org/publications/soc>

Q: Can I change my gender/sex marker to non-binary or some other identity that is neither male or 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 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/Gender Identifier of an Adult

(Print your answers.)

1. Discovery Level

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

2. Petitioner

(A) My current legal name is: _____
First *Middle* *Last*

(B) I ask the Court to change my gender and my sex identifier

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

(C) 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 schools, 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)*

3. Personal Information

My personal information is as follows:

(A) Home address is: _____
street address *city* *county* *state* *zip code*

(B) Social Security Number: _____ **Or** I don't have a Social Security Number.

(C) Date of birth: _____
month day year

(D) All drivers' license numbers issued to me during the last 10 years:

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

Or I have not had a driver's license during the last 10 years.

(E) Place of birth: _____
city county state country

(F) Gender/Sex: (Check one as shown on current birth certificate.) Male Female

(G) Race: _____
(Print race as shown on birth certificate.)

4. Criminal History

(A) Have you ever been **charged** with a Class A or B misdemeanor or a felony? Yes No
If yes -- Write your FBI (Federal Bureau of Investigations) or SID (State Identification) number:

FBI # _____ SID # _____

- List **all** Class A or B misdemeanors and felonies with which you have been charged, whether or not you were convicted. If you need more space, attach an additional page. This information is required by Texas Family Code 45.102(b)(c).
- If you have not been charged with a Class A or B misdemeanor or felony, write "none" in the offense blank below.

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: _____

(B) 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: _____

(C) Are you required to register as a sex offender?

No, I am NOT required to register as a sex offender.

Yes, I AM required to register as a sex offender. If yes – attach a copy of your notification to local law enforcement. See below.

5. 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 schools, universities, 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.

If you were born in Texas, complete this section.]

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

[If you were born outside of Texas, complete this section.]

I ask that the Court find that I was born in the state of _____.

I ask that the Court authorize the appropriate officials in charge of correcting birth records in the state of _____ to correct the birth record.

6. Sensitive Information

This filing contains sensitive information. I ask that the Clerk maintain this file as a restricted file.

7. 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, _____ State, on _____/_____/_____ by:

→ _____
Petitioner's Signature Phone

Email Address Fax # (if any)

Mailing Address City State Zip

8. You MUST attach these documents to your Petition:

- A letter from your medical doctor stating that you have received or are receiving appropriate care or treatment in support of your transition. 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 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 D"** at the top.
- If you were convicted of a felony and pardoned, attached proof. 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 Sex/Gender Identifier of an Adult

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

1. 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.

2. 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.

3. Findings

The Court finds the following information about the Petitioner.

(A) Petitioner's full name is: _____
First Middle Last

(B) Home address is: _____
street address

city county state zip code

(C) Petitioner's date of birth is: _____
month day year

(D) Petitioner's race is: _____.

(E) Petitioner's place of birth is: _____
city county state country

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

(G) 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.

(H) Petitioner's current sex/gender as listed on birth certificate is Male Female

(I) 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: _____.

(J) Petitioner has disclosed information required by section 45.102(b)(2), Texas Family Code.

(K) 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.

(L) 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 sex/gender identifier.

4. 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 schools, universities, 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.

(If Petitioner was born in Texas) The Court **orders** that upon application to the Vital Statistics Unit the Petitioner's Texas birth certificate shall be corrected pursuant to Texas Health and Safety Code 192.011 to reflect Petitioner's sex/gender as: Male Female.

(If Petitioner was born in another state) The Court finds that the Petitioner was born in the state of _____ . The Court authorizes the appropriate officials in charge of correcting birth records in the state of _____ to correct the birth record in accordance with the findings in this order.

The Court **further orders** that the Petitioner not use this change of sex/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.

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 Clerk shall maintain this file as a restricted file.

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