# 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:

- 1. 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. In Re: Cause No: 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) **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 Middle (if any) Last

#### 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 cha know myself to be.	nge my name	e is so	that may nam	ne will better a	align with my	sex/gender and who I
And/Or (if other reason, p	rint below)					
<b>3b</b> . I also ask the Court t ☐ from Male to Fem		_				
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City		State		Zip Code		County
My date of birth is	th Day	Year	Sex/Gend	ler on my birt	h certificate:	☐ Male ☐ Female
My race is						
I was born in	of birth	,	County of birth	_County ,_	State of Birth	Country of Birth
My Social Security Number	er is XXX-X	x-x	(last 3 digits)	<b>Or</b> l do	not have a S	ocial Security Number.

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5. Crir	ninal Histo	ry						
		d to register as a						
If yes – Y	'ou must attach	proof that you notified	d the appropria	ate local law ei	nforce	ment author	ity of your propose	ed name change.
	-	een charged with					-	
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I. Ollei	ise charged.							in (Year Charged)
Court c	ase/cause #				in			
					-	County,	State	
Court's	Name and #							
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Many people who order your name	een convicted of a felony?	-
<ul><li>ordered comr</li><li>You were par</li></ul>	ars have passed since you received a certificate of discharge or complet munity supervision or juvenile probation. <b>-OR-</b> doned. e apply, you must attach proof to your filed Petition.	ed court-
<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	
1. Felony Convicted:		_ in
Court case/cause #	in Sta	,
Court's Name and #	Examples: County Court #0, 700th District Court, Superior Court, Criminal Court at La	
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6.	Request for Ju-	dgment				
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juris oth incl Ser	sdiction to correcter official documental ludes, but is not li	t and amend the ents under the ag imited to, the Tex the Vital Statistic	gender and sex ide gencies' control and kas Department of F	ntifiers in all licens issuance, whethe Public Safety, the T	partments within this c es, databases, certifica r electronic or paper. T exas Department of Si tary of State, and coun	ates, or his tate Health
[If y	you were born in	Texas, complete	this section.]			
	my Texas birth o		e amended pursuan		ervices, Vital Statistics and Safety Code 192.0	
	•		•		ervices, Vital Statistics fety Code 192.010 to r	
[If y	you were born ou	tside of Texas, c	omplete this section	·.]		
	I ask that the Co official records of correct the birth	ourt authorize the containing identify record and other	ying information in th	s in charge of corn ne state/country of I identifying inform	ation in accordance wi	to
7.	Sensitive Inform	mation				
Thi	is filing contains s	ensitive informat	tion. I ask that the C	lerk maintain this f	ile as a restricted file.	
	Declaration Ma		<b>ty of Perjury</b> Texas Civil Practice ar	nd Remedies Code,	Section 132.001.)	
Му	current legal nar	neis:				
	First		Middle (if any)		Last	
iviy	date of birth is _	Month	Day Year			
Му	address is Stre	eet Address				
C	City		State	Zip Code	Country	
	•				o Change Name and s ecuted for lying on th	
For	rmally signed in _	County	County,	ate	on this date:	Day Year
En	mail Address			•		

Your Signature

Phone

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.

In Re:			
		In the	District Court of
Detitioner (Pr	int your initials.)		Travis County, Texas
·			
	NAL ORDER TO CHA ENDER IDENTIFIER (		
This case was: (Check one heard on this date in heard on this date by considered by subm	person. y means of Zoom Hearing.		
	e.) without an attorney and announced with an attorney and announced re	=	
A record: (Check one.)  was waived with the was made by a court	consent of the Court. t reporter.		
The Court makes the follow	vina findinas:		
	ving findings: iction over this case and Petitioner.		
<ul><li>4a. The Court has jurisd</li><li>4b. Petitioner is an adult</li></ul>	iction over this case and Petitioner.		
<ul><li>4a. The Court has jurisd</li><li>4b. Petitioner is an adult</li><li>4c. Petitioner has used of</li></ul>	iction over this case and Petitioner.  br been known by the following nar	nes:	1
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4a. The Court has jurisd 4b. Petitioner is an adult 4c. Petitioner has used of Make sure the names below Name on Birth Certificate:  First	iction over this case and Petitioner.  br been known by the following nar	nes:	.] Last
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Day

#### NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Ra	ace:					
Biı	rthplace:	<u> </u>			,	,
		City of birth	County o	of birth	State of Birth	Country of Birth
So	cial Security	y Number is XXX-XX-X $\_$	(last 3 digits)		etitioner does no lumber.	t have a Social Security
6.	All drivers	<b>' license numbers</b> issued	to Petitioner d	uring the last	10 years:	
(las	st 3 digits)	State that Issued License	(last 3 digits)	State that Is		r  ☐ Petitioner has not d driver's license during the last 10 years.
7.		disclosed any criminal his 's <i>Petition to Change the</i> N				de 45.102 in the
8.	Petitioner	filed a legible and complet	e copy of Petit	ioner's finger	prints.	
9.	Petitioner	's change of name is in Pe	titioner's intere	st or benefit	and is in the inter	est of the public.
10	. The Cou	rt <b>orders</b> Petitioner's ge	nder and sex	identifier be	e changed: <i>(sele</i>	ect one)
	☐ from M	lale to Female.	Female to Male	€.		
ce pa of	ourt's jurisdi rtificates, ar per. This ir State Healt	all act as the official order foction to correct and amended of their official documents includes, but is not limited to be Services (TDSHS), including election and voter regional.	the gender an under the age o, the Texas De ding the Vital S	d sex identification of the sex identificati	iers on all license I and issuance, w Public Safety, the	s, databases, /hether electronic or e Texas Department
Th Se	e Court ord ection, Petiti	vas born in Texas) ers that upon application to oner's Texas birth certifica flect Petitioner's sex/gende	te shall be ame		ant to Texas Heal	
(If	Petitioner v	vas born in another state)				
Th	e Court find	ds that the Petitioner was b	orn in the state	c/country of _		·
rec the	cords containe birth recor	horizes the appropriate off ining identifying information d and other official records ne extent lawful under that	n in the state/co with identifyin	ountry of g information		
fut		her <b>orders</b> that the Petitio Il or credit obligations or lia				
		ithin the file shall not be re se party to the case. The C				
Th		ders s the right to make other or ted that do not appear abo			enforce this orde	er. Any
	SIGNED OI	N				
				-	Judge's Signature	

	Cause Number		<u> </u>
Name Change of:		In the	District Court of Number
Print current full legal name of person	on asking for name change		Travis County, Texas
ORDER CHA	ANGING THE NA	AME OF	AN ADULT
1. This case was: (Check one.)  heard on this date in per heard on this date by me considered by submission	eans of Zoom Hearing.		
2. The Petitioner: (Check one.)  did not appear.  appeared in person with	out an attorney and annou	nced ready.	
B. A record: <i>(Check one.)</i> was waived with the cor  was made by a court rep			
<ul> <li>4a. The Court makes the following</li> <li>4a. The Court has jurisdiction</li> <li>4b. Petitioner is an adult.</li> <li>4c. Petitioner has used or bounder</li> <li>Name on Birth Certificate:</li> </ul>	on over this case and Petition		
First Current Legal Name:	Middle (if you have or	ne)	Last
First Other Names:	Middle (if any)		Last
First	Middle (if any)		Last
First	Middle (if any)		Last
. Petitioner's personal informati	on is as follows:		
Home Address: Street Address			
City	State	Zip Code	County
Date of birth		on birth certific	ate:
Race:			

#### NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Birthplace:	,		,	,
City of birth	County o	f birth	State of Bi	rth Country of Birth
Social Security Number is XXX-XX	(last 3 digits)		etitioner does umber.	not have a Social Security
6. All drivers' license numbers i	issued to Petitioner du	uring the last	10 years:	
(last 3 digits) State that Issued Licer	nse (last 3 digits)	State that Iss	ued License	Or Petitioner has not had driver's license during the last 10 years.
<ol><li>Petitioner disclosed any crimin petition filed in this case.</li></ol>	nal history information	required by	Texas Family	Code 45.102 in the
8. Petitioner filed a legible and co	omplete copy of Petiti	oner's finger	prints.	
9. Petitioner's change of name is	in Petitioner's interes	st or benefit a	and is in the in	nterest of the public.
10. The Court ORDERS that Petiti	ioner's name is chanç	ged from:		
Name on Birth Certificate:				
First	Middle (if you ha	ve one)		Last
Current Legal Name:				
First	Middle (if an	ny)		Last
Other Names:				
First	Middle (if an	ıy)		Last
First	Middle (if an	ny)		Last
11. To this name:				
First	Middle (if any	·)		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.

#### NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

(If Petitioner was born in another state)	
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 to correct the birth record and other official records we the findings in this order to the extent lawful under the The Court further <b>orders</b> that the Petitioner not use the financial or credit obligations or liabilities, for the purp	e state/country of ith identifying information in accordance with at state/country's laws. his name change to avoid past or future
ordinances.	,,,
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 Clerk	
SIGNED ON	Judge's Signature
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