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

These instructions are to get a court order to change your sex identifier/gender marker and name. If you want to just change your sex/gender identifier (and not your name), there are separate instructions and forms for that. Note: These forms are intended for use in **Travis County**, **Texas**.

Please note that as of August 2024, Texas Vital Statistics and at the Texas Department of Public Safety will not change a gender marker/sex identifier on a Texas birth certificate or driver's license.

#### Step 1. Fill out three forms.

- 1) Petition to Change the Name and Sex/Gender Identifier of an Adult.
  - and-
- 2) Final Order to Change the Sex /Gender Identifier of an Adult.
  - -and-
- 3) Order Changing Name of an Adult. The judge signs this form to order the agencies to change your name on official documents

**Note:** When filling out the *Petition* and *Orders*, use your current name and sex/gender as they appear now on your birth certificate or your social security card.

#### Where do I get the forms?

You can print forms from the Law Library's website at <a href="https://www.TravisCountyLawLibrary.org">www.TravisCountyLawLibrary.org</a>.

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.

You may also need this paperwork:

 A Statement of Inability to Afford Payment of Court Costs form (to ask that filing fees be waived)

- A copy of your criminal history report (if you were convicted of a felony and are asking to change your name to the primary name used in your criminal history record)
- 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)

#### 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.
- The Travis County Law Library can review your forms.
- The University of Texas Law School holds a legal clinic each semester. The clinic volunteers will help you fill out the paperwork.

#### 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 around \$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.

File the *Petition* in the District Clerk's Office,1700 Guadalupe 3<sup>rd</sup> floor or online or by mail.

You should file these attachments with your *Petition*:

- 1. The fingerprint card.
- 2. The letter from your medical doctor.
- 3. Your proposed order to change your name.
- 4. Your proposed order to change your sex/gender identifier.

And, if applicable, file:

- 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 criminal history record (If you were convicted of a felony and are asking to change your name to the primary name used in your criminal history record)
- Exhibit: A copy of your discharge from felony probation (if you completed probation)
- Exhibit: 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 \$350 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. Wait for a Notice from the Court.

Court cases take some time to process. The average time for Gender Identifier case to be finished is around four months. If you have reached the 4-month mark without any contact from the Court, or if you have concerns about your filing, you can contact the Travis County Law Library to check on your case. After four months have passed since the original or any subsequent amended filings, we can reach out to the clerk's office on your behalf. Law Library: 512-854-8677.

You can file your Petition online at www.eFileTexas.gov.

If you file online:

- Make sure you scan and upload your fingerprint card, the doctor letter, the exhibits (if applicable) along with the *Petition*.
- 2. Fill out and upload your proposed order forms -
  - Final Order to Change Sex/Gender Identifier of an Adult and
  - Order Changing Name of an Adult.
- Include instructions in the 'Comments' section that you would like your paperwork forwarded to the court for consideration.

Once the Judge signs your order, the court will send you a Notice of Order. These notices are sent through email or postal mail.

#### Step 7. Get certified copies of the Order.

Get **certified** copies of the orders signed by the judge from the District Clerk's Office by going to 1700 Guadalupe 3rd floor or by ordering them online.

You may want to get at least 3 certified copies of each order. You will need the certified copies of the order when you notify agencies.

#### Step 8. Notify.

Notify agencies of your name and identifier change. You may be required to show them a certified copy of your court order. Agencies to notify include the:

- Social Security Administration
- Passport Office
- Tax Office (vehicle and voter registration)
- County Clerk's Office (property titles)

As of August 2024, Vital Statistics (birth certificates) and the Texas Department of Public Safety (driver's license) no longer accept court orders to change gender markers on birth certificates and driver's licenses. However, you can still change your name at these agencies using the certified copy of the Order Changing Name of Adult.

Contact Lambda Legal at lambdalegal.org/helpdesk if you have questions or concerns about notifying Texas state agencies.

# **Questions: Gender Marker and Name Change**

#### Q: Who can use these forms?

A: These forms are intended for use by people who want to change their name and the sex on their public documents to match their gender identity.

If you want to change your gender marker only, and not your name, there are separate forms for that.

#### 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 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.

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).

# 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: Do I have to submit a set of my fingerprints with my petition?

A: Yes. You are required to submit a set of your fingerprints on a fingerprint card with your petition. The statute about fingerprints can be found at Texas Family Code, Section 45.102(a)6.

If you file your Petition online, you must scan and upload your fingerprint card. Make sure the image of your prints is legible and that you sign the card.

#### 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 certified copies of the orders signed by the judge from the District Clerk's Office, 1700 Guadalupe 3<sup>rd</sup> floor. You can also purchase certified copies online from the District Clerk's Office.

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.

As of August 2024, both the Texas Department of Public Safety (DPS) and Texas Vital Statistics have policies that the agencies will no longer accept gender marker change orders. You may want to contact the help desk at Lambda Legal 214-219-8585 before contacting DPS.

#### Q: I was convicted of a crime; can I still change my name?

A: All offenses charged above a Class C misdemeanor must be listed in the *Petition*. (An offense charge does not disqualify from changing your name.) Include the case number and court of each offense.

There are special requirements if you were *convicted* of a felony or of a sex offense. (See Texas Family Code 45.103.)

#### For felonies:

- If you served time in prison for a felony, you must wait two years from the date listed on your certificate of discharge. Get a copy of your certificate of discharge from the Classification and Records division of the Texas Department of Criminal Justice Texas Department of Criminal Justice. Attach it to your petition.
- If you were on felony probation, you must wait two years from the date you successfully completed probation. Get a copy of your certificate of successful completion of probation from the District Clerk of the county where you were prosecuted and attach it to your petition.

A registered sex offender must first notify the local law enforcement office of the proposed name change. Attach a copy of the written notification to law enforcement to the *Petition*.

#### Q: I was convicted of a felony; how do learn my SID (State Identification) or FBI number?

Contact the Texas Department of Criminal Justice to learn your SID or FBI number at 512-406-5202 or at 1-800-535-0283.

#### Q: Where can I read the name change laws?

The Texas laws about name changes are in the Texas Family Code, sections 45.101 to 45.106.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA. Cause No: In Re: District Court of In the Petitioner (Print your initials.) Travis County, Texas PETITION TO CHANGE THE NAME AND 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 [Look at your forms of identification (birth certificate, Social Security card, state issued driver's license and identity card, passport, etc.). Look at your other important documents (marriage licenses, health insurance cards, military/veterans ID, court orders changing your original birth name, etc.) Make sure the names you write below match those documents EXACTLY. Don't leave out a middle name if you have one. Include both last names if you have two last names.] 2a. The name on my birth certificate is: Middle (if you have one) 2b. My current legal name is: (If different from birth certificate name, otherwise leave blank. If you have a court order changing your name, include below the name shown on the most recent court order changing your name as your current legal name). First Middle (if any) Last **2c. Other Names.** I have used or been known by these names: (Include names from your driver's license, state-issued ID card, Social Security card, passport, military/Veteran's ID, voter registration card, court orders changing your name if not your current legal name, Tribal Nation/Indian Tribe ID, U.S. Certificate of Citizenship, Certificate of Naturalization, past married names, etc., if they are different from your birth certificate or current legal name. If you don't have additional names, leave blank. If you need to list more names, add an additional page.) First Middle (if any) Last First Last Middle (if any)

#### 3. Requested Name and Sex/Gender Identifier Change

**3a.** I ask the Court to change my name to:

First Middle (if any) Last

I am not seeking this name and sex/gender identifier change to avoid past or future financial or credit obligations or liabilities, for the purposes of fraud, to escape criminal liability or to circumvent any laws or ordinances.

The reason I want to change my nam know myself to be.	e is so tha	it my name	will better a	lign with my	/ sex/gender a	and who I
And/Or (if other reason, print below)						
<b>3b.</b> I also ask the Court to change my ☐ from Male to Female. <i>OR</i> ☐	. •					
The reason I want to change my gend as $\square$ Male $\square$ Female.	der and m	y sex ident	ifier is that n	ny birth cert	ificate lists me	Э
My true sex and gender, as reflected ☐ Male ☐ Female.	in the att	ached phys	sician's/ther	apist's lette	rs, is	
In all aspects of my life, I present as	☐ Male	Female				
My birth certificate and other identify conformation does not occur, I will suppaid for work; problems with travel; problems with producing correct and in the interest of the public that I have And/Or (if other reason, print below)	uffer signit roblems o consister	icant dama obtaining ci t identifica	age including edit, insural tion. It Is in	g problems nce, employ my best int	with schools v ment, and ho	voting, being ousing; and
4. Personal Information						
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Home Address* Street Address						
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My date of birth is	Year	Sex/Gend	er on my bir	th certificate	e: 🗌 Male [	☐ Female
My race is						
I was born in	,Cou	nty of birth	_County ,_	State of Bi	rth Co	untry of Birth
My Social Security Number is	ıll Social Se	curity #)	<b>Or</b> I do	not have a	Social Securi	ty Number.

ΑII	drivers' lice	<b>nse numbers</b> issued to	me during the la	ıst 10 years:			
(ful	l number)	State that Issued License	(full number)	State that Issue	d License	<b>Or</b>	e during the
5.	Criminal H	listory					
5a	. Are you red	quired to register as a	sex offender?	☐ Yes ☐ No	)		
If y	res – You must	attach proof that you notified	d the appropriate lo	cal law enforceme	nt authority o	of your proposed i	name change.
5b	. Have you e	ever been charged wit	h a Class A or I	3 misdemeanor	or a felor	ny? ∐Yes □	No
	known, or a	rite your FBI (Federal Bu any other reference nun t know the number, write	nber in a crimina	ll history record	system tha		l <b>.</b>
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5. Offense charged:		_ in (Year Charged)
Court case/cause #	in County, State	, ,
Court's Name and #	Examples: County Court #0, 700th District Court, Superior Court, Criminal Court at La	
Many people who order your name	een convicted of a felony?	-
<ul><li>At least 2 year</li><li>ordered comm</li><li>You were par</li></ul>	ars have passed since you received a certificate of discharge or complete munity supervision or juvenile probationOR-	
<b>NOTE</b> : If you list a	ony convictions here. If you need more space, attach an additional page a conviction below, make sure the charge for the conviction is also abov	
Felony Convicted:		_ in
Court case/cause #	in	,
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6.	Request for	Judgment								
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Му	address is	Street Address								
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		County			State			Month	Day	Year
	nail Address				You	ur Signa	ature			

9.	You MUST attach these documents to your Petition:
	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 " <b>Exhibit A</b> " at the top.
	A letter from your medical doctor that you have received or are receiving appropriate care or treatment in support of your transition. Write " <b>Exhibit B</b> " at the top.
	If you were convicted of a felony and are asking to change your name to the primary name used in your criminal history record, attach your criminal history record. Write " <b>Exhibit C</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 " <b>Exhibit D</b> " 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 " <b>Exhibit E</b> " at the top.
	If you were convicted of a felony and pardoned, attached proof. Write "Exhibit F" at the top.

		Cause Nu	mber		
In Re:			In th	ne	District Court of
D. CC			Court Nun	Travis County, Texas	
Petitioner					
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appea	ited this mat red in persor	ter to the Court by so without an attorne	ubmission. y and announced rea nd announced ready.	-	
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<b>4b.</b> Petition <b>4c.</b> Petition	ourt has juris ner is an adu ner has used e names beld	ediction over this casult.  If or been known by  The match EXACTLY	se and Petitioner. the following names: ' what you wrote on t		
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Other Names	First	^	Middle (if any)	_	Last
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	First		Middle (if any)	_	Last
<ol><li>Petitioner's p</li><li>Home Address</li></ol>		rmation is as follows	S:		
City		State	Zip C	ode	County
Date of birth	Month	Day Year	Sex/Gender listed	on birth certifi	cate:

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Ra	ace:						
Biı	rthplace:	, ,			,	,	
	-	City of birth	County o	f birth	State of B	rth	Country of Birth
So	cial Security	Number is XXX-XX-X _	(last 3 digits)		Petitioner does Number.	not have	e a Social Security
6.	All drivers	' license numbers issued	I to Petitioner du	uring the las	t 10 years:		
(las	st 3 digits)	State that Issued License	(last 3 digits)	State that Is	ssued License	had driv	Petitioner has not er's license during last 10 years.
7.		disclosed any criminal his 's Petition to Change the N					5.102 in the
8.	Petitioner	filed a legible and complet	te copy of Petiti	oner's finge	erprints.		
9.	Petitioner'	s change of name is in Pe	titioner's interes	st or benefit	and is in the i	nterest o	f the public.
10	. The Cou	rt <b>orders</b> Petitioner's ge	nder and sex	identifier b	e changed: (	select o	ne)
	from M	lale to Female.	Female to Male	<b>)</b> .			
ce pa of Sta	rtificates, ar per. This in State Healtl ate, and cou <i>Petitioner</i> w	ction to correct and amend nd other official documents ncludes, but is not limited to h Services (TDSHS), inclu- unty election and voter reg was <b>born in Texas)</b> ers that upon application to	s under the ager o, the Texas De ding the Vital S istration officials	ncies' contrepartment o tatistics Sec s.	ol and issuand f Public Safety ction of TDSH	e, wheth r, the Tex S, the Te	er electronic or cas Department xas Secretary of
Se	ction, Petiti	oner's Texas birth certifica lect Petitioner's sex/gende	te shall be ame	nded <u>p</u> ursu	ant to Texas I		
(If	Petitioner w	vas <b>born in another state</b>	)				
Th	e Court find	ls that the Petitioner was b	orn in the state	/country of			·
rec the	cords contai e birth recor	horizes the appropriate off ining identifying information d and other official records ne extent lawful under that	n in the state/co s with identifying	ountry of g informatio			to correct
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		ithin the file shall not be re le party to the case. The C					f the attorneys
Th		ders s the right to make other or ted that do not appear abo		, to clarify o	r enforce this	order. An	у
	SIGNED O	N					
					Judge's Signat	ure	

	Cause Number		
Name Change of:		In the Cou	District Court of
Print current full legal name of pers	on asking for name change	_	Travis County, Texas
ORDER CH	ANGING THE N	AME OF A	N ADULT
This case was: (Check one.)	eans of Zoom Hearing.		
	o the Court by submission. nout an attorney and annot	unced ready.	
A record: (Check one.)  was deemed unnecessate was made by a court re	• •		
The Court makes the following  4a. The Court has jurisdiction  4b. Petitioner is an adult.  4c. Petitioner has used or became on Birth Certificate:	on over this case and Petit		
First Current Legal Name:	Middle (if you have o	one)	Last
First Other Names:	Middle (if any)		Last
First	Middle (if any)	-	Last
First	Middle (if any)		Last
Petitioner's personal informati	ion is as follows:		
Home Address: Street Address			
City	State	Zip Code	County
Date of birth		on birth certificate	e:
· ·	/ / Year		
Race:			

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Birthplace:		,	,		,
_	City of birth	County o	of birth	State of Bi	irth Country of Birth
Social Securi	ity Number is XXX-XX-X	(last 3 digits) Or	Petitioner do	es not have	e a Social Security Number.
6. All driver	rs' license numbers issu	ed to Petitioner d	uring the last 1	0 years:	
(last 3 digits)	State that Issued License	(last 3 digits)	State that Issu	ed License	<b>Or</b> ☐ Petitioner has not had driver's license during the last 10 years.
	er disclosed any criminal h iled in this case.	istory informatior	n required by T	exas Family	y Code 45.102 in the
8. Petitione	er filed a legible and comp	lete copy of Petit	ioner's fingerpı	rints.	
9. Petitione	er's change of name is in F	Petitioner's intere	st or benefit ar	nd is in the i	interest of the public.
	irt ORDERS that Petitione	r's name is chan	ged <i>from:</i>		
	First	Middle (if you ha	ve one)		Last
Current Leg	gal Name:				
	First	Middle (if a	ny)		Last
Other Name	es:				
	First	Middle (if a	ny)		Last
	First	Middle (if a	ny)		Last
11. To this r	name:				
	First	Middle (if an			Last

#### **12.** (If Petitioner was **born in Texas**)

This order shall act as the official order for schools, universities, agencies, and departments within this Court's jurisdiction to change and amend the name on all licenses, databases, certificates, and 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, the Texas Department of State Health Services (TDSHS), including the Vital Statistics Section of TDSHS, the Texas Secretary of State, and county election and voter registration officials.

The Court **orders** that upon application to the Texas Department of State Health Services, Vital Statistics Section, Petitioner's Texas birth certificate shall be amended pursuant to Texas Health and Safety Code 192.010 to reflect this name change.

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(If Petitioner was <b>born in another state</b> )	
The Court finds that the Petitioner was born in the sta	ate/country of
The Court authorizes the appropriate officials in chargofficial records containing identifying information in the tocorrect the birth record and other official records we the findings in this order to the extent lawful under the	e state/country ofith identifying information in accordance with
The Court further <b>orders</b> that the Petitioner not use the financial or credit obligations or liabilities, for the purpordinances.	
13. Other Orders	
The Court has the right to make other orders, if need	ed, to clarify or enforce this order.
Documents within the file shall not be released excepattorneys of record or the party to the case. The Cler	
SIGNED ON	
	Judge's Signature